

FRDUAC Members – at this week’s meeting you will need to select from one of the two different proposals or come up with your own language. In an effort to expedite your decision making, I’ve included Jose’s concept, my concept, and the supporting RCW’s in sections. I’ve drawn a line through the areas Jose and I have agreement on. The final section, infrastructure, will require additional discussion.

The sections are

A. Purpose

~~B. Applicability~~

~~C. Definitions~~

D. Uses Table 40.250.120-1

~~E. Development Standards~~

1. Table 40.250.120-2
- ~~2. Site Plan Review~~
- ~~3. Rail Use Plan~~
4. Adjacent Resource Parcels
5. Street Standards
6. Landscaping Standards

~~F. Performance Standards~~

G. Infrastructure

I’ve dedicated a section to each subject so you may consider them individually.

Page 2	Purpose
Page 3	Uses Table 40.250.120-1
Page 4	Development Standards – Table 40.250.120-2
Page 5	Development Standards – Adjacent Resource Parcels
Page 6	Development Standards – Street Standards
Page 7-9	Development Standards – Landscaping Standards
Page 10	Infrastructure

Purpose

Intent section of ESB 5517

NEW SECTION. Sec. 1. The legislature recognizes that it enacted the rail preservation program because railroads provide benefits to state and local jurisdictions that are valuable to economic development, highway safety, and the environment. The Washington state freight mobility plan includes the goal of supporting rural economies farm-to-market, manufacturing, and resource industry sectors. The plan makes clear that ensuring the availability of rail capacity is vital to meeting the future needs of the Puget Sound region. Rail-served industrial sites are a necessary part of a thriving freight mobility system, and are a key means of assuring that food and goods from rural areas are able to make it to people living in urban areas and international markets. Planned and effective access to railroad services is a pivotal aspect of transportation planning. The legislature affirms that it is in the public interest to allow economic development infrastructure to occur near rail lines as a means to alleviate strains on government infrastructure elsewhere. Therefore, the legislature finds that there is a need for counties and cities to improve their planning under the growth management act to provide much needed infrastructure for freight rail dependent uses adjacent to railroad lines.

Jose's Proposed Language

40.250.120 Freight Rail-Dependent Use Overlay

A. Purpose.

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

Eric's Proposed Language

40.250.120 Freight Rail-Dependent Use Overlay

A. Purpose.

The purpose of the freight rail-dependent use (FRDU) overlay is to allow economic development infrastructure to occur near rail lines as a means to alleviate strains on government infrastructure elsewhere, and to allow counties and cities to improve their planning under the growth management act to provide much needed infrastructure for freight rail dependent uses adjacent to railroad lines.

Use Table 40.250.120-1

My concern here is what exactly is meant by “primary” or “accessory”? The law which was passed by over 80% of the legislature says, Clark County may adopt development regulations to ASSURE resource lands can be used for these types of businesses and infrastructure.

RCW 36.70A.060

Any county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses.

Jose Use Table

Table 40.250.120-1. Uses	FRDU
Primary Uses	
Accessory Uses	

Eric Use Table

Table 40.250.120-1. Uses	FRDU

Development Standards Table 40.250.120-2

Jose Table

Table 40.250.120-2. Lot Setbacks, Lot Coverage and Building Height Requirements	
Minimum site development area	10 acres
Minimum site width	None
Minimum site depth	None
Maximum building height ^{1, 2}	100 ft.
Minimum building setback ^{3, 4}	
Front/street side	20 ft.
Side (interior) ^{3, 4}	20 ft.
Rear ^{3, 4}	20 ft.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards
Minimum landscaped area/type ¹	10 percent

Eric Table

Table 40.250.120-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements	
Subject	Zone
	FRDU
Minimum area of new zoning district	None
Maximum area of new zoning district	None
Minimum lot area	10 Acres
Minimum lot width	None
Maximum building height ⁶	100
Minimum building setback	
Front/street side	20 feet
Side (interior)	20 feet
Rear	20 feet
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 ¹	10 percent

Development Standards Adjacent Resource Parcels

RCW 36.70A.060

Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Jose's Proposed Language

4. Measures to Conserve, Maintain, and Enhance Natural Resource-Based Industries. An applicant for development of a freight rail dependent use shall identify the following:

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

Eric's Proposed Language

4. Applicant shall demonstrate the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Development Standards Street Standards

Jose's Proposed Language

5. Street Standards.

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

Eric's Proposed Language

5. Street Standards.

- a. No tracks are allowed in public roadways except at at-grade crossings.
- b. At-grade crossings shall be minimized to the greatest extent practicable.

Development Standards Landscaping Standards

Jose's Proposed Language

****Railroad Industrial Landscaping Standard****

6. Railroad Industrial

a. The perimeter around FRDU Overlay 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.

****RILB Landscaping Standards****

7. Landscaping Standards 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. 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 foliate of the subjected species, or field observation of the existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of the intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns should be naturalized and use native plants suited to the area.

b. Evergreen Trees. At least one (1) row of evergreen trees shall be planted, minimum eight (8) feet in height and ten (10) feet maximum separation at time of planting. Permitted evergreen tree species are those with the ability to develop a minimum branching width of eight (8) feet within five (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

Development Standards Landscaping Standards - continued

Jose's continued

interest. Deciduous trees 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:

- 1) Four (4) inch pots at eighteen (18) inches on center.
- 2) One (1) gallon or greater sized containers at twenty-four (24) inches on center.
- 3) 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.
- 4) Maintenance. A two (2) year performance bond, irrevocable letter of credit, or assignment of cash deposit shall be posted.

Eric's Proposed Language

6. FRDU Landscaping Standards

- a. The perimeter around FRDU lots 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. Additional landscaping requirements include:
- b. Evergreen Trees. At least one (1) row of evergreen trees shall be planted on FRDU lot perimeters, minimum four (4) 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. 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.

Infrastructure

Jose's Proposed Language

N/A – Jose does not believe Urban Facilities are allowed to serve FRDU

Eric's Proposed Language

G. Infrastructure

Definition – the physical systems and services which support development and people, such as streets and highways, transit service, water and sewer systems, storm drainage systems, and airports.

1. Urban Public Facilities “Urban Facilities” may be provided outside the UGA to support FRDU developments per 40.370.

1 **40.250.120 Freight Rail-Dependent Use Overlay**

2 A. Purpose.

3 The purpose of the freight rail-dependent use (FRDU) overlay is to allow economic
4 development infrastructure to occur near rail lines as a means to alleviate strains on
5 government infrastructure elsewhere, and to allow counties and cities to improve their
6 planning under the growth management act to provide much needed infrastructure for freight
7 rail dependent uses adjacent to railroad lines.

8 B. Applicability.

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

11 C. Definitions.

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

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13 D. Uses.

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

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

Table 40.250.120-1. Uses		FRDU
FRDU is something Clark County can "assure" or make certain		

Table 40.250.120-1. Uses	FRDU

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E. Development Standards.

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

Table 40.250.120-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements	
Subject	Zone
	FRDU
Minimum area of new zoning district	None
Maximum area of new zoning district	None
Minimum lot area	10 Acres
Minimum lot width	None
Maximum building height ⁶	100
Minimum building setback	
Front/street side	20 feet
Side (interior)	20 feet
Rear	20 feet
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 ¹	10 percent

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Table 40.250.120-2. Lot Setbacks, Lot Coverage and Building Height Requirements	
Minimum site development area	Was not discussed nor voted on but should be

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

1 ² Building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent to
2 residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is
3 increased to the building height.

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

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7 ⁴ For buildings exceeding thirty-six (36) feet in height, the building setback shall be equal to the height of the building,
8 up to a maximum setback of fifty (50) feet.

9 2. Site plan review is required for all new development and modifications to
10 existing permitted development unless expressly exempted by this title (see
11 Section 40.520.040).

12 3. An applicant shall submit the required Rail Use Plan which shall include the
13 following:

14 a. Drawings indicating where they shall build a spur track or siding that
15 will connect with the short line railroad, unless such track already
16 exists. These drawings shall demonstrate that development will not
17 preclude the extension of any short line railroad spur track.

18 b. Rail use plan shall describe how structure will make use of the short
19 line railroad.

20 c. Rail use plan shall describe how structure is "dependent on" a short
21 line railroad.

22 4. Applicant shall demonstrate that the use of lands adjacent to agricultural,
23 forest, or mineral resource lands shall not interfere with the continued use,
24 in the accustomed manner and in accordance with best management
25 practices, of these designated lands for the production of food, agricultural
26 products, or timber, or for the extraction of minerals.

27 5. Street Standards.

28 a. No tracks are allowed in public roadways except at at-grade crossings.

29 b. At-grade crossings shall be minimized to the greatest extent practicable.

30 6. FRDU Landscaping Standards

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

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

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

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

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

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

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14 3. Major Odor Sources.

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

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

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

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

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27 (1) Lithographic, rotogravure or flexographic printing;

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29 (2) Film burning;

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31 (3) Fiberglassing;

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33 (4) Selling of gasoline and/or storage of gasoline in tanks larger than two
34 hundred sixty (260) gallons;

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36 (5) Handling of heated tars and asphalts;

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38 (6) Incinerating (commercial);

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40 (7) Metal plating;

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42 (8) Tire buffing;

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- (9) Vapor degreasing;
- (10) Wire reclamation;
- (11) Use of boilers (greater than one hundred six (106) British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
- (12) Other uses creating similar odor impacts;
- (13) Uses which employ the following processes shall be considered major odor sources, except when the entire activity is conducted as part of a retail sales and service use:
 - (a) Cooking of grains;
 - (b) Smoking of food or food products;
 - (c) Fish or fishmeal processing;
 - (d) Coffee or nut roasting;
 - (e) Deep-fat frying;
 - (f) Dry cleaning;
 - (g) Animal food processing;
 - (h) Other uses creating odors offensive to a person of ordinary sensitivity at any point along a boundary line of the property on which a use or structure is located.

4. Light and Glare Standards.

- a. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
- b. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
- c. Interior lighting in parking structures shall be shielded to minimize nighttime glare affecting lots in adjacent uses.
- d. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.

- 1 e. Glare diagrams which clearly identify potential adverse glare impacts on any
2 residential zone and on arterials shall be required when:
- 3 (1) Any structure is proposed to have facades of reflective coated glass or
4 other highly reflective material, and/or a new structure or expansion of an
5 existing structure greater than sixty-five (65) feet in height is proposed to
6 have more than thirty percent (30%) of the facades comprised of clear or
7 tinted glass;
- 8 (2) The facade(s) surfaced or comprised of such materials either:
- 9 (a) Are oriented towards and are less than two hundred (200) feet
10 from any residential zone; and/or
- 11 (b) Are oriented towards and are less than four hundred (400) feet
12 from a major arterial with more than fifteen thousand (15,000)
13 vehicle trips per day.
- 14 f. When glare diagrams are required, the responsible official may require
15 modification of the plans to mitigate adverse impacts, using methods including
16 but not limited to the following:
- 17 (1) Minimizing the percentage of exterior facade that is composed of glass;
- 18 (2) Using exterior glass of low reflectance;
- 19 (3) Tilting glass areas to prevent glare which could affect arterials,
20 pedestrians or surrounding structures;
- 21 (4) Alternating glass and nonglass materials on the exterior facade; and
- 22 (5) Changing the orientation of the structure.
- 23 5. Outdoor Storage Standards.
- 24 a. All storage areas (including but not limited to areas used to store raw
25 materials, finished and partially finished products and wastes) shall be screened
26 from public rights-of-way to the L3 standard.
- 27 b. Outdoor storage is prohibited:
- 28 (1) In floodways;
- 29 (2) On slopes greater than fifteen percent (15%);
- 30 (3) In parking stalls required by Chapter 40.340;
- 31 (4) In areas where outdoor storage or display causes traffic or pedestrian
32 circulation problems as determined by the responsible official or where a

1 minimum five (5) foot wide walkway does not remain clear and free of
2 obstructions;

3 (5) If any materials would likely attract animals, birds or vermin;

4 (6) In fire lanes; and

5 (7) In areas where outdoor storage may have the potential to create
6 polluted stormwater runoff without proper containment or treatment prior
7 to collection in the designated stormwater facility.

8 c. The applicant shall demonstrate that both outdoor storage and the screening
9 for outdoor storage are in the appropriate locations on the site to minimize
10 impacts, given the operational practices of the facility.

11 6. Vibration. Site generated ground vibrations shall not be perceptible by a person of
12 ordinary sensitivity without instruments, at any point of any boundary line of the
13 property. Vibrations from temporary construction activities and vehicles that leave the
14 property (such as trucks, trains, airplanes and helicopters) are excluded.

15 7. Electromagnetic Interference. Electric fields and magnetic fields shall not be created
16 that adversely affect the normal operation of equipment or instruments or normal
17 radio, telephone, or television reception from off the premises where the activity is
18 conducted. This section does not apply to telecommunication facilities which are
19 regulated by the Federal Communications Commission under the Federal
20 Telecommunication Act of 1996 or its successor.

21 G. Infrastructure

22 Definition – the physical systems and services which support development and people, such
23 as streets and highways, transit service, water and sewer systems, storm drainage
24 systems, and airports.

25 1. Urban Public Facilities “Urban Facilities” may be provided outside the UGA to
26 support FRDU developments per 40.370.

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40.370.010 Sewerage Regulations**A. Purpose.**

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

B. Definitions.

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

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

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

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

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

1. Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law; and
2. Extension of public sewer is impractical based upon the following criteria:
 - a. Public sewer would have to be extended more than three hundred (300) feet to the property line; or
 - b. Necessary permission cannot be obtained from intervening landowner(s); or
 - c. Intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable; and
3. A covenant to the county is recorded which commits the current and future property owner(s) to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

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

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

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

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

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

(Amended: Ord. 2008-06-02)

E. Public Sewer Connection Prohibited Outside UGAs – Exceptions.

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

1. In response to documented health hazards; or
2. To provide public sewer to regional park facilities, K – 12 public schools or to uses within the urban reserve district otherwise required to be served by public sewer; or
3. Where the county has contractually committed to permit public sewer connection; or-
4. To provide public storm and sanitary sewer to Freight Rail Dependent Uses. Freight Rail Dependent Uses sewer(s) shall be tightlined.

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

(Amended: Ord. 2008-06-02)

F. Period of Validity.

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

40.370.020 Water Supply

A. Definitions.

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

B. Purpose.

Water serving new development in urban areas is necessary.

C. Connection Required for Building Permits.

1. Inside urban growth boundaries, connection to public water is required as a condition of building permit issuance for multifamily dwellings exceeding three (3) units, and all structures required to meet fire flow standards.
2. In areas located inside urban growth boundaries, where the public agency purveyor is willing and able to provide safe and reliable service, connection to public water is required as a condition of building permit issuance for all new residential uses of less than four (4) units, and other uses that are not required to meet fire flow standards, when public water is within seven hundred fifty (750) feet of the lot. Subject to a Type I review, the responsible official may conclude that public water is not available to the developer with reasonable economy and efficiency, within the above distances, based on the following considerations:
 - a. Permission cannot be obtained from intervening property;
 - b. Intervening property contains natural or manmade obstructions which make extension extraordinarily expensive, such as a deep canyon, solid rock or reconstruction of a road or sidewalk;

- c. Intervening changes in elevation make adequate service to the property extraordinarily expensive.

D. Connection Required for Land Divisions.

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