



# Municipal Code Review

Pacific Green Fertilizer Plant

City of Richland, Washington

January 26, 2024



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## Abbreviations

ADA	Americans with Disabilities Act
BMP	best management practice
CAN27	calcium ammonium nitrate 27%
CAR	Critical Areas Report
City	City of Richland
dbh	diameter at breast height
DOE	U.S. Department of Energy
DNS	Determination of Nonsignificance
EA	environmental assessment
EIS	environmental impact statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FWHCA	Fish and Wildlife Habitat Conservation Area
GFA	gross floor area
HDR	HDR Engineering, Inc.
IPaC	Information for Planning and Consultation
ITAB	Inter-Tribal Advisory Board
M-2	Heavy Manufacturing
PHS	Priority Habitats and Species
PGF	Pacific Green Fertilizer Plant
PNNL	Pacific Northwest National Laboratory
project	Pacific Green Fertilizer Plant Project
RMC	Richland Municipal Code
ROW	right-of-way
SEPA	State Environmental Policy Act
USFWS	U.S. Fish and Wildlife Service
VCT	vision clearance triangle
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife

# 1. Introduction

Atlas Agro North America Corp is proposing a fertilizer plant facility, referred to as the Pacific Green Fertilizer Plant (PGF), in Richland, Washington (Attachment E, Figures 1 and 2). PGF will produce 650,000 metric tons per year of zero-carbon nitrate fertilizer in the form of calcium ammonium nitrate 27% (CAN27), developed using a hydrogen gas-based process. The PGF project (project) is in the Northwest Advanced Clean Energy Park, City of Richland, Benton County, Washington, in a newly annexed portion of the City of Richland that was part of the Hanford site. The overall industrial park is approximately 260 acres with the proposed project utilizing approximately 130 acres in the southern portion of the park. The following narrative and code review provides a summary of the project and land use code compliance of Title 19 Development Regulation Administration, Title 22 Environment, and Title 23 Zoning Regulations of the Richland Municipal Code (RMC).

## 1.1 Zoning and Comprehensive Plan Designation

The project parcel is zoned as Heavy Manufacturing (M-2) (Attachment E, Figure 3). The site parcel's comprehensive plan designation is Industrial (Attachment E, Figure 4).

# 2. Richland Municipal Code Review

The following paragraphs and tables summarize how the proposed project complies with the applicable RMC provisions.

## 2.1 RMC Title 19 Development Regulation Administration

### 2.1.1 Chapter 19.20 RMC Types of Project Permit Application

The proposed project will fall under a Type 1 permit process per RMC 19.20.010(A) for a future Grading Permit for the project. Atlas Agro is aware of the application framework of Type 1 permits as stated in RMC 19.20.030.

### 2.1.2 Chapter 19.30 RMC Type I – III Project Permit Applications

A pre-application meeting occurred for this project on November 14, 2023. Atlas Agro will reference this chapter in its development of City of Richland (City) permit applications and is aware of the submission requirements, acceptance process, and notice of application process specified in this chapter.

### 2.1.3 Chapter 19.50 RMC Consistency with Development Regulations and SEPA

A State Environmental Policy Act (SEPA) checklist is being submitted to the City. Atlas Agro is aware of the SEPA review process and that the City is the lead agency for SEPA review.

## 2.2 RMC Title 22 Environment

### 2.2.1 Chapter 22.09 RMC State Environmental Policy Act

#### 2.2.1.1 ARTICLE II. GENERAL PROVISIONS

Atlas Agro is aware of the City's role and responsibilities as the lead agency for the project's SEPA process. Atlas Agro is also aware of the timing considerations stated in RMC 22.09.070.

#### 2.2.1.2 ARTICLE III. CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

Atlas Agro is aware of the SEPA sections of the Washington Administrative Code (WAC) and based on discussions with the City to date, anticipates this will be a Mitigated Determination of Nonsignificance (DNS). Atlas Agro is aware of the Mitigated DNS process described in RMC 22.09.120. As stated in Section 2.1.3, a SEPA checklist and associated attachments are being submitted to the City as per RMC 22.09.110.

#### 2.2.1.3 ARTICLE IV. ENVIRONMENTAL IMPACT STATEMENTS

Atlas Agro is not anticipating an environmental impact statement (EIS) will be prepared for this project. Should the City determine an EIS is required, Atlas Agro will continue to work closely with the City to determine the appropriate author of the EIS, be it the City or Atlas Agro and its consultants, and will refer to the sections of WAC cited in RMC 22.09.130.

#### 2.2.1.4 ARTICLE V. COMMENTING

Atlas Agro is aware of the SEPA comment period stated in the section of WAC listed in RMC 22.09.160. Atlas Agro is also aware of the public notice process stated in RMC 2.09.170.

#### 2.2.1.5 ARTICLE VI. USING EXISTING ENVIRONMENTAL DOCUMENTS

Atlas Agro is utilizing the environmental assessment (EA) for the land transfer the U.S. Department of Energy (DOE) initiated to allow parcels formally part of the Hanford Nuclear Reservation to be developed.

#### 2.2.1.6 ARTICLE VII. SEPA AND AGENCY DECISIONS

Atlas Agro is aware of the SEPA decision process and that the City may add conditions of approval or deny a permit on the basis of SEPA as specified in RMC 22.09.210. Atlas Agro is also aware of the appeal process stated in RMC 22.09.220.

#### 2.2.1.7 ARTICLE X. AGENCY COMPLIANCE

Environmentally sensitive areas are present on the project parcel in the form of shrub-steppe habitat that is a designated Critical Area and State Priority Habitat. Atlas Agro is aware of the City's role in addressing these areas in the SEPA process as specified in RMC 22.09.270.

### 2.2.2 Chapter 22.10 Critical Areas

#### 2.2.2.1 ARTICLE IV. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

During the initial desktop review of environmental conditions of the project parcel, the Washington Department of Fish and Wildlife's (WDFW's) Priority Habitats and Species (PHS) database was reviewed. The PHS database shows the presence of shrub-steppe habitat, state candidate species burrowing owl (*Athene cunicularia*), and state threatened species ferruginous hawk (*Buteo regalis*).



HDR Engineering, Inc., (HDR) biologists surveyed the parcel in June 2023. No burrowing owl nests were identified. HDR biologists also did not observe any ferruginous hawks during this survey. Shrub-steppe habitat was identified on the site in seven areas covering a total of approximately 17.15 acres. The extent of shrub-steppe habitat is documented in the Critical Areas Report (CAR) for the project (Attachment F, Figure 2).

**Table 1. Project compliance with RMC 22.10.200 Requirements for habitat conservation area reports.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the Fish and Wildlife Habitat Conservation Area (FWHCA) so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:	
<b>A.</b>	
The report shall be prepared by a qualified professional using the best available science;	A CAR has been prepared by HDR biologists using the best available science. Methods for the critical area survey are specified in the Critical Area Report. HDR biologists have also been in contact with WDFW to confirm their findings and assumptions, as well as to discuss mitigation for impacts to shrub-steppe habitat.  A habitat conservation area report is not required to be prepared by Atlas Agro, because impacts to shrub-steppe habitat for any project to be built on the Northwest Advanced Clean Energy Park have been mitigated for by the DOE's 120-acre mitigation sites surrounding Gable Butte and Gable Mountain.
<b>B.</b>	
The area addressed in any report for an FWHCA shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the time of application. Further, the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;	HDR biologists reviewed the site parcel and surrounding area. No wetlands, streams or shorelines were identified within the project vicinity.
<b>C.</b>	
A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:	
1. Detailed description of vegetation on and adjacent to the project area, including the existence or nonexistence of plant species native to the state of Washington identified by the Washington State Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;	The Critical Area Report verifies the previous conditions documented in the DOE land transfer EA based on additional desktop evaluation and a site visit conducted in 2023.
2. Identification of any PHS or any endangered, threatened, sensitive or candidate species and any habitat or species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the protected habitat or use of the site by the species;	The critical areas assessment process included a review of WDFW's PHS database, and a site visit to confirm the conditions of PHS on the project parcel. As stated previously, HDR biologists did not identify burrowing owl nests or ferruginous hawks. Shrub-steppe habitat was identified in the PHS database and observed on site.  HDR biologists also reviewed federal Endangered Species Act (ESA)-listed species that could be potentially present on the project parcel. This included

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
	obtaining a U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) species list. This information is presented in the CAR.
3. A discussion of any federal, state or local special management recommendations, including WDFW habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;	HDR biologists have been consulting with WDFW biologists. WDFW recommendations have been incorporated into the CAR.
4. A discussion of measures, including avoidance, minimization, and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC 22.10.220 (mitigation sequencing);	The CAR follows the mitigation sequence. It is impossible to avoid impacts to shrub-steppe habitat given the configuration of the proposed project footprint and the presence of shrub-steppe habitat on the site. As stated in the Hanford Site Revegetation Monitoring Report for Fiscal Year 2022 and included with the CAR, the DOE has mitigated the loss of the shrub-steppe habitat utilizing 25 acres of the DOE's 120-acre mitigation site surrounding Gable Butte and Gable Mountain.
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;	As stated in the CAR, it is not feasible to protect shrub-steppe habitat within the project area because the PGF facility will utilize the full 130 acres in the southern portion of the parcel, including clearing and grading of the project area. A copy of the Hanford Site Revegetation Monitoring Report for Fiscal Year 2022 is included with the CAR and describes monitoring and maintenance efforts for the mitigation site set up for the DOE land transfer of the project parcel and other surrounding parcels.
6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;	Noted.
<b>D.</b>	
Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;	HDR biologists have been working with WDFW in the preparation of the CAR. The City is presumed to be the entity that will submit a copy of the report to WDFW, as well as members of the Inter-Tribal Advisory Board (ITAB).
<b>E.</b>	
The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to WDFW.	Noted.

**Table 2. Project compliance with RMC 22.10.210 Fish and wildlife habitat conservation area – Performance standards.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards using the best available science:	





Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>A.</b>	
Consider habitat in site planning and design;	The PGF facility will be located on the southern end of the parcel that is adjacent to the previous City limits and other development on a site transferred from the DOE for industrial uses within an area zoned M-2 by the City.
<b>B.</b>	
Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas, including use of bird-friendly building design and use of dark sky lighting standards;	As stated previously, the PGF facility will be located at the southern end of the project parcel. The PGF facility is industrial in nature and will consider, to the extent practicable, bird friendly designs. Due to safety and security at the PGF facility, it is not possible to incorporate dark sky lighting standards.
<b>C.</b>	
Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;	No on-site habitat will be retained. Landscaping as required by the City will be provided.
<b>D.</b>	
Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;	Mitigation has been provided to ensure a no-net-loss of habitat function. Construction and operation of the project is not expected to degrade the adjacent shrub-steppe habitat areas or other undeveloped open space.
<b>E.</b>	
Nonindigenous species shall not be introduced into a habitat conservation area;	Nonindigenous vegetation will not be planted in the identified shrub-steppe areas on the site.
<b>F.</b>	
Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;	Corridors will not be provided within the PGF facility because the entire project area is to be developed. DOE's mitigation site described previously includes habitat corridors.
<b>G.</b>	
Identify habitat contiguous to other habitat areas, open space or landscape areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;	The DOE mitigation areas have been selected to provide continuous functioning shrub-steppe habitat.
<b>H.</b>	
Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat areas;	Proposed landscaping will be compliant with RMC 23.26.060 and RMC 23.54.160. Landscaping will include trees such as American hornbeam ( <i>Carpinus Caroliniana</i> ). Landscaping is not proposed within identified shrub-steppe habitat areas. The DOE mitigation site includes native vegetation such as big sagebrush ( <i>Artemisia tridentata</i> ), spiny hopsage ( <i>Grayia spinosa</i> ), antelope bitterbrush ( <i>Purshia tridentata</i> ) snow buckwheat ( <i>Eriogonum niveum</i> ), Munro's globemallow ( <i>Sphaeralcea munroana</i> ), and cushion fleabane ( <i>Erigeron poliospermus</i> ).
<b>I.</b>	
Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;	Mitigation planting that occurred at the DOE sites includes big sagebrush, spiny hopsage, antelope bitterbrush snow buckwheat, Munro's globemallow, and cushion fleabane that provide heterogeneity and structural diversity of vegetation.

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>J.</b>	
Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;	No riparian corridors are present on site and thus this is not applicable to the project.
<b>K.</b>	
Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, or mitigate potential adverse impacts. Conditions shall include protective buffers based on WDFW management recommendations for Washington’s priority species, modified for local conditions and the recommendations of WDFW biologists and may include, but are not limited to, the following measures: <ol style="list-style-type: none"> <li>1. Establishment of undisturbed habitat areas;</li> <li>2. Staking of undisturbed habitat areas prior to any construction, including clearing, grading and filling taking place on site;</li> <li>3. Fencing of undisturbed habitat areas in a manner consistent with the provisions of RMC 22.10.115(H);</li> <li>4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;</li> <li>5. Preservation of critically important vegetation;</li> <li>6. Supplemental planting of native tree or shrub cover;</li> <li>7. Removal and/or control of any noxious or undesirable species of plants and animals;</li> <li>8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;</li> <li>9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;</li> <li>10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;</li> <li>11. Seasonal restriction on construction activities;</li> <li>12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;</li> <li>13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125 percent of the cost of the mitigation project for a period of 5 years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.</li> </ol>	Construction limits will be clearly established to limit construction impacts to shrub-steppe habitat, and best management practices (BMPs) will be utilized to reduce erosion impacts to shrub-steppe habitat. Mitigation in the form of habitat enhancement occurred offsite on 120 acres of DOE property and is identified as a shrub-steppe mitigation site.



**Table 3. Fish and wildlife habitat conservation area alteration.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>A.</b>	
<p>Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:</p> <ol style="list-style-type: none"> <li>1. Avoiding the impact altogether by not taking a certain action or parts of actions;</li> <li>2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;</li> <li>3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</li> <li>4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;</li> <li>5. Compensating for the impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact;</li> <li>6. Monitoring the impact over time and taking corrective measures to minimize additional impacts.</li> </ol>	<p>The CAR describes the mitigation sequence. As previously described, it is not possible to avoid impacts to the shrub-steppe habitat within the project area. As such, the project will utilize 25 acres of DOE's mitigation sites near Gable Butte and Gable Mountain.</p>
<b>B.</b>	
<p>Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in RMC 22.10.210.</p>	<p>Impacts to shrub-steppe habitat are unavoidable because the project parcel has shrub-steppe habitat throughout. The DOE's 120-acre mitigation site provides off-site enhancement for projects that impact shrub-steppe habitat at the Northwest Advanced Clean Energy Park, including the PGF facility. As previously stated, 25 acres of the DOE mitigation site will mitigate for the loss of shrub-steppe habitat from the project.</p>

**2.2.2.2 ARTICLE VII. GENERAL STANDARDS**

Atlas Agro is aware of the permit application requirements and process specified in RMC 22.10.370. Atlas Agro is also aware of the requirements of a qualified professional to delineate critical areas and the enforcement policy and penalties for unauthorized alterations to critical areas as specified in RMC 22.10.380, RMC 22.10.415, and RMC 22.10.435.

**2.3 RMC Title 23 Zoning Regulations**

**2.3.1 Chapter 23.01 Comprehensive Plan**

Atlas Agro is aware of the City of Richland Comprehensive Plan, which was adopted on October 1, 2019. The project parcel is within an area previously identified as an urban growth area that has since been annexed by the City. The comprehensive plan land use designation for the project parcel is Industrial. The PGF facility will be an industrial facility that fits the City's planning view of the site and the surrounding area specified in the Comprehensive Plan.

**2.3.2 Chapter 23.08 Use Districts**

The project is in the M-2 or Heavy Manufacturing District utilized for warehouses and manufacturing per RMC 23.08.010 and the City zoning map. The PGF facility will be a manufacturing facility fitting

the zone use designation. Design of the PGF facility incorporates the appropriate M-2 design requirements as stated in Title 23 RMC and demonstrated in Section 2.3 of this document.

### 2.3.3 Chapter 23.26 Industrial Zoning Districts

**Table 4. Project compliance with RMC 23.26.020 Industrial performance standards and special requirements.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code														
<b>A.</b>															
I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:															
1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.	No smoke emissions are anticipated at the PGF facility for the purpose of building fires or soot blowing.														
2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.	The PGF facility will maintain particulate emissions and utilize BMPs to limit dust emissions produced at the PGF facility. BMPs proposed include the following: <ul style="list-style-type: none"> <li>• Dust collectors/baghouses to reduce particulate matter emissions from the granulator and material handling activities</li> <li>• Drift eliminators to reduce particulate matter emissions from the cooling towers</li> <li>• Environmental Protection Agency (EPA)-certified backup engines for power and firewater</li> <li>• Paving facility roadways and implementing a fugitive dust control plan to minimize fugitive dust emissions.</li> </ul>														
3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows: <ol style="list-style-type: none"> <li>a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.</li> <li>b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:</li> </ol> <p>ALLOWANCE FOR HEIGHT OF EMISSION</p> <table border="1" data-bbox="181 1438 690 1738"> <thead> <tr> <th>Height of Emission Above Grade (feet)</th> <th>Correction Pounds per Hour per Acre</th> </tr> </thead> <tbody> <tr> <td>50</td> <td>0.01</td> </tr> <tr> <td>100</td> <td>0.06</td> </tr> <tr> <td>150</td> <td>0.10</td> </tr> <tr> <td>200</td> <td>0.16</td> </tr> <tr> <td>300</td> <td>0.30</td> </tr> <tr> <td>400</td> <td>0.50</td> </tr> </tbody> </table> <p>The result is the net hourly rate of emission in pounds per acre from each source of emission.</p> <p>Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.</p>	Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre	50	0.01	100	0.06	150	0.10	200	0.16	300	0.30	400	0.50	Atlas Agro will follow the particulate measuring standard per this subsection in determining site emissions.
Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre														
50	0.01														
100	0.06														
150	0.10														
200	0.16														
300	0.30														
400	0.50														



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<p>4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.</p>	<p>A noise analysis has been conducted for the project and determined the PGF facility will be in compliance with Chapter 173-60 WAC (Attachment G).</p>
<p>5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.</p>	<p>Vibration restrictions are included in the QuitClaim Deed due to the project parcel's proximity to the Pacific Northwest National Laboratory (PNNL). Atlas Agro performed a preliminary analysis of the main sources of vibration. The PNNL facility, the closest building in the vicinity, operates high precision instruments which are sensible to vibration. The location of the main centrifugal machines (compressors and turbines that generate the most vibrations) are approximately 1 kilometer from the high precision instruments of PNNL. Based on the analysis conducted for the new sources of vibration from the PGF facility, the effects of vibration are negligible and in compliance with the requirements of QuitClaim Deed.</p>
<p>6. Odor. All measurements of odor for purposes of this standard shall be made according to the "dilution method" as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:</p> <ul style="list-style-type: none"> <li>a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.</li> <li>b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).</li> </ul> <p>For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill ("The Estimation of the Dispersion of Windborne Material," <i>Meteorol. Mag.</i>, 90, 1063, 33-49, 1961) as modified by Gifford ("Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion," <i>Nuclear Safety</i>, 2, 47-51, 1961) shall be used.</p> <p>The atmospheric conditions to be assumed for this calculation are:</p> <ul style="list-style-type: none"> <li>i. Stability Category F, moderately stable air;</li> <li>ii. Surface wind speed of one meter/second (about two mph).</li> </ul> <p>A procedure and necessary graphs for making this estimate are given in D. Bruce Turner's "Workbook of Atmospheric Dispersion Estimates," Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.</p>	<p>Odor measurements will follow the "dilution method" specified in this subsection and will not exceed the threshold specified in RMC 23.26.020(A)(6)(a).</p>
<p>7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.</p>	<p>No toxic or noxious gases will be released at the PGF facility. The project design includes various measures to avoid and/or minimize an accidental release including leak detectors near process areas, ammonia emergency relief flare system, double-walled tanks for ammonia storage, and alarm signals.</p>

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.	Steam will be a byproduct of the PGF facility and will be recycled for internal plant processes to reduce waste. No steam would be released to the atmosphere during normal operation. Building materials will comply with code requirements. The site has been designed to reduce heat, glare, and humidity. In addition, outdoor lights will be focused toward the ground, equipped with shielding, and/or equipped with refractors to limit light emitted above the horizontal.
9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.	All waste produced at the PGF facility will be disposed of in compliance with state and federal regulations.
10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the City.	Atlas Agro has coordinated with the Richland Fire Department on proper emergency facilities and response for fire risk at the PGF facility. Flammable materials produced and stored at the PGF facility will be done so in accordance with the City fire code.

Atlas Agro is aware potential enforcement of industrial performance standards as specified in RMC 23.26.025. Pursuant to the table in RMC 23.26.030, the PGF facility is a permitted use within M-2 zoned areas as general and heavy manufacturing uses are permitted within the M-2 zoning designation. According to the table in RMC 23.26.040, there are no height restrictions or minimum setback distances for the project parcel. Right-of-way (ROW) widths for Horn Rapids Road and Stevens Drive adjacent to the project parcel are 80 feet and 150 feet respectively, meaning no setback from the road centerline is required per Note 1 on the table in RMC 23.26.040. No height restrictions are required by the City. Parking and landscaping are addressed in Table 8 and Table 9 in Section 2.3.5 of this document.

### 2.3.4 Chapter 23.38 Supplementary Yard and Area Regulations

Since there are no required setbacks for the project parcel, the project will be compliant with RMC 23.38.030. Any outdoor stairways will have railings that do not exceed 3 feet in height per RMC 23.38.030(C). Compliance with RMC 23.38.070 Fences is outlined in Table 5.

**Table 5. Project compliance with RMC 23.38.070 Fences.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
Fences are permitted as follows:	
<b>A.</b>	
Open Fences (fences constructed of panels/sections with at least 50 percent open spaces such as non-slatted chain link, wrought iron, picket or rail fencing). <ol style="list-style-type: none"> <li>1. Six feet high, anywhere on the lot, provided that they shall be no closer to a street ROW than the building setback line in the same zone, except as provided for in subsections (E) and (F) of this section.</li> <li>2. Four feet high, anywhere on the lot and within adjoining street ROW to within 1 foot behind sidewalk or 5 feet behind back of curb; provided, that they do not form sight obstructions at intersections or at curves.</li> <li>3. Open fences constructed in conjunction with public playgrounds, public utilities and other public installations shall be no closer than 10 feet to</li> </ol>	Open perimeter fencing is proposed for the PGF facility. There are no minimum setbacks for the industrial zoning. The perimeter fence (set at 6 feet in height) will be approximately 20 feet from the west parcel line at its closest point to the parcel boundary.



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
the curb line, but such fences may be any height necessary for safety and security.	
<b>B.</b>	
Other Fences. <ol style="list-style-type: none"> <li>Six feet high, anywhere on the lot; provided, that they shall be no closer to the street ROW than the building setback line in the zone, except as provided in subsections (E) and (F) of this section.</li> <li>Three feet high, anywhere on the lot and within adjoining street ROW to within 1 foot behind sidewalk or 5 feet behind back of curb; provided, that they do not form sight obstructions at intersections, or at curves.</li> </ol>	Not applicable as no "other fences" are proposed for the project.
<b>C.</b>	
Fence height shall be measured above the highest grade within 2 feet of the fence line.	Noted
<b>D.</b>	
Fences and hedges shall be constructed and maintained in accordance with the requirements of Chapter 12.11 RMC, Intersection Sight Distance.	Fences and landscaping will not interfere with sight distance requirements specified in Chapter 12.11 RMC.
<b>E.</b>	
Fences up to 6 feet high may be built inside the property line and adjacent to arterial streets on lots having access to other streets when provisions for other such fencing are included in approved subdivision plats in accordance with RMC 24.08.140 and 24.16.260 or when special approval is granted by the administrative official. When fences are constructed under this provision, the following requirements shall apply: <ol style="list-style-type: none"> <li>The adjacent strip of land between the fence and the back of the adjacent sidewalk shall be improved by the property owner concurrent with installation of fencing;</li> <li>The property owner shall provide a treatment plan for the strip of land as part of the building permit application process;</li> <li>The treatment plan shall provide for minimum treatment with grass, decorative rock, wood, bark, or any combination of such materials or similar materials in a manner that will minimize disturbance by natural elements or pedestrians. Xeriscaping with native plants and other low maintenance landscaping materials is encouraged;</li> <li>Fence installation and treatment of the strip of land shall be completed within six months after a permit is obtained;</li> <li>Trees or shrubs may be planted on or behind the centerline (fence side) of the strip of land and shall be continuously maintained in a manner that will not interfere with normal pedestrian and vehicular uses on the adjacent sidewalk and street;</li> <li>No vehicular access is allowed through any such fences except for occasional maintenance purposes; and</li> <li>Where no sidewalk or curb is required on an arterial street or highway, any required landscape treatment need not extend further than 7.5 feet toward the street from the fence, provided, however, that the administrative official may waive, wholly or in part, the requirement of landscape treatment after finding that special circumstances exist which justify such a waiver.</li> </ol>	Not applicable as the parcel is not a subdivision plat.
<b>F.</b>	
For corner lots and lots with triple-street frontages, solid fencing on the flanking street over 3 feet in height and open fencing over 4 feet in height must be set back 5 feet from the property line or 10 feet from the back of the sidewalk if existing, whichever is greater. This is not applicable to the primary front yard (see diagram below).	No fence will be within 10 feet of the road or the small strip of sidewalk on the northwest corner of Horn Rapids Road and Stevens Drive.



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>G.</b>	
Barbed Wire and Electric Fences. The use of barbed wire and electrically charged fences is prohibited except as follows: <ol style="list-style-type: none"> <li>Such fences may be used in areas zoned for agricultural uses for the purpose of confining livestock.</li> <li>Barbed wire fences may be used in general business C-3 district, business and industrial, zones around outdoor storage areas, and in any zone for security around public facilities.</li> </ol>	Barbed wire fences are proposed for the PGF facility. No electric fences are proposed.

As stated in Section 2.3.3, there are no City height restrictions for the project parcel. Atlas Agro is aware of the landscaping maintenance requirements specified in RMC 23.38.110.

### 2.3.5 Chapter 23.54 Off-Street Parking and Landscaping

During the pre-application meeting for this project (November 14, 2023), the City indicated the PGF facility will need to comply with parking standards for both professional office space and manufacturing. In accordance with the table in RMC 23.54.020, professional office space requires one space per every 350 feet of gross floor area (GFA). Manufacturing facilities require one space per every two employees on the largest shift. The project proposes 62 spaces for manufacturing employees and 23 spaces (19 regular spaces and 4 Americans with Disabilities Act [ADA] spaces) for office employees. This exceeds the required spaces for manufacturing (60) and meets the required spaces for professional office space (23). Parking spaces will be located within 300 feet of the building or use served per RMC 23.54.090(B). Table 6 and Table 7 demonstrate compliance with RMC 23.54.040 for motorcycles and RMC 23.54.050 for bicycles at the PGF facility.

**Table 6. Project compliance with RMC 23.54.040 Motorcycles.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
Parking spaces for motorcycles shall be provided as follows:	
<b>A.</b>	
All multiple-family developments and nonresidential uses listed in RMC 23.54.020 shall provide one motorcycle space for every 25 required automobile spaces, with a minimum of one space.	The PGF facility will have six motorcycle spaces, exceeding the required four spaces.
<b>B.</b>	
Each motorcycle space shall be easily accessible and have adequate space for a standard size motorcycle.	Motorcycle parking will be located at the main entrance. Spaces will be 3 feet by 8 feet.
<b>C.</b>	
Spaces shall be surfaced in accordance with RMC 23.54.110.	Motorcycle spaces will comply with the surfacing requirements of RMC 23.54.110.
<b>D.</b>	
The normal automobile parking requirement may be reduced by one space for every three motorcycle spaces provided, up to a maximum reduction of 5 percent of the required spaces.	Noted
<b>E.</b>	
Motorcycle parking areas shall be clearly identified with appropriate striping.	Motorcycle spots will be clearly striped to identify them as motorcycle spots.





**Table 7. Project compliance with RMC 23.54.050 Bicycles.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
Parking spaces for bicycles shall be provided as follows:	
<b>A.</b>	
All commercial (office, retail, wholesale, warehousing), industrial, institutional, and recreational uses, except businesses whose main purpose is servicing automobiles, shall provide a minimum of five bicycle spaces, with an additional bicycle space for each 30 required parking stalls. Schools shall provide five spaces per elementary and junior high classroom, and two spaces per high school classroom.	The PGF facility will include bicycle racks sufficient to hold eight bikes, exceeding the seven required. Bike racks will be located at the main entrance gate and adjacent to the administration building.
<b>B.</b>	
Devices shall be provided to which bicycles can be securely locked.	Bike racks will be provided for secure bike parking.
<b>C.</b>	
Spaces shall be easily accessible, large enough to park a full sized 10-speed bicycle when other bicycles are present, have a durable and dust-free surface, graded and drained, and be maintained in a trash-free manner.	Bike racks will be designed to easily fit a modern bicycle and will be designed to withstand outdoor conditions.
<b>D.</b>	
Spaces shall be adequately illuminated during normal hours of operation.	Bike parking will be illuminated.

A parking layout plan will be submitted with construction and building permit applications per RMC 23.54.120. Loading and unloading spaces will be provided throughout the site and will be at least 10 by 25 feet. Covered loading areas will have at least 15 feet of clearance. Table 8 demonstrates compliance with RMC 23.54.140 for landscaping.

**Table 8. Project compliance with RMC 23.54.140 Landscaping of parking facilities.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
The purpose of landscaping requirements for parking facilities is to protect and promote the public health, safety, and general welfare by reducing wind and air turbulence, heat and noise, and the glare of automobile lights; to act as a natural drainage system and ameliorate stormwater drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the blighted appearance of parking facilities; and to generally preserve and promote a healthful and pleasant environment.	
<b>A.</b>	
Design Criteria. Landscape areas shall be located in such a manner as to divide and break up the large expanses of pavement; divide and define driveways, parking stalls and corridors; limit cross-taxiing; delineate and separate pedestrian and vehicular traffic and screen parking facilities from abutting properties. Planting areas and landscaping shall be reasonably dispersed throughout the parking lot with the interior dimensions of such areas being sufficient to protect the landscaping materials planted therein and to ensure proper growth. The primary landscaping materials used shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other planting materials shall be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is encouraged as a component of the landscape plan.	Parking lot landscaping is not required for industrial-zoned parcels per the exemptions in subsections B through D. Perimeter landscaping provided meets the City requirements per subsections E through H as well as RMC 23.54.160.

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>B.</b>	
<p>Interior Coverage. A minimum of 5 percent of the interior of a parking facility shall be landscaped. Landscaping which is required for screening along the perimeter of any lot and border plantings adjacent to buildings upon which a parking lot abuts shall not be considered as part of the interior coverage requirements. Parking spaces abutting a perimeter for which landscaping is required by other requirements of this section shall not be considered as a part of the interior of the parking facility.</p> <ol style="list-style-type: none"> <li>1. For off-street parking facilities providing 10 or fewer parking stalls as required by RMC 23.54.020, and in areas zoned for industrial use, the interior coverage requirements stated herein shall not apply.</li> <li>2. Any interior landscape area shall contain a minimum of 50 square feet, shall have a minimum dimension of at least 5 feet, and shall include at least one tree with the remaining area adequately landscaped with shrubs, ground cover or other approved landscaping materials not to exceed 3 feet in height.</li> <li>3. Trees shall number not less than one for each 100 square feet of required interior coverage.</li> </ol>	<p>Not applicable as the PGF facility will be in an area zoned for industrial use.</p>
<b>C.</b>	
<ol style="list-style-type: none"> <li>1. Perimeter landscape strip shall be planted or installed with a wall, hedge, or other durable landscape barrier to form a continuous screen between the parking facility and abutting property. The height of any such barrier shall be not less than 3 feet and no more than 6 feet.</li> <li>2. Trees shall also be planted for each 40 linear feet and shall have at least 25 square feet of planting area.</li> <li>3. Where a proposed parking facility abuts an existing hedge, wall or other durable landscape barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this subsection; provided, that said existing barrier meets all applicable standards of this section.</li> </ol>	<p>N/A; the PGF facility will be located in an area zoned for industrial use.</p>
<b>D.</b>	
<p>Perimeter Coverage Adjacent to Public Right-of-Way. A minimum landscape strip of 10 feet in width shall be required along any side of a parking facility that abuts a public right-of-way, excluding dedicated alleys; provided, that in areas zoned for industrial use, the perimeter coverage requirements stated herein shall not apply.</p> <ol style="list-style-type: none"> <li>1. Perimeter landscape strip shall be planted or installed with a wall, hedge, or other durable landscape barrier of at least 3 feet in height which shall be placed along the parking facility side of such landscape strip.</li> <li>2. If such a durable barrier is of nonliving material, one shrub for each 10 linear feet shall be planted along the street side of such barrier, provided that if the shrubs are of sufficient height at the time of planting to be readily visible over the top of such barrier, they may be planted along the parking facility side of such barrier. The remainder of the landscape strip shall be landscaped with ground cover or other approved landscape treatment excluding pavement.</li> <li>3. At least one shrub for each 50 square feet shall be provided.</li> <li>4. Trees shall also be planted for each 30 linear feet or portion thereof and shall have at least 50 square feet of planting area.</li> <li>5. No tree, as measured from its center, shall be located within 10 feet of a street light standard, or within 5 feet of a fire hydrant, a vehicular driveway, or a public sidewalk.</li> </ol>	<p>N/A, the PGF facility will be located in an area zoned for industrial use.</p>



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>E.</b>	
Landscaping Material. Landscaping materials used to achieve the design criteria in conformance with provisions of this section shall conform to the following standards:	
1. Trees shall be species having an average mature spread of crown of greater than 15 feet and shall be a minimum of 6 to 8 feet in height and have a diameter at breast height (dbh) caliper of at least 1.5 inches at planting. DBH is measured at 4.5 feet from average grade within 6 feet of the tree trunk so as not to include mounding at the tree base. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Tree species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely contained within a barrier being a minimum of 5 feet deep and 5 feet wide.	Trees proposed for landscaping are American hornbeam which reach up to a 20-foot spread and meet the spread of crown requirement. At planting, trees will be at least 6 feet tall and 1.5 inches dbh.
2. Shrubs shall be a minimum of 2 feet in height when measured immediately after planting.	Shrubs are not currently proposed for the PGF facility.
3. Hedges shall be planted and maintained so as to form a continuous, unbroken, solid, and visual screen within a maximum of two years after time of planting.	No hedge plantings are proposed for the PGF facility.
4. Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified in this section.	No vines are proposed for the PGF facility.
5. Lawn grass shall be planted in species normally grown as permanent lawn in Benton County. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion, and provided that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.	Grass will be a native Benton County bunchgrass species. The installation method has not been selected yet but will comply with City code.
6. Ground covers used in lieu of grass shall be planted or installed in such a manner as to present a finished appearance, and if of living material, shall complete coverage within 12 months after planting.	Bunchgrass is proposed in some areas of the landscape strip.
<b>F.</b>	
Coverage Transfer to Public Right-of-Way. For sites where landscaping coverage of a public ROW would comply with the general intent and standards of this section, the transfer of the area requirements, or a portion thereof, from within the property line to the public ROW may be approved by the City, provided that the area measurement shall not be less than that required by, and shall comply with, all other design standards and requirements of this section, and further provided that a revocable permit for use of the ROW shall be secured from the City by the owner of the site by stipulating full financial responsibility for costs of movement, replacement and relocation should such permit be revoked by the City.	Not applicable as there is no ROW landscaping adjacent to the project area.
<b>G.</b>	
Driveway and Street Intersections. To ensure that landscape materials do not constitute a safety hazard, a vision clearance triangle (VCT) shall be provided at all intersections of public ROWs and driveways. Within this VCT area unobstructed cross-visibility at a level between 3 feet and 10 feet shall be provided. However, trees having limbs or foliage trimmed, except during early growth stages, so as to not extend into the VCT area shall be allowed. Landscaping material shall not be located closer than 4 feet from the edge or top of the curb line or driveway apron, except for required ground cover. The VCT for said intersections shall be as follows:	Landscaping at the site driveways will not obstruct the VCT.

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<ol style="list-style-type: none"> <li>1. At intersections of public rights-of-way the VCT shall be formed by measuring 20 feet along each property line from the intersection and connecting the end point of such lines formed by such measurement.</li> <li>2. At intersections of driveways with public rights-of-way the VCT shall be formed by measuring 10 feet along the property line and the driveway apron or top of the curb lines and connecting the end point of such lines formed by such measurement.</li> </ol>	
<b>H.</b>	
<p>Curbing. In order to protect the landscaping materials planted and to ensure proper growth, all planter areas shall be separated from contiguous property, including parking stalls, by curb stops. Such curb stops shall be of Portland cement or shall otherwise conform to Standard Specifications for Municipal Public Works Construction (APWA Standards), or shall be approved by the city engineer.</p>	<p>Curb stops are proposed to separate all landscaping from non-landscaped areas on the site.</p>
<b>I.</b>	
<p>Installation. All landscaping shall be installed in a workmanlike manner and according to accepted good planting procedures. All elements of landscaping, exclusive of plant material other than hedges, shall be installed so as to meet all other applicable ordinances and code requirements.</p>	<p>Noted</p>
<b>J.</b>	
<p>Maintenance. The owner, tenant or duly authorized agent, if any, shall be responsible for the maintenance of all landscaping required pursuant to this section. Such landscaping shall be maintained in good condition so as to present a neat and orderly appearance, shall be kept free from refuse and debris, and living landscape material shall be kept alive and in a healthy condition. If an underground irrigation system is not provided, all landscaped areas shall be provided with a readily available water supply with at least one outlet located within 150 feet of all plant material to be maintained.</p> <ol style="list-style-type: none"> <li>1. The administrative official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.</li> <li>2. In those cases where landscaping cannot be safely installed due to the time of year without jeopardizing living landscape material, or for other good cause, a temporary certificate of occupancy may be issued for a period of six months, provided that the property owner, lessee, or duly authorized agent shall furnish satisfactory assurances guaranteeing installation of the approved landscaping.</li> </ol>	<p>Atlas Agro will be responsible for landscaping installation and maintenance.</p>
<b>K.</b>	
<p>Landscaping of Existing Lots. Any reconstruction of a building or structure or lot area, including off-street parking facility, consisting of increases of 50 percent or greater of the existing building lot area or parking facility shall be subject to the standards specified herein. In such cases, the existing parking facility, as well as any new facility, shall be improved in accordance with the standards stated herein, provided that:</p> <ol style="list-style-type: none"> <li>1. A sufficient period of time, but no longer than three years, shall be allowed to bring existing development into compliance with the standards stated herein.</li> <li>2. In instances where existing parking spaces are used to achieve compliance, the parking facility shall be considered to comply with the parking standards and requirements of RMC 23.54.020, provided, however, that no more than 10 percent of the total number of required spaces may be removed for purposes of providing landscape areas.</li> <li>3. No alteration of existing building nor acquisition of additional land to increase the lot area shall be required in order to bring the property into compliance with the landscaping requirements herein.</li> </ol>	<p>Not applicable as no landscaping exists on the current parcel.</p>



**Table 9. Project compliance with 23.54.160 Perimeter landscaping of industrial facilities.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
Plans for construction and development of new uses on parcels of land zoned industrial (I-M, and M-2) pursuant to the City's zoning ordinance shall include, along with other required plans, a landscaping plan that, at a minimum, sets forth landscape treatment adjacent to all public ROWs.	
<b>A.</b>	
<p>Landscape Plan Requirements. A landscaping plan, drawn to scale, shall include the following information:</p> <ol style="list-style-type: none"> <li>1. Property boundaries;</li> <li>2. Location of existing and proposed buildings and uses;</li> <li>3. Driveway intersections with streets;</li> <li>4. Location of plantings;</li> <li>5. Common and scientific names of plantings;</li> <li>6. Size and description of plantings, height and caliper at planting, and spread of crown at maturity for trees; and</li> <li>7. Location of underground sprinklers.</li> </ol>	A landscaping plan meeting these requirements is included in Attachment E, Figure 6.
<b>B.</b>	
Minimum Design Criteria. A landscape strip shall be located adjacent to all public ROWs in that portion of the parcel on which construction or development is proposed and shall meet the following minimum criteria:	
1. The landscape strip shall be a minimum of 10 feet in width.	The landscape strips along Horn Rapids Road and Stevens Drive will be a minimum of 10 feet wide.
2. One tree is required for each 40 linear feet or portion thereof of the required landscape strip, and each tree shall have at least 50 square feet of planting area. Trees shall be planted in a balanced manner throughout the required landscape strip but are not required to be planted on 40-foot centers.	At least one tree will be planted for every 40 linear feet of the planting strips. Trees will have at least 50 square feet of planting area.
3. No tree, as measured from its center, shall be located within 10 feet of a street light standard, or within 5 feet of a fire hydrant, a vehicular driveway, or a public sidewalk.	Trees will not be within 10 feet of existing street lights or 5 feet of fire hydrants, driveways, and sidewalk.
4. In addition to the required trees, the entire landscape strip shall, at a minimum, include landscape cover of decorative rock, bark, or similar treatment. Vegetative cover of lawn, low-lying shrubs, or flowers are encouraged.	Decorative rock is proposed for the perimeter landscape strips.
5. Landscape areas shall be provided with an underground irrigation system capable of sustaining the required trees and other planted vegetation. Low water consumptive landscape techniques are encouraged.	Irrigation is proposed for all landscaping.
<b>C.</b>	
Landscaping Material. Landscaping materials used to achieve the design criteria set forth in this section shall conform to the following standards:	
1. Trees shall be species having an average mature spread of crown of greater than 15 feet and shall be a minimum of 8 feet overall height and a 1.5-inch caliper immediately after planting. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Tree species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is installed within an approved root barrier.	Trees proposed for landscaping are American hornbeam, which reach up to a 20-foot spread and meet the spread of crown requirement. At planting, trees will be at least 6 feet tall and 1.5 inches dbh.
2. Lawn grass shall be planted in species normally grown as permanent lawn in Benton County. Grass areas may be sodded, sprigged, or	Grass will be a native Benton County bunchgrass species. The installation method has not been selected yet but will comply with City code

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
seeded, except that solid sod shall be used in swales or other areas subject to erosion.	
<b>D.</b>	
Installation. All landscaping shall be installed in a workmanlike manner and according to accepted good planting procedures. Trees shall be staked on planting to avoid disturbance by wind and shall remain staked for a minimum of one year after planting.	Noted
<b>E.</b>	
Coverage Transfer to Public Right-of-Way. For sites where landscaping coverage of a public ROW would comply with the general intent and standards of this section, the transfer of the area requirements, or a portion thereof, from within the property line to the public ROW may be approved by the City, provided that the area measurement shall not be less than that required by, and shall comply with, all other design standards and requirements of this section; and further provided, that a revocable permit for use of the ROW shall be secured from the City by the owner of the site by stipulating full financial responsibility for costs of movement, replacement, and relocation should such permit be revoked by the City.	Not applicable as there is no ROW landscaping adjacent to the project parcel.
<b>F.</b>	
Driveway and Street Intersections. To ensure that landscape materials do not constitute a safety hazard, a VCT shall be provided at all intersections of public ROWs and driveways. Said VCT shall comply with all provisions of Chapter 12.11 RMC, Intersection Sight Distance.	Landscaping at the site driveways will not obstruct the VCT.
<b>G.</b>	
<p>Maintenance. The owner, tenant, or duly authorized agent, if any, shall be responsible for the maintenance of all landscaping required pursuant to this section. Such landscaping shall be maintained in good condition so as to present a neat and orderly appearance, shall be kept free from refuse and debris, and living landscape material shall be kept alive and in a healthy condition. Landscaping shall at all times be maintained in a manner consistent with the vehicular sight distance requirements of subsection (F) of this section.</p> <ol style="list-style-type: none"> <li>1. The administrative official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.</li> <li>2. In those cases where landscaping cannot be installed due to the time of year without jeopardizing living landscape material, or for other good cause, a temporary certificate of occupancy may be issued for a period of six months, provided that the property owner, lessee, or duly authorized agent shall furnish satisfactory assurances guaranteeing installation of the approved landscaping.</li> </ol>	Atlas Agro will be responsible for landscaping installation and maintenance.
<b>H.</b>	
Adjustment of Landscaping Standards. Adjustments from the specific requirements of this section shall be reviewed and approved in accordance with the provisions of RMC 23.54.150.	No adjustments to landscaping standards are proposed.



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>I.</b>	
<p>Landscaping of Developed Industrial-Zoned Property. On developed industrially zoned properties whenever any structure(s) is altered, expanded or reconstructed in a manner which increases the total gross floor area of structure(s) located on the lot by 50 percent or more over what existed on March 21, 1994, or whenever a change of use occurs to an existing structure or facility which increases the required number of parking stalls by 50 percent or more over what was required of the prior use, landscaping of the lot shall be provided in accordance with the provisions of this subsection.</p> <ol style="list-style-type: none"> <li>1. The square footage of landscaped area provided pursuant to this subsection shall be the same as would be required if a new facility were constructed on the parcel.</li> <li>2. Landscaping shall be located on the property in accordance with provisions for new industrial facilities. In those instances where existing structures and/or pavement preclude the location of the required landscaping adjacent to the street ROW as set forth for new facilities, landscaping shall be located on the lot in a manner that most closely meets the objectives of the landscaping requirements by providing an aesthetically appealing streetscape and providing for uniformity of appearance in the industrially zoned areas of the city.</li> <li>3. No alteration of existing structures, acquisition of additional land, or removal of existing asphalt/concrete walks, drives or parking areas shall be required in order to bring the property into compliance with landscaping requirements herein.</li> </ol>	<p>Not applicable as the project parcel is undeveloped.</p>
<b>J.</b>	
<p>A temporary exemption may be granted upon the filing and acceptance by the City of an application by any start-up business for a delay in installing required landscaping. This exemption may be granted up to, but shall not exceed, four years. The following information must be provided by the applicant to the administrative official, to demonstrate:</p> <ol style="list-style-type: none"> <li>1. The business has no more than three years of business history;</li> <li>2. No more than one corporation may be an investor in the start-up business and that corporation cannot own more than 10 percent of the start-up business; and</li> <li>3. The landscape ordinance imposes a financial burden on the start-up business such that deferral of the required landscaping would increase the likelihood of the new business's success. Criteria to establish this hardship must be provided to the above designated personnel and approval of the exemption shall not be unreasonably withheld. The determination of City staff shall be final.</li> </ol>	<p>Not applicable as Atlas Agro does not meet any of the temporary exemption criteria.</p>

### 2.3.6 Chapter 23.58 Outdoor Lighting Standards

**Table 10. Project compliance with RMC 23.58.030 Outdoor light fixtures – General requirements.**

Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>A.</b>	
<p>Uplight Shielding. Unless otherwise provided for in this chapter, all outdoor light fixtures installed after the enactment of the ordinance codified in this chapter shall be fully shielded in such a manner that the center of light source shall be level or above the edge of the light fixture so that direct light emitted above the horizontal is minimized. All outdoor lighting fixtures, in lieu of shields, shall be equipped with refractors which minimize any direct light emitted above the horizontal.</p>	<p>Exterior lighting will be shielded to minimize light emitted above the horizontal. All outdoor lighting fixtures, in lieu of shields, will be equipped with refractors which minimize direct light emitted above the horizontal.</p>



Land Use Code Requirement	Evaluation of Compliance with Land Use Code
<b>B.</b>	
Directed or “Good Neighbor” Shielding. All outdoor light fixtures shall be shielded in a manner that directs light downward and limits direct line of sight of a fixture’s lamp to the property upon which the fixture is installed, unless excluded by RMC 23.58.050.	All light fixtures, except accent lighting, will be directed downward.
<b>C.</b>	
Light Pole Height. Light poles may not exceed the height of the nearest streetlight. Sports complex light poles are not subject to this requirement.	Light poll heights will not exceed the heights of the streetlights on Stevens Drive.
<b>D.</b>	
Parking Areas. All parking areas are subject to the lighting standards contained in this chapter.	Noted.
<b>E.</b>	
Amortization of nonconforming outdoor light fixtures and lighting shall be as follows: <ol style="list-style-type: none"> <li>1. Any lighting required by this chapter or any luminaire that modifies or replaces a grandfathered luminaire or any luminaire that is moved must meet the standards of this chapter.</li> <li>2. Subsection (E)(5) of this section is specific to the fixture being modified or moved.</li> <li>3. Replacement of a bulb or ballast does not trigger compliance with this chapter.</li> <li>4. A change of land or building use requires compliance with this chapter.</li> <li>5. Substantial improvement to property (as defined in RMC 23.06.890) requires compliance with this chapter.</li> </ol>	Not applicable as lighting will be new to the project area and in compliance with the City code.
<b>F.</b>	
Operation of one solid color, single beam searchlight is allowed for community events, and for events for a period of three days not to exceed one time per year with the written approval of the administrative official. Nonconforming searchlights must be in compliance with this chapter within one year of the date of adoption. Searchlights are not permitted for commercial advertising. Searchlights may not be operated during periods of fog, and shall not be operated between 10:00 p.m. and sunrise.	Not applicable as no searchlights are proposed.
<b>G.</b>	
Private streetlights owned by property owners’ associations or similar groups must be shielded in accord with subsection (A) of this section.	Not applicable as no private streetlights are proposed.
<b>H.</b>	
Bridge, flag, fountain, statue, monument, and similar public artwork and feature lighting is permitted, provided such lighting does not cause the spilling of direct light to other properties or public ways.	Not applicable as no accent or feature lighting is proposed.
<b>I.</b>	
Building accent and landscaping lighting is permitted, provided the light is targeted at the feature to be illuminated, and reflected light is the only upward lighting that occurs.	Not applicable as no accent or feature lighting is proposed.

Atlas Agro is aware of the unlawful acts stated in RMC 23.58.040. The PGF facility does not propose any lighting that meets the exclusions criteria of RMC 23.58.050.





### 2.3.7 Chapter 23.70 Administration, Enforcement, Amendment

Atlas Agro is aware of the building permits required to construct the PGF facility. No variances are proposed for this project. Atlas Agro is aware of potential required public hearing and appeal processes.