

**ORDINANCE NO. 2016-04-03**

An ordinance relating to land use, and for establishing two rural industrial land bank sites in Clark County.

WHEREAS, Clark County is allowed to plan for up to two rural industrial land bank sites under the Growth Management Act (RCW 36.70A.367); and

WHEREAS, the County received an application in February 2014 for establishing two sites as rural industrial land banks; and

WHEREAS, the County began the process in August 2014 of working through the requirements of the Growth Management Act (GMA); and

WHEREAS, a new CCC Section 40.520.075 Rural Industrial Development Master Plan was adopted by Ordinance 2014-12-16 to allow for master planning of rural industrial land bank sites; and

WHEREAS, by county code (CCC Section 40.560.010(J)), the minimum size for a rural industrial land bank is 100 acres; and

WHEREAS, the proposed sites for the rural industrial land bank are currently zoned for agricultural uses, requiring a de-designation analysis; and

WHEREAS, the County prepared an inventory identifying locations suited to major industrial use, an analysis of the availability of alternative sites, conceptual master plan, comprehensive plan amendments, and development regulations pursuant to RCW 36.70A.367; and

WHEREAS, the County held five open houses in January, April, July, and October 2015 and February 2016, to keep the public informed about how the GMA requirements were being addressed, to share draft products, and to solicit public input; and

WHEREAS, the County on October 7, 2015 issued a Notice of Intent to Designate a Rural Industrial Land Bank consistent with RCW 36.70A.367; and

WHEREAS, the County on October 7, 2015 issued a Determination of Significance and Adoption of Existing Environmental Document together with an addendum pursuant to WAC 197-11-600(4) (a) and (c) and WAC 197-11-630, given the completion of the required inventory, alternative sites analysis, conceptual master plan, comprehensive plan amendments, and development regulations; and

WHEREAS, the County included an optional 14-day comment period on the addendum closing on October 21, 2015, provided a 14-day appeal period

following the comment period closing on November 4, 2015, and an appeal on the addendum was timely filed; and

WHEREAS, the Planning Commission in a duly advertised public hearing on December 17, 2015 recommended that the Board of County Councilors (Board) adopt comprehensive plan and code changes to allow the establishment of two rural industrial land bank sites; and

WHEREAS, the Board held a duly advertised public hearing on April 5, 2016 for the purpose of considering the SEPA appeal and the Planning Commission recommendations; and

WHEREAS, the Board finds that adoption of this ordinance will further the public welfare;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COUNCILORS (BOARD) OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

**SECTION 1.** Findings. The Board of County Councilors finds the following:

1. The recitals above are incorporated into this ordinance as findings.
2. GMA requires that the county coordinate with affected cities (Vancouver and Battle Ground), undertake a programmatic level of environmental review including an inventory of developable land and analysis of the availability of alternative sites, develop a master plan concept, prepare amendments to the comprehensive plan, and prepare development regulations for the land bank sites. These statutory provisions of GMA have been met.
3. The GMA requires that the county give priority to rural industrial land bank (RILB) locations that are adjacent to, or in close proximity to, an urban growth area. This statutory provision has been met.
4. The county used the land inventory done in 2011 by CREDC, which indicates there are no parcels within city limits (including port properties) or urban growth areas that meet the county's code requirements.
5. The county conducted a regional, area-wide agricultural lands review in its de-designation analysis to consider the long-term commercial significance of possible RILB sites in the context of the greater agricultural areas of the county. The de-designation analysis applied the criteria of WAC 365-190-050 to evaluate the proposed sites for the RILB, and this analysis showed that all sites had some agricultural land and some urban land qualities.

6. The proximity to the proposed RILB designated sites to the Vancouver urban growth area and market, the availability of public facilities and services, land use settlement patterns, intensity of nearby land uses, history of land development permits nearby, and land values under alternative uses persuades the BOCC that the site no longer has long-term commercial significance for the agricultural industry. The findings of the de-designation analysis indicate that the majority of the de-designation criteria are met for the two proposed land bank sites.

7. An appeal of the addendum was made, as follows:

“The boundaries of the Review and Addendum's study area are inadequate. They fail to include consideration of impacts of the proposal on Agricultural Resource lands and other actively farmed parcels to the north of the docket site. It also fails to address the impacts of the proposal on commercial berry growing operations in the study area and in the omitted area to the north of the docket site. These concerns are discussed in my comments on the addendum submitted to the Community Planning Department.”

The County analyzed more than 3,100 acres of land including the docket site (Site 1) and abutting parcels designated as agricultural lands of long-term commercial significance. Based on the 2012 Census of Agriculture, smaller farms have become more prevalent in the County, and the high value of berry crops may continue to be attractive for producers. The 2007 EIS on the Comprehensive Plan addressed the Docket site and alternative sites for industrial and employment uses. The 2007 EIS was not challenged and remains valid. In addition, the responses to SEPA comments (January 2016) provide clarifications to the de-designation analysis to respond to appellant comments.

After holding a hearing on the appeal, the Board finds that the SEPA process using an addendum was adequate and that the 2007 EIS and associated 2015 EIS Addendum provide a reasonably thorough discussion of the significant aspects of the probable environmental consequences of the proposed action.

8. Testimony at the public hearing showed that dairy farming has significantly declined in Clark County due to economic and environmental reasons from approximately 109 dairy farms in the 1950s to three dairy farms today.

a. Census of Agriculture information also shows that in the last 20 years, between 1997 and 2012 the number of farms reporting selling dairy products from cows went from 32 to 9 (February 2016 De-designation analysis p. 32)

9. Testimony at the public hearing showed that, because of the amount of traffic now using State Road 503, it has become hazardous to move farm equipment across this roadway.

a. EIS Addendum Appendix F, Transportation, describes SR 503 as follows (September 9, 2015, Kittelson & Associates, Inc.): “The study area is bisected

by SR 503, a five-lane state highway operated and maintained by the Washington State Department of Transportation (WSDOT). SR 503 is designated as a limited access state highway and is intended to convey commuter and freight trips from community to community efficiently.”

b. The Alternative Sites Analysis (September 2015, p. 24) identifies that: “The study area is bisected by SR 503, a five-lane state highway. Approximately 24,000 to 26,000 vehicles per day were projected to traverse the segment of SR 503 between NE 119th Street and NE 149th Street per data in WSDOT’s 2014 Annual Traffic Report.”

c. The De-designation analysis identifies that SR 503 is a designated freight route and arterial (February 2016, Exhibit 9, p. 16).

**SECTION 2.** Amendatory. The Comprehensive Plan map for Clark County is hereby amended, as follows:

Parcel numbers as listed below are changed from a Comprehensive Plan designation of Agriculture and zoning designation of agriculture (AG-20) to a designation of Employment Center and a zoning designation of light industrial with a rural industrial land bank overlay (IL-RILB):

198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, and 198076000.

**SECTION 3.** Amendatory. The Clark County Comprehensive Plan is hereby amended, as follows:

**CHAPTER 1 LAND USE ELEMENT  
20-YEAR PLAN DESIGNATIONS AND LOCATION CRITERIA  
RURAL LANDS**

**Rural Industrial**

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

**Rural Industrial Land Bank**

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

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

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

## **CHAPTER 3 RURAL AND NATURAL RESOURCE ELEMENT**

### **GOALS AND POLICIES**

#### **Rural Industrial Land Bank**

**GOAL: Support the creation of a rural industrial land bank consistent with the Growth Management Act to provide a master planned location for living wage jobs and industries supporting rural communities in an environmentally sensitive manner.**

#### **3.8 Policies**

3.8.1. Designate a rural industrial land bank that is compatible with surrounding land uses and that creates long term value for both the community and the industrial users.

3.8.2 Develop rural major industrial developments within the designated rural industrial land bank that promotes sustainable development by minimizing environmental impacts, protecting natural resources, and reducing waste.

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

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

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

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

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

**SECTION 4.** Amendatory. CCC Section 40.230.085 Employment Districts created by Ordinance 2012-12-14, is hereby amended, as follows:

**40.230.085 EMPLOYMENT DISTRICTS (IL, IH, IR, BP, IL-RILB)**

- A. Purpose. The purpose of this section is to provide for a wide range of noncommercial economic development and employment opportunities that limit residential, institutional, commercial, office and other nonindustrial uses to those necessary for the convenience and support of such development and opportunities.
- B. Applicability. The regulations in this section shall be applicable in the following zoning districts:
1. Industrial (I) Districts.
    - a. Light Industrial District (IL). The light industrial district is intended to provide for those less-intensive industrial uses which produce little noise, odor and pollution. It also provides for resource-based uses and service uses that are deemed compatible with light industrial uses.
    - b. Business Park (BP) District. The Business Park district provides for the development of uses including limited light manufacturing and wholesale trade, light warehousing, business and professional services, research, business, and corporate offices, and other similar compatible or supporting enterprises not oriented to the general public.
    - c. Railroad Industrial District (IR). The railroad industrial district is intended to provide for those industrial uses that are most suited for and can take advantage of locations along the county's rail line.
    - d. Light Industrial – Rural Industrial Land Bank (IL-RILB) Overlay. The light industrial – rural industrial land bank district overlay ((IL-RILB) is applied in conjunction with the IL base zone. This overlay is intended to provide for industrial and manufacturing businesses which provide a variety of employment uses which produce little noise, odor and pollution. Development standards are intended to promotes sustainable development by minimizing environmental impacts, protecting natural resources, reducing waste, promoting compatibility

with the surrounding land uses, avoiding urban growth in areas designated for long-term rural or resource-based activity, and creating long term value for both the community and the industrial users.

2. Heavy Industrial District (IH). The heavy industrial district is intended to preserve, enhance and create areas containing industrial and manufacturing activities which are potentially incompatible with most other uses.
- C. Uses. The uses set out in Table 40.230.085-1 are examples of uses allowable in the Industrial and Business Park zoning districts.
- “P” – Uses allowed subject to approval of applicable permits.
  - “C” – Conditional uses which may be permitted, subject to the approval of a conditional use permit as set forth in Section 40.520.030.
  - “X” – Uses specifically prohibited.

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

- Sector (two (2) digit);
- Subsector (three (3) digit);
- Industry groups (four (4) digit); and
- Industry (five (5) digit).

In Table 40.230.085-1, each line is intended to include all lower divisions within it. If a specific Industry Group or Industry is separately called out on its own line in the table under a subsector, it is to be separately regulated, but all other Industry Groups or Industry under a subsector not listed will be regulated the same as the subsector. Where no Industry Group or Industry is separately called out, the use category is intended to apply generally to uses within the subsector.

The use categories apply to the industry sector of the user and are not intended to be applied individually to floor areas within each use category.

<b>Table 40.230.085-1. Uses.</b>					
<b>2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>
<b>A. Resource Uses.</b>					
<b>11 Agriculture, Forestry, Fishing and Hunting</b>					
111 Crop production	P	P	P	P	<u>P</u>
112 Animal production	P	P	P	P	<u>P</u>

<b>Table 40.230.085-1. Uses.</b>					
<b>2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>
113 Forestry and logging	P	P	P	P	<u>P</u>
114 Fishing, hunting and trapping	P	P	P	P	<u>P</u>
115 Support activities for agriculture and forestry	P	P	P	P	<u>P</u>
<b>21 Mining</b>					
211 Oil and gas extraction	X	C <sup>4</sup>	C <sup>4</sup>	X	<u>X</u>
212 Mining (except oil and gas)	X	C <sup>4</sup>	C <sup>4</sup>	X	<u>X</u>
2123 Nonmetallic mineral mining and quarrying	X	P <sup>4</sup>	P <sup>4</sup>	X	<u>X</u>
213 Support activities for mining	X	C <sup>4</sup>	C <sup>4</sup>	X	<u>X</u>
<b>22 Utilities</b>					
221 Utilities					
22111 Electric Power Generation	P	P	P	C	<u>C</u>
22112 Electric Power Transmission and Distribution	P	P	P	P	<u>P</u>
22121 Natural Gas Distribution	P	P	P	P	<u>P</u>
22131 Water Supply and Irrigation Systems	P	P	P	P	<u>P</u>
22132 Sewage Treatment Facilities	P	P	P	C	<u>C</u>
<b>23 Construction</b>					
236 Construction of Buildings	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	<u>P<sup>5</sup></u>
237 Heavy and Civil Engineering Construction	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	<u>P<sup>5</sup></u>
238 Specialty Trade Contractors	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	<u>P<sup>5</sup></u>
Storage yards for building materials, contractors' equipment and vehicles	P	P	P	X	<u>P</u>
<b>B. Manufacturing Uses</b>					

**Table 40.230.085-1. Uses.**

2012 North American Industrial Classification System (NAICS)		IL	IH	IR	BP	<u>IL-RILB Overlay</u> <sup>10</sup>
311	Food manufacturing	P	P	P	X	<u>P</u>
	31161 Animal slaughtering and processing	C	P	P	X	<u>X</u>
	311811 Retail bakeries	P	P	P	P	<u>P</u>
312	Beverage and tobacco product manufacturing	P	P	P	P	<u>P</u>
313	Textile mills	P	P	P	X	<u>P</u>
314	Textile product mills	P	P	P	X	<u>P</u>
315	Apparel manufacturing	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	X	<u>P<sup>2</sup></u>
316	Leather and allied product manufacturing					
	3161 Leather and hide tanning and finishing	X	P	P	X	<u>X</u>
	3162 Footwear manufacturing	P	P	P	P	<u>P</u>
	3169 Other leather and allied product manufacturing	P	P	P	P	<u>P</u>
321	Wood product manufacturing					
	3211 Sawmills and wood preservation	X	P	P	X	<u>X</u>
	3212 Veneer, plywood, and engineered wood product manufacturing	X	P	P	X	<u>X</u>
	321214 Truss manufacturing	P	P	P	X	<u>P</u>
	3219 Other wood product manufacturing	P	P	P	X	<u>P</u>
322	Paper manufacturing					
	3221 Pulp, paper and paperboard mills	X	P	P	X	<u>X</u>
	3222 Converted paper product manufacturing	P	P	P	P	<u>P</u>
323	Printing and related support activities	P	P	P	P	<u>P</u>

**Table 40.230.085-1. Uses.**

2012 North American Industrial Classification System (NAICS)		IL	IH	IR	BP	<u>IL-RILB Overlay</u> <sup>10</sup>
324	Petroleum and coal products manufacturing	X	P	P	X	<u>X</u>
325	Chemical manufacturing	X	P	P	X	<u>X</u>
3254	Pharmaceutical and medicine manufacturing	P	P	P	X	<u>P</u>
3256	Soap, cleaning compound, and toilet preparation manufacturing	P	P	P	X	<u>P</u>
326	Plastics and rubber products manufacturing	P	P	P	X	<u>P</u>
327	Nonmetallic mineral product manufacturing					
3271	Clay product and refractory manufacturing	P	P	P	X	<u>P</u>
3272	Glass and glass product manufacturing	P	P	P	X	<u>P</u>
3273	Cement and concrete product manufacturing	P	P	P	X	<u>P</u>
	327310 Cement manufacturing	X	P	P	X	<u>X</u>
	327320 Ready-mix concrete manufacturing	X	P	P	X	<u>X</u>
3274	Lime and gypsum product manufacturing	X	P	P	X	<u>X</u>
3279	Other nonmetallic mineral product manufacturing	X	P	P	X	<u>X</u>
331	Primary metal manufacturing	X	P	P	X	<u>X</u>
332	Fabricated metal product manufacturing					
3321	Forging and stamping	P	P	P	X	<u>P</u>
3322	Cutlery and hand tool manufacturing	P	P	P	P	<u>P</u>
3323	Architectural and structural metals manufacturing	P	P	P	X	<u>P</u>

**Table 40.230.085-1. Uses.**

2012 North American Industrial Classification System (NAICS)		IL	IH	IR	BP	<u>IL-RILB Overlay</u> <sup>10</sup>
3324	Boiler, tank, and shipping container manufacturing	P	P	P	X	<u>P</u>
3325	Hardware manufacturing	P	P	P	X	<u>P</u>
3326	Spring and wire product manufacturing	P	P	P	X	<u>P</u>
3327	Machine shops	P	P	P	C	<u>P</u>
3328	Coating, engraving, heat treating, and allied activities	P	P	P	X	<u>P</u>
	332813 Electroplating, plating, polishing, anodizing, and coloring	C	P	P	X	<u>C</u>
3329	Other fabricated metal product manufacturing	P	P	P	X	<u>P</u>
333	Machinery manufacturing	P	P	P	C	<u>P</u>
334	Computer and electronic product manufacturing	P	P	P	P	<u>P</u>
335	Electrical equipment, appliance, and component manufacturing	P	P	P	P	<u>P</u>
336	Transportation equipment manufacturing	P	P	P	X	<u>P</u>
	336991 Motorcycle, bicycle, and parts manufacturing	P	P	P	P	<u>P</u>
337	Furniture and related product manufacturing	P	P	P	X	<u>P</u>
339	Miscellaneous manufacturing	P	P	P	P	<u>P</u>
<b>C. Wholesale Trade</b>						
423	Wholesale trade, durable goods (retail sales prohibited)	P	P	P	P	<u>P</u>

<b>Table 40.230.085-1. Uses.</b>						
<b>2012 North American Industrial Classification System (NAICS)</b>		<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>
424	Wholesale trade, nondurable goods (retail sales prohibited)	P	P	P	P	<u>P</u>
425	Wholesale electronic markets and agents and brokers	P	P	P	P	<u>P</u>
<b>D. Retail Trade</b>						
	Retail sales of products fabricated on site	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>P<sup>1</sup></u>
	Construction and industrial equipment sales	P	P	P	X	<u>P</u>
4411	Automotive dealers	X	X	X	X	<u>X</u>
4412	Other motor vehicle dealers	X	X	X	X	<u>X</u>
4413	Automotive parts, accessories, and tire stores	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>P<sup>1</sup></u>
4441	Building material and supplies dealers	P	X	X	X	<u>P</u>
	44412 Paint and wallpaper stores	P <sup>1</sup>	X	X	X	<u>P<sup>1</sup></u>
	44413 Hardware stores	P <sup>1</sup>	X	X	X	<u>P<sup>1</sup></u>
445	Food and Beverage Stores	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
	44512 Convenience stores	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>P<sup>1</sup></u>
446	Health and personal care stores	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
447	Gasoline stations	C	C	C	C	<u>C</u>
448	Clothing and clothing accessories stores	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
451	Sporting goods, hobby, book and music stores	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
452	General merchandise stores	X	X	X	X	<u>X</u>
453	Miscellaneous store retailers	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
454	Non-store retailers	P	X	X	P	<u>P</u>
	45431 Fuel dealers	P	P	P	X	<u>C</u>

<b>Table 40.230.085-1. Uses.</b>		<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b>IL-RILB Overlay<sup>10</sup></b>
<b>2012 North American Industrial Classification System (NAICS)</b>						
<b>E. Transportation and warehousing</b>						
482	Rail transportation	P	P	P	X	<u>P</u>
483	Water Transportation	X	P	X	X	<u>X</u>
484	Truck transportation	P	P	P	P	<u>P</u>
485	Transit and ground passenger transportation	P	P	P	P	<u>P</u>
486	Pipeline transportation	P	P	P	P	<u>P</u>
487	Scenic and sightseeing transportation	P	P	X	X	<u>P</u>
488	Support activities for transportation	P	P	X	X	<u>P</u>
4882	Support activities for rail transportation	P	P	P	X	<u>P</u>
4883	Support activities for water transportation	X	P	P	X	<u>X</u>
4884	Support activities for road transportation	P	X	X	X	<u>P</u>
4885	Freight transportation arrangement	P	P	P	P	<u>P</u>
4889	Other support activities for transportation	P	P	P	P	<u>P</u>
491	Postal Service	P	P	P	P	<u>P</u>
492	Couriers and messengers	P	P	P	P	<u>P</u>
493	Warehousing and storage	P	P	P	P	<u>P</u>
<b>F. Information</b>						
511	Publishing industries	P	P	P	P	<u>P</u>
512	Motion picture and sound recording industries	P	P	P	P	<u>P</u>
515	Broadcasting (except Internet)	P	P	P	P	<u>P</u>
516	Internet publishing and broadcasting	P	P	P	P	<u>P</u>

<b>Table 40.230.085-1. Uses.</b>		<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>
<b>2012 North American Industrial Classification System (NAICS)</b>						
517	Telecommunications	P	P	P	P	<u>P</u>
5172	Wireless communications carriers	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>	<u>P/C<sup>7</sup></u>
518	Internet service providers, web search portals, and data processing services	P	P	P	P	<u>P</u>
519	Other information services	P	P	P	P	<u>P</u>
52	Finance and insurance	X	X	X	P	<u>X</u>
5221	Branch banks (including drive-up service)	P <sup>1</sup>	P <sup>1</sup>	X	P	<u>P<sup>1</sup></u>
524	Insurance carriers and related activities	P	X	X	P	<u>P</u>
53	Real estate and rental and leasing					
531	Offices of real estate agents and brokers	P	X	X	P	<u>P</u>
532	Rental and leasing services	P	X	X	P	<u>P</u>
5324	Commercial and industrial machinery and equipment rental and leasing	P	P	P	X	<u>P</u>
533	Lessors of nonfinancial intangible assets (except copyrighted works)	X	X	X	P	<u>X</u>
54	Professional, Scientific, and Technical Services					
541	Professional, scientific, and technical services	P	X	X	P	<u>P</u>
54135	Building Inspection services	P	X	X	P	<u>P</u>
54136	Geophysical surveying and mapping services	P	X	X	P	<u>P</u>
54137	Surveying and mapping (except geophysical services)	P	X	X	P	<u>P</u>
54138	Testing laboratories	P	X	X	P	<u>P</u>
54194	Veterinary services	P	P	X	P	<u>P</u>

<b>Table 40.230.085-1. Uses.</b>						
<b>2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>	
<b>55 Management of Companies and Enterprises</b>						
551 Management of companies and enterprises	P	X	X	P	<u>P</u>	
<b>56 Administrative and Support and Waste Management and Remediation Services</b>						
561 Administrative and support services	P	X	X	P	<u>P</u>	
5616 Investigation and security services	P	X	X	P	<u>P</u>	
5617 Services to buildings and dwellings	P	X	X	P	<u>P</u>	
5619 Other support services	P	X	X	P	<u>P</u>	
562 Waste management and remediation services	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	X	<u>C<sup>6</sup></u>	
<b>61 Educational services</b>						
611 Educational services	C	C	X	C	<u>C</u>	
6111 Elementary and secondary schools	C	C	X	C	<u>X</u>	
6112 Junior colleges	C	C	X	C	<u>C</u>	
6113 Colleges and universities	C	C	X	C	<u>C</u>	
6114 Business schools and computer and management training	C	C	X	P	<u>C</u>	
6115 Technical and trade schools	P	P	P	P	<u>P</u>	
611519 Truck driving schools	P	P	X	P	<u>P</u>	
6116 Other schools and instruction	C	C	X	P	<u>C</u>	
611692 Automobile driving schools	P	C	X	P	<u>P</u>	
6117 Educational Support Services	C	C	X	P	<u>C</u>	
<b>62 Health Care and Social Assistance</b>						
621 Ambulatory health care services	P	X	X	P	<u>P</u>	

<b>Table 40.230.085-1. Uses.</b>						
<b>2012 North American Industrial Classification System (NAICS)</b>		<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b>IL-RILB Overlay<sup>10</sup></b>
6215	Medical and diagnostic laboratories	P	X	X	P	<u>P</u>
6216	Home health care services	P	X	X	P	<u>P</u>
6219	Other ambulatory health care services	P	X	X	P	<u>P</u>
62191	Ambulance Services	P	P	P	P	<u>P</u>
622	Hospitals	C	X	X	P	<u>C</u>
623	Nursing and residential care facilities	X	X	X	P	<u>X</u>
6232	Residential mental retardation, mental health, and substance abuse facilities	X	X	X	C	<u>X</u>
624	Social assistance	X	X	X	P	<u>X</u>
6244	Child day care services	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	<u>P<sup>1</sup></u>
71 Arts, entertainment, and recreation		P <sup>1</sup>	X	X	P	<u>P<sup>1</sup></u>
7112	Spectator sports	C	X	X	C	<u>C</u>
71391	Golf courses and country clubs	X	X	X	X	<u>X</u>
71392	Skiing facilities	X	X	X	X	<u>X</u>
71393	Marinas	P	X	X	X	<u>P</u>
71394	Fitness and recreational sports centers	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>P<sup>1</sup></u>
71399	All other amusement and recreation industries	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
72 Accommodations and food services						
721	Accommodation	X	X	X	P	<u>X</u>
722	Food services and drinking places	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<u>P<sup>1</sup></u>
7223	Special food services	P	P	P	P	<u>P</u>

<b>Table 40.230.085-1. Uses.</b>					
<b>2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u><sup>10</sup></b>
<b>81 Other Services (Except Public Administration)</b>					
811 Repair and maintenance	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	<u>P<sup>3</sup></u>
8111 Automotive repair and maintenance	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	C	<u>P<sup>3</sup></u>
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	C	<u>P<sup>3</sup></u>
812 Personal and laundry services	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
81221 Funeral homes and funeral services	X	X	X	P	<u>X</u>
81222 Cemeteries and crematories	C	C	C	C	<u>C</u>
8123 Dry cleaning and laundry services	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
81233 Linen and uniform supply	P	P	X	P	<u>P</u>
81291 Pet care (except veterinary) services	P <sup>1</sup>	X	X	P <sup>1</sup>	<u>P<sup>1</sup></u>
813 Religious, grant making, civic, professional, and similar organizations	X	X	X	C	<u>X</u>
92 Public Administration	P	X	X	P	<u>P</u>
92214 Correctional institutions	C	C	X	X	<u>X</u>
<b>G. Other uses not listed as NAICS codes</b>					
1. Service stations for vehicle fleets, including cardlock facilities	P	P	P	P	<u>P</u>
2. Personal property storage including outdoor RV and boat storage	P	X	X	X	<u>P</u>
<b>3. Accessory uses</b>					
a. Administrative, educational, and other related activities and facilities	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<u>P<sup>2</sup></u>

<b>Table 40.230.085-1. Uses.</b>					
<b>2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b>IL-RILB Overlay<sup>10</sup></b>
b. Caretaker, security or manager residence when incorporated as an integral part of a permitted use	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<u>P<sup>2</sup></u>
c. Off-site hazardous waste treatment and storage facilities (subject to RCW 70.105.210)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<u>P<sup>2</sup></u>
<b>4. Other Uses</b>					
a. Parks, trails and related uses	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<u>P<sup>2</sup></u>
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	<u>P</u>
c. Legally existing commercial and industrial use structures	P	P	P	P	<u>P</u>
d. Public facilities for the support of construction projects and agency operations, including offices for employees of the facility	P	P	P	P	<u>P</u>
e. Electric vehicle infrastructure	P	P	P	P	<u>P</u>
f. Coffee and food stands two hundred (200) square feet or less	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	<u>P<sup>8</sup></u>
g. Agricultural stands and markets	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	<u>P<sup>9</sup></u>
h. Medical marijuana collective gardens	X	X	X	X	<u>X</u>
i. Marijuana-related facilities	X	X	X	X	<u>X</u>

<sup>1</sup> 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 products manufactured on site, to attract and retain a quality workforce, and to further other public objectives such as trip reduction.

<sup>2</sup> Permitted only in association with a permitted use.

<sup>3</sup> 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.

<sup>4</sup> Subject to the provisions of Section 40.250.022, Surface Mining Overlay District.

<sup>5</sup> 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.

<sup>6</sup> Subject to the provisions of Section 40.260.200.

<sup>7</sup> See Table 40.260.250-1.

<sup>8</sup> Subject to the provisions of Section 40.260.055.

<sup>9</sup> Subject to the provisions of Section 40.260.025.

<sup>10</sup> Pursuant to Section 40.230.085(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.

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).

<b>Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements.</b>					
<b>Subject</b>	<b>Zone</b>				
	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b><u>IL-RILB Overlay</u></b>

<b>Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements.</b>					
<b>Subject</b>	<b>Zone</b>				
	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b>IL-RILB Overlay</b>
Minimum area of new zoning district	None	None	None	5 acres <sup>4</sup>	<u>100</u>
Maximum area of new zoning district	None	None	None	None	<u>None</u>
Minimum lot area	None	None	None	5 acres <sup>4</sup>	<u>50</u>
Minimum lot width	None	None	None	None	<u>None</u>
Maximum building height <sup>6</sup>	100 feet <sup>2</sup>	100 feet <sup>2</sup>	100 feet <sup>2,3</sup>	100 feet <sup>2</sup>	<u>100 feet<sup>2</sup></u>
Minimum building setback					
Front/street side	20 feet	20 feet	20 feet	20 feet	<u>20 feet</u>
Side (interior)	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>	<u>0/100 feet<sup>7</sup></u>
Rear	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>	<u>0/100 feet<sup>7</sup></u>
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.				
Minimum site landscaped area <sup>1</sup>	10 percent	0 percent	0 percent	15 percent	<u>10 percent</u>

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

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

<sup>3</sup> 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.

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

<sup>5</sup> Twenty (20) feet when abutting residentially zoned property.

<sup>6</sup> 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.

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

- 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 is permitted outside of a boundary line where it is necessary to protect property of the industry or the business concerned. No sight-obscuring fence shall be constructed abutting a major arterial or other public right-of-way in excess of four (4) feet in height within the perimeter setbacks. Any chain link or other wire

- fencing must be screened with green growing plant materials or contain slats.
- d. Site Landscaping and Design Plan. In addition to site plan requirements, the following requirements shall apply:
- (1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones, the applicant shall provide and maintain a vegetative buffer at least eleven (11) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.
  - (2) Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is preferred. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads.
  - (3) If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop, the applicant shall work with the transit agency in locating a transit stop and shelter as close as possible to the main building entrance.
  - (4) Parking island locations may be designed to facilitate on-site truck maneuvering.
  - (5) Required setback areas adjacent to streets and abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and stormwater facilities.
  - (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a pedestrian plaza, the plaza must:
    - (a) Have a minimum width and depth of ten (10) feet and a minimum size of six hundred fifty (650) square feet; and
    - (b) Have a minimum of eighty percent (80%) of the area paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
  - (7) Structures should be clustered on site to maximize open space within the development.
  - (8) When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls 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 wall.
- e. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided which connects the street to the public entrances of the structure(s) on site.

- (1) The circulation system shall be hard surfaced and be at least five (5) feet wide.
  - (2) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).
  - (3) The pedestrian circulation system and parking areas must be adequately lighted so that parking areas can be used safely when natural light is not present.
  - (4) The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.
- f. Commercial Retail Bonus. Additional floor area beyond ten percent (10%) of the total may be devoted to commercial uses if the following conditions are met. Commercial and service bonuses are expressed as a percentage of total floor area of the development or building, up to a maximum of twenty percent (20%).
- (1) All required parking is contained within the building or parking structure associated with the development: two and one-half percent (2.5%) bonus for each building served by the qualifying parking structure.
  - (2) The building is oriented such that access to a transit stop is available within one-half mile: two and one-half percent (2.5%) bonus.
  - (3) Child care facilities are provided within the development: two and one-half percent (2.5%) bonus.
  - (4) Any six (6) of the following enhanced pedestrian spaces and amenities are provided: 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 and 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.

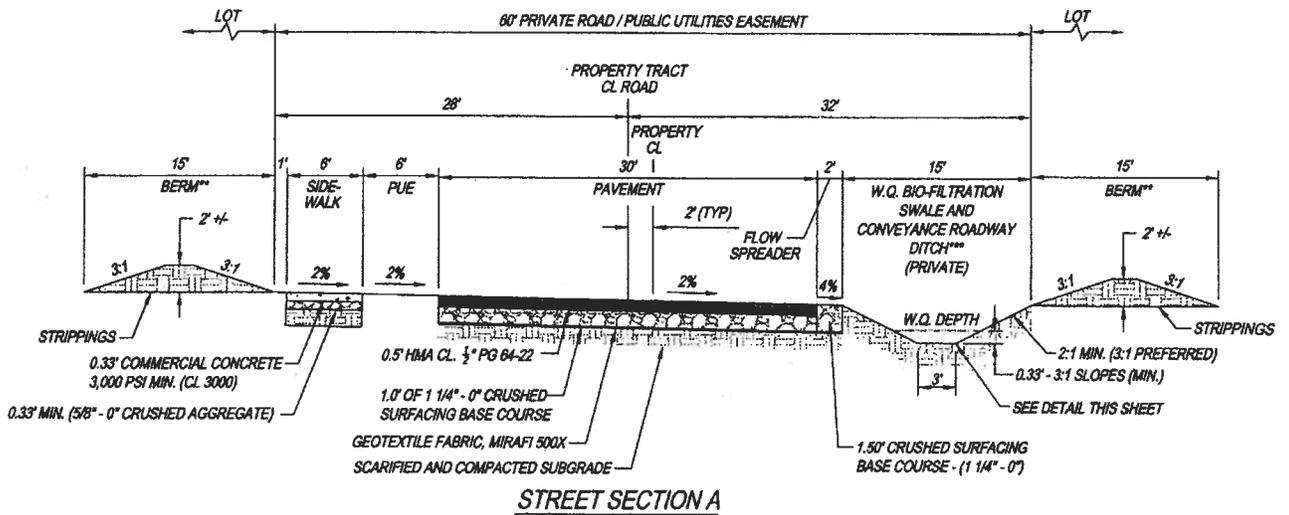
(c) Reciprocal Access Agreement. The applicant shall submit to Clark County a reciprocal access agreement or other legal covenant running with the land to formalize the joint access prior to commencement of construction. The agreement must be signed by all affected property owners or tenants, shall be notarized, and shall be recorded with the Clark County Auditor prior to construction.

(2) Street Standards.

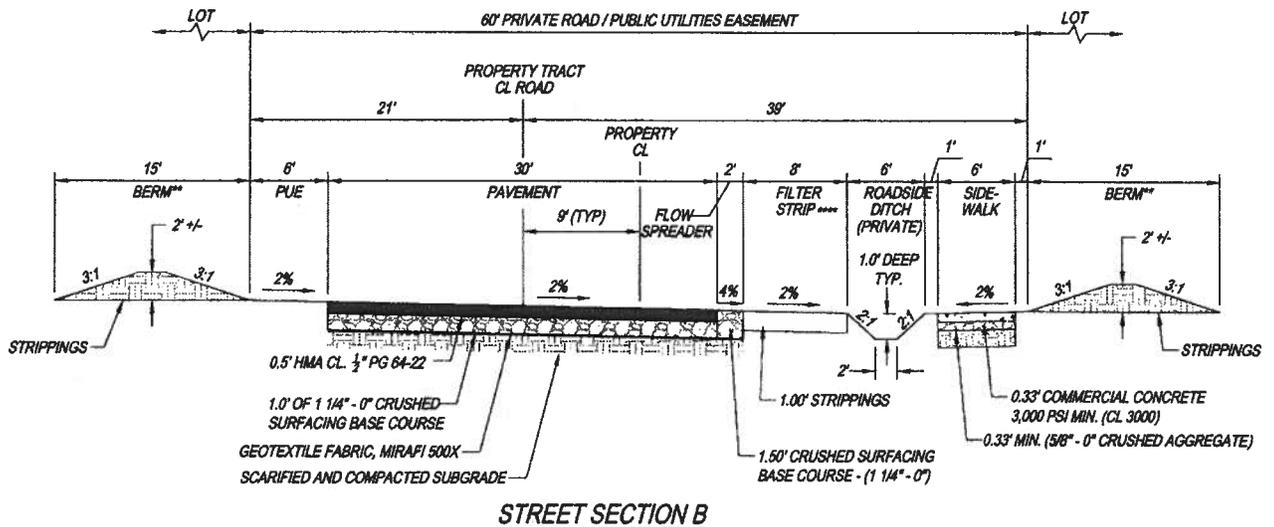
(a) Streets shall meet the provisions of Section 40.350.030.

(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 2 that provide two 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**



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



- (3) Parking Requirements. Parking shall meet the requirements of Chapter 40.340 Parking, Loading and Circulation.
- (4) Non-motorized Circulation and Handicapped Accessibility. The standards of Section 40.350.010 Pedestrian/Bicycle Circulation shall be met with regard to non-motorized 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 a quarter-mile (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 100' 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 on the average mature height and density of foliate 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 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.
- (d) Shrubs shall be planted at a rate of one shrub per twenty (20) square feet of landscaped area. At least fifty percent (50%) of the shrubs shall be evergreen. At least twenty-five percent (25%) of the shrubs should be deciduous to provide seasonal interest. Shrubs shall be at least sixteen (16) inches tall at

- planting and have a mature height between three (3) and four (4) feet.
- (e) Ground cover shall be planted and spaced to result in total coverage of the required landscape area within three (3) years as follows:
- (i) Four- (4-) inch pots at eighteen (18) inches on center.
- (ii) One-gallon or greater sized containers at twenty-four (24) inches on center.
- (f) New landscaping materials shall consist of drought-tolerant species that are native to the coastal region of the Pacific Northwest or noninvasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest.
- (g) Maintenance. A two-year performance bond, irrevocable letter of credit, or assignment of cash deposit shall be posted.
- (9) Open Space. Demonstrate consistency with the coordinated open space, wetlands, stormwater and landscaping elements of the RILB Master Concept Plan.
- (10) Agriculture is allowed onsite per the permitted uses of the IL-RILB Overlay. Provision is made for compatibility with agricultural activities on abutting agricultural lands of long-term commercial significance via perimeter landscaped setbacks consistent with subsection (8) of this section, agricultural use allowances within onsite open space areas of the RILB Master Concept Plan, or other site-specific measures as determined through State Environmental Policy Act review if there are possible significant adverse impacts.
- c. Environmental Quality.
- (1) Air Quality. Emissions shall not exceed Southwest Clean Air Agency Regulations.
- (2) Water Quality. Stormwater quantity and quality shall be managed consistent with Chapters 13.26A and 40.386. Implementing site plans shall document consistency with the regional stormwater concept included with the RILB Master Concept Plan.
- (3) Development shall be consistent with critical areas regulations:
- (a) Chapter 40.410 Critical Aquifer Recharge Areas (CARAs);
- (b) Chapter 40.420 Flood Hazard Areas;
- (c) Chapter 40.430 Geologic Hazard Areas;
- (d) Chapter 40.440 Habitat Conservation; and
- (e) Chapter 40.450 Wetland Protection.
- d. Infrastructure.
- (1) Specific major industrial developments implementing the RILB Master Concept Plan shall assure that all new infrastructure is provided for by inter-local agreement between the County and the service provider or otherwise guaranteed by the service provider and the applicant and documented to the satisfaction of the responsible official.

- (2) The applicant shall extend road and utility improvements to and within the rural industrial site consistent with the RILB Master Concept Plan and service provider requirements.
- (a) The applicant shall be responsible for all costs of new infrastructure; provided, however, this requirement does not preclude use of government programs that fund portions of infrastructure to facilitate economic development and needed community facilities. A latecomer's agreement may be approved where an applicant installs improvements that will serve future phases or adjacent development. The applicant shall pay applicable impact fees or system development charges for system improvements supporting the development.
- (b) Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the specific major industrial developments shall be made, including street paving, and sidewalks, curb, gutter, and street lighting. Improvements shall be installed prior to issuance of a building permit for any development in the rural industrial development, unless an appropriate bond or instrument acceptable to the County is provided to guarantee installation of improvements.
- (c) Power and Water Supply. Proof of adequate and available water to serve each phase of the development as specified by Clark Public Utilities shall be provided.
- (d) Sewage Disposal. Proof of adequate sewage disposal to serve each phase of the development as specified by the Clark Regional Wastewater District shall be provided.
- (e) All utilities, including irrigation, domestic water and sewer, electrical distribution, telecommunication, and other necessary services, shall be installed prior to or in conjunction with construction of permitted buildings in the rural industrial development.
- (f) The internal water system shall include fire hydrants and fire flow pressure consistent with Fire District requirements.
- (g) Concurrency requirements shall be met as provided in Section 40.350.020 Transportation Concurrency Management System.
- (3) Urban governmental services may be provided to this major industrial development so long as such services are not connected to uses in nonurban areas unless such connections are consistent with state law and the Clark County comprehensive plan and have been approved by Clark County.
- (4) Consistent with existing local, state, and federal laws, water and natural gas pipelines and electric power lines and facilities, and railroad tracks may cross nonurban areas to serve this specific major industrial development.
- (5) Applicants for development on the Ackerland properties 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.

e. Protection of Non-Urban Lands. The following measures assure the protection of such lands from urban growth:

(a) The rural industrial development is consistent with the uses authorized in RCW 36.70A.367 and this chapter.

(b) Urban governmental services shall not be extended to uses outside the boundaries of this specific rural industrial development (except where such services must extend through the rural or resource areas between this rural industrial development and another urban growth area) unless such extensions are consistent with state law and the Clark County comprehensive plan and have been approved by Clark County.

(c) No boundary change to this rural industrial development site shall be made without an amendment to the comprehensive plan land use map consistent with the requirements of RCW 36.70A.367 and the Clark County Code.

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

1. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended, and applicable provisions of Subtitle 40.3.
2. Venting Standards. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be directed away from residential uses within fifty (50) feet of the vent.
3. Major Odor Sources.
  - a. When an application is made for a use which is determined to be a major odor source, the applicant shall demonstrate that:
    - (1) The odor abatement for the project shall comply with the best available control technology for odor control; and
    - (2) The emissions will not exceed SWCAA General Regulations.
  - b. Uses which involve the following odor-emitting processes or activities shall be considered major odor sources:
    - (1) Lithographic, rotogravure or flexographic printing;
    - (2) Film burning;
    - (3) Fiberglassing;
    - (4) Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;
    - (5) Handling of heated tars and asphalts;
    - (6) Incinerating (commercial);
    - (7) Metal plating;
    - (8) Tire buffing;
    - (9) Vapor degreasing;
    - (10) Wire reclamation;

- (11) Use of boilers (greater than one hundred six (106) British Thermal Units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
  - (12) Other uses creating similar odor impacts;
  - (13) Uses which employ the following processes shall be considered major odor sources, except when the entire activity is conducted as part of a retail sales and service use:
    - (a) Cooking of grains;
    - (b) Smoking of food or food products;
    - (c) Fish or fishmeal processing;
    - (d) Coffee or nut roasting;
    - (e) Deep-fat frying;
    - (f) Dry cleaning;
    - (g) Animal food processing;
    - (h) Other uses creating odors offensive to a person of ordinary sensitivity at any point along a boundary line of the property on which a use or structure is located.
4. Light and Glare Standards.
- a. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
  - b. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
  - c. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent uses.
  - d. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
  - e. Glare diagrams which clearly identify potential adverse glare impacts on any residential zone and on arterials shall be required when:
    - (1) Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five (65) feet in height is proposed to have more than thirty percent (30%) of the facades comprised of clear or tinted glass;
    - (2) The facade(s) surfaced or comprised of such materials either:
      - (a) Are oriented towards and are less than two hundred (200) feet from any residential zone; and/or
      - (b) Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day.
  - f. When glare diagrams are required, the responsible official may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:
    - (1) Minimizing the percentage of exterior facade that is composed of glass;
    - (2) Using exterior glass of low reflectance;

- (3) Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
  - (4) Alternating glass and non-glass materials on the exterior facade; and
  - (5) Changing the orientation of the structure.
5. Outdoor Storage Standards.
- a. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from public rights-of-way to the L3 standard.
  - b. Outdoor storage is prohibited:
    - (1) In floodways;
    - (2) On slopes greater than fifteen percent (15%);
    - (3) In parking stalls required by Chapter 40.340;
    - (4) In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five- (5-) foot wide walkway does not remain clear and free of obstructions;
    - (5) If any materials would likely attract animals, birds or vermin; and
    - (6) In fire lanes.
  - c. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.
6. Vibration. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity without instruments, at any point of any boundary line of the property. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.
7. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.

**SECTION 5.** Amendatory. CCC Section 40.520.075 Rural Industrial Development Master Plan created by Ordinance 2014-12-16, is hereby amended, as follows:

**40.520.075 RURAL INDUSTRIAL DEVELOPMENT MASTER PLAN**

**A. Purpose.**

The master planning standards in this section are intended to:

- 1. Promote coordinated and cohesive site planning and design of rural industrial development sites that will develop over an extended period of time;

2. Provide a means of streamlining and consolidating development review processes, lessening the scope of piecemeal review as individual developments occur;
  3. Provide a level of predictability to project applicants, the county and the community at large regarding the nature and type of development which will occur in the future; and
  4. Through flexibility of standards and consolidation of reviews, promote and facilitate quality development in an integrated, cohesive manner providing for functional, design and other linkages between, and consistency among, a mix of individual uses and structures.
- B. Applicability.

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

C. Approval Process.

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

D. Approval Criteria.

1. In approving the master plan, site plans subsequent to master plan approval, or amendments to the master plan, the review authority shall make a finding that the following approval criteria are met:
  - a. General goals:
    - (1) Achievement of the goals and objectives of the community framework plan and the comprehensive plan;
    - (2) Enhancement of economic vitality, particularly opportunities for high wage employment;

- (3) Efficient provisions and use of public facilities and services;
  - (4) Plan sufficient infrastructure to meet concurrency needs; and
  - (5) Goals provided in the purpose statements of the applicable zoning district.
- b. Specific conditions:
- (1) The master plan contains adequate provisions for ensuring that the original visions and goals as stated in the master plan will be implemented;
  - (2) The site of the proposed master plan is adequate in size and shape to accommodate the proposed uses and all yards, spaces, walls and fences, parking, loading, landscaping, and other features as required by this title, and to ensure that said use will have no significant detrimental impacts on neighboring land uses and the surrounding area;
  - (3) The site for the proposed uses relates to streets and highways that are or will be adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses;
  - (4) Adequate public utilities are or will be available to serve the proposed project;
  - (5) The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development;
  - (6) The proposed master plan facilitates quality development in an integrated manner which provides for a functional and design interrelation of uses and/or structures;
  - (7) The master plan meets all submittal requirements of this section, and material submitted provides sufficient detail to enable review for compliance;
  - (8) All areas of the master plan site to be developed with commercial uses shall be so delineated on the master plan. Commercially delineated areas proposed within industrially zoned areas of the master plan site shall account for no more than ten percent (10%) of the total area.
2. The review authority may impose conditions as necessary to satisfy the requirements of this section.
3. The applicant may choose one (1) of two (2) options for environmental review:
- a. Environmental review for build-out of the master plan. Projects included in the environmental review of the master plan shall not require additional environmental review; or
  - b. Environmental review of the conceptual master plan followed by project-specific environmental review to be completed at the time of individual project development. This option includes situations where

the conceptual SEPA review for the master plan is completed concurrently with project-specific SEPA review on a first phase. The scope of a narrower review of project proposals may be based on relevant similarities, such as common timing, impacts, implementation or subject matter (per WAC 197-11-060(3)).

E. Site Plan Review Process Under an Approved Master Plan.

~~Major industrial development proposals submitted pursuant to an approved master plan shall be reviewed under Section 40.520.040, subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such specific major industrial developments are subject to a Type III review process according to CCC 40.510.030, with the following specific hearing notice requirements that supersede those of CCC 40.510.030: An open record public hearing shall be held before the hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site. Such development proposals do not require a public hearing on a project specific basis so long as the original master plan is followed. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.~~

F. Development Standards, Covenants, and Guidelines.

1. The applicant has two (2) options in establishing development standards to control development in the master plan area:
  - a. Incorporate the development standards as adopted by the ordinance codified in this section; or
  - b. Propose new development standards (which may incorporate some of the standards in this section). Development standards that differ from the existing land use code requirements will be reviewed as part of master plan review.
2. ~~Development standards shall address: See CCC 40.230.085.D.~~
  - ~~a. Permitted, accessory and conditional uses and uses permitted with administrative review;~~
  - ~~b. Floor area ratios for office, commercial and industrial development, where permitted;~~
  - ~~c. Maximum building heights;~~
  - ~~d. Maximum lot coverage (building and impermeable surface);~~
  - ~~e. Setbacks;~~
  - ~~f. Minimum spacing between buildings;~~
  - ~~g. Circulation/access to and within each lot and/or area;~~
  - ~~h. Landscaping requirements (minimum landscaped area);~~
  - ~~i. Open space;~~
  - ~~j. Parking requirements (location, design, amount);~~
  - ~~k. Street standards;~~

~~l. Signage; and~~

~~m. Handicapped accessibility.~~

3. Covenants, Conditions and Restrictions. Notwithstanding any other provision in this section, the review authority may enter into developer agreements pursuant to RCW ~~36.70B.170~~ through ~~36.70B.210~~. The board may also declare the master plan a planned action pursuant to RCW~~43.21C.031~~.
  - a. Other site development restrictions, such as easements and covenants, not covered by the development standards or applicable ordinances may be incorporated into the master plan, in a section stipulating covenants, conditions and restrictions that run with the land;
  - b. Where separate ownership of lots within the master plan area may occur, to ensure consistency in development and protect the character of the development, the owners may be required, or may desire, to confer responsibility for maintaining common open space, communal recreational areas and facilities, private roads and landscaping to one (1) of the following:
    - (1) An association of owners that shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney. Automatic membership in the association upon purchase of property and association fees shall be contained in covenants that run with the land. The association must have the power to levy assessments. Nonpayment of association fees can become a lien on the property; or
    - (2) Dedication to a public agency that agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.
4. Other conditions which may be addressed in this section of the master plan document are agreements and assurances on the part of the applicant and on the part of the county with respect to future development. Other general provisions may be included in the final master plan: effective date, duration, cooperation and implementation, intent and remedies, periodic review, dispute resolution, assignment, relationship of parties, hold harmless, notices, severability and termination, time of essence, waiver, successors and assigns, governing state law, constructive notice and acceptance, processing fees.
5. The owner may choose to establish architectural design guidelines to promote consistency throughout the development. Administering the guidelines shall be the responsibility of the owner of the site or the association of owners. The guidelines may consist of, for example, roof pitches, building materials, window treatments, paving materials, and building articulation, etc.
6. The comprehensive plan map shall be amended to add the suffix "-mp" to the site at the time of approval of master plans approved under this chapter.

**SECTION 6.** Amendatory. The Clark County Arterial Atlas is hereby amended, as follows:

Modifications:

The planned extension of NE 139<sup>th</sup> St (M-2cb) connecting to NE 144<sup>th</sup> St is proposed to transition north/south entirely east of Chelatchie Prairie Railroad at approximately NE 112<sup>th</sup> Av. Currently the planned extension transitions gradually from NE 139<sup>th</sup> St. to NE 144<sup>th</sup> St. beginning at NE 102<sup>nd</sup> Ave.

The planned north/south extension of NE 124<sup>th</sup> Ave. (Commercial/Industrial) from NE 119<sup>th</sup> St. to NE 144<sup>th</sup> St. is currently shown as a vertical alignment. The proposed amendment will serpentine the road westward beginning at approximately NE 124<sup>th</sup> St. to NE 135<sup>th</sup> St and continue a direct connection to NE 144<sup>th</sup> St.

Reclassify NE 134<sup>th</sup> St from a 2-lane collector (C-2) to a 2-lane minor arterial (M-2cb), from the new proposed road at NE 110<sup>th</sup> Ave. to the intersection with 132<sup>nd</sup> Ave.

Reclassify NE 144<sup>th</sup> St from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2), from the NE 139<sup>th</sup> St. intersection to the NE 137<sup>th</sup> Ave. intersection.

Deletions: None

Additions:

Commercial/Industrial Classified Road, running North/South, from NE 139 St. Extension to NE 149<sup>th</sup> St at approximately NE 106<sup>th</sup> Ave. west of Chelatchie Prairie Railroad.

Commercial/Industrial Classified Road, running East/West, from NE 144 St. Extension to Dead End east of the Chelatchie Prairie Railroad.

Minor Arterial 2-lane with bike lanes (M-2cb) classified road, running North/South, from NE 134 St. Extension to NE 139<sup>th</sup> St Extension at approximately NE 110<sup>th</sup> Ave. east of Chelatchie Prairie Railroad.

**SECTION 7.** Effective Date. This ordinance shall go into effect at 12:01 a.m. on May 1, 2016.

**SECTION 8.** Instructions to Clerk. The Clerk to the Board shall:

1. Transmit a copy of this ordinance to the Washington State Department of Commerce within ten days of its adoption pursuant to RCW 36.70A.106.

2. Transmit a copy of the adopted ordinance to Clark County Geographic Information Systems (Ken Pearrow GIS Coordinator), and to the Community Planning Department.
3. Record a copy of this ordinance with the Clark County Auditor.
4. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this \_\_\_\_ day of April, 2016.

BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY, WASHINGTON

Attest:

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Marc Boldt, Chair

Approved as to Form Only:  
Anthony F. Golik  
Prosecuting Attorney

By: \_\_\_\_\_  
David Madore, Councilor

By: \_\_\_\_\_  
Jeanne Stewart, Councilor

By:   
\_\_\_\_\_  
Andrew Lane  
Special Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Tom Mielke, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

Emailed BOCC 4/19/16

Valerie Alexander  
2404 NW Coyote Ridge Rd.  
La Center, WA 98629  
360-263-2521  
[coyoteridge@tds.net](mailto:coyoteridge@tds.net)

April 19, 2016

Clark County board of Councilors  
Clark County Planning  
Fellow Taxpayers,

Please enter my comments for the record.

I am hoping you will take the time to reconsider the decision on the Rural Industrial Land Bank. This issue is fraught with several problems. The way the proposal is worded it could allow for such a wide range of uses incompatible with its surroundings, even possibly housing. Friends of Clark County is very concerned about this issue.

There is only one person to gain from this decision, the land owner and perhaps a few others who are working towards this effort, and we, the taxpayers, will have to foot the bill, for no gain on our part.

There is already plenty of property made available by the huge expansion from the 2007 comp. plan. We, the taxpayers, will have to pay for the road expansion, the new interchange with stop lights and multiple other expenses all at the cost of losing some very valuable agriculture land which could continue to produce incredible amounts of food for the local markets.

I also object to this approval since it will trigger another law suit and we will have to pay for more legal expenses in the growth management hearings boards, and probably lose again.

Please reconsider this approval and vote for the taxpayers.

Thank you,

Val Alexander