

Section 911.23. - West Gifford Industrial and Commerce (WGIC) overlay regulations.

- (1) *Purpose.* The West Gifford Industrial and Commerce (WGIC) overlay regulations are intended to establish special regulations for properties in West Gifford zoned IG, general industrial to accommodate industry and commerce in West Gifford in a manner compatible with community residents and businesses.
- (2) *Boundaries of the WGIC overlay regulations area.* The West Gifford Industrial and Commerce (WGIC) overlay regulations area is generally located between 43rd Avenue and 58th Avenue, north of 41st Street, south of 47th Street, and overlays all properties within the referenced area that are zoned IG (general industrial).
- (3) *Relation to IG district regulations.* The WGIC overlay regulations supplement the IG district regulations and supersede the IG district regulations with respect to the uses allowed within the overlay area as shown in the use table below.
- (4) *Definitions.* The following terms are defined for the purposes of interpreting and implementing the WGIC overlay regulations:
  - (a) *Junk and salvage yards unenclosed facilities:* a use of land meeting the Chapter 901 definition of "Junkyard" conducted primarily outside an enclosed building.
  - (b) *Salvage facility (enclosed building):* a use of land meeting the Chapter 901 definition of "Junkyard" conducted within an enclosed building area with the exception of a loading area screened in accordance with WGIC overlay regulations.
- (5) *Uses.* Uses in the West Gifford Industrial and Commerce overlay area are classified as permitted uses (P), administrative permit uses (A), and special exception uses (S). Site plan review and approval shall be required for the construction, expansion, and change in use of structures and buildings within the overlay area.

Use	WGIC Overlay
<i>Agriculture</i>	
Nurseries and garden supplies, horticultural and landscape	P
Kennels and animal boarding	P
Mulch products and services	A
<i>Services</i>	
Landscape services	P
Veterinary services	P
<i>Commercial Construction</i>	

General building contractor/construction yard	P
Special trade contractor	P
<i>Personal Services</i>	
Linen supply	P
Carpet and upholstery cleaning	P*
Dry cleaning plants	P*
<i>Auto Repair, Services and Parking</i>	
Automobile parking and storage (paved surface)	P
Body and paint shops	P*
General automotive repair	P*
Carwash	P
<i>Miscellaneous Repairs</i>	
Electrical and electronic repair	P
Reupholstery and furniture	P*
Welding	P
Heavy machinery and equipment (maintenance, repair, and sales)	P
<i>Social Services</i>	
Job training services	P
<i>Wholesale Trade</i>	
Durable goods (not including demolition debris site, junkyard, recycling center)	P

Non-durable goods	P
Auto and home supply store	P
Gasoline service station	P
Automotive parts (used)	P*
Boat dealer	P
Recreational vehicle dealer	P
Motorcycle dealer	P
<i>Automotive Dealers and Services</i>	
Automobile sales and rentals (new and/or used)	P
Automotive fluid sales and services (other than gasoline)	P*
<i>Eating and Drinking Establishments</i>	
Restaurant	P
Take-out restaurant	P
Drive-through restaurant	P
Fuel dealer	P*
<i>Marine-Related Commercial Activities</i>	
Boat sales and rental	P
Marine repair and services	P
<i>Industrial</i>	
Food and kindred products	P*

Fruit and vegetable juice extraction	P*
Fruit and vegetable packing house	P*
Cloth and clothing products (excluding textile mills)	P*
Lumber and wood (excluding lumber/saw mills)	P
Furniture and fixtures	P
Printing and related support activities	P
Chemicals	P*
Rubber and plastics (excluding tire manufacturing)	P*
Rubber and plastic footwear	P
Hose, belts, gaskets and packing	P*
Fabricated rubber products	P*
Drugs and pharmaceuticals	P*
Footwear	P*
Other leather goods	P*
Brick and tile	P
Concrete batch plants	S
Concrete cast products (excluding block and brick)	P
Cut stone and marble products	P
Glass and glass products	P
Fabricated metal products	P*

Machine shop	P*
Industrial machinery and equipment	P
Electronic and other electric equipment	P
Transportation equipment	P
Instruments and related products	P
Junk and salvage yards (unenclosed facilities)	S
Salvage facility (enclosed building)	P*
Demolition Debris Site	S
<i>Transportation and Utilities</i>	
Railroad and bus transportation services	P
Trucking and courier services	P
Commercial warehousing and storage	P
Moving and storage	P
Trucking terminal	P
Self-storage	P
Outdoor storage	P
Vehicle storage lot (unpaved, buffered per <u>926</u> and <u>954</u> )	P
Postal services	P
Pipelines	P
<i>Transportation Services</i>	

Freight transport arrangement (scheduling, shipping)	P
<i>Communications</i>	
Communications towers (wireless facilities)	A**
Communications towers (non-wireless facilities)	
Amateur radio (accessory use)	P
Less than 80 feet	P
80 feet or taller (see <u>971.44(4)</u> for special criteria)	S
Commercial	
Up to 70 feet:	
Camouflaged	P
Non-camouflaged	P
70 feet to 150 feet:	
Camouflaged	A
Monopole (minimum of two users)	A
Not camouflaged and not monopole	A/S**
Over 150 feet:	
All tower types (see <u>971.44(1)</u> for special criteria)	S
<i>Utilities</i>	
Public and private utilities, heavy	S
Gas services	P

Electric services	P
Water services	P
Irrigation systems	P
<i>Residential Uses</i>	
Accessory housing (watchmen)	P
Single-family subdivision	A
Multi-family dwelling	A
<i>Business Services</i>	
Credit reporting and collection	P
Mailing, reproduction and stenographic services	P
Equipment rental and leasing	P
Employment agency	P
Help supply services	P
Computer and data processing	P
<i>Miscellaneous Repair</i>	
Electrical repair	P
Watch, clock, jewelry	P
Research, testing, technology services	P
<i>Retail Trade</i>	
Building materials and garden supplies (retail and wholesale)	P

Paint, glass and wallpaper stores	P*
Hardware store	P
Auction facilities, enclosed	P
New and used cars dealer	P
Used vehicle sales	P
Auto and home supply stores	P
Convenience store	P

P= Permitted use

A= Administrative permit use

S= Special exception use

\*The use shall be conducted within an enclosed building.

\*\*See [971.44](#) for wireless regulations and to determine whether the administrative permit or special exception use process applies.

- (6) *Upgrade of 45th Street appearance.* On or before June 30, 2015, the owner of any pre-existing junk and salvage yard (unenclosed facility) that fronts 45th Street shall obtain approval from the community development director or his designee of a landscaping and irrigation plan for a continuous vegetative screening between 45th Street and the salvage yard area. A wall or similar structure with aesthetic features may substitute for continuous vegetative screening if shown on an approved plan. The landscaping and irrigation plan, or plan for a wall or similar structure with aesthetic features, shall be subject to the following:
- A. Landscaping improvements shown on the approved landscaping plan shall be installed, inspected, and deemed acceptable by county staff on or before June 30, 2016.
  - B. Plans shall show a wall (or similar structure) with aesthetic features or vegetative screening consisting of one or more of the following: planted berms, vines, shrubs, understory trees and canopy trees. Where used, vines shall be planted no further apart than forty-two (42) inches on center and shrubs shall be planted no further apart than thirty-six (36) inches on center. Landscaping and irrigation improvements shall be designed in a manner that does not increase the degree of non-conformity with respect to parking area for any junk and salvage yard (unenclosed facility).



This requirement to provide a wall (or similar structure) with aesthetic features or continuous vegetative screening shall not infringe upon the right of a property owner to continue to use a legally established (grandfathered in) non-conforming parking area adjacent to 45th Street.

- C. Where a wall or similar structure with aesthetic features is substituted for continuous vegetative screening, the wall or similar structure shall be constructed, inspected, and deemed acceptable by county staff on or before June 30, 2016.

(7) *Buffer yard requirements.* For new development, where a nonresidential use within the WGIC overlay area directly abuts a single-family or multifamily residential zoning district or use, a landscaped buffer yard meeting the following specifications shall be required along the side and/or rear property line of the development site:

Single-Family Zoning	Multi-Family Zoning
Type A 6 ft. Opaque	Type A 6 ft. Opaque

The buffer yard shall be measured at a right angle to the lot line. All buffering and screening requirements shall meet the standards established in Chapter 926, Landscaping and Buffering. No off-street parking or loading area shall be permitted within the required minimum buffer yard.

- A. A loading dock located adjacent to a residentially designated site and not screened from view of the adjacent residential site by an intervening building or similar structure shall be screened by an eight-foot-high wall located between the loading dock and the residential site. Wall height shall be measured from the grade elevation of the parking area adjacent to the loading dock. Plantings along the wall are required in accordance with the standards of landscape ordinance section 926.08.
- B. A loading area associated with a salvage facility (enclosed building) shall be screened from view from adjacent properties and roadways by an eight-foot-opaque feature consisting of a wall or wall and berm combination.
- C. Roadway buffers shall be provided as specified in landscape ordinance section 926.09, "Landscaping along roadways".
- D. Where a non-residential use abuts a property with a residential land use designation, the required buffer opaque feature shall consist of a wall with required understory trees and shrubs installed on the side of the wall facing the residential property.
- E. Where a wall is used in a buffer area or along a project perimeter, there shall be variation in the design of the wall, as provided below:  
 Variation shall be provided by use of one (1) or more of the following design criteria or other similar design measures approved in writing by the community development director or his designee:
  - a. Using two-color paint schemes.
  - b. Staggering the location of the wall. Straight wall length should not exceed one hundred (100) feet. The minimum dimension of a wall offset shall be three (3) feet.

- c. Accenting the wall with articulated decorative features.
- d. Breaking up the appearance of long sections of wall by the placement of landscaped berms in front of the wall. Unbermed wall sections shall not exceed one hundred (100) feet in length.

(8) *Mulch products and services special regulations.*

- (a) The administrative permit process and regulations for specific land uses ordinance section 971.04 shall apply to mulch products and services development projects, including projects that propose expansion of existing mulch operations.
- (b) Development application special information requirements:
  - 1. A list of on-site activities and materials stored, handled, processed, and produced on site (including by-products), together with a list of any MSGP (multi-sector general permit) special industry sector pollution discharge requirements applicable to the proposed project.
  - 2. A National Pollutant Discharge Elimination System (NPDES) pollution prevention plan. The pollution prevention plans shall adequately address the following:
    - a. Containment of runoff from stockpiles.
    - b. Containment of leaks and spills from vehicles and equipment used in transporting, handling, or processing materials.
    - c. Use of wind erosion control measures in stockpile, mulching/processing, and driveway areas.
  - 3. A site plan labeling and depicting the distance from any area where materials are stockpiled, loaded/unloaded, or processed outside an enclosed building to any property containing a residential dwelling (including a mobile home) within three-hundred (300) feet of such area.
  - 4. A comprehensive dust and spillage control plan that, at a minimum, addresses the following:
    - a. Treatment of stockpiles, on-site processing areas, and loading/unloading areas;
    - b. Control of dust from truck, equipment, and mulching operations on site;
    - c. Methods of treatment, such as spraying/watering systems or other dust suppressants, devices and techniques, that prevent or minimize air-borne emissions from on-site and off-site activities;
    - d. Use of mechanical dust and particulate recovery devices and techniques;
    - e. Methods of preventing, minimizing, and cleaning up material spillage on site and along adjacent roadways;
  - 5. The applicant shall submit for and obtain fire department approval of a fire protection plan that provides for adequate stockpile management and access, and fire suppression improvements.
- (c) Criteria for mulch products and services:
  - 1. Dust, particulates, and material spillage shall be controlled in accordance with the project's approved comprehensive dust and spillage control plan submitted in accordance with the above requirements. The county may attach special conditions to project approval. Such conditions may include, but are not limited to, sprinkler systems, monitoring systems, structural enclosures, or operational programs to ensure compliance with the approved dust and spillage control plan.
  - 2. Material stockpiles of non-combustible material shall not exceed a height of twenty-five (25) feet above

the grade of the adjacent project site perimeter. The height of combustible material stockpiles shall be regulated by the project's fire protection plan as approved by the fire department.

3. No area where raw materials are stockpiled, loaded/unloaded, mulched, or processed outside an enclosed building shall be located closer than three hundred (300) feet to any residential dwelling (including a mobile home) or residentially zoned property.
  4. A Type "A" buffer with six-foot-opaque feature shall be provided between any residentially zoned property or residential dwelling unit (including a mobile home) and any area where materials are stockpiled, loaded/unloaded, mulched, or processed outside an enclosed building.
  5. The following best management practices (BMPS) shall apply to the design and operation of the mulch facility.
    - A. Design and build equipment work areas, chemical storage areas, and loading/unloading areas with spill containment features and locate such areas away from any waterbodies, swales, or recharge ditches.
      - (a) Maintain an approved spill contingency plan in work, storage, and loading/unloading areas.
      - (b) Maintain periodic worker training on spill contingency procedures, including immediate and corrective actions, and the filing of incident reports.
      - (c) Maintain spill kits in work, storage, and loading/unloading areas.
    - B. Use double-lined fuel tanks with a secondary containment around the tanks.
    - C. Provide convenient and proper solid waste disposal for workers and for drivers entering or exiting the site.
    - D. Label every fifty-five-gallon drum and every container for fuel, chemical, by-product, and waste including non-hazardous waste.
      - (1) Secure all drums with lids and keep all drums in one common area marked either hazardous or non-hazardous as per RCRA (Resource Conservation Recovery Act)
      - (2) Store containers and drums under structures that provide cover and protect drums from exposure to precipitation.
      - (3) Use a covered area, conex box, or other appropriate container with spill containment to store solvents, anti-freeze, used oil, used oil filters, used rags, aerosol cans, and lead acid batteries.
    - E. Display permits on site.
    - F. Maintain on site a file of all approved plans, monitoring reports, inspections reports, incident reports, and documentation of corrective actions.
    - G. Provide county staff and post at the site entrance an emergency contact that can handle environmental and public safety incidents during and after business hours.
- (9) *Demolition debris sites.*
- (a) The WGIC overlay special regulations for concrete batch plants shall apply to demolition debris site development projects.
  - (b) The special exception process and criteria of regulations for specific land uses ordinance section 971.05 shall apply and the specific land use criteria of section 971.27(1) for demolition debris sites shall apply to demolition debris site development projects.

(10) *Concrete batch plants.*

- (a) The special exception process and regulations for specific land uses ordinance section 971.05 shall apply to concrete batch plant development projects.
- (b) Development application special information requirements:
  1. A list of on-site activities and materials stored, handled, processed, and produced on site (including by-products), together with a list of any MSGP (Multi-Sector General Permit) special industry sector pollution discharge requirements applicable to the proposed project.
  2. A national pollutant discharge elimination system (NPDES) pollution prevention plan. Such pollution prevention plan shall incorporate applicable items from the county's list of industrial best management practices (BMPs) into the pollution preventions plan. [Said list is maintained by and available from the county planning department]. In addition, the pollution prevention plans shall adequately address the following:
    - a. Containment of runoff from stockpiles.
    - b. Containment of leaks and spills from vehicles and equipment used in transporting, handling, or processing materials.
    - c. Use of wind erosion control measures in stockpile, processing areas, and driveway areas.
  3. A site plan labeling and depicting the distance from any area where materials are stockpiled, loaded/unloaded, or processed outside an enclosed building to any property containing a residential dwelling (including a mobile home) within three-hundred (300) feet of such area.
  4. A comprehensive dust and spillage control plan that, at a minimum, addresses the following:
    - a. Treatment of stockpiles, on-site processing areas, and loading/unloading areas;
    - b. Control of dust from truck, equipment, and operations on site;
    - c. Methods of treatment, such as spraying/watering systems or other dust suppressants, devices and techniques, that prevent or minimize air-borne emissions from on-site and off-site activities;
    - d. Use of mechanical dust and particulate recovery devices and techniques;
    - e. Methods of preventing, minimizing, and cleaning up material spillage on site and along adjacent roadways;
    - f. Applicable items from the county's list of industrial operation BMPs.
  5. Noise modeling data and analysis demonstrating compliance with Chapter 974 noise and nuisance requirements, including special conditions necessary to ensure compliance with Chapter 974 requirements. Such conditions may include, but are not limited to, special setbacks, buffers, noise-mitigating structures, equipment specifications, and hours of operation limitations on certain activities.
- (c) Criteria for concrete batch plants:
  1. The noise ordinance requirements of Chapter 974 shall be satisfied. Based on the approved noise modeling data and analysis submitted in accordance with the above requirements, the county may attach special noise mitigation conditions to project approval. Such conditions may include, but are not

limited to, limitations on hours of operation, use of sound barriers, and use of muffling devices or techniques to ensure compliance with Chapter 974 requirements. The following noise mitigation criteria shall be satisfied:

- a. Sound-deadening walls or panels shall be placed at truck loading/unloading areas and at bin gates.
  - b. An enclosed blower building shall be constructed and used for the pumping of fly ash.
  - c. Trucks using the site that are equipped with back-up alarms shall use alarms that direct sound toward the back of the truck.
2. Dust, particulates, and material spillage shall be controlled in accordance with the project's approved comprehensive dust and spillage control plan submitted in accordance with the above requirements. The county may attach special conditions to project approval. Such conditions may include, but are not limited to, sprinkler systems, structural enclosures, monitoring systems, and/or operational conditions to ensure compliance with the approved dust and spillage control plan. The following dust control and air emissions criteria shall be satisfied:
- a. Covers shall be provided over aggregate conveyors and mixing areas.
  - b. Siding, walls, or cladding shall be provided around aggregate discharge gates and scales.
  - c. Sprinklers shall be provided and used to wet all site areas and driveways used by trucks.
  - d. Wheel wash facilities shall be provided to prevent tracking of material off site.
  - e. As a condition of project approval, the county may require an applicant to submit air emissions monitoring reports and take corrective action to ensure compliance with applicable state and federal air emissions requirements.
3. Material stockpiles shall not exceed a height of fifteen (15) feet above the grade of the adjacent project site perimeter. The following criteria for the outdoor storage of aggregate and similar materials shall be satisfied:
- a. Stockpiles shall be contained in three-walled storage bins oriented to reduce the potential for airborne emissions from prevailing winds.
  - b. Storage bins shall be partially roofed to reduce the potential of air-borne emissions.
  - c. The height of bin walls, including vertical screening structures placed on top of bin walls, shall exceed the height of materials stockpiled within the bins by at least six (6) feet where bins are open to the sky.
4. No area where materials are stockpiled, loaded/unloaded, mixed, or processed outside an enclosed building shall be located closer than three hundred (300) feet to any residential dwelling (including a mobile home) or residentially zoned property.
5. A type "A" buffer with six-foot-opaque feature shall be provided between any residentially zoned property or residential dwelling unit (including a mobile home) and any area where materials are stockpiled, loaded/unloaded, mixed, or processed outside an enclosed building.
6. Prior to issuance of a certificate of occupancy (C.O.) for the facility, and once a year thereafter, the plant manager shall invite and meet with community representatives to exchange contact information and address actual and potential nuisances related to the plant. The list of community representatives shall be maintained by the community development department.

(11) *Single-family subdivision special regulations.*

- (a) The administrative permit process and criteria of regulations for specific land uses ordinance section 971.04 shall apply to single-family subdivision projects.
- (b) Additional information requirements:
  - 1. Location, width, composition, and a cross-section of each required buffer.
- (c) Criteria for single-family subdivision:
  - 1. The single-family residential subdivision project site shall be located west of 52nd Avenue, shall abut residentially designated property, and shall not be located or configured so as to project the footprint of a residential use into a commercial/industrial area.
  - 2. A type "A" buffer with six-foot-opaque feature shall be provided as a required subdivision improvement where the subdivision project abuts property designated C/I (commercial/industrial).

(12) *Multi-family dwellings special regulations.*

- (a) The administrative permit process for an administrative permit approved at staff level and the criteria of regulations for specific land uses ordinance section 971.04 shall apply to multi-family dwellings.
- (b) Additional information requirements: A site plan meeting the requirements of Chapter 914.
- (c) Criteria for multi-family dwellings:
  - 1. All dwelling units shall be accessory to an allowed use within the overlay area;
  - 2. In cases where a residential unit is being used in conjunction with a business in the same building, the total floor area of the residence may exceed the total floor area of the business.
  - 3. No ground-floor dwelling unit shall front a street.

(Ord. No. 2014-010, § 1, 6-3-14)