

I would like to offer my characterizations to the Meeting Notes from the June 6th FRDUAC meeting

From page 5 of meeting notes

- The group discussed sewer services to serve freight rail-dependent uses.
 - The group discussed multiple perspectives on this item
 - Eric Temple presented his proposal to add an infrastructure item in the new freight rail-dependent use overlay code, and to amend CCC 40.370.010 sewer regulations.
 - Staff summarized previous challenges to extending sewer outside of the urban growth area, including a supreme court case (which occurred before the passage of ESB 5517), within Clark County this came up with the City of La Center and the Ilani casino (which is not an FRDU use and was also prior to ESB 5517), a bill presented by Senator Wilson regarding sewer extension (which was unrelated to FRDU and ESB 5517) outside of the urban growth area that was not approved in the legislature, and that the county did not take action last year with the comprehensive plan amendment to address the sewer issue (the county took extensive action and did approve sewer for FRDU overlay).
 - Staff confirmed that septic systems and/or on-site private sewer treatment would be allowed, should public sewer not be permitted.
 - Some group members like the idea of providing sewer, though understand it is a council decision and legal matter.
 - The group decided to hear public comment

The actions the County took on FRDU are below. These are the modifications to the comp plan. The phrase Freight Rail Dependent Uses means Infrastructure. The type of infrastructure is Urban Facilities (sewer). The developments are considered Rural Development (where sewer is allowed).

Freight Rail Dependent Uses Goal: Support freight rail dependent uses (think SEWER and Rural Development) where the use is dependent on and makes use of the short line railroad. as defined by the Surface Transportation Board.

3.9 Policies

3.9.1: Support freight rail dependent uses (think SEWER and Rural Development) in rural lands. as well as agriculture. forest and mineral resource lands. where the use is dependent on and makes use of the short line railroad within the county.

3.9.2: Freight rail dependent uses (think SEWER and Rural Development) will be allowed on parcels with a freight rail dependent use overlay. where such uses minimize impacts on adjacent rural and resource uses.

3.9.3: Freight rail dependent uses means 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. Clark County

may include development of freight rail dependent uses on land adjacent to a short line railroad in the transportation element of this plan, The County may also modify development regulations to include development of freight rail dependent uses that do not require urban governmental services in rural lands.

“The County **may also** (means in addition to other choices) modify development regulations to include development of FRDU that **do not require** (means optional) urban governmental services in **rural lands**” (means outside the UGA and outside Resource Lands). So yes, sewer is optional for FRDU in “rural lands”. The law is unclear whether sewer is MANDATORY or just optional, on resource lands.

From your current Comp Plan – you already have everything you need in place.

1.1.3 Urban growth shall be located primarily in areas already characterized by urban growth that have existing public facility and service capacities to adequately serve such development and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services that are provided by either public or private sources. **Urban governmental services shall be provided in urban areas. These services may also be provided in rural areas, but only at levels appropriate to serve rural development. Urban governmental services include those services historically and typically delivered by cities or special districts and include storm and sanitary sewer systems,** domestic water systems, street cleaning services, fire and police protection, public transit services and other public utilities not normally associated with non-urban areas.

3.1.6 **Rural development** shall not be allowed unless appropriate facilities and services (water, storm drainage, roads and approved sanitary treatment) are in place or planned.

3.9.3: Freight rail dependent uses means 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.