

Proposed County Code Amendments

Chapter 17.20 URBAN GROWTH AREAS - COUNTY

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17.20.010 Purpose.

The purpose of this section is to provide guidelines for the planning and development of the urban growth areas in the county which are or may be designated as urban growth areas, but which are not associated with a specific city. Included in this section are all uses identified as new fully contained communities, RCW 36.70A.350; master planned resorts, RCW 36.70A.360; major industrial developments, RCW 36.70A.365; ~~or major industrial developments - master planned developments, RCW 36.70A.367; or~~ major industrial developments – master planned locations – reclaimed surface coal mine sites, RCW 36.70A.368.

17.20.015 Designation of industrial land bank other than reclaimed surface coal mine sites.

Consistent with the requirements of RCW 36.70A.367, a bank of up to two master planned locations for major industrial activity outside an urban growth area may be designated within Lewis County. Prior to such designation and consistent with the Lewis County comprehensive plan, the county finds that the following specific criteria shall be used in reviewing any application for any master planned location/industrial land bank designation:

(1) Only two sites shall be designated as consistent with RCW 36.70A.367.

(2) In addition to meeting the requirements of RCW 36.70A.367(2) and (8), any site proposed for designation under that section shall:

(a) Be located adjacent to or within 10 miles of a city or urban growth area;

(b) Contain large, developable lots or parcels of a size not readily available within cities or urban growth areas, consistent with RCW 36.70A.367(8);

(c) Require that at least 50 percent of the industries locating within the industrial land bank be either rail-dependent or dependent on an interstate highway for transportation needs.

(d) Locate in an area with sufficient infrastructure or in an area where necessary infrastructure can be readily and efficiently provided;

(e) Locate in an area not overly constrained by resource land or critical area constraints.

(3) No master planned location shall be mapped or otherwise designated until such time as all the requirements of this chapter have been met and approval has been granted by the board of county commissioners.

~~(4) The county has identified two potentially suitable areas: The TransAlta Steam Plant area, and the area at the intersection of I-5 and Highway 12/rail corridor area. This identification does not preclude consideration of alternative locations meeting the criteria; provided, however, that no more than two master planned major industrial sites shall be designated under provisions of this section.~~

New - 17.20.xxx Designation of industrial land bank - reclaimed surface coal mine sites.

This section is intended to implement the provisions of RCW 36.70A.368(3). Consistent with the requirements of RCW 36.70A.368, a master planned location for major industrial activity outside an urban growth area on lands formerly used or designated for surface coal mining and supporting uses may be designated within Lewis County. Prior to such designation and consistent with the Lewis County comprehensive plan, the county finds that the following specific criteria shall be used in reviewing any application for designation of a master planned location/industrial land bank under this section:

(1) Designation of a master planned location/industrial land bank under this section are not subject to the requirements of RCW 36.70A.130(2) and may be considered at any time.

(2) Any site proposed for designation under RCW 36.70A.368 shall be located on lands:

(a) formerly used or designated for surface coal mining and supporting uses;

(b) that consist of an aggregation of land of one thousand (1,000) or more acres, which is not required to be contiguous; and

(c) that are suitable for manufacturing, industrial, or commercial businesses.

(3) New infrastructure is provided for. Provision for new infrastructure may be demonstrated by a plan for extending or otherwise supplying needed infrastructure; actual construction of new infrastructure is not required.

(4) Environmental review must be at the programmatic level, unless the designation is being reviewed concurrent with a proposed major industrial activity, in which case environmental review must be at the project level.

17.20.020 Permitted uses.

(1) A property designated in the comprehensive plan for one of the specific uses identified above may only be used for the purposes listed in the specific applicable

section of the Act, as listed above. Only one section shall apply to any designated property, unless otherwise detailed in the master plan.

(2) Specific permitted uses on the property shall be detailed through the applicable master plan process described below and, except for master plans approved under the provisions of RCW 36.70A.368, the master plan shall become the subarea plan and development code for the property, identifying uses, standards and procedures for approval, consistent with the intent and purpose of the GMA section under which it is approved. For master plans approved under the provisions of RCW 36.70A.368, the permitted uses, standards, and procedures for approval are set out in the applicable provisions of this Chapter 17.20 LCC.

17.20.030 Application.

The proponent of any specific proposal shall submit an application with the information required below. The application must be signed by the owners of at least 50 percent of the property subject to the plan. The application shall identify:

(1) The owner or owners of the property to be planned, which shall be the entire parcel designated in the comprehensive plan.

(2) The legal description of the property to be planned, the entire designated parcel, together with each separate ownership within the development area.

(3) A map or series of maps at a scale of one inch equals 500 feet or as approved by the administrator which shows:

(a) Boundaries of the designated area.

(b) Boundaries of individual ownerships.

(c) Dedicated rights-of-way or easements over, across, or under the property.

(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site.

(e) Property ownerships within one-half mile of the site.

(f) Wells within the development area or within 1,000 feet of the boundary of the site, which are used for domestic use or identified through well log or water right records.

(g) A general identification and location of all critical areas on the site or within 1,000 feet of the site and the specific identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.

(h) A land use plan map showing planned land use categories and areas, circulation, critical area buffers and open space.

(4) A phasing plan which shows the proposed phases for development and how the phases are designed to assure the overall coordinated development of the site and its integration into the surrounding community.

(5) An environmental checklist (programmatic) or a request to proceed directly to scoping under SEPA. Any environmental review shall provide special studies, which address:

(a) On-site and off-site critical areas, issues, protection, and mitigation.

(b) Transportation. Present facilities and upgrades if required, new facilities and phasing, on-site and off-site impact and mitigation required.

(c) Water, wastewater, stormwater facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources.

(6) An inventory of land meeting the requirements of RCW 36.70A.365(2)(h) and 36.70A.367(2)(c). Provided that an inventory is not required for projects proposed within an industrial land bank designated under RCW 36.70A.368.

17.20.040 Complete application vesting.

Upon receipt of a master plan application under this chapter, and the payment of the prescribed fee in the county fee schedule, the county shall, within 28 days, issue a letter of completeness or identify the specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the 29th day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the county shall make findings and issue a decision that the application is rejected. If the county rejects an application, all vesting rights are lost.

17.20.050 Process - Master plan approval for major industrial development - other than reclaimed surface coal mine sites.

(1) Environmental review shall be noticed and processed in accordance with Chapter 17.110 LCC, and address applicable items for hearing examiner consideration pursuant to LCC 17.20.060(3) and (4). An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public hearings, described below; except, that public participation in the appellate portion of the hearings shall be limited to parties and issues to the appeal, in accordance with Chapter 17.110 LCC.

(2) Once environmental review is complete, the application shall be processed as one consolidated public hearing before the hearing examiner as an application for a master plan, and before the planning commission as an application for amendments to the comprehensive plan and development regulations. This process shall incorporate specific public participation procedures pursuant to RCW 36.70A.140.

(3) Once the application is complete, including the presentation by the plan proponent of an inventory of developable land, and the environmental documents are completed, the planning commission, in anticipation of the consolidated hearing, shall hold one background workshop (or more workshops, as the commission deems appropriate) identifying the legal bases for the application to be considered, the nature of the environmental review and master plan proposal to be considered by the hearing examiner, and the draft proposals for specific changes to the comprehensive plan and development regulations, as authorized in RCW 36.70A.365 and 36.70A.367. The workshop shall include an introduction to matters for commission consideration under RCW 36.70A.365(2) and 36.70A.367(2), including the presentation by the plan proponent of an inventory of developable land.

(4) Once the planning commission has completed the workshop portion of its consideration, it will publish a notice of public hearing and circulate the draft proposals for comment and public hearing.

(a) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposals with related materials and information shall be available at the Lewis County planning department and on-line at its web page, and at locations in the affected area. Such locations may include:

(i) Timberland Regional libraries (five) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.

(ii) Lewis County Senior Centers (five) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.

(b) Copies of the proposals shall also be sent to the state Office of Community Development for their 60-day review. Materials shall also be sent to all incorporated cities and recognized tribes in the county and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.

(5) Notice of the consolidated public hearing shall be by publishing notice of the hearing not less than 10 days prior to the hearing and mailing notice to all property owners of record within 1,000 feet of the site. The county staff report and supporting materials shall be available to the public at the time of publication and mailing of the notice.

(6) In the consolidated hearing, the hearing examiner shall hold an open record hearing with respect to the master plan. In the consolidated public hearing, the planning commission shall hold a hearing with respect to amendments to the comprehensive plan and development regulations. Following the consolidated public hearing, the hearing examiner and planning commission shall deliberate and make their recommendations to the board of county commissioners with respect to the master plan and amendments to the comprehensive plan and development regulations. The planning commission may hold one or more workshops, as the commission deems appropriate and in the public interest, to consider matters raised during the hearings, and shall take such final action at a public meeting. The planning commission will retain a running copy of all materials received or submitted during its workshops and the consolidated public hearing.

(7) The final decision on the master plan and on the amendments to the comprehensive plan and development regulations shall be made by the board of county commissioners after the receipt of the written recommendations from both the planning commission and the hearing examiner.

(a) The board of county commissioners shall publish a notice of public hearing on the written recommendations received from the hearing examiner and the planning commission, and make those recommendations available to the public in advance of hearing. Such materials shall be made available to the public in the same manner as the planning commission materials are made available under LCC 17.12.050 (2)(b), and public notice of the hearing will be provided in the same manner as LCC 17.12.050 (2)(d).

(b) The board of county commissioners will follow the hearing process format set forth for the planning commission in LCC 17.12.050(2)(e) through (g). All written

comments must be received by the board of county commissioners by the close of the public participation portion of the public hearing to be considered. The county shall consider both substantive and environmental issues. The board may accept, modify, or reject the recommendation of the hearing examiner and planning commission. Once adopted, the comprehensive plan and development regulations shall identify the zoning map and development regulations for the master plan area. A master plan may be amended through the same process as the original adoption. Any adopted development regulation shall become a map and separate chapter of the county zoning ordinance.

(8) Amendment to the comprehensive plan and development regulations to support a master plan is a legislative process with appeal pursuant to Chapter 36.70A RCW. Adoption of the site plan approval evidenced in the master plan is adjudicative under Chapter 36.70B RCW, with appeal pursuant to Chapter 36.70C RCW.

(9) Phasing of development, expansion, future use of land, abandonment of site and reversion to previous land use zoning shall be addressed as follows:

(a) The county recognizes that economic and other considerations may necessitate that business plans for a major industrial development be characterized by phasing of development. The major industrial development urban growth area established in the original application process will delineate the overall site plan. For phasing of development to be approvable, the overall project plan, including general timelines for construction, but illustrating building footprints and projected uses in lieu of design details to be submitted with future building permit applications, must be presented in the original application. The applicant must file for the building permits or other necessary permits associated with the first phase of the development within three years of the effective date of the master plan approval, unless the permit approval provides for a greater period of time.

(b) Expansion or amendment of the major industrial development:

(i) Beyond the boundaries of the original site plan and established urban growth area shall require a new master plan application and hearings as described in LCC 17.20.030 et seq.; or

(ii) Within the boundaries of the original site plan and established urban growth area shall require master plan approval amendment before the hearing examiner, as described in LCC 17.20.030 et seq.

(c) Future use of the land is determined and bound by the original application and/or development agreement, and no other use is allowed without approvals required under subsection (7) of this section. A future application for a major industrial development that utilizes the same land area within the previously established urban growth area is approvable if the required code and statutory criteria are met. Final legislative approval following master plan approval would be unnecessary in this case, as the urban growth area is already established on the comprehensive plan maps noted in Chapter 17.200 LCC.

(d) The owners of land zoned and used for major industrial development shall be responsible for appropriate and suitable environmental remediation and/or restoration of the site in the case of abandonment of the industrial or commercial operation. The responsible party shall be identified in the development agreement and/or master plan approval. The responsibility for appropriate and suitable environmental remediation and/or restoration will be determined through environmental review of the application

and commensurate with the impacts of the specific use permitted. An environmental remediation and/or restoration plan shall be established in the development agreement and master plan approval.

(e) Under certain circumstances, it may be deemed appropriate by the county that the major industrial development urban growth area, or a portion thereof, revert to the previous land use district, or in rare cases change to another land use district. A change to the comprehensive plan maps, noted in Chapter 17.200 LCC, shall be considered as a comprehensive plan amendment application during the annual amendment cycle as governed in Chapter 17.165 LCC.

(10) Proximity to a major industrial development urban growth area or development or extension of infrastructure shall not provide a basis for a comprehensive plan amendment to change the land use zone for property adjacent to a major industrial development to a land use district with greater development density or more intensive uses.

(11) For purposes of RCW 36.70A.367, designation of a master plan location shall be an amendment to the comprehensive plan for purposes of RCW 36.70A.130(2). Consolidated master plan location and major industrial development application reviews and hearings before the planning commission and the board of commissioners may be coordinated with such designations.

17.20.051 Process - Master permit approval for fully contained community.

(1) An application for a fully contained community (FCC) permit shall be processed in accordance with the county's population allocations outside of established UGAs, reserved in accordance with RCW 36.70A.350(2). No FCC can be approved unless there has been such an allocation on a project-by-project basis. FCC application reviews and hearings before the hearing examiner, planning commission and the board of commissioners shall be coordinated with the annual comprehensive plan and development regulation review under Chapter 17.165 LCC for purposes of such processing.

(2) Environmental review shall be noticed and processed in accordance with Chapter 17.110 LCC, and address applicable items for hearing examiner consideration pursuant to LCC 17.20.060(1), as applicable. An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public hearings, described below; except, that public participation in the appellate portion of the hearings shall be limited to parties and issues to the appeal, in accordance with Chapter 17.110 LCC.

(3) Once environmental review is complete, the application shall be processed as a coordinated public hearing before the hearing examiner as an application for a master project permit, and before the planning commission as an application for an annual amendment to the comprehensive plan and development regulations. This process shall incorporate the following specific public participation procedures, in addition to Chapter 17.12 LCC.

(4) Once the application is complete and the environmental documents are completed, the planning commission shall, in anticipation of a coordinated hearing, hold one background workshop (in coordination with workshops appropriate to annual review) identifying the legal bases for the application to be considered, the nature of the

environmental review and FCC permit application proposal to be considered by the hearing examiner, and the draft proposals for specific changes to the comprehensive plan and development regulations, as authorized in RCW 36.70A.350. The workshop shall include an introduction to matters for planning commission consideration under RCW 36.70A.350.

(5) Once the planning commission has completed the background workshop portion of its consideration, it will publish a notice of public hearing and circulate the draft proposals for comment and public hearing.

(a) The draft proposal shall be made available to the public at least 15 days prior to the scheduled, coordinated hearing. To facilitate public review, copies of the proposals with related materials and information shall be available at the Lewis County planning department and on-line at its web page, and at locations in the affected area. Such locations may include:

(i) Timberland Regional libraries (five) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.

(ii) Lewis County Senior Centers (five) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.

(b) Copies of the proposals shall also be sent to the state Office of Community Development for their 60-day review. Materials shall also be sent to all incorporated cities and recognized tribes in the county; and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.

(6) Notice of the coordinated hearing shall be by publishing notice of the hearing not less than 10 days prior to the hearing and mailing notice to all property owners of record within 1,000 feet of the site. The county staff report and supporting materials shall be available to the public at the time of publication and mailing of the notice.

(7) In the coordinated public hearings, the hearing examiner shall hold an open record hearing with respect to the FCC permit application. In the coordinated public hearings, the planning commission shall conduct a portion of its annual review hearing with respect to FCC amendments to the comprehensive plan and development regulations. Following the coordinated public hearing, the hearing examiner shall deliberate and make recommendations to the board of county commissioners with respect to the FCC permit application. The planning commission shall deliberate in conjunction with its annual review of amendments to the comprehensive plan and development regulations, and make its recommendations to the board of county commissioners with respect to such amendments. The planning commission may hold one or more workshops as provided for in Chapter 17.12 LCC to consider matters raised during the hearings, and shall take such final action at a public meeting. The planning commission will retain a running copy of all materials received or submitted during its workshops and the coordinated public hearing.

(8) The final decision on the FCC permit application and the amendments to the comprehensive plan and development regulations shall be made by the board of county commissioners after the receipt of the written recommendation from the hearing examiner and the planning commission recommendations from its annual review of amendments to the comprehensive plan and development regulations.

(a) The board of county commissioners shall publish a notice of public hearing on the written recommendations received from the hearing examiner and planning

commission, and make such recommendations available to the public in advance of hearing as set forth in Chapter 17.12 LCC, Public Participation Program. Such materials shall be made available to the public in the same manner as the planning commission materials are made available under LCC 17.12.050(2)(b), and public notice of the closed-record hearing examiner hearing will be provided in the same manner as LCC 17.12.050(2)(d).

(b) The board of county commissioners will follow the notice of hearing process format set forth for the planning commission in LCC 17.12.050(2)(d) for the hearing examiner recommendations. The county shall consider both substantive and environmental issues. The board may accept, modify, or reject the recommendations of the hearing examiner. Once adopted, the comprehensive plan and development regulations shall identify the zoning map and development regulations for the FCC area. An FCC plan may be amended through the same process as the original adoption. Any adopted development regulation shall become a map and separate chapter of the county zoning ordinance.

(9) Amendment to the comprehensive plan and development regulations to support the FCC is a legislative process with appeal pursuant to Chapter 36.70A RCW. FCC permit application approval is an adjudicative decision under Chapter 36.70B RCW, with appeal pursuant to Chapter 36.70C RCW.

17.20.052 Process - Master plan approval for master planned resort.

Repealed. [Ord. 1179L §1, 2006]

New - 17.20.xxx Process - Master plan approval for major industrial development - reclaimed surface coal mine sites.

(1) This section applies to specific projects proposed within sites designated pursuant to RCW 36.70A.368 and LCC 17.20.xxx (Designation of industrial land bank - reclaimed surface coal mine sites).

(2) Environmental review shall be noticed and processed in accordance with Chapter 17.110 LCC, and address applicable items for hearing examiner consideration pursuant to LCC 17.20.060(5). An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public hearings, described below; except, that public participation in the appellate portion of the hearings shall be limited to parties and issues to the appeal, in accordance with Chapter 17.110 LCC.

(3) Once environmental review is complete, the application shall be processed as one consolidated public hearing before the hearing examiner as an application for a master plan.

(4) The hearing examiner shall hold an open record public hearing.

(5) Following the public hearing, the hearing examiner shall deliberate and make a recommendation to the board of county commissioners with respect to the master plan and amendments to the comprehensive plan and development regulations.

(6) The final decision on the master plan shall be made by the board of county commissioners after the receipt of the written recommendation from the hearing examiner. The decision of the board of county commissioners shall be based on the

record developed during the open record public hearing before the hearing examiner. The board of county commissioners shall not conduct an open record public hearing.

(7) The final decision on the master plan is a land use decision appealable pursuant to Chapter 36.70C RCW.

(8) Except for permits and approvals to be issued by agencies other than the county, final approval of a master plan under this section authorizes the application for building permits, subject to the terms and conditions of master plan approval.

(9) Phasing of development, expansion, future use of land, abandonment of site and reversion to previous land use zoning shall be addressed as follows:

(a) The county recognizes that economic and other considerations may necessitate that business plans for a major industrial development be characterized by phasing of development. The major industrial development urban growth area established in the original application process will delineate the overall site plan. For phasing of development to be approvable, the overall project plan, including general timelines for construction, but illustrating building footprints and projected uses in lieu of design details to be submitted with future building permit applications, must be presented in the original application. The applicant must file for the building permits or other necessary permits associated with the first phase of the development within three years of the effective date of the master plan approval, unless the permit approval provides for a greater period of time.

(b) Expansion or amendment of the major industrial development beyond the boundaries of the original site plan shall require master plan approval amendment before the hearing examiner, as described in LCC 17.20.030 et seq.

(c) Future use of the land is determined and bound by the original application and/or development agreement, and no other use is allowed without approvals required under subsection (5) of this section. A future application for a major industrial development that utilizes the same land area within the previously established urban growth area is approvable if the required code and statutory criteria are met.

17.20.060 Special criteria for approval.

The hearing examiner shall, in addition to any other findings required by law, make specific written findings on each of the following items:

(1) For new fully contained communities as outlined in RCW 36.70A.350:

(a) Infrastructure, including transportation, wastewater disposal, water service, school, fire and public safety must be capable of meeting demand, as it occurs in the planned community. A voluntary agreement may substitute for construction of necessary improvements to meet adequacy requirements, if local service providers approve in writing and the program is adopted into the approved FCC as a condition of approval.

(b) The FCC identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The FCC shall identify how such programs are implemented and conform with regional transportation plans.

(c) The FCC shall identify and develop buffers to separate the FCC from potentially incompatible but lawful rural area uses, and from adjoining urban areas, if any, or rural area residential development.

(d) The FCC shall provide a phasing plan to include a mix of uses within the community to provide jobs, housing, and services to the residents of the new community. The phasing plan shall provide assurance that the community will develop with a balance of residential, commercial, and other uses.

(e) The FCC shall provide for a mix of residential uses, which may include attached and detached single-family units, duplexes, triplexes and fourplexes, apartments, flats, and cottages, as well as senior housing, including assisted living, congregate and intense care facilities. A fully contained community should address at least four different types of housing in a variety of markets.

(f) The environmental documents shall identify and designate on site, and off site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas which may be affected by the proposed development, and the steps taken to avoid, or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The FCC shall contain a specific section addressing critical areas and shall provide covenants within the community assuring the critical area protection as required by the county critical area regulations, Chapter 17.35 LCC.

(g) Development regulations shall be adopted to ensure that rural levels of service are maintained and urban growth will not occur in adjacent nonurban areas. The county may establish other specific limitations through the FCC review process to assure that such urban development does not occur.

(h) The FCC shall identify resource lands in the vicinity of the community which may be affected by the community and identify mechanisms by which such resource lands, and the activities thereon, are to be protected so as not to diminish the productivity of the resource land, nor render more difficult or expensive the resource activity, including planting, maintaining, harvesting, extraction, processing and transportation, as appropriate on designated resource lands.

(i) Development in proposed fully planned communities shall be limited to uses permitted in remote rural lands until the master plan is approved as provided in this section.

(2) For master planned resorts as outlined in RCW 36.70A.360. [Reserved]

(3) For new major industrial developments as outlined in RCW 36.70A.365:

(a) New infrastructure is provided directly or by agreement.

(b) Transit-oriented site planning and traffic demand management programs are implemented consistent with regional transportation and transit plans.

(c) Buffers are provided between the major industrial development and adjacent nonurban areas used or potentially used for residential or noncommercial purposes.

(d) Environmental protection including critical area protection and air and water quantity and quality and mitigation has been addressed and provided for.

(e) Covenants are approved to ensure that urban growth will not occur in adjacent nonurban areas, including but not limited to a prohibition against extension of public facilities to nonsite use, or creation of needed additional commercial service areas to serve the site.

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands.

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas.

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area.

(4) For major industrial developments in master planned locations as outlined in RCW 36.70A.367:

(a) New infrastructure, including transportation, wastewater disposal, water service, school, fire and public safety must be capable of meeting demand, as it occurs in the planned industrial development. The facilities may be provided directly or by agreement.

(b) The master plan identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The master plan shall identify how such programs are implemented consistent with regional transportation and transit plans.

(c) The master plan shall identify and develop buffers to separate the master planned industrial development from potentially incompatible but lawful rural area uses, and from adjoining urban areas, if any.

(d) The environmental documents shall identify and designate on site, and off site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas which may be affected by the proposed development, and the steps taken to avoid or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The master plan shall contain a specific section addressing critical areas and shall provide covenants within the community assuring the critical area protection as required by the county critical area regulations, Chapter 17.35 LCC. The master plan shall provide for both air shed and noise shed analysis for industries choosing to locate within the master planned area. The environmental documents shall identify background noise levels and potential areas of noise sensitivity. Washington state noise standards, Chapter 173-60 WAC, shall be applicable to the master plan and the point of compliance for residential noise levels shall be the boundary of the master plan and any land designated rural development district or other adjoining zone under the county code. The point of compliance for industrial to industrial shall be the boundary of the master plan and any area designated long-term commercially significant resource lands. Washington air pollution guidelines and regulations, as adopted or enforced by the Southwest Washington Air Pollution Control Authority,* shall be specifically incorporated into the master plan.

(e) The water and wastewater facilities developed for the master planned facility shall not be used or available outside the boundaries of the master planned industrial development, to assure that the new development will not foster urban growth outside the boundaries of the approved site. The county may establish other specific requirements so that such urban development does not occur.

(f) The county shall, as part of the master plan approval process, identify specific uses identified as primary uses within the master planned area, and shall require an inventory of developable lands within the county and data to support a written finding that land suitable to serving the target uses for the proposed major industrial

development is not available within the urban growth area of any city in the county. Priority in processing applications shall be given to sites in proximity to urban areas, or areas which have access to urban levels of service in the form of water and wastewater treatment.

(g) Master plans shall identify and set aside 50 percent of the land area in planning blocks designed to serve primary and accessory and necessary support to the major users targeted to the site which cannot be facilitated in city UGAs due to size, noise, traffic, or other identified conditions and for which other land is not available within the urban area. The master plan shall also identify other uses which are compatible with and necessary to assure full development of the site, including accessory and support uses which may require significantly less land, and which shall be sited or located to assure protection of the primary purpose of the master plan. A small commercial services area may be developed in connection with such master plan, including fueling, convenience retail, and business office needs, but such facilities shall not exceed five percent of the overall land available in the master planned area and shall not begin development until at least targeted major use or user has commenced construction.

(h) Development within the designated master planned location shall mitigate adverse impacts and shall be limited to uses permitted on resource lands until a master plan is approved as provided in this section.

(5) For specific projects proposed within sites designated pursuant to RCW 36.70A.368 and LCC 17.20 xxx (Designation of industrial land bank – reclaimed surface coal mine sites):

(a) The site must consist of one hundred (100) or more acres of land formerly used or designated for surface coal mining and supporting uses that has been or will be reclaimed as land suitable for industrial development.

(b) New infrastructure, including transportation, wastewater disposal, water service, school, fire and public safety must be capable of meeting demand, as it occurs in the planned industrial development. The facilities may be provided directly or by agreement.

(c) The master plan shall identify and develop buffers to separate the master planned industrial development from potentially incompatible but lawful rural area uses, and from adjoining urban areas, if any.

(d) Environmental review must be conducted as required in Chapter 17.110 LCC and chapter 43.21C RCW. Environmental review may be processed as a planned action, as long as it meets the requirements of RCW 43.21C.031 and as long as the County has adopted a planned action ordinance.

(e) The master plan shall be consistent with county regulations established for the protection of critical areas.

(f) The water and wastewater facilities developed for the master planned facility shall not be used or available outside the boundaries of the master planned industrial development, to assure that the new development will not foster urban growth outside the boundaries of approved urban growth areas.

(g) Facilities, including water and wastewater facilities, may be provided to the master planned facility by outside service providers, including municipalities and special purpose districts.

(h) Urban growth will not occur in adjacent nonurban areas;

(i) The following uses are permitted:

(i) Industrial.

(ii) Manufacturing.

(iii) Commercial, provided commercial uses are directly related to manufacturing or industrial uses. Commercial uses shall not exceed ten (10) percent of the total gross floor area of buildings and facilities.

(iv) Resource related, including resource uses defined in the county's resource lands ordinance chapter 17.30 LCC and renewable resources as provided in RCW 19.280.020.

(v) Uses not specifically listed may be approved by the board of county commissioners upon recommendation of the hearing examiner if a finding is made that the use meets the intent of RCW 36.70A.368.

(j) Development within the designated master planned location shall mitigate adverse impacts.

(6) Once the master plan is approved, the master plan provides the new development regulations for the industrial site. Uses within the industrial land bank shall be consistent with the proposed industrial development. Interim, nonindustrial uses may be approved; provided, that such uses do not preclude industrial development or redevelopment; and provided, that such uses are generally harmonious with anticipated industrial development. Such regulations shall make provision to assure the long-term protection of agricultural activities on both permanent open spaces, as well as properties held for noise sheds, air sheds, and long-range future development. Provided that this subsection (6) does not apply to master plans approved under RCW 36.70A.368 and LCC 17.20.xxx (Designation of industrial land bank - reclaimed surface coal mine sites).

*[Note: redesignated as the Southwest Washington Clean Air Authority (SWCAA)]