

**STAFF REPORT
CENTRAL WASHINGTON CONCRETE
CONDITIONAL USE PERMIT**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Central Washington Concrete, CUP-08-07
DATE: December 31, 2008

I. GENERAL INFORMATION

Requested Action: Central Washington Concrete has submitted a conditional use permit application, amending CUP-97-06, to expand operating hours. The proposal includes permission to operate an asphalt plant for public works projects that require night paving. The operations at this site include mining, crushing, processing, asphalt production, hauling materials and other associated activities. The applicant has proposed operating 24 hours a day, including weekends, as may be needed for seasonal night paving and road construction operations. They foresee 1-2 projects per year with 15-20 days of night paving per project at a maximum. The site is currently limited to the hours of 5:00 am to 6:00 pm M-F.

Location: The subject property is located just east of Orondo, and is further described as being located in the West ½ of Section 33, Township 25 North, Range 21 East, W.M., Douglas County, Washington. The Douglas County Assessor Numbers for the subject property are 25213320009, 25213320000, and 2521332002 through 25213320007.

II. SITE INFORMATION

Total Project Size: Approximately 300 acres
No. of lots 7
Power/Electricity: Douglas County PUD
Fire Protection: Douglas County Fire District #2

Site Characteristics: The site is located adjacent to the basalt cliffs that rise several hundred feet to the plateau east of the site. Approximately 15-foot tall berms and the natural topography serve to buffer the active portion of the pit and proposed site of the batch plant. Stock piles of sand and gravel are onsite; none appear to exceed the 35 foot height limitation.

Surrounding Property:

North: Gravel surface mine, Mitchco Inc. (Mitchell Trucking and Paving)
South: Vacant/Owned by USA
East: Vacant/Steep Hillside
West: Berms with vegetation/agriculture/single family homes
Access: The project accesses US 2.

Zoning and Development Standards: The subject property is located within the Rural Resource 20 (RR-20) Zoning District, which asphalt/batch plants can be permitted via a conditional use permit.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 20. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL LANDS

POLICY R-1: Rural areas are those areas not designated for urban growth, agriculture, forest, or mineral resources. However, agricultural activities, farming/ranching, forestry, mineral and other similar activities are inherent within this designation.

RESOURCE LANDS – MINERAL

GOAL: Douglas County will conserve mineral resource lands for productive economic use to help maintain a stable, cost effective source of needed construction materials.

POLICY M-1: The County will encourage the retention and protection of long-term mineral resource sites of commercial grade aggregate for new development, roads and other uses, provided mineral resources sites can be located and developed consistent with plan policies.

POLICY M-2: Mining and extraction operations will be sited and designed to minimize conflicts with adjacent land uses, and to have a minimal impact on critical habitats, natural vistas, cultural resources and the environment.

POLICY M-6: Use existing topography to screen and minimize blasting, noise, dust, vibration, and visual impacts when developing new mineral extraction sites. Where heavy equipment, mines and pits cannot be effectively screened from residential and/or commercial areas, shorelines of the state and major highways a combination of existing topography, berms and landscaping may be utilized to screen the site.

POLICY M-7: Adequate screening and buffering will be maintained between adjacent land uses and the mining site, and will be the responsibility of the new or expanded mineral extraction development.

POLICY M-8: Ensure that mining sites and associated off-site stockpiles are maintained during the life of the operation, particularly in regard to the control of noxious weeds and dust.

POLICY M-9: Reclamation of mining and extraction sites is an integral part of all mining operations, and will be required and completed in a manner that will encourage future land uses that are compatible with local comprehensive plans.

IV. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on December 31, 2008 in accordance with WAC 197-11-355 (Optional DNS).

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Appendix A. Public comments were submitted on this proposal and have been included as Appendix B.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. This site was originally permitted for a long-term sand and gravel pit, rock quarry with on-site crushing and processing, and ready-mix concrete and asphalt plants. In the Notice of Action for this permit (CUP#97-6); condition #17 stated that the Conditional Use Permit would have to be amended if the proponents elected to proceed with the installation of either an asphalt and/or concrete batch plant. In the year 2000 a Conditional Use Permit Amendment was processed and approved (ACUP#97-06) to allow for a temporary installation and operation of an asphalt batch plant. (Preceding staff reports and Notice of Actions included as Appendix C) There is currently no asphalt or concrete plant on-site. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive plan consistency:

This project is a mineral extraction site and mineral criteria apply including policies: M-1, M-2, M-6, M-7, M-8, and M-9 (see page 2). The comprehensive plan authorizes the location of asphalt batch plants in areas designated as mineral extraction sites.

As conditioned, the proposal appears consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with Chapter 18.80.030 "Conditional Uses – Evaluation Criteria"

This application involves the expansion of hours to operate an asphalt plant at night and on weekends for a maximum of two projects per year with a maximum total impact of 40 days of night paving. The project is located in a Rural Resource Area. The project will not create excessive demands on public services.

This site was originally permitted for a long-term sand and gravel pit and rock quarry with on-site crushing and processing and ready-mix concrete and asphalt plants. In the Notice of Action for this permit (CUP#97-6); condition #17 stated that the Conditional Use Permit would have to be amended if the proponents elected to proceed with the installation of either an asphalt and/or concrete batch plant. In the year 2000 a Conditional Use Permit Amendment was processed and approved (ACUP#97-06) to allow for a temporary installation and operation of an asphalt batch plant.

Generally, the existing topography of the site and berms will provide sufficient visual buffering of the site from the state highway and westerly properties.

Noise impacts must fall within the parameters of Douglas County Code, Chapter 8.04, "Noise", as well as state standards. Nighttime noise impacts shall be ten dBA lower between the hours of ten pm and seven am with small deviations permitted in DCC 8.04.100B. The applicant is required to receive any necessary permits from the Department of Ecology to address air quality and water rights.

Stormwater, internal circulation and access were addressed in the previous application. As conditioned, the proposal appears consistent with the provisions of this chapter.

Consistency with Chapter 18.80.180 "Conditional Uses – Mineral Extraction"

The project site is not located within 1000 feet of a residential district. The nearest residence is 500+ feet away to the west. Proposed activities are located within 1000 feet of the State right-of-way, and WSDOT has expressed no concern.

The site has been previously permitted and is currently running on the existing approval. The changes to use and hours of operation appear consistent with the original approval.

Generally, the existing topography of the site and surrounding development will provide sufficient visual buffering of the site from the state highway and adjacent properties, with the addition of the applicant adding to the buffer berms.

Noise impacts must fall within the parameters of Douglas County Code, Chapter 8.04, "Noise", as well as state standards. The applicant is required to receive any necessary permits from the Department of Ecology to address air quality and water rights. All storm and waste water will be retained on site.

The hours of operation shall remain 5 am to 6 pm M-F for all activities, and shall remain 5 am to 9 pm M-F for mineral extraction and processing of material only (no hauling), except as permitted during the 40 days maximum per year, in which operations can be 24 hours per day, 7 days a week, so long as conditions are met. Should complaints arise from surrounding property owners regarding the hours of operation, Douglas County Transportation and Land Services reserves the right to refer the issue back to the Hearing Examiner to review the hours of operation.

The applicant has identified that minimal/no grading will be done.

As conditioned, the proposal appears consistent with the provisions of this chapter.

Agency comments:

Agency comments from the Douglas County Transportation Services, Washington State Department of Transportation, Washington State Department of Ecology, and Douglas County Fire District have been submitted. These comments have been included as conditions of approval to address these agency concerns.

Public comments:

Public comments from John Corning, Dave Lundgren, Sheryl Ganson and Clyde Philp have been submitted. The concerns are in relation to noise, odor, pollution and lights. Staff response: A. Noise: In the previous permit noise was addressed and the conditions still apply. The condition specified that the applicant must not exceed Douglas County Code specified noise levels. In addition, staff has suggested new

conditions such that the applicant must verify that noise regulations are not exceeded during night and day operations. B. Odor/pollution: a condition has been recommended where best management practices must be followed and a system to remedy any grievance. C. Lights: In the previous permit lighting was conditioned to be directed downward and not to project onto adjacent properties. This condition still applies. D. Dust: This is an ongoing condition that was included in the original permit. Dust control conditions and measures still apply to this site.

VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of CUP#08-07, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicant is Central Washington Concrete. P.O. Box 190, Wenatchee, WA 98807.
2. General Description: Central Washington Concrete has submitted a conditional use permit application, amending CUP-97-06, to expand operating hours. The proposal includes permission to operate an asphalt plant for public works projects that require night paving. The operations at this site include mining, crushing, processing, asphalt production, hauling materials and other associated activities. The applicant has proposed operating 24 hours a day, including weekends, as may be needed for seasonal night paving and road construction operations. They foresee 1-2 projects per year with 15-20 days of night paving per project at a maximum. The site is currently limited to the hours of 5:00 am to 6:00 pm M-F.
3. Location: The subject property is located just east of Orondo, and is further described as being located in the West ½ of Section 33, Township 25 North, Range 21 East, W.M., Douglas County, Washington. The Douglas County Assessor Numbers for the subject property are 25213320009, 25213320000, and 2521332002 through 25213320007.
4. Site Information:

Total Project Size:	Approximately 300 acres
No. of lots	7
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
5. Site Characteristics: The site is located adjacent to the basalt cliffs that rise several hundred feet to the plateau east of the site. Approximately 15-foot tall berms and the natural topography serve to buffer the active portion of the pit and proposed site of the batch plant. Stock piles of sand and gravel are onsite none appear to exceed the 35 foot height limitation.

6. Surrounding Property: To the north-Gravel Surface Mine, Mitchco Inc. (Mitchell Trucking and Paving); to the south- vacant/owned by USA; to the east- vacant/steep hillside; to the west- berms with vegetation/agriculture/single family homes
7. The subject property is located within the Douglas County Countywide Comprehensive Plan.
8. The site's original approval (CUP-97-6) was to operate a long-term sand and gravel pit and rock quarry with on-site crushing and processing and ready-mix concrete and asphalt plants between the hours of 5am to 6pm.
9. Condition number 17 in CUP-97-6 states: 'In the event the applicant/landowner elects to proceed with the installation of a batch plant and/or concrete mix plant, the applicants shall apply to amend the conditional use permit and provide detailed site plans showing location, buffering, access, heights, ingress/egress and circulation and all other pertinent information such as ambient air odor quality.'
10. In the year 2000 a Conditional Use Permit Amendment was processed and approved (ACUP#97-06) to allow for a temporary installation and operation of an asphalt batch plant. There is currently no asphalt or concrete plant on-site.
11. The Comprehensive Plan Designation is Rural Resource 20.
12. The subject property is located in the Rural Resource 20 zoning district which allows for asphalt/concrete batch plants as a conditional use if the development standards of DCC 18.60 and evaluation criteria of DCC 18.80 are met.
13. Access is off of US 2.
14. Comments from reviewing agencies have been considered and addressed where appropriate.
15. Douglas County issued a Determination of Non-significance on December 31, 2008 in accordance with WAC 197-11-355 (Optional DNS).
16. Noise levels are limited to 60 decibels (dBA) at property lines where residential uses are adjacent to property. Between the hours of ten p.m. and seven a.m. the noise limitations shall be reduced by ten dBA where the receiving property is residential. (DCC Chapter 8.04)
17. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
18. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
19. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
20. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 18 "Zoning" of the Douglas County Code.

Suggested Conditions of Approval

- 1) The project shall proceed in substantial conformance with the plans and application materials submitted July 31, 2008, amended on December 3, 2008, and on file except as amended by the conditions herein.
- 2) The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 3) The hours of operation shall remain 5 am to 6 pm M-F for all activities, and shall remain 5 am to 9 pm M-F for mineral extraction and processing of material only (no hauling), except as permitted during the 40 days maximum per year, in which operations can be 24 hours per day, 7 days a week, so long as conditions are met.
- 4) All operations shall be conducted in a manner that complies with the applicable requirements of WAC 173-60, including the maximum permissible environmental noise levels specified in WAC 173-60-040 and the provisions of Douglas County Code, Chapter 8.04 "Noise".
- 5) The applicant shall submit verification after the batch plant has been installed, from a professional that they meet the provisions of Douglas County Code, Chapter 8.04 "Noise" during both night and daytime operations.
- 6) If the noise levels specified in WAC 173-60-040 or DCC, Chapter 8.04 cannot be met, the applicant shall cease operations and operate under the previous Conditional Use Permit #97-6, including specified hours of operation.
- 7) The asphalt plant operations shall use recognized best management practices to reduce odor associated with operations. If Douglas County Transportation Land Services receives written complaints regarding odors created by the Central Washington Concrete operations, the owner/operator will take immediate action. Such action shall result in an improvement to the efficiency of the operation, including but not limited to installation of odor control equipment and if necessary the operation shall be shut down until environmental conditions improve or the asphalt odor has been sufficiently mitigated. If the odor is not sufficiently mitigated

then the applicant/owner may take the matter to the Hearings examiner for remedial action.

- 8) Prior to the placement of asphalt plant structures, applicable building permits must be obtained from Douglas County.
- 9) Ecology's Air Quality Program shall be contacted regarding Notice of Construction Air Quality Permit(s). Contact Jared Mathey at 509-454-7845.
- 10) All other conditions of the original Notice of Action for the conditional use permit (permit # CUP-97-6) remain in effect, excluding condition # 9 (in relation to hours of operation).

Respectfully Submitted,

Marla Olson
Senior Planner

Attachments