

MEMORANDUM

DATE: November 22, 2022
TO: Kittitas County Community Development Services
FROM: Katheryn Seckel
SUBJECT: Conditional Use Permit
CC: Patti Johnson, Kittitas County Solid Waste Programs
Ian Sutton, Parametrix
PROJECT NAME: Ryegrass Limited Purpose Landfill Expansion

INTRODUCTION

This memorandum addresses the proposed Ryegrass Limited Purpose Landfill (LPL) Expansion as it relates to land uses in the rural working zoning designation. Defined as a *refuse disposal/recycling facility*, the proposed use requires a Conditional Use Permit per Kittitas County Code (KCC) 17.15.060. The following narrative responds to the questions included in the Conditional Use Permit Application package. This permit package is supplemented with a 2022 SEPA Checklist, and a site plan.

PROJECT NARRATIVE

Kittitas County Solid Waste Programs (County) owns and operates the existing Ryegrass Limited Purpose Landfill (LPL) located in Kittitas County, Washington (vicinity map, attached). The site is currently permitted under Washington Administrative Code (WAC) 173-350-400, Limited Purpose Landfills. The current facility was reclassified as an LPL in 2004 with a planned capacity of approximately 550,000 cubic yards, including cover soil. The LPL had a projected closure in 2021, which has been extended through operational efficiencies and good practices. The County is planning to further expand the LPL to be able to provide continued disposal services to the region, as the current 2005 permitted volume is nearing capacity. The existing LPL has an approximate disposal footprint of 13.5 acres. The proposed expansion will provide capacity for filling to continue to the south, and will increase the disposal footprint to approximately 30.1 acres (see attached site plan). The proposed expansion remains within the existing County property and is estimated to provide available disposal capacity through 2043.

The LPL, as it currently operates, accepts segregated industrial solid waste, construction, demolition, and land clearing (CDL) debris, wood waste, and other materials consistent with the approved Plan of Operations under WAC 173-350-400. As with the existing LPL, the proposed LPL expansion area will be unlined and the County will continue to use disposed of crushed concrete and other appropriate material for operational cover material.

TITLE 17 ZONING CODE APPLICABILITY

The zoning codes relevant to this project are described below.

Table1. Ryegrass LPL Compatibility with Kittitas County Zoning Code

Code Narrative	Compatibility
<i>KCC 17.08.466. Refuse disposal/recycling. "Refuse collection/recycling" means a facility for the collection of solid waste or recyclables for sorting, compaction, composting, processing (including changing the form of materials) or transfer to a landfill. This definition excludes concrete recycling.</i>	As a facility that landfills and recycles solid waste, the proposal land use meets the definition of <i>refuse disposal/recycling facility</i> .
<i>KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands</i>	The proposed LPL expansion is considered a Conditional Use. Per KCC 17.15.060 (58), activities are limited to expansion of a county owned and operated facility, it is not a new facility.
<i>Chapter 17.56 Forest and Range Zone</i>	
<i>17.56.010 Purpose and intent. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.</i>	Though not compatible with forest and range land use, the activities are limited to expansion within an existing county owned and operated facility, it is not new land development.
<i>17.56.020 Uses permitted. Uses allowed in the forest and range zone include those uses pursuant to KCC Chapter 17.15.</i>	Per KCC 17.15.060.1, the proposed LPL expansion is considered a Conditional Use in Rural Non-LAMIRD Lands
<i>Lot - Minimum size. The minimum lot size in the Forest and Range zone shall be: 1. Twenty (20) acres, unless within a cluster or conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting;</i>	LPL expansion would occur on a parcel that exceeds 400 acres.
<i>17.56.050 Lot - Width. 1. No parcel created after the adoption of the ordinance codified in this chapter shall have a length-width dimension less than five hundred (500) feet unless the parcel is approved under provisions established in Section 17.56.0402 and 3. 2. No platted parcel shall have dimensions in excess of a 4:1 length by width ratio.</i>	1. This project would occur on an already existing, created parcel. 2. This is not a platted parcel that would otherwise be subject to the 4:1 length by width ratio.
<i>17.56.060 Yard requirements. 1. Front Yard. There shall be a minimum front yard of twenty-five (25) feet. 2. Side Yard. Side yard shall be ten (10) feet, except on corner lots which shall have a fifteen-(15)-foot side yard. 3. Rear Yard. There shall be a rear yard with a minimum depth of ten (10) feet to the main building.</i>	The proposed landfill expansion would meet all yard requirements as established in items 1-3 of KCC 17.56.060.
<i>17.56.062 Yard requirements - Adjacent to Liberty Historic Overlay Zone. Properties bordering or adjacent to the Liberty Historic overlay zone are subject to a fifty (50) foot setback from the overlay boundary. For properties where such setback isn't feasible, development shall comply with KCC 17.84, Variances</i>	Not applicable. The proposed LPL expansion would not occur on the Liberty Historic Overlay Zone.
<i>17.56.065 Yard requirements in Zones Adjacent to Commercial Forest Zone. Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone.</i>	Not applicable. The proposed LPL expansion would not border a Commercial Forest Zone.
<i>17.56.070 Structure height. No structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is greater. This limit does not apply to agricultural buildings</i>	No structures would be constructed as part of the proposed LPL expansion project, other than replacing or relocating the existing water storage tanks.

KCC 17.60A.015 CRITERIA FOR CONDITIONAL USE PERMIT

Criterion A

The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

Response: LPL expansion utilizes a parcel owned and operated by public utilities that has served the community for many decades. It was sited near a major interstate (I-90) and on Vantage Highway for easy access, and in a rural area to avoid conflicts with residential and commercial land uses.

Further, the proposed LPL expansion will adhere to the Kittitas County Board of Health Solid Waste Regulations Ordinance 1999-1 (promulgated under the authority of RCW 70.05 and 70.95) to protect public peace, health, safety, and welfare of the citizens and environment of Kittitas County. Measures include:

- Loads are screened for possible contaminants (e.g., hazardous waste materials such as paint cans or batteries), and if non-permitted waste is found to have been disposed onsite, the Health Department and Solid Waste Programs staff are notified.
- Waste is covered with repurposed crushed concrete or other appropriate operational cover material in accordance with the Plan of Operations.
- Open burning is prohibited, and operations staff employ fire prevention.
- Litter control is employed as necessary following onsite weekly inspections and after high wind events.
- Fugitive dust is controlled by covering the LPL with gravel and site access roads that are both gravel and asphalt.
- Scavenging is prohibited.
- Vectors are unlikely because waste types are not likely to become putrescible. The working face of the LPL is inspected daily to make sure vectors do not nest in the waste.

The proposal will expand an existing, operational LPL for the continued commercial disposal of CDL debris and similar materials. In 2021, approximately 44,000 cubic yards of waste was disposed. Based on the population forecast, it is estimated this will increase to about 79,000 cubic yards by 2042. The expansion of an existing, operational facility is the greatest and best use of the County-owned site, with a disposal rate that is projected to increase in volume overtime.

Criterion B

The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that:

- i. *It will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or*

Response: The facility will continue to be served by Vantage Highway with access to I-90, a major highway. No water or sewer service is proposed nor is it necessary. Existing utilities on the site include electricity and telephone. The site is accessible for police and fire protection. In addition, site operations are designed to prevent fires through such measures as:

- Visual inspection of the landfill every operating day for evidence of fire or smoke including but not specifically limited to vents, visible emissions, settlement, or other evidence of combustion.

- Application of crushed concrete and soil will be the primary means to smother and extinguish surface fires.
- Stockpiled crushed concrete/soil for the purpose of fire suppression.
- Storage of water in tanks on site for discretionary use by the fire department.
- Formal fire response procedures.

Solid waste generated by staff is self-hauled to appropriate disposal locations. As a non-residential use, school availability does not apply.

ii. The applicant shall provide such facilities; or

Response: Based on use-type, there is no need for additional services (e.g., water) beyond what exists on site and is describe in the response above.

iii. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

Response: The Ryegrass LPL operations are primarily funded through tipping fees. The use of the landfill as reflected through tipping fees demonstrates the community's desire for a cost-effective method of disposing of permitted waste for licensed contractors and other businesses with customer accounts. The proposed LPL expansion will continue to provide an alternative for licensed contractors and other businesses with customer accounts to dispose of their permitted waste at a reasonable rate.

The proposed expansion would allow Kittitas County to continue to provide a much-needed service to the community that does not require property acquisition, new structures, or additional operations equipment.

Criterion C

The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

Response: See Table 1 regarding zoning code applicability. As with the existing facility, the LPL expansion will continue to meet public facility development standards as required by federal, state, and county laws.

Criterion D

The proposed use will mitigate material impacts of the development, whether environmental or otherwise.

Response: As a highly regulated facility, material impacts of development will be mitigated as necessary. Very specific development, operational, closure, and post-closure procedures are outlined in the LPL Permit Application submitted to Kittitas County Board of Health and the Washington State Department of Ecology (Ecology) for their approval, including:

- Groundwater monitoring
- Landfill gas controls
- Line system design
- Leachate collection and control
- Surface water run-on/runoff control
- Water balance and contaminant fate and transport
- Seismic considerations
- Setbacks

- Closure system design
- Access control
- Inspection and maintenance
- Environmental controls including: protection of containment and monitoring structures, litter control, dust control, odor control, vector control, attendant services, and scavenging prevention.

After closure of the LPL and associated cover and stormwater systems are in place, post-closure care for the LPL must conform to the state and local regulations governing post-closure activities for as long as necessary for the landfill to become functionally stable. WAC 173-350-400(11) specifies the performance standards for post-closure of LPLs. The performance standards applicable to Ryegrass LPL include:

- Maintaining the integrity and effectiveness of the final cover, including making repairs to the closure cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, maintaining the vegetative cover, and preventing run-on and runoff from eroding or otherwise damaging the final cover.
- Monitoring the groundwater, surface water, landfill gas, and landfill settlement, including any monitoring of remedial measures if applicable, and maintaining all monitoring systems.
- Maintaining the facility and facility structures for their intended use.

Criterion E

The proposed use will ensure compatibility with existing neighboring land uses.

Response: The proposal does not change the existing, permitted use of the site. The Ryegrass LPL expansion is on a parcel owned and operated by the County that has served the community for many decades. It is sited near a major interstate (I-90) and on Vantage Highway for easy access, and in a sparsely populated rural area to avoid conflicts with residential and commercial land uses.

Criterion F

The proposed use is consistent with the intent and character of the zoning district in which it is located.

Response: The existing and proposed LPL expansion is acceptable in a rural area since it is incongruent with residential or commercial land uses or other areas of dense development. The proposal does not change the existing, permitted use of the site. The Ryegrass LPL expansion is on a parcel owned and operated by the County that has served the community for many decades.

Criterion G

For conditional uses outside of Urban Growth Areas, the proposed use:

- i. *Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;*

Response: The proposed LPL expansion aligns with the goals and objectives of the Kittitas County Comprehensive Plan as described in Table 2.

Table 2. Ryegrass LPL Compatibility with Kittitas County 2019 Comprehensive Plan (continued)

Table 2. Ryegrass LPL Compatibility with Kittitas County 2019 Comprehensive Plan

Comprehensive Plan Narrative	Compatibility
Chapter 7 Capital Facilities and Utilities	
<i>VII.1 Goal: Ensure that public services, utilities and facilities are adequate to provide a high level of service and reliability for present and future land uses.</i>	<p>The proposed LPL expansion will continue to provide a public facility that is affordable, and provides a high level of service for licensed contractors and other businesses with customer accounts.</p> <p>In 2021, approximately 44,000 cubic yards of waste was disposed. Based on the population forecast, it is estimated this will increase to about 79,000 cubic yards by 2042. The expansion of an existing, operational facility is the greatest and best use of the County-owned site, with a disposal rate that is projected to increase in volume overtime.</p>
<i>Objective: 3. Public and private facilities and services should be provided at levels necessary to support anticipated growth and development per the Comprehensive Plan. The facilities and services needed to support this growth and development include: sewage disposal, solid waste disposal, water, surface water management, police and fire protection, parks and open space and other public utilities.</i>	<p>The Kittitas County 2019 Comprehensive Plan shows a population of approximately 66,000 by 2037. LPL life expectancy is projected to serve the population through 2042 (population of approximately 75,000).</p>
<i>Objective: 4. Public spending priorities for facilities and services should be as follows:</i>	
<i>a. First, to maintain or upgrade existing facilities and services where necessary to serve existing development at applicable service level standards; and,</i>	<p>The LPL was estimated to reach capacity in 2021. This proposal is estimated to allow for continued service through 2042.</p>
<i>b. Second, to upgrade facilities and services to support planned growth at applicable service level standards.</i>	<p>LPL expansion is utilizing a parcel owned and operated by the County that has served the community for many decades. Historically, the site provided municipal solid waste disposal (landfill closed in 1999) and continues to provide solid waste residual management not only for LPL residuals, but also for septage disposal. The LPL expansion is intended to support current and planned community growth.</p>
<i>Objective: 8. Physical standards for public facilities should:</i>	
<i>a. Assure public health and safety;</i>	<p>The proposed LPL expansion will adhere to the Kittitas County Board of Health Solid Waste Regulations Ordinance 1999-1 (promulgated under the authority of RCW 70.05 and 70.95) to protect public peace, health, safety, and welfare of the citizens and environment of Kittitas County. Measures include:</p> <ul style="list-style-type: none"> • Loads are screened for possible contaminants (e.g., hazardous waste materials such as paint cans or batteries), and if non-permitted waste is found to have been disposed onsite, the Health Department and Solid Waste Programs staff are notified. • Waste is covered with repurposed crushed concrete or other appropriate operational cover material in accordance with the Plan of Operations. • Open burning is prohibited, and operations staff employ fire prevention. • Litter control is employed as necessary following onsite weekly inspections and after high wind events. • Fugitive dust is controlled by covering the LPL with gravel and site access roads that are both gravel and asphalt.

Table 2. Ryegrass LPL Compatibility with Kittitas County 2019 Comprehensive Plan (continued)

Comprehensive Plan Narrative	Compatibility
<i>b. Reflect adopted service level standards of regulatory agencies;</i>	<ul style="list-style-type: none"> • Scavenging is prohibited. • Vectors are unlikely because waste types are not likely to become putrescible. The working face of the LPL is inspected daily to make sure vectors do not nest in the waste. <p>The proposed LPL expansion will adhere to the Solid Waste Handling Facility Standards as required by the Kittitas County Board of Health Solid Waste Regulations Ordinance 1999-1.</p>
<i>c. Be reasonable in cost and cost-effective relative to the benefit received;</i>	<p>The goal of the adopted Kittitas County Solid Waste and Moderate Risk Waste Management Plan (County SWMP) Update is to develop an integrated waste management system which influences individual waste generation patterns while providing for necessary and <i>economically efficient waste management services</i> that minimize environmental impacts and protect human health.</p> <p>The proposed LPL expansion will continue to provide an alternative for licensed contractors and other businesses with customer accounts to dispose of their permitted waste at a reasonable rate.</p>
<i>d. Have the minimum possible effect on the cost of development relative to the benefit received;</i>	<p>The proposed expansion would allow the County to continue to provide a much-needed service to the community that does not require property acquisition, new structures, or additional operations equipment.</p>
<i>e. Allocate public service costs equitably; and,</i>	<p>Refuse is accepted at the LPL from commercial customers only, and then only those customers that have established an account with the County. This County-operated facility equitably charges each customer, which is currently \$9.00 per cubic yard.</p>
<i>f. Protect the environment.</i>	<p>The goal of the adopted County SWMP is to develop an integrated waste management system which influences individual waste generation patterns while providing for necessary and economically efficient waste management services <i>that minimize environmental impacts</i> and protect human health. The following lists some of the overall environmental benefits of the Ryegrass LPL:</p> <ul style="list-style-type: none"> • Reduces illegal dumping by providing a more cost-effective and regulated disposal of construction and demolition debris by local contractors and business in lieu of hauling to a local transfer station. • Utilizes crushed concrete as cover instead of soil hauling in soil, which not only reduces overall cost of maintaining the required cover, but also reduces greenhouse gas emissions related to hauling in soil from offsite. • Recycles metal when staffing allows.
<i>Objective: 9. Public facility and service standards should be defined based on the following:</i>	
<i>a. Applicable Federal, State and County laws;</i>	<p>As with the existing facility, the LPL expansion will continue to meet public facility service standards as required by federal, state, and county laws.</p>
<i>b. Nationally accepted standards;</i>	<p>As with the existing facility, the LPL expansion will continue to meet nationally accepted standards.</p>
<i>c. Cost effectiveness;</i>	<p>The LPL accepts non-putrescible waste (namely inert, demolition and debris waste) from their customers at a rate that is comparatively more affordable to the tipping fees charged at the transfer stations.</p>

Table 2. Ryegrass LPL Compatibility with Kittitas County 2019 Comprehensive Plan (continued)

Comprehensive Plan Narrative	Compatibility
<i>d. Availability and stability of funding; and,</i>	LPL operations are primarily funded through tipping fees.
<i>e. Community desires.</i>	The use of the landfill as reflected through tipping fees demonstrates the community's desire for a cost-effective method of disposing of inert and similar waste for licensed contractors and other businesses with customer accounts.
<i>Objective: 10. Public utilities and facilities should be located, designed, and operated to be compatible with neighboring uses.</i>	LPL expansion is utilizing a parcel owned and operated by the County that has served the community for many decades. It was sited near a major interstate (I-90) and on Vantage Highway for easy access, and in a rural area to avoid conflicts with residential and commercial land uses.
Chapter 8 Rural and Resource Lands	
<i>Policy RR-P4: A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.</i>	The existing and proposed LPL expansion is acceptable in a rural area since it is incongruent with residential or commercial land uses or other areas of dense development.
<i>Policy RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.</i>	Ryegrass LPL expansion is located on a parcel that contains two streams. All activities would occur outside stream buffers as defined by KCC 17A.07.010.
<i>Policy RR-P19: Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.</i>	This project is classified as a "conditional use." Activities on the parcel will continue as originally permitted.
<i>Policy RR-P45: Commercial/Industrial development in Rural Working lands shall be compatible to the rural environment, and must be developed as determined necessary to not significantly impact surface and groundwater</i>	The LPL will continue to operate as permitted by the Kittitas County Board of Health and Ecology. The site design and monitoring for groundwater and surface water will be as required by the permits.

ii. *Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(16**));*

Response: The proposed LPL expansion aligns with preserved rural character Act as described in Table 3.

Table 3. Ryegrass LPL Compatibility with Preserving Rural Character

<i>Goal RR-G1: Open space and visual and natural landscape should predominate over the built environment</i>	LPL expansion would not change the visual or natural landscape as currently perceived. No additional structures will be constructed, and the landfill cover will be compatible with the undulating arid landscape. Most views towards the facility are from Vantage Highway and would remain relatively unchanged.
<i>Goal RR-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.</i>	The proposed LPL expansion would be a continuation of existing operations and would have no further influence on traditional rural lifestyle or rural based economies, nor would it induce incongruent uses.
<i>Goal RR-G3: Spaces and development should be compatible with fish & wildlife habitat</i>	The proposed LPL expansion would comply with the local Critical Areas Ordinance. Please see the SEPA Checklist included with this application for additional information.
<i>Goal RR-G4: Undeveloped land should not be converted to development of sprawl and low density.</i>	The expansion of the LPL would not convert undeveloped land to sprawl and low-density development.
<i>Goal RR-G5: Activities generally should not require extension of urban governmental services.</i>	The LPL is currently served by electricity and telephone. No additional governmental services (e.g., water or sewer lines) would be required.
<i>Goal RR-G6: Land use should be consistent with protection of surface and ground water flows and recharge/discharge areas.</i>	The land use would be consistent with the protection of surface and ground water flows and recharge/discharge areas. The SEPA Checklist and Addendum included with this application provides greater detail.

iii. *Requires only rural government services; and*

Response: The proposed use does not require sewer or water lines. The site is already served by electricity and telephone.

iv. *Does not compromise the long-term viability of designated resource lands.*

Response: The proposed LPL expansion would occur on land currently owned and operated by Kittitas County Public Works for the purpose of limited landfill debris disposal. The site was formerly used as a municipal solid waste landfill.