

## Exhibit 7 Clark County Code Title 40 Amendments

### 40.230.085 Employment Districts (IL, IH, IR, BP, ~~IL-RILB~~)

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

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

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

1. Industrial (I) Districts.

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

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

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

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

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

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

"X" – Uses specifically prohibited.

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

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

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

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

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

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay <sup>40</sup>
B. Manufacturing Uses									
311	Food manufacturing				P	P	P	X	P
		31161	Animal slaughtering and processing		C	P	P	X	X
			311811	Retail bakeries	P	P	P	P	P
312	Beverage and tobacco product manufacturing				P	P	P	P	P
313	Textile mills				P	P	P	X	P
314	Textile product mills				P	P	P	X	P
315	Apparel manufacturing				P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	X	P <sup>2</sup>
316	Leather and allied product manufacturing								
	3161	Leather and hide tanning and finishing			X	P	P	X	X
	3162	Footwear manufacturing			P	P	P	P	P
	3169	Other leather and allied product manufacturing			P	P	P	P	P
321	Wood product manufacturing								
	3211	Sawmills and wood preservation			X	P	P	X	X
	3212	Veneer, plywood, and engineered wood product manufacturing			X	P	P	X	X
			321214	Truss manufacturing	P	P	P	X	P
	3219	Other wood product manufacturing			P	P	P	X	P
322	Paper manufacturing								
	3221	Pulp, paper and paperboard mills			X	P	P	X	X
	3222	Converted paper product manufacturing			P	P	P	P	P
323	Printing and related support activities				P	P	P	P	P
324	Petroleum and coal products manufacturing				X	P	P	X	X
325	Chemical manufacturing				X	P	P	X	X
	3254	Pharmaceutical and medicine manufacturing			P	P	P	X	P
	3256	Soap, cleaning compound, and toilet preparation manufacturing			P	P	P	X	P
326	Plastics and rubber products manufacturing				P	P	P	X	P
327	Nonmetallic mineral product manufacturing								
	3271	Clay product and refractory manufacturing			P	P	P	X	P
	3272	Glass and glass product manufacturing			P	P	P	X	P
	3273	Cement and concrete product manufacturing			P	P	P	X	P
			327310	Cement manufacturing	X	P	P	X	X
			327320	Ready-mix concrete	X	P	P	X	X

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay <sup>40</sup>
				manufacturing					
	3274	Lime and gypsum product manufacturing			X	P	P	X	X
	3279	Other nonmetallic mineral product manufacturing			X	P	P	X	X
331	Primary metal manufacturing				X	P	P	X	X
332	Fabricated metal product manufacturing								
	3321	Forging and stamping			P	P	P	X	P
	3322	Cutlery and hand tool manufacturing			P	P	P	P	P
	3323	Architectural and structural metals manufacturing			P	P	P	X	P
	3324	Boiler, tank, and shipping container manufacturing			P	P	P	X	P
	3325	Hardware manufacturing			P	P	P	X	P
	3326	Spring and wire product manufacturing			P	P	P	X	P
	3327	Machine shops			P	P	P	C	P
	3328	Coating, engraving, heat treating, and allied activities			P	P	P	X	P
			332813	Electroplating, plating, polishing, anodizing, and coloring	C	P	P	X	C
	3329	Other fabricated metal product manufacturing			P	P	P	X	P
333	Machinery manufacturing				P	P	P	C	P
334	Computer and electronic product manufacturing				P	P	P	P	P
335	Electrical equipment, appliance, and component manufacturing				P	P	P	P	P
336	Transportation equipment manufacturing				P	P	P	X	P
			336991	Motorcycle, bicycle, and parts manufacturing	P	P	P	P	P
337	Furniture and related product manufacturing				P	P	P	X	P
339	Miscellaneous manufacturing				P	P	P	P	P
C. Wholesale Trade									
423	Wholesale trade, durable goods (retail sales prohibited)				P	P	P	P	P
424	Wholesale trade, nondurable goods (retail sales prohibited)				P	P	P	P	P
425	Wholesale electronic markets and agents and brokers				P	P	P	P	P
D. Retail Trade									
		Retail sales of products fabricated on site			P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
		Construction and industrial equipment sales			P	P	P	X	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay <sup>40</sup>
	4411	Automotive dealers		X	X	X	X	<del>X</del>
	4412	Other motor vehicle dealers		X	X	X	X	<del>X</del>
	4413	Automotive parts, accessories, and tire stores		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>+</sup>
	4441	Building material and supplies dealers		P	X	X	X	<del>P</del>
		44412	Paint and wallpaper stores	P <sup>1</sup>	X	X	X	P <sup>+</sup>
		44413	Hardware stores	P <sup>1</sup>	X	X	X	P <sup>+</sup>
445	Food and beverage stores			P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>+</sup>
	44512	Convenience stores		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>+</sup>
446	Health and personal care stores			P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>+</sup>
447	Gasoline stations			C	C	C	C	<del>C</del>
448	Clothing and clothing accessories stores			P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>+</sup>
451	Sporting goods, hobby, book and music stores			P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>+</sup>
452	General merchandise stores			X	X	X	X	<del>X</del>
453	Miscellaneous store retailers			P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>+</sup>
454	Nonstore retailers			P	X	X	P	<del>P</del>
	45431	Fuel dealers		P	P	P	X	<del>C</del>
E. Transportation and Warehousing								
482	Rail transportation			P	P	P	X	<del>P</del>
483	Water transportation			X	P	X	X	<del>X</del>
484	Truck transportation			P	P	P	P	<del>P</del>
485	Transit and ground passenger transportation			P	P	P	P	<del>P</del>
486	Pipeline transportation			P	P	P	P	<del>P</del>
487	Scenic and sightseeing transportation			P	P	X	X	<del>P</del>
488	Support activities for transportation			P	P	X	X	<del>P</del>
	4882	Support activities for rail transportation		P	P	P	X	<del>P</del>
	4883	Support activities for water transportation		X	P	P	X	<del>X</del>
	4884	Support activities for road transportation		P	X	X	X	<del>P</del>
	4885	Freight transportation arrangement		P	P	P	P	<del>P</del>
	4889	Other support activities for transportation		P	P	P	P	<del>P</del>
491	Postal service			P	P	P	P	<del>P</del>
492	Couriers and messengers			P	P	P	P	<del>P</del>
493	Warehousing and storage			P	P	P	P	<del>P</del>

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay <sup>10</sup>
F. Information								
511	Publishing industries			P	P	P	P	P
512	Motion picture and sound recording industries			P	P	P	P	P
515	Broadcasting (except Internet)			P	P	P	P	P
516	Internet publishing and broadcasting			P	P	P	P	P
517	Telecommunications			P	P	P	P	P
	5172	Wireless communications carriers		P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>	P/C <sup>7</sup>
518	Internet service providers, web search portals, and data processing services			P	P	P	P	P
519	Other information services			P	P	P	P	P
52 Finance and insurance				X	X	X	P	X
	5221	Branch banks (including drive-up service)		P <sup>1</sup>	P <sup>1</sup>	X	P	P <sup>1</sup>
524	Insurance carriers and related activities			P	X	X	P	P
53 Real estate and rental and leasing								
531	Offices of real estate agents and brokers			P	X	X	P	P
532	Rental and leasing services			P	X	X	P	P
	5324	Commercial and industrial machinery and equipment rental and leasing		P	P	P	X	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)			X	X	X	P	X
54 Professional, Scientific, and Technical Services								
541	Professional, scientific, and technical services			P	X	X	P	P
		54135	Building inspection services	P	X	X	P	P
		54136	Geophysical surveying and mapping services	P	X	X	P	P
		54137	Surveying and mapping (except geophysical services)	P	X	X	P	P
		54138	Testing laboratories	P	X	X	P	P
		54194	Veterinary services	P	P	X	P	P
55 Management of companies and enterprises								
	551	Management of companies and enterprises		P	X	X	P	P
56 Administrative and support and waste management and remediation services								
561	Administrative and support services			P	X	X	P	P
	5616	Investigation and security services		P	X	X	P	P
	5617	Services to buildings and dwellings		P	X	X	P	P
	5619	Other support services		P	X	X	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay <sup>40</sup>
562	Waste management and remediation services				C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	X	C <sup>6</sup>
61 Educational services <sup>4410</sup>									
611	Educational services <sup>4410</sup>				C	C	X	C	C
	6111	Elementary and secondary schools <sup>4410</sup>			C	C	X	C	X
	6112	Junior colleges <sup>4410</sup>			C	C	X	C	C
	6113	Colleges and universities <sup>4410</sup>			C	C	X	C	C
	6114	Business schools and computer and management training <sup>4410</sup>			C	C	X	P	C
	6115	Technical and trade schools			P	P	P	P	P
			611519	Truck driving schools	P	P	X	P	P
	6116	Other schools and instruction			C	C	X	P	C
			611692	Automobile driving schools	P	C	X	P	P
	6117	Educational support services <sup>4410</sup>			C	C	X	P	C
62 Health care and social assistance									
621	Ambulatory health care services				P	X	X	P	P
	6215	Medical and diagnostic laboratories			P	X	X	P	P
	6216	Home health care services			P	X	X	P	P
	6219	Other ambulatory health care services			P	X	X	P	P
		62191	Ambulance services		P	P	P	P	P
622	Hospitals				C	X	X	P	C
623	Nursing and residential care facilities				X	X	X	P	X
	6232	Residential mental retardation, mental health, and substance abuse facilities			X	X	X	C	X
624	Social assistance				X	X	X	P	X
	6244	Child day care services			P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>
71 Arts, entertainment, and recreation					P <sup>1</sup>	X	X	P	P <sup>1</sup>
	7112	Spectator sports			C	X	X	C	C
		71391	Golf courses and country clubs		X	X	X	X	X
		71392	Skiing facilities		X	X	X	X	X
		71393	Marinas		P	X	X	X	P
		71394	Fitness and recreational sports centers		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
		71399	All other amusement and recreation industries		P <sup>1</sup>	X	X	P <sup>1</sup>	P <sup>1</sup>

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay <sup>10</sup>
72 Accommodations and food services								
721	Accommodation			X	X	X	P	<del>X</del>
722	Food services and drinking places			P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	<del>P<sup>1</sup></del>
	7223	Special food services		P	P	P	P	<del>P</del>
81 Other services (except public administration)								
811	Repair and maintenance			P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	<del>P<sup>3</sup></del>
	8111	Automotive repair and maintenance		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	C	<del>P<sup>3</sup></del>
	8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	C	<del>P<sup>3</sup></del>
812	Personal and laundry services			P <sup>1</sup>	X	X	P <sup>1</sup>	<del>P<sup>1</sup></del>
		81221	Funeral homes and funeral services	X	X	X	P	<del>X</del>
		81222	Cemeteries and crematories	C	C	C	C	<del>C</del>
	8123	Dry cleaning and laundry services		P <sup>1</sup>	X	X	P <sup>1</sup>	<del>P<sup>1</sup></del>
		81233	Linen and uniform supply	P	P	X	P	<del>P</del>
		81291	Pet care (except veterinary) services	P <sup>1</sup>	X	X	P <sup>1</sup>	<del>P<sup>1</sup></del>
813	Religious, grant making, civic, professional, and similar organizations			X	X	X	C	<del>X</del>
92 Public Administration <sup>11,10</sup>				P	X	X	P	<del>P</del>
	92214	Correctional institutions <sup>11,10</sup>		C	C	X	X	<del>X</del>
G. Other uses not listed as NAICS codes								
1. Service stations for vehicle fleets, including cardlock facilities				P	P	P	P	<del>P</del>
2. Personal property storage including outdoor RV and boat storage				P	X	X	X	<del>P</del>
3. Accessory uses								
a. Administrative, educational, and other related activities and facilities				P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<del>P<sup>2</sup></del>
b. Caretaker, security or manager residence when incorporated as an integral part of a permitted use				P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<del>P<sup>2</sup></del>
c. Off-site hazardous waste treatment and storage facilities (subject to RCW 70.105.210)				P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<del>P<sup>2</sup></del>
4. Other Uses								
a. Parks, trails and related uses <sup>11,10</sup>				P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<del>P<sup>2</sup></del>
b. Existing residential uses without any increase in density, including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to the limits regarding the replacement.				P	P	P	P	<del>P</del>
c. Legally existing commercial and industrial use structures				P	P	P	P	<del>P</del>



<b>Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)</b>	<b>IL</b>	<b>IH</b>	<b>IR</b>	<b>BP</b>	<b>IL-RILB Overlay<sup>10</sup></b>
d. Public facilities for the support of construction projects and agency operations, including offices for employees of the facility	P	P	P	P	P
e. Electric vehicle infrastructure	P	P	P	P	P
f. Coffee and food stands two hundred (200) square feet or less	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>
g. Agricultural stands and markets	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
h. Medical marijuana collective gardens	X	X	X	X	X
i. Marijuana-related facilities	X	X	X	X	X

<sup>1</sup> These uses shall be limited to a maximum of ten percent (10%) of the gross floor area of all buildings within the development site. These uses are intended to serve and support the needs of employees, clients, customers, vendors, and others having business at the industrial site, to allow limited retail sales of products manufactured on site, to attract and retain a quality workforce, and to further other public objectives such as trip reduction.

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

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

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

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

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

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

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

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

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

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

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

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

##### 1. All districts.

- a. New lots, structures and additions to structures subject to this section shall comply with the applicable standards for lots, building height, setbacks and landscaping in Table 40.230.085-2, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is

required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

<b>Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements</b>					
<b>Subject</b>	<b>Zone</b>				
	IL	IH	IR	BP	IL-RILB Overlay
Minimum area of new zoning district	None	None	None	5 acres <sup>4</sup>	100
Maximum area of new zoning district	None	None	None	None	None
Minimum lot area	None	None	None	5 acres <sup>4</sup>	50
Minimum lot width	None	None	None	None	None
Maximum building height <sup>6</sup>	100 feet <sup>2</sup>	100 feet <sup>2</sup>	100 feet <sup>2, 3</sup>	100 feet <sup>2</sup>	100 feet <sup>2</sup>
Minimum building setback					
Front/street side	20 feet	20 feet	20 feet	20 feet	20 feet
Side (interior)	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>	0/100 feet <sup>7</sup>
Rear	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>	0/100 feet <sup>7</sup>
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards.				
Minimum site landscaped area <sup>1</sup>	10 percent	0 percent	0 percent	15 percent	10 percent

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

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

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

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

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

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

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

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

- b. Site plan review pursuant to Section 40.520.040 is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

- c. Freestanding commercial retail buildings are permitted with the exception of drive-through retail businesses. Freestanding commercial retail buildings shall not exceed ten thousand (10,000) square feet. Where commercial retail uses are approved, a note shall be placed on the final site plan indicating the cumulative amount of the commercial retail areas that have been approved and the residual amount that remains available for use.
- d. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
- e. Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Chapter 40.340.
- f. Landscaping. Landscaping and buffers shall be provided as required in Table 40.230.085-2 and Chapter 40.320.

2. Additional Development Standards for the Railroad Industrial District.

- a. The perimeter around railroad industrial parks shall be landscaped to an L5 or L3 standard except along the rail line. In determining which standard applies, the responsible official will consider the potential impacts, such as noise and visual impacts to neighboring properties. Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3 standard.
- b. The performance standards of Section 40.230.085(E) shall be met at the park perimeter.
- c. No tracks are allowed in public roadways except at at-grade crossings.
- d. At-grade crossings shall be minimized to the greatest extent practicable.
- e. Applicants for development in this zoning district shall submit a rail use plan showing where they could build a spur track that will connect with the main line. A rail use plan does not apply if an applicant can show there is an existing track or spur. Development shall not preclude the extension of any spur track.

3. Additional Development Standards for the Business Park District.

- a. Uses in Setbacks. No service road, spur track, hard stand, or outside storage area shall be permitted within required setbacks adjoining residential districts.
- b. Setbacks. No minimum setback is required where side or rear lot lines abut a railroad right-of-way or spur track.
- c. Fences. Fencing around the perimeter of the development and fencing abutting public or private streets shall be a combination of solid wall, wrought iron, or other similar treatment. Sections of fence or wall longer than fifty (50) feet shall be interspersed with trees or hedges at least every fifty (50) feet for a distance of at least five (5) feet to break up the appearance of the fence or wall. Fences or walls shall not block sight distance at intersections. The responsible official may approve and condition an alternative fence design that is compatible with existing, abutting fencing, landscaping, and land uses that still meets the intent of the development standards of the Business Park zoning district.
- d. Site Landscaping and Design Plan. In addition to site plan requirements, the following requirements shall apply:
  - (1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones, the applicant shall provide and maintain a vegetative buffer at least eleven (11) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

- (2) Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is preferred. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads. The creation of a perimeter feature shall not interfere with the implementation of low impact development stormwater management features on site.
- (3) If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop, the applicant shall work with the transit agency in locating a transit stop and shelter as close as possible to the main building entrance.
- (4) Parking island locations may be designed to facilitate on-site truck maneuvering.
- (5) Required setback areas adjacent to streets and abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and stormwater facilities.
- (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a pedestrian plaza, the plaza must:
- (a) Have a minimum width and depth of ten (10) feet and a minimum size of six hundred fifty (650) square feet; and
  - (b) Have a minimum of eighty percent (80%) of the area paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
- (7) Structures should be clustered on site to maximize open space within the development.
- e. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided which connects the street to the public entrances of the structure(s) on site.
- (1) The circulation system shall be hard surfaced and be at least five (5) feet wide.
  - (2) Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).
  - (3) The pedestrian circulation system and parking areas must be adequately lighted so that parking areas can be used safely when natural light is not present.
  - (4) The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.
- f. Commercial Retail Bonus. Additional floor area beyond ten percent (10%) of the total may be devoted to commercial uses if the following conditions are met. Commercial and service bonuses are expressed as a percentage of total floor area of the development or building, up to a maximum of twenty percent (20%).

- (1) All required parking is contained within the building or parking structure associated with the development: two and one-half percent (2.5%) bonus for each building served by the qualifying parking structure.
- (2) The building is oriented such that access to a transit stop is available within one-half (1/2) mile: two and one-half percent (2.5%) bonus.
- (3) Child care facilities are provided within the development: two and one-half percent (2.5%) bonus.
- (4) Any six (6) of the following enhanced pedestrian spaces and amenities are provided: plazas, arcades, galleries, courtyards, outdoor cafes, widened sidewalks (more than six (6) feet wide outside of public right-of-way), benches, shelters, street furniture, public art or kiosks: two and one-half percent (2.5%) bonus.

#### ~~4. Additional Development Standards for the IL-RILB Overlay District.~~

##### ~~a. Use and Dimensional Standards.~~

- ~~(1) Permitted, accessory and conditional uses are permitted in accordance with Section 40.230.085(C).~~
- ~~(2) Floor area ratios: See Table 40.230.085-2. Determined by height, setbacks, and landscape standards.~~
- ~~(3) Maximum building heights: See Table 40.230.085-2.~~
- ~~(4) Maximum lot coverage (building and impermeable surface): See Table 40.230.085-2. Determined by setbacks, landscaping, and stormwater standards.~~
- ~~(5) Setbacks: See Table 40.230.085-2.~~
- ~~(6) Minimum spacing between buildings: Consistent with International Building Code at Chapter 14.01, Adoption of Building Safety Codes, and Chapter 14.05, Clark County Revisions to International Building Code.~~

##### ~~b. Site Design.~~

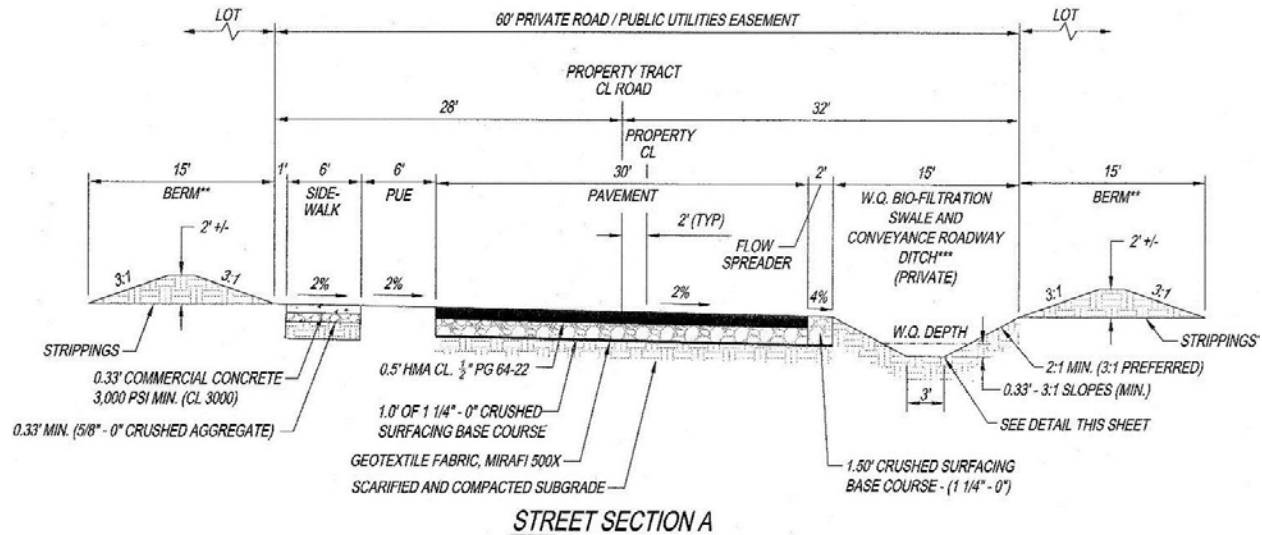
- ~~(1) Circulation/access to and within each lot and/or area shall be compatible with the RILB Master Concept Plan.~~
  - ~~(a) Joint Access. Tenants may design and utilize joint accesses, where feasible, for adjacent sites within the RILB in order to minimize the total number of driveways.~~
  - ~~(b) The responsible official shall review proposed joint accesses between parcels. If the responsible official finds that all other applicable access and circulation standards are met, he or she may approve the proposed joint access.~~
  - ~~(c) Reciprocal Access Agreement. The applicant shall submit to Clark County a reciprocal access agreement or other legal covenant running with the land to formalize the joint access prior to commencement of construction. The agreement must be signed by all affected property owners or tenants, shall be notarized, and shall be recorded with the Clark County Auditor prior to construction.~~

##### ~~(2) Street Standards.~~

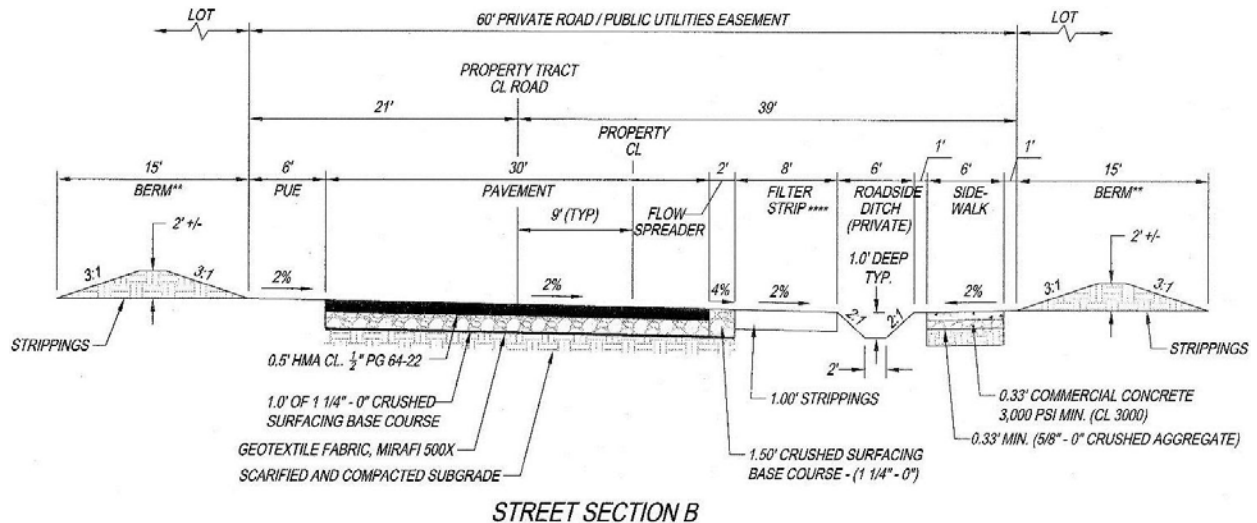
- ~~(a) Streets shall meet the provisions of Section 40.350.030.~~

(b) Private streets shall be designed and constructed to be compatible with the rural character of the RILB and surroundings by integrating low impact development, landscaping, and water quality treatment measures. Private roads shall be consistent with Figures 40.230.085-1 and 40.230.085-2 that provide two (2) options for road design addressing stormwater quality unless the responsible official requires the standard private road design or an alternative application of the county's stormwater manual that meet the intent of this development standard.

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



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



(3) **Parking Requirements.** Parking shall meet the requirements of Chapter 40.340, Parking, Loading and Circulation.

(4) **Nonmotorized Circulation and Handicapped Accessibility.** The standards of Section 40.350.010, Pedestrian/Bicycle Circulation Standards, shall be met with regard to nonmotorized circulation and handicapped accessibility.



(5) Transportation demand management programs shall be implemented consistent with Chapter 5.50, Commute Reduction.

(6) Transit-Oriented Site Planning. Site plans implemented consistent with the RILB Master Concept Plan shall identify the location of on-site sheltered bus stops (with current or planned service) or a sheltered bus stop within one-quarter (1/4) mile of the site with adequate walkways, if approved by C-TRAN.

(7) Signage. Signage shall meet the requirements of Chapter 40.310, Signs.

(8) Landscaping Requirements. Landscaping shall be consistent with standards contained in Chapter 40.320 and the following standards. In the case of conflict, the following standards shall apply.

(a) Opaque Screen. An opaque screen shall be installed in the one hundred (100) foot perimeter setback of the RILB. This screen is opaque from the ground to a height that is equal to or greater than the adjacent building roof and mechanical equipment of one hundred (100) foot depth. This screen may be composed of a combination of landscaped earth berm, planted vegetation, fencing or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be evaluated on the basis of the average mature height and density of foliage of the subjected species, or field observation of the existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of the intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns should be naturalized and use native plants suited to the area.

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

(c) Deciduous Trees. Projects shall incorporate deciduous trees (vine maples are a desirable example) into the buffer to add seasonal variety and interest. Deciduous trees shall have a caliper of at least one (1) inch at the time of planting.

(d) Shrubs shall be planted at a rate of one (1) shrub per twenty (20) square feet of landscaped area. At least fifty percent (50%) of the shrubs shall be evergreen. At least twenty-five percent (25%) of the shrubs should be deciduous to provide seasonal interest. Shrubs shall be at least sixteen (16) inches tall at planting and have a mature height between three (3) and four (4) feet.

(e) Ground cover shall be planted and spaced to result in total coverage of the required landscape area within three (3) years as follows:

(i) Four (4) inch pots at eighteen (18) inches on center.

(ii) One (1) gallon or greater sized containers at twenty-four (24) inches on center.

(f) New landscaping materials shall consist of drought-tolerant species that are native to the coastal region of the Pacific Northwest or noninvasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest.

(g) Maintenance. A two (2) year performance bond, irrevocable letter of credit, or assignment of cash deposit shall be posted.

(9) Open Space. Demonstrate consistency with the coordinated open space, wetlands, stormwater and landscaping elements of the RILB Master Concept Plan.

(10) Agriculture is allowed on site per the permitted uses of the IL-RILB overlay. Provision is made for compatibility with agricultural activities on abutting agricultural lands of long-term commercial significance via:

(a) Perimeter landscaped setbacks consistent with subsection (D)(4)(b)(8) of this section;

(b) Agricultural use allowances, including but not limited to smaller-scale organic farming within on-site open space areas of the RILB Master Concept Plan; or

(c) Other site-specific measures as determined through State Environmental Policy Act review if there are possible significant adverse impacts.

c. Environmental Quality.

(1) Air Quality. Emissions shall not exceed Southwest Clean Air Agency Regulations.

(2) Water Quality. Stormwater quantity and quality shall be managed consistent with Chapters 13.26A and 40.386. Implementing site plans shall document consistency with the regional stormwater concept included with the RILB Master Concept Plan.

(3) Development shall be consistent with critical areas regulations:

(a) Chapter 40.410, Critical Aquifer Recharge Areas (CARAs);

(b) Chapter 40.420, Flood Hazard Areas;

(c) Chapter 40.430, Geologic Hazard Areas;

(d) Chapter 40.440, Habitat Conservation; and

(e) Chapter 40.450, Wetland Protection.

d. Infrastructure.

(1) Specific major industrial developments implementing the RILB Master Concept Plan shall assure that all new infrastructure is provided for by interlocal agreement between the county and the service provider or otherwise guaranteed by the service provider and the applicant and documented to the satisfaction of the responsible official.

(2) The applicant shall extend road and utility improvements to and within the rural industrial site consistent with the RILB Master Concept Plan and service provider requirements.

(a) The applicant shall be responsible for all costs of new infrastructure; provided, however, this requirement does not preclude use of government programs that fund portions of infrastructure to facilitate economic development and needed community facilities. A latecomer's agreement may be approved where an applicant installs improvements that will serve future phases or adjacent development. The applicant shall pay applicable impact fees or system development charges for system improvements supporting the development.

(b) Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the specific major industrial developments shall be made, including street



paving, and sidewalks, curb, gutter, and street lighting. Improvements shall be installed prior to issuance of a building permit for any development in the rural industrial development, unless an appropriate bond or instrument acceptable to the county is provided to guarantee installation of improvements.

(c) Power and Water Supply. Proof of adequate and available water to serve each phase of the development as specified by Clark Public Utilities shall be provided.

(d) Sewage Disposal. Proof of adequate sewage disposal to serve each phase of the development as specified by the Clark Regional Wastewater District shall be provided.

(e) All utilities, including irrigation, domestic water and sewer, electrical distribution, telecommunication, and other necessary services, shall be installed prior to or in conjunction with construction of permitted buildings in the rural industrial development.

(f) The internal water system shall include fire hydrants and fire flow pressure consistent with Fire District requirements.

(g) Concurrency requirements shall be met as provided in Section 40.350.020, Transportation Concurrency Management System.

(3) Urban governmental services may be provided to this major industrial development so long as such services are not connected to uses in nonurban areas unless such connections are consistent with state law and the Clark County comprehensive plan and have been approved by Clark County.

(4) Consistent with existing local, state, and federal laws, water and natural gas pipelines and electric power lines and facilities and railroad tracks may cross nonurban areas to serve this specific major industrial development.

(5) Applicants for development on the Ackerland properties shall submit a rail use plan showing where they could build a spur track that will connect with the main line. A rail use plan does not apply if an applicant can show there is an existing track or spur. Development shall not preclude the extension of any spur track.

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

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

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

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

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

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1 **40.520.070 Master Planned Development**

3 A. Purpose.

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

- 5 1. Promote coordinated and cohesive site planning and design of large, primarily light industrial and  
6 mixed use sites that will occur over an extended period of time;
- 7 2. Promote coordinated and cohesive site planning and design of large, heavy industrial sites that will  
8 occur over an extended period of time;
- 9 3. Provide a means of streamlining and consolidating development review processes. For large sites,  
10 intensive and integrated master planning review may occur earlier within the development process,  
11 lessening the scope of piecemeal review later as individual developments occur;
- 12 4. Through consolidation of review processes, provide a level of predictability to project applicants,  
13 the county and the community at large regarding the nature and type of development which will  
14 occur in the future; and
- 15 5. Through flexibility of standards and consolidation of reviews, promote and facilitate quality  
16 development of larger sites in an integrated, cohesive manner providing for functional, design and  
17 other linkages between, and consistency among, a mix of individual uses and structures.

18 (Amended: Ord. 2012-12-14)

19 B. Applicability.

20 1. Light Industrial (IL) Zones.

21 Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to apply  
22 for approval of a master plan by the reviewing authority. A minimum of seventy-five percent  
23 (75%) of the area proposed for master planning shall be held under common ownership at the time  
24 of application. A minimum of eighty-five percent (85%) of the area proposed for master planning  
25 shall be zoned light industrial (IL), or a change in zoning requested to this effect, at the time of  
26 application. The master plan shall consist of both a concept plan which shows the location,  
27 distribution and phasing of land uses and related facilities and a development plan as each phase  
28 of the plan is developed.

29 2. Mixed Use (MX) Zone.

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

35 3. Heavy Industrial (IH) Zone.

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

40 ~~4. Rural Industrial Land Banks.~~

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

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

C. Approval Process.

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

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

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

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

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

- a. Conditional use review;

- b. Mixed use review;

- c. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability requirement of this section;

- d. Responsible official review;

- e. Variance.

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

5. Upon approval by the reviewing authority and timely implementation as described in Section 40.520.070(H), the master plan shall remain in force unless amended through Section 40.520.060, Post-Decision Review. All development in the master plan area shall thereafter comply with the master plan requirements and standards included or referenced therein. Provisions of this subsection may be implemented through this section, incorporating Sections 501 through 506 of Chapter 347, Laws of 1995.

6. All post-decision reviews of master plans in MH zones are Type I reviews. Development sites within the master planned area may be reconfigured under post-decision review as necessary to attract uses as defined in Section 40.520.070(B)(3).

(Amended: Ord. 2010-08-06; Ord. 2014-12-16)

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1 **40.520.075 Rural Industrial Development Master Plan**  
2

3 A. Purpose.

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

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

14 B. Applicability.

15 This chapter applies to rural industrial sites ~~and land banks~~ established pursuant to RCW 36.70A.365 ~~or~~  
16 ~~36.70A.367~~ and Section 40.560.010 ~~(JH)~~. Such sites are to be a minimum of one hundred (100) acres in  
17 size and zoned light industrial (IL) ~~with an IL-RILB overlay~~.

18 C. Approval Process.

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

35 D. Approval Criteria.

- 36 1. In approving the master plan, site plans subsequent to master plan approval, or amendments to the  
37 master plan, the review authority shall make a finding that the following approval criteria are met:
  - 38 a. General goals:

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

proposals may be based on relevant similarities, such as common timing, impacts, implementation or subject matter (per WAC 197-11-060(3)).

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

Major industrial development proposals submitted pursuant to an approved master plan shall be reviewed under Section 40.520.040, subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such specific major industrial developments are subject to a Type III review process according to Section 40.510.030, with the following specific hearing notice requirements that supersede those of Section 40.510.030: An open record public hearing shall be held before the hearing examiner with notice published at least thirty (30) days before the hearing date and mailed to all property owners within one (1) mile of the site. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.

F. Development Standards, Covenants, and Guidelines.

1. The applicant has two (2) options in establishing development standards to control development in the master plan area:

- a. Incorporate the development standards as adopted by the ordinance codified in this section; or
- b. Propose new development standards (which may incorporate some of the standards in this section). Development standards that differ from the existing land use code requirements will be reviewed as part of master plan review.

2. Development Standards. See Section 40.230.085(D).

3. Covenants, Conditions and Restrictions. Notwithstanding any other provision in this section, the review authority may enter into developer agreements pursuant to RCW 36.70B.170 through 36.70B.210. Council may also declare the master plan a planned action pursuant to RCW 43.21C.031.

- a. Other site development restrictions, such as easements and covenants, not covered by the development standards or applicable ordinances may be incorporated into the master plan, in a section stipulating covenants, conditions and restrictions that run with the land;
- b. Where separate ownership of lots within the master plan area may occur, to ensure consistency in development and protect the character of the development, the owners may be required, or may desire, to confer responsibility for maintaining common open space, communal recreational areas and facilities, private roads and landscaping to one (1) of the following:

(1) An association of owners that shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney. Automatic membership in the association upon purchase of property and association fees shall be contained in covenants that run with the land. The association must have the power to levy assessments. Nonpayment of association fees can become a lien on the property; or

(2) Dedication to a public agency that agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.

4. Other conditions which may be addressed in this section of the master plan document are agreements and assurances on the part of the applicant and on the part of the county with respect to future development. Other general provisions may be included in the final master plan: effective

1 date, duration, cooperation and implementation, intent and remedies, periodic review, dispute  
2 resolution, assignment, relationship of parties, hold harmless, notices, severability and termination,  
3 time of essence, waiver, successors and assigns, governing state law, constructive notice and  
4 acceptance, processing fees.

5 5. The owner may choose to establish architectural design guidelines to promote consistency  
6 throughout the development. Administering the guidelines shall be the responsibility of the owner of  
7 the site or the association of owners. The guidelines may consist of, for example, roof pitches,  
8 building materials, window treatments, paving materials, and building articulation, etc.

9 6. The comprehensive plan map shall be amended to add the suffix "-mp" to the site at the time of  
10 approval of master plans approved under this chapter.

11 (Added: Ord. 2014-12-16; Amended: Ord. 2016-04-03; Ord. 2019-05-07)

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1     **40.560.010           Plan Amendment Procedures**

3     A. Purpose.

- 4         1. The purpose of this section is to set forth procedures for adoption or amendment of the  
5             comprehensive plan and development regulations pursuant to applicable provisions of the Growth  
6             Management Act, Chapter 36.70A RCW (GMA), the Shoreline Master Program (SMP) pursuant to  
7             the Shoreline Management Act, Chapter 90.58 RCW (SMA), the State Environmental Policy Act,  
8             Chapter 43.21C RCW (SEPA), and the Washington Administrative Code (WAC).
- 9         2. Plan amendments will be reviewed in accordance with applicable provisions of the GMA, SEPA,  
10            the WAC, the countywide planning policies, the community framework plan, the goals and policies  
11            of the comprehensive plan, Clark County Code, the capital facilities plan, and official population  
12            growth forecasts.
- 13        3. The SMP will be reviewed in accordance with the goals, policies and regulations of the SMP,  
14            consistent with the SMA and the state shoreline guidelines in Chapter 173-26 WAC, and with  
15            SEPA.

16        (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

17    B. Applicability.

18        All amendments to the comprehensive plan are legislative actions subject to a Type IV process (Section  
19        40.510.040). The criteria and requirements of this section apply to all applications or proposals for  
20        changes to the comprehensive plan including:

- 21        1. Countywide comprehensive plan map changes involving urban growth area (UGA) boundary  
22            changes and rural map changes;
- 23        2. Comprehensive plan map changes not involving a change to UGA boundaries;
- 24        3. Comprehensive plan policy or text changes;
- 25        4. Arterial atlas amendments;
- 26        5. Changes to other plan documents (such as capital facilities and the shoreline master program); and
- 27        6. Amendments that may be reviewed and acted upon outside the annual amendment cycle are  
28            subject to the review criteria established in this chapter, and are limited to the following:
- 29            a. Resolution of an emergency condition or situation that involves public health, safety or welfare,  
30               when adherence to the amendment process set forth in this section would be detrimental to the  
31               public health, safety or welfare;
- 32            b. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and  
33               designations applicable to the subarea, if the cumulative impacts of the proposed plan are  
34               addressed by appropriate environmental review under SEPA;
- 35            c. The adoption or amendment of a shoreline master program pursuant to Chapter 90.58 RCW;
- 36            d. To resolve an appeal of a comprehensive plan adoption or amendment filed with the Growth  
37               Management Hearings Board or a court of competent jurisdiction pursuant to RCW  
38               36.70A.300;
- 39            e. Siting of major industrial developments and/or master planned locations outside UGA  
40               boundaries consistent with the requirements of state statute RCW 36.70A.365;



1 f. The amendment of the capital facilities element of the comprehensive plan that occurs  
2 concurrently with the adoption of the county budget pursuant to RCW 36.70A.130(2)(a)(iv); or

3 g. Technical, nonsubstantive corrections to obvious land use mapping errors which do not involve  
4 interpretation or application of the criteria for the various land use designations contained in the  
5 comprehensive plan.

6 Subsection (B)(1) of this section may only occur consistent with RCW 36.70A.130. Subsection (2) of  
7 this section may be initiated by either the county or a property owner. Subsections (3) to (6) of this  
8 section may only be initiated by the county.

9 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2016-09-04; Ord. 2017-07-04;  
10 Ord. 2018-01-01; Ord. 2019-05-07)

11 C. Annual Review Cycle.

12 1. Proposed annual site-specific comprehensive plan amendments pursuant to RCW 36.70A.130(2)  
13 that are submitted for review are subject to a Type IV process pursuant to Section 40.510.040.

14 2. Applications for plan map amendments are generally processed in conjunction with concurrent  
15 rezone requests. Rezone applications considered with a plan map amendment request are  
16 reviewed consistent with the plan designation to zone consistency tables in Chapter 1, Land Use, of  
17 the comprehensive plan, and according to the procedures and timing specifications for plan map  
18 amendment specified in this section. Rezone applications considered with a plan map amendment  
19 request must comply with Sections 40.510.040 and 40.560.020.

20 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

21 D. Governmental Coordination.

22 1. The county shall coordinate the annual review process with each city and town.

23 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

24 E. Comprehensive Plan Map Changes – General.

25 All plan map changes must be accomplished through the following:

26 1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be  
27 initiated by Clark County pursuant to RCW 36.70A.130(5)(b);

28 2. Changes approved by the county in response to county-initiated amendments or property owner  
29 site-specific requests, not more than once per year pursuant to RCW 36.70A.130(2)(a);

30 3. Out-of-cycle amendments, as authorized by RCW 36.70A.130(2), initiated and approved by the  
31 county at any time;

32 4. Applications for map changes and urban growth area boundary amendments must be consistent  
33 with the plan designation to zone consistency tables in Chapter 1, Land Use, of the comprehensive  
34 plan and accompanied by concurrent rezone applications;

35 5. A county-initiated proposal for siting major industrial facilities consistent with RCW 36.70A.365, and  
36 processed if accompanied by a current property owner-submitted rezone application;

37 6. The county shall assess the cumulative impacts of all proposed plan map changes prior to Council  
38 taking action. Monitoring benchmarks may be used to assess impacts.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01;  
Ord. 2019-05-07)

F. Criteria for All Map Changes.

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

1. The proponent shall demonstrate that the proposed amendment is consistent with the applicable requirements of the GMA and the WAC, the county comprehensive plan, the county code, and official population growth forecasts; and
2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan; and
3. The map amendment or site is suitable for the proposed designation, and there is a lack of appropriately designated alternative sites within the vicinity; and
4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error; and
5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection, and schools. Adequacy of services applies only to the specific change site.

(Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

G. Additional Criteria for Rural Map Changes.

1. Natural Resource Land Designation.

The proponent of an amendment to the plan map for changing a natural resource land designation to a smaller lot size natural resource land designation shall demonstrate that all of the following criteria have been met:

- a. The amendment complies with applicable provisions of GMA and the WAC;
- b. The requested change does not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and
- c. The amendment meets the locational criteria for the requested designation.

2. Rural Centers.

- a. The county shall consider and evaluate the expansion of, or change of land use within, a rural center through the annual review process under this chapter.
- b. The county shall consider and evaluate the creation of a rural center through the docket process under this chapter.
- c. Before the county considers establishing a new rural center, the proponent(s) shall submit to the county a petition signed by at least sixty percent (60%) of the property owners of the land within the boundaries of the proposed new rural center.
- d. The proponent of an amendment to create or expand a rural center shall demonstrate that all of the following criteria have been met:

- (1) The proposed rural center complies with the provisions of RCW 36.70A.070(5)(d); and
  - (2) The requested change does not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and
  - (3) The site does not meet the criteria for the existing resource plan designation; and
  - (4) The amendment meets the locational criteria for the requested designation.
3. The county may consider changes to the urban reserve overlay only during a comprehensive plan periodic review and not on an annual basis.
- (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01;  
Ord. 2019-05-07)

#### H. Additional Criteria for Rural Major Industrial Map Changes.

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

1. Application. The county shall process an application for a rural industrial development designation pursuant to RCW 36.70A.365 as a Type IV legislative action pursuant to Section 40.510.040 and this chapter.
2. Rural industrial designations require a minimum of one hundred (100) acres ~~and a maximum of seven hundred (700) acres in size,~~ and are designated as follows:
  - a. Comprehensive Plan.
    - (1) Major industrial developments (light industrial).
    - ~~(2) Major industrial land banks (light industrial).~~
  - b. Zoning.
    - (1) Major industrial developments (IL).
    - ~~(2) Major industrial land banks (IL).~~
3. Process. Prior to formally proposing a designation under this section, the county shall:
  - a. Undertake an inventory of available urban industrial land;
  - b. Consult with affected city(ies) regarding a proposed designation;
  - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites;
  - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and
  - e. Complete a master plan for the development site as required pursuant to Section 40.520.075.
4. Approval Criteria.
  - a. In addition to the other applicable designation criteria under this chapter, major industrial developments ~~or major industrial land banks~~ may only be approved upon a finding that the requirement and criteria of RCW 36.70A.365, respectively, are met.

b. **Development Agreement.** No designation under this section may be approved unless accompanied by a development agreement pursuant to RCW 36.70B.170 and Section 40.350.020 which at a minimum assures compliance with statutory requirements and criteria.

5. **Adjacent Nonurban Areas.** A designation under this section does not permit urban growth in adjacent nonurban areas.

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

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