

February 9, 1990

Introduced by Lois North

Proposed No. 90-60

ORDINANCE NO. **9308**

AN ORDINANCE denying the application of COAL CREEK DEVELOPMENT CORPORATION to amend its unclassified use permit for Newcastle Landfill on an emergency basis (Building and Land Development File No. 114A-85-U); and adopting findings, conclusions and decision.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

This ordinance adopts and incorporates by reference the findings, conclusions and decision in Attachment A concerning the application of Coal Creek Development Corporation to amend its unclassified use permit for the Newcastle Landfill on an emergency basis, Building and Land Development File No. 114A-85-U. The application of Coal Creek Development Corporation to amend its unclassified use permit on an emergency basis is denied. There has been no clear showing that an emergency exists which requires the extraordinary action of amending a permit on an interim expedited basis. The record shows there are other methods and locations for recycling and disposal of landclearing and demolition wastes that exist which have not been shown to be inadequate.

INTRODUCED AND READ for the first time this 2nd day of January, 1990.

PASSED this 12th day of February, 1990.

KING COUNTY COUNCIL,
KING COUNTY, WASHINGTON

Lois North
Chair

ATTEST:

J. Crawford II
Clerk of the Council

1
2 ATTACHMENT A ORDINANCE NO.
3 FINDINGS, CONCLUSION AND DECISION
4

5 Having reviewed the record created in this matter, including
6 the report and recommendation of the Hearing Examiner dated
7 January 16, 1990 and the written appeals and oral presentations of
8 the applicant Coal Creek Development Corporation, Seattle Master
9 Builders Association, Associated General Contractors of
10 Washington, King County's Solid Waste Division, Tri-Mountain
11 Association, and the City of Bellevue and having allowed and
12 considered the most recent information about alternative sites for
13 disposal of landclearing/demolition waste debris, the King County
14 Council now makes and enters the following:

15
16 FINDINGS

17 1. In 1987, pursuant to Ordinances 8148 and 8225, the King
18 County Council approved an unclassified use permit (Permit No.
19 114-85-U) for the operation of a private demolition waste and
20 landclearing landfill by Coal Creek Development Corporation until
21 1992 within an area not to exceed 70 acres of a 269-acre tract and
22 a height not to exceed 925 feet. The unclassified use permit
23 which authorizes the operation of the Newcastle Landfill was
24 approved by King County Ordinance No. 8148, enacted July 8, 1987,
25 and was amended by King County Ordinance No. 8225, enacted
26 September 17, 1987.

27 2. A grading permit affecting 139 acres of the site, which
28 includes the 70-acre waste disposal area, authorizes grading and
29 filling of the waste disposal area, a clean dirt fill area, an
30 area previously used for dredged sediment disposal, facility
31 operations and maintenance areas, most of the site entrance road,
32 and some buffer areas. The grading permit provides for the waste
33 disposal operations, road and berm construction, stock piling of

1 cover soil and clean dirt fill. The area being filled with clean
2 dirt (primarily from Interstate 90 excavation) is adjacent to the
3 south of the waste disposal area.

4 3. The waste disposal site also operates pursuant to a
5 permit issued by the King County Department of Public Health for
6 disposal of non-putrescible wastes. ("Putrefaction" is the
7 rotting of organic matter by bacteria, fungi and oxidation.)

8 4. The privately owned Newcastle Landfill operation is the
9 primary disposal site for land clearing and demolition waste in
10 King and Snohomish counties. It is also used as a disposal site
11 by residents and businesses of Pierce, Skagit and Whatcom
12 counties.

13 5. The Newcastle Landfill site is located approximately
14 three miles south and two miles east of the I-90/I-405
15 intersection and the Factoria Square urban activity center.
16 ("Urban activity centers" are identified in the King County
17 Comprehensive Plan as areas which are encouraged to develop to
18 meet the needs of the region's economy and to provide employment,
19 shopping, services and leisure time amenities.) The areas
20 southwest, west, and north of the subject property are rapidly
21 developing as suburban residential areas. The adjacent property
22 to the east and southeast is the King County Cougar Mountain
23 Wildland Park.

24 6. Average weekday truck traffic to and from the site is
25 1,450 one-way trips (725 round trips). (Exhibit 49A, page 86.)
26 Peak hour truck traffic to and from the site is 120 one-way trips
27 per hour during both the morning and afternoon peak hours.

28 7. After obtaining its unclassified use permit in 1987,
29 Coal Creek Development Corporation filed an application for
30 another unclassified use permit, Building and Land Development
31 File No. 123-87-U, to expand its waste disposal operation at
32 Newcastle from the permitted 70-acre site to 235 acres. The
33 Hearing Examiner in October 1989 remanded that application to the

1 Building and Land Development Division for an environmental
2 analysis concerning alternative methods and sites for
3 accomplishing the objective of disposal of landclearing and
4 demolition debris. When that analysis is completed the Hearing
5 Examiner will continue with the hearing on Coal Creek's
6 application.

7 8. By letter from Jim Tracy, Acting Director of Parks,
8 Planning and Resources, to Ron Sims, Chair, King County Council,
9 dated December 14, 1989, the Council was informed the Newcastle
10 Landfill would reach its permitted 70-acre capacity on or about
11 January 4, 1990 and that the landfill operator had applied for an
12 amendment to its unclassified use permit to allow it to continue
13 to operate beyond the 70-acre limit on an emergency basis until
14 the Council could act on its pending unclassified use permit
15 application to expand its operation.

16 9. The Building and Land Development Division subsequently
17 filed a report on Coal Creek's application for an interim
18 unclassified use permit to allow it to continue its operation on
19 an emergency basis and declared an emergency pursuant to the State
20 Environmental Policy Act, WAC 197-11-880.

21 10. On January 3, 1990 the Council adopted Ordinance 9284.
22 That ordinance accelerated the process by which the Council could
23 consider whether an emergency exists for disposal of landclearing
24 and demolition waste and whether on an emergency basis interim
25 amendments to Coal Creek's unclassified use permit should be
26 adopted to allow it to continue its operations.

27 11. Pursuant to Ordinance 9284, the Hearing Examiner held
28 a public hearing on January 5 and 6. All interested persons were
29 given actual notice, by first class mail, of the public hearings
30 conducted by the King County Zoning and Subdivision Examiner, and
31 were provided with a copy of the Building and Land Development
32 Division preliminary report, 14 days in advance of the first
33 hearing date. In addition to the mailing of notices to

1 approximately 1,300 persons and organizations, the date and
2 location of the public hearings were made known by media and "word
3 of mouth" communications in the neighborhood of the property.
4 There was no evidence that any person was prejudiced by the
5 absence of additional notice by publication and posting, which is
6 normally required to be provided 20 and 30 days, respectively, in
7 advance of public hearings for applications for unclassified use
8 permits.

9 12. At the public hearings conducted on January 5 and 6,
10 1990, time limitations on speakers were imposed by the Examiner in
11 order to provide reasonable opportunity for all interested persons
12 to present oral testimony and argument. King County agencies were
13 initially provided one hour to present information, the applicant
14 was afforded a three-hour block of time, and the organized
15 opponents and agencies (Tri-Mountain Associates and the City of
16 Bellevue) three hours. Individual speakers in support of and in
17 opposition to the application were provided five minutes each.
18 Although not everyone who attended was able to speak at the time
19 or times they would have preferred, all persons who signed up to
20 speak on this application and who remained in attendance had an
21 opportunity to offer oral testimony and argument prior to the
22 adjournment of the public hearing on Saturday evening, January 6.

23 13. On January 16, 1990 the Hearing Examiner issued his
24 Report and Recommendation on Coal Creek Development Corporation's
25 application for emergency amendments to its unclassified use
26 permit to the King County Council.

27 14. On January 22, 1990 the Coal Creek Development
28 Corporation's operation at Newcastle reached its maximum permitted
29 capacity and it was no longer available to accept landclearing and
30 demolition waste.

31 15. After the Hearing Examiner's report and recommendation
32 but before the Council's consideration of this matter on
33 January 29, 1990, there was additional and new information

1 discovered about of potential alternative sites for landclearing
2 and demolition waste.

3 16. The record shows there are alternative methods and
4 sites for the disposal of landclearing and demolition wastes.

5 17. The quantity and composition of waste delivered to the
6 Newcastle Landfill in the years 1986-1989 is presented by the
7 following table:

	1986		1987		1988		1989(*)(**)	
	cu. yds.	percent	cu. yds	percent	cu. yds	percent	cubic yards	percent
Dirt	311,648	18.4%	267,538	17.1%	130,549	8.9%	289,133	16.4%
Mud	89,721	5.3%	100,648	6.4%	94,018	6.4%	71,563	4.1%
Asphalt, Brick, Sand, Concrete, Ash	112,000	6.6%	131,061	8.4%	69,851	4.8%	131,599	7.5%
Demolition	881,824	52.0%	826,379	53.0%	993,153	67.9%	1,038,270	59.0%
Glass	347	0.0%	2,534	0.2%	1,168	0.1%	6,696	0.4%
Leaves, Branches, Yard Waste	4,166	0.2%	8,596	0.6%	8,144	0.6%	11,502	0.7%
Large stumps, Logs, Wood, RR ties	37,695	2.2%	48,044	3.1%	46,892	3.2%	27,864	1.6%
Debris	258,145	15.2%	175,638	11.3%	118,809	8.1%	183,784	10.4%
Total	1,695,546	100.0%	1,560,438	100.0%	1,462,584	100.0%	1,760,411	100.0%

Source: Coal Creek Development Corporation

* Does not include 384,185 cubic yards of 1-90 dirt received in 1989.

** 1989 YTD does not include December data

18. The preponderance of the evidence in the record is that
there are alternative sites available for recycling with the
existing capacity to accept concrete and asphalt (including
reinforced concrete). The preponderance of the evidence also
shows that there are alternative sites which presently accept
delivery of trees, stumps, branches and yard waste for recycling.
Composting of yard waste is also a presently available alternative
to landfill disposal. The combination of recycling and
alternative sites for disposition of dirt and mud could
accommodate approximately 30% of landclearing and demolition
wastes.

