

ORDINANCE NO. 2019-11-_____

An ordinance relating to land use adopting amendments to the Clark County 20-year Comprehensive Growth Management Plan 2015-2035 map, zoning map, comprehensive plan text, arterial atlas map, and Clark County Code Title 40 to remove authorization for and all references to the Rural Industrial Land Bank.

WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan through Ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and requirements of Chapter 36.70A RCW (also known as the Growth Management Act “GMA”); and

WHEREAS, the 20-Year Comprehensive Growth Management Plan has been updated and amended numerous times since 1994, through periodic updates and through annual reviews, all pursuant to GMA; and

WHEREAS, RCW 36.70A.367 provides a process for designating a bank of no more than two (2) master planned locations for major industrial activity outside urban growth areas; and

WHEREAS, the county received application CPZ2014-00006 Ackerland/Lagler Industrial Land Bank in February 2014 to establish two Rural Industrial Land Bank (RILB) master planned locations. The application included (1) the Ackerland property located west of 117th Ave., parcels 196656, 198375, 198335, 198324, 198113, 198111, and 198082 (-000) totaling approximately 223.72 acres and (2) the Lagler property east of 117th Ave., parcels 198080, 198076, 198112, 198101, 198072, and 198075 (-000) totaling approximately 378.71 acres; and

WHEREAS, the county initiated the process to establish two Rural Industrial Land Banks pursuant to RCW 36.70A.367 in August 2014; and

WHEREAS, on December 16, 2014, Clark County Council adopted Ordinance 2014-12-16 that amended Clark County Code Title 40 sections 40.560.010 Plan Amendment Procedures, 40.520.075 Rural Industrial Development Master Plan, and 40.520.070 Master Planned Development to allow for the provision for master planning of rural industrial land bank sites; and

WHEREAS, the county adopted Ordinance 2016-04-03 on April 26, 2016 that established two Rural Industrial Land Bank sites; amended the 20-year Comprehensive Growth Management Plan 2004-2024 (2007 Plan) plan and zoning map designations from Agriculture (AG-20) to Employment Center (IL and IL - RILB Overlay) for parcels: 198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, and 198076000; the 2007 Plan Land Use and Rural and Natural Resource Elements; arterial atlas; and Clark County Code sections 40.230.085 and 40.520.075; and

WHEREAS, two parcels included in the CPZ2014-00006 Ackerland/Lagler Industrial Land Bank application whose zoning was to be changed by Ordinance 2016-04-03 were inadvertently left off the list of parcels in Section 2. Ordinance 2016-05-03 Section 1 added parcels 198082000 and 198113000; and

WHEREAS, pursuant to RCW 36.70A.130, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan 2015-2035 (2016 Plan) through amended Ordinance 2016-06-12 on June 28, 2016; and

WHEREAS, Ordinance 2016-06-12 amended the 2016 Plan map designation from Employment Center to Rural Industrial Land Bank (RILB) for parcels: 198335000, 198375000,

1 196656000,198111000, 198324000, 198112000,198101000, 198075000, 198072000,
2 198080000, 198082000, 198113000 and 198076000; and the Land Use Element text; and
3

4 **WHEREAS**, Futurewise and Friends of Clark County (FOCC) appealed the 2007 Plan
5 amendments (Ordinance 2016-04-03 and 2016-05-03) that established the two RILB to the
6 Growth Management Hearings Board (GMHB), Case No. 16-2-0002; and
7

8 **WHEREAS**, Clark County Citizens United (CCCU) and FOCC appealed the 2016 Plan
9 to the Growth Management Hearings Board. The GMHB consolidated all the cases under Case
10 No. 16-2-0005c; and
11

12 **WHEREAS**, on September 9, 2016, the GMHB issued its Final Order Granting Summary
13 Judgment that stated the county failed to meet statutory deadlines, thus violating RCW
14 36.70A.367(6) and RCW 36.70A.130(4), and remanded the ordinances to Clark County. [Case
15 No. 16-2-0002]; and
16

17 **WHEREAS**, on November 29, 2016 the GMHB issued its Order Denying Partial
18 Summary Judgment on Issue 17 (Rural Industrial Land Banks). The GMHB vacated the
19 summary judgment order for Case No. 16-2-0002. The GMHB then consolidated Cases 16-2-
20 0002 and 16-2-0005c; and
21

22 **WHEREAS**, on March 23, 2017, the GMHB issued its Final Decision and Order
23 regarding the two Rural Industrial Land Banks (Issue 19), finding that the county had not
24 identified the maximum size of the RILB as required by GMA, and that the de-designation of
25 agricultural resource land of long-term commercial significance (ALLTCS) had not been proper,
26 [Case No. 16-2-0005c]; and
27

28 **WHEREAS**, on July 11, 2017, the county adopted Ordinance 2017-07-04 Exhibit 20 that
29 amended CCC40.560.010(J)(2) to establish a maximum size of a rural industrial designation to
30 be seven hundred (700) acres as required by GMA; and
31

32 **WHEREAS**, on January 10, 2018, the GMHB issued an Order on Compliance and Order
33 on Motions to Modify Compliance Order, Rescind Invalidly, Stay Order and Supplement the
34 Record (First Compliance Order), that invalidated the parts of the 2016 Plan which included the
35 de-designated ALLTCS on 602 acres underlying the RILB; and
36

37 **WHEREAS**, on October 17, 2018 the GMHB issued the Second Order Finding Continuing
38 Noncompliance (Second Compliance Order), regarding the de-designation of ALLTCS on 602
39 acres underlying the two RILB was invalid; and
40

41 **WHEREAS**, on December 18, 2018, Clark County Council adopted Interim Ordinance
42 2018-12-64 that suspended land use applications to develop lands within the RILB Overlay; and
43

44 **WHEREAS**, on February 12, 2019, Clark County Council at a duly notice hearing extended
45 Interim Ordinance 2018-12-64 for six (6) months; and
46

47 **WHEREAS**, on July 9, 2019, the GMHB ruled in its Order Granting Stay for Issues 5, 10,
48 and 19 and Re-enforcing Invalidity, that the county need not take and report on actions to come
49 into compliance regarding Issue 19 (RILB) until a final appellate decision is rendered on the de-
50 designation of ALLTCS on 602 acres; and
51
52

1 **WHEREAS**, on August 6, 2019, Clark County Council at a duly notice hearing extended
2 Interim Ordinance 2018-12-64 for six (6) months; and
3

4 **WHEREAS**, on August 20, 2019, the Court of Appeals granted FOCC's motion to dismiss
5 the county's petition for judicial review of the GMHB's ruling that the de-designation of
6 agricultural land on 602 acres underlying the two Rural Industrial Land Banks was out of
7 compliance with the state's GMA, but did not dismiss the county's appeal of the First
8 Compliance Order. In footnote 13, the court noted "even if we were to consider this argument,
9 our review of the record here reveals that the Board did not err." [Clark County v. Growth
10 Management Hearings Bd., ___ Wn. App. ___ (2019) (Case Nos. 50874-8-II and 51745-1-II,
11 Consolidated), at pages 25 and 51; and
12

13 **WHEREAS**, the Clark County Council directed county staff to initiate a process to remove
14 all references to the Rural Industrial Land Bank; and
15

16 **WHEREAS**, the required sixty day notice of intent to adopt this set of amendments was
17 received by the State Department of Commerce on September 9, 2019; and
18

19 **WHEREAS**, a SEPA determination of non-significance was published on October 2, 2019
20 and two comments were received and included in the record; and
21

22 **WHEREAS**, the Clark County Planning Commission held a work session on October 3,
23 2019 to review the staff recommendation on the proposed amendments; and
24

25 **WHEREAS**, the Planning Commission held a duly noticed public hearing on October 17,
26 2019 at which it considered and deliberated on the staff proposed amendments and forwarded a
27 recommendation of approval to the Council regarding the proposed amendments; and
28

29 **WHEREAS**, the Council held a work session on October 23, 2019 to review the Planning
30 Commission recommendation on the proposed amendments; and
31

32 **WHEREAS**, the Council at its duly noticed public hearing on November 12, 2019, took
33 public testimony and considered all comments presented to the Council, the recommendations of
34 the Planning Commission, and staff; and
35

36 **WHEREAS**, the Council finds that adoption of the proposed amendments that repeal
37 and rescind the establishment of the two Rural Industrial Land Banks and the de-designation of
38 602 acres of agricultural land underlying the Rural Industrial Land Banks is an appropriate
39 response to the Growth Management Hearings Board Final Decision and Order regarding the
40 two Rural Industrial Land Banks, three subsequent compliance orders issued by the GMHB, and
41 the decision of the Washington Court of Appeals; and
42

43 **WHEREAS**, the Council finds that adoption of the proposed amendments will further the
44 public health, safety and welfare; and now, therefore,
45

46 **BE IT HEREBY ORDAINED, RESOLVED AND DECREED BY THE CLARK COUNTY**
47 **COUNCIL, CLARK COUNTY, STATE OF WASHINGTON, as follows:**
48

49 **Section 1. Findings.** The recitals above are incorporated into this ordinance as findings.
50

51 **Section 2. Amendatory.** Amend the 20-year Comprehensive Growth Management Plan 2015-
52 2035 Plan Map designation (Exhibit 1) and corresponding Zoning Map (Exhibit 2) for that certain

property totaling approximately 602 acres in size formerly known as the two Rural Industrial Land Bank sites from Rural Industrial Land Bank (IL and IL-RILB Overlay) to Agriculture (AG-20) tax serial parcel numbers: 198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, 198082000, 198113000, and 198076000.

Section 3. Amendatory. The Arterial Atlas Map (see Exhibit 3) is amended as follows:

No.	Amendment	Description
1	Delete	At approximately NE 106 th Ave., delete a proposed commercial/industrial road, running north/south from NE 139 th St. to NE 149 th St.
2	Delete	At approximately NE 144 th St. and NE 114 th Ave, delete a proposed NE 144 th St. commercial/industrial road extension to the Chelatchie Prairie Railroad.
3	Delete	At approximately NE 110 th Ave. delete a proposed 2-lane minor arterial (M-2cb) from NE 134 th St. to NE 139 th St.
4	Reclassify	Reclassify a road segment between NE 144 th St. and the intersection of NE 139 th St./NE 132 th Ave. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2).
5	Reclassify	Reclassify a road segment of NE 134 th St. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2) between approximately NE 110 th Ave. to NE 132 nd Ave intersection.
6	Modify	Modify a planned road extension at approximately NE 112 th Ave. from transitioning gradually from NE 139 th St. to NE 144 th St. returning to the prior alignment beginning further west at NE 102 nd Ave. connecting NE 139 th St. to NE 144 th St.
7	Modify	Modify a planned road extension at approximately NE 124 th Ave. from NE 119 th St. to NE 144 th St. returning to the prior vertical alignment instead of the serpentine westward alignment.

Section 4. Amendatory. 20-year Comprehensive Growth Management Plan 2015-2035 text is amended as follows:

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34 **Land Use Element, page 31**

35 **Interpretation of the 20-Year Plan Map**

36 The 20-Year Plan Map identifies a number of different designations which are described
37 below. The plan designations have been chosen are consistent with the location criteria
38 described. Future amendments to the 20-Year Plan map must be made in a manner, which is
39 consistent with these general descriptions (Tables 1.4, 1.5 and 1.6).

40 **Comprehensive Plan Map:** Establishes land use designations for all land in Clark
41 County. It shows the long-term vision of how and where the county will change over the
42 next 20 years to accommodate expected population growth.

43 **Zoning Map:** Shows how land can be used and what can be built on any given property
44 today. Zones are more specific than comprehensive plan designations and come with a
45 set of rules described in the county’s Unified Development Code Title 40.
46

1
2
3
4

Table 1.4 | Rural Lands Plan Designation to Zone Consistency Chart

Comprehensive Plan	Zoning
Rural 5 (R-5) Rural 10 (R-10) Rural 20 (R-20)	Rural (R-5) Rural (R-10) Rural (R-20) Airport (A)
Rural Center (RC)	Rural Center (RC-1) Rural Center (RC-2.5) Rural (R-5)
Rural Commercial (CR)	Rural Commercial (CR-1) Rural Commercial (CR-2)
Rural Industrial (RI)	Heavy Industrial (IH) Airport (A)
Public Facility (PF)	Public Facility (PF) Airport (A)
Rural Industrial Land Bank (RILB)	Light Industrial (IL)

5
6

7 **Land Use Element, page(s) 36-37**

8 **Rural Lands**

9 The Rural (R-5, R-10,R-20) designations are intended to provide lands for residential living in
10 the rural area. Natural resource activities such as farming and forestry are allowed and
11 encouraged to occur as small scale activities in conjunction with the residential uses in the
12 area. These areas are subject to normal and accepted forestry and farming practices. The
13 Rural 5, 10 and 20 comprehensive plan designations are implemented with corresponding
14 Rural 5, 10 and 20 base zones. A Rural 10 designation is applied within the rural area to
15 prevent premature subdivision of future urban areas where the lands are adjacent to
16 designated Urban Reserves, where the predominant size is equal or greater than 10 acres,
17 to act as a buffer to Natural Resource lands or to protect environmentally critical areas
18 consistent with applicable county ordinance and related regulations. This allows for efficient
19 urban development when land is added to the urban growth areas. A Rural 20 designation
20 applies to rural areas where the lands act as a buffer to Natural Resource designated lands,
21 are used for small scale forest or farm production or contain significant environmentally
22 constrained areas as defined by applicable county code and related regulations.

23

24 **Rural Center (RC)**

25 The rural center residential zones are to provide lands for residential living in the Rural
26 Centers at densities consistent with the comprehensive plan. These districts are only
27 permitted in the designated Rural Centers and are implemented with the RC-1 and RC-2.5
28 base zones.

29 **Rural Commercial (CR)**

30 This commercial district is located in rural areas outside of urban growth boundaries in
31 existing commercial areas and within designated Rural Centers. These areas are generally
32 located at convenient locations at minor or major arterial crossroads and sized to
33 accommodate the rural population. Rural commercial areas are not intended to serve the

1 general traveling public in rural areas located between urban population centers. Rural
2 commercial areas within designated Rural Centers are implemented with the CR-2 base
3 zone. Existing commercial areas outside of these Rural Centers are implemented with the
4 CR-1 base zone. All new rural commercial applications shall address the criteria for new
5 commercial areas through a market and land use analysis.

6 **Rural Industrial (RI)**

7 This industrial designation is to provide for industrial uses in the rural area that are primarily
8 dependent on the natural resources derived from the rural area. The Heavy Industrial base
9 zone implements this designation.

10 ~~Rural Industrial Land Bank (RILB)~~

11 ~~A rural industrial land bank is a master planned location for major industrial developments~~
12 ~~established consistent with RCW 36.70A.367. The minimum size of the land bank is 100~~
13 ~~acres.~~

15 "Major industrial development" means a master planned location suitable for manufacturing or
16 industrial businesses that: (i) Requires a parcel of land so large that no suitable parcels are
17 available within an urban growth area; (ii) is a natural resource-based industry requiring a
18 location near agricultural land, forest land, or mineral resource land upon which it is
19 dependent; or (iii) requires a location with characteristics such as proximity to transportation
20 facilities or related industries such that there is no suitable location in an urban growth area.
21 The major industrial development may not be for the purpose of retail commercial
22 development or multitenant office parks.

23 ~~"Industrial land bank" means up to two master planned locations, each consisting of a parcel~~
24 ~~or parcels of contiguous land, sufficiently large so as not to be readily available within the~~
25 ~~urban growth area of a city, or otherwise meeting the criteria in "major industrial development"~~
26 ~~above and is suitable for manufacturing, industrial, or commercial businesses and designated~~
27 ~~by Clark County through the comprehensive planning process specifically for major industrial~~
28 ~~use.~~

29 *****

30 **Rural and Natural Resource Element, page 98**

31 **Goals and Policies** 32 **County 20-Year Plan Policies**

33 Rural Industrial Land Bank

34 ~~**GOAL: Support the creation of a rural industrial land bank consistent with the growth**~~
35 ~~**management act to provide a master planned location for living wage jobs and**~~
36 ~~**industries supporting rural communities in an environmentally sensitive**~~
37 ~~**manner.**~~

38 **3.8 Policies**

39 ~~3.8.1. Designate a rural industrial land bank that is compatible with surrounding~~
40 ~~land uses and that creates long term value for both the community and the~~
41 ~~industrial users. The maximum size of industrial land bank sites shall be~~
42 ~~700 acres.~~

43 ~~3.8.2 Develop rural major industrial developments within the designated rural~~

1 industrial land bank that promotes sustainable development by minimizing
2 our environmental impacts, protecting natural resources and reducing waste.

3 ~~3.8.3 Anticipate changing market and industrial needs and maintain the flexibility~~
4 ~~required for a variety of light industrial uses within the rural industrial land~~
5 ~~bank.~~

6 ~~3.8.4 Ensure rural major industrial development within the rural industrial land bank~~
7 ~~respects and preserves critical areas functions and values and develops a~~
8 ~~stormwater solution that mimics the natural hydrology of the site while~~
9 ~~developing buffers both internally and externally. Incorporate low impact~~
10 ~~development strategies.~~

11 ~~3.8.5 Ensure infrastructure requirements are met to maximize the land value.~~
12 ~~Coordinate infrastructure analysis and planning with public and private~~
13 ~~agencies so that their long term planning can anticipate the future light~~
14 ~~industrial development within the rural industrial land bank.~~

15 ~~3.8.6 Develop a roadway and site infrastructure backbone within the rural industrial~~
16 ~~land bank that allows for phased development based on the market needs.~~
17 ~~Accommodate rail access.~~

18 ~~3.8.7 Promote a level of predictability for future light industrial developers and the~~
19 ~~County through the flexibility of standards and consolidated reviews.~~

20 Freight Rail Dependent Uses

21
22 **Goal: Support freight rail dependent uses where the use is dependent on and makes**
23 **use of the short line railroad, as defined by the Surface Transportation Board.**

24 ~~3.9~~ **3.8 Policies**

25
26 ~~3.9.1~~ 3.8.1 Support freight rail dependent uses in rural lands, as well as
27 agriculture, forest and mineral resource lands, where the use is dependent
28 on and makes use of the short line railroad within the county.

29 ~~3.9.2~~ 3.8.2 Freight rail dependent uses will be allowed on parcels with a freight rail
30 dependent use overlay, where such uses minimize impacts on adjacent rural
31 and resource uses.

32 ~~3.9.3~~ 3.8.3 Freight rail dependent uses means buildings and other infrastructure
33 that are used in the fabrication, processing, storage, and transport of goods
34 where the use is dependent on and makes use of an adjacent short line
35 railroad. Such facilities are both urban and rural development. Clark
36 County may include development of freight rail dependent uses on land
37 adjacent to a short line railroad in the transportation element of this plan.
38 The County may also modify development regulations to include
39 development of freight rail dependent uses that do not require urban

1 governmental services in rural lands.

2 *****

3 **Section 5. Amendatory.** Sec. 1 (Exhibit A) of Ord. 2003-11-01 and codified as CCC
4 40.230.085, and most recently amended by Sec. 23 of Ord. 2018-01-09, are each hereby
5 amended as follows:

6
7 **40.230.085 Employment Districts (IL, IH, IR, BP, ~~IL-RILB~~)**

8
9 A. Purpose. The purpose of this section is to provide for a wide range of noncommercial economic
10 development and employment opportunities that limit residential, institutional, commercial, office and
11 other nonindustrial uses to those necessary for the convenience and support of such development
12 and opportunities.

13 (Amended: Ord. 2016-04-03; Ord. 2018-01-09)

14 B. Applicability. The regulations in this section shall be applicable in the following zoning districts:

15 1. Industrial (I) Districts.

- 16 a. Light Industrial District (IL). The light industrial district is intended to provide for those less-
17 intensive industrial uses which produce little noise, odor and pollution. It also provides for
18 resource-based uses and service uses that are deemed compatible with light industrial uses.
19 b. Business Park (BP) District. The Business Park district provides for the development of uses
20 including limited light manufacturing and wholesale trade, light warehousing, business and
21 professional services, research, business, and corporate offices, and other similar compatible
22 or supporting enterprises not oriented to the general public.
23 c. Railroad Industrial District (IR). The railroad industrial district is intended to provide for those
24 industrial uses that are most suited for and can take advantage of locations along the
25 county's rail line.
26 ~~d. Light Industrial—Rural Industrial Land Bank (IL-RILB) Overlay. The light industrial—rural
27 industrial land bank district overlay (IL-RILB) is applied in conjunction with the IL base zone.
28 This overlay is intended to provide for industrial and manufacturing businesses which provide
29 a variety of employment uses which produce little noise, odor and pollution. Development
30 standards are intended to promote sustainable development by minimizing environmental
31 impacts, protecting natural resources, reducing waste, promoting compatibility with the
32 surrounding land uses, avoiding urban growth in areas designated for long term rural or
33 resource-based activity, and creating long term value for both the community and the
34 industrial users.~~

- 35 2. Heavy Industrial District (IH). The heavy industrial district is intended to preserve, enhance and
36 create areas containing industrial and manufacturing activities which are potentially incompatible
37 with most other uses.

38 (Amended: Ord. 2016-04-03; Ord. 2018-01-09)

39 C. Uses. The uses set out in Table 40.230.085-1 are examples of uses allowable in the Industrial and
40 Business Park zoning districts.

41 "P" – Uses allowed subject to approval of applicable permits.

42 "C" – Conditional uses which may be permitted, subject to the approval of a conditional use permit as
43 set forth in Section 40.520.030.

44 "X" – Uses specifically prohibited.

45
46 The list of uses is based on the 2012 North American Industrial Classification System (NAICS),
47 <http://www.naics.com/search.htm>. NAICS is organized in a hierarchical structure as follows:

- 48 • Sector (two (2) digit);
49 • Subsector (three (3) digit);
50 • Industry groups (four (4) digit); and
51 • Industry (five (5) digit).
52

1 In Table 40.230.085-1, each line is intended to include all lower divisions within it. If a specific industry
 2 group or industry is separately called out on its own line in the table under a subsector, it is to be
 3 separately regulated, but all other industry groups or industry under a subsector not listed will be
 4 regulated the same as the subsector. Where no industry group or industry is separately called out, the
 5 use category is intended to apply generally to uses within the subsector.
 6 The use categories apply to the industry sector of the user and are not intended to be applied individually
 7 to floor areas within each use category.

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
A. Resource Uses								
11 Agriculture, forestry, fishing and hunting								
111	Crop production			P	P	P	P	P
112	Animal production			P	P	P	P	P
113	Forestry and logging			P	P	P	P	P
114	Fishing, hunting and trapping			P	P	P	P	P
115	Support activities for agriculture and forestry			P	P	P	P	P
21 Mining								
211	Oil and gas extraction			X	C ⁴	C ⁴	X	X
212	Mining (except oil and gas)			X	C ⁴	C ⁴	X	X
	2123	Nonmetallic mineral mining and quarrying		X	P ⁴	P ⁴	X	X
213	Support activities for mining			X	C ⁴	C ⁴	X	X
22 Utilities								
221	Utilities							
		22111	Electric power generation	P	P	P	C	C
		22112	Electric power transmission and distribution	P	P	P	P	P
		22121	Natural gas distribution	P	P	P	P	P
		22131	Water supply and irrigation systems	P	P	P	P	P
		22132	Sewage treatment facilities	P	P	P	C	C
23 Construction								
236	Construction of buildings			P ⁵	P ⁵	P ⁵	P ⁵	P⁵
237	Heavy and civil engineering construction			P ⁵	P ⁵	P ⁵	P ⁵	P⁵
238	Specialty trade contractors			P ⁵	P ⁵	P ⁵	P ⁵	P⁵
	Storage yards for building materials, contractors' equipment and vehicles			P	P	P	X	P
B. Manufacturing Uses								
311	Food manufacturing			P	P	P	X	P
		31161	Animal slaughtering and processing	C	P	P	X	X
			311811 Retail bakeries	P	P	P	P	P
312	Beverage and tobacco product manufacturing			P	P	P	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
313	Textile mills				P	P	P	X	P
314	Textile product mills				P	P	P	X	P
315	Apparel manufacturing				P ²	P ²	P ²	X	P ²
316	Leather and allied product manufacturing								
	3161	Leather and hide tanning and finishing			X	P	P	X	X
	3162	Footwear manufacturing			P	P	P	P	P
	3169	Other leather and allied product manufacturing			P	P	P	P	P
321	Wood product manufacturing								
	3211	Sawmills and wood preservation			X	P	P	X	X
	3212	Veneer, plywood, and engineered wood product manufacturing			X	P	P	X	X
			321214	Truss manufacturing	P	P	P	X	P
	3219	Other wood product manufacturing			P	P	P	X	P
322	Paper manufacturing								
	3221	Pulp, paper and paperboard mills			X	P	P	X	X
	3222	Converted paper product manufacturing			P	P	P	P	P
323	Printing and related support activities				P	P	P	P	P
324	Petroleum and coal products manufacturing				X	P	P	X	X
325	Chemical manufacturing				X	P	P	X	X
	3254	Pharmaceutical and medicine manufacturing			P	P	P	X	P
	3256	Soap, cleaning compound, and toilet preparation manufacturing			P	P	P	X	P
326	Plastics and rubber products manufacturing				P	P	P	X	P
327	Nonmetallic mineral product manufacturing								
	3271	Clay product and refractory manufacturing			P	P	P	X	P
	3272	Glass and glass product manufacturing			P	P	P	X	P
	3273	Cement and concrete product manufacturing			P	P	P	X	P
			327310	Cement manufacturing	X	P	P	X	X
			327320	Ready-mix concrete manufacturing	X	P	P	X	X
	3274	Lime and gypsum product manufacturing			X	P	P	X	X
	3279	Other nonmetallic mineral product manufacturing			X	P	P	X	X
331	Primary metal manufacturing				X	P	P	X	X
332	Fabricated metal product manufacturing								
	3321	Forging and stamping			P	P	P	X	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
	3322	Cutlery and hand tool manufacturing			P	P	P	P	P
	3323	Architectural and structural metals manufacturing			P	P	P	X	P
	3324	Boiler, tank, and shipping container manufacturing			P	P	P	X	P
	3325	Hardware manufacturing			P	P	P	X	P
	3326	Spring and wire product manufacturing			P	P	P	X	P
	3327	Machine shops			P	P	P	C	P
	3328	Coating, engraving, heat treating, and allied activities			P	P	P	X	P
			332813	Electroplating, plating, polishing, anodizing, and coloring	C	P	P	X	C
	3329	Other fabricated metal product manufacturing			P	P	P	X	P
333	Machinery manufacturing				P	P	P	C	P
334	Computer and electronic product manufacturing				P	P	P	P	P
335	Electrical equipment, appliance, and component manufacturing				P	P	P	P	P
336	Transportation equipment manufacturing				P	P	P	X	P
			336991	Motorcycle, bicycle, and parts manufacturing	P	P	P	P	P
337	Furniture and related product manufacturing				P	P	P	X	P
339	Miscellaneous manufacturing				P	P	P	P	P
C. Wholesale Trade									
423	Wholesale trade, durable goods (retail sales prohibited)				P	P	P	P	P
424	Wholesale trade, nondurable goods (retail sales prohibited)				P	P	P	P	P
425	Wholesale electronic markets and agents and brokers				P	P	P	P	P
D. Retail Trade									
	Retail sales of products fabricated on site				P ¹	P ¹	P ¹	P ¹	P⁺
	Construction and industrial equipment sales				P	P	P	X	P
	4411	Automotive dealers			X	X	X	X	X
	4412	Other motor vehicle dealers			X	X	X	X	X
	4413	Automotive parts, accessories, and tire stores			P ¹	P ¹	P ¹	P ¹	P⁺
	4441	Building material and supplies dealers			P	X	X	X	P
		44412	Paint and wallpaper stores		P ¹	X	X	X	P⁺
		44413	Hardware stores		P ¹	X	X	X	P⁺
445	Food and beverage stores				P ¹	X	X	P ¹	P⁺
	44512	Convenience stores			P ¹	P ¹	P ¹	P ¹	P⁺

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)		IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
446	Health and personal care stores	P ¹	X	X	P ¹	P ⁺
447	Gasoline stations	C	C	C	C	C
448	Clothing and clothing accessories stores	P ¹	X	X	P ¹	P ⁺
451	Sporting goods, hobby, book and music stores	P ¹	X	X	P ¹	P ⁺
452	General merchandise stores	X	X	X	X	X
453	Miscellaneous store retailers	P ¹	X	X	P ¹	P ⁺
454	Nonstore retailers	P	X	X	P	P
	45431 Fuel dealers	P	P	P	X	C
E. Transportation and Warehousing						
482	Rail transportation	P	P	P	X	P
483	Water transportation	X	P	X	X	X
484	Truck transportation	P	P	P	P	P
485	Transit and ground passenger transportation	P	P	P	P	P
486	Pipeline transportation	P	P	P	P	P
487	Scenic and sightseeing transportation	P	P	X	X	P
488	Support activities for transportation	P	P	X	X	P
	4882 Support activities for rail transportation	P	P	P	X	P
	4883 Support activities for water transportation	X	P	P	X	X
	4884 Support activities for road transportation	P	X	X	X	P
	4885 Freight transportation arrangement	P	P	P	P	P
	4889 Other support activities for transportation	P	P	P	P	P
491	Postal service	P	P	P	P	P
492	Couriers and messengers	P	P	P	P	P
493	Warehousing and storage	P	P	P	P	P

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Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)		IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
F. Information						
511	Publishing industries	P	P	P	P	P
512	Motion picture and sound recording industries	P	P	P	P	P
515	Broadcasting (except Internet)	P	P	P	P	P
516	Internet publishing and broadcasting	P	P	P	P	P
517	Telecommunications	P	P	P	P	P
	5172 Wireless communications carriers	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ^z
518	Internet service providers, web search portals, and data	P	P	P	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
	processing services							
519	Other information services			P	P	P	P	P
52 Finance and insurance				X	X	X	P	X
	5221	Branch banks (including drive-up service)		P ¹	P ¹	X	P	P ⁺
524	Insurance carriers and related activities			P	X	X	P	P
53 Real estate and rental and leasing								
531	Offices of real estate agents and brokers			P	X	X	P	P
532	Rental and leasing services			P	X	X	P	P
	5324	Commercial and industrial machinery and equipment rental and leasing		P	P	P	X	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)			X	X	X	P	X
54 Professional, Scientific, and Technical Services								
541	Professional, scientific, and technical services			P	X	X	P	P
		54135	Building inspection services	P	X	X	P	P
		54136	Geophysical surveying and mapping services	P	X	X	P	P
		54137	Surveying and mapping (except geophysical services)	P	X	X	P	P
		54138	Testing laboratories	P	X	X	P	P
		54194	Veterinary services	P	P	X	P	P
55 Management of companies and enterprises								
	551	Management of companies and enterprises		P	X	X	P	P
56 Administrative and support and waste management and remediation services								
561	Administrative and support services			P	X	X	P	P
	5616	Investigation and security services		P	X	X	P	P
	5617	Services to buildings and dwellings		P	X	X	P	P
	5619	Other support services		P	X	X	P	P
562	Waste management and remediation services			C ⁶	C ⁶	C ⁶	X	C ⁶
61 Educational services ⁴⁴¹⁰								
611	Educational services ⁴⁴¹⁰			C	C	X	C	C
	6111	Elementary and secondary schools ⁴⁴¹⁰		C	C	X	C	X
	6112	Junior colleges ⁴⁴¹⁰		C	C	X	C	C
	6113	Colleges and universities ⁴⁴¹⁰		C	C	X	C	C
	6114	Business schools and computer and management training ⁴⁴¹⁰		C	C	X	P	C

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
	6115	Technical and trade schools			P	P	P	P	P
			611519	Truck driving schools	P	P	X	P	P
	6116	Other schools and instruction			C	C	X	P	C
			611692	Automobile driving schools	P	C	X	P	P
	6117	Educational support services ⁴⁴¹⁰			C	C	X	P	C
62 Health care and social assistance									
621	Ambulatory health care services				P	X	X	P	P
	6215	Medical and diagnostic laboratories			P	X	X	P	P
	6216	Home health care services			P	X	X	P	P
	6219	Other ambulatory health care services			P	X	X	P	P
		62191	Ambulance services		P	P	P	P	P
622	Hospitals				C	X	X	P	C
623	Nursing and residential care facilities				X	X	X	P	X
	6232	Residential mental retardation, mental health, and substance abuse facilities			X	X	X	C	X
624	Social assistance				X	X	X	P	X
	6244	Child day care services			P ¹	P ¹	P ¹	P	P ⁴
71 Arts, entertainment, and recreation					P ¹	X	X	P	P ⁴
	7112	Spectator sports			C	X	X	C	C
		71391	Golf courses and country clubs		X	X	X	X	X
		71392	Skiing facilities		X	X	X	X	X
		71393	Marinas		P	X	X	X	P
		71394	Fitness and recreational sports centers		P ¹	P ¹	P ¹	P ¹	P ⁴
		71399	All other amusement and recreation industries		P ¹	X	X	P ¹	P ⁴
72 Accommodations and food services									
721	Accommodation				X	X	X	P	X
722	Food services and drinking places				P ¹	P ¹	P ¹	P ¹	P ⁴
	7223	Special food services			P	P	P	P	P
81 Other services (except public administration)									
811	Repair and maintenance				P ³	P ³	P ³	P ³	P ³
	8111	Automotive repair and maintenance			P ³	P ³	P ³	C	P ³
	8113	Commercial and industrial machinery and equipment (except automotive and			P ³	P ³	P ³	C	P ³

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
		electronic repair and maintenance)						
812	Personal and laundry services			P ¹	X	X	P ¹	P ⁴
	81221	Funeral homes and funeral services		X	X	X	P	X
	81222	Cemeteries and crematories		C	C	C	C	C
	8123	Dry cleaning and laundry services		P ¹	X	X	P ¹	P ⁴
	81233	Linen and uniform supply		P	P	X	P	P
	81291	Pet care (except veterinary) services		P ¹	X	X	P ¹	P ⁴
813	Religious, grant making, civic, professional, and similar organizations			X	X	X	C	X
92 Public Administration ^{44,10}				P	X	X	P	P
	92214	Correctional institutions ^{44,10}		C	C	X	X	X
G. Other uses not listed as NAICS codes								
1. Service stations for vehicle fleets, including cardlock facilities				P	P	P	P	P
2. Personal property storage including outdoor RV and boat storage				P	X	X	X	P
3. Accessory uses								
a. Administrative, educational, and other related activities and facilities				P ²	P ²	P ²	P ²	P ²
b. Caretaker, security or manager residence when incorporated as an integral part of a permitted use				P ²	P ²	P ²	P ²	P ²
c. Off-site hazardous waste treatment and storage facilities (subject to RCW 70.105.210)				P ²	P ²	P ²	P ²	P ²
4. Other Uses								
a. Parks, trails and related uses ^{44,10}				P ²	P ²	P ²	P ²	P ²
b. Existing residential uses without any increase in density, including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to the limits regarding the replacement.				P	P	P	P	P
c. Legally existing commercial and industrial use structures				P	P	P	P	P
d. Public facilities for the support of construction projects and agency operations, including offices for employees of the facility				P	P	P	P	P
e. Electric vehicle infrastructure				P	P	P	P	P
f. Coffee and food stands two hundred (200) square feet or less				P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
g. Agricultural stands and markets				P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
h. Medical marijuana collective gardens				X	X	X	X	X
i. Marijuana-related facilities				X	X	X	X	X

¹ These uses shall be limited to a maximum of ten percent (10%) of the gross floor area of all buildings within the development site. These uses are intended to serve and support the needs of employees, clients, customers, vendors, and others having business at the industrial site, to allow limited retail sales of

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products manufactured on site, to attract and retain a quality workforce, and to further other public objectives such as trip reduction.

² Permitted only in association with a permitted use.

³ The repair and maintenance subsector does not include all establishments that do repair and maintenance. For example, a substantial amount of repair is done by establishments that also manufacture machinery, equipment and other goods. These establishments are included in Sector 31-33 Manufacturing Uses. Repair of transportation equipment is often provided by or based at transportation facilities, such as airports and seaports, and these activities are included in Sector 48-49 Transportation and Warehousing. Excluded from this subsector are establishments primarily engaged in rebuilding or remanufacturing machinery and equipment. These are classified in Sector 31-33, Manufacturing Uses. Also excluded are retail establishments that provide after-sale services and repair. These are classified in Sector 44-45, Retail trade.

⁴ Subject to the provisions of Section 40.250.022, Surface Mining Overlay District.

⁵ Businesses that are actively working on construction projects and not just coordinating with other contractors. Uses include the storage of materials for use on construction projects, trucks, and other equipment, and shall not be a purely office use. These uses shall not include professional offices such as engineers, planners or architects that support land development and subdivision projects.

⁶ Subject to the provisions of Section 40.260.200.

⁷ See Table 40.260.250-1.

⁸ Subject to the provisions of Section 40.260.055.

⁹ Subject to the provisions of Section 40.260.025.

¹⁰ Pursuant to Section 40.520.075(E), specific major industrial developments are required to be the subject of an open record public hearing held before the hearing examiner with notice published at least thirty (30) days before the hearing date and mailed to all property owners within one (1) mile of the site.

¹¹ Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-04-03; Ord. 2016-06-12; Ord. 2018-01-09)

D. Development Standards. Development standards for employment zoning districts are as follows:

1. All districts.

- a. New lots, structures and additions to structures subject to this section shall comply with the applicable standards for lots, building height, setbacks and landscaping in Table 40.230.085-2, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements					
Subject	Zone				
	IL	IH	IR	BP	IL-RILB Overlay
Minimum area of new zoning district	None	None	None	5 acres ⁴	400
Maximum area of new zoning district	None	None	None	None	None
Minimum lot area	None	None	None	5 acres ⁴	50
Minimum lot width	None	None	None	None	None
Maximum building height ⁶	100 feet ²	100 feet ²	100 feet ^{2, 3}	100 feet ²	100 feet ²
Minimum building setback					
Front/street side	20 feet	20 feet	20 feet	20 feet	20 feet
Side (interior)	0 feet	0 feet	0 feet	0/20 feet ⁵	0/100 feet ²
Rear	0 feet	0 feet	0 feet	0/20 feet ⁵	0/100 feet ²
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards.				

Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements

Subject	Zone				
	IL	IH	IR	BP	IL-RILB Overlay
Minimum site landscaped area ¹	10 percent	0 percent	0 percent	15 percent	10 percent

¹ Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See Sections 40.230.085(E) and 40.320.010.

² Excluding unique architectural features such as towers, cupolas and peaked roofs. No height limitation for accessory towers.

³ Building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent to residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is increased to the building height.

⁴ New parcels smaller than five (5) acres are not permitted unless consistent with a site plan approval.

⁵ Twenty (20) feet when abutting residentially zoned property.

⁶ For buildings exceeding thirty-six (36) feet in height, the building setback shall be equal to the height of the building, up to a maximum setback of fifty (50) feet.

⁷ One hundred (100) feet required on perimeter of IL-RILB comprehensive plan designation and implementing zone. On interior lot lines, zero (0) feet applies.

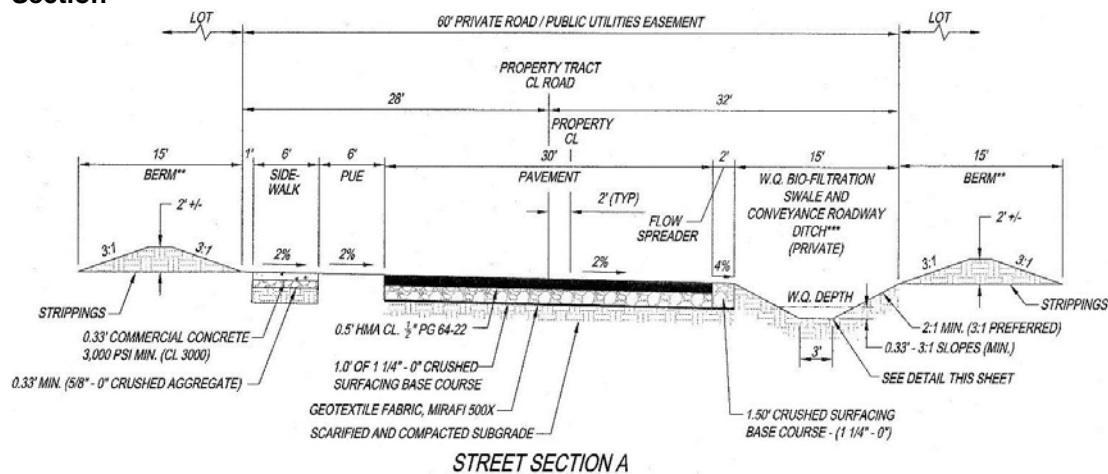
(Amended: Ord. 2014-01-08; Ord. 2016-04-03)

- b. Site plan review pursuant to Section 40.520.040 is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
 - c. Freestanding commercial retail buildings are permitted with the exception of drive-through retail businesses. Freestanding commercial retail buildings shall not exceed ten thousand (10,000) square feet. Where commercial retail uses are approved, a note shall be placed on the final site plan indicating the cumulative amount of the commercial retail areas that have been approved and the residual amount that remains available for use.
 - d. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
 - e. Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Chapter 40.340.
 - f. Landscaping. Landscaping and buffers shall be provided as required in Table 40.230.085-2 and Chapter 40.320.
2. Additional Development Standards for the Railroad Industrial District.
 - a. The perimeter around railroad industrial parks shall be landscaped to an L5 or L3 standard except along the rail line. In determining which standard applies, the responsible official will consider the potential impacts, such as noise and visual impacts to neighboring properties. Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3 standard.
 - b. The performance standards of Section 40.230.085(E) shall be met at the park perimeter.
 - c. No tracks are allowed in public roadways except at at-grade crossings.
 - d. At-grade crossings shall be minimized to the greatest extent practicable.
 - e. Applicants for development in this zoning district shall submit a rail use plan showing where they could build a spur track that will connect with the main line. A rail use plan does not apply if an applicant can show there is an existing track or spur. Development shall not preclude the extension of any spur track.
 3. Additional Development Standards for the Business Park District.
 - a. Uses in Setbacks. No service road, spur track, hard stand, or outside storage area shall be permitted within required setbacks adjoining residential districts.
 - b. Setbacks. No minimum setback is required where side or rear lot lines abut a railroad right-of-way or spur track.
 - c. Fences. Fencing around the perimeter of the development and fencing abutting public or private streets shall be a combination of solid wall, wrought iron, or other similar treatment. Sections of fence or wall longer than fifty (50) feet shall be interspersed with trees or hedges at least every fifty (50) feet for a distance of at least five (5) feet to break up the appearance of the fence or wall. Fences or walls shall not block sight distance at intersections. The responsible official may approve and condition an alternative fence design that is compatible with existing, abutting fencing, landscaping, and land uses that still meets the intent of the development standards of the Business Park zoning district.

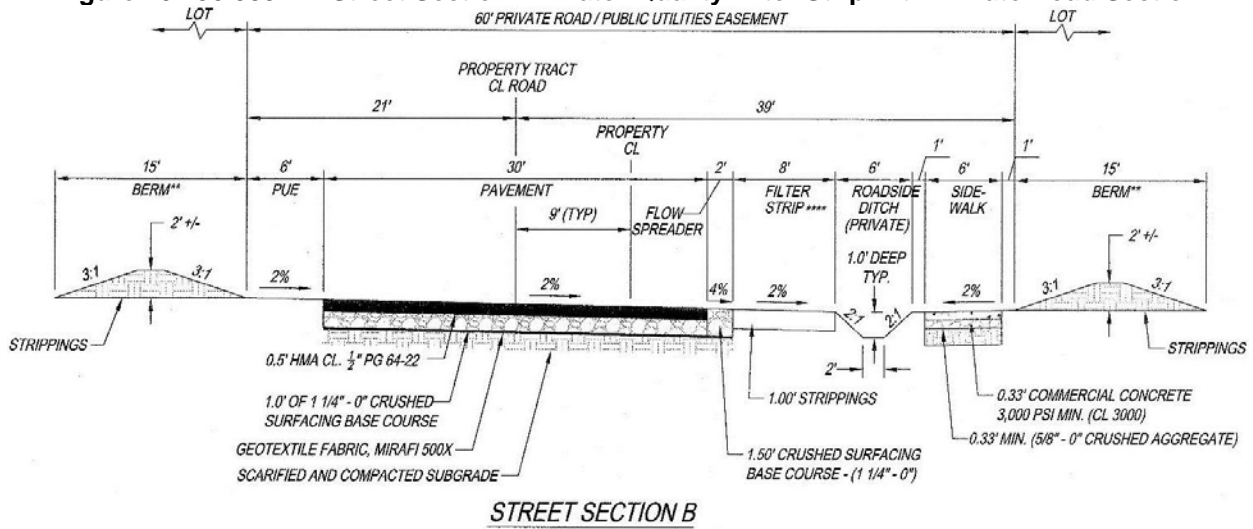
- 1 d. Site Landscaping and Design Plan. In addition to site plan requirements, the following
2 requirements shall apply:
- 3 (1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to
4 residential zones, the applicant shall provide and maintain a vegetative buffer at least
5 eleven (11) feet high that creates a varied appearance to the blank wall. Other features
6 such as false or display windows, artwork, and varied building materials are acceptable.
- 7 (2) Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-
8 way by landscaping or other features to a height of three (3) feet. A combination of walls,
9 berms and landscape materials is preferred. Sidewalks may be placed within this
10 landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five
11 (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic
12 on adjacent roads. The creation of a perimeter feature shall not interfere with the
13 implementation of low impact development stormwater management features on site.
- 14 (3) If a development is located within two hundred fifty (250) feet of an existing or proposed
15 transit stop, the applicant shall work with the transit agency in locating a transit stop and
16 shelter as close as possible to the main building entrance.
- 17 (4) Parking island locations may be designed to facilitate on-site truck maneuvering.
- 18 (5) Required setback areas adjacent to streets and abutting a residential district shall be
19 continuously maintained in lawn or live groundcover. Allowed uses in these areas are
20 bikeways, pedestrian paths and stormwater facilities.
- 21 (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater
22 facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a
23 pedestrian plaza, the plaza must:
- 24 (a) Have a minimum width and depth of ten (10) feet and a minimum size of six hundred
25 fifty (650) square feet; and
- 26 (b) Have a minimum of eighty percent (80%) of the area paved in a decorative paver or
27 textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
- 28 (7) Structures should be clustered on site to maximize open space within the development.
- 29 e. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided which
30 connects the street to the public entrances of the structure(s) on site.
- 31 (1) The circulation system shall be hard surfaced and be at least five (5) feet wide.
- 32 (2) Where the system crosses driveways, parking, and/or loading areas, the system must be
33 clearly identifiable through the use of elevation changes, speed bumps, varied paving
34 materials or other similar methods approved by the reviewing authority and in compliance
35 with the Americans with Disabilities Act (ADA).
- 36 (3) The pedestrian circulation system and parking areas must be adequately lighted so that
37 parking areas can be used safely when natural light is not present.
- 38 (4) The pedestrian system must connect the site to adjacent streets and transit stops. The
39 pedestrian system must also connect on-site public open space or parks, commercial,
40 office and institutional developments to adjacent like uses and developments for all
41 buildings set back forty-five (45) feet or farther from the street lot line when existing
42 development does not preclude such connection. Development patterns must not
43 preclude eventual site-to-site connections, even if an adjoining site is not planned for
44 development at the time of the applicant's development.
- 45 f. Commercial Retail Bonus. Additional floor area beyond ten percent (10%) of the total may be
46 devoted to commercial uses if the following conditions are met. Commercial and service
47 bonuses are expressed as a percentage of total floor area of the development or building, up
48 to a maximum of twenty percent (20%).
- 49 (1) All required parking is contained within the building or parking structure associated with
50 the development: two and one-half percent (2.5%) bonus for each building served by the
51 qualifying parking structure.
- 52 (2) The building is oriented such that access to a transit stop is available within one-half (1/2)
53 mile: two and one-half percent (2.5%) bonus.
- 54 (3) Child care facilities are provided within the development: two and one-half percent (2.5%)
55 bonus.
- 56 (4) Any six (6) of the following enhanced pedestrian spaces and amenities are provided:
57 plazas, arcades, galleries, courtyards, outdoor cafes, widened sidewalks (more than six

- (6) feet wide outside of public right-of-way), benches, shelters, street furniture, public art or kiosks: two and one-half percent (2.5%) bonus.
4. ~~Additional Development Standards for the IL-RILB Overlay District.~~
- a. ~~Use and Dimensional Standards.~~
- (1) ~~Permitted, accessory and conditional uses are permitted in accordance with Section 40.230.085(C).~~
- (2) ~~Floor area ratios: See Table 40.230.085-2. Determined by height, setbacks, and landscape standards.~~
- (3) ~~Maximum building heights: See Table 40.230.085-2.~~
- (4) ~~Maximum lot coverage (building and impermeable surface): See Table 40.230.085-2. Determined by setbacks, landscaping, and stormwater standards.~~
- (5) ~~Setbacks: See Table 40.230.085-2.~~
- (6) ~~Minimum spacing between buildings: Consistent with International Building Code at Chapter 14.01, Adoption of Building Safety Codes, and Chapter 14.05, Clark County Revisions to International Building Code.~~
- b. ~~Site Design.~~
- (1) ~~Circulation/access to and within each lot and/or area shall be compatible with the RILB Master Concept Plan.~~
- (a) ~~Joint Access. Tenants may design and utilize joint accesses, where feasible, for adjacent sites within the RILB in order to minimize the total number of driveways.~~
- (b) ~~The responsible official shall review proposed joint accesses between parcels. If the responsible official finds that all other applicable access and circulation standards are met, he or she may approve the proposed joint access.~~
- (c) ~~Reciprocal Access Agreement. The applicant shall submit to Clark County a reciprocal access agreement or other legal covenant running with the land to formalize the joint access prior to commencement of construction. The agreement must be signed by all affected property owners or tenants, shall be notarized, and shall be recorded with the Clark County Auditor prior to construction.~~
- (2) ~~Street Standards.~~
- (a) ~~Streets shall meet the provisions of Section 40.350.030.~~
- (b) ~~Private streets shall be designed and constructed to be compatible with the rural character of the RILB and surroundings by integrating low impact development, landscaping, and water quality treatment measures. Private roads shall be consistent with Figures 40.230.085-1 and 40.230.085-2 that provide two (2) options for road design addressing stormwater quality unless the responsible official requires the standard private road design or an alternative application of the county's stormwater manual that meet the intent of this development standard.~~

Figure 40.230.085-1 — Street Section A: Water Quality Bio-Filtration Swale with Private Road Section



1 **Figure 40.230.085-2 — Street Section B: Water Quality Filter Strip with Private Road Section**



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- (3) ~~Parking Requirements. Parking shall meet the requirements of Chapter 40.340, Parking, Loading and Circulation.~~
 - (4) ~~Nonmotorized Circulation and Handicapped Accessibility. The standards of Section 40.350.010, Pedestrian/Bicycle Circulation Standards, shall be met with regard to nonmotorized circulation and handicapped accessibility.~~
 - (5) ~~Transportation demand management programs shall be implemented consistent with Chapter 5.50, Commute Reduction.~~
 - (6) ~~Transit-Oriented Site Planning. Site plans implemented consistent with the RILB Master Concept Plan shall identify the location of on-site sheltered bus stops (with current or planned service) or a sheltered bus stop within one-quarter (1/4) mile of the site with adequate walkways, if approved by C-TRAN.~~
 - (7) ~~Signage. Signage shall meet the requirements of Chapter 40.310, Signs.~~
 - (8) ~~Landscaping Requirements. Landscaping shall be consistent with standards contained in Chapter 40.320 and the following standards. In the case of conflict, the following standards shall apply.~~
 - (a) ~~Opaque Screen. An opaque screen shall be installed in the one hundred (100) foot perimeter setback of the RILB. This screen is opaque from the ground to a height that is equal to or greater than the adjacent building roof and mechanical equipment of one hundred (100) foot depth. This screen may be composed of a combination of landscaped earth berm, planted vegetation, fencing or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be evaluated on the basis of the average mature height and density of foliage of the subjected species, or field observation of the existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of the intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns should be naturalized and use native plants suited to the area.~~
 - (b) ~~Evergreen Trees. At least one (1) row of evergreen trees shall be planted, minimum eight (8) feet in height and ten (10) feet maximum separation at time of planting. Permitted evergreen tree species are those with the ability to develop a minimum branching width of eight (8) feet within five (5) years. Multiple tree species shall be integrated into the buffer design to promote long-term health and provide visual interest.~~
 - (c) ~~Deciduous Trees. Projects shall incorporate deciduous trees (vine maples are a desirable example) into the buffer to add seasonal variety and interest. Deciduous trees shall have a caliper of at least one (1) inch at the time of planting.~~

- 1 ~~(d) Shrubs shall be planted at a rate of one (1) shrub per twenty (20) square feet of~~
2 ~~landscaped area. At least fifty percent (50%) of the shrubs shall be evergreen. At~~
3 ~~least twenty-five percent (25%) of the shrubs should be deciduous to provide~~
4 ~~seasonal interest. Shrubs shall be at least sixteen (16) inches tall at planting and~~
5 ~~have a mature height between three (3) and four (4) feet.~~
6 ~~(e) Ground cover shall be planted and spaced to result in total coverage of the required~~
7 ~~landscape area within three (3) years as follows:~~
8 ~~(i) Four (4) inch pots at eighteen (18) inches on center.~~
9 ~~(ii) One (1) gallon or greater sized containers at twenty-four (24) inches on center.~~
10 ~~(f) New landscaping materials shall consist of drought-tolerant species that are native to~~
11 ~~the coastal region of the Pacific Northwest or noninvasive naturalized species that~~
12 ~~have adapted to the climatic conditions of the coastal region of the Pacific Northwest.~~
13 ~~(g) Maintenance. A two (2) year performance bond, irrevocable letter of credit, or~~
14 ~~assignment of cash deposit shall be posted.~~
15 ~~(9) Open Space. Demonstrate consistency with the coordinated open space, wetlands,~~
16 ~~stormwater and landscaping elements of the RILB Master Concept Plan.~~
17 ~~(10) Agriculture is allowed on site per the permitted uses of the IL RILB overlay. Provision is~~
18 ~~made for compatibility with agricultural activities on abutting agricultural lands of long-~~
19 ~~term commercial significance via:~~
20 ~~(a) Perimeter landscaped setbacks consistent with subsection (D)(4)(b)(8) of this~~
21 ~~section;~~
22 ~~(b) Agricultural use allowances, including but not limited to smaller-scale organic farming~~
23 ~~within on-site open space areas of the RILB Master Concept Plan; or~~
24 ~~(c) Other site-specific measures as determined through State Environmental Policy Act~~
25 ~~review if there are possible significant adverse impacts.~~
26 ~~c. Environmental Quality.~~
27 ~~(1) Air Quality. Emissions shall not exceed Southwest Clean Air Agency Regulations.~~
28 ~~(2) Water Quality. Stormwater quantity and quality shall be managed consistent with~~
29 ~~Chapters 13.26A and 40.386. Implementing site plans shall document consistency with~~
30 ~~the regional stormwater concept included with the RILB Master Concept Plan.~~
31 ~~(3) Development shall be consistent with critical areas regulations:~~
32 ~~(a) Chapter 40.410, Critical Aquifer Recharge Areas (CARAs);~~
33 ~~(b) Chapter 40.420, Flood Hazard Areas;~~
34 ~~(c) Chapter 40.430, Geologic Hazard Areas;~~
35 ~~(d) Chapter 40.440, Habitat Conservation; and~~
36 ~~(e) Chapter 40.450, Wetland Protection.~~
37 ~~d. Infrastructure.~~
38 ~~(1) Specific major industrial developments implementing the RILB Master Concept Plan shall~~
39 ~~assure that all new infrastructure is provided for by interlocal agreement between the~~
40 ~~county and the service provider or otherwise guaranteed by the service provider and the~~
41 ~~applicant and documented to the satisfaction of the responsible official.~~
42 ~~(2) The applicant shall extend road and utility improvements to and within the rural industrial~~
43 ~~site consistent with the RILB Master Concept Plan and service provider requirements.~~
44 ~~(a) The applicant shall be responsible for all costs of new infrastructure; provided,~~
45 ~~however, this requirement does not preclude use of government programs that fund~~
46 ~~portions of infrastructure to facilitate economic development and needed community~~
47 ~~facilities. A latecomer's agreement may be approved where an applicant installs~~
48 ~~improvements that will serve future phases or adjacent development. The applicant~~
49 ~~shall pay applicable impact fees or system development charges for system~~
50 ~~improvements supporting the development.~~
51 ~~(b) Appropriate provisions for right-of-way dedication and right-of-way improvements~~
52 ~~adjacent to the specific major industrial developments shall be made, including street~~
53 ~~paving, and sidewalks, curb, gutter, and street lighting. Improvements shall be~~
54 ~~installed prior to issuance of a building permit for any development in the rural~~
55 ~~industrial development, unless an appropriate bond or instrument acceptable to the~~
56 ~~county is provided to guarantee installation of improvements.~~

- 1 ~~(c) Power and Water Supply. Proof of adequate and available water to serve each phase~~
2 ~~of the development as specified by Clark Public Utilities shall be provided.~~
3 ~~(d) Sewage Disposal. Proof of adequate sewage disposal to serve each phase of the~~
4 ~~development as specified by the Clark Regional Wastewater District shall be~~
5 ~~provided.~~
6 ~~(e) All utilities, including irrigation, domestic water and sewer, electrical distribution,~~
7 ~~telecommunication, and other necessary services, shall be installed prior to or in~~
8 ~~conjunction with construction of permitted buildings in the rural industrial~~
9 ~~development.~~
10 ~~(f) The internal water system shall include fire hydrants and fire flow pressure consistent~~
11 ~~with Fire District requirements.~~
12 ~~(g) Concurrency requirements shall be met as provided in Section 40.350.020,~~
13 ~~Transportation Concurrency Management System.~~
14 ~~(3) Urban governmental services may be provided to this major industrial development so~~
15 ~~long as such services are not connected to uses in nonurban areas unless such~~
16 ~~connections are consistent with state law and the Clark County comprehensive plan and~~
17 ~~have been approved by Clark County.~~
18 ~~(4) Consistent with existing local, state, and federal laws, water and natural gas pipelines~~
19 ~~and electric power lines and facilities and railroad tracks may cross nonurban areas to~~
20 ~~serve this specific major industrial development.~~
21 ~~(5) Applicants for development on the Ackerland properties shall submit a rail use plan~~
22 ~~showing where they could build a spur track that will connect with the main line. A rail use~~
23 ~~plan does not apply if an applicant can show there is an existing track or spur.~~
24 ~~Development shall not preclude the extension of any spur track.~~
25 e. ~~Protection of Nonurban Lands. The following measures assure the protection of such lands~~
26 ~~from urban growth:~~
27 ~~(1) The rural industrial development is consistent with the uses authorized in RCW~~
28 ~~36.70A.367 and this chapter.~~
29 ~~(2) Urban governmental services shall not be extended to uses outside the boundaries of~~
30 ~~this specific rural industrial development (except where such services must extend~~
31 ~~through the rural or resource areas between this rural industrial development and another~~
32 ~~urban growth area) unless such extensions are consistent with state law and the Clark~~
33 ~~County comprehensive plan and have been approved by Clark County.~~
34 ~~(3) No boundary change to this rural industrial development site shall be made without an~~
35 ~~amendment to the comprehensive plan land use map consistent with the requirements of~~
36 ~~RCW 36.70A.367 and the Clark County Code.~~

37 (Amended: Ord. 2015-11-24; Ord. 2016-04-03; Ord. 2018-01-09)

38 *****

39 *****

41 **Section 6: Amendatory.** Sec. 1 (Exhibit A) of Ord. 2003-11-01 and codified as CCC
42 40.520.070, and most recently amended by Sec. 1 of Ord. 2014-12-16

43
44 **40.520.070 Master Planned Development**

45
46 A. Purpose.

47 The master planning standards in this section are intended to:

- 48 1. Promote coordinated and cohesive site planning and design of large, primarily light industrial and
- 49 mixed use sites that will occur over an extended period of time;
- 50 2. Promote coordinated and cohesive site planning and design of large, heavy industrial sites that
- 51 will occur over an extended period of time;
- 52 3. Provide a means of streamlining and consolidating development review processes. For large
- 53 sites, intensive and integrated master planning review may occur earlier within the development
- 54 process, lessening the scope of piecemeal review later as individual developments occur;

- 1 4. Through consolidation of review processes, provide a level of predictability to project applicants,
2 the county and the community at large regarding the nature and type of development which will
3 occur in the future; and
- 4 5. Through flexibility of standards and consolidation of reviews, promote and facilitate quality
5 development of larger sites in an integrated, cohesive manner providing for functional, design and
6 other linkages between, and consistency among, a mix of individual uses and structures.
7 (Amended: Ord. 2012-12-14)

8
9 B. Applicability.

10 1. Light Industrial (IL) Zones.

11 Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to
12 apply for approval of a master plan by the reviewing authority. A minimum of seventy-five percent
13 (75%) of the area proposed for master planning shall be held under common ownership at the
14 time of application. A minimum of eighty-five percent (85%) of the area proposed for master
15 planning shall be zoned light industrial (IL), or a change in zoning requested to this effect, at the
16 time of application. The master plan shall consist of both a concept plan which shows the
17 location, distribution and phasing of land uses and related facilities and a development plan as
18 each phase of the plan is developed.

19 2. Mixed Use (MX) Zone.

20 Any development with proposed phasing of uses shall submit a master plan. A minimum of
21 seventy-five percent (75%) of the area proposed for master planning shall be held under common
22 ownership at the time of application. The master plan shall consist of both a concept plan which
23 shows the location, distribution and phasing of land uses and related facilities and a development
24 plan as each phase of the plan is developed.

25 3. Heavy Industrial (IH) Zone.

26 Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to
27 apply for approval of a master plan by the reviewing authority. A minimum of seventy-five percent
28 (75%) of the area proposed for master planning shall be held under common ownership at the
29 time of application.

30 ~~4. Rural Industrial Land Banks.~~

31 ~~Rural industrial land banks established pursuant to RCW 36.70A.365 or 36.70A.367 are required to~~
32 ~~have a master plan that meets the requirements of Sections 40.560.010(J) and 40.520.075.~~

33 (Amended: Ord. 2012-12-14; Ord. 2014-12-16)

34 C. Approval Process.

35 1. Applications for a master plan shall be reviewed using a Type II-A process as described in
36 Section 40.510.025, unless:

- 37 ~~a. Submitted with a subdivision, when it shall be reviewed using a Type III process; or~~
38 ~~b. Submitted as part of a rural industrial land bank, when it shall be reviewed as a Type IV process.~~

39 2. The master planning review is intended to provide a means of consolidating various reviews into
40 a single master plan application and review, such that development subsequent to an approved
41 master plan can be processed through site plan review. The master plan ordinance is not
42 intended to integrate proposed large-scale zone or comprehensive plan changes to commercial
43 designations, or to facilitate development to that effect.

44 3. Master plan review and subsequent site plan review shall serve to integrate the following review
45 processes:

- 46 a. Conditional use review;
- 47 b. Mixed use review;
- 48 c. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability
49 requirement of this section;
- 50 d. Responsible official review;
- 51 e. Variance.

52 4. Proposed comprehensive plan map changes increasing areas of commercial designations shall
53 be processed separately under Section 40.560.010.

54 5. Upon approval by the reviewing authority and timely implementation as described in Section
55 40.520.070(H), the master plan shall remain in force unless amended through Section
56 40.520.060, Post-Decision Review. All development in the master plan area shall thereafter
57 comply with the master plan requirements and standards included or referenced therein.

- 1 Provisions of this subsection may be implemented through this section, incorporating Sections
2 501 through 506 of Chapter 347, Laws of 1995.
- 3 6. All post-decision reviews of master plans in MH zones are Type I reviews. Development sites
4 within the master planned area may be reconfigured under post-decision review as necessary to
5 attract uses as defined in Section 40.520.070(B)(3).
6 (Amended: Ord. 2010-08-06; Ord. 2014-12-16)
7 *****

8 **Section 7: Amendatory.** Sec. 2 of Ord. 2014-12-16 and codified as CCC 40.520.075, and most
9 recently amended by Sec. 25 of Ord. 2019-05-07

10
11 **40.520.075 Rural Industrial Development Master Plan**

12
13 A. Purpose.

14 The master planning standards in this section are intended to:

- 15 1. Promote coordinated and cohesive site planning and design of rural industrial development sites
16 that will develop over an extended period of time;
17 2. Provide a means of streamlining and consolidating development review processes, lessening the
18 scope of piecemeal review as individual developments occur;
19 3. Provide a level of predictability to project applicants, the county and the community at large
20 regarding the nature and type of development which will occur in the future; and
21 4. Through flexibility of standards and consolidation of reviews, promote and facilitate quality
22 development in an integrated, cohesive manner providing for functional, design and other
23 linkages between, and consistency among, a mix of individual uses and structures.

24
25 B. Applicability.

26 This chapter applies to rural industrial sites ~~and land banks~~ established pursuant to RCW 36.70A.365
27 ~~or 36.70A.367~~ and Section 40.560.010(JH). Such sites are to be a minimum of one hundred (100)
28 acres in size and zoned light industrial (IL) ~~with an IL-RILB overlay.~~

29 C. Approval Process.

- 30 1. A master plan prepared for a rural industrial site ~~or land bank~~ will be processed as part of the
31 application ~~for the land bank~~ pursuant to Section 40.560.010(JH).
32 2. The master planning review is intended to provide a means of consolidating various reviews into
33 a single master plan application and review, such that specific major industrial developments
34 subsequent to an approved master plan can be processed through site plan review.
35 3. Master plan review and subsequent site plan review for specific major industrial developments
36 shall serve to integrate the following review processes:
37 a. Conditional use review;
38 b. Responsible official review; and
39 c. Variance.
40 4. Upon approval by the reviewing authority, the master plan shall remain in force unless amended
41 through Section 40.520.060, Post-Decision Review. All development in the master plan area shall
42 thereafter comply with the master plan requirements and standards included or referenced
43 therein. Provisions of this subsection may be implemented through this section, incorporating
44 Sections 501 through 506 of Chapter 347, Laws of 1995.
45 5. All post-decision reviews of master plans are Type I reviews.

46
47 *****

48
49 **Section 8: Amendatory.** Sec. 1 (Exhibit A) of Ord. 2003-11-01 and codified as CCC
50 40.560.010, and most recently amended by Sec. 25 of Ord. 2019-05-07

51
52 **40.560.010 Plan Amendment Procedures**

H. Additional Criteria for Rural Major Industrial Map Changes.

This section governs designations outside of UGAs for major industrial developments under RCW 36.70A.365.

1. Application. The county shall process an application for a rural industrial development designation pursuant to RCW 36.70A.365 as a Type IV legislative action pursuant to Section 40.510.040 and this chapter.
2. Rural industrial designations require a minimum of one hundred (100) acres ~~and a maximum of seven hundred (700) acres in size~~, and are designated as follows:
 - a. Comprehensive Plan.
 - (1) Major industrial developments (light industrial).
 - ~~(2) Major industrial land banks (light industrial).~~
 - b. Zoning.
 - (1) Major industrial developments (IL).
 - ~~(2) Major industrial land banks (IL).~~
3. Process. Prior to formally proposing a designation under this section, the county shall:
 - a. Undertake an inventory of available urban industrial land;
 - b. Consult with affected city(ies) regarding a proposed designation;
 - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites;
 - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and
 - e. Complete a master plan for the development site as required pursuant to Section 40.520.075.
4. Approval Criteria.
 - a. In addition to the other applicable designation criteria under this chapter, major industrial developments ~~or major industrial land banks~~ may only be approved upon a finding that the requirement and criteria of RCW 36.70A.365, respectively, are met.
 - b. Development Agreement. No designation under this section may be approved unless accompanied by a development agreement pursuant to RCW 36.70B.170 and Section 40.350.020 which at a minimum assures compliance with statutory requirements and criteria.
5. Adjacent Nonurban Areas. A designation under this section does not permit urban growth in adjacent nonurban areas.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2012-12-14; Ord. 2014-12-16; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

Section 9. Effective Date.

This ordinance shall go into effect on November 22, 2019, ten (10) days after its adoption.

Section 10. Instructions to Clerk.

The Clerk to the Council shall:

1. Transmit a copy of this ordinance to the Washington State Department of Commerce within ten (10) days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.
3. Transmit a copy of the adopted ordinance to the Clark County Geographic Information Systems (Megen Britell and Jesse Manley).

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- 4. Transmit a copy of the adopted ordinance to the Community Development Department (Mitch Nickolds and Mike Curtis).
- 5. Transmit a copy of the adopted ordinance to the Community Planning Director.
- 6. Record a copy of this ordinance with the Clark County Auditor.
- 7. Cause notice of adoption of the ordinance to be published forthwith pursuant to RCW 36.70A.290, and Clark County Code 1.02.140, and transmit a copy to Community Planning.

Section 11. Roll Call Vote. The following persons voted in favor of the above ordinance [amendments]:

ADOPTED this 12 day of November 2019.

Attest:	CLARK COUNTY COUNCIL FOR CLARK COUNTY, WASHINGTON
_____ Clerk to the Council	_____ Eileen Quiring, Chair
Approved as to Form Only ANTHONY GOLIK Prosecuting Attorney	_____ Julie Olson, Councilor
By _____ Christine Cook Sr. Deputy Prosecuting Attorney	_____ Temple Lentz, Councilor
	_____ John Blom, Councilor
	_____ Gary Medvigy, Councilor