

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, MARCH 19, 2009**

Public Services Building
BOCC Hearing Room
1300 Franklin Street, 6th Floor
Vancouver, WA

6:30 p.m.

CALL TO ORDER

DELEISSEGUES: Call the Clark County Planning Commission to order for March the 19th, 2009. May we have roll call, please.

RUPLEY:	PRESENT
BARCA:	HERE
ALLEN:	PRESENT
VARTANIAN:	HERE
MORASCH:	HERE
DELEISSEGUES:	HERE
WRISTON:	HERE

Staff Present: Oliver Orjiako, Community Planning Director; Gordy Euler, Planner III; Fred Abraham, Railroad Coordinator; Chris Cooke, Prosecuting Attorney; and Sonja Wisler, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for March 19, 2009

The agenda for March 19, 2009 was approved as distributed.

B. Approval of Minutes for February 19, 2009

The minutes February, 2009, were approved as distributed.

C. Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. PROPOSED ADDITION OF A RAILROAD INDUSTRIAL (IR) DISTRICT TO THE INDUSTRIAL DISTRICTS (CCC SECTION 40.230.080).

A Railroad Industrial zoning district was created with the adoption of the county's 2007 Comprehensive Plan. The proposal is to add implementing language for the new district to CCC Section 40.230.080 Industrial Districts. The proposed code language includes a purpose statement, a use list, and development standards.

Staff Contact: Fred Abraham (360) 397-2323, Ext. 4113 or e-mail: Fred.Abraham@clark.wa.gov

ORJIAKO: Thank you, Mr. Chairman. Oliver Orjiako, Clark County Community Planning. I would like to make a few remarks and then turn it over to Fred Abraham who's the County railroad coordinator if I may. With the adoption of the 2007 comprehensive plan the Board of County Commissioners created a railroad district and designated an area as such. At that time there was no implementing language for the district. What is before you is to add implementing language for a railroad district. If this code is approved it will be a model for all jurisdiction within the county or along the 33-mile rail corridor for the future of additional rail served park to be developed. This is an effort to say that we are ready, in this case I mean the County because what the Board did as part of the '07 plan was very significant, they send a message that the County is committed to support the development of the rail line as an economic asset to the county.

Now you may ask, well, we do have a site in question when the Board took that action and that area. If you may recall the Hearings Board said they should remove, regardless of the outcome of that appeal which is now in litigation what the County did would still support the road shippers that provide good family wage to the community. Throughout this process we've worked with a working group that the County Board of Commissioners appointed and I must sincerely thank them because they did volunteer their time, met with us several times to come to the proposal that is before you, so I will take this opportunity to really thank them, Fred will go over who they are, some of them are here in the audience, I appreciate the work that they did and the time that they spent in the proposal before you.

We did prepare a Determination of Nonsignificant because this is a non-project action and we did receive a comment from the City of Vancouver which I think you have in your packet. We also did provide a response to that which I'm free to answer questions if you may. I will turn it over to Fred Abraham. We, myself and Fred and Gordy, were the staff to that working group and I also thank them for their own effort. What Fred will try to do is to cover the work of the group, get into the rationale of why they arrive at the proposal of the uses before you, the development regulations that they considered.

And finally, we have had several work sessions with the PC, there are some issues that the PC recommend, we can get into that tonight, and whatever recommendation you make we will forward that on to the Board. But I will turn it over to Fred who is our railroad

coordinator to go over some of the detailed issues in the staff report. And that summarizes my remark. Fred.

ABRAHAM: Thank you, Oliver. For the record, Mr. Chairman, my name is Fred Abraham, railroad coordinator here for Clark County. You have distributed in your packet the staff report and I'd like to kind of go through that if I may and then cover some additional highlights in addition to that. As Oliver mentioned, the work group was put together with the intent to look at code language and design standards and use tables that would go along with a proposed designated 220-acre area north of NE 119th Street and west of SR-503 which would be designated as a railroad industrial district and was adopted in the 2007 comprehensive plan by the Board of Commissioners.

After that the railroad resource group, after that task had been taken place, the railroad resource group continued to meet to look over the development standards for this new district and made our final recommendations on September 16th, 2008. They were forwarded to the Railroad Advisory Board in October and subsequently work session was held with the Board of Commissioners on November 19th, 2008 and subsequent work sessions with the Planning Commission, the most recent of which was held on December 18th, 2008.

The proposal before you includes staff, that staff had done some preliminary work at the time the comp plan adoption on which should be allowed within the new district. A number of the conversations were held with our operator Eric Temple and it was decided that the best way to proceed was to amend the Clark County code section 40.230.080, industrial districts by adding, one, a third column to the use tables, and, two, any development standards in additional code language, and the railroad resource group agreed with this approach in filling out the column and the use table and working on development standards was the main focus of the group meetings.

There were two additional recommendations that are shown in Attachment 1 and they are as follows: A purpose statement for the new railroad industrial district which I think is first and foremost a very important piece of the work done because it really sets the table for why this district is being formulated, and I'll get into that in a few moments. Second of all a new column, IR, was used for the new district and this was a column to be used in addition to column codes as a stand which are currently MH and IH or MH and ML and should not be confused with those two columns, we're really just dealing with the IR column within this session this evening. And then the new section 40.230.080(E) is the standards for the new district.

In the work session that was held with the Planning Commission on February 19th, 2009, there were a couple of recommendations from the Planning Commission for Table 40.230.080-2 that the minimum lot size of ten acres was suggested because a purchaser of the 20 acres could not subdivide if they didn't need all of the property, and, secondly, for Table 40.230.080-2 that a 60-foot height limit for buildings on the perimeter of the district or on parcels adjacent to the residential parcels, buildings on these parcels could be up to 100 feet if the setback was increased to the building height, the building height would

otherwise be capped at 100 feet.

So with that I'd like to cover a little bit more background as to what the railroad resource group did and why they did what they did. This goes back to a letter that was written back in 2006. At the time the Chair of the Commissioners was Marc Boldt and it was addressed to the Chair of this Commission Jeff Wriston with the charge to go forward and look at codes, design standards and use tables for a potential railroad industrial zone and that's what prompted the action to take place. The reason for the railroad industrial codes and for the zone itself is to allow for industries that may want to reside in Clark County that don't typically fit the ML or MH codes an opportunity to put them into a unified area or a designated area whereby they could take advantage of the railroad itself, whereas the ML and MH codes are really wide open for anybody to take advantage of, so this was a focus effort if you will to generate interest in the railroad.

We're really on the cutting edge within the industry in the sense that this type of endeavor has never been done to this degree within the United States and many are looking at us from afar including Union Pacific Railroad and BNSF marketing teams and many other jurisdictions around the United States, and short line railroads this could be a model as was mentioned by Oliver earlier not only for this area but for other areas to take note of. Decisions that were made by the work group were decisions based on industry best practices currently, keeping in mind the community's preservation of the community and what it upholds currently.

We took input from our operator and also outside resources within the industry, and we also took an opportunity to visit many of the locations around the metro area of Portland/Vancouver to look at industrial parks to get the ideas to formulate what became the codes that we came up with and the design standards and the use tables. Again, the intent here was to take advantage of the rail. So if I could ask you to turn to Page 63, letter E, 1 through 5, the development standards, these are really the basis for the analysis that formulated the code language. These are additional development standards I might add to the current standards that are in place, but are really designed to focus on the industrial railroad park.

And under number 1, first and foremost that this railroad industrial park is to be obscured with a 12-foot high berm around the perimeter that would be landscaped to an L5 standard. The berm shall continue as appropriate along the vehicle and rail entrances into the park. If used, fencing shall be located inside the berm. This was thought to be very important from the railroad resource group in the fact that they wanted to make sure that this would be not only a viable working park for their industrial customer, but also that would be pleasing to the eye for the general community within Clark County.

Number 2, the performance standards of Section 40.230.080(D) shall be met at the park perimeter. Number 3, that no tracks are allowed in public roadways except for at at-grade crossings. The reason for this is that we want to ensure that the full use of the park is intended to be used for the purpose of siting the industries and servicing them with rail and we want to try to minimize the amount of crossings that would encumber that type of an

operation. At-grade crossings shall be minimized to the greatest extent practical and again that's for the purpose of the rail industry served within that industrial park.

And finally Number 5, applicants for development in this zoning district shall show in a use rail plan where they propose to build a spur track that will connect with the main line. Development will not be allowed that in any way limits the possibilities for building or extending any spur track, and I think that's really the clincher in those five items in the sense that we are asking folks that once they site to show some form of a rail plan. This is really the first in a step of many processes that will ultimately meet the reality goal of being able to implement this at whatever juncture in the road of whatever property that we find that's suitable. Certainly from this point whatever land is designated would be the next step and the process involving public input and then formulating a subarea plan, a marketing scheme and then final implementation.

I must commend our freight operator who happens to be here this evening with us and I think at this time it would be appropriate to recognize Eric Temple our not only the freight operator for Columbia Basin Railroad who's contracted through the County, but also was a member of the railroad resource group and did an admirable job. And also here present this evening is Dan Weaver who is the chairman of the Railroad Advisory Board and also served on the railroad resource work group, both of which did an outstanding job in helping to formulate this plan for us this evening. We have a very active freight operator who's made a commitment to the County long-term to be able to grow this railroad in a way that will not only benefit the community at large with bringing family wage jobs to this community, but also to be friendly to the community as well.

I think the other thing that is important is the fact that in the tenure of time he's been on board, which has been not quite five years, he has increased the freight movement along the rail lines nearly 950 percent over the course of four plus years having been our freight operator. We're currently courting several industries that could site themselves to the line but we need property because the property that we have is not conducive along the rail line for many of the industries that would like to site, just by sheer nature of the industries size they require larger parcels than what we have currently to offer.

We also have invested a great deal of money in the infrastructure within the first four miles which I think is also important and shows the commitment from Clark County that we are bullish on making this railroad line work in a manner that is befitting to it. It has existed for well over 100 years as a freight operating railroad and we want it to continue well into the future so we're working very hard to make that happen. And also BNSF has made a tremendous commitment to Clark County and to our rail operator that they're going to do everything in their power to work on good interchange process with us at one of two or possibly both locations being between 78th and 88th Street and also at the Rye Junction where we tie in with the BNSF system.

So with that our hope here this evening is that at the end of the deliberations that we could hopefully look to you for a recommended change possibly those two items on the use table and then suggest that we move this forward if you concur to the Board of Commissioners

for their final scrutiny.

DELEISSEGUES: Okay, thank you, Fred. Does anybody have any questions of staff?

BARCA: Fred, I need to ask a question concerning your language use. You said something to the effect of there is unique opportunities I think was the word you used for the railroad use that we presently don't have available to us?

ABRAHAM: Right. The uniqueness of it, if I could, Mr. Chairman, address Commissioner Barca, with regard to the uniqueness of it, we have a lot of industries that are approaching both Clark County and our rail operator Eric Temple, most of them are industries that would consume larger parcels of property and the current property that is left along the railroad line is not really conducive for them for various different reasons, some of them are too small, some of them are constrained by nature of access issues, some of them have wetland issues concerning them or other issues that just don't lend themselves. What we're trying to do is approach those industries with the intent that we could put them into an area where we could have larger parcels of property with good access, with good infrastructure in place to support them.

BARCA: So it's a parcel size issue, not a use issue?

ABRAHAM: It's a combination actually of both because use does come into play because ML and MH is those designations as far as the codes leave anybody available to site along the railroad line. And certainly that's acceptable, but our hope is that by creating this new district and this new railroad industrial code, we would be focusing the attention and the efforts to get them any industry that would be approaching us into an area that would be conducive for them.

BARCA: So I look at the use table and there isn't any uses in the IR that's exclusive to the IR, there's none.

ABRAHAM: No.

ORJIAKO: No.

BARCA: But we're going to make it exclusive because they're going to give you a railroad plan for their spur; right?

ABRAHAM: That's the idea, the intent.

BARCA: Now do they have to build the spur before they can occupy?

ABRAHAM: As the language is written there it's not conducive, but it would make it conducive for them to do so but it's not a requirement that they do so. But the reality is that if they're going to site in that park, the intent would be for the purpose of using the rail line.

BARCA: So they create the easement and they show the location for the future spur?

ABRAHAM: That's correct.

BARCA: But they don't actually have to build it?

ABRAHAM: There's nothing that say that they have to build it, no.

BARCA: So what we're really trying to do is we're trying to ensure that in the future the large parcels will have some sort of spur access that remains controlled and viable and we don't build over a designed right-of-way; is that correct?

ABRAHAM: That would be a correct assessment, yes.

BARCA: So it's kind of like the arterial atlas for road easement but this is for the railroad?

ABRAHAM: Correct.

BARCA: And we felt like the best way of getting that was to create a new zone?

ABRAHAM: That's correct. There also was discussion, Commissioner, about the potential of using an overlay system too, but that was meant more, and it really wasn't a charge of this railroad resource work group, I wanted to make that clear, but we did discuss it because there was a thought that within the current properties that exist in the ML and MH maybe an overlay would make more sense on those areas, then it would offer that opportunity as well for those current properties to maybe to be used for rail purposes too if they fit the criteria. So that was a twist or an option that was being discussed but we didn't make any formal recommendation on that, but that would be separate from what we're talking about here tonight.

DELEISSEGUES: George.

VARTANIAN: Yeah, I had about two or three questions --

ABRAHAM: Sure.

VARTANIAN: -- that was one of them. I realize it wasn't the charge of the group to consider railroad overlays, but do you have an idea about why we shouldn't do that?

ABRAHAM: Well, there's no valid reason not to utilize an overlay with existing properties in ML and MH, it certainly would lend itself, but, again, the idea of an actual industrial zone and industrial park that would be designed for railroad purpose should have its own set of criteria around it and separate from an overlay which would lend itself more to the current properties that exist adjacent to the rail line on the railroad.

VARTANIAN: Could we discuss further?

WRISTON: Go ahead.

VARTANIAN: On Page 1 on Lines 39 and 40, "office use for manufacturing firms are created as offices and not permitted in the industrial zones," I'm assuming that also applies to the railroad? You don't want to have an office for a factory or a plant down there?

ABRAHAM: If I might defer to Oliver on that.

ORJIAKO: Yes. As our present code is written that's correct and there is ongoing effort to revisit our industrial code. Potentially the Commission is going to be seeing that changes as we advance that.

VARTANIAN: Because I can't imagine a manufacturing facility that does not have some sort of an office sitting on it.

ORJIAKO: You're correct.

VARTANIAN: Or it could be the corporate headquarters if that's the only building.

ORJIAKO: You are correct.

DELEISSEGUES: Well, just to clear that up, I interpreted that to mean if you had the office, you also have to have the industry there along with it and not separately.

ORJIAKO: Right. Right.

DELEISSEGUES: Maybe it's not clear.

VARTANIAN: I'm looking at it backwards from you which is the story of my life. And finally --

WRISTON: This life.

VARTANIAN: Well, yeah, they're working on it. Well, can we change that here? You could say appropriate offices for the application of the --

ORJIAKO: Yes. Yes.

VARTANIAN: -- facility should be permitted?

WRISTON: Are to be permitted.

VARTANIAN: Are to be permitted?

ORJIAKO: Yes. Yes.

VARTANIAN: Is that part of a motion?

WRISTON: No, I'm just thinking.

VARTANIAN: Later. And last but not least is do we have any stipulation or requirement for the quantity or amount of rail use? I mean can anybody go in there if they're going to use the rail but maybe one car a year?

ABRAHAM: There's no stipulation as to the amount of usage. I think in the process of assessing the people that would go in there, we would get a sense of how many cars they would be using because that's usually pretty much brought forward up front and then we would look to an area within the industrial park that would make the most sense for the more heavily traveled users and those that are maybe lesser traveled.

VARTANIAN: Well, I realize that, but given the limited availability I would think that, you know, I don't think I'd like to see anybody in there who's going to just use one car a year and how are you going to make that decision. I know, it's not for me to call them up, no, how are you going to make that decision while five people are coming to you who want to locate?

WRISTON: Spurs, very expensive.

BARCA: Right. Right.

VARTANIAN: Yeah, I understand, but they could be making platinum.

WRISTON: You got to key in on the spurs.

VARTANIAN: Well, I understand that spurs are expensive to produce or make, but there are some industries that are extremely profitable that not one rail car, but a very small number of shipments during the year will easily pay for a spur.

DELEISSEGUES: Maybe we could hear from the other people that want to testify when Fred's finished and then they might clear up a lot of the questions that we're asking now. Does anybody in the audience want to testify on this matter?

PUBLIC TESTIMONY

TEMPLE: Well, I just want to offer mine --

DELEISSEGUES: Yeah, come up to the microphone.

ORJIAKO: Because it's going to depend on some business.

DELEISSEGUES: Give us your name and address, please.

TEMPLE: My name is Eric Temple, president of the Portland/Vancouver Junction Railroad, 625 South 4th Street, Renton, Washington 98055.

HOLLEY: Wait, one more time, slower.

TEMPLE: Eric Temple, president of the Portland/Vancouver Junction Railroad, 625 South 4th Street, Renton, Washington 98055. I just wanted to help that Commissioner Wriston got the answer correct, it's cost prohibitive, just putting in a spur itself is probably a quarter of a million dollars and I think that would prohibit shipping one car a year.

VARTANIAN: Okay, thank you.

TEMPLE: I just wanted to add that. And to answer Commissioner Barca's question, in developing the language we have different industrial users coming to us and the question was how to fit them in, shoehorn them into what was existing in Clark County, was there existing light industrial property that was available, was there existing heavy industrial property that was available, and then if we were to make changes what would be acceptable to the community at large, and we're very sensitive given what happened with Lakeside Industries, and in general just wanted to be good neighbors to the community.

We viewed light industrial, and we've reviewed it with Burlington Northern Santa Fe with existing customers that were out looking for new sites to develop, light industrial didn't cover all the uses that we needed, heavy industrial better covered that but allowed other uses that would cause a lot of controversy, and so what we were trying to do, I think, was the best interest of the county for economic development, yet still basically continue a friendly relationship with the neighbors. And then as on the railroad work group that we had there were several different neighborhood groups on there that were both very supportive of what we were doing.

ABRAHAM: And I would concur with that. As the Board of Clark County Commissioners set forth the task of appointing people, they made it a good representation of the citizens within the general area of the area that we were talking about for the purpose of creating this industrial zone, and then along with that of course having Eric seated and Dan Weaver seated on behalf of the Railroad Advisory Board so it was a good representation.

DELEISSEGUES: Are there any questions of Mr. Temple? Okay, thank you very much. I got the sign-up sheet now so we can go down the list. Daniel Weaver, do you wish to testify?

WEAVER: My name is Daniel Weaver and I'm the chair of the Railroad Advisory Board and I was also a member of the railroad resources work group developing this code language.

DELEISSEGUES: Just for the record could we get your address.

WEAVER: 3807 NE 127th Circle, Vancouver 98686. When I first joined the railroad advisory group, it was to put it mildly an absolute disaster. I have a financial background and my first recommendation was to sell this sucker before it drags the County down because it was in terrible repair, we had an operator that was continually running the business down and that has turned around so much in the last few years with Eric Temple and his group running the railroad now, we've made tremendous strides in making the railroad a viable operation.

What has been the biggest problem has been property to site big shippers along the line and this designated area of property was sort of a Godsend, if you will, to help the railroad continue to advance by siting railroad oriented businesses along the railroad. The other industrial properties along the railroad have already been taken up by other property, by other organizations and are not conducive to rail operations, so getting this segment of property is very important I think to continued viability of the railroad. I think we all worked hard to develop the code language to be both neighborhood friendly and to provide the proper setting for railroad based businesses along the railroad and I certainly would urge the Commissioners to approve that.

And I further am one of the proponents as was mentioned about the overlay. If we could somehow overlay on properties along the railroad so that any future development along the railroad would take into consideration railroad industry, and even if you redevelop some of the existing industrial properties so that the redevelopment of that property would be conducive to railroad use because we have such a valuable asset there in the railroad and in many cases we're not able to use it just because it wasn't properly designated in the beginning as industrial property that could be utilized by the railroad. I have nothing else. Any questions?

DELEISSEGUES: Questions of Mr. Weaver?

BARCA: I have a question and it may go back to Mr. Temple because it's just something I just thought of, but, Mr. Weaver, are you aware of spurs that are already in existence that are not being utilized along the railroad?

WEAVER: I think Eric would be better to answer that, but I don't think there's any significant spurs that aren't being used except maybe way up on the upper end of the line.

BARCA: If Mr. Temple would come back, I'd appreciate it.

TEMPLE: There are currently no spurs that are unused and with this type of land available along them.

BARCA: So the spurs that are in existence are being utilized?

TEMPLE: Not every spur that is currently in existence is being utilized by a rail shipper. Some of them have, like there's a few that go into Bonnevillle for example that get used

once a year, but it's a huge government complex. There's some where an old industry that was built years ago and it since has changed hands to a non-railroad user, but there are no dead spurs into a useful facility at this point.

BARCA: There's no dead spurs into a useful facility. So are we saying that all the spurs that are in existence are not being utilized?

TEMPLE: There are spurs which are not currently being utilized, but they're not available for use either at this time.

BARCA: Due to the use of the land and the occupants of the land at that moment?

TEMPLE: Yes. Yes.

BARCA: So that's what I was really trying to get at is we have infrastructure that's been misused for the purpose that we're discussing today, right now?

ORJIAKO: That's correct.

ABRAHAM: That's correct.

BARCA: Is that a correct statement?

ORJIAKO: That's correct, yes.

BARCA: And actually based on what you're saying we don't really have spurs that are being used for the purpose that we're discussing now?

TEMPLE: No. All of our business, there's basically as far as spurs that are being used like we'd like them to be, there's BOC Gas, there's State Pipe, there's Andersen Dairy, and then we have a transloader, and then the other spurs, four, five, six are kind of into dead properties at this point, the transition has already happened and non-rail use is occurring there.

BARCA: Okay, thank you.

DELEISSEGUES: Any other questions?

VARTANIAN: A bit of a clarification if I might. Is it our intent to not allow a potential manufacturing firm to go in there unless they commit to using the railroad?

ABRAHAM: I don't think you can, you can't necessarily say that a rail or somebody that isn't going to use the service of the railroad can't go in there, but the intent is with the use tables, and especially with regard to the additional language that we've provided at the end of the document, it would be conducive, we're trying to make it conducive for a firm to go in there that would utilize the rail.

VARTANIAN: Well, the thing I'm considering is that people who want to use rail will automatically drift toward some place that has rail service.

ABRAHAM: That's correct.

VARTANIAN: And I'm not sure how much this might happen, but my concern is that we will not bring people in who would provide employment and manufacturing and I can't imagine a situation where the land is conducive for that but it's the only land that's available is next to the railroad but he doesn't want to use the railroad.

ABRAHAM: At the present --

VARTANIAN: Freight-wise that doesn't make any sense to me, but I've been around long enough to know that rail is the best thing to do.

WRISTON: Heavy industrial.

ORJIAKO: That would go to heavy or light industrial for those type of uses, yes.

VARTANIAN: Yeah, but I mean, okay, I guess it's probably a nonissue.

WRISTON: But the uses surrounding the railroad are more --

ORJIAKO: Geared towards --

WRISTON: -- matched with heavy industrial --

ORJIAKO: Right

WRISTON: -- than light industrial.

ORJIAKO: That's right.

WRISTON: And one of the conflicts I see we have very little light or heavy industrial in this county so there may be some conflicts there and something we need to look at in terms of how we look either, you know, provide an overlay or get more heavy industrial out there or something, but we have very little heavy industrial in this county.

ORJIAKO: That's correct.

WRISTON: And that that heavy industrial that we have is either located in surface mining, you know, I know the background I do and why I know about railroad, or it's located around railroads and things like that.

ORJIAKO: That's correct.

VARTANIAN: Yeah. Speaking for myself, I'm not against railroad use, I'm all in favor of it, my concern is limiting the area around the railroad to a zone in saying getting toward we really want you to use the railroad if you want to come in there. I'd just hate to run somebody off who is offering me a good employment position but doesn't really care to use the railroad or doesn't commit to use the railroad as their only method of transport.

BARCA: Well, they don't have to do that.

ORJIAKO: I agree. I think what we also are saying is that we have other industrial code whether it's light manufacturing, grant you we don't have a lot of heavy industrial but you have other district that will fit into, this will be very broad, but because there is a need to recognize listening to them, Eric Temple and some other folks, that helped us in preparing this that there is a need that has to be fulfilled and the County have made investment on the rail line and it makes sense if we can to identify an industrial railroad park for those that are going to be on the line and utilize that, but there is provision that those type of uses so users can also go into your light manufacturing or heavy industrial district.

VARTANIAN: And you think a zone is better for that than an overlay?

ORJIAKO: I think where the overlay makes sense we can explore employ in that. Eric Temple have indicated some of the early uses that are along the current rail line that doesn't lend itself to the type of activities that you would have liked if we were to do it today and we have this language in place, I think it will be beneficial to the first who are siting on that line now.

VARTANIAN: Thank you.

DELEISSEGUES: Other questions? Okay, thank you very much. Florence Wager, do you want to testify?

WAGER: Yes, please. My name is Florence Wager, 7100 Topeka Lane, Vancouver, Washington. Good evening, Mr. Chairman and members of the Planning Commission. I'm also a member of the Railroad Advisory Commission, I've been here before to speak to you as a member of the Parks and Recreation Commission and we're working very closely as a matter of fact because one of the dreams is to have a rail and trail along the line. In the best of all possible worlds someone would have said when there was a rail line created across Clark County, gosh, we should probably set aside some land that's going to be used just for the rail, but as you well know from your work we come at things backwards so much of the time, our early planning was kind of nonexistent so here we are with a dynamic railroad finally.

With Dan Weaver I was a member of the advisory when this was like a Toonerville trolley and we actually wondered if we were ever going to get a rail line going that was viable and there was never any money to put into the line, it was a shame. Now we have a dynamic leader in Eric Temple and Portland/Vancouver Junction Rail. We have all kinds of

possibilities that await us on this line, but none of these possibilities can happen unless we have some designated rail industrial property for the line. So I urge you to please consider this seriously to put forward. Thank you.

ALLEN: Then in that case I have a question. Is that okay, Chairperson?

BARCA: Dick say yes.

ALLEN: Yes, okay.

VARTANIAN: He's thinking about it.

BARCA: That was touch and go.

ALLEN: On Page 58 under 10 under Other Uses under parks, trails and related uses it has an X under IR which means that it would not be permitted and I think based on what we had just gone through at Chelatchie Prairie I think that that should be reconsidered.

EULER: Gordy Euler, Clark County Community Planning. That's correct and that was I believe at the request of the operator, but remember what we're talking about in terms of this zone is a very small piece of the rail line. So the question we looked at was does it make sense in a small area to have a working railroad right along -- or an equestrian trail or a running trail right alongside a working railroad in an industrial area, and I believe if you go back and look at what the Board adopted there's at least one option for the trail along this area was to skirt the railroad industrial district.

WAGER: Bump the trail out.

EULER: Yes, bump the trail out around the district so as it was going through the 220 acres that makes up the railroad industrial district, you don't have the trail that has to be sited right along the line. That's why there's an X there.

ALLEN: So could it be built on the berm itself that is going to be surrounding the perimeter itself? Could the trail be built on a berm?

WAGER: They have before.

ALLEN: And other jurisdictions have done that.

EULER: Yeah, I see your point.

WRISTON: I would be --

ALLEN: Because --

WRISTON: Go ahead.

ALLEN: Because also one of the other things is that this particular change is not just for this site-specific location, it is allegedly the proposal if adopted would apply to any area that is designated as RR industrial in the future so why not say that it is allowed but then it's site-specific considerations, but at least it's allowed there but the owner of the land can say no.

DELEISSEGUES: Well, that would be conditional.

EULER: It's up to you to recommended that if you so choose.

BARCA: That's called a condition.

DELEISSEGUES: Other questions?

WRISTON: No. I guess if it was up to the landowner, then I suppose that would be all right, but "railroad" to me is heavy industrial and for the most part it's going to be heavy industrial, or certainly they're a lot alike, and I know from operating heavy industrial yards you really even on a berm wouldn't want to have that attractive, and I'm not calling trails a nuisance, but that from a legal standpoint the attractive nuisance of having a trail or whatever on a berm.

Now BPA for instance, they have the railroad going there and then they've got the trails there but it's all fenced, and it's nice, and people can't get into that area. I mean there's a way to work the two out but I wouldn't say you'd want to outright prohibit them, but you'd want to figure something out, you've got some pretty heavy equipment operating out there.

ALLEN: And I understand that having traveled through Europe quite extensively that's very much, quote, unquote, a co-locational activity, but one of the other things is that if we do say under 10.a that it's P under IR then it's permitted, but that does not mean that it's required. But if it's permitted, then you don't have to go through all of this hearing process in the future if there is a location where you could co-locate the two so you would not have to change your code all over again, but if it's permitted that does not mean it's mandatory.

EULER: Well, I think your point was that it wouldn't be allowed anywhere else in the zone and including right along the rail line and I think that was the intent of the discussion as I recall from the working group meetings was there may be places where a trail right alongside a working railroad doesn't make sense.

ALLEN: That's correct.

EULER: That's where --

ALLEN: A site-specific analysis, of course, would determine that.

EULER: Yes. Correct. But I believe if you look at the alignment it was finally decided

upon by the Board a tentative alignment as Florence said it did skirt the district as one option for alignment for a trail.

DELEISSEGUES: Tentative alignment of the trail.

EULER: That's correct.

ORJIAKO: Yes.

ALLEN: Right.

BARCA: Although under those circumstances the alignment could still fall within the zoning and yet it would be prohibited the way that this states it now.

EULER: That's correct as Commissioner Allen has laid that out.

DELEISSEGUES: Well, it's something to consider.

ALLEN: And I don't think we want to prevent that opportunity, in case it does present itself in the future we don't want to prevent that opportunity from happening because as I said before it's not mandatory if it's permitted, but there is an opportunity maybe somewhere down the line where that could happen and would not be site-specific hazard to have it.

EULER: Correct. Remember when we approached that project it was rails with trails --

ALLEN: Correct.

EULER: -- so the consultant that was hired that's Alta --

ALLEN: Sure.

EULER: -- was looking at using the railroad right-of-way as a location for a trail, that's where the discussion centered, but your point is taken about the --

ALLEN: Especially when we're saying that this proposal --

EULER: -- rest of the district.

ALLEN: -- would apply to any future area.

EULER: That's correct.

WAGER: Thank you, Commissioner Allen, I appreciate that.

DELEISSEGUES: Any other questions? Okay, thank you very much for your testimony.

WAGER: Thank you.

DELEISSEGUES: If there's no other comments from anyone we'll return it to the Planning Commission for deliberation.

BARCA: So I think in our discussion what I have kind of taken from this is the County's looking at a very specific parcelization and the idea that our ten-acre proposal didn't fly tells me that there was a thought process of just opening up some new land with a new zoning designation.

But I take the discussion from the Planning Commission here that we're looking at it to try and figure out how does it apply through the entire rail system whether it's being utilized appropriately at this point in time or not and understanding that we want to be able to reclaim the functionality of existing industrial zoning along the rail line to me it sounds like an overlay for the rail system would make better sense for us utilizing the same table about what types of uses could fall inside the overlay as is designated in the IR but just make them appropriate to the overlay.

What I see happening is right now we're saying 20 acres or bigger and I don't think that a lot of the land needs to be that to be utilizing railroad, and for the parcels that are already along the railroad if you got that overlay on them and they have spurs that are inactive now, it makes them much more appealing to have appropriate users come in knowing that the spurs are already there, the infrastructure is in place and they have a potential of flipping that property from its current use to one that could utilize the spur and I think we're missing a good opportunity by focusing in on that 220 acres that is on the west side of the 503 and north of 119th and I think we just need to be bigger than that. So I'd like to talk about utilization of an overlay rather than a whole other zoning criteria.

DELEISSEGUES: Comments?

VARTANIAN: Go ahead.

WRISTON: Well, if you're --

MORASCH: I'll just comment really briefly.

WRISTON: Yeah. No, you can go ahead, yeah.

MORASCH: And my only point is that in response to Commissioner Barca's comment my understanding from staff of what the proposal here is is that they wanted to create a new zone because there is a large chunk of property that they're looking at maybe in the future of creating a park and if we did an overlay, and I'm not saying I'm against it, I think it's a good idea worth investigating, but if we did an overlay for the existing lots that are along the rail line, it might look something different than what we've got here because that's sort of a different goal than trying to create something envisioning a rail park on a large piece of land and I'd want to see a lot more involvement with the property owners and people

who lived along the rail line as to what that overlay might look like and I think we're in a little bit comparing apples and oranges here.

BARCA: And just to be clear, my proposal was for the entire rail system not just where there's existing light or heavy industrial now.

DELEISSEGUES: Go ahead.

WRISTON: No, we got legal counsel which is always fun to hear from.

DELEISSEGUES: Always.

COOK: Chris Cook, Deputy Prosecuting Attorney, I'm glad to provide entertainment. Just to be clear on this, there already is a railroad industrial zone, it was created in 2007, so there's a piece of property that has this zoning, it has no standards and no uses and nothing much else except a name on the map right now. So my understanding is that that is the proposal that is before the Planning Commission now is to provide some content for this area. That doesn't mean that an overlay zone couldn't be considered, but there's a chunk that has this zone that doesn't mean anything right now and this is an attempt to make that mean something.

WRISTON: I thought what we did --

ORJIAKO: In addition to that if I may, Commissioners, on Page what will be 2 of the staff report we did outline -- sorry, Jeff.

WRISTON: That's all right.

ORJIAKO: -- we did indicate that if the Planning Commission recommends 10 acres as opposed to the 20 acres that was proposed, we will forward that recommendation also to the Board of County Commissioners so that is also in the staff report before you. So the 20 acres, you may hear from Eric or other folks here whether the 20 acres is what is required, but we have made some comments here that the PC can also recommend 10 acres based on the issues that you raised at your work session.

WRISTON: I thought what we did, and I can't believe that was in 2007, but time flies I guess, it must have been late 2007, it seems like we did that about six months ago but I'm losing track of time, but if we're talking about what we're talking about, I thought we were talking about that was one parcel I thought, wasn't it, am I getting this mixed up?

BARCA: One 220-acre parcel.

WRISTON: Was it one 220-acre parcel, was it that big?

BARCA: Yeah. And it just sounds like spot zoning to me that we're now endorsing by giving it criteria, but it's the only place in the county that it's going to be okay to do that and

it's very narrow thinking when our testimony and the purported reasoning for doing this is for economic development and future consideration why legitimize that one parcel as such a great idea when there's other potentiality out there.

WRISTON: And I stand corrected, I'm thinking of the gas, we did something for gas, I'm sorry, I get these things confused when we go, we did something for gas that was smaller.

VARTANIAN: On a bit of a philosophical basis I think the County should be more interested in providing manufacturing facilities and jobs and what have you in locations hopefully to be able to use the rail line. And, again, I'm a big fan of rail but I think that primary objective is to make sure that there's plenty of employment opportunities in the heavy and light industrial areas. We don't have zones like the I-5 zone, we don't have street zones, we have overlays that basically go through areas that are zoned for use but not transportation methods.

The long and the short of this is going to be if the Planning Commission decides can we forward a proposal to unzone this as railroad industrial and use a railroad overlay kind of a thing. I mean it's just purely as a recommendation because I would much rather see this approach toward a countywide view because we got rail lines here and there in the county that I just think an overlay would make more sense. And again please understand I'm not fighting the railroad here because I really am a big fan of railroad, I just think that like Commissioner Barca says we might be narrowing our thought process to just accommodate this one situation.

DELEISSEGUES: You could actually do both, you could have this parcel 220-acres zoned IR the way we're going about it right now and continue to do it and have an overlay for the rest of the railroad as Commissioner Barca suggests.

VARTANIAN: Oh, okay.

DELEISSEGUES: You could do both, I mean, if possible.

COOK: Commissioners, this is Chris Cook, Deputy Prosecuting Attorney, and --

VARTANIAN: Still.

COOK: Still. -- and that would be a possibility, but let me remind you that this area already has a comp plan designation, so suggesting that it be redesignated is suggesting comp plan amendments and that would require going through the entire set of proceedings for that including notice.

VARTANIAN: Okay, I take it back.

RUPLEY: Yeah, been there, done that.

VARTANIAN: You talked me out of it.

COOK: I don't know whether an overlay district would be a comp plan or --

ORJIAKO: It would be comp plan.

ALLEN: But maybe they could consider it for the next comp plan amendments in the future.

BARCA: Yeah. How far away could it really be.

COOK: That would be a totally appropriate, I think, recommendation if that's what the Commission decided to do, but in terms of rezoning this parcel that's not going to happen in this current round. I mean that can't go as a recommendation to the Board of Commissioners and have the Board of Commissioners do that because I think that that would have to be renoticed at the Planning Commission level as the proposal.

DELEISSEGUES: We didn't want to do that anyway.

RUPLEY: But, Chris, the recommendation could include that recommendation that the next time that we have the comp plan review --

COOK: Absolutely.

RUPLEY: -- that that be considered?

COOK: Yeah, that would sound like long-range planning.

ORJIAKO: Yes.

RUPLEY: Imagine that.

VARTANIAN: Oh, no, we can't do that.

ALLEN: You mean strategic planning; right?

RUPLEY: I have a question --

WRISTON: Chris doesn't like that.

RUPLEY: -- about what you talked about in terms of the recommendations of the Planning Commission. Explain to me because these changes are not included in Attachment 1, the way I read that is that you didn't consider our recommendations and you did not put them in the attachment to go forward to the County Commissioners, so am I missing a point there?

ORJIAKO: No. A clarification. What is in Attachment 1 is the recommendation of the

railroad working group. Now what we included in the staff report was issues that you raised at your work session and the Planning Commission can forward this on also to the Board. If that's your recommendation I think we will entertain that.

RUPLEY: I see. Thank you.

MORASCH: We have another question for you, Mr. Temple. Regarding the Planning Commission's work session and the discussion of 20 acres, I think the discussion was that maybe 20 acres was too big for some potential users and under Washington law you can't lease or you can't ground lease property unless you have a legal lot so you wouldn't be able to ground. If 20 acres was the minimum, then that would be the amount of land that each user would need, and if you had a user that only needed 10 acres they really wouldn't be able to move into that district. What's your opinion about the lot size, is 10 acres too small or is 20 acres too big or --

TEMPLE: Well, the origin of the 20 acres was our discussion with Burlington Northern Santa Fe Industrial Development. Any manufacturer of any size when they're looking around the nation they definitely talk to four people, one is Burlington Northern Industrial Development, Union Pacific, Norfolk Southern and CSX. And so based on the work we were doing I approached BNSF's Industrial Development, John Carl is his name, and asked him the types of industries that are looking in the Pacific Northwest what would he recommend for lot size because ultimately they're going to be helping us market this.

And I went through all those, I said, you know, is 5 acres enough, is 10, 20, 50, 100, I mean what do we need here, and he made a strong recommendation for 20 acres and that's the origin. As far as what you said I don't know real estate law to that level. I believe what you're saying might be true, but the 20 acres came from BNSF.

MORASCH: And if we adopted something and we put 20 acres in there, it would basically preclude anybody who only needed 10 acres from coming into this zone because nobody can afford to buy 20 acres and only use 10 so I guess that I think is the reason why the Planning Commission suggested 10. Would your company or would the railroad group have a problem with if we put 10 instead of 20 in there or --

DELEISSEGUES: Well, they could always go to 20.

WRISTON: It would be less restrictive.

MORASCH: I mean they can always go to 20, it's just you would have the option of going to 10. You could still do 20-acre lots in a 10-acre zone, you just have a lot that's bigger than the minimum.

TEMPLE: I personally would not have a problem with that, my company would not have a problem with 10 acres, that would be fine.

ABRAHAM: It just opens up more opportunities for others.

VARTANIAN: Well, yeah, that's the idea.

MORASCH: That was our concern.

VARTANIAN: Alternatively can one own 20 acres and if you will lease out under a long-term ground lease 10, 5, 10 of it?

ALLEN: No, because it's not a legal lot.

MORASCH: Not if it's --

VARTANIAN: Lease out.

MORASCH: You need a legal lot to do a lease in Washington.

VARTANIAN: Oh, you just said that.

BARCA: He just said that.

VARTANIAN: I misunderstood.

WRISTON: Yeah, but on 20-acre that's (inaudible).

MORASCH: If the minimum was 10 acres then you could do it, you would have 20 you could lease 10 out, yeah, but if the minimum is 20 acres then no, you can't lease 10 out, that's the concern, we wanted to introduce some flexibility.

ALLEN: So in that case if you have 20-acre parcels and you have the railroad allowed land uses or railroad district allowed land uses within that 20 acres, then you come across on Page 48 with the administrative and support offices that you cannot locate on that 20 acres to support the primary land uses or the primary allowed land uses that the code allows so you have to go somewhere else to find space for your administrative offices and at least half of your 20 acres may be vacant, but you have to go somewhere else to provide administrative office space, does that make any sense or is that acceptable to what the committee was considering?

VARTANIAN: I think that goes to what I initially said about having office space used in heavy industrial areas --

DELEISSEGUES: It's just a separate office --

VARTANIAN: -- which we decided to change.

DELEISSEGUES: -- not a (inaudible) office.

BARCA: Yeah, if it's exclusive office space, then it's no, but if it's office space attached to the primary use, then it's yes.

ALLEN: But I thought that right up front it says something about that --

BARCA: Yeah, what George said.

ALLEN: In that staff report, right, and of course I had it marked, I think just about everybody here had it marked, as a problem so just maybe in this particular case since we're not asking any other industry to provide 20 acres but here we're asking this industry to provide 20 acres that maybe in this particular case there should be some allowance for those administrative office.

DELEISSEGUES: Excuse me, just a minute, does anybody have any other questions for Mr. Temple? If not, we can --

ALLEN: Well, actually that was a question for him because I would like to know from him as the consumer if that was acceptable to them to begin with and if that's what the committee had considered and said yes, it's acceptable, we'll go somewhere else and lease the office space.

TEMPLE: Well, I think when I read this I don't think it accurately represents what we had in mind when we had the discussions with the work group. The impression that I was left with what we wanted to avoid was office buildings being put up, purely office buildings, even if it's Caterpillar. If Caterpillar wants to locate their corporate offices in Vancouver that wasn't acceptable unless they're putting a manufacturing facility there, and if they need an office as part of that manufacturing facility that was great, we were happy with that, that's what that should have represented I think.

ALLEN: So if the industry or the land use that is in conjunction with the use of the railroad itself, then there should be some offices allowed right there to service that primary use as accessory use?

ORJIAKO: Yes.

TEMPLE: Yeah, reading the wording I think I would change the wording on Line 39 and 40 I think as Commissioner Vartanian --

VARTANIAN: George.

TEMPLE: George, Commissioner George had indicated. Thank you.

ALLEN: But then that would also require the change on that Page 58 I thought I said where it says admin and support offices, 48 and 56, item 56 because it says "administrative and support services."

BARCA: Those are two separate uses based on the criteria, you're still getting the separation between an exclusive office use and one that is supporting the facility.

ALLEN: The facility, right.

BARCA: Right.

ALLEN: But there's nothing here that says that the primary land use or let's say that it's the whatever is permitted in that particular zone could also have office spaces like the construction and transportation, mining and forestry machinery and equipment rental and leasing, that to me would need an office on Page 46 there. But if on Page 1 you're saying that for example office uses for manufacturing firms are treated as offices and are not permitted in the industrial zone, then you're setting something up on Page 1 that of course goes through the remainder of the ordinance, but if you do have that 20 acres which you're not requiring anybody else to do, then that would imply that they would have to go somewhere else to rent the office space.

MORASCH: You might look at Page 58 under section G.9, Accessory Uses, and I think we've got an X in the IR and a P in the other two and we may want to change that X to a P.

ALLEN: That is correct.

MORASCH: It looks like you could get your administrative, accessory administrative uses that would be your office.

ALLEN: That is correct.

MORASCH: And I think that might be the place to change the code to address your concern and George's concern as well.

COOK: Also take a look at footnote 1 which allows commercial and service uses and that would include I would think the office and administrative services for a manufacturing facility. So there's a footnote there that addresses incorporating those uses within the manufacturing facility, if you read that I think it becomes more clear of what this is intended to do is to prevent office buildings.

As someone I think already said it's the freestanding office building which really isn't an industrial use and doesn't need to occupy this valuable industrial land that's prohibited, it's not having a service to the manufacturing facility which could be there as long as it has a limited portion of the gross floor area.

DELEISSEGUES: I think we beat this rabbit to death.

WRISTON: No, not yet. I'm not done beating the rabbit.

DELEISSEGUES: You're not finished beating the rabbit?

WRISTON: No, I'm not.

DELEISSEGUES: Jeff.

WRISTON: Because when it comes to offices do we allow manufactured offices, manufactured buildings and things like that to be offices, because a lot of these uses, and I don't know what the answer is in heavy industrial, but I know again with my life in mining we always used manufactured buildings and these types of uses will probably use manufactured buildings, they're not going to build a big fancy office, they're not going to do anything like that, these are industrial uses, they're going to probably want to put a manufactured office out there or whatnot, is this allowed under there?

Because we're talking about things that move around, big equipment, I'm telling you, it's a construction site, that's what it is, and correct me if I'm wrong, but I think a lot of them are going to be, you know, we may --

TEMPLE: Module.

WRISTON: -- we may get our big factories and we may get our nice office building that goes with it, but quite often we may just have a big construction yard that wants to load stuff on and off railroad tracks and cars and you're going to have a manufactured office that has a few supervisors in them.

ORJIAKO: As this is written a free standalone office will not be permitted. If it is associated with the primary use what we are suggesting that that be permitted.

WRISTON: And then manufactured would work?

ORJIAKO: Uh-huh.

WRISTON: Premanufactured, you know, mobile?

BARCA: Oh, yeah.

ORJIAKO: Yes.

DELEISSEGUES: You mean, Oliver, by "freestanding" if that was the only facility on the property or if it were associated with the other part of it?

ORJIAKO: If you're coming into an industrial, as this is written a class A office or corporate office will not be permitted.

DELEISSEGUES: No, no, but I mean if it were associated with an ongoing activity that was on the same piece of property that it was administering it would be okay, wouldn't it, or would it not? I mean it's the office of the manufacturer and they're all on the same piece of

property.

ALLEN: And as I've been saying accessory to the primary land use, not standalone.

DELEISSEGUES: I thought that was our intent at least of the whole discussion here.

WRISTON: And I'm saying from mobile up to nice building we ought to give them the flexibility of whatever they desire.

ALLEN: Yes.

BARCA: So "freestanding" is freestanding whether you do a mobile or whether you do brick and mortar?

WRISTON: Right.

BARCA: And I believe the flag note 1 that was pointed out by legal staff is still appropriate in that regard. It says "ten percent of the total gross floor area of such industrial complex as shown on the site plan." Now does the site complex have to be under a roof, we're not saying that, we're saying for the site no more than ten percent?

COOK: Right.

DELEISSEGUES: Well, it says "a freestanding."

ALLEN: No, it says "of the gross."

BARCA: Freestanding is cool, no more than ten percent of the gross of the site.

ALLEN: No, it says "floor area" which means of the building.

COOK: That's the first clause, there's a second clause which talks about a freestanding building.

BARCA: Yeah.

DELEISSEGUES: Yes.

BARCA: Yeah.

VARTANIAN: Isn't there a cleaner way of not allowing office space as such like for rental and dentist office and whatever else by just excluding that kind of an office and say office buildings or office use that is not at all related to the use on the property is not allowed period rather than putting limitations and all that stuff?

Because I could easily think of environments, I can easily think of situations, that are

manufacturing in nature of which have attending office space that takes well over 50 percent of the floor area to service that manufacturing facility; i.e., this is a building that I manufacture widgets and I am the only source of the worldwide supply of widgets and I have a staff of 10,000 and we sell widgets all around the world and there's plenty of floor space including my marketing and sales groups that are all on-site. I mean that's in direct support of a manufacturing facility, it's not a non-affiliated use.

COOK: Well, a corporate office in general would be in direct support of a manufacturing office.

VARTANIAN: Yes. You could have a corporate headquarters on-site.

DELEISSEGUES: On-site.

ALLEN: On-site.

DELEISSEGUES: On the site.

COOK: Right. And I think that these provisions as written would prohibit that depending on the scale of the corporate office.

VARTANIAN: And I guess what I'm getting at is if you say, yeah, thank you, if you're saying ten percent, cannot be more than ten percent of the floor area, you are automatically doing away with anything that's going to be bigger than ten percent of the floor area even if it's necessary and directly in support of the manufacturing facility.

DELEISSEGUES: Rather than argue what this says and what it doesn't say, why don't we make a recommendation of what we think it ought to be.

VARTANIAN: No, I'd rather keep talking.

MORASCH: I would like to ask a question about the footnote 1 because it looks to me like footnote 1 only applies to those uses where the little 1 is listed so that's not going to solve the problem for freight or freight transportation arrangement for instance, that's got a P but no little footnote 1 so they don't get an office under footnote 1 and in most of the other uses in here actually don't have the footnote next to them.

ALLEN: Exactly.

ORJIAKO: And that could be a recommendation from the Planning Commission to make it a P1.

MORASCH: Well, I think I would be more inclined to recommend that we change 9.a on Page 58 from an X to a P and that kind of addresses George's concern about putting a size limitation and that makes it clear that it's got to be an accessory office. And I don't have the definition of "accessory" in 40.100.070 in front of me, but I think it probably says

something like incidental and subordinate to the main use or something like that, and if that's the case that that should address the concern without having to put a square footage on here.

VARTANIAN: Well, I would rather not limit the kind of use as long as it's in full support because it could be the only other building that the corporation has.

ALLEN: Exactly.

VARTANIAN: I mean if their sales force is there, your marketing group is there and your executive people are there and your accounting staff is there, that's the building, that's the manufacturing facility.

ALLEN: Exactly. And that's why I wanted Mr. Temple to comment on that because they must have come across that particular issue.

TEMPLE: I don't remember exactly the origin of the ten percent, but we were trying to limit non-industrial, non-rail served uses for this particular site. There's just --

ALLEN: But you had no concern with something that's in conjunction with the primary use?

TEMPLE: If there is a sales force, administrative, other functions which do not take up the entire site and they are an industrial use or they do ship by rail, we certainly would support that type of activity.

ALLEN: Now would it be possible to maybe instead of 9, making 9.a as a P, I had it before as making 9.a administrative and related activities or support activities as one item and then separating the educational and other related activities as a B or a C because you really don't want to have educational going on at the same time because the intent here is to provide administrative support, not necessarily educational facility.

MORASCH: We could probably do that with another footnote that says only administrative, not educational, or other related facilities in the IR zone.

BARCA: Yeah.

ALLEN: But then they have to go back and add the 1's to the ones that they had listed as permitted as a conditional use permit.

DELEISSEGUES: You could also put a C there so you could take a look at what they're proposing and either go with it or not go with it, that may give you some flexibility, make it conditional instead of permitted.

ALLEN: Yes.

BARCA: Wow, we have lots of choices, don't we.

WRISTON: Well, yeah. Well, first of all I saw Gordy nodding, the ten percent I can tell you where that comes from, that's the ten percent is what we as a County always like to put on anything that we don't want, I mean that's where that comes from, retail inside an office building. I mean ten percent is what we always put on everything that we don't want in a use. So that's where that comes from so we can throw that out as far as I'm concerned.

I just think we are saying that we want to give you or your users maximum flexibility and I agree with George to have administrative offices, support offices, whatever, as long as they're associated with some kind of use that is supportive of the rail, and some of these things you just can't draft in code. I have a hard time believing that someone's going to buy a piece of property, come in, or lease a piece of property, come in and build a spur, do all this stuff and then all to get around putting up this wonderful beautiful office building right on a railroad track.

We have lots of light industrial out there, lots of light industrial and it's just sitting, I mean there's light industrial everywhere, we've painted blue everywhere in this county to make the illusion that we're going to bring jobs, and I hope we do bring jobs, but we have painted light industrial everywhere in this county, so I don't think we need to worry too much about someone really trying to snake their way around the wonderful opportunity of building great office sites right on top of a railroad. I don't think that that's really going to happen.

I think what we need to do is look at it in reverse and say what can we do to support you and that could be that someone's going to want to, and I look at it from the standpoint of having been in a manufacturing business that was looking at railroad and never did it because of the fees associated with switching which I assume you're working on which you mentioned switching between railroads, the local and then going to BNSF or whatever.

I know they've done it on the Oregon side very successfully and I think you probably are working on that as well, but the switch fees have been pretty expensive. But nonetheless our use was rock but we'd probably put our offices right there, that would be a big deal if we had a yard. And I know they do it on the Oregon side, a big company does it on the Oregon side, Morris Brothers does it on the Oregon side, Knife's River now I guess they're called, does it on the Oregon side. And like a Knife, Knife River does it on the Oregon side and they built a spur and it was very expensive and they had to come a long way in and I believe they have offices associated with that use.

So I guess I'm saying I don't think we ought to limit ten percent or worry about this too much in terms of someone trying to get away with something, we ought to look at it in reverse and say let's be flexible and see what happens.

BARCA: Is that your proposal?

WRISTON: That would be my proposal. I mean take out all these 1's and all these footnotes and all this and just allow these uses to go in as long as they're accessory to a

legitimate railroad use, yeah. Yep.

MORASCH: That was our discussion --

DELEISSEGUES: Do we have any concerns on any of the other issues?

WRISTON: Well, but --

DELEISSEGUES: Jeff.

WRISTON: What's that?

DELEISSEGUES: Let me ask a question here: Do we have any concerns on any of the rest of the uses or are we just okay with all of them except this business about the office?

RUPLEY: Can I ask about the exclusion of feedlots, beef cattle, animals, while they're thinking about what they want to do?

DELEISSEGUES: What page?

RUPLEY: On page 3 of the charts pretty much all of the -- who answers that question? It starts at 112 in the middle of the page, animal production, and goes through the middle of the next page with fishing too.

BARCA: No fishing.

RUPLEY: In the middle there's logging and it is permitted.

TEMPLE: I can take a crack at it.

EULER: Allow me.

BARCA: Oh, no, Gordy's going to save you.

RUPLEY: That's why we pay Gordy.

TEMPLE: I had an answer. Go ahead.

EULER: Probably the easiest way to look at it there's about 300,000 acres in the county that are rural of which you can have agriculture and the thinking was for Eric's benefit there are 220 acres that there are probably some more important things in terms of uses. That's probably as simple as we can make it.

BARCA: Isn't the 220 acres dairy farm right now?

RUPLEY: I was going to say that's why I was questioning that.

EULER: I believe the current use is but it's designated to be railroad industrial.

BARCA: But we feel the need to preclude use of the cattle and move them out someplace else?

EULER: I'm giving you the benefit of the thinking of the railroad research working group.

ALLEN: Then also like on Page 10 you had excluded the animal slaughtering and processing, on Page 14 you excluded leather and associated uses, on Page 58 storage stations, those were not allowed either, so there were a lot of X's that I had questions on as to why they were not allowed when there could be something else potentially in the future. I mean after all this is the ordinance that's going to be available for future sites as well so why are we precluding it just because this particular site may or may not have those uses now or have plans for those uses?

EULER: That's a good question.

TEMPLE: Well, I think first of all Dennis Lagler who owns I think almost all of this property and owns the dairy in question was actually part of the working group and supported this and it was a broad compromise between Dennis, the railroad, staff's recommendations and of course the neighborhood groups as well. I mean the neighborhood groups were concerned about certain activities.

One of the compromises I suggested that was shot down for example was including asphalt in this site so we could potentially get rid of the Lake, no, get rid of the Lakeside issue from right there and position it in the center of this railroad industrial site and that got shot down. But there was a lot of give and take with different activities, I think leather there was fumes or something, there was reasons that different things weren't --

ALLEN: Yeah, but then we're allowing paper mills and paper production which produces quite a lot of fumes as we know.

TEMPLE: It was a compromise over nine months of work and a lot of discussions between the neighbors and ourselves and Dennis Lagler and others, so there was a lot of give and take back and forth over a long period of time.

WRISTON: I mean the asphalt makes sense, I mean, and not to bring that up but you're importing rock and you'll have a lot of rock and rock in this county is either going to be coming in by rail or barge. And I hate to say it but it actually would be barge probably, but there may be some rail too. And I know there's Chelatchie Prairie and there's other areas, but barge, but those would be the two ways because we just don't have the rock sited in this county. I know we're looking at it again but I just don't see us doing it. So rail or barge, so those are your choices, helicopter maybe if you were --

DELEISSEGUES: Maybe this would be a good time to take a break for a while and let

our, what did I call you, transcriptionist, have a rest. So let's take a break and we'll come back at about 10 minutes after 8:00.

(Pause in proceedings.)

DELEISSEGUES: We'll resume the Planning Commission's deliberation. Does anybody have any other comments?

MORASCH: I've got a motion I'd like to make unless there's any other comments. Okay. I'll make the **MOTION** and this isn't a perfect motion but I've tried to incapsulate everybody's comments at least as best as I can, I would move to adopt the railroad resource work group's recommendation as discussed in the staff report dated March 19, 2009 with the two proposed changes referenced on Page 2 of that recommendation that came out of the Planning Commission work session and with the following two changes: Under the use table on Page 58 under 9.a I would add a P instead of an X in the IR column, and I would add footnote 2, and also make the same change under 10.a, and then in footnote 2 I would add IR to the list of districts. And that's my **motion**.

DELEISSEGUES: On that Page 58 what was the number of the under g of the first one that you wanted to change?

MORASCH: 9.a --

DELEISSEGUES: 9.a.

MORASCH: -- that's the one that deals with the accessory office, and 10.a, that's the one that deals with the trails.

DELEISSEGUES: Do you want to leave educational and so forth in 9.a or --

MORASCH: I was going to leave it in there just because it made it more of a complicated motion to try to take it out. We got to add more to the footnotes, but if somebody wanted to make a friendly amendment and knew how to easily take that out, I don't really have a concern one way or another about that. I can't imagine a lot of people are going to run to the railroad industrial use zone and try to put an educational facility in. So I don't see it's a problem to leave it as permitted, but I don't really have a big concern on that issue one way or another.

ALLEN: Wouldn't it be easy to say admin as a, educational as b, and then change off-site to c?

MORASCH: That's fine with me. Oliver, is there an issue with adding things to this NAICS table like that, that was my only concern about doing it that way or can we change the table around like that?

ORJIAKO: I think you can make a recommendation and we can certainly do that.

RUPLEY: I second the motion.

DELEISSEGUES: Well, a question on that, would you leave an X, then, on the educational?

ALLEN: On the educational it would be the PPX, and then under admin it will be PPP.

DELEISSEGUES: Any discussion?

BARCA: I would like a clarification. You're not asking for any of the previously requested Planning Commission changes concerning acreage or setback?

MORASCH: No, I am. I think that was part of my motion was to make those two changes on Page 2 of the staff report that came out of our work session.

BARCA: I missed that.

VARTANIAN: Friendly amendment?

BARCA: Possibly.

VARTANIAN: On Page 1 of the draft could we eliminate on Lines 39 and 40 "for example, office uses for manufacturing firms," eliminate that sentence?

MORASCH: Sure, that's fine with me.

DELEISSEGUES: Is it okay with the second?

MORASCH: Is that okay with the second?

RUPLEY: What does he want to do?

MORASCH: Just delete that sentence on Page 1 where it says "for example, office uses for manufacturing firms are treated as office and are not permitted."

RUPLEY: Okay.

VARTANIAN: Okay.

DELEISSEGUES: Are we all agreed on the **motion**?

ALLEN: There was one other thing was that maybe they should reconsider some of the X's and make them as P's just because there may be some future opportunities in those uses that are currently not allowed.

VARTANIAN: I'd call the question.

DELEISSEGUES: Yeah, I guess if it's okay with everybody, Mr. Temple would like to add some comments and this is probably as good a time as any.

WRISTON: We discuss motions anyway, I think it's probably good to hear his comment.

TEMPLE: Well, I support what Steve just said completely except for the trail. The trail X was a series of discussions and compromises and there is another trail around the outside. I understand the long-term use, but instead of an X could we at least make it a C perhaps where some thought has to go into specifically the routing of the trail and how it affects the industrial users and the rail.

Just from a public safety issue, I mean, it's one thing to have a main line rail where there's a separation between the trail which is parallel to the main line and it's well designed and laid out and thought out, and it's a whole other thing to have a trail that's going through an industrial park where there's all kinds of different rail points perhaps going across where there's a building with a blind move, you're shoving a car out from behind a building as people are going past and across. It just --

DELEISSEGUES: That's a good point.

TEMPLE: I see issues here that I think we should think through before making that change from an X to a P.

BARCA: The permitting doesn't give you a specific route, nor does the landowner have his right taken away about the idea of the trail going on his land, all we're saying is industrial railroad property zoning wouldn't preclude it from being sited somewhere. So if the acreage is 220 acres, we don't have to say you have to go around 220 acres to put a trail on.

DELEISSEGUES: But you could put conditional.

WRISTON: The reason why conditional may make sense we may be not be talking about for the first owner it may make sense and the second that undergoes bankrupt or leaves or whatever and then you got the second owner that comes in and it doesn't make sense and under conditional use maybe they'll completely look at the entire rail system as a whole in putting that trail in to make sure that that trail is safe.

I don't know if you're following me, but for the first owner's use it may make sense to have the trail here, but for the second owner it may not and I think those are things that I agree I think mixing trails and railroads need to be thought about but --

ALLEN: But even with the conditional permit the original owner may be gone and therefore takes away his use, but the trail is still there because the Parks Department would have to apply for it and make a designated trail.

TEMPLE: No, besides working on this we've been working hand-in-hand with the Parks Department for a number of years on this as well and we are a strong supporter of rails with trails but under certain circumstances. I don't know if you guys have seen what has been accomplished by the group that's been working on that, but the trail even as it exists does not go along the train tracks the entire way, there are certain places where it does go out and this specific area is one of those areas we have a strong opinion on, there is a trail I believe just to the west that --

ORJIAKO: Yes.

BARCA: Is it outside the 220-acre zone?

TEMPLE: Yes, we would connect to the trail and go --

ABRAHAM: It was an option that was made, offered up.

ALLEN: But it may not be that way for some other future site and of course this particular ordinance as written not only for this particular site, it's written for future opportunities.

DELEISSEGUES: Rather than argue the point why don't we take it out of the motion and we can make a separate motion on that particular issue and vote on it. We could be here all night discussing the merits of all of these uses and I don't really think it's productive.

ORJIAKO: Commissioners, you're right, the problem that I'm having with the trail issue is that in this particular case you have a fixed 33-mile railroad corridor, the rails with trail decision have already been made so I'm trying to make the connection in terms of your requirement that you have a P under this section, but I just want to make that observation. And I think the Planning Commission is aware of that fact and that's what Eric have been trying to communicate that in the case of where this site is located a decision to go around the property have already been made.

ALLEN: Sure. But P means permitted use, not mandatory use.

WRISTON: She's fixing your motion.

DELEISSEGUES: Well, let's go ahead with --

VARTANIAN: I'd like to call the question.

DELEISSEGUES: Would anybody --

VARTANIAN: Dare repeat the motion.

DELEISSEGUES: -- dare repeat the motion so we can be clear on what we're talking about now, please.

MORASCH: Okay, I'll **repeat the motion**. I got to find my staff report --

DELEISSEGUES: As amended.

MORASCH: -- as amended many times and maybe I'll make another amendment as we go through, I'm starting to be persuaded about the C versus the P, although I tend to think that P means permitted, it doesn't mean required, so that would mean that your property owners would have to come in and suggest a trail before you'd ever get one with a P there, which I think is probably unlikely that any of them are going to do that.

So my motion is that we adopt the staff recommendation dated March 19, 2009 with the two changes referred to on Page 2 of that staff report discussing the two items that came out of the Planning Commission February 19, 2009 work session, and the following additional changes: On Page 1 of the 9-16-08 draft delete the sentence at Line 39 that reads "for example, office uses for manufacturing firms are treated as offices and are not permitted in the industrial zones" by creating a new subcategory on Page 58, 9.b that would be for administrative offices and putting a P in the IR column, and moving the current b, off-site hazardous waste and storage facilities, to a C. And under --

DELEISSEGUES: And leaving that an X?

MORASCH: Yes, leaving that an X for off-site hazardous waste treatment and storage facilities.

EULER: It becomes letter c, 9.c.

MORASCH: Yes, 9.c would then be an X in the IR column. And by I will say making 10.a a C and amending footnote 2 to add IR to the list of zoning districts referenced in that footnote so it would read IL, IR and/or IH.

RUPLEY: I second again.

COOK: Excuse me, Commissioner.

DELEISSEGUES: Any further deliberation on the motion?

WRISTON: Yeah, Counsel.

COOK: Question, did you want to make the administrative and other related activities P with a footnote 2 or just put that --

MORASCH: Yes, that's correct, P with a footnote 2.

COOK: Okay, thank you.

MORASCH: But it's only for administrative office because we're adding a new 10.b for administrative office and P with the footnote 2.

COOK: So 10.b is administrative office and educational stays as 10.a or 9.a rather?

MORASCH: 9.a, correct.

COOK: Okay, thanks.

DELEISSEGUES: Anything further? May we have roll call, please.

ROLL CALL VOTE

BARCA: NO
ALLEN: AYE
VARTANIAN: AYE
RUPLEY: AYE
MORASCH: AYE

WRISTON: Oh, man.

BARCA: It's not hard, Jeff.

WRISTON: I'm going to say AYE but I'm going to explain it which I always do. I believe in the overlay, that we ought to look at this thing in an overlay, so this is temporary, this is a Band-Aid. I'm going to take this time to say that we ought to look at office campus, business park, the whole thing, all these new zones that we're doing have been disasters in my opinion.

And this one may be a good one actually compared to office campus and business park, but I believe in the overlay and allowing more flexibility, allowing this to grow, so having an overlay on the current light industrial and heavy industrial zone, so I'd like to see us look at the bigger picture. So I'm going to vote for it, but I hope that as soon as we can we look at the overlay issue.

ALLEN: Now can we make it as a second recommendation which is what I was hoping that we could do?

BARCA: We're not through the vote yet.

WRISTON: And X on the -- no trails. And I've been in the business, trails don't belong anywhere near this.

VARTANIAN: You can't do that, the motion has been --

RUPLEY: Why don't you just vote "no" then.

BARCA: Are we all the way through with the vote?

DELEISSEGUES: Wait one minute, let's finish the vote and then we'll -- we're right in the middle of it.

I agree with Jeff, I vote AYE but I would sure think we ought to take another look at it some day down the road. Okay.

COOK: Pardon me, Commissioner, but there is a motion on the floor and you can't vote yes for part of it and no for part of it.

VARTANIAN: Isn't that like a signing statement.

WRISTON: Well, I can explain my vote and I --

COOK: You can explain it but you can only cast one vote on the one motion.

WRISTON: What did I say no to?

COOK: You said no to the --

WRISTON: Trails?

COOK: -- trails, yeah.

RUPLEY: So say no.

WRISTON: All right. I'm saying everything stands, I still don't like trails but I'm not saying no to them.

COOK: That's permitted.

WRISTON: I've done this for 14 years and I've done this over and over and over again, the important thing is that the Commissioners hear what my opinion is.

DELEISSEGUES: And in that light, Ron, could you enlighten us why you want to vote no.

BARCA: My vote "no" is because as Jeff said we've applied a Band-Aid here, but I continue to expect better out of Long-Range Planning. I expect long-range planning and I continually get spot zoning and a momentary needs from specific landowners and it's not long-range planning. I know we have the capability to do better, I know that we have the tools to do better, but we react parcel-by-parcel and it's not the right way to do the job.

DELEISSEGUES: Anybody have any other comments before we move on?

VARTANIAN: Yeah, I think not to make excuses but I think your point's well taken, Commissioner, but I think putting that on the lap, yeah, I'm sure I'm going to get a call tonight or tomorrow, putting that in the lap of the Planning Department may be not looking at the right place, I think the Board maybe has a lot more to do with the direction of the Planning Commission, I'm sorry, the Planning Department, and as the Planning Department indicated tonight this was a decision already made in the comp plan.

WRISTON: The old Board.

VARTANIAN: Well, the old Board, new Board, that's the one that was in power.

ALLEN: And that's why can't we make like a second motion that the Board of Commissioners considers this during their next comp plan amendment as an overlay zone?

VARTANIAN: I think I'd prefer to see something like maybe a little meeting between the Planning Commission and the County Commissioners as far as philosophy and the long-term objectives is concerned.

RUPLEY: I'd rather put an amendment to the comp plan.

VARTANIAN: Well, whatever. We're just commenting.

DELEISSEGUES: We've tried that before too.

VARTANIAN: Well, yeah, I know, we can try again.

BARCA: I don't think Long-Range Planning needs somebody else when it comes to the idea of understanding why they put forward what they put forward, I think they're clear on it. I think what happens, though, is we lose sight of what the long-range vision is supposed to be sometimes in the heat of the battle and I hope that Long-Range Planning isn't looking at this as a condemnation of all activity, I believe that this particular initiative that was brought forward missed the mark from what I hoped for, that's all.

DELEISSEGUES: Okay, thank you very much for your patience and contribution to our endeavor tonight, we appreciate it. If there's no other discussion on this issue, that concludes the issues on the agenda.

ALLEN: So what was the final vote?

WISER: 6 to 1.

Conclusion of public hearing item.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

The hearing adjourned at 9:30 p.m.

All proceedings of tonight's hearing can be viewed on the Clark County Web Page at:

[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)

Proceedings can also be viewed on CTV on the following web page link:

<http://www.cityofvancouver.us/cvtv/>

Chair

Date

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