

State of Washington  
County of Whatcom

11/20/2015  
(Date)

I certify that this is a true and correct copy of the original document consisting of 25 pages.

Elisabeth A. Oakes  
(Signature)  
Elisabeth A. Oakes

Notary Public  
My appointment expires: 6/19/2019

**ORDINANCE NO. 2015-11-044**

**AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 163.5 ACRES OF UNINCORPORATED PROPERTY LOCATED ADJACENT TO THE NORTHERN BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE E. BAKERVIEW ROAD / MT. BAKER HIGHWAY ANNEXATION; ASSIGNING CITY LAND USE AND ZONING DESIGNATIONS AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, in 2009, the City of Bellingham adopted an Annexation Phasing Plan, which identified the proposed annexation area as an "Immediate" area for annexation; and

**WHEREAS**, on November 7, 2014, the owners of property within Bellingham's Northern Urban Growth Area submitted a ten percent petition for annexation of approximately 163.5 acres to the City of Bellingham pursuant to RCW 35.13.125; and

**WHEREAS**, on December 15, 2014, the Bellingham City Council held a public meeting and approved Resolution 2014-45, thereby initiating the review process for this annexation request, subject to adopting City land use designations, zoning, and assumption of existing City indebtedness; and

**WHEREAS**, on January 27, 2015, the property owners within the annexation area submitted a sixty percent petition to the City of Bellingham; and

**WHEREAS**, the City of Bellingham forwarded the petition to the Whatcom County Assessor, whereby the Assessor found the petition to comply with state law and provided a Certificate of Sufficiency to the City according to RCW 35.21.005; and

**WHEREAS**, on June 19, 2015, the City of Bellingham forwarded the Notice of Intention to the Whatcom County Boundary Review Board for its 45-day review of the annexation proposal; and

**WHEREAS**, on August 7, 2015, the Whatcom County Boundary Review Board deemed the Notice of Intention to Annex as described in the BRB file #2015-02 approved; and

**WHEREAS**, on October 26, 2015, the Bellingham City Council held a public hearing on the proposed annexation; and

**WHEREAS**, on November 9, 2015, the City Council Planning Committee held a work session on the proposed annexation area and directed staff to prepare an ordinance approving the E. Bakerview Road / Mt. Baker Highway Annexation; and

**WHEREAS**, on November 9, 2015, the Bellingham City Council considered the annexation ordinance and determined the proposed annexation is consistent with the State Growth Management Act (GMA), the policy direction in Whatcom County's Comprehensive

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

Plan, the Countywide Planning Policies, the Urban Fringe Subarea Plan as revised, and Bellingham's Comprehensive Plan; and

**WHEREAS**, the Bellingham City Council approved the E. Bakerview Road / Mt. Baker Highway Annexation ordinance, which assigned City land use and zoning designations to the annexation area and established an annexation effective date.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** The properties within the E. Bakerview Road / Mt. Baker Highway Annexation area as shown and legally described in Exhibit A are hereby annexed to the City of Bellingham.

**Section 2.** The area annexed herein shall assume its proportional share of the existing indebtedness of the City of Bellingham.

**Section 3.** Prior to a third and final reading of this ordinance and the annexation effective date, the property owners of land parcels 380316293294 and 380316274286 abutting Mt. Baker Highway and Trickle Creek BLVD shall rescind Whatcom County Administrative Permit (ADM#98-0047) for a neighborhood center. Future development of the subject properties shall meet City development standards and uses as assigned by this ordinance.

**Section 4.** The Barkley Neighborhood Plan is amended to include Areas 27 and 28 as shown in Exhibit B.

**Section 5.** The Barkley Neighborhood Comprehensive Plan Land Use Map is amended to include Areas 27 and 28 as shown in Exhibit C.

**Section 6.** The City of Bellingham zoning map for the Barkley Neighborhood is amended to include Areas 27 and 28 as shown in Exhibit D.

**Section 7.** The Bellingham Municipal Code 20.00.015 - Barkley Neighborhood Table of Zoning Regulations is amended to include Areas 27 and 28 as shown in Exhibit E.

**Section 8.** The Irongate Neighborhood Plan is amended to include Area 19 as shown in Exhibit F.

**Section 9.** The Irongate Neighborhood Comprehensive Plan Land Use Map is amended to include Area 19 as shown in Exhibit G.

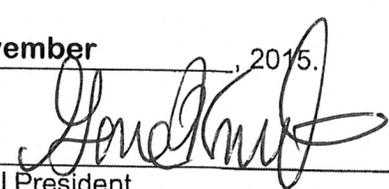
**Section 10.** The City of Bellingham zoning map for the Irongate Neighborhood is amended to include Area 19 as shown in Exhibit H.

**Section 11.** Bellingham Municipal Code 20.00.092 - Irongate Neighborhood Table of Zoning Regulations is amended to include Area 19 as shown in Exhibit I.

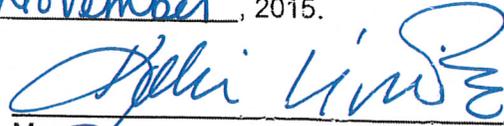
City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

**Section 12.** This ordinance shall be effective on February 1, 2016.

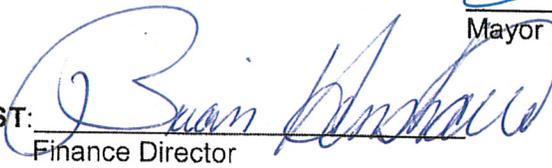
**PASSED** by the Council this 16<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Council President

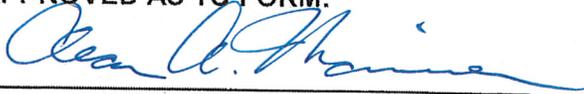
**APPROVED** by me this 19<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Office of the City Attorney

Published:

November 20, 2015

## EXHIBIT A

E. Bakerview Road / Mt. Baker Highway Annexation Legal Description

Legal Description of Proposed Annexation to the City of Bellingham

1. In Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, WA.

The Northeast Quarter of the Northwest Quarter of Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, Washington lying east of abandoned Chicago, Milwaukee, St. Paul & Pacific Railroad right of way.

2. In Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, WA.

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, Washington.

Except that portion lying within the previous annexed parcel described in ordinance no. 98-07-058 and that portion lying with abandoned Chicago, Milwaukee, St. Paul & Pacific Railroad right of way.

3. In Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, WA.

The Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 16, Township 38 North, Range 3 East, W.M., Whatcom County, Washington lying northwesterly of the southeasterly margin of SR 542.



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

Justin J. Holt, PLS 41027  
State Land Survey Unit  
PO Box 47030  
Olympia, WA 98504-7030



Dated 9-10-2015

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
EXHIBIT MAP FOR CITY OF BELLINGHAM ANNEXATION



CITY OF BELLINGHAM ANNEXATION

## **EXHIBIT B**

Barkley Neighborhood Plan adding Areas 27 and 28

E. Bakerview Road / Mt. Baker Hwy Annexation

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City Attorney  
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Bellingham, Washington 98225  
360-778-8270

## Barkley Neighborhood Plan

### Area 27

This area is approximately 2 acres in size and located adjacent to E. Sunset Drive (State Route 542) and Trickle Creek Boulevard. The Commercial land use designation for this area is intended to:

- Allow small scale commercial businesses that provide convenient goods and services to the immediate area;
- Provide opportunities to obtain consumer goods and services that are within walking and biking distance;
- Reduce vehicle trips and travel time on roadways to obtain consumer goods and services for nearby residences and uses; and
- Provide employment opportunities and possible housing choices if developed.

To improve the over-all streetscape of the development within Area 27, floor area and uses should be limited and buildings should contain architectural details that avoid blank walls. Buildings should also be located near and oriented toward street(s) and sidewalk(s) to offer easy and safe access. Limitations on site design elements concerning signs, parking, lighting, landscaping, and screening should be required to reduce possible development impacts to the surrounding area.

When development occurs, streets that would serve the area should meet the minimum street standards per Bellingham Municipal Code. Vehicle access points on E. Sunset Drive should be limited and shared access is encouraged.

Area 27 lies within the Squalicum Creek watershed and is within the Lower Squalicum Creek sub-basin. According to the City's GIS data, critical areas consisting of wetlands may be located near the area. Further analysis may be necessary to confirm the classification and buffer widths of these environmental features.

The Olympic Pipe Line Company has a transmission pipeline that runs north and south along the west side of Area 27. Prior to any excavation, the developer is required to notify pipeline owner(s) of excavation activity by calling Locator Service and when planning construction or excavation near a transmission pipeline as required by RCW 19.122 or adopted City codes.

Due to the presence of possible critical areas and the above mentioned transmission pipeline within the area, special attention should be given to these features early in the development concept phase.

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**AREA 27 LAND USE DESIGNATION: COMMERCIAL**

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## Barkley Neighborhood Plan

### Area 28

This area lies within the Squalicum Creek watershed and is within the Lower Squalicum Creek sub-basin. The topography varies throughout the area with slopes that generally range between 15% to 100% running from the southwest corner of the area to the northeast. Relatively level land areas are located in the north, northwestern, and southeastern portions of the area.

A majority of the developed properties within Area 28 are already served with City water and sewer, however some properties are on well and septic systems. Existing residential development is mainly concentrated in the Trickle Creek subdivision and some residential dwelling units are located in the area of Mt. Baker Highway and Dewey Road.

According to the City's GIS data, critical areas consisting of steep slopes and wetlands may be located within and adjacent to the area. Further analysis may be necessary to confirm the classification and location of these environmental features.

As development occurs within this area:

- Extension of new water and sewer mains, and upgrades of sewer pump stations will likely be needed once capacity limits are reached;
- Critical Area buffers should be maintained to provide natural buffers between use districts;
- Existing stormwater facilities should be upgraded to meet Bellingham Municipal Code;
- New and existing substandard streets that serve the area should meet the minimum street standards per Bellingham Municipal Code;
- Vehicle access points on arterial streets should be limited and shared access is encouraged;
- Incorporation of natural features should be provided as part of site design to ensure connectivity with existing city open space/trail systems; and
- A public park and trails should be provided as indicated in the Bellingham Comprehensive Plan.

Three pipelines are located in or adjacent to the area, Cascade Natural Gas Corporation has a high pressure pipeline that extends through the area in an east/west alignment, Olympic Pipeline Company has a transmission pipeline that runs north and south through the area, and Kinder / Morgan Pipeline Company (Transmountain) has a transmission pipeline line that runs along the western border of the area. Prior to any excavation, the developer is required to notify pipeline owner(s) of excavation activity by calling Locator Service and when planning construction or excavation near a transmission pipeline as required by RCW 19.122 or adopted City codes.

Due to the presence of critical areas and the above mentioned pipeline utilities within or adjacent to Area 28, special attention should be given to these features early in the development concept phase.

This area contains a mixed "use qualifier" and "special regulations," outlined in the BMC Table of Zoning Regulations, which allows a multi-family development option. A density bonus is also an option within this area to increase residential density under the cluster subdivision provisions in Title 18 of the BMC or through the use of transfer of development rights or purchase of development rights.

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**AREA 28 LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY**

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## EXHIBIT C

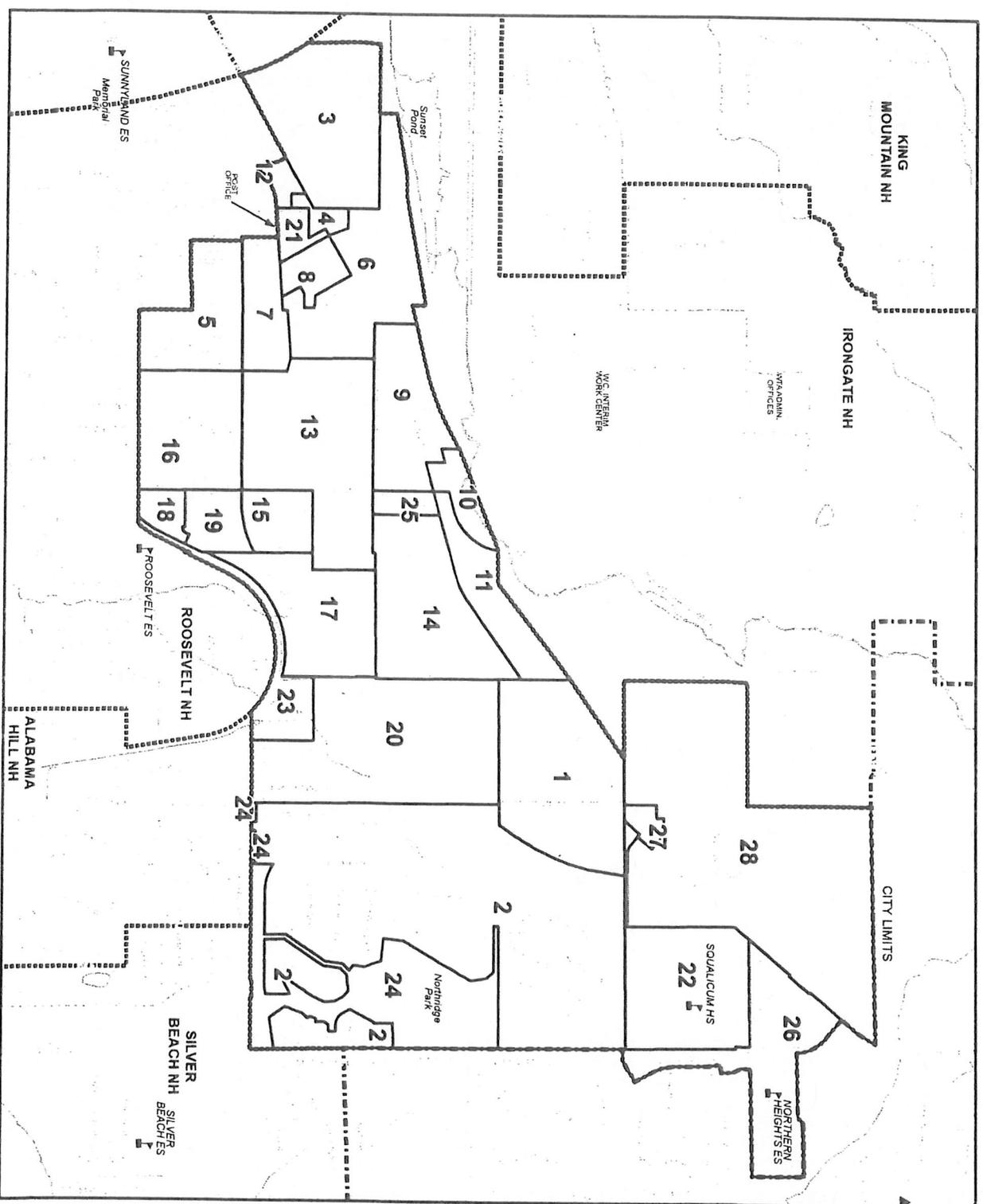
Barkley Neighborhood Comprehensive Plan Land Use Map  
adding Areas 27 and 28

# BARKLEY NEIGHBORHOOD LAND USE

## COMPREHENSIVE PLAN AREA LAND USE DESIGNATION

- 1 Single Family Res, Low Density
- 2 Multi-Family Res, Low Density
- 3 Commercial
- 4 Multi-Family Res, Med Density
- 5 Multi-Family Res, High Density
- 6 Multi-Family Res, High Density
- 7 Multi-Family Res, High Density
- 8 Multi-Family Res, High Density
- 9 Multi-Family Res, High Density
- 10 Multi-Family Res, High Density
- 11 Multi-Family Res, High Density
- 12 Commercial
- 13 Industrial
- 14 Industrial
- 15 Commercial/Industrial
- 16 Commercial/Multi-Fam Res, Med Density
- 17 Comm/Ind/Multi-Fam Res, Med Density
- 18 Commercial/Industrial
- 19 Commercial/Industrial
- 20 Industrial/Multi-Family Res, Med Density
- 21 Public
- 22 Public
- 23 Public
- 24 Public
- 25 Commercial
- 26 Single Family Res, Low Density
- 27 Commercial
- 28 Single Family Res, Med Density

The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party. Persons using this information do so at their own risk. The City of Bellingham agrees to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use.

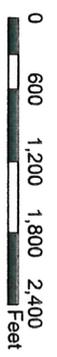


## EXHIBIT D

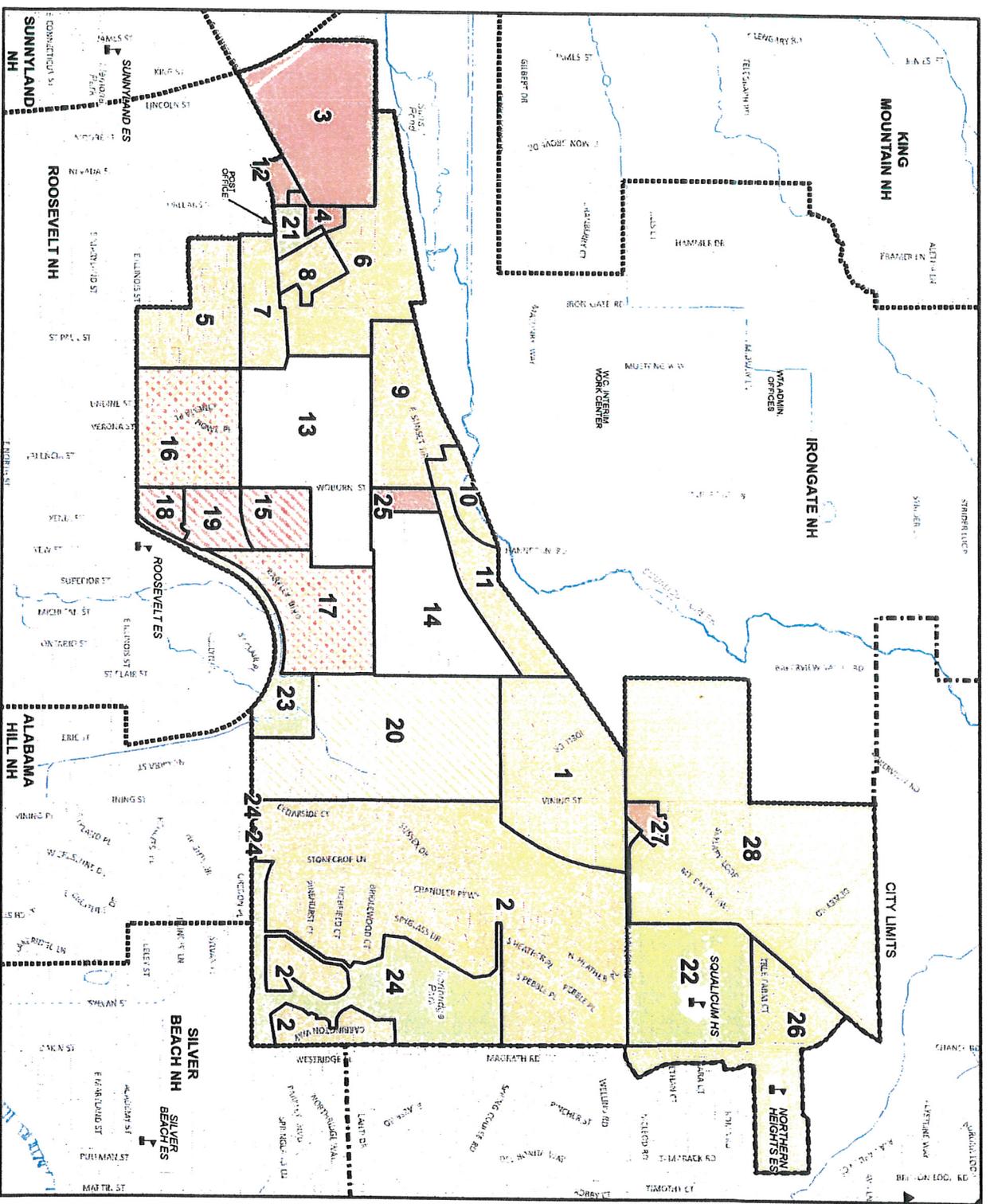
City of Bellingham zoning map for the Barkley Neighborhood  
adding Areas 27 and 28

# BARKLEY NEIGHBORHOOD ZONING

- AREA ZONING DESIGNATION**
- 1 Residential Single
  - 2 Residential Multi, Planned
  - 3 Commercial, Planned
  - 4 Commercial, Neighborhood
  - 5 Residential Multi, Multiple
  - 6 Residential Multi, Multiple
  - 7 Residential Multi, Mixed/Planned
  - 8 Residential Multi, Multiple
  - 9 Residential Multi, Planned
  - 10 Residential Multi, Planned
  - 11 Commercial, Planned
  - 12 Industrial, Planned
  - 13 Industrial, Planned
  - 14 Commercial/Industrial, Planned
  - 15 Comm/Ind/Res Multi, Planned
  - 16 Comm/Ind/Res Multi, Planned
  - 17 Commercial/Industrial, Planned
  - 18 Industrial/Industrial, Planned
  - 19 Industrial/Res Multi, Planned
  - 20 Public, Governmental Services
  - 21 Public, School
  - 22 Public, Open Space/Trail
  - 23 Commercial, Planned
  - 24 Commercial Single
  - 25 Residential Single
  - 26 Residential Single
  - 27 Residential Single
  - 28



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## **EXHIBIT E**

Bellingham Municipal Code 20.00.015  
Barkley Neighborhood Table of Zoning Regulations adding  
Areas 27 and 28

Bellingham 20.00.015 Barkley Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
27	Commercial	Planned See Special Regulations*	Max. 2,500 sq. ft. of floor area per commercial use.	Critical areas  Limit access points on arterial street.  Shared access/parking is encouraged.  Transmission pipeline.	Sunset Drive improved to arterial standards.	* Uses are permitted as specified in BMC 20.38, except the following uses are prohibited:  1. Drive-through establishments, except a drive-through coffee house with interior seating and a single drive through lane is permitted.  2. Service Station  3. Motel  4. Mini Storage  5. Warehousing / Wholesale  6. Recycling collection center  See Exhibit 2 - Area 27 Design Standards:

**Exhibit 2  
Area 27 - Design Standards**

Development in Area 27 shall comply with BMC 20.38.050 C., except for as modified below:

1. Buildings shall be oriented toward street frontages and located adjacent to the rights-of-way as close as allowed by BMC 20.38.050(C), except a drive-through coffee house may have a drive lane as provided below. Buildings may be located interior to lots when the prior street frontage requirement is satisfied.
2. Building facades shall contain glazing (windows) and architectural details that avoid large blank walls.
3. Parking shall be located to the rear or side of a building.
4. A ten foot (10') landscaped setback shall be provided between a drive through lane and any property line abutting a street or residential development. No drive through menu speaker shall be oriented to face a single family use.
5. Pole signs are prohibited, except for directional signs that are limited to 6 square feet in area and 3 feet in height.
6. One monument sign per site is permitted whether it is for a single or mixed use. The monument sign shall not exceed 60 square feet per sign face and 6 feet in height measured from existing grade.
7. Wall signs are limited to 32 square feet of sign area per tenant space.
8. Animated, moving, blinking (LED or similar) signs are prohibited.
9. Signage and private lighting shall be designed and installed to minimize illumination of adjacent properties.
10. Trash and recycling areas, and roof-top equipment shall be screened from public view.
11. One privately owned public plaza with seating shall be incorporated into the development of Area 27 to serve building tenants, customers, and members of the public.

Bellingham 20.00.015 Barkley Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
28	Residential Single	Detached: cluster, cluster attached, and cluster detached; mixed: limited duplex and multi-family (see Special Regulations)*	<p>7,200 sq. ft. per dwelling unit for detached and cluster lots up to 3,600 sq. ft. per dwelling unit using cluster bonus provisions in the BMC 18.32 or adopted City TDR program or the "fee-in-lieu-of" option.</p> <p>Under the fee-in-lieu-of option, a property owner / developer can purchase additional density by paying a fee to the City's Lake Whatcom Watershed Property Acquisition Program (LWWPAP).</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the City Council. One unit of additional density will be allowed for each unit purchased through use of this option.</p>	<p>Critical areas</p> <p>Buffer separating industrial uses from residential zone.</p> <p>Neighborhood Park</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>High pressure natural gas / transmission pipelines.</p>	<p>Extension of the water / sewer mains.</p> <p>As development occurs downstream utilities may need to be upgraded.</p> <p>Sunset Drive improved to arterial standards.</p> <p>Dedication, extension, and improvements to E. Bakerview Road to arterial standards.</p> <p>Dewey Road improved to arterial standards.</p>	<p>Duplex and multi-family units shall require design review approval under BMC 20.25 and meet BMC 20.32.</p> <p>Duplex and multi-family units shall not exceed 25% of the total allowed dwelling units for the entire site.</p> <p>Duplex and multi-family building permits shall not be issued until at least 50% of the single family homes on site have been constructed, except the Director may waive this requirement provided that the duplex and multi-family housing is not located adjacent to land zoned Residential, Single.</p> <p>Infill housing forms per BMC 20.28.</p> <p>The density bonus may exceed the 50% total maximum under BMC 18.32 but density shall not exceed 3,600 sq. ft. per dwelling.</p>

		<p>An applicant's submittal for land use review shall include a letter from the Bellingham Finance Department documenting the amount to be contributed to the LWWPAP.</p> <p>Lots not created by cluster subdivision: 5,000 sq. ft. minimum detached lot size and a maximum density of 7,200 sq. ft. per unit.</p>			
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## **EXHIBIT F**

Irongate Neighborhood Plan  
adding Area 19

## **Irongate Neighborhood Plan**

### **Area 19**

Area 19 is approximately 25 acres in size and located within the eastern portion of the Irongate Neighborhood. The entire area lies within the Squalicum Creek watershed and is within the Lower Squalicum sub-basin. According to the City's GIS data the area is relatively flat, but critical areas consisting of steep slopes and wetlands may be located within and adjacent to the area. To confirm the classification and location of these environmental features further analysis may be necessary.

The Industrial land use designation for Area 19 is intended to accommodate certain industrial uses where special consideration must be taken for physical site conditions and their relationship to less intense surrounding uses. This area is intended to primarily serve a broad range of industrial uses relating to, but not limited to: distribution, manufacturing, warehousing, and wholesaling. Therefore, in order to reserve this area for those uses, retail uses should only be allowed as an accessory use to a primary industrial use.

As development occurs within this area:

- E. Bakerview Road should be extended and improved to arterial standards. Vehicle access points onto the arterial street should be limited and shared vehicle access is encouraged;
- Extension of new water and sewer mains, and upgrades of sewer pump stations will likely be needed once capacity limits are reached;
- Critical Area buffers should be maintained to provide natural buffers from non-industrial zones; and
- Trails and a public park should be provided as indicated in the Bellingham Comprehensive Plan.

Three pipelines are located in or adjacent to the area, Cascade Natural Gas Corporation has a high pressure pipeline that extends through the area in an east/west alignment, Olympic Pipeline Company has a transmission pipeline that runs north and south through the area, and Kinder / Morgan Pipeline Company (Transmountain) has a transmission pipeline line that runs near the northwest corner of the area. Prior to any excavation, the developer is required to notify pipeline owner(s) of excavation activity by calling Locator Service and when planning construction or excavation near a transmission pipeline as required by RCW 19.122 or adopted City codes.

Due to the presence of critical areas and the above mentioned pipelines within the area, special attention should be given to these features early in the development concept phase.

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**AREA 19 LAND USE DESIGNATION:      INDUSTRIAL**

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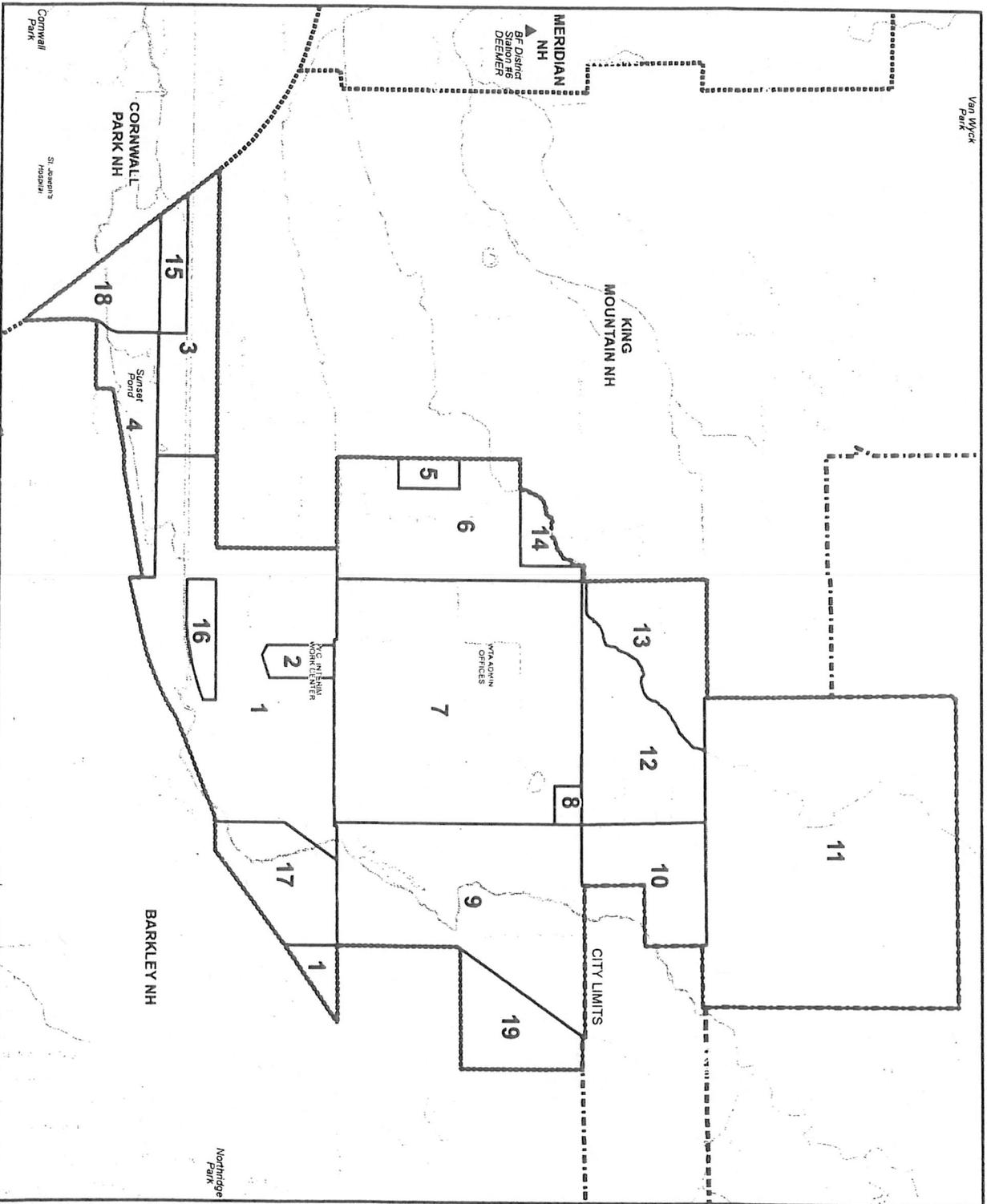
## EXHIBIT G

Irongate Neighborhood Comprehensive Plan Land Use Map  
adding Area 19

# IRONGATE NEIGHBORHOOD LAND USE

## COMPREHENSIVE PLAN AREA LAND USE DESIGNATION

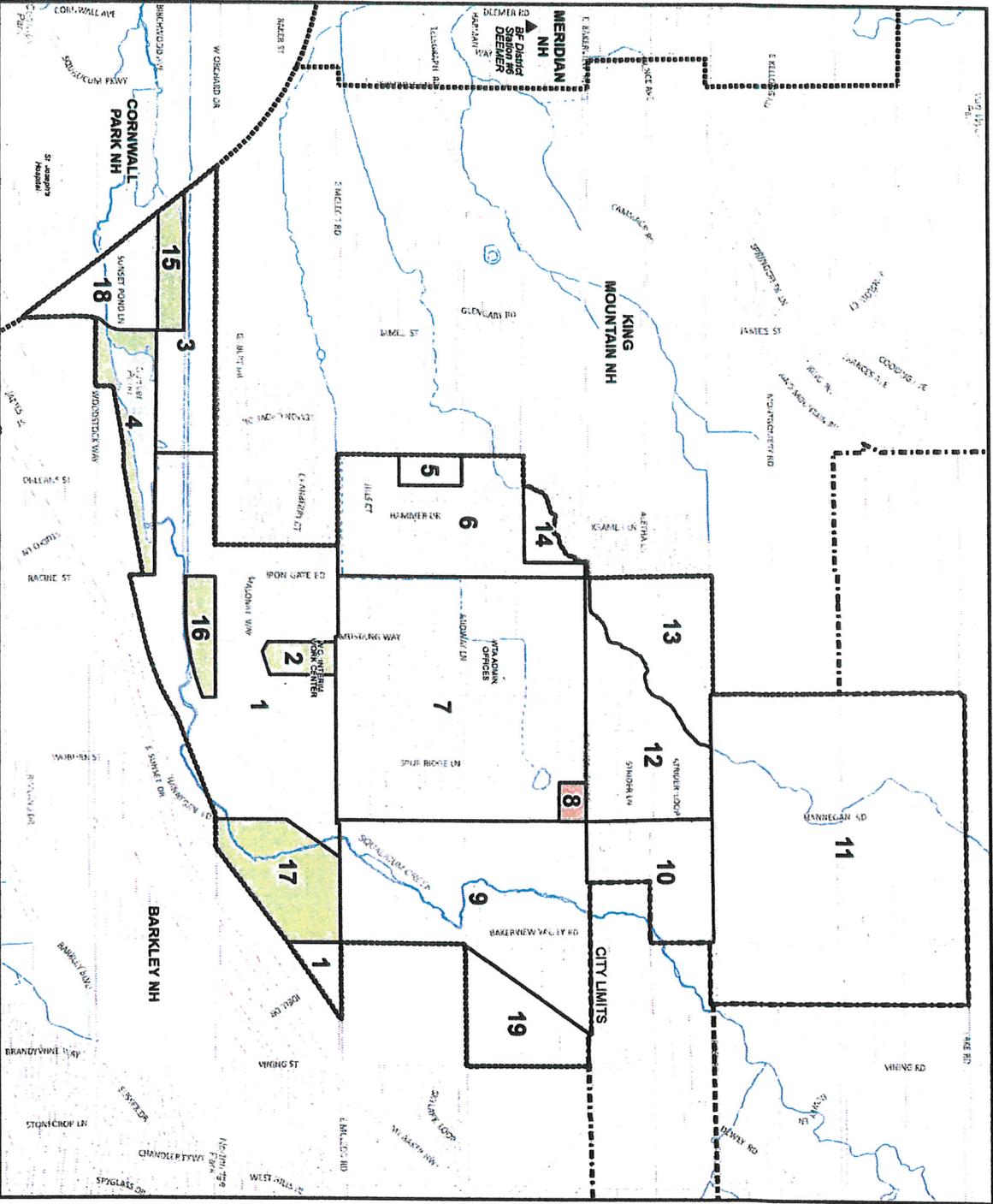
- 1 Industrial
- 2 Public
- 3 Industrial
- 4 Public
- 5 Industrial
- 6 Industrial
- 7 Industrial
- 8 Commercial
- 9 Industrial
- 10 Industrial
- 11 Industrial
- 12 Industrial
- 13 Industrial
- 14 Industrial
- 15 Public
- 16 Public
- 17 Industrial
- 18 Industrial
- 19 Industrial



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## EXHIBIT H

City of Bellingham zoning map for the Irongate Neighborhood  
adding Area 19



# IRONGATE NEIGHBORHOOD ZONING

## AREA ZONING DESIGNATION

- 1 Industrial, Light/Planned
- 2 Public, Govt. Svcs.
- 3 Industrial, Light/Planned
- 4 Public, Open Space/Park
- 5 Industrial, Light
- 6 Industrial, Light
- 7 Industrial, Heavy
- 8 Commercial, Neighborhood
- 9 Industrial, Planned
- 10 Industrial, Planned
- 11 Industrial, Planned
- 12 Industrial, Planned
- 13 Industrial, Planned
- 14 Industrial, Planned
- 15 Public, Open Space/Traill
- 16 Public, Open Space
- 17 Industrial, Light
- 18 Industrial, Light
- 19 Industrial, Planned



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## **EXHIBIT I**

Bellingham Municipal Code 20.00.092  
Irongate Neighborhood Table of Zoning Regulations  
adding Area 19

Bellingham 20.00.092 Irongate Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
19	Industrial	Planned	N/A	<p>Critical areas</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p> <p>Shared access is encouraged.</p> <p>High pressure natural gas / transmission pipelines.</p>	<p>Extension of the water / sewer mains.</p> <p>As development occurs downstream utilities may need to be upgraded.</p> <p>Dedication, extension, and improvements to E. Bakerview Road to arterial standards.</p>	<p>Retail sales are prohibited, except when associated with industrial uses on site.</p>