

ORDINANCE NO. 2014-12-16

An ordinance relating to land use; and updating the Clark County master planning code, and procedures for master planning.

WHEREAS, Clark County is allowed to plan for up to two rural industrial land banks under the Growth Management Act (RCW 36.70A.3657); and

WHEREAS, Clark County received an application in February of 2014 for establishing a rural industrial land bank; and

WHEREAS, one of the requirements for processing an application is preparation of a master plan for the land bank site(s); and

WHEREAS, CCC Section 40.520.070 Master Planned Development contains no provisions for master planning of rural industrial land bank site(s); and

WHEREAS, the Planning Commission in a duly advertised public hearing on November 20, 2014 recommended that the Board of County Commissioners (Board) adopt code changes to allow master planning of rural industrial land bank site(s); and

WHEREAS, the Board held a duly advertised public hearing on December 16, 2014 for the purpose of considering 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 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

SECTION 1. Amendatory. Section 40.520.270 of Ordinance 2003-11-01, most recently amended by Section 19 of Ordinance 2012-12-14, and codified as CCC Section 40.520.070 Master Planned Development are each hereby amended, as follows:

40.520.070 MASTER PLANNED DEVELOPMENT

B. Applicability.

1. Light Industrial (IL) Zones.



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

2. **Mixed Use (MX) Zone.**

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

3. **Heavy Industrial (IH) Zone.**

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

4. **Rural Industrial Land Banks.**

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

C. **Approval Process.**

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

a. submitted with a subdivision, when it shall be reviewed using a Type III process; or

b. submitted as part of a rural industrial land bank, when it shall be reviewed as a Type IV process.

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 development subsequent to an approved master plan can be processed through site plan review. The master plan ordinance is not intended to integrate proposed large-scale zone or comprehensive plan changes to commercial designations, or to facilitate development to that effect.

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

a. Conditional use review;

b. Mixed use review;

- c. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability requirement of this section;
 - d. Responsible official review;
 - e. Variance.
4. Proposed comprehensive plan map changes increasing areas of commercial designations shall be processed separately under Section 40.560.010.
 5. Upon approval by the reviewing authority and timely implementation as described in Section 40.520.070(H), 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.
 6. All post-decision reviews of master plans in MH zones are Type I reviews. Development sites within the master planned area may be reconfigured under post-decision review as necessary to attract uses as defined in Section 40.520.070(B)(3).

SECTION 2. New. A new CCC Section 40.520.075 is hereby adopted, 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 RCW 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).

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 development subsequent to an approved master plan can be processed through site plan review.
3. Master plan review and subsequent site plan review 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.

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 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:
 - 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 3. Amendatory. Section 40.560.010 of Ordinance 2003-11-01, most recently amended by Section 20 of Ordinance 2012-12-14, and codified by CCC Section 40.560.010 Plan Amendment Procedures are each hereby amended, as follows:

40.560.010 PLAN AMENDMENT PROCEDURES

J. Additional Criteria for Rural Major Industrial Map Changes.

This section governs designations outside of UGAs for major industrial developments under RCW 36.70A.365 and major industrial land banks under RCW 36.70A.367.

1. Application. Rural industrial development sites pursuant to RCW 36.70A.365 or RCW 36.70A.367 require a comprehensive plan and zone change, and shall be processed as a Type IV process pursuant to Section 40.510.040 and this chapter.
2. Rural industrial designations shall a minimum of one hundred (100) acres and shall be 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).
- ~~3.4. 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; and
 - d. negotiate an appropriate or statutorily required inter-local agreement with affected city(ies); and
- ~~2. Rezone Application. No comprehensive plan redesignation criteria under this section shall be processed unless accompanied by a rezone application from the affected property owner(s).~~
 - e. complete a master plan for the development site as required pursuant to Section 40.520.075.
- ~~4.3. 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 or 36.70A.367, respectively, are met. In addition, a major industrial land bank application shall require a minimum of one hundred (100) acres.
- ~~4. Available Designations.~~
 - 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). Subject to Section 40.520.070,

Master
— Plan Development.

b.5. Concomitant Rezone Agreement. No designation under this section shall be approved unless accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures compliance with statutory requirements and criteria, including the limitations on nonindustrial uses in RCW 36.70A:367(2)(k) for a major industrial land bank.

5.6. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent non-urban areas.

SECTION 4. Effective Date. This ordinance shall go into effect at 12:01 a.m. on January 1, 2015.

SECTION 5. 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 16th day of December 2014.

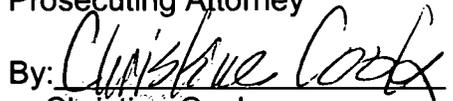
BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Attest:


Clerk to the Board

By: 
Tom Mielke, Chair

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

By: 
Christine Cook
Deputy Prosecuting Attorney

By: _____
David Madore, Commissioner

By: _____
Jeanne Stewart, Commissioner