



Questions & Answers

Freight Rail Dependent Uses Open House
August 30, 2018

What is this document?

This document contains responses to questions asked at the August 30, 2018 Open House at Hockinson High School regarding freight rail dependent uses. The Open House was a presentation of a proposal regarding freight rail dependent uses along the Chelatchie Prairie Railroad put forth by the Freight Rail Dependent Use Advisory Committee. A copy of the presentation slides and an audio recording are available on the project website (www.clark.wa.gov/rail).

More than 100 questions were submitted during the Open House event. In order to consolidate similar questions, this document does not include the verbatim questions submitted at the Open House. Responses are grouped into the following categories: advisory committee, process, development procedures, ESB 5517 and how did we get here?, advisory committee proposal, property impacts, rail operations, and public facilities. A full list of the exact questions submitted at the Open House is available on the project website (www.clark.wa.gov/rail).

Please note that questions regarding legal justification, analysis, or explanations are best answered by your own legal counsel.

Advisory committee

- 1. Who was on the Freight Rail Dependent Use Advisory Committee and why were they selected? Can you provide more details on the Greater Brush Prairie Neighborhood Association representation on the advisory committee?*

The County Council appointed the Freight Rail Dependent Use Advisory Committee members on March 13, 2018:

- Mike Bomar, Columbia River Economic Development Council (CREDC) and Railroad Advisory Board
- Kent Cash, Port of Vancouver and Railroad Advisory Board
- Dick Clairmont, Railroad Advisory Board
- Sam Crummett, City of Battle Ground and Railroad Advisory Board
- Eric Fuller, Real Estate Industry and Railroad Advisory Board
- Anne Lawrence, Farm Bureau
- Lloyd Lycan, Railroad Advisory Board
- John Shaffer, Railroad Advisory Board



- John Spencer, Parks Advisory Board
- Ray Steiger, Greater Brush Prairie Neighborhood Association
- Eric Temple, Portland Vancouver Junction Railroad and Railroad Advisory Board (ex-officio committee member)
- Daniel Weaver, Railroad Advisory Board

Please note that members identified alternates in some cases to cover for absences or changes in roles. Also note that Greater Brush Prairie Neighborhood Association withdrew from participating in the group part-way through. The Neighborhood Association was invited to have a replacement committee member join the group and opted not to.

Process

2. Who has decision-making authority on this proposal?

This project is located in unincorporated Clark County. The Clark County Councilors are the decision makers regarding this proposal.

3. What is the process that gets to a decision by the County Council on this proposal?

The following outlines the process regarding the proposal under consideration:

- What has happened so far:
 - In January 2018, the Clark County Council adopted Ordinance 2018-01-01 which updated the county comprehensive plan to allow for freight rail dependent uses and created a freight rail dependent use overlay. However, in order for freight rail dependent projects to be built, development regulations need to be written.
 - County Council appointed the Freight Rail Dependent Use Advisory Committee on March 13, 2018 to put together proposed development regulations for freight rail developments.
 - The advisory committee held six work sessions to develop their proposal March-June, 2018.
 - The County Council held two work sessions with staff on June 13 and July 18, 2018 to stay updated on the project and provide direction regarding next steps.
 - Notification of the advisory committee proposal and Open House were mailed to property owners within 500-ft. of the proposal area. The Open House was advertised in local newspapers, through neighborhood associations, and the project email distribution list.
 - An Open House was held on August 30, 2018 to share the advisory committee proposal, answer questions, and explain next steps in the process.
- What will happen next:
 - A County Council work session will be held on September 26, 2018 to discuss feedback received and how to move forward.
 - Next steps will be scheduled based on Council direction.
- If the proposal, or some variation of it, moves forward then:
 - An environmental assessment will be completed on the proposal.

- The Planning Commission will hold a public hearing to hear and review public testimony, and then vote on a recommendation to the County Council. Anyone who wants to provide public testimony in front of the Planning Commission is welcome to do so at the hearing.
- The County Council will hold a public hearing to hear and review public testimony, and then make a decision regarding the proposal. Anyone who wants to provide public testimony in front of the County Council is welcome to do so at the hearing. After the hearing, the council will make their final decision which would be to: 1) adopt an ordinance that reflects the exact proposal, 2) adopt an ordinance that modifies the proposal, or 3) decide not to adopt an ordinance. Nothing is final until the County Council makes its final decision, so any element of this proposal could change up until their final vote.

4. *What happens if someone wants to change the freight rail-dependent use map, uses, or regulations in the future?*

In the future, applicants or the county could initiate a change to how a use is categorized, add or remove a freight rail dependent use, change the freight rail dependent use overlay, etc. These types of changes require legislative action and would require additional public process involving public notice, a public hearing with the Planning Commission, and a public hearing and vote by the County Council.

5. *How do I share my feedback on this proposal?*

You have a few options for expressing your support, opposition, or other feedback on this proposal: county staff will continue to compile, relay, and summarize feedback received for the Planning Commission and County Council. Feedback can be submitted through the project website, by email to José Alvarez (jose.alvarez@clark.wa.gov), or by regular mail (Community Planning, PO Box 9810, Vancouver, WA 98666). You can also contact your County Councilors directly. You can testify in front of the Planning Commission and County Council during a public hearing by giving oral testimony or providing written testimony. Note: hearings for this proposal have not been scheduled yet and will be noticed once confirmed.

6. *Will survey results and comments be available for public use? Why or why not?*

Survey results are now available to the public on the project website. The surveys are considered part of the public record. Written comments submitted by mail, email, or online are also available on the project website.

7. *Please share meetings that were, and will be, open to the public regarding this proposal*

Please find meeting dates below related to the current proposal. These meetings were open to the public and followed noticing requirements.

- Council work session – February 2, 2018, 10:30am, 6th floor Public Service Center
- Council hearing – March 13, 2018, 10am, 6th floor Public Service Center
- Freight Rail Dependent Use Advisory Committee meeting – March 28, 2018, 6pm, CASEE
- Freight Rail Dependent Use Advisory Committee meeting – April 18, 2018, 6pm, CASEE
- Freight Rail Dependent Use Advisory Committee meeting – May 9, 2018, 6pm, CASEE
- Freight Rail Dependent Use Advisory Committee meeting – May 23, 2018, 6pm, CASEE
- Freight Rail Dependent Use Advisory Committee meeting – June 6, 2018, 6pm, 6th floor Public Service Center

- Council work session – June 13, 2018, 11am, 6th floor Public Service Center
- Freight Rail Dependent Use Advisory Committee meeting – June 20, 2018, 6pm, CASEE
- Council work session – July 18, 2018, 9:30am, 6th floor Public Service Center
- Open house – August 30, 2018, 6:30pm, Hockinson High School

The only scheduled future meeting at this time is as follows:

- Council work session - Wednesday, September 26, 2018, 10:30am, 6th floor Public Service Center

The remainder of the schedule for this project is pending council direction. An updated schedule will be posted to the project website once confirmed and future meetings will be noticed to the public through The Columbian, The Reflector, and project email distribution list.

8. Why did you notice property owners within 500-ft. of the proposal area?

The 500-foot open house notification distance is consistent with Clark County Code public notice requirements for areas outside of urban growth areas. Notification also included advertisements in The Columbian and The Reflector newspapers, neighborhood association communication, and communication through the project email distribution list.

9. Why was there only one Open House?

The August 30, 2018 Open House at Hockinson High School was based on the Public Participation Plan adopted at the start of this project. There was also an Open House at Prairie High School on November 8, 2017 regarding the first phase of the project.

10. When will this process be extended to the area north of Battle Ground?

There is no pre-determined timeline for the area north of Battle Ground. The current proposed code plan amendment section lays out a process for interested property owners (40.560.010 Plan Amendment Procedures).

11. Has any environmental analysis been done and how will impacts be addressed?

An environmental review has not been conducted on the entire Freight Rail Dependent Use Advisory Committee overlay proposal. An environmental impact statement of light industrial uses on a portion of the proposed overlay was conducted in 2007 and 2015. Once County Council confirms whether this proposal, or a variation of it, will move toward possible approval, then additional environmental review will be conducted, to cover the entire proposal area and to address heavy industrial uses not included in the previous assessment. This work would need to be completed before the proposal could go to hearing with the Planning Commission and County Council. If the County Council adjusts the current proposal, the amount and degree of environmental work needed will be determined based on the adjustment. Any environmental assessment work that is completed on this project will need to address impacts to air, water, plants, animals, etc.

The current proposal is a non-project specific action, which means any environmental assessment will be conducted at a general level. Specific environmental impacts would be assessed once specific development projects are proposed. Project proposals would need to include required environmental assessments as part of their application process.

It is possible that potential environmental impacts could be used as a factor to not allow a use.

The advisory committee also proposed performance standards that include a section on odor abatement standards and a requirement that emissions will not exceed Southwest Clean Air Agency (SWCAA) general regulations.

If a proposed use is conditional, then specific conditions for a particular development proposal can be determined through the conditional use process. Permitted uses would not require extra air, water, or habitat quality measures beyond what gets written into the development standards in the code.

12. How does the county balance the trade-offs between industrial, residential, and resource uses?

The Planning Commission and County Council will factor these trade-offs into their decision making and will consider all public testimony on the topic. Staff reports and environmental analysis will also take these factors into consideration, but have not been completed at this stage in the process.

Development procedures

13. What happens if County Council approves development regulations for freight rail dependent uses?

Properties within the overlay would then be eligible for implementation of freight rail dependent uses. Individual property owners would decide whether or not to pursue these uses. If a property owner has a development proposal, they would need to participate in a site plan review process in order to pursue a permit for the development.

14. Will railroad sidings or spurs be required from the main line to each developed site?

A rail plan demonstrating how the railroad will be used, including either rail siding or a spur line, will be required as part of the site plan review process.

15. How would rail access work for development on parcels without direct access to the main rail line?

It is unclear exactly how development would occur in the overlay. Any development would need to connect to the main rail line, but the proposal does not include details on required sequencing of what parcels develop when. The person or company pursuing the development would need to figure out how to build a rail spur to connect to the main line as part of their private development, either by purchasing easements, or by purchasing the property abutting the line.

16. How long will rail spurs be?

The length of spurs is not addressed in the development regulations.

17. Will master planning be required prior to any development?

This proposal does not require master planning. Site plans are required of applicants, and a master plan could be provided, but it is not a requirement.

As long as development proposals meet the requirements outlined in the development regulations, then they would be permitted in the overlay. In the proposed overlay, development could potentially happen anywhere within it. Practically, there will be various limitations and barriers to develop certain parcels, such as critical areas, cost of building rail spurs, etc.

18. How will neighboring residential properties be protected from adverse industrial noise, air pollution, traffic, adverse views, etc.?

The site plan review process is to address noise, air, and transportation impacts. While views are generally not protected, the advisory committee proposed landscaping standards to screen development from neighboring properties.

19. What controls will be put in place to avoid a bad aroma?

The advisory committee's recommendation includes a section, 40.250.120(F)(3), that addresses major odor sources. The Southwest Clean Air Agency will be notified through the development process and that agency is responsible for regulating air contaminants. If a use is conditional, then it is possible additional mitigation measures could be required through the conditional use permitting process.

20. What is the maximum height of industrial buildings that would be allowed under the advisory committee's proposal?

The proposed development standards for building height is a maximum of 100 ft. unless the parcel is adjacent to a residential district, in which case the maximum building height is 60 ft.

21. Will the size of easements increase?

An easement is a right to cross or otherwise use someone's land for a specified purpose. This would be up to the individual landowner. Please note that issues related to easements depend upon the precise circumstances involved. The county does require right-of-way dedication for roads based on the type of road anticipated. It is possible the right-of-way dedication requirement will increase depending on the type of road and the proposed development.

22. Who is the county Hearing Examiner and what would their role be for freight rail developments?

The county has contracts with three Hearing Examiners, who have legal and planning expertise. Their decisions are based upon whether or not the proposed development meets or exceeds the approval criteria and development standards contained in the county code. For conditional use permits, a public hearing with the Hearing Examiner may be requested by the applicant, responsible official, or anyone within 21 days from when the public comment period began. The Hearing Examiner shall review the application, and approve, approve with conditions, or deny the application.

What is ESB 5517 and how did we get here?

23. What does the state law say?

- Third Engrossed Senate Bill 5517 was signed into law on June 30, 2017 and became effective October 19, 2017. The bill can be located at: <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5517.SL.pdf>
- The bill created a new section in the Growth Management Act: a finding has been added in the notes section of RCW 36.70A.030 and RCW 36.70A.070 that states that there is a need for counties and cities to improve their planning under the growth management act to provide much needed infrastructure for freight rail-dependent uses adjacent to railroad lines based on the economic development, highway safety, and the environment.
- The bill amended the following sections of the Growth Management Act:
 - RCW 36.70A.030: adds a definition for freight rail-dependent uses and for short line railroad.
 - RCW 36.70A.060: adds language that allows Clark County to adopt development regulations to ensure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail-dependent uses.
 - RCW 36.70A.108: adds language that Clark County may include development of freight rail dependent uses on lands adjacent to a short line railroad in the transportation element required by RCW 36.70A.070. Such counties and cities may also modify development regulations to include development of freight rail dependent uses that do not require urban governmental services in rural lands.

24. What state legislators were involved in creation of the bill?

The bill that was approved by the legislature and Governor Inslee, ESB 5517, was prime-sponsored by Senator Lynda Wilson and co-sponsored by Senators Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser, and Schoesler. A companion bill, HB 1504, was prime-sponsored by Representative Liz Pike, passed the legislature, and was vetoed by Governor Inslee. The co-sponsors of that bill were Representatives Blake, Wylie, Peterson, Harris, Vick, Manweller, Tarleton, Orcutt, Farrell, Haler, Dent, Fey, Sells, Kraft, Johnson, MacEwen, Chandler, Stambaugh, Van Werven, Dye, Doglio, and Springer.

25. What authorizes the county to pursue freight rail-dependent use regulations?

ESB5517 gave the county authority to create development regulations to allow freight rail-dependent uses where “the use is dependent on and makes use of an adjacent short line railroad”.

26. What does freight rail-dependent mean?

Freight rail dependent uses are defined in state law as “buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such Facilities are both urban and rural development for purposes of this chapter. “Freight rail dependent uses” does not include buildings and other infrastructure that

are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or “crude oil” as defined in RCW 90.56.010.” (RCW 36.70A.030(9))

27. Is the state law a mandate to designate land for freight rail development?

State law does not require implementation of ESB5517. It is an option at the discretion of the local jurisdiction.

28. Why are transit, scenic, and sightseeing uses not allowed in the freight rail dependent uses overlay? Can industrial and recreational uses co-exist?

ESB 5517 defines freight rail-dependent uses as buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of the adjacent short line railroad. As such, transit, scenic or sightseeing uses do not apply under this new aspect of the Growth Management Act. If transit, scenic or sightseeing uses are allowed in the underlying zone, then they would still be allowed, they are just not an additional use tied to the freight rail-dependent uses. There are examples of industrial and recreational uses coexisting in other locations.

Advisory committee proposal

29. What if I have questions about why or how the advisory committee made a certain recommendation in this proposal?

Audio recordings and summary notes from advisory committee meetings are available at: <https://www.clark.wa.gov/community-planning/freight-rail-dependent-use-advisory-committee-meetings>. You can learn more about their decision making rationale, to understand details such as why certain uses are included in their proposal.

30. Why are asphalt plants being proposed as a conditional use and what is the likelihood one will be built? Will there be any designated heavy industrial uses permitted in this area?

The asphalt conditional use was added at the request of Eric Temple, the railroad operator, following his report of a conversation with someone interested in building one along the line, and the advisory committee was in support of its addition as a conditional use. A conditional use in the overlay area is a possible use that could be developed within the overlay, and would be subject to conditions imposed by the Hearings Examiner to mitigate impacts.

The history of the Greater Brush Prairie Neighborhood Association’s opposition to asphalt plants was discussed by the advisory committee and raised in public comment at the June 6 and 20, 2018 meetings. Audio recordings and notes from advisory committee meetings are available at: <https://www.clark.wa.gov/community-planning/freight-rail-dependent-use-advisory-committee-meetings>.

Uses such as an asphalt plant and chemical manufacturing are currently allowed only in the heavy industrial zone, and are being proposed in this overlay by the advisory committee. County Council will ultimately decide whether any particular use is permitted, conditional, or prohibited in the overlay.

31. What hazardous materials and chemicals are going to be transported on this line? Is there a permitting process if hazardous materials are proposed to be transported by rail? What mitigation measures are being taken?

The exact materials or chemicals that will be transported depends on the businesses that pursue development along the line. The transport of hazardous materials is regulated by the Code of Federal Regulations, Title 49 Transportation, Part 172 Hazardous Materials. The proposed use table includes a long list of business sectors who would be allowed to develop along the line. You can find a copy of the list here: <https://www.clark.wa.gov/rail>.

There is a wide range of types of businesses and possible uses in this list. Many would include no hazardous materials, others might include some. There are also several uses, such as those related to the petroleum industry, that have been excluded as possible uses. You can learn more about the businesses within each use at: www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2017.

In terms of mitigation measures, the proposed development standards include standards for some industry impacts such as noise, venting, addressing major odors, outdoor storage, vibration, and electromagnetic interference. However, if a use is proposed as permitted (this is noted as “P” on the use list), and the site review requirements are met, those uses would be permitted under the current proposal. If a use is proposed as conditional (this is noted as “C” on the use list), then additional conditions could be required in order to mitigate possible impacts before a permit would be issued. The exact conditions would be determined on a case by case basis.

32. Where did the 1-mile definition of “adjacent” come from in the proposed code?

The state law use of the term “adjacent” is in the definition of “freight rail dependent uses” where it states “...where the use is dependent on and makes use of an **adjacent** short line railroad.” However, “adjacent” is not defined in the state law. Clark County Code defines adjacent as “near, close” (CCC 40.100.070). The advisory committee is proposing to define adjacent as “parcels that abut the short line railroad or are located within one mile of the railroad.” To summarize, 1-mile is not mentioned in the state law. This is a recommendation of the advisory committee. The ultimate decision on this matter is up to the County Council.

33. What is the purpose of highlighting parcels and areas within 1-mile of the railroad?

Since the state law allows for freight rail dependent uses adjacent to a short line railroad. The purpose of highlighting parcels and areas within one mile of the railroad is to reflect the definition of adjacent proposed by the committee. Any property within the one mile corridor would be eligible to be added to the overlay in the future.

34. How much agricultural land is included in the overlay?

There are 2,128.66 acres in the proposed overlay. Of this area, 1,059.17 acres are designated agriculture. 560.65 acres are designated as Rural Industrial Land Bank (RILB). Since the RILB is under appeal, the area may revert back to agriculture.

35. Who owns land along the railroad? Who would benefit from the sale of property?

You may look up property owners next to the railroad online either at <https://gis.clark.wa.gov/maponline/> or on the project website <https://www.clark.wa.gov/rail>. Benefits

would depend upon the precise circumstances relevant to the property, however, if a property owner wanted to pursue freight rail-dependent uses that currently are not an option based on property zoning, that owner could benefit from these uses becoming available.

36. What businesses are interested in pursuing freight rail-dependent development?

Some property owners in or near the overlay have expressed interest in freight rail-dependent uses. It is too early, however, to determine who would pursue this opportunity since development regulations have not been adopted yet. We are not aware of any specific businesses or industries waiting in the wings.

37. How much land is available along other nearby rail lines? How much land along the railroad is currently available in urban areas? Why create a new zone instead of using existing industrially-zoned property?

The state law only applies to short line railroads, so it would not affect land along the Burlington Northern Santa Fe (BNSF) main line. However, the Clark County Geographic Information Services (GIS) Department can provide assistance in answering questions about the amount of industrial land along railroads in the county (<https://gis.clark.wa.gov/gishome/>). There is a vacant buildable lands model and by confirming how you want to define available, the GIS department would be able to assist. The law specifically allows for development regulations on resource land that currently do not allow this industrial type development to support economic development.

38. Does the proposed use have to use the rail line?

The proposal states that “The uses in the table shall be consistent with the definitions of freight rail-dependent uses...” and the definition of freight rail-dependent uses says the “use is dependent on and makes use of an adjacent short line railroad.” An applicant who wants to pursue a freight rail-dependent development will need to submit a rail use plan that includes drawings of how a spur track or siding will connect with the short line railroad, how the structure will make use of the short line railroad and how the use is dependent on the railroad.

39. Does an industry have to have a certain percentage of business by freight? How much dependency must there be to the rail line? Is one car a month, a quarter, a year enough? How much heavy truck traffic will be allowed? Is it one ton of rail freight to one ton of truck traffic? How does the proposal prevent a shift to trucks in the future?

The advisory committee’s proposed development standards do not address whether a minimum percentage of business, or other specific numerical threshold, has to use the rail line. The advisory committee’s proposed development standards do not specify how to prevent a future owner from shifting to non-freight rail-dependent uses.

40. How are freight rail dependent developments compatible with residential development?

Compatibility will depend upon the sort of development and the circumstances relating to the properties. In general, development standards could be written to address potential conflicts and provide mitigation to offset impacts.

41. Where will the loading area be? Why not develop a distribution yard on SR-503 and require loading to rail from there?

Specific developments are not part of this process. This process will determine whether that type of use would be allowed and what development standards should apply to that type of facility. Specific developments would determine loading areas.

42. How many new spur lines are anticipated and how will they be managed, such as going through or crossing surface streets and neighborhoods?

At this point, no analysis has been done to determine how many spur lines would be needed to serve the entire overlay area since the overlay has not been finalized. There is no policy proposed to manage spur lines. It is anticipated that these lines would traverse private properties through easements. Crossing of public roads would require compliance with the Washington Utilities and Transportation Commission regulations. We also have no way of knowing what properties that require spurs would develop along the line.

Property Impacts

43. How will this proposal affect my property value?

The proposal would create an overlay which would allow additional uses not currently allowed. How the value of property would change would depend on a number of factors including, but not limited to: developed or vacant land, the types of uses allowed, actual development, proximity to development etc.

44. Would the overlay limit future zoning options?

The current zoning of property will not change with the addition of the overlay. The overlay will allow additional industrial uses not currently allowed in the underlying zone. The overlay will not impact the ability to divide land or lot size requirements, as that is based on the underlying zone of the property. As such, the proposed overlay neither requires nor prohibits future changes to zoning.

45. Will the overlay restrict other previously existing non-conforming uses?

The overlay will not have an effect on existing non-conforming uses.

46. Taxes tend to be higher next to light industrial; if my property is in the overlay, will I pay higher taxes?

Taxes are affected by many factors. Please contact the assessor's office with property tax questions.

47. Can the County guarantee no tax incentives to freight rail-dependent development?

There has been no discussion of tax incentives for freight rail development.

48. How will you integrate the owners who choose to participate with those who don't?

There is no plan to integrate the owners who choose to participate with those who don't.

49. Who will be responsible for restoring agricultural land if a freight rail dependent business closes?

Each property owner is responsible for the use of their property.

50. *Have you done a cost-benefit analysis of this development model versus a pedestrian/ bike path/park approach? Have you taken quality of life issues into account? How will this more intense development affect the railroad right of way use and a pedestrian/hike trail? Why not convert it into a bike & hiking trail similar to the use for urban trail in Puget Sound? What happened to an earlier proposal to do so?*

A cost-benefit analysis has not been done. The concept of balancing the impacts of the freight rail-dependent uses while preserving resource land was discussed with the Advisory Committee. There was also public testimony at the six advisory committee meetings from neighbors concerned about compatibility issues.

A rails with trails plan was adopted by the Board of County Commissioners in 2008, and is being implemented as grants are obtained. A paved one mile trail segment runs from the entrance road inside the Battle Ground Lake State Park southwest along the railroad. The proposed trail along the railroad will need to be addressed during the development phase of specific projects.

51. *The overlay area is an irregular shape. Why is my property included and my neighbor 100ft away is not? Why are some properties abutting the rail line not in the overlay? Why does the proposed overlay extend west into the residential areas including 82nd Ave, a dead end residential street?*

The Freight Rail-Dependent Use Advisory Committee's final overlay recommendation was proposed by committee members who considered all parcels between the Vancouver and Battle Ground urban growth areas that have a property line within 1-mile of the railroad. To get to their final recommendation, two committee members reviewed the 1-mile area and narrowed the overlay to parcels they thought had the highest likelihood of being developed. They brought this recommendation to the committee for a vote and committee members supported it.

52. *Is there an existing rail line that has been developed that would be an example of how this will turn out in Brush Prairie?*

No, but there are other rail developments in the area that provide examples of what rail development could look like. Much of the local rail development is along the Burlington Northern Santa Fe (BNSF) rail line. Some examples include:

- Industrial development served by rail
 - The Port of Camas-Washougal
 - Columbia Industrial Park, along Columbia Way
 - The Port of Vancouver
 - Development along Fruit Valley Rd, north of the port of Vancouver
- Individual rail-dependent sites
 - Ross Sub Station storage yards, NE Minnehaha
 - State Pipe and Supply, St. Johns
 - Linde Gas, NE 78th St
 - Andersen Plastics, Brush Prairie
 - Columbia Vista, SE Evergreen Hwy
 - Columbia River Carbonates, Woodland

53. *Money has been granted from the state to redo the bridge over Salmon Creek. Can this bridge go forward?*

The bridge over Salmon Creek is not contingent on either approval or denial of this proposal.

Rail Operations

Responses in red are from Portland Vancouver Junction Railroad.

54. *What kind of railroad crossing gate will be used?*

Any new at grade crossing is subject to a hearing of the Washington Utilities and Transportation Commission. Per RCW 81.53.030: "The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flaggers, interlocking devices, or other devices or means to secure the safety of the public and its employees."

55. *Will there be quiet hours? What will the sound volume be? Will the Klaxon go off?*

At the speeds the train travels, the sound will be very minimal. The trains are required to signal at crossings by federal law.

56. *What will the hours of operation be on the tracks?*

Trains will operate between 8 am and 5pm. There will be one train per day.

57. *How many trains per day will the freight line run? Is there a maximum number of trains permitted per day or month? What do you anticipate the increase in train traffic to be, in terms of trips per week and number of cars per train?*

Currently, the railroad operates 3 to 4 days per week and in 2017 there were 850 freight cars transported on the line. Even if rail traffic increased to 10, 000 or 20,000 cars per year, it would only result in 1 train per day, while removing 10's of thousands of trucks off the road and providing affordable and environmentally friendly transportations services to local employers.

The number of rail cars traveling along the rail line will be dependent on what development actually occurs and how much a particular business uses the rail line.

58. *What will the max speed be for trains?*

The trains are limited to 10 mph or less.

59. *How safe are the railroad tracks?*

Since Portland Vancouver Junction Railroad commenced operations in 2004, they have not had a single crossing accident or injury in 14 years and have won the prestigious Jake Award for safety every single year.

The bitumen or oil related product will be shipped by truck and will only make up 3% of the asphalt. The majority of this will come from recycled asphalt and other materials.

While there are currently no hazardous materials traveling through Brush Prairie by rail, there are many truck loads traveling by truck on SR-503. In fact, there are hazmats on I-5, I-205, SR-503, SR-502, SR-500, and SR-14, as well as the BNSF mainline traveling at speeds of 50 mph or greater east west to Spokane, and the shared BNSF/UP mainline traveling north/south to Seattle. Clark County is blessed to have a tremendous group of professional highly trained first responders. First responders would address any incident on the Clark County line in the same way they would address spills elsewhere.

The FRDU advisory committee concluded that the Clark County line was the single safest way to transport the hazmats we all need in our daily lives when compared to the other options. On SR-503, it would take three to four truckloads to replace a single rail car. These three or four trucks of hazmats would be traveling at 50 mph in a shared corridor with school buses and minivans, perhaps at night or in the rain, perhaps with a driver who's been on the road for 11 hours and might be unfamiliar with the area. For the railroad, one railcar would replace these three to four trucks and would be traveling at 10 mph or less in a dedicated corridor, during the day, with operators who've only been on duty for a few hours and are intimately familiar with the area.

60. Will the existing railroad track be upgraded?

Upgrading the railroad is not a part of this project.

61. Who will pay for the cost of improving the railroad?

The rail line is owned by the County. Improvements would require capital investments. The County has been successful at obtaining grants through state and federal programs, however, those grants often require a local match or in kind contribution that is typically paid by the County's General Fund.

62. Does the rail line ownership by the county now pay for itself or does it need subsidy by the taxpayer? How much volume or tonnage is required to break even?

No, the rail line ownership does not pay for itself. The agreement with the rail operator requires rent to be paid after the first 1,000 carloads per year at a rate of \$10 per carload between 1,001 and 2,000 carloads, \$20 per carload between 2,001 and 5,000 carloads and \$30 per carload in excess of 5,000 carloads. The carload fee is \$5 per carload for all aggregate products and other natural resource related products. The 1,000 carload threshold has not been reached since the contract was signed in 2004. In 2017, there were 853 carloads.

63. Has an emergency response plan for the railroad been drafted? Who is responsible in the case of an emergency? How would residents with special needs who might have to be evacuated in the event of an emergency be identified and treated?

There is no emergency plan in place at this point since the decision on uses and overlay location have not been finalized.

64. What liability would taxpayers have if there was a railroad accident?

The county will not speculate as to potential liability resulting from hypothetical accidents. The railroad operator is contractually required to maintain insurance for its operations.

65. Can the railroad be used to transport oil or any hazardous chemicals?

The county does not have authority over what is transported on the rail line, this is overseen by the Utilities and Transportation Commission. The county does have land use and road network authority. To the extent that the land use does not allow for the creation of or handling of hazardous materials, it minimizes the demand for the railroad to transport those materials. There are existing areas in Brush Prairie with heavy industrial zoning which does allow uses that could involve the transport of hazardous materials.

The law states that “Freight rail dependent uses” does not include buildings and infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or “crude oil” as defined in RCW 90.56.010.’ The County Council charged the advisory committee to “...review the oil classifications in RCW 90.56.010, exclude energy products and chemicals deemed hazardous...” Some of the proposed permitted or conditional uses in the advisory committee’s recommendation would allow uses that would require shipping of hazardous chemicals and/or petroleum products. Most, but not all, of these are being proposed as conditional uses. Also note: the law now allowing for freight rail dependent uses only regulates land use by the railroad, it does not regulate the railroad itself or land already zoned that allows for oil and hazardous chemicals.

Public Facilities (Sewer, Gas, and Transportation)

Sewer

Responses in blue are from Clark Regional Wastewater District.

66. Can you provide details on the proposed sewer expansion?

Once all relevant information is available, further study would be necessary to determine the feasibility of service to the FRDUO area in accordance with the boundaries, development regulations, and any terms and conditions for service established by Clark County. The district has, however, studied and determined that capacity is available to serve the existing FRDUO area (300+/- acres).

The system must be compatible with the proposed uses, the overall constraints and needs of the FRDUO area to be served and it must be financially feasible. Both conventional, gravity sewer systems and alternative systems would be considered. Alternative systems, such as Septic Tank Effluent Pumping System (STEP) which are used in Meadow Glade and Hockinson, can be well suited for ‘domestic’ waste, lower volumes, but may not be suitable for process or industrial wastewater.

67. Who will pay for the sewer?

The type of sewer system to be constructed and proposed use(s) must first be determined. Both of these will influence the cost and financial responsibility for constructing any necessary improvements. The extension of sewer to the FRDUO area would be governed in accordance with existing District policy. Under these policies, the Developer is responsible for the cost of the extension of local sewers. The District would participate in ‘general’ facilities identified in the adopted General Sewer Plan, such as a permanent pump station, which provide benefit to a much broader area (e.g. basin).

If a developer constructs facilities which provide direct benefit to other properties, typically off-site improvements, they are entitled under state law to a latecomer reimbursement. The cost of the improvements would be assessed to all benefiting properties, following a public hearing. The owner of land subject to reimbursement would be required to pay the latecomer reimbursement charges at the time of connection to sewer.

A utility local improvement district (ULID) is a method allowed by state law, RCW 36.94.230, to fund the construction of sewer infrastructure that benefits a defined number of properties. It does not require a vote, but it does require support of owners of the land in the proposed district. ULID can be initiated by either a petition signed by owners of at least 51% of the proposed area or a resolution of intention passed by the legislative authority (e.g. District Board of Commissioners). A public hearing is required to be held and a ULID cannot be processed if owners of 40% of the land in the ULID object, in writing, to its formation (RCW 36.94.240).

68. Will the current service users have to pay for this extension?

No, current rate payers would not pay for the cost of extending sewer service to Freight Rail Dependent Uses.

69. Will we be forced to hook up if our septic systems are passing inspections?

No. The proposed County regulations for the FRDUO area, UDC 40.370.010, only permit sewer service to Freight Rail Dependent Uses outside the Urban Growth Area. Existing residents in the FRDUO area would not be required, or allowed, to connect to public sewer if it were available. For residents located outside of the urban growth area, connection to public sewer is prohibited unless there is a documented health hazard (CCC 40.370.010(E)(1)) as determined by Clark County Public Health.

Gas

70. Will there be expansion of the natural gas line (spurs off the big line going through Hockinson)?

Expansion of utilities to serve development is the responsibility of the proponent of the development. We do not know because we do not know what developments will actually occur.

Roads

71. Will there be road improvements?

The proposal includes a section for street standards and says: "a. Urban Commercial/Industrial road standards per Section 40.350.030 shall apply to development subject to this title. b. No tracks are allowed in public roadways except at at-grade crossings. c. At-grade crossings shall be minimized to the greatest extent practicable." The urban commercial/industrial road standards that are referenced above require a transportation impact study, circulation plan, and review criteria for the circulation plan, as well as transportation design criteria which encompasses stormwater features, on-street parking, bike lanes and sidewalks, utilities, curb and gutter requirements, frontage roads/improvement, off-site road improvement, intersection design, sight distances, etc. The road standards would apply when someone applies to build a freight rail-dependent use development. They would not apply until a specific project has been approved.

72. Has a transportation plan or cross-circulation plan been completed?

A transportation plan and circulation plan have not been completed at this stage in the process. If this proposal moves forward, further transportation analysis will be completed.

73. Will the rail spurs cross SR-503?

The crossing of SR-503 is not part of the implementation of Freight Rail Dependent Uses. The Washington State Department of Transportation is unlikely to approve another at grade crossing of SR-503. A grade separated crossing would, therefore, have to be created to provide new rail access across SR-503.

74. Who will pay for the road improvements and how will increased traffic be handled?

Traffic, including truck traffic, will be addressed at the site plan review stage of a development proposal. The road improvements for heavy truck traffic will be the county's responsibility unless a condition of approval to mitigate the impacts can be devised through an arrangement between the proponent and the county.

75. How can the county assure safety with increased vehicle traffic and increased railroad use?

There needs to be increased coordination between the county and the operator to ensure any increase in rail traffic will minimize impacts on the road network, particularly during am and pm peak hours.