

## PAC-2023-00027 Knife River Concrete Batch Plant

### Preliminary Land Use Comments

*(Please note that these comments are not meant to be comprehensive nor final)*

Proposal: The applicant proposes a ready-mix concrete operation on a 2.63 acre site in the IR zone. Site improvements include the construction of the ready-mix plant feed hoppers, conveyors, ancillary equipment, and control house. The site will also have stockpile areas and a small office trailer with break room and dispatch offices. A washout area will be provided for trucks that will include water reclamation and recycling. The site is currently vacant.

#### 1. 40.200.040 Minimum and Maximum Calculations

When determining maximum standards for planning related calculations (including density, parking setbacks, etc.), the final number in any calculation shall be rounded down to the nearest whole unit. However, if two (2) or more amounts must be added to figure a total, applicants shall use numbers accurate to two (2) decimal places (hundredths) when adding the amounts and round off only the total. For example, if the density for a project were determined to be 15.89 units, only fifteen (15) units would be permitted.

When determining minimum standards for planning related calculations (including density, parking setbacks, etc.), the final number in any calculation shall be rounded up to the nearest whole unit. However, if two (2) or more amounts must be added to figure a total, applicants shall use numbers accurate to two (2) decimal places (hundredths) when adding the amounts and round off only the total. For example, if the required parking for a project were determined to be 15.89 spaces, a total of sixteen (16) spaces would be required.

These standards shall not apply for the purposes of engineering related calculations (surveying information, stormwater calculations, road construction information, etc.).

#### 2. 40.230.085 Employment Districts

The subject site is zoned IR and is bound by a covenant recorded in the Auditor's records as instrument #5859626. According to the modified Uses Table attached thereto as Exhibit "C", ready-mix concrete manufacturing facilities require approval of a conditional use permit (CUP) and shall be processed as a Type II-A or Type III application. The covenant also specifies that ready-mix concrete manufacturing uses are also subject to development standards put forth in Section 40.250.022.D.3, 4, 6, 10, 11, & 12.

A copy of the recorded covenant shall be provided with the preliminary application and is required for fully complete determination.

While much of Table 40.230.085-2 does not make requirements for the IR zone, the maximum building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent to residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is increased to the building height. Staff does not

consider the proposed silo an architectural feature of another structure and will be treated as the structure itself and subject to this height standard.

Additionally, Table 40.230.085-2 requires a minimum front setback of 20 feet.

**Additional Development Standards for Railroad Industrial District apply????**

Pursuant to 40.230.085.D.2, the perimeter around railroad industrial parks shall be landscaped to an L5 or L3 standard except along the rail line. In determining which standard applies, the responsible official will consider the potential impacts, such as noise and visual impacts to neighboring properties. Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3 standard. According to GIS information, there are existing residential uses on industrial lands located approximately 200 feet to the southeast, and a new residential subdivision proposed approximately 300 feet due east. Given the close proximity of these residential uses, staff finds that placement of an L5 buffer along the south and east property boundaries appropriate, with placement of L3 buffers along the remaining boundaries (north and west).

Applicants for development in this zoning district shall submit a rail use plan showing where they could build a spur track that will connect with the main line. A rail use plan does not apply if an applicant can show there is an existing track or spur. Development shall not preclude the extension of any spur track.

Maximum lot coverage is determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards.

Performance Standards. No land or structure shall be used or occupied within employment districts unless there is continuing compliance with the following minimum performance standards:

- Noise
- Major Odor sources
- Light and Glare Standards
- Outdoor Storage Standards
- Vibration
- Electromagnetic Interference

### **3. 40.250.022 Surface Mining Overlay District**

Per the recorded covenant, Section 40.250.022.D.3, 4, 6, 10, 11, & 12 apply to this development.

D.3 Access. Roads into the site shall be gated and the site or mining area shall be fenced and posted "No Trespassing."

D.4 Noise. Maximum permissible noise levels must be in accordance with the provisions of Chapter 173-60 WAC or as identified in the SEPA document.

D.6 Stormwater and erosion control must meet the standards of Chapter 40.386.

D.10 The Director of Public Works may require pavement wear agreements for public roads used to access the site. Public access roads to mining sites must be maintained to the satisfaction of the Director of Public Works, to minimize problems of dust, mud, potholes, runoff and traffic safety. All vehicles shall comply with RCW 46.61.655 (escape of load materials and cleaning of vehicles).

D.11 Internal access roads shall be paved within one hundred (100) feet of a paved county road or State highway to reduce tracking of dirt, mud and rocks.

D.12 The applicant shall identify the source or potential source and approximate amount of water anticipated to be used on the site. If this amount exceeds the exemption provided for under RCW 90.44.050, the applicant must present evidence that adequate water can be made available without adversely affecting nearby uses.

**4. 40.310 Sign Standards**

Sign standards are put forth in Section CCC 40.310. The applicant did not include any details related to signage. Therefore, any signs shall comply with standards put forth in Section CCC 40.310.

**5. 40.320 Landscaping**

Based on Table 40.320.010-1 Landscaping perimeter buffer standards:

North – L2, 10' wide along NE 101<sup>st</sup> Street (if the right-of-way isn't extended easterly this becomes none along the non-street frontage)

West – None

South – None

East – None

Per 40.320.010.D.1, "Storage and equipment areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within one hundred (100) feet of the property or right-of-way and to at least an F1 standard if equal to or more than one hundred (100) feet from the property or right-of-way. Storage areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment."

Any new parking areas of 7 or more spaces will be required to add landscape islands as directed.

A landscape plan will be required.

The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of energy dissipation points at the locations of stormwater inlets. LID bioretention facility plantings may be used in combination with perimeter shrubs provided a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 40.320.010-2.

The F2 fence standard provides visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation.

A fence or wall that complies with the F2 standard shall be six (6) feet high and one hundred percent (100%) sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction. See Figure 40.320.010-7.

Trees may be deciduous or evergreen. The required tree height shall be measured from the ground level at final planting to the top of the tree.

- a. Required trees for parking and loading areas shall be a minimum caliper of two (2) inches and a minimum height of ten (10) feet at the time of planting.
- b. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half (1 1/2) inches, and a minimum height of eight (8) feet at the time of planting.
- c. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six (6) feet high at the time of planting.
- d. If the responsible official decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.

The applicant shall show and comply with the following:

- a. Plant materials will be installed to current nursery industry standards.
- b. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
- c. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained.

Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.

The applicant shall install landscaping and screening required by this section consistent with the approved site plan or an approved modification thereto before the county issues an occupancy permit or final inspection for the development in question; provided, the responsible official may defer installation of plant materials for up to six (6) months after the county issues an occupancy permit or final inspection for the development in question if the responsible official finds doing so increases the likely survival of plants.

All required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three (3) years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or approved flowers.

a. Shrubs shall be supplied in a minimum of three (3) gallon containers or equivalent burlap balls, with a minimum spread of eighteen (18) inches to meet the L2 buffer requirement, and minimum of five (5) gallon containers or equivalent burlap balls with a minimum spread of thirty (30) inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

b. Groundcover plants shall be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flower bed of flowers approved by the responsible official may be substituted for groundcover plants.

**6. 40.330.010 Crime and Safety Guidelines**

To the extent practicable, all development subject to site plan review shall comply with the Crime Prevention and Safety Guidelines. Building orientation and public use areas shall take into consideration tenant's ability to monitor other doorways as a safety provision, exterior area where mailboxes will be located shall be lighted and exterior lighting levels shall be selected and light fixtures shall be oriented towards areas vulnerable to crime.

**7. 40.340 Parking and Loading**

Parking and/or loading spaces on the perimeter of a parking lot or abutting interior landscaped areas or sidewalks shall include a wheel stop or curb at least four (4) inches high located three (3) feet back from the front of the parking and/or loading space. Include breaks in curbs, as necessary, to allow flow of stormwater to LID stormwater facilities.

Parking and loading spaces and associated access and maneuvering drives shall be maintained in good repair at all times.

Light fixtures in parking or loading areas shall be consistent with RCW 47.36.180 on public roadways and not cast significant light or glare off site on adjacent properties.

All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be paved to standards, including the use of permeable pavements.

Except as otherwise provided by the UDC, required off-street parking and loading spaces shall be improved and maintained as set forth in this section for all uses in all zoning districts.

Table 40.340.010-4, provides minimum numerical parking requirements by use and for general industrial uses the requirement is for 1 space per 500 square feet. The applicant is proposing 20 spaces. However, per 40.340.010.B.7, The review authority may reduce the required number of parking spaces to less than that required in Table 40.340.010-4 as part of site plan review application or other application if the review authority finds that a lesser number of off-street parking spaces will be enough to fulfill all parking needs of the use or development, based on substantial evidence in the application, such as an adequate survey of parking demand at similar uses under similar conditions. The number of parking spaces for disabled persons may not be reduced under this subsection. It will be up to the applicant to address this issue in their narrative.

Off-street parking spaces for other uses shall be located on the same lot as the use or on another lot not more than three hundred (300) feet from the building or use they are intended to serve, measured in a straight line from the building; provided, where required parking for a use or development will be located on a lot other than the lot on which the use it serves is located, then, before the county issues a building permit for the use or development, the applicant shall submit an agreement executed by the owner of the lot where the off-site parking is proposed authorizing use of the lot for the proposed parking spaces for the use in question.

All parking areas shall comply with applicable local, state and federal standards regarding parking for disabled persons. A parking lot that provides between 1 and 25 parking spaces is required to provide a minimum of 1 accessible space(s), which is required to be van accessible. The plan appears to meet this standard.

Up to thirty percent (30%) of required parking spaces and all parking spaces in excess of minimum requirements may comply with the standards for compact cars in Table 40.340.010-5.

Off-street parking areas shall meet the applicable requirements in Chapter 40.340 for parking space and aisle dimensional. As part of the final engineering the applicant shall show parking width, depth and aisle dimensions.

Table 40.340.010-5 indicates that the minimum standard width of 90 degree angle parking spaces is 9' wide and 20' deep.

Compact spaces can be 7.5' wide and 15' deep for 90 degree parking. 30% of the required spaces can meet the compact standard.

**Loading Spaces:**

Commercial, industrial and public utility buildings that have a gross floor area of five thousand (5,000) square feet or more shall provide truck loading or unloading spaces in accordance with Table 40.340.010-1. While it is unknown if the total of all buildings will be at least 5,000sf, it will be up to the applicant to address this standard in their narrative.

**8. 40.340.020 Access and Circulation Standards**

Pedestrian circulation shall be improved with asphalt, concrete, permeable pavement or other approved all-weather surface; provided, pedestrian circulation routes through recreational or open space areas may be improved with a material consistent with their purpose and the characteristics of their location. Pedestrian circulation routes shall connect structures and uses on the site, such as buildings, vehicle and bicycle parking areas, children's play areas, required outdoor areas, open spaces, plazas, resting areas and viewpoints.

It is unknown how this pedestrian connection requirement will be met at this time.

**9. 40.360 Solid Waste and Recycling**

Storage areas for multiple uses on a single site may be combined and shared.

This Section allows for vertical storage higher than 4 feet but no higher than 7 feet to accommodate the same volume of storage in a reduced floor space for a potential reduction of 43%. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area.

Nonresidential buildings such as office, educational and institutional or other, shall provide a minimum storage area of ten (ten) square feet plus, four (4) square feet per one thousand (1,000) square feet gross floor. It is unknown at this time how much square feet will be required.

Indoor and outdoor storage areas shall comply with International Building and Fire Code requirements. Storage area space requirements can be satisfied with a single location or multiple locations and can combine both interior and exterior locations. Outdoor storage areas can be located within interior side setback or rear setback areas. Outdoor storage areas shall not be located within a required front setback or in a setback abutting a public right-of-way or private street easement unless no alternative location is possible. Outdoor storage areas shall not be located in a side or rear setback which abuts property that is not within the same development. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users. Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage and access. The storage area shall be accessible for

collection vehicles and located so it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

Design of exterior storage areas shall comply with standards outlined in Chapter 40.386, Stormwater and Erosion Control, including roof cover, paving, and runoff containment, to prevent non-stormwater discharges prohibited by Chapter 13.26A, Water Quality, from entering the stormwater drainage system.

Exterior storage areas shall be enclosed by a screen to at least an F2 standard. A gate(s) through the fence shall allow access to users and haulers. The gate(s) for haulers shall be capable of being secured in a closed and open position.

**10. 40.510.025 Type II-A process**

While there is some mention of Conditional Use Permit Review as a Type III under #1 on page 2 of covenant 5859626, the Ready-mix concrete manufacturing use is specifically called out as requiring a Type II-A review process under #2. However, this discrepancy will not matter as county staff intends to exercise our right to request a hearing which will bump the Type II-A review up to a Type III Review with a Land Use Hearing.

At least one (1) public hearing before the hearing examiner is required. The public hearing should be held within seventy-eight (78) calendar days after the date the responsible official issues the determination that the application is fully complete.

2. At least fifteen (15) calendar days before the date of a hearing, the responsible official shall issue a public notice of the hearing consistent with the requirements in Section 40.510.030(E).

3. At least fifteen (15) calendar days before the date of the hearing for an application(s), the responsible official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall send a copy of the staff report and recommendation without charge to the hearing examiner and to the applicant and applicant's representative. The responsible official shall send or provide a copy of the staff report at reasonable charge to other parties who request it.

4. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing examiner, except to the extent waived by the hearing examiner. A public hearing shall be recorded electronically.

a. At the beginning of a hearing or agenda of hearings, the hearing examiner shall:

(1) State that testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious;

(2) Identify the applicable approval criteria and development standards;



- (3) State that the hearing examiner will consider any party's request that the hearing be continued or that the record be kept open for a period of time and may grant or deny that request;
- (4) State that the hearing examiner must be impartial and whether the hearing examiner has had any ex parte contact or has any personal or business interest in the application. The hearing examiner shall afford parties an opportunity to challenge the impartiality of the authority;
- (5) State whether the hearing examiner has visited the site;
- (6) State that persons who want to receive notice of the examiner's decision may sign a list for that purpose at the hearing and where that list is kept; and
- (7) Summarize the conduct of the hearing.

b. At the conclusion of the hearing on each application, the hearing examiner shall announce one (1) of the following actions:

- (1) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing. The hearing examiner shall adopt guidelines for reviewing requests for continuances;
- (2) That the public record is held open to a date and time certain. The hearing examiner shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. The hearing examiner may adopt guidelines for reviewing requests to hold open the record;
- (3) That the application(s) is/are taken under advisement, and an examiner's decision will be issued as provided in Section 40.510.030(D)(6); or
- (4) That the application(s) is/are denied, approved or approved with conditions, together with a brief summary of the basis for the examiner's decision, and that an examiner's decision will be issued as provided in Section 40.510.030(D)(5).

5. Unless the applicant agrees to allow more time, within fourteen (14) calendar days after the date the record closes, the examiner's decision shall be issued; provided, the examiner's decision shall not be issued until at least fifteen (15) calendar days after the threshold determination under Chapter 40.570 is made. The examiner's decision shall include:

- a. A statement of the applicable criteria and standards in this code and other applicable law;

- b. A statement of the facts that the hearing examiner found showed the application does or does not comply with each applicable approval criterion and standards;
- c. The reasons for a conclusion to approve or deny; and
- d. The examiner's decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.

6. Within seven (7) calendar days from the date of the examiner's decision, the responsible official shall send the notice of examiner's decision to the applicant and applicant's representative, the neighborhood association in whose area the property in question is situated, and all parties of record. For applications on all lands within the Columbia River Gorge National Scenic Area, the responsible official shall also send a notice of the examiner's decision to the parties listed in Section 40.240.050(G)(4). The notice shall include the following information:

- a. A statement that the examiner's decision and SEPA determination, if applicable, may be appealed as provided in Section 40.510.030(I) within fourteen (14) calendar days after the date the notice is sent. The appeal closing date shall be listed in boldface type. The statement shall describe how a party may appeal the examiner's decision or SEPA determination, or both, including applicable fees and the elements of a petition for review;
- b. A statement that the complete case file is available for review. The statement shall list the place, days and times where the case file is available and the name and telephone number of the county representative to contact for information about the case.

#### **11. 40.520 Legal Lot Determination**

It is unknown if the subject parcel was created in accordance with zoning requirements and platting law in effect at the time of the lot's creation; therefore, a legal lot determination will be required as a fully complete item.

#### **12. 40.520.030 Conditional Use Permits**

The purpose of this chapter is to provide a review process for uses with unusual characteristics, or uses that are located in areas with special characteristics. Such uses can be approved with appropriate conditions of approval to ensure that the uses are properly located and restricted in size and/or intensity to comply with the objectives of Section 40.520.030.

The Action by the Responsible Official.

- 1. The responsible official may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the interests of the surrounding properties or neighborhood, or the county as a whole. These conditions may include but are not limited to requirements:
  - a. Increasing the required lot size or setback dimensions;

- b. Increasing street widths;
- c. Controlling the location and number of vehicular access points to the property;
- d. Increasing the number of off-street parking or loading spaces required;
- e. Limiting the number of signs;
- f. Limiting the lot coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
- g. Limiting building area and intensity of the use;
- h. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area;
- i. Establishing hours of operation;
- j. Establishing maintenance standards; and
- k. Establishing standards under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.

2. The responsible official must find that the establishment, maintenance or operation of the use applied for will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

Revocation.

The responsible official may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit through a Type II-A process in Section 40.510.030. The revocation shall not be the exclusive remedy, and it shall be unlawful and punishable under Title 32 for any person to violate any condition imposed by a conditional use permit.

**13. 40.570 State Environmental Policy Act (SEPA)**

County staff intends to require (but is not limited to) the following SEPA-related impact studies as Fully Complete items:

- Noise Study
- Light and Glare Study
- Air Quality Study

- Wetland Impact Study

In addition, a cost recovery system may be instituted with the applicant so that the county can find a vendor for the review of said studies if the expertise is not available in-house. The SEPA determination will not be sent out as an expected DNS with the notice in this case because of the expected impacts. The SEPA determination will be a result of the applicant's submitted studies and will take into account comments that are received from other agencies as well as the public.