

1 40.250.120 Freight Rail-Dependent Use Overlay

2 A. Purpose.

3 The purpose of the freight rail-dependent use (FRDU) overlay provides for those uses, as
 4 defined below, that are dependent on and make use of the short line railroad, while protecting
 5 adjacent long-term resource-based activity and promoting compatibility with surrounding land
 6 uses.

7 B. Applicability.

8 The provisions in this section shall apply to parcels located within the freight rail- dependent
 9 use overlay.

10 C. Definitions.

Adjacent	Parcels that abut the short line railroad or are located within one mile of the railroad.
Dependent on	Determined, influenced, relying on, or requiring the aid or support of the short line railroad.
Fabrication	To make; create. To construct by combining or assembling diverse, typically standardized parts.
Freight rail dependent uses	Buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods (excluding coal, liquefied natural gas, or “crude oil” as defined in RCW 90.56.010) where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development.
Makes use of	The act of using the short line railroad.
Short line railroad	Those railroad lines designated Class II or Class III by the United States surface transportation board.

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12 D. Uses.

13 The uses set out in Table 40.250.120-1 are examples of uses allowable in the FRDU overlay.
 14 The uses in the table shall be consistent with the definitions of freight rail-dependent uses in
 15 40.250.120C Definitions. The appropriate review authority is mandatory.

- 16
- “P” – Uses allowed subject to approval of applicable permits.
 - 17 • “C” – Conditional uses which may be permitted, subject to the approval of a
 - 18 Conditional Use Permit as set forth in Section 40.520.030.
 - 19 • “X” – Uses specifically prohibited.

20 The list of uses is based on the 2017 North American Industrial Classification System
 21 (NAICS), <http://www.naics.com/search.htm>. NAICS is organized in a hierarchical structure as
 22 follows:

- 23
- Sector (two (2) digit);

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

4 In Table 40.250.120-1, each line is intended to include all lower divisions within it. If a specific
 5 industry group or industry is separately called out on its own line in the table under a subsector,
 6 it is to be separately regulated, but all other industry groups or industry under a subsector not
 7 listed will be regulated the same as the subsector. Where no industry group or industry is
 8 separately called out, the use category is intended to apply generally to uses within the
 9 subsector.

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

Table 40.230.085-1. Uses				FRDU
2017 North American Industrial Classification System (NAICS)				
11 Agriculture, forestry, fishing and hunting				
	111	Crop production		P
	112	Animal production		P
	113	Forestry and logging		P
	114	Fishing, hunting and trapping		P
	115	Support activities for agriculture and forestry		P
22 Utilities				
	221	Utilities		
		22111	Electric power generation	P
		22112	Electric power transmission and distribution	P
		22121	Natural gas distribution	P
		22131	Water supply and irrigation systems	P
		22132	Sewage treatment facilities	X
23 Construction				
	236	Construction of buildings		P
	237	Heavy and civil engineering construction		P
	238	Specialty trade contractors		P
		Storage yards for building materials, contractors' equipment and vehicles		P
31-33 Manufacturing Uses				
	311	Food manufacturing		P
		31161	Animal slaughtering and processing	X
		311811	Retail bakeries	P ¹
	316	Leather and allied product manufacturing		P
		3161	Leather and hide tanning and finishing	X
	321	Wood product manufacturing		P
	322	Paper manufacturing		P
	323	Printing and related support activities		P
	324	Petroleum and coal products manufacturing		X
		324121	Asphalt paving mixture and	C

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					block manufacturing	
	325	Chemical manufacturing				C
		3254	Pharmaceutical and medicine manufacturing			P
		3256	Soap, cleaning compound, and toilet preparation manufacturing			P
	326	Plastics and rubber products manufacturing				P
	327	Nonmetallic mineral product manufacturing				P
		3273	Cement and concrete product manufacturing			P
				327310	Cement manufacturing	C
				327320	Ready-mix concrete manufacturing	P
		3274	Lime and gypsum product manufacturing			C
		3279	Other nonmetallic mineral product manufacturing			C
	331	Primary metal manufacturing				C
	332	Fabricated metal product manufacturing				P
		3328	Coating, engraving, heat treating, and allied activities			P
				332813	Electroplating, plating, polishing, anodizing, and coloring	C
	333	Machinery manufacturing				P
	334	Computer and electronic product manufacturing				P
	335	Electrical equipment, appliance, and component manufacturing				P
	336	Transportation equipment manufacturing				P
	337	Furniture and related product manufacturing				P
	339	Miscellaneous manufacturing				P
42 Wholesale Trade						
	423	Wholesale trade, durable goods (retail sales prohibited)				P
	424	Wholesale trade, nondurable goods (retail sales prohibited)				P
	425	Wholesale electronic markets and agents and brokers				X
44-45 Retail Trade						
		Retail sales of products fabricated on site				X
		Construction and industrial equipment sales				P
		4441	Building material and supplies dealers			P
48-49 Transportation and Warehousing						
	482	Rail transportation				P
	483	Water transportation				X
	484	Truck transportation				P
	485	Transit and ground passenger transportation				X
	486	Pipeline transportation				X
	487	Scenic and sightseeing transportation				X
	488	Support activities for transportation				P
		4882	Support activities for rail transportation			P
		4883	Support activities for water transportation			X
		4884	Support activities for road transportation			P
		4885	Freight transportation arrangement			P

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		4889	Other support activities for transportation	X
	491	Postal service		P
	492	Couriers and messengers		P
	493	Warehousing and storage		P
51 Information				
	511	Publishing industries		P
53 Real estate and rental and leasing				
		5324	Commercial and industrial machinery and equipment rental and leasing	P
56 Administrative and support and waste management and remediation services				
	562	Waste management and remediation services		C ²
81 Other services (except public administration)				
	811	Repair and maintenance		P ³
		8111	Automotive repair and maintenance	X
		8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)	P ³
Other uses not listed as NAICS codes				
	a.	Administrative, educational, and other related activities and facilities		P ¹
	b.	Caretaker, security or manager residence when incorporated as an integral part of a permitted use		P ¹

1 Footnotes:

2 ¹ Permitted only in association with a permitted use.

3 ² Subject to the provisions of Section 40.260.200.

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

12 E. Development Standards.

13 1. New lots and structures and additions to structures subject to this section shall comply
14 with the applicable standards for lots, building height, setbacks and building separation in
15 Table 40.250.120-2, subject to the provisions of Chapter 40.200 Land Use Districts – General
16 Provisions and Section 40.550.020 Variances.

Table 40.250.120-2. Lot Setbacks, Lot Coverage and Building Height Requirements	
Minimum site development area	10 acres
Minimum lot area	20 acres
Minimum site width	None
Minimum site depth	None
Maximum building height ^{1, 2}	100 ft.

Table 40.250.120-2. Lot Setbacks, Lot Coverage and Building Height Requirements	
Minimum building setback ^{3, 4}	
Front/street side	20 ft.
Side (interior) ^{3, 4}	20 ft.
Rear ^{3, 4}	20 ft.
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 landscaped area/type ¹	10 percent

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¹ Excluding unique architectural features such as towers, cupolas and peaked roofs. No height limitation for accessory towers.

² 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.

³ Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See Sections 40.230.085(E) and 40.320.010.

⁴ 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.

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2. 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).

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3. A Rail Use Plan is required and shall include the following:

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- a. Drawings indicating where they shall build a spur track or siding that will connect with the short line railroad, unless such track already exists. These drawings shall demonstrate that development will not preclude the extension of any short line railroad spur track.
- b. Rail use plan shall describe how structure will make use of the short line railroad.
- c. Rail use plan shall describe how structure is dependent on a short line railroad.

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4. An applicant for development of a freight rail dependent use shall identify the following:

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- a. Lands designated as agricultural and forest resource lands of long-term commercial significance near the boundaries of the site; and
- b. Agricultural and forest resource uses occurring near lands with any designation; and
- c. Potential adverse impacts of the proposed development to those lands and those uses; and
- d. Measures to be taken by the proposed development to reduce or control those adverse impacts.

1 5. Street Standards.

- 2 a. Urban Commercial/Industrial road standards per Section 40.350.030 shall apply to
3 development subject to this title.
4 b. No tracks are allowed in public roadways except at at-grade crossings.
5 c. At-grade crossings shall be minimized to the greatest extent practicable.

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7 6. Additional Landscaping Standards

8 a. The perimeter around FRDU Overlay shall be landscaped to an L5 or L3 standard except
9 along the rail line. In determining which standard applies, the responsible official will
10 consider the potential impacts, such as noise and visual impacts to neighboring properties.
11 Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3
12 standard. Additional landscaping requirements include:

13 b. Evergreen Trees. At least one (1) row of evergreen trees shall be planted on FRDU lot
14 perimeters, minimum four (4) feet in height and ten (10) feet maximum separation at time
15 of planting. Permitted evergreen tree species are those with the ability to develop a
16 minimum branching width of eight (8) feet within five (5) years. Multiple tree species shall
17 be integrated into the buffer design to promote long-term health and provide visual interest.

18 c. New landscaping materials shall consist of drought-tolerant species that are native to the
19 coastal region of the Pacific Northwest or noninvasive naturalized species that have
20 adapted to the climatic conditions of the coastal region of the Pacific Northwest.

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22 F. Performance Standards. No land or structure shall be used or occupied
23 within FRDU Overlay District unless there is continuing compliance with the
24 following minimum performance standards:

25 1. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as
26 amended, and applicable provisions of Subtitle 40.3.

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28 2. Venting Standards. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes
29 shall be directed away from residential uses within fifty (50) feet of the vent.

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31 3. Major Odor Sources.

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33 a. When an application is made for a use which is determined to be a major odor
34 source, the applicant shall demonstrate that:

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36 (1) The odor abatement for the project shall comply with the best available
37 control technology for odor control; and

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39 (2) The emissions will not exceed SWCAA General Regulations.

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41 b. Uses which involve the following odor-emitting processes or activities shall be
42 considered major odor sources:

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- 1 (1) Lithographic, rotogravure or flexographic printing;
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- 3 (2) Film burning;
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- 5 (3) Fiberglassing;
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- 7 (4) Selling of gasoline and/or storage of gasoline in tanks larger than two
- 8 hundred sixty (260) gallons;
- 9
- 10 (5) Handling of heated tars and asphalts;
- 11
- 12 (6) Incinerating (commercial);
- 13
- 14 (7) Metal plating;
- 15
- 16 (8) Tire buffing;
- 17
- 18 (9) Vapor degreasing;
- 19
- 20 (10) Wire reclamation;
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- 22 (11) Use of boilers (greater than one hundred six (106) British thermal units per
- 23 hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler
- 24 horsepower);
- 25
- 26 (12) Other uses creating similar odor impacts;
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- 28 (13) Uses which employ the following processes shall be considered major odor
- 29 sources, except when the entire activity is conducted as part of a retail sales
- 30 and service use:
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- 32 (a) Cooking of grains;
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- 34 (b) Smoking of food or food products;
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- 36 (c) Fish or fishmeal processing;
- 37
- 38 (d) Coffee or nut roasting;
- 39
- 40 (e) Deep-fat frying;
- 41
- 42 (f) Dry cleaning;
- 43
- 44 (g) Animal food processing;
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- 1 (h) Other uses creating odors offensive to a person of ordinary
2 sensitivity at any point along a boundary line of the property on which
3 a use or structure is located.
- 4 4. Light and Glare Standards.
- 5 a. Except for exterior lighting, operations producing heat and glare shall be conducted
6 entirely within an enclosed building.
- 7 b. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
- 8 c. Interior lighting in parking structures shall be shielded to minimize nighttime glare
9 affecting lots in adjacent uses.
- 10 d. When nonconforming exterior lighting is replaced, new lighting shall conform to
11 the requirements of this section.
- 12 e. Glare diagrams which clearly identify potential adverse glare impacts on any
13 residential zone and on arterials shall be required when:
- 14 (1) Any structure is proposed to have facades of reflective coated glass or other
15 highly reflective material, and/or a new structure or expansion of an existing
16 structure greater than sixty-five (65) feet in height is proposed to have more
17 than thirty percent (30%) of the facades comprised of clear or tinted glass;
- 18 (2) The facade(s) surfaced or comprised of such materials either:
- 19 (a) Are oriented towards and are less than two hundred (200) feet from
20 any residential zone; and/or
- 21 (b) Are oriented towards and are less than four hundred (400) feet from a
22 major arterial with more than fifteen thousand (15,000) vehicle trips
23 per day.
- 24 f. When glare diagrams are required, the responsible official may require
25 modification of the plans to mitigate adverse impacts, using methods including but
26 not limited to the following:
- 27 (1) Minimizing the percentage of exterior facade that is composed of glass;
- 28 (2) Using exterior glass of low reflectance;
- 29 (3) Tilting glass areas to prevent glare which could affect arterials, pedestrians
30 or surrounding structures;
- 31 (4) Alternating glass and nonglass materials on the exterior facade; and
- 32 (5) Changing the orientation of the structure.
- 33 5. Outdoor Storage Standards.

- 1 a. All storage areas (including but not limited to areas used to store raw materials,
2 finished and partially finished products and wastes) shall be screened from public
3 rights-of-way to the L3 standard.
- 4 b. Outdoor storage is prohibited:
- 5 (1) In floodways;
- 6 (2) On slopes greater than fifteen percent (15%);
- 7 (3) In parking stalls required by Chapter 40.340;
- 8 (4) In areas where outdoor storage or display causes traffic or pedestrian
9 circulation problems as determined by the responsible official or where a
10 minimum five (5) foot wide walkway does not remain clear and free of
11 obstructions;
- 12 (5) If any materials would likely attract animals, birds or vermin;
- 13 (6) In fire lanes; and
- 14 (7) In areas where outdoor storage may have the potential to create polluted
15 stormwater runoff without proper containment or treatment prior to collection
16 in the designated stormwater facility.
- 17 c. The applicant shall demonstrate that both outdoor storage and the screening for
18 outdoor storage are in the appropriate locations on the site to minimize impacts,
19 given the operational practices of the facility.
- 20 6. Vibration. Site generated ground vibrations shall not be perceptible by a person of
21 ordinary sensitivity without instruments, at any point of any boundary line of the property.
22 Vibrations from temporary construction activities and vehicles that leave the property
23 (such as trucks, trains, airplanes and helicopters) are excluded.
- 24 7. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that
25 adversely affect the normal operation of equipment or instruments or normal radio,
26 telephone, or television reception from off the premises where the activity is conducted.
27 This section does not apply to telecommunication facilities which are regulated by the
28 Federal Communications Commission under the Federal Telecommunication Act of 1996
29 or its successor.
- 30 G. Infrastructure
- 31 Definition – the physical systems and services which support development and people, such as
32 streets and highways, transit service, water and sewer systems, storm drainage systems, and
33 airports.
- 34 1. Urban Public Facilities “Urban Facilities” may be provided outside the UGA to support
35 FRDU developments per 40.370.

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1 **40.320.010 Landscaping and Screening on Private Property**

2 A. Applicability.

3 The following standards apply to landscaping and screening on private property. Landscaping and screening
4 within public rights-of-way shall comply with the applicable provisions in Section 40.320.020.

5 B. Landscaping and Screening Design Standards.

6 1. L1, General Landscaping.

7 a. Intent. The L1 standard is for open areas. It is intended to be used where distance is the principal
8 means of separating uses or development, and landscaping enhances the area between them. The L1
9 standard consists principally of groundcover plants, trees, and shrubs.

10 b. Required Materials. There are two (2) ways to provide trees and shrubs to comply with an L1 standard.
11 Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the
12 landscaped area not in shrubs and trees. See Figure 40.320.010-1 for conventional and LID cross-sections
13 that comply with the L1 standard.

14 (1) Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per
15 thirty (30) linear feet of landscaped area.

16 (2) Where the area is ten (10) feet deep or greater, one (1) tree shall be provided per eight hundred
17 (800) square feet and either two (2) high shrubs or three (3) low shrubs shall be provided per four
18 hundred (400) square feet of landscaped area.

19 c. Within the commercial districts where a building is to be placed at the buffer line for a front setback,
20 permeable pavement may be used in place of the required groundcover for the length of the building for the
21 front setback only; provided, the required trees are still supplied, the paved area is connected to the public
22 sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. The building need not
23 be placed at the required buffer line to utilize this section if the area between the buffer line and the building
24 is devoted entirely to pedestrian only areas.

25 2. L2, Low Screen.

26 a. Intent. The L2 standard uses a combination of distance and low-level screening to separate uses or
27 development. The standard is applied where a low level of screening sufficiently reduces the impact of a use
28 or development, or where visibility between areas is more important than a greater visual screen.

29 b. Required Materials. The L2 standard requires enough low shrubs to form a continuous screen three (3)
30 feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty
31 (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area.
32 Groundcover plants must fully cover the remainder of the landscaped area with the exception of energy
33 dissipation points at the locations of stormwater inlets. LID bioretention facility plantings may be used in
34 combination with perimeter shrubs, provided a continuous screen three (3) feet high and ninety-five percent
35 (95%) opaque year-round can be achieved within two (2) years of planting. A three (3) foot high masonry
36 wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants
37 are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side
38 of the landscaped area. See Figure 40.320.010-2.

39 3. L3, High Screen.

40 a. Intent. The L3 standard provides physical and visual separation between uses or development
41 principally using screening. It is used where such separation is warranted by a proposed development,
42 notwithstanding loss of direct views.

43 b. Required Materials. The L3 standard requires enough high shrubs to form a screen six (6) feet high
44 and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal

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1 feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover
2 plants must fully cover the remainder of the landscaped area with the exception of energy dissipation points
3 at the locations of stormwater inlets. LID bioretention facility plantings may be used in combination with
4 perimeter shrubs, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque
5 year-round can be achieved within two (2) years of planting. A six (6) foot high wall or fence that complies
6 with the F2 standard (Figure 40.320.010-7) with or without a berm may be substituted for shrubs, but the
7 trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be
8 placed along the interior side of the landscaped area. See Figure 40.320.010-3.

9 4. L4, High Wall.

10 a. Intent. The L4 standard is used where extensive screening of visual and noise impacts is needed to
11 protect abutting sensitive uses and/or there is little space for separation between uses.

12 b. Required Materials. The L4 standard requires a six (6) foot high wall that complies with the F2
13 standard (Figure 40.320.010-7). When abutting another property, the wall shall abut the property line. When
14 abutting a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One (1)
15 tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the
16 landscaped area with the exception of energy dissipation points at the locations of stormwater inlets. LID
17 bioretention facility plantings may be used, and are encouraged, to satisfy plant requirements. In addition,
18 four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the
19 remainder of the landscaped area. See Figure 40.320.010-4.

20 5. L5, High Berm.

21 a. Intent. The L5 standard can be used instead of the L4 standard where extensive screening is warranted
22 and more space is available for separation between uses.

23 b. Required Materials. The L5 standard requires a berm four (4) to six (6) feet high. If the berm is less
24 than six (6) feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that
25 the overall screen height is six (6) feet. In addition, one (1) tree is required per thirty (30) lineal feet of berm
26 or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the
27 remainder of the landscaped area. See Figure 40.320.010-5.

28 6. F1, Partially Sight-Obscuring Fence.

29 a. Intent. The F1 fence standard provides partial visual separation. The standard is applied where a
30 proposed use or development has little impact, or where visibility between areas is more important than a
31 total visual screen and the installation of fencing will not interfere with the implementation of LID
32 stormwater management on the site.

33 b. Required Materials. A fence or wall that complies with the F1 standard shall be six (6) feet high and at
34 least fifty percent (50%) sight-obscuring. Fences may be made of wood, metal, chain link with slats, bricks,
35 masonry or other permanent materials. See Figure 40.320.010-6.

36 7. F2, Fully Sight-Obscuring Fence.

37 a. Intent. The F2 fence standard provides visual separation where complete screening is needed to protect
38 abutting uses, and landscaping alone cannot provide that separation.

39 b. Required Materials. A fence or wall that complies with the F2 standard shall be six (6) feet high and
40 one hundred percent (100%) sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other
41 permanent materials. This shall not include chain link fences with slats or similar construction. See Figure
42 40.320.010-7.

43 (Amended: Ord. 2008-06-02; Ord. 2015-11-24)

44 C. Landscaping and Screening Approval Standards – General.

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- 1 1. A landscape plan shall contain landscaping and screening consistent with the applicable design standards,
2 based on Table 40.320.010-1 and other applicable provisions of this section.
- 3 2. The applicant may provide landscaping and screening that exceeds the standards in this section; provided:
 - 4 a. A fence or wall (or a combination of a berm and fence or wall) may not exceed a height of six (6) feet
5 above the finished grade at the base of the fence or wall (or at the base of a berm, if combined with one)
6 unless the review authority finds additional height is necessary to mitigate potential adverse effects of the
7 proposed use or other uses in the vicinity; and
 - 8 b. Landscaping and screening shall not obstruct sight distance at intersections as provided in Section
9 40.350.030 of the UDC.
- 10 3. The responsible official may approve use of existing vegetation to fulfill landscaping and screening
11 requirements of this section if that existing landscaping provides at least an equivalent level of screening as the
12 standard required for the development in question.
- 13 4. As a condition of approval of a conditional use or the expansion or alteration of an existing conditional use
14 or planned unit development, the county may require an applicant to provide landscaping and screening that
15 differs from the standards in Table 40.320.010-1 and Section 40.320.010(C)(2) where necessary to comply with
16 the other applicable approval standards for the use or development.
- 17 5. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping
18 area requirements of this section even though those areas may be inundated by surface water. All stormwater
19 facility designs shall meet the standards as defined in Chapter 40.386.
- 20 6. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required
21 landscaping and screening shall not be located on a public right-of-way or private street easement, unless
22 authorized under Section 40.320.020.
- 23 7. The responsible official may approve and condition an alternative landscape design and buffer standard
24 that is compatible with existing, abutting landscaping that still meets the intent of the required buffer type, such as
25 shared buffers between users.
- 26 8. Required landscaping buffers shall not apply between buildings in common wall construction situations.
- 27 9. The exception to setback allowances under Section 40.200.070 shall not apply to landscape buffers except
28 as follows:
 - 29 a. Eaves that are sixteen (16) feet or more above grade may project twenty percent (20%) of the width of
30 the buffer, up to a maximum of two (2) feet.
 - 31 b. Eaves seven (7) feet or more above grade may project ten percent (10%) of the width of the buffer, up
32 to a maximum of two (2) feet.

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Figure 40.320.010-1
L1 – General Landscaping

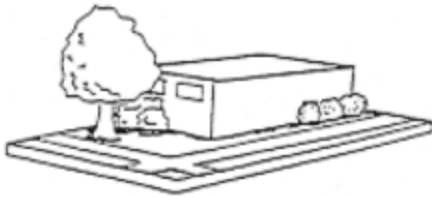


Figure 40.320.010-2
L2 – Low Screen Landscaping

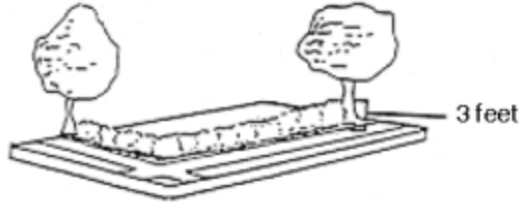


Figure 40.320.010-3
L3 – High Screen Landscaping



Figure 40.320.010-4
L4 – High Wall Landscaping

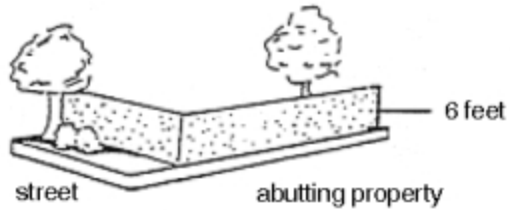


Figure 40.320.010-5
L5 – High Berm Landscaping



Figure 40.320.010-6
F1 – Partially Sight-Obscuring Fence

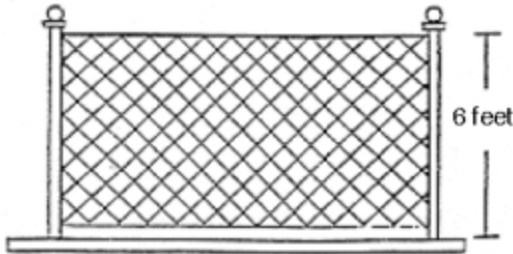
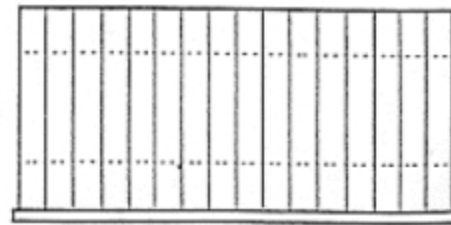


Figure 40.320.010-7
F2 – Totally Sight-Obscuring Fence



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(Amended: Ord. 2007-06-05; Ord. 2010-08-06; Ord. 2015-11-24)

D. Landscape and Screening Standards for Storage and Equipment Areas.

1. Storage and equipment areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within one hundred (100) feet of the property or right-of-way and to at least an F1 standard if equal to or more than one hundred (100) feet from the property or right-of-way. Storage areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.

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1 2. Rooftop and ground-level exterior equipment shall be screened from abutting property used or zoned for
2 residential purposes or from an abutting public road right-of-way to at least an F2 or L3 standard if visible at
3 grade from the property or right-of-way.

4 E. Landscaping and Screening Standards for Parking, Loading, and Drive-Through Areas.

5 1. A minimum five (5) foot wide strip landscaped to at least an L2 standard shall be provided where vehicle
6 parking, loading, or drive-through facilities abut a public road right-of-way.

7 2. Where a vehicle parking or loading area abuts a property with zoning or land uses other than the proposed
8 land use, the area shall be landscaped and screened as provided in Table 40.320.010-1 abutting the other property.

9 3. Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a
10 ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five
11 (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by
12 using a wheel stop or curb. Islands may include stormwater facility design components, such as bioretention
13 features.

14 4. At least one (1) tree shall be planted in each landscape island. Trees in landscape islands shall reach a
15 mature height of thirty (30) feet or more, cast moderate to dense shade in the summer, live at least sixty (60)
16 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit),
17 and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).

18 (Amended: Ord. 2009-12-01; Ord. 2010-12-12; Ord. 2015-11-24)

19 F. Establishing Setback Standards for Retaining Walls and Fences.

20 1. This section regulates the height of retaining walls and fences along the perimeter of sites. Building codes
21 specify the circumstances under which retaining walls and fences require building and grading permits. Changes
22 to stormwater runoff resulting from construction of retaining walls are subject to Chapter 40.386.

23 2. Construction of private retaining walls or fences within public rights-of-way is prohibited. Exceptions to
24 this prohibition require approval of the Public Works Director.

25 3. The construction of retaining walls four (4) feet or less in height and fences seven (7) feet or less in height
26 may be constructed within easements. This subsection does not exempt retaining walls or fences from otherwise
27 applicable easement provisions.

28 4. The construction of retaining walls in excess of four (4) feet in height and fences in excess of seven (7) feet
29 in height shall meet the setback requirements of the underlying zone, except as authorized below. The height of a
30 fence on top of retaining walls shall be measured to the grade at the bottom of the wall. Each of the following is an
31 exception to the height and setback requirements of Section 40.320.010(F)(4):

32 a. Retaining walls taller than four (4) feet may be placed within setbacks by using a series of retaining
33 walls four (4) feet high or less that are separated a minimum of eight (8) feet, provided the area between
34 walls is maintained in ground cover or shrubs. The total height of a series of walls within the building
35 setback shall not exceed eight (8) feet. Landscaping shall be maintained consistent with Section
36 40.320.010(G)(6). Fences are allowed on top of such walls consistent with Section 40.320.010(F)(4)(h) and
37 Figure 40.320.010-8;

38 b. The exposed faces of retaining walls over four (4) feet in height must be directed toward the interior of
39 the lot;

40 c. The retaining walls and/or fences are constructed as part of the site improvements prior to a final plat,
41 and located between lots within the development. Retaining walls on the perimeter of the plat may not use
42 this exception, except as allowed under subsection (F)(4)(d) of this section;

43 d. Retaining walls and/or fences abutting a road right-of-way or road easement; subject to the following:

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- 1 (1) The wall or fence does not block required sight distance;
- 2 (2) Walls and/or fences over twelve (12) feet in height will be reviewed for potential shading and
- 3 visual impacts beyond the right-of-way or easement. The Community Development Director may
- 4 impose conditions on the design and setbacks of such walls if needed to mitigate impacts;
- 5 e. The retaining wall and/or fence is constructed between lots under the same ownership;
- 6 f. Permission to exceed the height limits within the setback is granted in writing from the abutting
- 7 property owner;
- 8 g. The retaining wall and/or fence is abutting commercial or industrial zoned property or legally
- 9 permitted nonresidential uses;
- 10 h. Non-sight-obscuring fences such as chain link or wrought iron seven (7) feet high or less and
- 11 sight-obscuring fences forty-two (42) inches high on top of retaining walls no greater than four (4) feet tall
- 12 are allowed within setbacks per Figure 40.320.010-8.
- 13 5. Building codes for retaining walls may require setbacks that are greater than those required by Section
- 14 40.320.010(F)(4).
- 15 6. These height and setback limitations do not apply to fences required by state law to enclose public utilities,
- 16 or to chain link fences enclosing school grounds or public recreation areas.

17

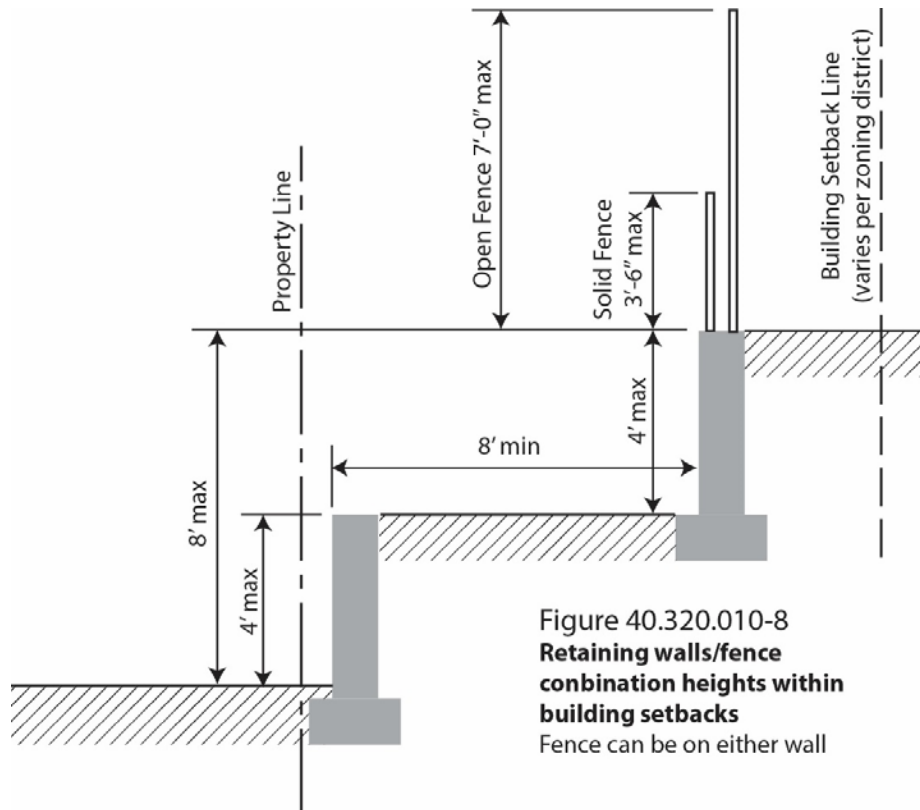


Figure 40.320.010-8
**Retaining walls/fence
combination heights within
building setbacks**
Fence can be on either wall

18

19 (Amended: Ord. 2014-01-08; Ord. 2016-12-09)

20 G. Timing, Selection, Installation, and Maintenance Standards.

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- 1 1. Timing. That applicant shall install landscaping and screening required by this section consistent with the
2 approved site plan or an approved modification thereto before the county issues an occupancy permit or final
3 inspection for the development in question; provided, the responsible official may defer installation of plant
4 materials for up to six (6) months after the county issues an occupancy permit or final inspection for the
5 development in question if the responsible official finds doing so increases the likely survival of plants.
- 6 2. Shrubs and Groundcover Selection. All required groundcover plants and shrubs must be of sufficient size
7 and number to meet the required standards within three (3) years of planting. Mulch (as a groundcover) must be
8 confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or approved
9 flowers.
- 10 a. Shrubs shall be supplied in a minimum of three (3) gallon containers or equivalent burlap balls, with a
11 minimum spread of eighteen (18) inches to meet the L2 buffer requirement, and minimum of five (5) gallon
12 containers or equivalent burlap balls with a minimum spread of thirty (30) inches to meet the L3 buffer
13 requirements. Reduction in the minimum size may be permitted if certified by a registered landscape
14 architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- 15 b. Groundcover plants shall be placed not more than thirty (30) inches on center and thirty (30) inches
16 between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be
17 supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or
18 equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted if
19 certified by a registered landscape architect that the reduction shall not diminish the intended effect or the
20 likelihood the plants will survive. A lawn or flower bed of flowers approved by the responsible official may
21 be substituted for groundcover plants.
- 22 3. Tree Selection. Trees may be deciduous or evergreen. The required tree height shall be measured from the
23 ground level at final planting to the top of the tree.
- 24 a. Required trees for parking and loading areas shall be a minimum caliper of two (2) inches and a
25 minimum height of ten (10) feet at the time of planting.
- 26 b. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of
27 one and one-half (1 1/2) inches, and a minimum height of eight (8) feet at the time of planting.
- 28 c. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six (6) feet
29 high at the time of planting.
- 30 d. If the responsible official decides reducing the minimum size of trees will not detract from the desired
31 effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits
32 a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s)
33 in question certifying that the reduction in size at planting will not decrease the likelihood the trees will
34 survive.
- 35 e. See Section 40.320.010(E)(4) regarding trees in landscape islands in parking lots.
- 36 f. See Section 40.320.020 regarding street trees and vegetation in the right-of-way. Such required trees
37 and vegetation may be determined by the responsible official to meet aspects of the landscape buffer
38 requirements of this section.
- 39 4. Selection Generally. Landscape materials should be selected and sited to produce a hardy and
40 drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of
41 maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with
42 existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping
43 on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in
44 accordance with a list of plant materials found in the Standard Details Manual.

45 (Amended: Ord. 2012-12-23)

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Note: New language = underline and highlight; Delete = ~~strikethrough~~

- 1 5. Installation Standards. The applicant shall show and comply with the following:
- 2 a. Plant materials will be installed to current nursery industry standards.
- 3 b. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or
- 4 stakes shall not interfere with vehicular or pedestrian movement.
- 5 c. Existing trees and plant materials to be retained shall be protected during construction, such as by use
- 6 of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage,
- 7 construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be
- 8 retained.
- 9 6. Maintenance. Maintenance of landscaped areas is the ongoing responsibility of the property owner.
- 10 Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with
- 11 in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by
- 12 pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility,
- 13 restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section
- 14 40.320.020.
- 15 H. Plant List.
- 16 The county shall maintain a plant list to assist in administration of this chapter (see the Standard Details Manual).
- 17 I. Verification of the Installation of Required Landscape.
- 18 Prior to the issuance of an approval of occupancy for a site plan, the applicant shall provide verification in
- 19 accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved
- 20 landscape plan(s).

21

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Table 40.320.010-1 Landscaping Standards													
Zoning of Proposed Development													
Zoning of land abutting development site		Single-family ^{3,4}		Multifamily ⁴		Office Residential ⁴ , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, R, RC, UH and UR zones		R-12 through R-43		OR, BP and U zones		All C zones, MX		IL, A, FRDU ¹²		IH/IR	
		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-Family	All R1, R-5, R-10, R-20, UH-10 ⁵ , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft ¹¹	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8,9,11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8,9,11}
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 ¹ 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8,9,11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8,9,11}
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 ⁷ 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 ¹ 10-ft	L3 5-ft	L2 10-ft	L3 5-ft ^{8,11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8,9,11}
Commercial and Mixed Use	All C zones, MX, UR-10	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 ¹ 10-ft	L1 ² 0 – 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial and Airport	IL, A, UR-20, UH-20	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 5-ft	L1 ⁷ 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None
	IH/IR	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	None
Resource	FR-80, FR-40, AG-20, AG-WL			L2 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

¹ If building wall is to be built within ten (10) feet of a public right-of-way the required buffer shall be L1 five (5) feet for that portion of the site. The front setback for a commercial building may be reduced to zero (0) feet if the Storefront Design Standards in Section 3.3 of Appendix F are implemented, subject to obtaining any necessary overhead easements or licenses as required.

² If building is to be built on the property line there is no required buffer for that portion of the site.

³ Applies to land division applications and not single-family building permits on existing parcels.

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⁴ See special setback requirements required by Section 40.260.070, Community Buildings, Social Halls, Lodges, Fraternal Organizations, Clubs, Public and Private Schools, Private Recreational Facilities and Churches.

⁵ Some urban holding is an overlay over an underlying base zoning designation. In these cases, landscaping buffers shall be based on the underlying base zone rather than the UH designation.

⁶ L1 if residential parcel has driveway access to the separating street.

⁷ L4-10 if abutting parcel is already developed and has no L4 wall.

⁸ Increase setback to equal building height, up to a maximum of 50 feet.

⁹ L4 without requirement for shrubs.

¹⁰ L2-10 where an office/commercial-type building fronts the street.

¹¹ Responsible official will determine the appropriate landscaping/screening (L4) proposed developments that exceed the maximum permissible environmental noise levels identified in WAC 173-60-040.

¹²L3 10-ft. standard for all zones

(Amended: Ord. 2004-06-11; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2010-08-06; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2016-06-12; Ord. 2017-07-04)

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1 **40.340.010 Parking and Loading Standards**

2 A. General.

3 1. Applicability. Except as otherwise provided by the UDC, required off-street parking and loading spaces
4 shall be improved and maintained as set forth in this section for all uses in all zoning districts.

5 2. Timing. Parking and loading spaces required for a given use or development shall be provided consistent
6 with the approved site plan before the county issues an occupancy permit or final inspection for the use or
7 development in question.

8 3. Availability.

9 a. Parking spaces required for a given use or development shall be available for the parking of operable
10 passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the
11 storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.

12 b. Loading spaces required for a given use or development shall be available for loading and unloading
13 of trucks and similar vehicles.

14 c. Required off-street parking spaces may not be used for loading or unloading unless the responsible
15 official finds that loading and unloading in those spaces will occur during hours of the day when the spaces
16 are not needed for parking.

17 4. Location of Parking and Loading Facilities.

18 a. Off-street parking spaces for dwellings shall be located on the same lot as the dwelling.

19 b. Off-street parking spaces for other uses shall be located on the same lot as the use or on another lot not
20 more than three hundred (300) feet from the building or use they are intended to serve, measured in a straight
21 line from the building; provided, where required parking for a use or development will be located on a lot
22 other than the lot on which the use it serves is located, then, before the county issues a building permit for the
23 use or development, the applicant shall submit an agreement executed by the owner of the lot where the
24 off-site parking is proposed authorizing use of the lot for the proposed parking spaces for the use in question.

25 c. Loading spaces for a given use shall be situated on the same lot as the use it serves, except as provided
26 for joint use of facilities.

27 d. Parking and loading spaces shall not be located in a required front setback, except in the case of
28 single-family or duplex dwellings. Access drives and maneuvering areas for parking and loading spaces
29 shall not be located in a required front setback, except to the minimum extent practicable for access to the
30 site.

31 5. Joint Use of Facilities. The responsible official may authorize use of given off-street parking and/or loading
32 spaces by two (2) or more uses if:

33 a. The responsible official finds the applicant has shown that the uses that share the parking and/or
34 loading do not require that parking and/or loading at the same time; and

35 b. Where shared parking or loading for a use or development will be located on a lot other than the lot on
36 which the use it serves is located, then, before the county issues a building permit for the uses or
37 developments on one (1) lot that will be served by the shared parking and/or loading on another lot, the
38 applicant shall submit an agreement executed by the owner of the off-site lot where parking and/or loading is
39 proposed authorizing use of the lot for the proposed parking and/or loading spaces for the use or
40 development in question subject to terms and conditions that assure parking and/or loading will be available
41 for each use it serves as provided in Section 40.340.010(A)(5)(a).

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- 1 6. Change or Expansion of a Use. A site plan that changes the use of an existing structure or lot shall provide
2 off-street parking and loading for the new use as required by this section. A site plan that enlarges an existing
3 structure or use shall provide for additional parking and loading based only on the parking and loading
4 requirements of the expansion, except as otherwise provided in Chapter 40.530.
- 5 7. Lighting. Light fixtures in parking or loading areas shall be consistent with RCW 47.36.180 on public
6 roadways and not cast significant light or glare off site on adjacent properties.
- 7 8. Surfacing. All parking and loading spaces and related access drives, maneuvering, and vehicle storage
8 areas shall be paved to standards, including the use of permeable pavements, as approved by the responsible
9 official except as follows:
- 10 a. Driveways leading to parking and maneuvering areas for unoccupied utility and wireless
11 communication facilities need not be paved, except as required by Section 40.350.030(B)(7)(c) (this still
12 requires the first twenty (20) to twenty-five (25) feet of driveway to be paved so gravel does not enter the
13 paved road);
- 14 b. Three (3) or fewer parking spaces serving unoccupied utility and wireless communication facilities
15 need not be paved;
- 16 c. Transitional uses such as coffee and food stands approved under Section 40.260.055;
- 17 d. Driveways used only for fire access purposes;
- 18 e. Parking areas for uses that receive access from unpaved roads;
- 19 f. Reuse of existing legally placed parking areas in the rural area of the county; provided, that proposed
20 new parking and required ADA parking spaces and ADA accessways are paved;
- 21 g. Agricultural stands and markets as allowed under Section 40.260.025;
- 22 h. Rural kennels as allowed under Section 40.260.110;
- 23 i. Wineries as allowed under Section 40.260.245; and
- 24 j. Other uses as approved by the responsible official.
- 25 9. Drainage. Stormwater drainage facilities for parking and loading spaces and related access drives and
26 maneuvering areas shall comply with Chapter 40.386.
- 27 10. Wheel Stops and Curbs.
- 28 a. Parking and/or loading spaces on the perimeter of a parking lot or abutting interior landscaped areas or
29 sidewalks shall include a wheel stop or curb at least four (4) inches high located three (3) feet back from the
30 front of the parking and/or loading space. Include breaks in curbs, as necessary, to allow flow of stormwater
31 to LID stormwater facilities.
- 32 b. The front three (3) feet of a parking space may be improved with a low-growing vegetated LID
33 feature, instead of asphalt or concrete pavement. However, this area shall not be counted toward landscape
34 or open space area requirements unless it is part of a LID stormwater feature.
- 35 c. The perimeter of a parking or loading area and access and maneuvering drives associated with them
36 shall be improved with a curb, rail or equivalent so that vehicles do not extend over a property line, sidewalk
37 or public or private street. Breaks must be provided along the perimeter feature to allow stormwater
38 movement to LID stormwater features.
- 39 11. Maintenance of Parking and Loading Areas. Required parking and loading spaces and associated access
40 and maneuvering drives shall be maintained in good repair at all times.

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1 (Amended: Ord. 2008-06-02; Ord. 2009-01-01; Ord. 2014-01-08; Ord. 2015-11-24; Ord.
2 2018-01-09)

3 B. Calculation of Parking Requirements.

4 A site plan for a given use or uses shall show that at least the number of parking spaces required by Table
5 40.340.010-4 will be provided consistent with this section unless otherwise consistent with the UDC.

6 1. Where Table 40.340.010-4 requires a certain number of parking spaces based on the area of a building, the
7 area shall be the gross floor area of the structure, as defined in Section 40.100.070 (“floor area, gross”) excluding
8 the area of a building that encloses parking or loading spaces.

9 2. Where more than one (1) use occupies a given structure or parcel of land or where a given business includes
10 a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for
11 each use, except to the extent the uses comply with the requirements of this section for shared parking.

12 3. Where a building may be used for more than one (1) purpose and the applicant does not limit the permitted
13 uses in the building, parking spaces shall be provided based on the possible use(s) that require the most parking
14 spaces.

15 4. Where Table 40.340.010-4 does not list the parking requirements for a proposed use, the responsible
16 official shall determine the minimum parking requirements for the use, based on requirements in Table
17 40.340.010-4 for other similar uses, if any, or on substantial evidence of parking needs for similar uses in other,
18 similar locations.

19 5. Up to thirty percent (30%) of required parking spaces and all parking spaces in excess of minimum
20 requirements may comply with the standards for compact cars in Table 40.340.010-5.

21 6. All parking areas shall comply with applicable local, state and federal standards regarding parking for
22 disabled persons.

23 7. The review authority may reduce the required number of parking spaces to less than that required in Table
24 40.340.010-4 as part of site plan review application or other application if the review authority finds that a lesser
25 number of off-street parking spaces will be enough to fulfill all parking needs of the use or development, based on
26 substantial evidence in the application, such as an adequate survey of parking demand at similar uses under
27 similar conditions. The number of parking spaces for disabled persons may not be reduced under this subsection.

28 8. The review authority may allow parking credits established through a neighborhood parking plan adopted
29 pursuant to Section 40.340.030 to meet the number of spaces required by Table 40.340.010-4. The number of
30 credits for an individual parcel shall be as established in the approved neighborhood parking plan.

31 (Amended: Ord. 2009-12-01)

32 C. Parking Design Standards. Off-street parking spaces shall comply with the standards for stalls and aisles, as set
33 forth in Table 40.340.010-5 and Figure 40.340.010-1.

34 D. Loading Space Number and Design Standards.

35 1. Commercial, industrial and public utility buildings that have a gross floor area of five thousand (5,000)
36 square feet or more shall provide truck loading or unloading spaces in accordance with Table 40.340.010-1:

Table 40.340.010-1. Required Truck Loading or Unloading Spaces for Buildings 5,000 Square Feet or Greater	
Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 to 25,000	1

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Table 40.340.010-1. Required Truck Loading or Unloading Spaces for Buildings 5,000 Square Feet or Greater	
25,000 to 50,000	2
For each additional 50,000, or each fraction thereof	1 additional

1
2 2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public
3 buildings, recreation or entertainment facilities, and any similar use that has a gross floor area of thirty thousand
4 (30,000) square feet or more, shall provide off-street truck loading or unloading spaces in accordance with Table
5 40.340.010-2:

Table 40.340.010-2. Required Truck Loading or Unloading Spaces for Buildings 30,000 Square Feet or Greater	
Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 to 100,000	1
100,000 and over	2

6
7 3. Loading Berth Design Standards.

8 a. All required loading berths shall meet the minimum dimensional standards shown in Table
9 40.340.010-3. Where the vehicles generally used for loading and unloading exceed these dimensions, the
10 required length of these berths shall be increased.

11 b. In addition to the length of the loading berth, additional maneuvering space may be required by the
12 director for any uses with over ten thousand (10,000) square feet of gross floor area with loading berth
13 access from a collector arterial or local access street, especially if located across the street from another
14 high-demand use. When required, the additional maneuvering space shall be designed and arranged to allow
15 the most efficient use of all required loading berths by motor vehicles of the types typically employed by the
16 activities served. The minimum maneuvering width between the outermost point of the loading berth and
17 the limit of the maneuvering area shall be fifty (50) feet.

18 c. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement
19 or project into any public right-of-way. All loading space areas shall be separated from parking areas and
20 shall be designated as truck loading spaces.

21 4. Loading berths on the perimeter of the site shall be screened to a minimum L4 landscape standards. If the
22 adjoining property is within an industrial or commercial district and contains similar uses that are compatible
23 with loading facilities then this standards may not be required. Any loading space located within one hundred
24 (100) feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual
25 impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions
26 on the hours of operation.

27 5. The review authority may reduce the number or size of required loading spaces to less than that required as
28 part of site plan review or other application if the review authority finds that a lesser number or size of loading
29 spaces will be adequate to serve the expected needs of the development.

30 (Amended: Ord. 2005-04-12; Ord. 2008-06-02)

Table 40.340.010-3. Design of Loading or Unloading Spaces			
Use	Length (Feet)	Width (Feet)	Height Clearance (Feet)
Industrial and commercial	55	12	14

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Note: New language = underline and highlight; Delete = ~~strikethrough~~

Table 40.340.010-3. Design of Loading or Unloading Spaces			
Public utility, restaurant, office building, hotel, motel, hospital and institution, school and college, public building, recreation or entertainment facility, and any similar use	35	12	14

1
2

(Amended: Ord. 2008-06-02; Ord. 2011-12-09)

Table 40.340.010-4. Minimum Required Parking Spaces By Use	
Use	Minimum Number of Parking Spaces
A. Residential.	
1. 1-, 2- and 3-unit family dwellings	2 spaces/dwelling unit. Single-family and duplex parking may be tandem. One car behind the other.
2. Narrow lot developments	2.5 spaces/dwelling unit per narrow lot, subject to the requirements in Section 40.260.155
3. Multifamily dwelling containing 4 or more dwelling units	1 1/2 space/dwelling unit
4. Bed and breakfast	1 space/each guest room, plus 2 for the facility
5. Residential care facility	1 space/7 residents served under age of 12 1 space/5 residents served ages 12 – 17 1 space/4 residents served ages 18 years or older
6. Assisted living facilities	1 space/each 3 units
B. Commercial Residential.	
1. Hotel	1 space/bedroom
2. Motel	1 space/bedroom
3. Clubs/lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium
C. Institutions.	
1. Welfare or correctional institutions	1 space/3 beds for patients or inmates
2. Convalescent or nursing home	1 space/3 beds for patients or residents
3. Hospital	2 spaces/bed
D. Places of Assembly.	
1. Church	1 space/4 seats, or 8 feet of bench length in the main auditorium. Additional parking for meeting rooms, classrooms and office use may be required.
2. Library, reading room, museum, art gallery	1 space/400 square feet of floor area
3. Preschool, nursery, kindergarten, family day care center or commercial day care center	2 spaces/teacher or employee
4. Elementary or middle school	1 space/4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater
5. High school	1 space/employee, plus 1 space/each 6 students, or 1 space/4 seats, or 8 feet of bench length in the auditorium, whichever is greater
6. College, commercial school for adults	1 space/3 seats in classroom

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Table 40.340.010-4. Minimum Required Parking Spaces By Use	
Use	Minimum Number of Parking Spaces
7. Other auditoriums, meeting rooms	1 space/4 seats, or 8 feet of bench length
E. Commercial Amusements.	
1. Stadium, arena, theater	1 space/4 seats, or 8 feet of bench length
2. Bowling alley	5 spaces/lane
3. Health and fitness club	1 space/200 square feet of general floor area; 1 space/500 square feet for racquet, tennis or similar court floor area
F. Commercial.	
1. Commercial retail, except stores selling bulky merchandise	1 space/350 square feet of floor area
2. Service or repair shops	1 space/750 square feet of floor area
3. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of floor area
4. Bank, office (except medical and dental)	1 space/400 square feet of floor area
5. Medical and dental office or clinic	1 space/200 square feet of floor area
6. Eating or drinking establishments	1 space/250 square feet of floor area
7. Mortuaries	1 space/6 seats, or 12 feet of bench length
8. Automobile sales, retail nurseries, and other open sales and rental yards	(a) Properties with less than ten thousand (10,000) square feet of open sales or rental area shall provide one (1) space for each one thousand (1,000) square feet of gross floor area, plus one (1) space for each two thousand five hundred (2,500) square feet of open sales or rental area. (b) Properties with ten thousand (10,000) square feet or more of open sales or rental area shall provide one (1) space for each one thousand (1,000) square feet of gross floor area, plus four (4) spaces, plus one (1) space for each ten thousand (10,000) square feet of open sales or rental area in excess of ten thousand (10,000) square feet.
G. Industrial.	
1. Except as specifically mentioned herein, industrial uses listed as permitted in the IL <u>FRDU</u> and IH zones	1 space/500 square feet
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/1,500 square feet of floor area
3. Laboratories and research facilities	1 space/600 square feet of floor area

1
2
3

(Amended: Ord. 2004-06-11; Ord. 2007-11-13; Ord. 2010-08-06; Ord. 2011-03-09; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-12-14)

Table 40.340.010-5. Minimum Parking Space and Aisle Dimensions					
Angle	Type	Stall width	Stall depth	Aisle width	Curb length
A		B	C	D	E
0°	Compact	8.0	8.0	12.0	22.0
	Standard	9.0	9.0	12.0	22.0
45°	Compact	8.0	19.1	14.0	11.3

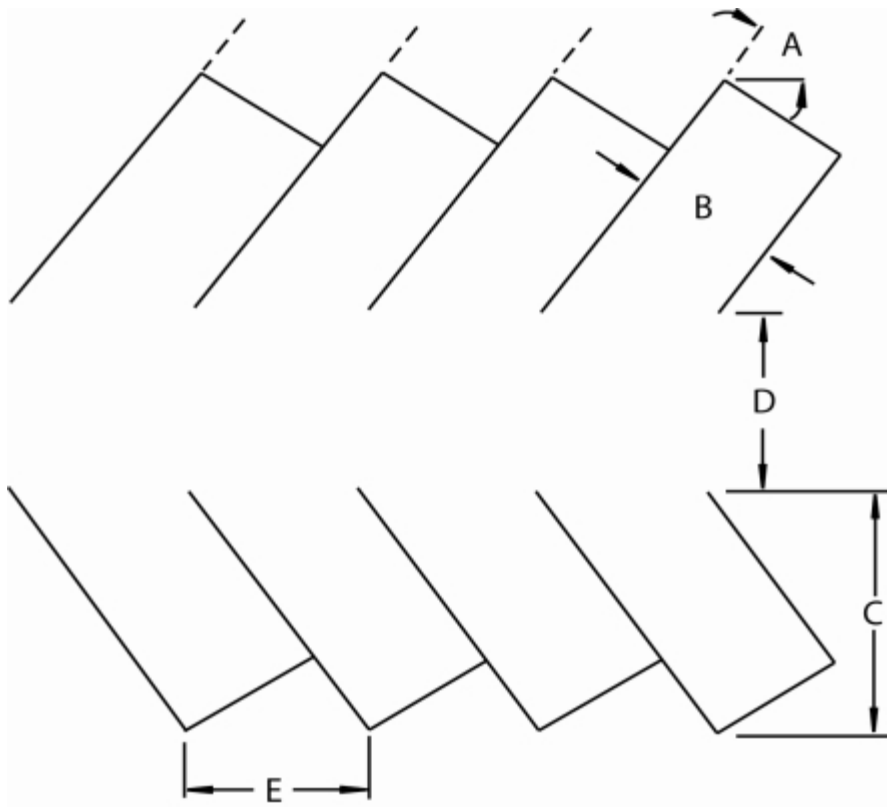
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Table 40.340.010-5. Minimum Parking Space and Aisle Dimensions					
Angle	Type	Stall width	Stall depth	Aisle width	Curb length
	Standard	9.0	19.8	13.0	12.7
60°	Compact	8.0	20.4	19.0	9.2
	Standard	9.0	21.8	18.0	10.4
70°	Compact	8.0	20.6	20.0	8.5
	Standard	9.0	21.0	19.0	9.6
90°	Compact	7.5	15.0	24.0	7.5
	Standard	9.0	20.0	24.0	9.0

1

2 **Figure 40.340.010-1. Required Parking Angle**



3

4 (Amended: Ord. 2011-08-08)

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1 **40.370.010 Sewerage Regulations**

2 A. Purpose.

3 The purpose of this section is to further the public health by providing clear rules for when connection to public
4 sewer is required or prohibited. Nothing in this section shall be construed to permit violation of regulations for on-site
5 sewage disposal systems promulgated by the Washington Department of Health or local governments.

6 B. Definitions.

7 1. “Public sewer” means extension of a public sewer system operated by a public entity or, where such
8 extension is impractical, connection to an alternative public sewer system operated by the designated public
9 sewer purveyor.

10 2. “UGA” means an urban growth area designated in the comprehensive plan.

11 3. “Sewer Tightline” – Tightlining of sewer means that a sewer is designed and sized to only serve a particular
12 structure.

13

14 C. New Structures within UGA and Rural Centers Served by Public Sewer – Public Sewer Connection Required –
15 Exceptions.

16 Inside UGAs and rural centers served by public sewer, connection to public sewer is required as a condition of
17 building permit issuance for any new structure which has the potential to increase sewage effluent, or additions to
18 existing structures which have the potential to increase sewage effluent, unless the responsible official determines,
19 using a Type I review process, that the new structure or addition is for single-family detached residential use, or a
20 nonresidential use for which an on-site sewage disposal system can be approved by the Clark County Health
21 Department and:

22 1. Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law;
23 and

24 2. Extension of public sewer is impractical based upon the following criteria:

25 a. Public sewer would have to be extended more than three hundred (300) feet to the property line; or

26 b. Necessary permission cannot be obtained from intervening landowner(s); or

27 c. Intervening property contains natural or manmade obstructions, such as deep canyons, elevation
28 changes, and solid rock impediments, which make public sewer extension prohibitively expensive or
29 undesirable; and

30 3. A covenant to the county is recorded which commits the current and future property owner(s) to connect to
31 public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision
32 that commits the current and future property owner(s) to participate in a future local improvement district if this is
33 the method used to extend sewer.

34 (Amended: Ord. 2008-06-02; Ord. 2011-08-08; Ord. 2012-07-03)

35 D. Land Divisions within UGA – Public Sewer Connection Required – Exceptions.

36 Inside UGAs, connection to public sewers is required as a condition of approval of new land divisions, whether by
37 plat, short plat or site plan application, unless the following exception applies:

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1 1. A two (2) lot land division where one (1) of the lots is, or will be, developed in a use that generates no
2 sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of
3 plumbing fixtures for any use on the designated lot unless the lot connects to sewer.

4 2. Short plats approved under Section 40.200.050(B).

5 (Amended: Ord. 2008-06-02)

6 E. Public Sewer Connection Prohibited Outside UGAs – Exceptions.

7 For proposed structures or other developments outside of a UGA, connection to public sewer is prohibited except
8 as follows:

9 1. In response to documented health hazards; or

10 2. To provide public sewer to regional park facilities, K – 12 public schools or to uses within the urban reserve
11 district otherwise required to be served by public sewer; or

12 3. Where the county has contractually committed to permit public sewer connection; or

13 4. To provide public storm and sanitary sewer to Freight Rail Dependent Uses. Freight Rail Dependent Uses
14 sewer(s) shall be tightlined.

15 If sewer is extended outside the UGA, other than for Freight Rail Dependent Uses, the maximum number of
16 permitted hookups should be specified at the time of extension and no additional development exceeding this
17 number should be permitted.

18 (Amended: Ord. 2008-06-02)

19 F. Period of Validity.

20 A Type I decision under this section shall be valid for a period of one (1) year if not associated with any other
21 action. When such a decision is made in conjunction with another application (e.g., short plat, plat or site plan), the
22 decision shall be valid for the same period as the decision on the related application.

23 **40.370.020 Water Supply**

24 A. Definitions.

25 1. For the purpose of this section, “public water system” means a potable water supply system operated by a
26 designated public agency including a city, town or Clark Public Utilities.

27 B. Purpose.

28 Water serving new development in urban areas is necessary.

29 C. Connection Required for Building Permits.

30 1. Inside urban growth boundaries, connection to public water is required as a condition of building permit
31 issuance for multifamily dwellings exceeding three (3) units, and all structures required to meet fire flow
32 standards.

33 2. In areas located inside urban growth boundaries, where the public agency purveyor is willing and able to
34 provide safe and reliable service, connection to public water is required as a condition of building permit issuance
35 for all new residential uses of less than four (4) units, and other uses that are not required to meet fire flow
36 standards, when public water is within seven hundred fifty (750) feet of the lot. Subject to a Type I review, the
37 responsible official may conclude that public water is not available to the developer with reasonable economy
38 and efficiency, within the above distances, based on the following considerations:

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- 1 a. Permission cannot be obtained from intervening property;
- 2 b. Intervening property contains natural or manmade obstructions which make extension extraordinarily
- 3 expensive, such as a deep canyon, solid rock or reconstruction of a road or sidewalk;
- 4 c. Intervening changes in elevation make adequate service to the property extraordinarily expensive.

5 D. Connection Required for Land Divisions.

6 Inside urban growth boundaries, connection to public water is required for all new lots, as a condition of
7 preliminary plat or short plat, and site plan approval. Priority for public water service will be the extension from an
8 existing public water line and, secondly, by construction of, or connection to, a satellite system built to standards
9 established, and operated, by the designated water purveyor in the applicable water service area. Where the purveyor
10 refuses to accept the option of accepting a satellite system the third option is to approach an adjacent purveyor for
11 service. No private wells shall be permitted for purposes of providing potable water intended for human consumption.

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1 **40.520.040 Site Plan Review**

2 A. Purpose.

3 The purpose of this section is to provide a plan review process that is proportional to the potential impacts of a
4 proposed development. With the exception of minor development proposals, site plan review is intended to provide
5 public notice to encourage public participation, and help ensure a transparent review and approval process.

6 (Added: Ord. 2010-08-06)

7 B. Applicability.

8 1. Site plan review is required for new development and modifications to existing development, unless
9 expressly exempted by this chapter.

10 2. A site plan is subject to a Type II review process as provided in Section 40.510.020 if the proposal meets
11 one (1) or more of the following:

12 a. Conditional use;

13 b. Planned unit development;

14 c. New development in all urban holding, urban residential, office residential, business park, mixed use,
15 university, commercial, industrial, surface mining, freight rail dependent use overlay and airport zones;

16 d. Change of use from residential to commercial or industrial use;

17 e. A modification to existing permitted development or a permitted modification to an existing
18 nonconforming use, as allowed under Section 40.530.010, if it will cause any of the following:

19 (1) An increase in density or lot coverage by more than ten percent (10%) for residential development
20 if the change is made along the development site perimeter; or twenty percent (20%) or more for the
21 development;

22 (2) A change in the type of dwelling units proposed in a residential development (e.g., a change from
23 detached to attached structures or a change from single-family to multifamily) if the change is made
24 along the development site perimeter;

25 (3) An increase of more than ten percent (10%) in required on-site parking or an increase of more
26 than forty (40) on-site parking spaces, unless the required parking spaces exist on site and meet the
27 design standards for parking and landscaping;

28 (4) An increase in the height of an existing structure(s) by more than fifty percent (50%) if the
29 structure is located within twenty (20) feet of the property lines;

30 (5) A change in the location of accessways to frontage roads where off-site traffic would be affected;

31 (6) A change in the location of parking where the parking is closer to land zoned or used for
32 residential or mixed residential/other purposes;

33 (7) A change in location or increase in size of a stormwater facility if the change is made along the
34 development site perimeter;

35 (8) An increase in vehicular traffic generated to and from the site of more than twenty (20) average
36 daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation
37 Manual or substantial evidence by a professional engineer licensed in the state of Washington with
38 expertise in traffic engineering;

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- 1 (9) An increase in floor area of a structure used for nonresidential purposes by more than ten percent
2 (10%) and at least five thousand (5,000) square feet;
- 3 (10) A SEPA determination is required by Chapter 40.570;
- 4 (11) A reduction in the area used for recreational facilities, screening, buffering, landscaping and/or
5 open space by more than ten percent (10%), provided the minimum standards and conditions of approval
6 under the original decision are met; or
- 7 (12) A modification, other than one listed in this section, if subject to Type II review based on the
8 post-decision procedures in Section 40.520.060 or based on other sections of this title;
- 9 f. Aboveground storage tanks over two thousand (2,000) gallons and underground tanks larger than ten
10 thousand (10,000) gallons in size. SEPA review is required for underground tanks over ten thousand
11 (10,000) gallons. CARA provisions in Sections 40.410.010(B) and 40.410.020(A) may also apply.
- 12 3. A site plan is subject to a Type I review process as provided in Section 40.510.010 if:
- 13 a. It is not subject to Type II review under Section 40.520.040(B)(2);
- 14 b. It is a vacant commercial pad located within a larger development which has received previous site
15 plan approval, if:
- 16 (1) The commercial pad is served by stormwater facilities already approved within the overall
17 development site; and
- 18 (2) Changes to the approved overall development site plan are not proposed (e.g., changes to site
19 access, parking, required landscaping, etc.);
- 20 c. It is not exempt under Section 40.520.040(B)(4); or
- 21 d. It is listed below:
- 22 (1) Walk-up or drive-through vendors such as espresso and coffee carts, flower stands and food carts
23 that do not exceed three hundred (300) square feet; provided, that such uses are accessory to existing
24 legally permitted nonresidential development on the same site;
- 25 (2) Neighborhood parks; or
- 26 (3) Aboveground tanks over one hundred twenty-five (125) gallons up to and including two thousand
27 (2,000) gallons. CARA provisions in Sections 40.410.010(B) and 40.410.020(A) may also apply.
- 28 4. The following land uses and development are exempt from site plan review, provided applicable standards
29 of this title are met:
- 30 a. A single-family detached dwelling and modifications to it;
- 31 b. A duplex or triplex and modifications to it on a lot created and approved for such use;
- 32 c. Development exempt from review under Chapter 14.05;
- 33 d. Modifications to the interior of existing structures that do not change the use or the amount of a use;
- 34 e. Changes in use that do not require a need for an increased number of parking spaces over those
35 required for the existing use, based on Table 40.340.010-4. The proposed change in use must be a permitted
36 use in the zoning district and may not violate the existing site plan approval. The existence of on-site parking
37 greater than the minimum number of spaces required for a new use exempts a development from site plan

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1 review; provided, all parking spaces meet the design standards for parking and landscaping. Additional
2 transportation impact fees (TIC fees) may apply;

3 f. Land divisions;

4 g. School modulars or portables, provided:

5 (1) The total gross floor area of the modulars does not exceed thirty percent (30%) of the gross floor
6 area of the existing school building, not including existing modulars; and

7 (2) The project is either exempt from SEPA, or the applicant takes on lead agency status for SEPA;
8 and

9 h. Other development the responsible official finds should be exempt, because it does not result in an
10 increase in land use activity or intensity or in an adverse impact perceptible to a person of average
11 sensibilities from off-site, and because the county can assure the development complies with applicable
12 standards without site plan review.

13 (Amended: Ord. 2006-09-13; Ord. 2006-11-07; Ord. 2007-06-05; Ord. 2009-12-01; Ord.
14 2010-08-06; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2012-12-23)

15 C. Binding Site Plans.

16 1. The purpose of binding site plan approval is to provide an alternative to the standard subdivision process
17 for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:

18 a. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);

19 b. Lease as provided in RCW 58.17.040(5) when no residential structure other than manufactured homes
20 or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with
21 the requirements of this title; and

22 2. In addition to the requirements of a standard site plan, a binding site plan shall contain:

23 a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the
24 land; and

25 b. Provisions making any development conform to the site plan.

26 3. In addition to the requirements of a standard final site plan, a final binding site plan application shall
27 contain:

28 a. Survey prepared by a licensed land surveyor in the state of Washington showing the project boundary
29 with mathematical closures and any land division lines created through the binding site plan process; and

30 b. Parcel area of lots expressed in square footage for developments in the urban area and acreage for
31 developments in the rural area.

32 (Amended: Ord. 2004-11-04; Ord. 2010-08-06; Ord. 2011-08-08)

33 D. Approval Process.

34 1. A site plan subject to a Type I review is not subject to pre-application review unless requested by the
35 applicant.

36 2. A site plan subject to a Type II review is subject to pre-application review pursuant to Section 40.510.020,
37 unless waived.

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1 3. An application for a pre-application review of a site plan shall comply with the submittal requirements in
2 Section 40.510.050 regarding pre-application review.

3 4. An application for a review of a site plan shall comply with the submittal requirements in Section
4 40.510.050.

5 5. Developments that are subject to site plan review and require grading an area of more than fifteen thousand
6 (15,000) square feet are subject to the requirements in Section 40.570.080(C)(3)(k) even if the development is
7 exempt from SEPA.

8 (Amended: Ord. 2010-08-06; Ord. 2013-06-15)

9 E. Approval Criteria.

10 1. If the responsible official finds that a site plan application does or can comply with the applicable approval
11 and development standards, the responsible official shall approve the site plan, or approve the site plan subject to
12 conditions of approval that ensure the proposed development will comply with the applicable standards.

13 2. If the responsible official finds that a site plan application does not comply with one (1) or more of the
14 applicable approval or development standards, and that such compliance cannot be achieved by imposing a
15 condition or conditions of approval, the responsible official shall deny the site plan application.

16 3. If a site plan is subject to a standard(s) over which the responsible official does not have sole jurisdiction,
17 then the responsible official shall not make a final decision regarding the site plan until the related decision(s)
18 regarding the applicable standard(s) has been received.

19 4. A change of use on a lawfully developed site with nonconforming landscaping and screening shall be
20 brought into compliance with standards in Section 40.320.010, subject to the following:

21 a. An alternate landscaping or screening plan may be approved if:

22 (1) Compliance with requirements in Section 40.320.010 is not reasonably possible due to location of
23 existing structures, topography, life safety concerns, etc.; or

24 (2) Requirements for on-site parking, including access drive aisles, will not meet standards in Section
25 40.340.010; or

26 (3) The required landscaping improvements exceed ten percent (10%) of the value of construction
27 costs of all building and site improvements, except landscaping, for the change in use; however, the
28 minimum requirements under Section 40.520.040(E)(4)(b) shall be met.

29 b. At a minimum, outdoor storage areas shall be screened from adjoining properties or public
30 rights-of-way by a six (6) foot fence or wall meeting the F2 standard.

31 5. Site Plan Approval Criteria. In addition to other applicable provisions of this code, a site plan application
32 shall comply with the following standards or modifications or variations to those standards permitted by law:

33 a. Use and development standards of the applicable base zones and overlay zones in this title;

34 b. Sign standards in Chapter 40.310;

35 c. Landscaping and screening design standards in Chapter 40.320;

36 d. Crime prevention guidelines in Chapter 40.330;

37 e. Parking and loading standards in Chapter 40.340;

38 f. Transportation and circulation standards in Chapter 40.350;

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- 1 g. Solid waste and recycling standards in Chapter 40.360;
- 2 h. Sewer and water standards in Chapter 40.370;
- 3 i. Stormwater and erosion control standards in Chapter 40.386;
- 4 j. Critical areas standards in Subtitle 40.4;
- 5 k. Fire safety standards in Chapter 15.12; and
- 6 l. Applicable ADA standards.

7 (Amended: Ord. 2007-06-05; Ord. 2009-01-01; Ord. 2010-08-06; Ord. 2012-07-03; Ord.
8 2015-11-24)

9 F. Final Site Plan/Final Construction Plan Review.

10 1. Submittal Requirements. All of the materials listed below must be submitted for a complete application,
11 unless otherwise authorized by the responsible official:

- 12 a. Completed application form;
- 13 b. Application fee pursuant to Title 6;
- 14 c. Construction Plans. Where improvements are required, plans for such improvements shall be
15 submitted to the County Engineer who shall review them for conformance with conditions of preliminary
16 site plan approval and other adopted county standards as of the date of preliminary site plan approval.
17 Approval shall be given by the signature of the County Engineer on the construction plans. Improvements
18 shall be designed by or under the direct supervision of a licensed engineer where required by statute
19 (Chapters 18.08, 18.43, and 18.96 RCW). The licensed engineer shall certify same by seal and signature. All
20 construction plans shall comply with the provisions of the Clark County Code.

21 Unless waived by the County Engineer, the construction plan set shall include the following elements:

- 22 (1) Final grading plan pursuant to Chapter 40.386;
- 23 (2) Final transportation plan pursuant to Chapter 40.350;
- 24 (3) Final signing and striping plan;
- 25 (4) Final stormwater plan and Technical Information Report (TIR) pursuant to Chapter 40.386;
- 26 (5) Proposed erosion control plan pursuant to Chapter 40.386;
- 27 (6) Final landscaping plan;
- 28 (7) Final wetland and/or habitat mitigation plan;
- 29 (8) Final water and wastewater disposal plan; and
- 30 (9) Additional information as required by the responsible official consistent with the conditions of
31 the preliminary approval or as otherwise required by the code;

32 d. Proposed Final Site Plan. Unless waived by the responsible official, a proposed final site plan shall be
33 approved prior to the issuance of a building permit for all development subject to site plan review. Where
34 construction plans are required, the proposed final site plan shall be included as a sheet in the construction
35 plan set. The proposed final site plan shall include the following:

- 36 (1) Project name;

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- 1 (2) Legend;
- 2 (3) Location, including one-quarter (1/4) section, section, township, range, and, as applicable,
- 3 donation land claim and/or subdivision;
- 4 (4) Boundary survey;
- 5 (5) Lot, block and street right-of-way and centerline dimensions;
- 6 (6) Street names;
- 7 (7) Scale, including graphic scale, north arrow and basis of bearings;
- 8 (8) Identification of areas to be dedicated;
- 9 (9) Special setbacks (if any);
- 10 (10) Private easements (if any);
- 11 (11) Utility easements;
- 12 (12) Walkways (if any);
- 13 (13) Building square footage; and
- 14 (14) Parking layout and number of spaces;
- 15 e. Conditions, covenants and restrictions, notes, and/or binding agreements as required by this code,
- 16 SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:
 - 17 (1) Private road maintenance agreement, if applicable,
 - 18 (2) Stormwater covenant, if applicable,
 - 19 (3) Wetland and/or habitat covenant(s), if applicable,
 - 20 (4) Recorded conservation covenant, if applicable, and
 - 21 (5) Latecomer's agreement, if applicable;
- 22 f. Verification of installation of required landscape;
- 23 g. Copy of recorded public and private off-site easements and right-of-way dedications for required
- 24 improvements;
- 25 h. Final archaeology comments, if applicable;
- 26 i. Receipt showing payment of concurrency modeling fees;
- 27 j. Other supporting documents required pursuant to the preliminary site plan decision.
- 28 2. Copies. All plans and materials shall be submitted in the format and number established by the responsible
- 29 official.
- 30 3. Construction Plan and Final Site Plan Review Procedure.
- 31 a. Final site plan/final construction plan applications are subject to a Type I review pursuant to Section
- 32 40.510.010.

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- 1 b. The responsible official shall approve final site plan/final construction plans and forward the final site
2 plans to the appropriate department for issuance of a building permit if the approval criteria below are met:
- 3 (1) The construction plans, if required, and final site plan are in proper form as established by the
4 submittal requirements;
- 5 (2) The construction plans, if required, meet the technical performance requirements of the county.
6 Improvements were designed by or under the direct supervision of a licensed engineer where required by
7 statute (Chapters 18.08, 18.43, and 18.96 RCW) and the licensed engineer has certified same by seal and
8 signature;
- 9 (3) The construction plans, if required, and final site plan are in conformance with the conditions of
10 the preliminary site plan approval; and
- 11 (4) The construction plans, if required, and final site plan are in compliance with the requirements of
12 this chapter and all applicable, adopted statutes and local ordinances.
- 13 c. The construction plan approval shall be given by the signature of the County Engineer on the
14 improvement plans.
- 15 (Amended: Ord. 2004-11-04; Ord. 2006-05-01; Ord. 2009-01-01; Ord. 2015-11-24)

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1 **40.560.010 Plan Amendment Procedures**

2 A. Purpose.

3 The purpose of this section is to provide guidance as to how the comprehensive plan will be updated and amended
4 over time. Amendments to the comprehensive plan may involve changes in the written text or policies of the plan, or in
5 the map designations adopted as part of the plan, Arterial Atlas, or to supporting documents, including capital facilities
6 plans. This section states the specific procedures and review criteria necessary to process comprehensive plan
7 amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the
8 countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local
9 city comprehensive plans, applicable capital facilities plans, official population growth forecasts and key growth
10 indicators.

11 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

12 B. Overall Method of Review.

13 Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this section.
14 The review shall be processed by Type IV procedures in Section 40.510.040. Applications for plan map amendments
15 are generally processed in conjunction with concurrent rezone requests. Zoning map amendments must be to a zone
16 corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments must meet
17 all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be
18 considered subject to the approval criteria of Section 40.560.020.

19 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

20 C. Applicability.

21 The criteria and requirements of this section shall apply to all applications or proposals for changes to the
22 comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of
23 establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

- 24 1. Countywide comprehensive plan map changes involving urban growth area (UGA) boundary changes and
25 rural lands uses on a rotational basis;
- 26 2. Comprehensive plan map changes not involving a change to UGA boundaries;
- 27 3. Comprehensive plan policy or text changes;
- 28 4. Arterial Atlas amendments;
- 29 5. Changes to other plan documents (such as capital facilities and the shoreline master program); and
- 30 6. Out-of-cycle amendments limited to the following:
 - 31 a. Emergency;
 - 32 b. The initial adoption of a subarea plan, only to a plan that does not modify the comprehensive plan
33 policies and designations applicable to the subarea;
 - 34 c. The adoption or amendment of a shoreline master program;
 - 35 d. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or
36 from a court of competent jurisdiction;
 - 37 e. Siting of major industrial developments and/or master planned locations outside UGA boundaries
38 consistent with the requirements of state statute; and

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1 f. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with
2 the adoption of the county budget.

3 Item (1) above may only occur consistent with RCW 36.70A.130. Items (3), (4), (5) and (6) above may only be
4 initiated by the county. Item (2) above may be initiated by either the county or a property owner.

5 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2016-09-04; Ord. 2017-07-04; Ord.
6 2018-01-01)

7 D. Plan Map Changes – Procedure.

8 1. Applications for all plan amendments shall be considered legislative actions, subject to Type IV procedures
9 of Section 40.510.040.

10 2. Site-specific plan map amendments (annual reviews) requested by private parties shall be considered
11 legislative actions, subject to Type IV procedures of Section 40.510.040.

12 3. Submittal Requirements and Timelines of the Annual Review. All applications for site-specific plan map
13 amendments not involving a change to UGA boundaries requested by parties other than the county shall be
14 submitted as follows:

15 a. Between October 1st and November 30th, applicants shall submit a pre-application form containing
16 all of the following information:

17 (1) The pre-application fee, as specified in county fee ordinance;

18 (2) Application form signed by the owner(s) of record;

19 (3) Description of request;

20 (4) GIS packet;

21 (5) Related or previous permit activity; and

22 (6) A statement on how the plan/zone change request is consistent with all of the applicable policies
23 and criteria in the comprehensive plan and this chapter.

24 b. Between October 15th and December 31st, county staff and applicants shall complete pre-application
25 meetings.

26 c. Between January 1st and January 31st, applicants shall submit an application form containing all of
27 the following, including the information required by Section 40.510.030(C)(3):

28 (1) The applicable comprehensive plan and rezone application fees;

29 (2) SEPA checklist and applicable fee;

30 (3) Copy of deed, real estate contract or earnest money agreement;

31 (4) A full analysis of how the plan/zone change request is consistent with the applicable policies and
32 criteria in the comprehensive plan and this chapter;

33 (5) A market analysis and a transportation analysis; and

34 (6) Any additional information the applicant believes is necessary to justify the amendment.

35 d. Between February 1st and April 1st, initial county staff review shall include the following:

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- 1 (1) Distribution of applications requesting an amendment to an urban growth area boundary or
2 seeking to amend a designation within an urban boundary to the affected city;
- 3 (2) Completion of county SEPA official determination;
- 4 (3) Circulation and publication of SEPA determinations to applicant, affected jurisdiction(s),
5 neighborhood associations and agencies; and
- 6 (4) Preparation of a single staff report and recommendation based on an assessment of cumulative
7 impacts of plan change requests, and any other plan changes initiated by the county.
- 8 e. The above process and timeline is intended as a guideline. Actual processing time may depend upon
9 the number of applications and activity level at the time of formal applications.
- 10 f. If the applicant has not supplied the required information by March 15th, the responsible official shall
11 inform the applicant in writing that no further consideration will be given to the request for this annual
12 review cycle.
- 13 g. Following completion of Sections 40.560.010(D)(3)(a) through (D)(3)(e), county staff shall schedule
14 public hearings before the planning commission. Following the completion of the planning commission
15 public hearings, county staff shall schedule public hearings before the board and forward to the board the
16 planning commission recommendations.
- 17 h. After the public hearing by the board, the board will adopt a single resolution disposing of all cases.
- 18 i. Burden of Proof. The burden of proving consistency with the criteria for plan amendments shall be
19 upon the proponent.
- 20 4. Annual review applications will not be accepted for properties within an urban growth boundary which are
21 in the process of being annexed.
- 22 (Amended: Ord. 2007-09-13; Ord. 2007-11-13; Ord. 2017-07-04; Ord. 2018-01-01)
- 23 E. Governmental Coordination.
- 24 1. The county will coordinate with each city and town, the annual review processes. Annual reviews shall be
25 established to occur within each jurisdiction at least once a year.
- 26 2. These coordinated annual reviews shall be subject to the criteria of this chapter and that of the applicable
27 jurisdiction and include the following:
- 28 a. Each urban area annual review, including applications initiated by a city, shall assess the cumulative
29 impacts of all potential or requested changes to the comprehensive plan map and policies throughout the
30 specific urban areas as well as, to the countywide plan;
- 31 b. Proposals that would result in urban development outside of an adopted urban boundary shall not be
32 permitted unless the boundary is amended; and
- 33 c. Cities, special districts and the county shall cooperate to preserve and protect natural resources,
34 agricultural lands, open space and recreational lands within and near the urban areas.
- 35 3. Individual annual review applications may be submitted once a year to the applicable jurisdiction based on
36 a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the
37 county and each city/town for each urban area to facilitate mutual review and assessment of the applicable
38 criteria. The following procedure is recommended for consideration of plan amendments or updates:
- 39 a. After November 30th, distribute copies of pre-application forms submitted by applicant to affected
40 city and agencies;

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- 1 b. Between October 15th and December 31st, complete pre-application meetings with county staff,
2 applicants and affected city and agencies in attendance;
- 3 c. Between January 1st and February 28th, distribute fully complete applications with any additional
4 information to affected jurisdictions to facilitate their review process;
- 5 d. In coordinating with the county, the cities shall submit written recommendation or additional
6 information to the county;
- 7 e. The county shall circulate initial review including SEPA determination and other pertinent
8 information to the affected city and agencies; and
- 9 f. The county will schedule public hearings before planning commission followed by public hearings
10 before the board.

11 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

12 F. Comprehensive Plan Map Changes – General.

13 All plan map changes shall be accomplished through the following:

- 14 1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be initiated
15 by Clark County at minimum seven (7) year intervals;
- 16 2. Changes approved by the county in response to county, or property owner request not more than once per
17 calendar year;
- 18 3. Out of cycle amendments initiated and approved by the county at any time;
- 19 4. Applications for map changes and urban growth area boundary amendments shall be consistent with the
20 comprehensive plan matrix table or accompanied by concurrent rezone applications;
- 21 5. A county-initiated proposal for siting major industrial facilities and/or master planned locations consistent
22 with RCW 36.70A.365 and 36.70A.367, and processed if accompanied by a current property owner-submitted
23 rezone application;
- 24 6. The county shall assess the cumulative impacts of all plan map changes against the comprehensive plan,
25 plan text, map and relevant implementing measures. Monitoring benchmarks may be used to assess impacts.

26 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

27 G. Criteria for All Map Changes.

28 Map changes may only be approved if all of the following are met:

- 29 1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management
30 Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan,
31 city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and
- 32 2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational
33 criteria identified in the plan; and
- 34 3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately
35 designated alternative sites within the vicinity; and
- 36 4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area
37 within which the subject property lies; (b) better implements applicable comprehensive plan policies than the
38 current map designation; or (c) corrects an obvious mapping error; and

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1 5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services
2 can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services
3 may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services
4 applies only to the specific change site.

5 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

6 H. Additional Criteria for Commercial Map Changes.

7 Amendments to the plan map for designation of additional commercial land or for changing the zoning from one
8 commercial district to another shall meet the following additional requirements:

9 1. A market analysis using the weighted block group centroid retrieval method shall be submitted which
10 verifies the need for the new commercial area or center; and

11 2. A land use analysis of available commercially designated and zoned land in the market area of the proposed
12 site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent
13 vacant lands model must be used for the land use analysis.

14 (Amended: Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01)

15 I. Additional Criteria for Rural Map Changes.

16 1. Amendments to the plan map for (a) changing a natural resource land designation to either a smaller lot size
17 natural resource land designation or to a rural designation, or (b) creating or expanding a rural center, shall
18 demonstrate that the following criteria have been met:

19 a. The requested change shall not impact the character of the area to the extent that further plan map
20 amendments will be warranted in future annual reviews; and

21 b. The site does not meet the criteria for the existing resource plan designation; and

22 c. The amendment shall meet the locational criteria for the requested designation.

23 2. a. The expansion of, or change of land use within, a rural center shall be considered and evaluated by the
24 county through the annual review process under this chapter.

25 b. The creation of a rural center shall be considered and evaluated by the county through the docket
26 process under this chapter.

27 c. Before the county considers establishing a new rural center, the proponent(s) shall submit to the
28 county a petition signed by at least sixty percent (60%) of the property owners of the land within the
29 boundaries of the proposed new rural center.

30 3. Changes to the urban reserve overlay will only be considered during a comprehensive plan periodic review
31 and not on an annual basis.

32 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01)

33 J. Additional Criteria for Rural Major Industrial Map Changes.

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

36 1. Application. Rural industrial development sites pursuant to RCW 36.70A.365 or 36.70A.367 require a
37 comprehensive plan and zone change, and shall be processed as a Type IV process pursuant to Section
38 40.510.040 and this chapter.

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- 1 2. Rural industrial designations shall require a minimum of one hundred (100) acres and a maximum of seven
2 hundred (700) acres in size, and shall be designated as follows:
- 3 a. Comprehensive Plan.
- 4 (1) Major industrial developments (light industrial).
- 5 (2) Major industrial land banks (light industrial).
- 6 b. Zoning.
- 7 (1) Major industrial developments (IL).
- 8 (2) Major industrial land banks (IL).
- 9 3. Process. Prior to formally proposing a designation under this section, the county shall:
- 10 a. Undertake an inventory of available urban industrial land;
- 11 b. Consult with affected city(ies) regarding a proposed designation;
- 12 c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed
13 location is superior to other potential rural sites;
- 14 d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and
- 15 e. Complete a master plan for the development site as required pursuant to Section 40.520.075.
- 16 4. Approval Criteria.
- 17 a. In addition to the other applicable designation criteria under this chapter, major industrial
18 developments or major industrial land banks may only be approved upon a finding that the requirement and
19 criteria of RCW 36.70A.365 or 36.70A.367, respectively, are met.
- 20 b. Concomitant Rezone Agreement. No designation under this section shall be approved unless
21 accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures
22 compliance with statutory requirements and criteria, including the limitations on nonindustrial uses in RCW
23 36.70A.367(2)(k) for a major industrial land bank.
- 24 5. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent
25 non-urban areas.
- 26 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2012-12-14; Ord.
27 2014-12-16; Ord. 2017-07-04; Ord. 2018-01-01)
- 28 K. Rezones/Zone Changes. Rezone applications considered with a plan map amendment request shall be reviewed
29 consistent with the plan matrix table and according to the procedures and timing specifications for plan map
30 amendment specified in this section and shall comply with Section 40.560.020 and Chapter 40.510. Rezone
31 applications proposing a change from urban holding to an urban zoning district that is consistent with the
32 comprehensive plan map designation shall be processed through a Type IV process initiated by the county and
33 consistent with the procedures and criteria identified in the special implementation procedures section in Chapter 13 of
34 the comprehensive plan. See also Section 40.560.020(G).
- 35 (Amended: Ord. 2007-09-13; Ord. 2008-06-02; Ord. 2008-12-15; Ord. 2018-01-01)
- 36 L. Mixed Use Designation Zone Change Requests.
- 37 The purpose of this section is to establish the requirements and procedures for the review and approval of rezone
38 application(s) under the comprehensive plan mixed use designation. It is also intended that this section be utilized to

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1 implement pertinent county policies relating to mixed use development in a manner compatible with the
2 comprehensive plan policies.

3 1. Action Required.

4 a. Applications for zone changes shall be reviewed through a Type III procedure in the same manner and
5 with the same public notice procedure as is required for any other change of zoning.

6 b. If a contiguous land area is proposed to be added to an existing mixed use designation, the application
7 shall be subject to the plan change procedural ordinance and applicable criteria.

8 2. Criteria. Before an area designated mixed use (MX) on the comprehensive plan is rezoned, the applicant
9 shall demonstrate that:

10 a. The request is consistent with the plan policies and locational criteria and the purpose statement of the
11 requested zoning district;

12 b. Requested zone change is consistent with the plan designation to zoning matrix table;

13 c. The uses to be permitted and the development standard to be applied in the proposed district will
14 promote the goals of the comprehensive plan and other applicable policies adopted by the county,
15 particularly the mixed use policies in Chapters 1, 2, 5, 9 and 10 of the comprehensive plan;

16 d. The proposed rezone and development would be integrated in a manner that provides opportunities to
17 combine residential, commercial or other uses within individual structures, or within adjacent structures or
18 adjacent properties;

19 e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the
20 zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;

21 f. The requested zone change shall meet the standards for the MX zoning district; and

22 g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be
23 capable by the time development is complete.

24 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

25 M. Additional Required Criteria Specific to Urban Growth Area (UGA) Boundary Map Changes.

26 1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding
27 UGA boundaries and designations as follows:

28 a. Adopt countywide twenty (20) year target population and employment levels consistent with official
29 State of Washington Office of Financial Management population growth forecasts ranges; and

30 b. Officially sub-allocate the adopted countywide population and employment targets to urban growth
31 areas associated with each incorporated municipality in the county, and to the remaining rural area; and

32 c. Adopt urban growth area boundaries and comprehensive plan land use designations which are
33 consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.

34 2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review
35 proposals shall be initiated by the county as part of a periodic review and update of the plan.

36 3. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and
37 will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what
38 urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when

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- 1 such services will be needed. Written documentation shall be provided from service providers indicating when,
2 how, at what cost, and from which funding sources service will be provided.
- 3 4. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a
4 maximum twenty (20) year supply of vacant and buildable lands within the UGA. The calculation of supply shall
5 be based on population growth projections within the UGA, where such projections are consistent with adopted
6 countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth
7 targets and regional sub-allocations; provided, that they are consistent with official OFM forecasts.
- 8 5. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide
9 implications for other UGAs and their sub-allocations.
- 10 6. The amendment shall address the assumptions, trends, key indicators and performance measures
11 established in the land use element, Chapter 1, of the comprehensive plan.
- 12 7. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral
13 resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.
- 14 8. The amendment only indicates lands within the urban reserve area.
- 15 9. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected
16 city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected
17 city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing
18 thereon.
- 19 10. Except as provided for in RCW 36.70A.110(8), the expansion of an urban growth area (UGA) is
20 prohibited into the one hundred (100) year floodplain of a river segment when the river has a mean annual flow of
21 one thousand (1,000) or more cubic feet per second.
- 22 11. The following shall not apply to Sections 40.560.010(M)(1) through (10):
- 23 a. Correction of technical mapping errors involving a small area or few properties;
- 24 b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings
25 Board remand.
- 26 (Amended: Ord. 2006-09-13; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2016-06-12; Ord.
27 2018-01-01)
- 28 N. Comprehensive Plan Policy or Text Changes.
- 29 1. Action Required. Plan policy or text changes shall be accomplished through the changes initiated and
30 approved by the county. These changes may occur as part of the periodic review update to occur consistent with
31 RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency
32 amendments which may be brought forward at any time, subject to applicable provisions of this chapter.
- 33 2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
- 34 a. The amendment shall meet all the requirements of and be consistent with the Growth Management Act
35 and other requirements, the countywide planning policies, the community framework plan, the
36 comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population
37 growth forecasts.
- 38 b. The amendment, when applicable, shall address the assumptions, trends, key indicators and
39 performance measures established in the land use element, Chapter 1, of the comprehensive plan.
- 40 c. The county shall assess the cumulative impacts of all plan policy or text changes against the
41 comprehensive plan, plan text, map and relevant implementing measures.

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1 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

2 O. Arterial Atlas Amendments.

3 1. Action Required. Arterial Atlas amendments shall be accomplished through the changes initiated and
4 approved by the county. These changes may occur as part of the periodic review update to occur consistent with
5 RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency
6 amendments which may be brought forward at any time, subject to applicable provisions of this chapter.

7 2. Required Criteria. Arterial Atlas amendments may be approved only when all of the following are met:

8 a. There is a need for the proposed change;

9 b. The proposed change is compliant with the Growth Management Act;

10 c. The proposed change is consistent with the adopted comprehensive plan, including the land use plan
11 and the rest of the Arterial Atlas;

12 d. The proposed change is consistent with applicable interlocal agreements; and

13 e. The proposed change does not conflict with the adopted Metropolitan Transportation Plan.

14 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

15 P. Other Plan Amendment Categories.

16 1. Capital facilities plan and updates shall be reviewed at a minimum every four (4) years in Type IV public
17 hearings for those facilities subject to county jurisdiction.

18 2. School capital facility plans and updates shall be reviewed at least every four (4) years.

19 3. The Clark County parks, recreation and open space plan shall be reviewed at least every four (4) years by
20 the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the
21 comprehensive plan shall be reviewed in public hearings by the planning commission and the board.

22 4. In updating capital facilities plans, policies and procedures, the county must determine that these updates
23 are consistent with applicable policies and implementation measures of the comprehensive plan, and in
24 conformance with the purposes and intent of the applicable interjurisdictional agreements.

25 5. Changes to the shoreline master program (SMP) shall be limited to once a year, following the plan map
26 procedures schedule in Section 40.560.010(D). Any amendments thereto shall be viewed as a limited amendment
27 consistent with WAC 173-26-201(1)(c), and shall be processed as a Type IV application pursuant to Section
28 40.510.040.

29 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2010-12-12; Ord. 2016-06-12; Ord.
30 2016-09-04; Ord. 2018-01-01)

31 Q. Out-of-Cycle Amendments.

32 1. Revisions to the comprehensive plan may be considered more frequently than once per year under the
33 following circumstances:

34 a. Emergency in which a delay in action would result in a significant public harm;

35 b. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and
36 designations applicable to the subarea;

37 c. The adoption or amendment of a shoreline master program;

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1 d. To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or
2 from a court of competent jurisdiction; and

3 e. Siting of major industrial developments and/or master planned locations outside UGAs consistent
4 with the requirements of RCW 36.70A.365 and 36.70A.367.

5 2. Plan amendments reviewed under these conditions shall be considered legislative actions, subject to Type
6 IV procedures of Section 40.510.040.

7 3. All amendments shall be considered subject to the review criteria established in this chapter.

8 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

9 R. Siting of State and Regional Public Facilities of a Countywide or Statewide Nature.

10 Plan amendments to implement the policies of the comprehensive plan regarding proposals for siting essential
11 public facilities such as airports, state educational facilities and other institutions necessary to support community
12 development may be considered as follows:

13 1. Government facilities may be established as provided in other land use districts through the procedures
14 specified in the applicable district without plan amendment.

15 2. Application for siting of public facilities may be approved if criteria, as noted herein, are met:

16 a. The county shall in cooperation with other jurisdictions ensure that siting of regional facilities is
17 consistent with all elements of the adopted county comprehensive plan, local city plan and other supporting
18 documents;

19 b. The proposed project complies with all applicable provisions of the comprehensive plan, including
20 countywide planning policies;

21 c. The proposal for siting of a public facility contains interjurisdictional analysis and financial analysis to
22 determine financial impact and applicable intergovernmental agreement;

23 d. Needed infrastructure is provided for;

24 e. Provision is made to mitigate adverse impacts on adjacent land uses;

25 f. The plan for the public facilities development is consistent with the county's development regulations
26 established for protection of critical areas; and

27 g. Development agreements or regulations are established to ensure that urban growth will not occur if
28 located adjacent to non-urban areas.

29 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

30 S. Additional Criteria for Surface Mining Overlay Changes.

31 1. Designation of additional areas with the surface mining overlay shall only occur if:

32 a. The designation criteria in the comprehensive plan have been met;

33 b. The quantity and characteristics of the resource including the size of the deposit, the depth of
34 overburden, the distance to market, and the cost of transport and resource availability in the region suggest
35 that mining is economically viable; and

36 c. At least sixty percent (60%) of the area within one thousand (1,000) feet of the proposed mineral
37 resource land is characterized by parcels of five (5) acres or larger.

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Note: New language = underline and highlight; Delete = ~~strikethrough~~

- 1 2. Removal of the surface mining overlay shall only occur if one (1) of the following conditions is met:
- 2 a. The mineral resources have been depleted;
- 3 b. There is evidence that the mining of the mineral resource is not economically feasible based on the
- 4 factors listed in Section 40.560.010(S)(1)(b);
- 5 c. Environmental or access constraints make it impractical to mine the resource; or
- 6 d. The area has been brought into an urban growth boundary or adjacent land uses or developments are
- 7 incompatible with mineral extraction.

8 (Added: Ord. 2014-12-06; Ord. 2018-01-01)

9 T. Freight Rail Dependent Use Overlay

- 10 1. The expansion of, or creation of a new freight rail dependent use overlay shall be considered and
- 11 evaluated by the county through the annual review process under this chapter.
- 12
- 13 2. The removal of a parcel(s) from an overlay area shall be considered and evaluated by the county
- 14 through the docket process under this chapter.
- 15
- 16 3. Before the county considers establishing a new freight rail dependent use overlay area, the
- 17 proponent(s) shall submit to the county a petition signed by at least sixty percent (60%) of the
- 18 property owners of the land within the boundaries of the proposed new overlay, which shall be no
- 19 less than 100 acres.
- 20
- 21 4. The Railroad Advisory Board will be notified at the time of submission of a freight rail-dependent
- 22 use annual review or docket request and will be consulted for feedback during the amendment
- 23 process.

24 U. Cumulative Impact.

25 In reviewing all prospective comprehensive plan changes, the county shall analyze and assess the following to the

26 extent possible:

- 27 1. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant
- 28 implementing measures, and adopted environmental policies;
- 29 2. The cumulative land use environmental impacts of all applications on the applicable local geographic area
- 30 and adopted capital facilities plans; and
- 31 3. Where adverse impacts are identified, the county may require mitigation. Conditions which assure that
- 32 identified impacts are adequately mitigated may be proposed by the applicant and, if determined to be adequate,
- 33 imposed by the county as a part of the approval action.

34 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2014-12-06; Ord. 2018-01-01)

35 V. Fees.

36 Application fees for all comprehensive plan and zone changes shall be considered as follows:

- 37 1. Filing fees for all plan amendments and zone changes shall be considered subject to the provisions of
- 38 Chapter 6.110A.
- 39 2. If multiple similar applications are received in a year, fees set in Section 40.570.100(B) may be adjusted
- 40 downward by the responsible official to reflect actual cost.

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- 1 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2014-12-06; Ord.
- 2 2018-01-01)