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CLARK COUNTY
WASHINGTON

Planning Commission Recommendation

TO: County Council
FROM: Steve Morasch, Planning Commission Chair
PREPARED BY: Jose Alvarez, Planner III
DATE: November 16, 2017
SUBJECT: Freight Rail Dependent Uses

Planning Commission Recommendation

The Planning Commission held a public hearing on this matter on November 16, 2017 and recommended approval of a freight rail dependent uses overlay map (Exhibit 1) and the addition of freight rail dependent use policy language to the land use, rural and resource, and transportation element of the comprehensive plan (Exhibit 2) by a unanimous vote.

Background

The 2017 Legislature enacted 3ESB 5517 (Exhibit 3), and Gov. Jay Inslee signed the bill into law, effective Oct. 19. The bill amends the Growth Management Act to allow “freight rail dependent uses” and gives Clark and Okanogan counties authority to allow such uses adjacent to short line railroads as authorized by RCW 36.70A.060 and RCW36.70A.108.

Per the bill, freight rail dependent uses are considered both urban and rural development, and the bill authorizes Clark County to permit freight rail dependent uses on urban, resource and rural lands.

The county is proposing to implement the law in phases. The first phase would amend the land use, rural and resource, and transportation sections of the Comprehensive Plan to create policies to allow for freight rail dependent uses. The county also proposes a Phase I overlay map of properties within 500 feet of the rail line between NE 119th Street and NE 149th Street, excluding land zoned R-5 or land within the Brush Prairie Rural Center. Properties cited in the overlay map would be eligible for development after the second phase, below, is completed.

The second phase would consider development regulations and a list of allowed uses. The council has tasked a subcommittee of the Railroad Advisory Board with providing input on implementing the law.

The proposed Phase I overlay would apply to 23 properties totaling 306 acres. With the exception of two properties currently zoned light industrial, the properties are all zoned AG-20. The largest property is 156 acres zoned light industrial that is part of the Rural

Industrial Land Bank. This area has also been included in several previous environmental documents including the 2007 EIS and the supplemental EIS for the Rural Industrial Land Bank.

The proposed amendments are proceeding on an expedited time frame to coincide with the effective date of the law. On October 23, 2017 staff met with a sub-committee of the Railroad Advisory Board to review the proposed language and overlay map. The proposal below incorporated input from the sub-committee. An open house and public meeting (with the County Council) is scheduled for November 8. Staff will provide input gathered from that evening's meeting to the Planning Commission, for its consideration.

Proposed Actions

- Adopt a freight rail dependent uses overlay map (Exhibit 1) including the parcels identified below and the railroad right of way within the overlay boundaries.
- Add freight rail dependent use policy language to the land use, rural and resource, and transportation element (Exhibit 2)

Overlay map would apply to the following properties:

198343000; 198328000; 198344000; 198378000 198332000; 198383000; 198329000;
198370000; 198331000; 198384000; 198336000; 198358000; 198308000; 198303000;
198325000; 198333000; 198323000; 198330000; 198369000; 198376000; 198304000;
196656000; 198324000

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

CRITERIA FOR ALL MAP CHANGES

- 1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Clark County 20-Year Comprehensive Plan, and other related plans.***

Growth Management Act (GMA) Goals

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA goals that apply to creating freight rail dependent map overlay are Goal 5 and Goal 3.

- (5) Economic Development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and disadvantaged persons and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services and public facilities.*

- (3) *Transportation. Encourage efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

Finding: The proposed text amendments and map are consistent with the applicable State GMA Goals. The subject parcels are part of a phase I overlay of freight rail dependent uses. The legislature amended the Growth Management Act (GMA) to allow for these uses. "The legislature affirms that it is in the public interest to allow economic development infrastructure to occur near rail lines as a means to alleviate strains on government infrastructure elsewhere."

Policies applicable to this proposal include the following:

Community Framework Plan Policies

- 5.1.9 *Establish major inter-modal transportation corridors that preserve mobility for interstate commerce and freight movement (Promote inter-modal connections to port, rail, truck, bus and air transportation facilities. Preserve and improve linkages between the Port of Vancouver and other regional transportation systems)*

County-wide Planning Policy

- 9.1.9 *The county and cities will encourage the recruitment of new business employers to absorb the increasing labor force and to supply long-term employment opportunities for county's residents who are currently employed outside of the State.*

Finding: The proposed overlay designation would provide opportunities for employment using the existing short line railroad, which is linked to other transportation infrastructure.

Clark County 20 Year Comprehensive Plan

The Clark County Comprehensive Plan contains many policies that guide urban development and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

Goal: Encourage infrastructure development and services necessary to serve new industrial development.

- 9.6.2 *Develop compatible land uses that promote the long-term economic viability of the county railroad.*

Finding: The proposed overlay will create the opportunity for future development along the short line railroad in Clark County by expanding the quantity of property and types of uses that can be served by the rail line.

Conclusion: Criterion 1 has been met.

- 2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan.**

Finding: There are no locational criteria in the plan. The only locational criterion in the legislation is to be “adjacent to the short line railroad”. The term adjacent is defined in county code as “near or close”. The proposed phase I overlay includes properties within 500 ft. of the short line railroad with the exception of four parcels all of the properties are abutting the railroad.

Conclusion: Criterion is not applicable.

3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity.

Finding: The proposed overlay area is the first proposed to implement the new legislation. The area proposed is between the Vancouver and Battle Ground UGA (between NE 119th St and NE 149th St). The area is approximately 306 acres and the largest parcel is 156 acres that are part of the rural industrial land bank, the rest of the area is zoned AG-20.

Conclusion: Criterion 3 has been met.

4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error

Finding: The proposed overlay map and policies are a response to the new legislation (ESB 5517) amending the GMA. It is applicable to Clark County and the short line railroad. The county is proposing to implement the legislation as outlined above.

Conclusion: Criterion 4 has been met.

5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.

Finding: This is not applicable because the proposed overlay is not within the urban area.

Conclusion: Criterion 5 is not applicable.

RECOMMENDATION AND CONCLUSIONS

Based upon the information and the findings presented in this report and in the supporting documents, the Planning Commission forwards a recommendation of **APPROVAL** to the Board of County Commissioners.

COMPLIANCE WITH APPLICABLE CRITERIA		
	Criteria Met?	
	Staff Report	Planning Commission Findings
Criteria for All Map Changes		
A. Consistency with GMA & Countywide Policies	Yes	Yes
B. Conformance with Location Criteria	NA	NA
C. Site Suitability and Lack of Appropriately Designated Alternative Sites	Yes	Yes
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	Yes	Yes
E. Adequacy/Timeliness of Public Facilities and Services	NA	NA
Recommendation:	Yes	Yes

Freight Rail Dependent Uses Overlay

EXHIBIT 1

Legend

- Rail_bp_vuga
- Freight Rail Dependent Uses Overlay
- Urban Growth Boundary

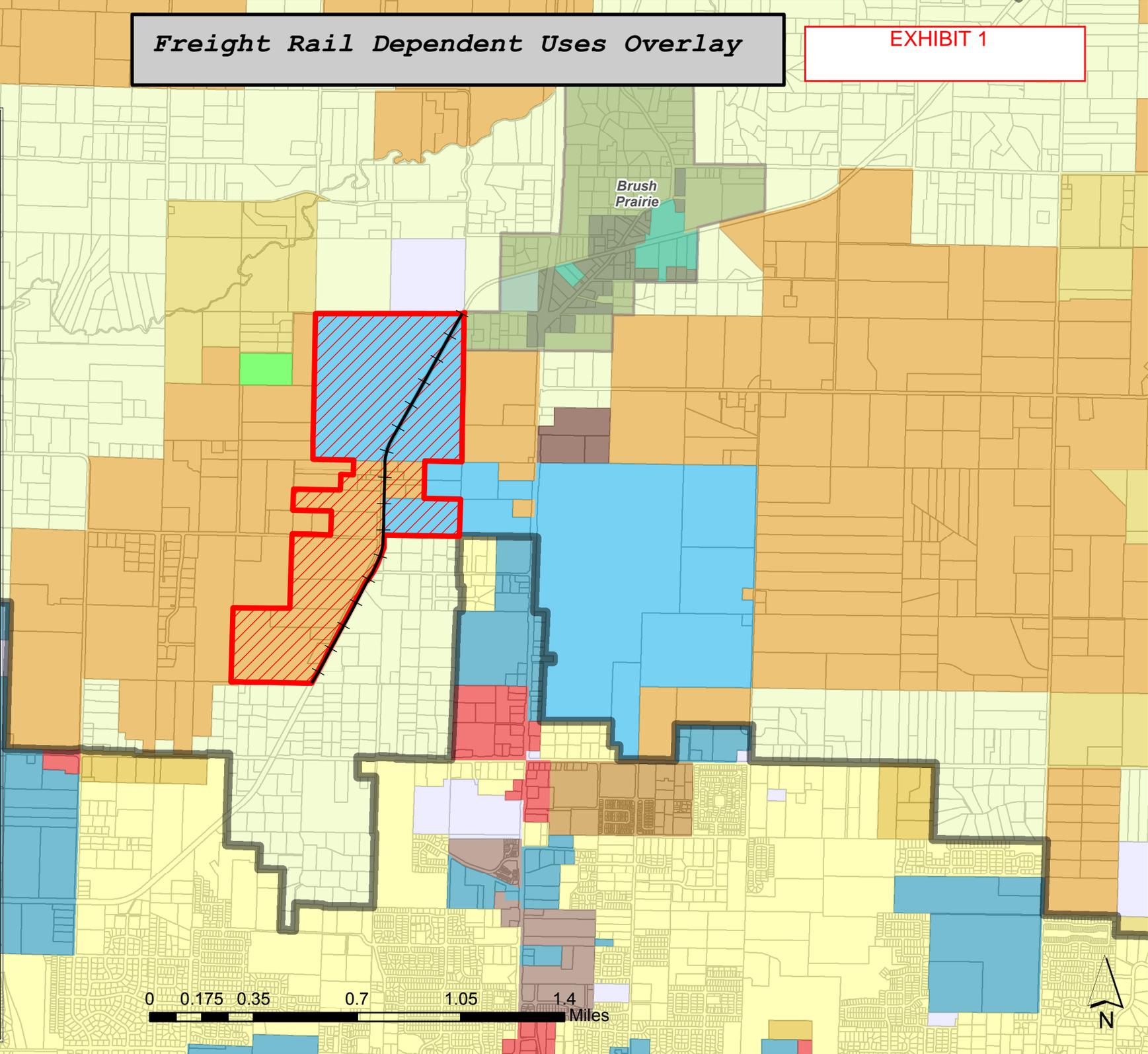
Comprehensive Plan

URBAN

- Urban Low Density Residential
- Urban Medium Density Residential
- Urban High Density Residential
- Mixed Use
- Commercial
- Industrial
- Public Facility

RURAL/RESOURCE

- Rural-5
- Rural-10
- Rural Center Residential
- Rural Commercial
- Rural Industrial
- Rural Industrial Land Bank
- Agriculture
- Parks/Open Space
- Airport
- Taxlots



Planning Commission Recommendation
Proposed comprehensive plan policy amendments to Implement ESB 5517

1 Land Use Element (p.39)

2 **Freight Rail Dependent Uses Overlay**

3 This designation is implemented with an overlay zone that identifies parcels where freight rail
4 dependent uses adjacent to the short line railroad may be permitted.

5 Rural and Natural Resource Element (p.97)

6 Freight Rail Dependent Uses

7 Goal: Support freight rail dependent uses where the use is dependent on and makes use of the short
8 line railroad, as defined by the Surface Transportation Board.

9 3.9 Policies

10 3.9.1: Support freight rail dependent uses in rural lands, as well as agriculture, forest and mineral
11 resource lands, where the use is dependent on and makes use of the short line railroad within the
12 county.

13 3.9.2: Freight rail dependent uses will be allowed on parcels with a freight rail dependent use overlay,
14 where such uses minimize impacts on adjacent rural and resource uses.

15 3.9.3: County may modify development regulations to include development of freight rail dependent
16 uses that do not require urban governmental services in rural lands.

17 Transportation Element (p.155)

18 **Goal: Ensure mobility throughout the transportation system.**

19
20 **5.4 System Mobility Policies**

21 5.4.1 The county arterial system shall be planned in general conformance with nationally-accepted
22 arterial spacing standards.

23 5.4.2 Congestion performance standards shall be maintained by the appropriate jurisdictions on
24 major freight mobility corridors and in the vicinity of major intermodal facilities to ensure the
25 economic vitality of the region.

26 5.4.3 Transportation System Management strategies should be analyzed and employed before
27 adding a general purpose lane to any regional roadway.

28 5.4.4 County roadways and intersections shall be designed when practical to achieve safety and
29 accessibility for all modes. Arterial streets shall provide facilities for automobile, bike and pedestrian
30 mobility as defined in the Arterial Atlas and shall include landscaping

31 5.4.5 Improve mobility and access for the movement of goods and services on the short line railroad
32 to enhance and promote economic opportunity throughout the county.

33

Planning Commission Recommendation
Proposed comprehensive plan policy amendments to Implement ESB 5517

1 **Implementation Strategies**

- 2 • Complete regional corridors and address corridor bottlenecks.
- 3 • Allocate or reserve corridor capacity for land uses likely to produce family wage jobs.
- 4 • Reduce corridor speed and intersection delay standards where transit is available at 15
- 5 minute headways during peak hours.
- 6 • Provide for reduced trip rate calculations for transit supportive development.
- 7 • Emphasize transit and ridesharing in the design and construction of all transportation
- 8 facilities through the implementation of transportation system management techniques
- 9 (signal timing, signal prioritization) and transit-only and high occupancy vehicle lanes.
- 10 • Continually test for changes in concurrency due to major development projects.
- 11 • Incorporate a “no-build” analysis into the design process for all transportation projects that
- 12 would add general purpose lanes.
- 13 • Ensure that freight corridors are designed, maintained, and operated to provide efficient
- 14 movement of truck and rail traffic.
- 15 • Use intelligent transportation system technology to alert motorists, bicyclists, and
- 16 pedestrians to the presence and anticipated length of closures due to train crossings.
- 17 • Evaluate the feasibility of grade separation in locations where train crossings result in
- 18 significant delays and safety issues for other traffic, and improve the safety and operational
- 19 conditions at rail crossings of streets.
- 20 • Work with freight stakeholders and the Port of Vancouver to maintain and improve
- 21 intermodal freight connections involving Port terminals, rail yards, industrial areas,
- 22 interchange tracks and regional highways.
- 23 • Support efficient and safe movement of goods by rail where appropriate, and promote
- 24 efficient operation of freight rail lines.
- 25 • Identify and minimize impacts that freight movements have on adjacent residential
- 26 neighborhoods and on resource uses.
- 27
- 28 • Work with local jurisdictions and railroads to coordinate land use plans and policies to
- 29 preserve and protect rail corridors, and take into account community needs in relation to the
- 30 rail system.

31

CERTIFICATION OF ENROLLMENT
THIRD ENGROSSED SENATE BILL 5517

Chapter 18, Laws of 2017

65th Legislature
2017 3rd Special Session

GROWTH MANAGEMENT ACT--FREIGHT RAIL DEPENDENT USES

EFFECTIVE DATE: October 19, 2017

Passed by the Senate June 27, 2017
Yeas 35 Nays 11

CYRUS HABIB

President of the Senate

Passed by the House June 29, 2017
Yeas 82 Nays 12

FRANK CHOPP

Speaker of the House of Representatives

Approved July 6, 2017 2:42 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **THIRD ENGROSSED SENATE BILL 5517** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

July 7, 2017

**Secretary of State
State of Washington**

THIRD ENGROSSED SENATE BILL 5517

Passed Legislature - 2017 3rd Special Session

State of Washington

65th Legislature

2017 Regular Session

By Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser, and Schoesler

Read first time 01/26/17. Referred to Committee on Local Government.

1 AN ACT Relating to rail dependent uses for purposes of the growth
2 management act and related development regulations; amending RCW
3 36.70A.030, 36.70A.060, 36.70A.070, and 36.70A.108; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature recognizes that it enacted
7 the rail preservation program because railroads provide benefits to
8 state and local jurisdictions that are valuable to economic
9 development, highway safety, and the environment. The Washington
10 state freight mobility plan includes the goal of supporting rural
11 economies farm-to-market, manufacturing, and resource industry
12 sectors. The plan makes clear that ensuring the availability of rail
13 capacity is vital to meeting the future needs of the Puget Sound
14 region. Rail-served industrial sites are a necessary part of a
15 thriving freight mobility system, and are a key means of assuring
16 that food and goods from rural areas are able to make it to people
17 living in urban areas and international markets. Planned and
18 effective access to railroad services is a pivotal aspect of
19 transportation planning. The legislature affirms that it is in the
20 public interest to allow economic development infrastructure to occur
21 near rail lines as a means to alleviate strains on government

1 infrastructure elsewhere. Therefore, the legislature finds that there
2 is a need for counties and cities to improve their planning under the
3 growth management act to provide much needed infrastructure for
4 freight rail dependent uses adjacent to railroad lines.

5 **Sec. 2.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Adopt a comprehensive land use plan" means to enact a new
10 comprehensive land use plan or to update an existing comprehensive
11 land use plan.

12 (2) "Agricultural land" means land primarily devoted to the
13 commercial production of horticultural, viticultural, floricultural,
14 dairy, apiary, vegetable, or animal products or of berries, grain,
15 hay, straw, turf, seed, Christmas trees not subject to the excise tax
16 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
17 hatcheries, or livestock, and that has long-term commercial
18 significance for agricultural production.

19 (3) "City" means any city or town, including a code city.

20 (4) "Comprehensive land use plan," "comprehensive plan," or
21 "plan" means a generalized coordinated land use policy statement of
22 the governing body of a county or city that is adopted pursuant to
23 this chapter.

24 (5) "Critical areas" include the following areas and ecosystems:
25 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
26 used for potable water; (c) fish and wildlife habitat conservation
27 areas; (d) frequently flooded areas; and (e) geologically hazardous
28 areas. "Fish and wildlife habitat conservation areas" does not
29 include such artificial features or constructs as irrigation delivery
30 systems, irrigation infrastructure, irrigation canals, or drainage
31 ditches that lie within the boundaries of and are maintained by a
32 port district or an irrigation district or company.

33 (6) "Department" means the department of commerce.

34 (7) "Development regulations" or "regulation" means the controls
35 placed on development or land use activities by a county or city,
36 including, but not limited to, zoning ordinances, critical areas
37 ordinances, shoreline master programs, official controls, planned
38 unit development ordinances, subdivision ordinances, and binding site
39 plan ordinances together with any amendments thereto. A development

1 regulation does not include a decision to approve a project permit
2 application, as defined in RCW 36.70B.020, even though the decision
3 may be expressed in a resolution or ordinance of the legislative body
4 of the county or city.

5 (8) "Forest land" means land primarily devoted to growing trees
6 for long-term commercial timber production on land that can be
7 economically and practically managed for such production, including
8 Christmas trees subject to the excise tax imposed under RCW 84.33.100
9 through 84.33.140, and that has long-term commercial significance. In
10 determining whether forest land is primarily devoted to growing trees
11 for long-term commercial timber production on land that can be
12 economically and practically managed for such production, the
13 following factors shall be considered: (a) The proximity of the land
14 to urban, suburban, and rural settlements; (b) surrounding parcel
15 size and the compatibility and intensity of adjacent and nearby land
16 uses; (c) long-term local economic conditions that affect the ability
17 to manage for timber production; and (d) the availability of public
18 facilities and services conducive to conversion of forest land to
19 other uses.

20 (9) "Freight rail dependent uses" means buildings and other
21 infrastructure that are used in the fabrication, processing, storage,
22 and transport of goods where the use is dependent on and makes use of
23 an adjacent short line railroad. Such facilities are both urban and
24 rural development for purposes of this chapter. "Freight rail
25 dependent uses" does not include buildings and other infrastructure
26 that are used in the fabrication, processing, storage, and transport
27 of coal, liquefied natural gas, or "crude oil" as defined in RCW
28 90.56.010.

29 (10) "Geologically hazardous areas" means areas that because of
30 their susceptibility to erosion, sliding, earthquake, or other
31 geological events, are not suited to the siting of commercial,
32 residential, or industrial development consistent with public health
33 or safety concerns.

34 ~~((10))~~ (11) "Long-term commercial significance" includes the
35 growing capacity, productivity, and soil composition of the land for
36 long-term commercial production, in consideration with the land's
37 proximity to population areas, and the possibility of more intense
38 uses of the land.

39 ~~((11))~~ (12) "Minerals" include gravel, sand, and valuable
40 metallic substances.

1 (~~(12)~~) (13) "Public facilities" include streets, roads,
2 highways, sidewalks, street and road lighting systems, traffic
3 signals, domestic water systems, storm and sanitary sewer systems,
4 parks and recreational facilities, and schools.

5 (~~(13)~~) (14) "Public services" include fire protection and
6 suppression, law enforcement, public health, education, recreation,
7 environmental protection, and other governmental services.

8 (~~(14)~~) (15) "Recreational land" means land so designated under
9 RCW 36.70A.1701 and that, immediately prior to this designation, was
10 designated as agricultural land of long-term commercial significance
11 under RCW 36.70A.170. Recreational land must have playing fields and
12 supporting facilities existing before July 1, 2004, for sports played
13 on grass playing fields.

14 (~~(15)~~) (16) "Rural character" refers to the patterns of land
15 use and development established by a county in the rural element of
16 its comprehensive plan:

17 (a) In which open space, the natural landscape, and vegetation
18 predominate over the built environment;

19 (b) That foster traditional rural lifestyles, rural-based
20 economies, and opportunities to both live and work in rural areas;

21 (c) That provide visual landscapes that are traditionally found
22 in rural areas and communities;

23 (d) That are compatible with the use of the land by wildlife and
24 for fish and wildlife habitat;

25 (e) That reduce the inappropriate conversion of undeveloped land
26 into sprawling, low-density development;

27 (f) That generally do not require the extension of urban
28 governmental services; and

29 (g) That are consistent with the protection of natural surface
30 water flows and groundwater and surface water recharge and discharge
31 areas.

32 (~~(16)~~) (17) "Rural development" refers to development outside
33 the urban growth area and outside agricultural, forest, and mineral
34 resource lands designated pursuant to RCW 36.70A.170. Rural
35 development can consist of a variety of uses and residential
36 densities, including clustered residential development, at levels
37 that are consistent with the preservation of rural character and the
38 requirements of the rural element. Rural development does not refer
39 to agriculture or forestry activities that may be conducted in rural
40 areas.

1 ~~((17))~~ (18) "Rural governmental services" or "rural services"
2 include those public services and public facilities historically and
3 typically delivered at an intensity usually found in rural areas, and
4 may include domestic water systems, fire and police protection
5 services, transportation and public transit services, and other
6 public utilities associated with rural development and normally not
7 associated with urban areas. Rural services do not include storm or
8 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

9 ~~((18))~~ (19) "Short line railroad" means those railroad lines
10 designated Class II or Class III by the United States surface
11 transportation board.

12 (20) "Urban governmental services" or "urban services" include
13 those public services and public facilities at an intensity
14 historically and typically provided in cities, specifically including
15 storm and sanitary sewer systems, domestic water systems, street
16 cleaning services, fire and police protection services, public
17 transit services, and other public utilities associated with urban
18 areas and normally not associated with rural areas.

19 ~~((19))~~ (21) "Urban growth" refers to growth that makes
20 intensive use of land for the location of buildings, structures, and
21 impermeable surfaces to such a degree as to be incompatible with the
22 primary use of land for the production of food, other agricultural
23 products, or fiber, or the extraction of mineral resources, rural
24 uses, rural development, and natural resource lands designated
25 pursuant to RCW 36.70A.170. A pattern of more intensive rural
26 development, as provided in RCW 36.70A.070(5)(d), is not urban
27 growth. When allowed to spread over wide areas, urban growth
28 typically requires urban governmental services. "Characterized by
29 urban growth" refers to land having urban growth located on it, or to
30 land located in relationship to an area with urban growth on it as to
31 be appropriate for urban growth.

32 ~~((20))~~ (22) "Urban growth areas" means those areas designated
33 by a county pursuant to RCW 36.70A.110.

34 ~~((21))~~ (23) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or groundwater at a frequency
36 and duration sufficient to support, and that under normal
37 circumstances do support, a prevalence of vegetation typically
38 adapted for life in saturated soil conditions. Wetlands generally
39 include swamps, marshes, bogs, and similar areas. Wetlands do not
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and
2 drainage ditches, grass-lined swales, canals, detention facilities,
3 wastewater treatment facilities, farm ponds, and landscape amenities,
4 or those wetlands created after July 1, 1990, that were
5 unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

9 **Sec. 3.** RCW 36.70A.060 and 2014 c 147 s 2 are each amended to
10 read as follows:

11 (1)(a) Each county that is required or chooses to plan under RCW
12 36.70A.040, and each city within such county, shall adopt development
13 regulations on or before September 1, 1991, to assure the
14 conservation of agricultural, forest, and mineral resource lands
15 designated under RCW 36.70A.170. Regulations adopted under this
16 subsection may not prohibit uses legally existing on any parcel prior
17 to their adoption and shall remain in effect until the county or city
18 adopts development regulations pursuant to RCW 36.70A.040. Such
19 regulations shall assure that the use of lands adjacent to
20 agricultural, forest, or mineral resource lands shall not interfere
21 with the continued use, in the accustomed manner and in accordance
22 with best management practices, of these designated lands for the
23 production of food, agricultural products, or timber, or for the
24 extraction of minerals. Any county located to the west of the crest
25 of the Cascade mountains that has both a population of at least four
26 hundred thousand and a border that touches another state, and any
27 city in such county, may adopt development regulations to assure that
28 agriculture, forest, and mineral resource lands adjacent to short
29 line railroads may be developed for freight rail dependent uses.

30 (b) Counties and cities shall require that all plats, short
31 plats, development permits, and building permits issued for
32 development activities on, or within five hundred feet of, lands
33 designated as agricultural lands, forest lands, or mineral resource
34 lands, contain a notice that the subject property is within or near
35 designated agricultural lands, forest lands, or mineral resource
36 lands on which a variety of commercial activities may occur that are
37 not compatible with residential development for certain periods of
38 limited duration. The notice for mineral resource lands shall also
39 inform that an application might be made for mining-related

1 activities, including mining, extraction, washing, crushing,
2 stockpiling, blasting, transporting, and recycling of minerals.

3 (c) Each county that adopts a resolution of partial planning
4 under RCW 36.70A.040(2)(b), and each city within such county, shall
5 adopt development regulations within one year after the adoption of
6 the resolution of partial planning to assure the conservation of
7 agricultural, forest, and mineral resource lands designated under RCW
8 36.70A.170. Regulations adopted under this subsection (1)(c) must
9 comply with the requirements governing regulations adopted under (a)
10 of this subsection.

11 (d)(i) A county that adopts a resolution of partial planning
12 under RCW 36.70A.040(2)(b) and that is not in compliance with the
13 planning requirements of this section, RCW 36.70A.040(4),
14 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
15 is adopted must, by January 30, 2017, apply for a determination of
16 compliance from the department finding that the county's development
17 regulations, including development regulations adopted to protect
18 critical areas, and comprehensive plans are in compliance with the
19 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
20 36.70A.170, and 36.70A.172. The department must approve or deny the
21 application for a determination of compliance within one hundred
22 twenty days of its receipt or by June 30, 2017, whichever date is
23 earlier.

24 (ii) If the department denies an application under (d)(i) of this
25 subsection, the county and each city within is obligated to comply
26 with all requirements of this chapter and the resolution for partial
27 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

28 (iii) A petition for review of a determination of compliance
29 under (d)(i) of this subsection may only be appealed to the growth
30 management hearings board within sixty days of the issuance of the
31 decision by the department.

32 (iv) In the event of a filing of a petition in accordance with
33 (d)(iii) of this subsection, the county and the department must
34 equally share the costs incurred by the department for defending an
35 approval of determination of compliance that is before the growth
36 management hearings board.

37 (v) The department may implement this subsection (~~((1))~~)(1)(d)
38 by adopting rules related to determinations of compliance. The rules
39 may address, but are not limited to: The requirements for
40 applications for a determination of compliance; charging of costs

1 under (d)(iv) of this subsection; procedures for processing
2 applications; criteria for the evaluation of applications; issuance
3 and notice of department decisions; and applicable timelines.

4 (e) Any county that borders both the Cascade mountains and
5 another country and has a population of less than fifty thousand
6 people, and any city in such county, may adopt development
7 regulations to assure that agriculture, forest, and mineral resource
8 lands adjacent to short line railroads may be developed for freight
9 rail dependent uses.

10 (2) Each county and city shall adopt development regulations that
11 protect critical areas that are required to be designated under RCW
12 36.70A.170. For counties and cities that are required or choose to
13 plan under RCW 36.70A.040, such development regulations shall be
14 adopted on or before September 1, 1991. For the remainder of the
15 counties and cities, such development regulations shall be adopted on
16 or before March 1, 1992.

17 (3) Such counties and cities shall review these designations and
18 development regulations when adopting their comprehensive plans under
19 RCW 36.70A.040 and implementing development regulations under RCW
20 36.70A.120 and may alter such designations and development
21 regulations to insure consistency.

22 (4) Forest land and agricultural land located within urban growth
23 areas shall not be designated by a county or city as forest land or
24 agricultural land of long-term commercial significance under RCW
25 36.70A.170 unless the city or county has enacted a program
26 authorizing transfer or purchase of development rights.

27 **Sec. 4.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
28 read as follows:

29 The comprehensive plan of a county or city that is required or
30 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
31 and descriptive text covering objectives, principles, and standards
32 used to develop the comprehensive plan. The plan shall be an
33 internally consistent document and all elements shall be consistent
34 with the future land use map. A comprehensive plan shall be adopted
35 and amended with public participation as provided in RCW 36.70A.140.
36 Each comprehensive plan shall include a plan, scheme, or design for
37 each of the following:

38 (1) A land use element designating the proposed general
39 distribution and general location and extent of the uses of land,

1 where appropriate, for agriculture, timber production, housing,
2 commerce, industry, recreation, open spaces, general aviation
3 airports, public utilities, public facilities, and other land uses.
4 The land use element shall include population densities, building
5 intensities, and estimates of future population growth. The land use
6 element shall provide for protection of the quality and quantity of
7 groundwater used for public water supplies. Wherever possible, the
8 land use element should consider utilizing urban planning approaches
9 that promote physical activity. Where applicable, the land use
10 element shall review drainage, flooding, and storm water run-off in
11 the area and nearby jurisdictions and provide guidance for corrective
12 actions to mitigate or cleanse those discharges that pollute waters
13 of the state, including Puget Sound or waters entering Puget Sound.

14 (2) A housing element ensuring the vitality and character of
15 established residential neighborhoods that: (a) Includes an inventory
16 and analysis of existing and projected housing needs that identifies
17 the number of housing units necessary to manage projected growth; (b)
18 includes a statement of goals, policies, objectives, and mandatory
19 provisions for the preservation, improvement, and development of
20 housing, including single-family residences; (c) identifies
21 sufficient land for housing, including, but not limited to,
22 government-assisted housing, housing for low-income families,
23 manufactured housing, multifamily housing, and group homes and foster
24 care facilities; and (d) makes adequate provisions for existing and
25 projected needs of all economic segments of the community.

26 (3) A capital facilities plan element consisting of: (a) An
27 inventory of existing capital facilities owned by public entities,
28 showing the locations and capacities of the capital facilities; (b) a
29 forecast of the future needs for such capital facilities; (c) the
30 proposed locations and capacities of expanded or new capital
31 facilities; (d) at least a six-year plan that will finance such
32 capital facilities within projected funding capacities and clearly
33 identifies sources of public money for such purposes; and (e) a
34 requirement to reassess the land use element if probable funding
35 falls short of meeting existing needs and to ensure that the land use
36 element, capital facilities plan element, and financing plan within
37 the capital facilities plan element are coordinated and consistent.
38 Park and recreation facilities shall be included in the capital
39 facilities plan element.

1 (4) A utilities element consisting of the general location,
2 proposed location, and capacity of all existing and proposed
3 utilities, including, but not limited to, electrical lines,
4 telecommunication lines, and natural gas lines.

5 (5) Rural element. Counties shall include a rural element
6 including lands that are not designated for urban growth,
7 agriculture, forest, or mineral resources. The following provisions
8 shall apply to the rural element:

9 (a) Growth management act goals and local circumstances. Because
10 circumstances vary from county to county, in establishing patterns of
11 rural densities and uses, a county may consider local circumstances,
12 but shall develop a written record explaining how the rural element
13 harmonizes the planning goals in RCW 36.70A.020 and meets the
14 requirements of this chapter.

15 (b) Rural development. The rural element shall permit rural
16 development, forestry, and agriculture in rural areas. The rural
17 element shall provide for a variety of rural densities, uses,
18 essential public facilities, and rural governmental services needed
19 to serve the permitted densities and uses. To achieve a variety of
20 rural densities and uses, counties may provide for clustering,
21 density transfer, design guidelines, conservation easements, and
22 other innovative techniques that will accommodate appropriate rural
23 economic advancement, densities, and uses that are not characterized
24 by urban growth and that are consistent with rural character.

25 (c) Measures governing rural development. The rural element shall
26 include measures that apply to rural development and protect the
27 rural character of the area, as established by the county, by:

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development with the
30 surrounding rural area;

31 (iii) Reducing the inappropriate conversion of undeveloped land
32 into sprawling, low-density development in the rural area;

33 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
34 and surface water and groundwater resources; and

35 (v) Protecting against conflicts with the use of agricultural,
36 forest, and mineral resource lands designated under RCW 36.70A.170.

37 (d) Limited areas of more intensive rural development. Subject to
38 the requirements of this subsection and except as otherwise
39 specifically provided in this subsection (5)(d), the rural element
40 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve
2 the limited area as follows:

3 (i) Rural development consisting of the infill, development, or
4 redevelopment of existing commercial, industrial, residential, or
5 mixed-use areas, whether characterized as shoreline development,
6 villages, hamlets, rural activity centers, or crossroads
7 developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-
9 use area are subject to the requirements of (d)(iv) of this
10 subsection, but are not subject to the requirements of (c)(ii) and
11 (iii) of this subsection.

12 (B) Any development or redevelopment other than an industrial
13 area or an industrial use within a mixed-use area or an industrial
14 area under this subsection (5)(d)(i) must be principally designed to
15 serve the existing and projected rural population.

16 (C) Any development or redevelopment in terms of building size,
17 scale, use, or intensity shall be consistent with the character of
18 the existing areas. Development and redevelopment may include changes
19 in use from vacant land or a previously existing use so long as the
20 new use conforms to the requirements of this subsection (5);

21 (ii) The intensification of development on lots containing, or
22 new development of, small-scale recreational or tourist uses,
23 including commercial facilities to serve those recreational or
24 tourist uses, that rely on a rural location and setting, but that do
25 not include new residential development. A small-scale recreation or
26 tourist use is not required to be principally designed to serve the
27 existing and projected rural population. Public services and public
28 facilities shall be limited to those necessary to serve the
29 recreation or tourist use and shall be provided in a manner that does
30 not permit low-density sprawl;

31 (iii) The intensification of development on lots containing
32 isolated nonresidential uses or new development of isolated cottage
33 industries and isolated small-scale businesses that are not
34 principally designed to serve the existing and projected rural
35 population and nonresidential uses, but do provide job opportunities
36 for rural residents. Rural counties may allow the expansion of small-
37 scale businesses as long as those small-scale businesses conform with
38 the rural character of the area as defined by the local government
39 according to RCW 36.70A.030(~~((+15+))~~) (16). Rural counties may also
40 allow new small-scale businesses to utilize a site previously

1 occupied by an existing business as long as the new small-scale
2 business conforms to the rural character of the area as defined by
3 the local government according to RCW 36.70A.030(~~(+15+)~~) (16). Public
4 services and public facilities shall be limited to those necessary to
5 serve the isolated nonresidential use and shall be provided in a
6 manner that does not permit low-density sprawl;

7 (iv) A county shall adopt measures to minimize and contain the
8 existing areas or uses of more intensive rural development, as
9 appropriate, authorized under this subsection. Lands included in such
10 existing areas or uses shall not extend beyond the logical outer
11 boundary of the existing area or use, thereby allowing a new pattern
12 of low-density sprawl. Existing areas are those that are clearly
13 identifiable and contained and where there is a logical boundary
14 delineated predominately by the built environment, but that may also
15 include undeveloped lands if limited as provided in this subsection.
16 The county shall establish the logical outer boundary of an area of
17 more intensive rural development. In establishing the logical outer
18 boundary, the county shall address (A) the need to preserve the
19 character of existing natural neighborhoods and communities, (B)
20 physical boundaries, such as bodies of water, streets and highways,
21 and land forms and contours, (C) the prevention of abnormally
22 irregular boundaries, and (D) the ability to provide public
23 facilities and public services in a manner that does not permit low-
24 density sprawl;

25 (v) For purposes of (d) of this subsection, an existing area or
26 existing use is one that was in existence:

27 (A) On July 1, 1990, in a county that was initially required to
28 plan under all of the provisions of this chapter;

29 (B) On the date the county adopted a resolution under RCW
30 36.70A.040(2), in a county that is planning under all of the
31 provisions of this chapter under RCW 36.70A.040(2); or

32 (C) On the date the office of financial management certifies the
33 county's population as provided in RCW 36.70A.040(5), in a county
34 that is planning under all of the provisions of this chapter pursuant
35 to RCW 36.70A.040(5).

36 (e) Exception. This subsection shall not be interpreted to permit
37 in the rural area a major industrial development or a master planned
38 resort unless otherwise specifically permitted under RCW 36.70A.360
39 and 36.70A.365.

1 (6) A transportation element that implements, and is consistent
2 with, the land use element.

3 (a) The transportation element shall include the following
4 subelements:

5 (i) Land use assumptions used in estimating travel;

6 (ii) Estimated traffic impacts to state-owned transportation
7 facilities resulting from land use assumptions to assist the
8 department of transportation in monitoring the performance of state
9 facilities, to plan improvements for the facilities, and to assess
10 the impact of land-use decisions on state-owned transportation
11 facilities;

12 (iii) Facilities and services needs, including:

13 (A) An inventory of air, water, and ground transportation
14 facilities and services, including transit alignments and general
15 aviation airport facilities, to define existing capital facilities
16 and travel levels as a basis for future planning. This inventory must
17 include state-owned transportation facilities within the city or
18 county's jurisdictional boundaries;

19 (B) Level of service standards for all locally owned arterials
20 and transit routes to serve as a gauge to judge performance of the
21 system. These standards should be regionally coordinated;

22 (C) For state-owned transportation facilities, level of service
23 standards for highways, as prescribed in chapters 47.06 and 47.80
24 RCW, to gauge the performance of the system. The purposes of
25 reflecting level of service standards for state highways in the local
26 comprehensive plan are to monitor the performance of the system, to
27 evaluate improvement strategies, and to facilitate coordination
28 between the county's or city's six-year street, road, or transit
29 program and the office of financial management's ten-year investment
30 program. The concurrency requirements of (b) of this subsection do
31 not apply to transportation facilities and services of statewide
32 significance except for counties consisting of islands whose only
33 connection to the mainland are state highways or ferry routes. In
34 these island counties, state highways and ferry route capacity must
35 be a factor in meeting the concurrency requirements in (b) of this
36 subsection;

37 (D) Specific actions and requirements for bringing into
38 compliance locally owned transportation facilities or services that
39 are below an established level of service standard;

1 (E) Forecasts of traffic for at least ten years based on the
2 adopted land use plan to provide information on the location, timing,
3 and capacity needs of future growth;

4 (F) Identification of state and local system needs to meet
5 current and future demands. Identified needs on state-owned
6 transportation facilities must be consistent with the statewide
7 multimodal transportation plan required under chapter 47.06 RCW;

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in
12 the comprehensive plan, the appropriate parts of which shall serve as
13 the basis for the six-year street, road, or transit program required
14 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
15 35.58.2795 for public transportation systems. The multiyear financing
16 plan should be coordinated with the ten-year investment program
17 developed by the office of financial management as required by RCW
18 47.05.030;

19 (C) If probable funding falls short of meeting identified needs,
20 a discussion of how additional funding will be raised, or how land
21 use assumptions will be reassessed to ensure that level of service
22 standards will be met;

23 (v) Intergovernmental coordination efforts, including an
24 assessment of the impacts of the transportation plan and land use
25 assumptions on the transportation systems of adjacent jurisdictions;

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative
28 efforts to identify and designate planned improvements for pedestrian
29 and bicycle facilities and corridors that address and encourage
30 enhanced community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions
32 required to plan or who choose to plan under RCW 36.70A.040, local
33 jurisdictions must adopt and enforce ordinances which prohibit
34 development approval if the development causes the level of service
35 on a locally owned transportation facility to decline below the
36 standards adopted in the transportation element of the comprehensive
37 plan, unless transportation improvements or strategies to accommodate
38 the impacts of development are made concurrent with the development.
39 These strategies may include increased public transportation service,
40 ride-sharing programs, demand management, and other transportation

1 systems management strategies. For the purposes of this subsection
2 (6), "concurrent with the development" means that improvements or
3 strategies are in place at the time of development, or that a
4 financial commitment is in place to complete the improvements or
5 strategies within six years. If the collection of impact fees is
6 delayed under RCW 82.02.050(3), the six-year period required by this
7 subsection (6)(b) must begin after full payment of all impact fees is
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),
10 the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation
12 systems, and the ten-year investment program required by RCW
13 47.05.030 for the state, must be consistent.

14 (7) An economic development element establishing local goals,
15 policies, objectives, and provisions for economic growth and vitality
16 and a high quality of life. (~~The element may include the provisions~~
17 ~~in section 3 of this act.~~) A city that has chosen to be a
18 residential community is exempt from the economic development element
19 requirement of this subsection.

20 (8) A park and recreation element that implements, and is
21 consistent with, the capital facilities plan element as it relates to
22 park and recreation facilities. The element shall include: (a)
23 Estimates of park and recreation demand for at least a ten-year
24 period; (b) an evaluation of facilities and service needs; and (c) an
25 evaluation of intergovernmental coordination opportunities to provide
26 regional approaches for meeting park and recreational demand.

27 (9) It is the intent that new or amended elements required after
28 January 1, 2002, be adopted concurrent with the scheduled update
29 provided in RCW 36.70A.130. Requirements to incorporate any such new
30 or amended elements shall be null and void until funds sufficient to
31 cover applicable local government costs are appropriated and
32 distributed by the state at least two years before local government
33 must update comprehensive plans as required in RCW 36.70A.130.

34 **Sec. 5.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to
35 read as follows:

36 (1) The transportation element required by RCW 36.70A.070 may
37 include, in addition to improvements or strategies to accommodate the
38 impacts of development authorized under RCW 36.70A.070(6)(b),
39 multimodal transportation improvements or strategies that are made

1 concurrent with the development. These transportation improvements or
2 strategies may include, but are not limited to, measures implementing
3 or evaluating:

4 (a) Multiple modes of transportation with peak and nonpeak hour
5 capacity performance standards for locally owned transportation
6 facilities; and

7 (b) Modal performance standards meeting the peak and nonpeak hour
8 capacity performance standards.

9 (2) Any county located to the west of the crest of the Cascade
10 mountains that has both a population of at least four hundred
11 thousand and a border that touches another state, and any city in
12 such county, may include development of freight rail dependent uses
13 on land adjacent to a short line railroad in the transportation
14 element required by RCW 36.70A.070. Such counties and cities may also
15 modify development regulations to include development of freight rail
16 dependent uses that do not require urban governmental services in
17 rural lands.

18 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be
19 construed as prohibiting a county or city planning under RCW
20 36.70A.040 from exercising existing authority to develop multimodal
21 improvements or strategies to satisfy the concurrency requirements of
22 this chapter.

23 ((+3)) (4) Nothing in this section is intended to affect or
24 otherwise modify the authority of jurisdictions planning under RCW
25 36.70A.040.

Passed by the Senate June 27, 2017.

Passed by the House June 29, 2017.

Approved by the Governor July 6, 2017.

Filed in Office of Secretary of State July 7, 2017.

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November 13, 2017

Clark County Planning Commission
c/o Sonja Wisner, Program Assistant
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810

RE: Freight Rail Dependent Uses Comprehensive Plan Change and Overlay Map

Dear Planning Commissioners:

The Columbia River Economic Development Council (CREDC) would like to express its support for the implementation of the freight rail dependent uses in the 2017 amendment to the Clark County Comprehensive Plan and the inclusion of the entire Rural Industrial Land Bank (RILB) in the Comprehensive Plan and Overlay Map.

Serving as the Associate Development Organization for Clark County, the CREDC is a public-private partnership of over 150 investors and strategic partners working together to advance the economic vitality of the community through business growth and innovation.

Identifying development-ready employment sites is a critical part of the CREDC's strategy to attract and retain traded sector jobs in Clark County. The 2016 Employment Land Study defined the existing inventory of employment land and its development readiness. The project examined the current and near-term supply of large (20+ acres) employment sites available to accommodate the expansion of existing employers and the recruitment of new employers throughout Clark County. This project shed light on the limited acreage available for future development. Given the CREDC's recent influx of inquiries for large employment sites (see enclosure), addressing this low supply is critical.

Inclusion of the entire RILB would expand the supply of available land for new and growing companies requiring rail services to locate in Clark County. The development potential of one specific site, commonly referred to as the Lagler property, is currently unknown due to litigation over the RILB and whether the site will continue to be zoned as Light Industrial or be reverted to Agricultural-zoned land. Ensuring that this site remains zoned as Light Industrial would contribute to maintaining an adequate supply of development-ready employment land in Clark County.

Thank you for your consideration of this request and your continued support of advancing economic vitality throughout Clark County.

Sincerely,

Mike Bomar
CREDC President

Enclosure: Clark County Project Inquiries

To: Railroad Advisory Board

From: Elizabeth Scott, Director of Business Recruitment, CREDC

Date: September 18, 2017

Re: SB 5517 Implementation Testimony

The following tables include project inquiries to support implementation of SB 5517.

CLARK COUNTY 2017 PROJECT INQUIRIES

DATE	PROJECT	INDUSTRY	ACRES	JOBS	RAIL
2-17	Royale	C&E Mfg	300	1,500-2,500	No
3-17	Crystal	Glass Mfg	100 -150	500-800	Preferred
4-17	Julep	Paper Mfg	30 - 50	100	Yes
4-17	Mojito	Food Mfg	100 - 200	50-100	No
5-17	Tile	Mfg & Office	22	100	Preferred
7-17	Zen	Chem Mfg	10 - 15	20	Yes
7-17	Supernova	Battery Mfg	150	500	Yes
7-17	Noah	Mfg	100 - 200	Unknown	Preferred
8-17	Mitt	Metals Mfg	500 – 1,000	1,000	Yes
8-17	Eagle	Clean Tech Mfg	150 - 400	1,000	Yes
9-17	Epic2	Paper Mfg	100	150	Yes
9-17	Renaissance	Clean Tech Mfg	20+	1,000	Preferred
9-17	Metropolis	Office	100	Thousands	No

FORMER CLARK COUNTY PROJECT INQUIRIES

YEAR	PROJECT	INDUSTRY	ACRES	RAIL
2011	L'Aurora	Food Processing	100	—
2012	—	Food Processing	200	—
2013	Rush	Mfg	200 - 300	—
2013	—	FTZ Mfg	45	—
2014	Wildcat	Mfg	40 - 80	—
2015	—	—	200 – 300	Yes
2015	—	—	150	Yes
2015	—	—	100 - 250	Yes
2015	—	—	100	Yes
2016	Epic	Warehouse/Dist	50 - 60	—
2016	Tremendous	Warehouse/Dist	50 - 100	—

From: [Alvarez, Jose](#)
To: [Wiser, Sonja](#)
Subject: FW: Planning Commission Meeting Testimony-Please forward
Date: Thursday, November 16, 2017 10:10:26 AM

FYI – Comment for tonight

From: Dianne Kocer [mailto:diannekxm@gmail.com]
Sent: Thursday, November 16, 2017 9:44 AM
To: Alvarez, Jose
Subject: Planning Commission Meeting Testimony-Please forward

To: Members of the Planning Commission

Re: Amending the GMA for "Rail Dependent Uses"

You are all aware that the purpose of the GMA is to identify and protect critical areas and natural resource lands, designate urban growth areas and plan and invest accordingly. This approach to growth management is unique among states and is, for those who care about what kind of community we leave for those who will follow us, an important control on runaway, random development and a credit to our state.

In my opinion this effort to amend the GMA for Clark County lacks foresight for a number of reasons.

- 1) It would allow industrial (light or heavy) development along a corridor which would have a greater impact on future land use adjacent to that development. Separation of industrial use land from residential and ag land is the reason we specifically designate zoning for heavy industrial, light industrial, residential, agriculture, etc.
- 2) "Rail Dependent Uses" is a somewhat nebulous designation. Does that mean that a coal terminal could be sited along this little spur? Who would determine that a business is actually truly "rail dependent?" It would seem that, other than heavy industrial rail is not needed, especially for short run spurs, and heavy industrial is not compatible with the residential and agricultural nature of the subject properties.
- 3) The Lagler property and its leased components, which seems to be a focus of this attempt, is prime agricultural land. Sited as it is near the urban growth boundary of Vancouver, it's highest and best use is to remain agricultural land. Too much of our food comes from hundreds even thousands of miles away. To be a resilient community we need to be able to supply more of our own food and also protect our water supply. This would be true even if we were not in the cross hairs of a major seismic event. The last Cascadia subduction fault category 9 earthquake was in January, 1700. It was of a size at least that of the 2011 disaster in Japan that "gifted" the Pacific Rim with the Fukushima nightmare. The geologic record for Cascadia indicates multiple past events separated by 500 years plus or minus 170 years, with twice that frequency on the southern portion of the zone, roughly from Seaside south.

We need to plan ahead, just as workers need to plan ahead for their retirements by saving and investing. We need to invest in maintaining ideal ag land close to where people live. This is not a new idea. One has only to look at New York City. Truck farms abound, raising produce year-round (greenhouses) for millions of people. Paris has a huge market that only recently was moved from near the core to slightly further out but still well within the city. Vancouver could have something similar, if not on such a grand scale. The dairy that the Lagler Family has operated has ensured that the land is well fertilized and ideal for productive farming. The county is in the process of forming an Agricultural Advisory Group, a group whose function is to make recommendations about how to improve and extend agriculture. Those of us who believe this would be of enormous long term advantage to Clark County see the property made available to farmers, particularly young farmers who desperately want to farm but find good farm land is prohibitively expensive, to lease in different sized parcels, greenhouses, water catchment, cold storage facilities, basic processing and much more.

The above use is not compatible with indiscriminant, random development of industry which may not be actually "rail dependent" at all. To be "dependent" by definition means that something, in this case rail, is essential for its function/existence. Can you really think of any industry that fits that definition, ie. industry that can't exist without rail? Maybe you can, but is it suitable to be scattered along a very old railroad spur through our community?

I urge you to recommend against this end run around the Growth Management Act.

With best regards,

Dianne Kocer
Brush Prairie

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"We can either have democracy in this country or we can have great wealth concentrated in the hands of a few. But we can't have both." - Justice Louis Brandeis

"Our lives begin to end the day we become silent about the things that matter."- Dr. Martin Luther King, Jr.

From: [Orjiako, Oliver](#)
To: [Wiser, Sonja](#)
Subject: FW: Meeting Tonight Regarding Rail Spur In CC
Date: Thursday, November 09, 2017 9:42:40 AM

This is for the index and for the PC.



Oliver Orjiako
Director
COMMUNITY PLANNING

360.397.2280 ext 4112



From: Ann Foster [mailto:annfoster5093@gmail.com]
Sent: Wednesday, November 08, 2017 8:34 PM
To: Orjiako, Oliver; Alvarez, Jose
Subject: Fwd: Meeting Tonight Regarding Rail Spur In CC

Forwarding to you...

----- Forwarded message -----

From: "Dianne Kocer" <diannekmx@gmail.com>
Date: Nov 8, 2017 3:49 PM
Subject: Meeting Tonight Regarding Rail Spur In CC
To: <jeanne.stewart@clark.wa.gov>, <julie.olson2@clark.wa.gov>, <marc.boldt@clark.wa.gov>, <EileenQuiring@clark.wa.gov>, <johnblom@clark.wa.gov>
Cc:

I just got the notice about tonight's meeting from Ann Foster. Because I am not able to attend I would like to react to Liz Pike's proposal to allow light industrial development along the route of the railroad spur.

1) I believe light industrial development should be planned and clustered, not spread willy nilly along the length of a rail spur.

2) I am especially concerned about the Lagler Property. As I have expressed to you both publicly and in a recent email, this property is unique in Clark County in being a large parcel of prime agricultural land on the city's urban growth boundary.

If you were to consult a disaster management expert regarding the disruption that extreme geological or weather events pose, I feel certain that person would remind you of just how cut off this community could

be in the event of, say, a megaquake that geologists and geophysicists say is overdue. The Cascadia Subduction Zone is capable of delivering a quake/tsunami of at least the size of the 2011 quake in Japan that disabled Fukushima and is still leaking irradiated water into the Pacific. The geologic timing of Cascadia's northern 2/3 is every 300-500 years, with the southern portion, more frequent, and the history indicates the events have been, and will continue to be, magnitude 9+ . The last one was January of 1700. Oregon transportation folks predict that when this happens, unless there is adequate time and a lot of money spent prior to the event, that only a couple of bridges on I5 would survive.

The PNW is not prepared like Japan is and still Japan suffered catastrophically. As the governing body for our county it is incumbent upon you to plan for the future, just as workers should plan throughout their working lives for their retirement. You are doing that in setting aside park lands, knowing that Clark County is growing so rapidly that the open spaces we take for granted, and that wildlife depend on, will be gone. I applaud you for that decision. It is just as important, if not more so, for you to consider how this community could be resilient in the face of disasters that impact transportation. Food and water security should be at the top of your list.

I urge you to at least form a study group to examine how the Lagler property could be used to help ensure food security for the county. It only takes time. You can then make an informed decision about that property and the rail spur that runs through it, not a decision based upon a dearth of knowledge that could result in forever burying the potential for food security under asphalt.

I would urge you to not allow light industrial development all along the route of the rail spur and certainly not on the Lagler property. Ann has pointed out to me the need for food storage facilities. If that were to be developed in conjunction with farming on those parcels there may be a role for the spur to play in transporting food products to the core area.

Think creatively and reach out to experts and the farming/farmers' markets communities and don't be afraid to start a conversation about this. It may go nowhere, but than, again, it may prove to be an incubator for something great. Think of all the truck farms around NYC that provide food for that city. We have an opportunity now to show that same foresight. Don't let the opportunity slip through your fingers. Don't let it be something that you look back on and regret that you failed to consider more than the obvious possibilities.

Best Regards,

Dianne Kocer
[360-891-1466](tel:360-891-1466)

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"We can either have democracy in this country or we can have great wealth concentrated in the hands of a few. But we can't have both." - Justice Louis Brandeis

"Our lives begin to end the day we become silent about the things that matter." - Dr. Martin Luther King, Jr.

November 15, 2017

Mr. Steve Morasch, Chair
Clark County Planning Commission
PO Box 5000
Vancouver, Washington 98666-5000

Dear Chair Morasch and Planning Commissioners:

Subject: Comments on Phase I Freight Rail Dependent Uses Policies and Overlay.

Sent via email to: communityplanning@clark.wa.gov

Thank you for the opportunity to comment on the on the Phase I Freight Rail Dependent Uses Policies and Overlay. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, and that protect our most valuable farmlands, forests and water resources. We have members across Washington State including Clark County. We have several suggestions to improve the proposed policies and overlay.

Freight rail dependent uses are only allowed adjacent to short line railroads

RCW 36.70A.060(1)(a) provides in relevant part that “[a]ny county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses.”¹ Similarly, RCW 36.70A.108(2) provides that “[a]ny county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may include development of freight rail dependent uses on land adjacent to a short line railroad in the transportation element required by RCW 36.70A.070.² 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.”

Both provisions require that the freight rail dependent uses be on land or lands adjacent to shore line railroads. Adjacent means “‘abutting’ or ‘touching.’”³ This limitation makes sense since the legislative findings for the bill authorizing these uses stated that one of the purposes is to “alleviate strains on government infrastructure elsewhere” and 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.”⁴

¹ Underlining added.

² Underlining added.

³ *City of Arlington v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 164 Wn.2d 768, 791, 193 P.3d 1077, 1089 (2008).

⁴ Wash. Laws 2017 3rd Special Session Chapter 18 § 1.

However, both the overlay and the proposed policies allow freight rail dependent uses “on parcels” rather than land adjacent to the short line railroads as RCW 36.70A.060(1)(a) and RCW 36.70A.108(2) require. So, the overlay map should be limited to lands adjacent to a short line railroad. The policies should also be limited to lands adjacent to the short line railroad. Policy 3.9.2 should be modified to read as follows with our additions single underlined and our deletions single struck through:

3.9.2: Freight rail dependent uses will be allowed on lands adjacent to a short line railroad parcels with a freight rail dependent use overlay and where such uses minimize impacts on adjacent rural and resource uses.

A policy should protect adjacent agricultural, forest, or mineral resource lands from impacts that would interfere with their continued use

RCW 36.70A.060(1)(a)’s requirement that the county’s development “regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals” remains in effect. So, the county should adopt a policy to assure that freight rail depended uses do not interfere the continued use of adjacent agricultural, forest, or mineral resource lands for these natural resource uses. Buffers to prevent overspray and other natural resource impacts would be helpful as would measures to protect adjacent resource uses from noise, trespass, and other adverse impacts. We recommend the following policy with our additions single underlined:

3.9.4: Freight rail dependent uses shall be designed and incorporate measures, such as buffers, to ensure that the uses do not interfere with the continued use of adjacent agricultural, forest, or mineral resource lands. Freight rail dependent uses shall not interfere with ground and surface waters that adjacent agricultural, forest, or mineral resource lands rely upon.

A policy should encourage freight rail dependent uses within urban growth areas

Freight rail dependent uses may be allowed both inside and outside urban growth areas.⁵ So we recommend adding a policy encouraging freight rail dependent uses in the parts of urban growth areas appropriate for rail depended industrial and manufacturing uses. We recommend that the overlay be expanded to include those urban growth areas. Because most residents and public facilities and services are within urban growth areas, those are the better locations for those uses.

3.9.5: Freight rail dependent uses shall be encouraged in parts of the urban growth area suitable for industrial and manufacturing uses.

⁵ RCW 36.70A.030(9).

Clark County Planning Commission

November 15, 2017

Page 3

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

Very Truly Yours,

A handwritten signature in blue ink, consisting of two large, stylized, overlapping loops that resemble the letter 'S'.

Tim Trohimovich, AICP
Director of Planning & Law

cc: Dr. Oliver Orjiako, Community Planning Director via email
oliver.orjiako@clark.wa.gov
Ms. Christine Cook, Clark County Prosecutor's Office - Civil Division via email:
Christine.Cook@clark.wa.gov

From: [Orjiako, Oliver](#)
To: [Albrecht, Gary](#); [Alvarez, Jose](#); [Anderson, Colete](#); [Euler, Gordon](#); [Hermen, Matt](#); [Kamp, Jacqueline](#); [Lebowsky, Laurie](#); [Lumbantobing, Sharon](#); [Orjiako, Oliver](#); [Schroader, Kathy](#); [Wiser, Sonja](#)
Subject: FW: Comments on Phase I Freight Rail Dependent Uses Policies and Overlay
Date: Wednesday, November 15, 2017 1:54:41 PM
Attachments: [image001.png](#)
[image003.png](#)
[Futurewise Comments on to Phase I Frieght Rail Depement Uses Nov 2017 V2.pdf](#)

FYI. Thanks.



Oliver Orjiako
Director
COMMUNITY PLANNING

360.397.2280 ext 4112



From: Tim Trohimovich [mailto:Tim@futurewise.org]
Sent: Wednesday, November 15, 2017 1:46 PM
To: Cnty Community Planning
Cc: Orjiako, Oliver; Cook, Christine
Subject: Comments on Phase I Freight Rail Dependent Uses Policies and Overlay

Dear Madams and Sirs:

Enclosed please find Futurewise's comments on the Phase I Freight Rail Dependent Uses Policies and Overlay for the Planning Commission's November 16, 2017 public hearing. Thank you and the Planning Commission for considering our comments.

Tim Trohimovich, AICP
Director of Planning & Law



**future
wise**

816 Second Avenue, Suite 200
Seattle, WA 98104-1530
206 343-0681 Ex 118
tim@futurewise.org
connect:
futurewise.org



November 8, 2017

Clark County Planning Commission
c/o Sonja Wisler, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810
VIA EMAIL sonja.wisler@clark.wa.gov

RE: ESB 5517, Freight Rail Dependent Uses Comp Plan Change and Overlay Map

Dear Commissioners:

Identity Clark County writes in support of an early and phased-in implementation of the freight rail dependent use legislation and are pleased to provide recommendations to you on the proposed Comp Plan and Overlay Map. ICC is a privately-funded business organization with goals including economic expansion and vitality through improved transportation and infrastructure. We respectfully ask the Planning Commission to include the entire Rural Industrial Land Bank in the Comp Plan and Overlay Map.

Data presented from the Columbia River Economic Development Council demonstrates substantial interest in rail served land. If land is available, it allows recruitment of employers to provide needed industrial jobs in Clark County for companies that make use of and are dependent on the Chelatchie Prairie Railroad. CREDC's 2016 employment land inventory study identified 56 potential employment development sites over 20 acres in size in Clark County. Of those, only 15 could be development ready in 6 months.

Including the entire Rural Industrial Land Bank will safeguard against the unknown outcome of the ongoing litigation and appeal over the Lagler property zoning from Agriculture to Light Industrial. If the County loses the appeal, the land will revert to Resource Land and should maintain eligibility for Freight Rail Dependent Uses.

Finally, including the entire Rural Industrial Land Bank puts the public on notice that this land is intended for industrial use whether it is designated as Land Bank or Freight Rail Dependent Uses.

Your support of this proposed change is greatly appreciated and consistent with the direction from Councilors to focus the first phase of implementation on the Rural Industrial Land Bank and land that has already completed environmental reviews. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Arp', is written over a white background.

Ron Arp, President
Identity Clark County

November 14, 2017

Clark County Planning Commission
C/o Sonja Wisner, Program Assistant
Clark County Community Planning
P. O. Box 9810
Vancouver, WA 98666

Dear Sonja:

We own 5 parcels of bare land in the NE ¼ of section 28 T3N R2E Wm. Two of the parcels (#81 & #86) are being cited in the overlay map for inclusion in the county freight rail-dependent overlay between NE 119th Street and NE 149th Street. Three of our parcels (#85, #37 and #4) are not included in the overlay.

We are requesting that all five parcels be included in the freight rail-dependent overlay.

We feel that all five lots should be included in the overlay for the following reasons:

- 1.) All five of our lots are contiguous
- 2.) Currently, all five lots are exactly zoned the same i.e., AG-20 with a zoning overlay of railroad industrial urban reserve.

The two parcels that are already cited to be part of the freight rail-dependent overlay are: #81 sec 28 T3N R2E Wm 14.99 A and #86 Sec 28 T3N R2E WM 1.81 A.

The three parcels that we feel should also be included so all 5 lots can basically be treated as one lot are:
#85 SEC 28 T3N R2E WM 5.00A, #37 Sec 28 T3N R2E WM 2.35 A and #4 Sec 28 T3N R2E WM 4.28 A.

Copies of the account summary for each of the five parcels are included.

Thank you for your consideration.



Les Cotton

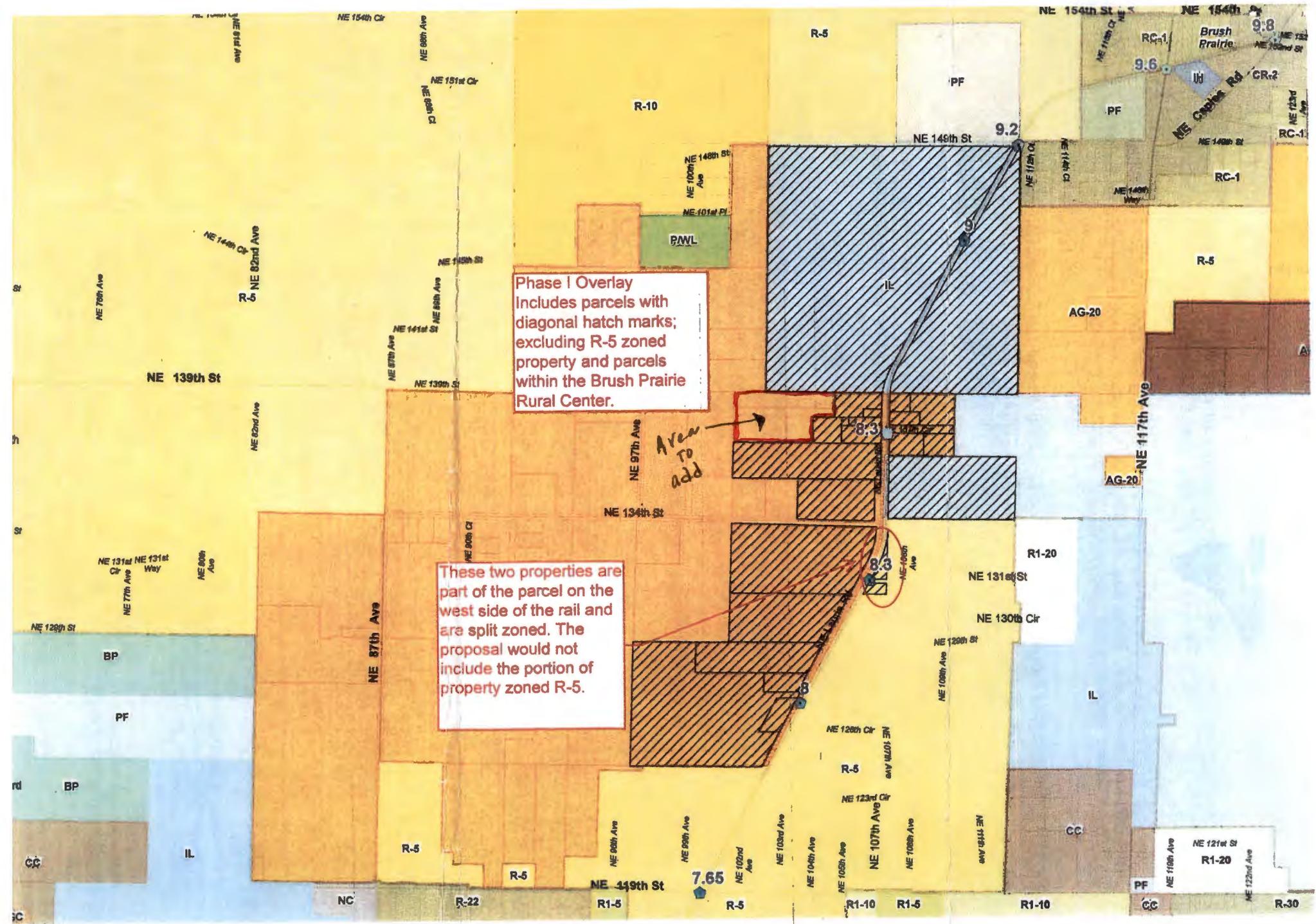


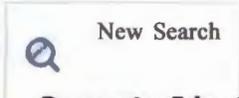
Linda Cotton

Phase I Overlay
Includes parcels with
diagonal hatch marks;
excluding R-5 zoned
property and parcels
within the Brush Prairie
Rural Center.

Area
To
add

These two properties are
part of the parcel on the
west side of the rail and
are split zoned. The
proposal would not
include the portion of
property zoned R-5.





Clark County Property Information

Account Summary

Property Identification Number: 198378000 [MapsOnline](#)



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Property Type: Real

Supplemental: Land valued as Farm and Agricultural Land

Property Status: Active **Tax Status:** Regular

Site Address: ([Situs Addresses](#))

Abbreviated Legal Description: #81 SEC 28 T3N R2EWM 14.99A

Account	Building	Environmental	Taxes	Auditor Docs	Documents	Permits	Sales Search
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Property Owner COTTON LESLIE & COTTON LINDA	Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA , 98604 US	Property Location Address Google Maps Street View Bing Maps Birds Eye
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Administrative Data	Land Data	Assessment Data Info...
Info...	Clark County Road Atlas page 27	2017 Values for 2018 Taxes
Zoning Designation - Codes Agriculture-20 (AG-20)	Approximate Area Info... 652,964 sq. ft. 14.99 acres	Market Value as of January 1, 2017
Zoning Overlay(s) Railroad Industrial Urban Reserve	Subdivision no data	Land Value \$308,858.00
Comprehensive Plan AG	Survey No Records	Building Value \$0.00
Comp. Plan Overlay (s) Railroad Industrial Reserve	Sales History	Total Property \$308,858.00
Census Tract 407.09	Sale Date 04/07/2017	Taxable Value
Jurisdiction Clark County	Document Type EAS	Total \$12,153.00
Fire District FD 5	Excise Number 0	2016 Values for 2017 Taxes
Park District n/a	Document Number 5393837	Market Value as of January 1, 2016
School District Battle Ground Glenwood Heights Laurin Prairie	Sale Amount \$0.00	Land Value \$278,968.00
Sewer District Rural/Resource		Building Value \$0.00
Water District Clark Public Utilities		Total Property \$278,968.00
Neighborhood Greater Brush Prairie		Taxable Value
Section-Township-Range NE 1/4,S28,T3N,R2E image: .PDF		Total \$11,935.00
Section-Township-Range NW 1/4,S28,T3N,R2E image: .PDF		General
Urban Growth Area County		Re-valuation Cycle 3
C-Tran Benefit Area No		Assessor Neighborhood 14
School Impact Fee Battle Ground		
Transportation Impact Fee Rural		
Transportation Analysis Zone 512		
Waste Connections Garbage Collection Day Friday		
Last Street Sweeping n/a		
CPU Lighting Utility District 0		
Burning Allowed Yes		
Wildfire Danger Area No		
Public Health Food Inspector District District 1		
Public Health WRAP Inspector District District 2		

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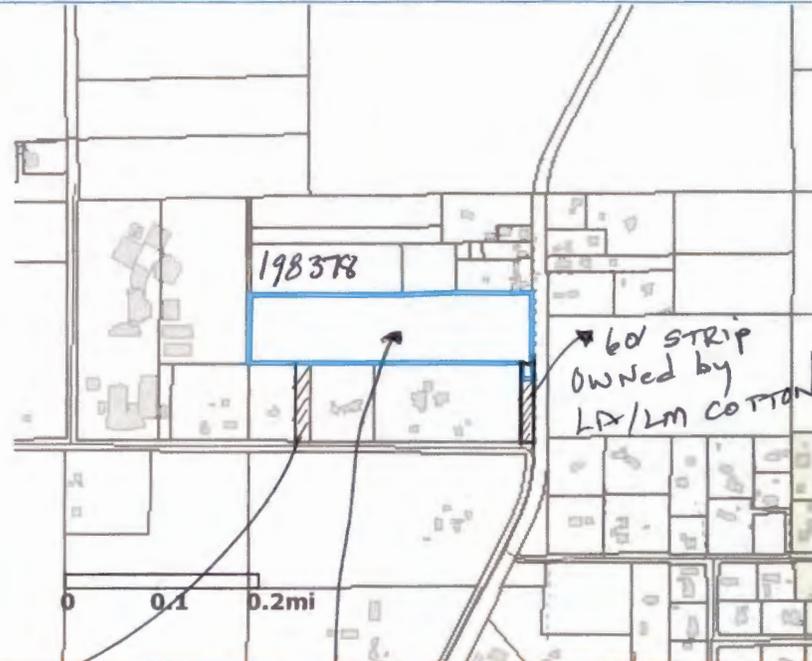
Parcel Information

Account Number:

Property Location Address
no situs address available

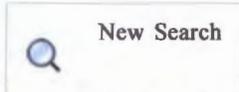
Property Owner
COTTON LESLIE & COTTON LIN

Owner Mailing Address
17709 NE 102ND AVE
BATTLE GROUND WA, 98604



60' EASEMENT
FROM ROBERT JAGELSKI
ESTATE TO LA/LM
COTTON

81 SEC 28 T3N R2E WM
14.99 ACRES



Clark County Property Information

Account Summary

Property Identification Number: 198382000 [MapsOnline](#)



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Property Type: Real

Supplemental: Land valued as Farm and Agricultural Land

Property Status: Active **Tax Status:** Regular

Site Address: ([Situs Addresses](#))

Abbreviated Legal Description: #85 SEC 28 T3N R2EWM 5.00 A

Account	Building	Environmental	Taxes	Auditor Docs	Documents	Permits	Sales Search
Property Owner COTTON LESLIE & COTTON LINDA		Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA , 98604 US			Property Location Address Google Maps Street View Bing Maps Birds Eye		

Administrative Data	Land Data	Assessment Data Info...
Info...	Clark County Road Atlas page 27	2017 Values for 2018 Taxes
Zoning Designation - Codes Agriculture-20 (AG-20)	Approximate Area Info... 217,800 sq. ft. 5 acres	Market Value as of January 1, 2017
Zoning Overlay(s) Railroad Industrial Urban Reserve	Subdivision no data	Land Value \$210,909.00
Comprehensive Plan AG	Survey No Records	Building Value \$0.00
Comp. Plan Overlay (s) Railroad Industrial Reserve		Total Property \$210,909.00
Census Tract 407.09	Sales History	Taxable Value
Jurisdiction Clark County	Sale Date	Total \$4,048.00
Fire District FD 5	Document Type	2016 Values for 2017 Taxes
Park District n/a	Excise Number	Market Value as of January 1, 2016
School District Battle Ground Elementary Middle School High School Glenwood Heights Laurin Prairie	Document Number	Land Value \$190,498.00
Sewer District Rural/Resource	Sale Amount	Building Value \$0.00
Water District Clark Public Utilities		Total Property \$190,498.00
Neighborhood Greater Brush Prairie		Taxable Value
Section-Township-Range NE 1/4,S28,T3N,R2E image: .PDF		Total \$3,975.00
Section-Township-Range NW 1/4,S28,T3N,R2E image: .PDF		General
Urban Growth Area County		Re-valuation Cycle 3
C-Tran Benefit Area No		Assessor Neighborhood 14
School Impact Fee Battle Ground		
Transportation Impact Fee Rural		
Transportation Analysis Zone 512		
Waste Connections Garbage Collection Day Friday		
Last Street Sweeping n/a		
CPU Lighting Utility District 0		
Burning Allowed Yes		
Wildfire Danger Area No		
Public Health Food Inspector District District 1		
Public Health WRAP Inspector District District 2		

Property and Land Records Information

Map Sites	Find Parcel	Search	Locate Address	Print Map	Legal	Tech Support
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[Property Information Center](#)

Parcel Information

Account Number:

Property Location Address
no situs address available

Property Owner
COTTON LESLIE & COTTON LIN

Owner Mailing Address
17709 NE 102ND AVE
BATTLE GROUND WA, 98604

198382-000

0 0.1 0.2mi

Clark County Property Information

Account Summary

 [New Search](#)

Property Identification Number: 198383000 [MapsOnline](#)



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Property Type: Real

Supplemental: Land valued as Farm and Agricultural Land

Property Status: Active **Tax Status:** Regular

Site Address: ([Situs Addresses](#))

Abbreviated Legal Description: #86 SEC 28 T3N R2EWM 1.81 A

Account	Building	Environmental	Taxes	Auditor Docs	Documents	Permits	Sales Search
Property Owner COTTON LESLIE & COTTON LINDA		Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA , 98604 US			Property Location Address Google Maps Street View Bing Maps Birds Eye		

Administrative Data	Land Data	Assessment Data Info...
Info...	Clark County Road Atlas page 27	2017 Values for 2018 Taxes
Zoning Designation - Codes Agriculture-20 (AG-20)	Approximate Area Info... 78,844 sq. ft. 1.81 acres	Market Value as of January 1, 2017
Zoning Overlay(s) Railroad Industrial Urban Reserve	Subdivision no data	Land Value \$162,369.00
Comprehensive Plan AG	Survey No Records	Building Value \$0.00
Comp. Plan Overlay (s) Railroad Industrial Reserve	Sales History	Total Property \$162,369.00
Census Tract 407.09	Sale Date	Taxable Value
Jurisdiction Clark County	Document Type	Total \$1,467.00
Fire District FD 5	Excise Number	2016 Values for 2017 Taxes
Park District n/a	Document Number	Market Value as of January 1, 2016
School District Battle Ground Glenwood Heights Laurin Prairie	Sale Amount	Land Value \$146,656.00
Sewer District Rural/Resource		Building Value \$0.00
Water District Clark Public Utilities		Total Property \$146,656.00
Neighborhood Greater Brush Prairie		Taxable Value
Section-Township-Range NE 1/4,S28,T3N,R2E image: .PDF		Total \$1,441.00
Urban Growth Area County		General
C-Tran Benefit Area No		Re-valuation Cycle 3
School Impact Fee Battle Ground		Assessor Neighborhood 14
Transportation Impact Fee Rural		
Transportation Analysis Zone 512		
Waste Connections Garbage Collection Friday Day		
Last Street Sweeping n/a		
CPU Lighting Utility District 0		
Burning Allowed Yes		
Wildfire Danger Area No		
Public Health Food Inspector District District 1		
Public Health WRAP Inspector District District 2		

If you have questions concerning the data on this page, please contact the Clark County Assessor's Office. Main Phone: (360) 397-2391, Email: asrgis@clark.wa.gov

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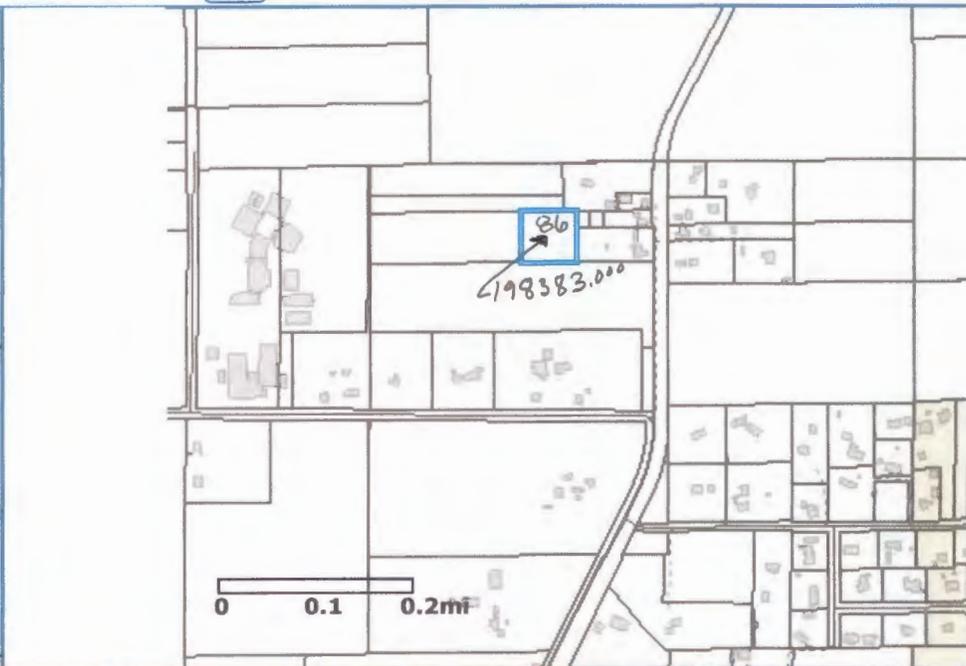
[Zoom To Parcel on Map](#)
[Property Information Center](#)

Parcel Information

Account Number:
Property Location Address
no situs address available

Property Owner
COTTON LESLIE & COTTON LIN

Owner Mailing Address
17709 NE 102ND AVE
BATTLE GROUND WA, 98604



 New Search

Clark County Property Information

Account Summary

Property Identification Number: 198334000 [MapsOnline](#)



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Property Type: Real

Supplemental: Land valued as Farm and Agricultural Land

Property Status: Active **Tax Status:** Regular

Site Address: ([Situs Addresses](#))

Abbreviated Legal Description: #37 SEC 28 T3NR2EWM 2.35A

Account	Building	Environmental	Taxes	Auditor Docs	Documents	Permits	Sales Search
Property Owner COTTON LESLIE & COTTON LINDA		Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA , 98604 US			Property Location Address Google Maps Street View Bing Maps Birds Eye		

Administrative Data	Land Data	Assessment Data Info...
Info...	Clark County Road Atlas page 27	2017 Values for 2018 Taxes
Zoning Designation Agriculture-20 - Codes (AG-20)	Approximate Area Info... 102,366 sq. ft.	Market Value as of January 1, 2017
Zoning Overlay(s) Railroad Industrial Urban Reserve	2.35 acres	Land Value \$167,939.00
Comprehensive Plan AG	Subdivision no data	Building Value \$0.00
Comp. Plan Overlay (s) Railroad Industrial Reserve	Survey No Records	Total Property \$167,939.00
Census Tract 407.09	Sales History	Taxable Value
Jurisdiction Clark County	Sale Date	Total \$1,905.00
Fire District FD 5	Document Type	2016 Values for 2017 Taxes
Park District n/a	Excise Number	Market Value as of January 1, 2016
School District Battle Ground Elementary Glenwood Middle School Heights High School Laurin Prairie	Document Number	Land Value \$151,687.00
Sewer District Rural/Resource	Sale Amount	Building Value \$0.00
Water District Clark Public Utilities		Total Property \$151,687.00
Neighborhood Greater Brush Prairie		Taxable Value
Section-Township-Range NE 1/4,S28,T3N,R2E image: .PDF		Total \$1,871.00
Section-Township-Range NW 1/4,S28,T3N,R2E image: .PDF		General
Urban Growth Area County		Re-valuation Cycle 3
C-Tran Benefit Area No		Assessor Neighborhood 14
School Impact Fee Battle Ground		
Transportation Impact Fee Rural		
Transportation Analysis Zone 512		
Waste Connections Garbage Collection Friday Day		
Last Street Sweeping n/a		
CPU Lighting Utility District 0		
Burning Allowed Yes		
Wildfire Danger Area No		
Public Health Food Inspector District District 1		
Public Health WRAP Inspector District District 2		

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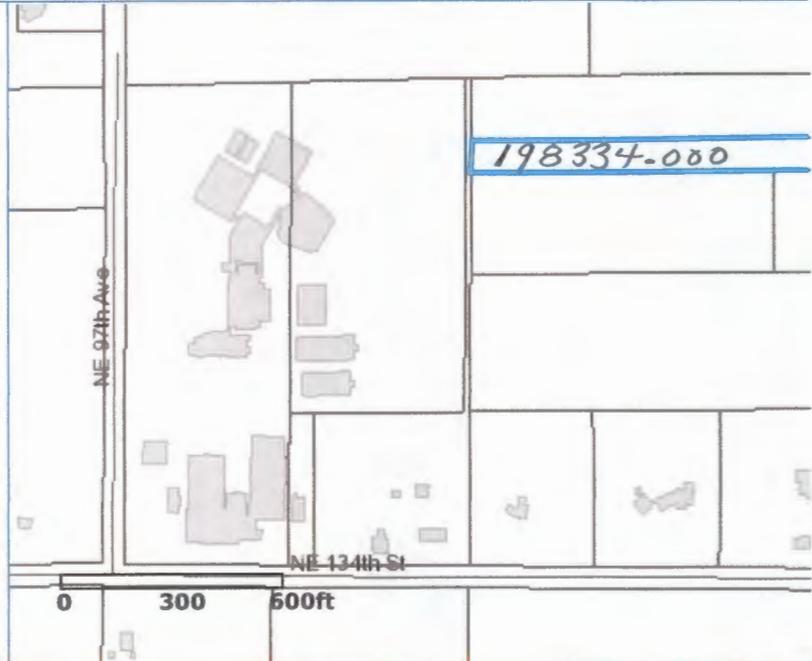
Parcel Information

Account Number:

Property Location Address
no situs address available

Property Owner
COTTON LESLIE & COTTON LIN

Owner Mailing Address
17709 NE 102ND AVE
BATTLE GROUND WA, 98604



 New Search

Clark County Property Information

Account Summary

Property Identification Number: 198305000 [MapsOnline](#)



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Property Type: Real

Supplemental: Land valued as Farm and Agricultural Land

Property Status: Active **Tax Status:** Regular

Site Address: ([Situs Addresses](#))

Abbreviated Legal Description: #4 SEC 28 T3NR2EWM 4.28A

Account	Building	Environmental	Taxes	Auditor Docs	Documents	Permits	Sales Search
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Property Owner COTTON LESLIE & COTTON LINDA	Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA , 98604 US	Property Location Address Google Maps Street View Bing Maps Birds Eye
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Administrative Data	Land Data	Assessment Data Info...
Info...	Clark County Road Atlas page 27	2017 Values for 2018 Taxes
Zoning Designation - Codes Agriculture-20 (AG-20)	Approximate Area Info... 186,437 sq. ft.	Market Value as of January 1, 2017
Zoning Overlay(s) Railroad Industrial Urban Reserve	4.28 acres	Land Value \$202,038.00
Comprehensive Plan AG	Subdivision no data	Building Value \$0.00
Comp. Plan Overlay (s) Railroad Industrial Reserve	Survey No Records	Total Property \$202,038.00
Census Tract 407.09	Sales History	Taxable Value
Jurisdiction Clark County	Sale Date	Total \$3,470.00
Fire District FD 5	Document Type	2016 Values for 2017 Taxes
Park District n/a	Excise Number	Market Value as of January 1, 2016
School District Battle Ground Glenwood Heights Laurin Prairie	Document Number	Land Value \$180,013.00
Sewer District Rural/Resource	Sale Amount	Building Value \$0.00
Water District Clark Public Utilities		Total Property \$180,013.00
Neighborhood Greater Brush Prairie		Taxable Value
Section-Township-Range NE 1/4,S28,T3N,R2E image: .PDF		Total \$3,408.00
Section-Township-Range NW 1/4,S28,T3N,R2E image: .PDF		General
Urban Growth Area County		Re-valuation Cycle 3
C-Tran Benefit Area No		Assessor Neighborhood 14
School Impact Fee Battle Ground		
Transportation Impact Fee Rural		
Transportation Analysis Zone 512		
Waste Connections Garbage Collection Day Friday		
Last Street Sweeping n/a		
CPU Lighting Utility District 0		
Burning Allowed Yes		
Wildfire Danger Area No		
Public Health Food Inspector District District 1		
Public Health WRAP Inspector District District 2		

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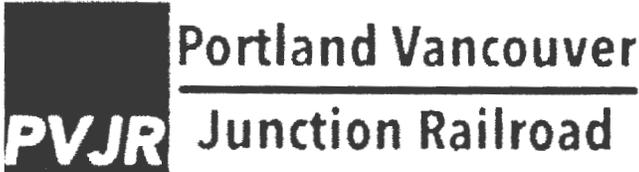
Show / Hide	
Layers	Search
Parcel Report	
Zoom To Parcel on Map Property Information Center	
Parcel Information	
Account Number:	
Property Location Address no situs address available	
Property Owner COTTON LESLIE & COTTON LIN	
Owner Mailing Address 17709 NE 102ND AVE BATTLE GROUND WA, 98604	

198305000

0 0.1 0.2mi

Wiser, Sonja

From: Amber Carter <amber.carter@comcast.net>
Sent: Tuesday, November 07, 2017 11:38 AM
To: Wiser, Sonja
Cc: etemple@pvjr.com
Subject: PVJR Comments to Planning Commission on ESB 5517, Freight Rail Dependent Uses Comp Plan Change & Overlay Map
Attachments: Comp Plan Change - PVJR Proposed Changes 11.6.17.pdf



November 7, 2017

Clark County Planning Commission
c/o Sonja Wiser, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810
VIA EMAIL sonja.wiser@clark.wa.gov

RE: ESB 5517, Freight Rail Dependent Uses Comp Plan Change and Overlay Map

Dear Planning Commissioners:

The Portland Vancouver Junction Railroad is pleased to provide comments on the implementation of ESB 5517 through the proposed Comp Plan and Overlay Map for Freight Rail Dependent Uses.

PVJR is the freight operator for the Clark County owned Chelatchie Prairie Railroad. We provide superior service to our customers as well as the citizens of Clark County, who have leased us their line. PVJR was directly involved in the passage of ESB 5517 during the 2017 legislative session, and has spent the last 10 years working on the Rural Industrial Land Bank and 13 years improving the productivity of the railroad for the benefit of the County.

The County owned railroad is in a prime market position with excellent access to both the Port of Vancouver, as well as the Portland Metropolitan area. The shortline interchange with BNSF is located approximately 2 miles from the Port of Vancouver, and 5 miles from the Port of Portland. Regrettably as the freight operator, I routinely turn away potential customers due to the lack of available freight rail served land.

The State recognized both the benefits and challenges of short line railroads in ESB 5517, and sought to address these by doing 2 things. These 2 items were to permit rail dependent uses on all land adjacent to the short line

railroad, even resource land, and then to allow urban services to be provided to these rail dependent developments. While the specific lands this new law was to be applied to was only limited to adjacent, there was an area in Brush Prairie broadly referred to as the Lagler/Ackerland properties that was the key example and as part of the legislative public record and history.

Including the entire RILB will provide better opportunity to recruit prospective employers and for the county and state to realize the benefits from increased jobs. Notwithstanding the forthcoming development regulations, we are in support of additional changes to the Comp Plan and Overlay Map that will fully include the RILB., and ask the Planning Commission to include this in their recommendations to the Councilors. The additional parcel, as with the already existing parcel, will not require additional EIS or SEPA.

It is important to note that spur lines are regularly used in the railroad industry to connect adjacent properties to the rail network. This was the original vision of the RILB and remains so under Freight Rail Dependent Uses. This land is under litigation and inclusion would safeguard against another failed appeal. The distance from the railroad, ownership and other factors are not the appropriate test when applying ESB 5517, one simply must determine if the approved use makes use of and therefore is adjacent to the shortline railroad for Freight Rail Dependent Uses.

Finally, we recommend that the proposed Comp Plan is changed to better align with ESB 5517 for purposes of urban governmental services. Policy 3.9.3 should reference the definition of Freight Rail Dependent Uses in RCW 36.70A.030(9) to allow for buildings and other infrastructure that are used in rail dependent activities. These facilities are both urban and rural development. The use of these facilities may either require, or may also not require urban governmental services, and should be allowed in rural lands, including in Industrial Land Bank lands and Land Bank and Rural Resource Lands, outside of the Urban Growth Area.

We recognize that the ongoing litigation over the RILB has complicated the implementation of ESB 5517. Given that complication, the county should fully recognize the opportunity the legislature has provided Clark County because of the example of the RILB and the combined 600+ acres that would be made available under ESB 5517. Your consideration of these comments is greatly appreciated. Thank you.

Sincerely,

Eric Temple
President

Attachment: Comp Plan Change – PVJR Proposed Changes 11.6.17

Land Use Element (p.39)

Freight Rail Dependent Uses Overlay

This designation applies to land in Clark County, including Rural and Resource Land, where such land makes use of and is adjacent to, a class 2 or class 3 short line railroad as defined by the Surface Transportation Board. This designation is implemented with an overlay zone that identifies parcels where freight rail dependent uses adjacent to ~~the a County's~~ short line railroad are ~~permitted~~ allowed.

Rural and Natural Resource Element (p.97)

Enhance and expand the overlay zone for freight rail dependent uses to additional land in Clark County, including Resource Land, where such land makes use of and is adjacent to, a class 2 or class 3 short line railroad as defined by the Surface Transportation Board.

Freight Rail Dependent Uses

Goal: Support freight rail dependent uses where the use is dependent on and makes use of ~~the a~~ County's short line railroad.

3.9 Policies

3.9.1: ~~Support F~~freight rail dependent uses are allowed, including in rural lands, as well as agriculture, forest and mineral resource lands, ~~and which~~ makes use of ~~the a~~ County's short line railroad.

3.9.2: Freight rail dependent uses ~~will be~~ allowed on parcels with a freight rail dependent use overlay and ~~should have a goal of minimizing any significant where such uses can occur with minimal~~ impact on adjacent rural and resource uses.

3.9.3: Freight rail dependent uses as defined by RCW 36.70A.030(9) are allowed for buildings and other infrastructure that are used in rail dependent activities. These facilities are both urban and rural development. The use of these facilities ~~that may either require, or may do~~ also not require urban governmental services, and shall be allowed ~~on in~~ rural lands, including in Industrial Land Bank lands and Land Bank and Rural Resource Lands, outside of the Urban Growth Area.

Transportation Element (p.155)

Goal: Ensure mobility throughout the transportation system.

5.4 System Mobility Policies

5.4.1 The county arterial system shall be planned in general conformance with nationally-accepted arterial spacing standards.

5.4.2 Congestion performance standards shall be maintained by the appropriate jurisdictions on major freight mobility corridors and in the vicinity of major intermodal facilities to ensure the economic vitality of the region.

5.4.3 Transportation System Management strategies should be analyzed and employed before adding a general purpose lane to any regional roadway.

5.4.4 County roadways and intersections shall be designed when practical to achieve safety and accessibility for all modes. Arterial streets shall provide facilities for automobile, bike and pedestrian mobility as defined in the Arterial Atlas and shall include landscaping

5.4.5 Improve mobility and access for the movement of goods and services on the county's short line railroads to enhance and promote economic opportunity throughout the county.

Implementation Strategies

- Complete regional corridors and address corridor bottlenecks.
- Allocate or reserve corridor capacity for land uses likely to produce family wage jobs.
- Reduce corridor speed and intersection delay standards where transit is available at 15 - minute headways during peak hours.
- Provide for reduced trip rate calculations for transit supportive development.
- Emphasize transit and ridesharing in the design and construction of all transportation facilities through the implementation of transportation system management techniques (signal timing, signal prioritization) and transit-only and high occupancy vehicle lanes.
- Continually test for changes in concurrency due to major development projects.
- Incorporate a “no-build” analysis into the design process for all transportation projects that would add general purpose lanes.
- Ensure that freight corridors are designed, maintained, and operated to provide efficient movement of truck and rail traffic.
- Use intelligent transportation system technology to alert motorists, bicyclists, and pedestrians to the presence and anticipated length of closures due to train crossings.
- Evaluate the feasibility which includes but is not limited to engineering, environmental, financial, right of way and consideration of existing built environment of grade separation in locations where train crossings result in significant delays and safety issues for other traffic, and improve the safety and operational conditions at rail crossings of streets.
- Work with freight stakeholders and the Port of Vancouver to maintain and improve intermodal freight connections involving Port terminals, rail yards, industrial areas, interchange tracks and regional highways.
- Support efficient and safe movement of goods by rail where appropriate, and promote efficient operation of freight rail lines, in accordance with federal law.
- Identify and minimize impacts that freight movements have on existing residential neighborhoods in accordance with federal law.
- Work with local jurisdictions and railroads to coordinate land use plans and policies to preserve and protect rail corridors, and take into account to acknowledge community needs in relation to the rail system.



CLARK COUNTY RAILROAD ADVISORY BOARD

P.O. Box 5000, Vancouver, Washington 98666-5000

Clark County Planning Commission
c/o Sonja Wiser, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810
VIA EMAIL sonja.wiser@clark.wa.gov

November 15, 2017

I am writing to convey the recommendation of the Clark County Railroad Advisory Board for the implementation of SB5517.

We have spent many years of effort on the voluntary board pushing the agenda of the railroad. One of the major impediments to the growth of the railroad is the lack of land available for industrial development and growth of related jobs for Clark County. We have finally received the support of the Washington Legislature and the Governor to gain access to needed land adjacent to the railroad. We thank the Clark County Councilors, Planning Commission and county staff for their efforts in helping pass this important legislation and the earlier establishment of the Rural Industrial Land Bank.

We are very supportive of the work of the community planning staff, however, we believe modification of proposed revisions to the comp plan and the overlay map are appropriate. We have worked with legislators and others throughout the development and passage of SB5517. In addition we have been involved in meetings with the person who drafted the bill and clearly understands the intent of the bill. We believe the verbiage included in the attached draft of changes to the comp plan more clearly captures the intent of SB5517.

In addition the property included in the Rural Industrial Land Bank was always intended to be a property available for a large industrial development utilizing rail service. Although the land bank is now effective, it is in jeopardy as a result of legal attacks. Only a portion of the land bank property is included in the SB5517 implementation overlay. In order to give greater protection to the entire land bank property all of the Industrial Land Bank property must be included in the overlay.

We believe these implementation revisions should be adopted to clearly implement the legislation intended by SB5517.

Again we thank the County Councilors, the Planning Commission and the county staff for their efforts to implement this bill in 2017. The Railroad Advisory Board is ready to assist in any manner needed.

Sincerely,

Daniel C. Weaver, Chair
Clark County Railroad Advisory Board

Land Use Element (p.39)

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- Work with freight stakeholders and the Port of Vancouver to maintain and improve intermodal freight connections involving Port terminals, rail yards, industrial areas, interchange tracks and regional highways.
- Support efficient and safe movement of goods by rail where appropriate, and promote efficient operation of freight rail lines, in accordance with federal law.
- Identify and minimize impacts that freight movements have on existing residential neighborhoods in accordance with federal law.
- Work with local jurisdictions and railroads to coordinate land use plans and policies to preserve and protect rail corridors, and take into account to acknowledge community needs in relation to the rail system.

From: [Wiser, Sonja](#)
To: [Planning Commission](#); [Cook, Christine](#); [Albrecht, Gary](#); [Alvarez, Jose](#); [Anderson, Colete](#); [Euler, Gordon](#); [Hermen, Matt](#); [Kamp, Jacqueline](#); [Lebowsky, Laurie](#); [Lumbantobing, Sharon](#); [Orjiako, Oliver](#); [Schroader, Kathy](#); [Wiser, Sonja](#)
Cc: ["Hardtke, Amber"](#)
Subject: FW: Clark Co Planning Commission - SB 5517 Implementation
Date: Monday, November 13, 2017 3:34:56 PM
Attachments: [ClarkCoPlanningCommissionSB5517Implementation.pdf](#)

FYI – hard copies will be made available for Thursday evening’s hearing. Thank you

From: Hardtke, Amber [mailto:Amber.Hardtke@leg.wa.gov] **On Behalf Of** Wilson, Sen. Lynda
Sent: Monday, November 13, 2017 3:33 PM
To: Wiser, Sonja
Subject: Clark Co Planning Commission - SB 5517 Implementation

Dear Sonja,

Please find attached a letter regarding the Clark County Planning Commission’s implementation of SB 5517 as it pertains to the comp plan change and overlay map.

Yours in service,



Senator Lynda Wilson

17th Legislative District

Olympia Office - 110 Irv Newhouse Building
PO Box 40417 - Olympia, WA 98504
✉ lynda.wilson@leg.wa.gov ☎ 360.786.7632

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**WASHINGTON STATE SENATE
MAJORITY COALITION CAUCUS**



Washington State Senate

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PO Box 40417
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Senator Lynda Wilson
17th Legislative District

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November 13, 2017

Clark County Planning Commission
c/o Sonja Wisler, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810
VIA EMAIL sonja.wisler@clark.wa.gov

RE: ESB 5517, Freight Rail Dependent Uses Comp Plan Change and Overlay Map

Dear Planning Commissioners:

Thank you for your continued work to implement ESB 5517, the legislation I sponsored to allow freight rail dependent uses for agricultural, forest and mineral land in Clark County that is adjacent to the Chelatchie Prairie Railroad.

I applaud the County and the Planning Commission for acknowledging the intent of the legislation to allow economic development near rail lines and expediting Comp Plan and Overlay Map changes in this docket cycle to become effective on January 1, 2018.

During the legislative process, the struggle over the development of the Rural Industrial Land Bank, the need for rail served land and the thousands of jobs it could bring was the primary reason why ESB 5517 was passed to include Clark County. Unfortunately, the current Comp Plan and Overlay Map proposal includes only part of the Land Bank and excludes a portion that is undergoing additional appeal and legal challenge over its Light Industrial designation.

Commissioners should consider enhancing the proposed Comp Plan and Overlay Map to include the entire Rural Industrial Land Bank. This will protect against an uncertain legal outcome, puts the public on notice that the land is intended for industrial use and is consistent with the goals of the legislation and the legislative public record.

Clark County is one of the fastest growing counties in Washington, having grown nearly 11% in population since 2010. There is an expectation of population reaching a half million people by 2035, representing growth of 32% since 2010. We need to ensure there is adequate freight rail dependent land available and be supportive of that growth. Clark County has the chance to pioneer through this new land opportunity and be a leader for other counties in our state with the same land use abilities. Reducing risk and showing we can accomplish this in a very timely fashion will reap great rewards for both Clark County and Washington state in the near future.

The time and effort by county officials, staff and stakeholders is greatly appreciated to make the implementation of ESB 5517 a reality. The suggested improvements will ensure the greatest opportunity for Clark County to recruit employers and jobs that make use of its shortline railroad.

Sincerely,

Senator Lynda Wilson
17th Legislative District

Val Alexander
2404 NW Coyote Ridge Rd.
La Center, WA 98629
coyoteridge@tds.net

November 16, 2017

Mr. Steve Morasch, Chair
Clark County Planning Commission
PO Box 5000
Vancouver, Washington 98666-5000

Dear Chair Morasch and Planning Commissioners:

Re: Freight Rail Dependent Uses

I have a basic question for you and those who are promoting the development of valuable rural lands and destroying some neighborhoods for some nebulous plans that are supposed to provide thousands of jobs so that Clark County citizens don't have to drive across the bridge to Portland.

What IS a Rail Dependent business? I hope, before anyone makes a decision on this issue, they will have the answer to that question.

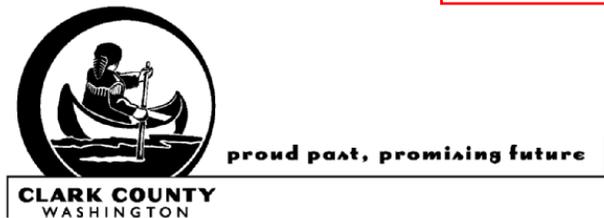
I have researched the lists of companies that have inquired about the land in question, and there is almost no information on most of them. Zen Chemical is based in India, and Eagle Mfg. is from West Virginia, phone : 304-737-3171, but the rest are not really listed on any websites that I could find. I hope that people making a decision on this will insist on seeing the proposals and following up on them, as it looks like some smoke and mirrors to me.

What will we taxpayers be asked to pay for the infrastructure for this site and what will be done about water and sewer facilities? Will the railroad have to be moved? What will happen to the 149th St crossing at 117th? Will there have to be an overpass?

I hope you, on the planning commission will have the good judgement to insist on a full investigation on how this will really affect the taxpayers before you make a decision.

Thank you,

Val Alexander



Clark County Planning Commission

Steve Morasch, Chair
Ron Barca, Vice Chair
Bill Wright
Karl Johnson
Richard Bender
Matt Swindell
Robin Grimwade

**PLANNING COMMISSION MINUTES
THURSDAY, NOVEMBER 16, 2017**

Public Services Center
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, Washington

6:30 p.m.

CALL TO ORDER

MORASCH: All right. Good evening, and welcome to the November 16, 2017, Planning Commission hearing. I will call the meeting to order. Can we have a roll call, please, Sonja.

ROLL CALL VOTE

WRIGHT: HERE
BARCA: HERE
MORASCH: HERE
SWINDELL: HERE
JOHNSON: HERE
GRIMWADE: HERE
BENDER: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for November 16, 2017

MORASCH: Thank you. Well, the first item on our agenda is approval of the agenda. Do we want to take the agenda in order, or does someone want to move to move the rail matter up to the front?

JOHNSON: I **MOVE** we change the rail matter up front and then approve the agenda as written.

BENDER: **Second.**

MORASCH: It's been moved and seconded. All in favor of amending the agenda to move the

rail matter up front say aye.

EVERYBODY: AYE

B. Approval of Minutes for October 19, 2017

MORASCH: Opposed? All right. It's been moved and passed to amend the agenda. So we will be hearing the rail, freight rail dependent uses first. But before we get there, can we have a motion to approve minutes of the October 19th, 2017, meeting.

GRIMWADE: I **MOVE** the minutes be adopted.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded. All in favor?

EVERYBODY: AYE

MORASCH: Opposed? All right. The minutes from the October 19, 2017, meeting have been approved.

C. Communications from the Public

MORASCH: Now, we are moving on to Item III.C., communications from the public. This is the time for anyone in the audience, or a member of the public that wishes to speak on a matter that's not on our agenda. So anyone who wants to speak on a matter that's not on our agenda, now is the time to come forward. All right. I don't see anyone coming up. So we will close the communications from the public and we will move on to our first public hearing item.

Opening Statement

And before we do that, I have a new, well, fairly new statement that we read at the beginning of our public hearings. I'm only going to read this statement once, it's going to apply to all of the public hearing items on our agenda tonight.

I'm the Planning Commission Chair and the procedure for each of our hearings tonight will go as follows: We will begin with a staff report. The Planning Commission members may ask staff questions if they have any at this point. And once all the questions of the staff -- or excuse me -- questions of the Planning Commission members for the staff have been asked, I will then open the hearing for public testimony.

Members of the audience who wish to testify regarding a hearing item need to sign the sign-in sheets at the table located, well, it's usually in the back of the room. I think it's outside tonight

because we've got a lot of people here, but I will give anyone an opportunity to come down at the end even if you didn't sign the sign-in sheet, but please do try to sign the sheet so we have a written record of who's testifying.

Anyone who is giving testimony will need to come to the table in the front of the room and we'll ask that you state your name and spell your last name for the record.

Once everyone has given their testimony, I will then close the public testimony portion of the hearing and the Planning Commission will deliberate and may ask staff to answer questions or make rebuttals, and then the Planning Commission will take a vote on their decision. Now, our decision is just a recommendation and it will be forwarded to the Board of County Councilors. The Board of County Councilors has the final decision-making authority for all the matters on our agenda tonight.

Please speak clearly into the microphone so the court reporter can record your testimony. State your name and slowly spell your last name for the court reporter, and please try to be concise and don't repeat yourself or others. It's okay to say, you know, I agree with what so and so said. Because of the number of people here tonight, we're limiting public testimony to three minutes and there's a timer in the front.

If the Planning Commission asks questions at the end of your testimony, that's not going to count against your three minutes. You'll have three minutes to make your presentation. If there's questions, then that will be usually at the end and it's okay if we go over the three minutes only on the Planning Commission questions.

Your testimony should relate to applicable standards for the hearing item and those standards are set out in the staff report. Copies of it are available on the tables in the back. If you have any exhibits or anything in writing that you wish us to consider, please submit that to staff up in the front of the room and we will consider it and it will be included as part of the record for this hearing item.

PUBLIC HEARING ITEMS

- A. Freight Rail Dependent Uses:** A proposal to amend the Comprehensive Plan's Land Use, Rural and Resource, and Transportation Element with policies to allow freight rail dependent uses; and adopt a Phase I overlay map identifying areas where such uses would be allowed.

Staff Contact: Jose.Alvarez@clark.wa.gov or (360) 397-2280 x4898

MORASCH: At this point, I will ask if there's any member of the Planning Commission that has any conflicts of interest that they would like to disclose on any of the hearing items tonight? All right. With that, that concludes my introduction, and we will begin the public hearing on the freight rail dependent uses with a staff report. Jose, are you giving us the staff report on this?

ALVAREZ: I think Oliver is going to -- I will be giving that, but Oliver's going to do an introduction first.

MORASCH: All right. Oliver's going to do an introduction. All right. Oliver, I'll turn it over to you. Thank you.

ORJIAKO: Good evening, Planning Commission members. I want to thank you for giving me the opportunity to make opening remarks before I turn it over to Jose Alvarez. I also want to thank those that are in the audience and those that are watching.

This is a bill that County staff are charged to begin the process of, how the County will implement the, what is known as, the freight rail dependent uses. I also want to thank the representative, Representative Liz Pike and Senator Lynda Wilson, those that worked on the bill.

So the hearing tonight is about the County's effort to implement the bill on freight rail dependent uses. The legislation, known as Third Engrossed Senate Bill 5517, passed the Washington Legislature in July of this year and was signed into law by Governor Jay Inslee. The law amends the Growth Management Act to allow freight rail dependent uses. It became effective October 19th, 2017, so it's relatively new. The bill is an opportunity to really create job, as I indicated job opportunity here in Clark County, I think.

The Planning Commission is aware there are facts out there that more than 60,000, if not more, of county residents travel across the river each morning to seek for job across the river, so this is an attempt. Whether this bill will create 60,000, but if that's the case, I think it's a plus to consider freight rail dependent uses. The Planning Commission is also aware that the railroad is owned, the short line railroad is owned by Clark County, and this is also an opportunity to look at take advantage of this bill and see what can happen going forward.

The Planning Commission is also aware that the Growth Management Act, which Clark County is fully planning under, was passed in 1990. And for purposes of guiding the development of comprehensive plans and development regulations, there were 13 goals and the shoreline was added later making it 14 goals, and the GMA is codified as RCW, Revised Code of Washington, 36.70A, and I want to focus on Goal 8 of the Act.

Goal 8 deals with natural resource industries, and it says maintain and enhance natural resource-based industries, including productive timber, agricultural and fishery industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

The other 13 goals, if you will, include urban growth, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, as I indicated that's Goal 8. Open space and recreation, environment, citizen participation and coordination,

public services or public facilities and services, historical preservation, and then the shoreline makes it the 14 goals.

They also have a section of the RCW, and that is RCW 70A.070, among other provisions of that section, it requires that while counties accommodate appropriate economic advancement in the rural area and allows for a variety of densities, it provides that that be done in a manner that the uses that are not -- or that are permitted are not characterized by urban growth and that are consistent with rural character.

So what is before you, Planning Commission members, is the proposed policies that will serve as the foundation or, if you will, the framework for the development of the use list, and the proposed development regulations that will come later. So the goal is to make sure that the policies are for the Planning Commission and the public to consider, if the policies we are proposing whether we get it right, and that the policies are not inconsistent with the provisions in GMA or as amended by the bill.

In trying to consider how to implement this bill, we must answer two major questions. One is, where will the freight rail dependent uses be allowed? That will be answered by adopting a map of an overlay where these uses could potentially be approved. The other question is, what sort of uses will be allowed in this overlay? So to begin to answer that question, comprehensive plan policies and proposals will be the basis of the list of allowed uses. The overlay map must comply with the bill, and must be based on a rule that applies to all properties. Jose will go in details about our process and what we have done so far.

I will only add that uses and other regulations will follow based -- but I want to assure the public and the Planning Commission, that we are not proposing any changes to the existing zone. If you are currently designated as agriculture, forest or have a mining overlay, that will not change. Similarly, all uses permitted in each zone will continue; in other words, if you have agriculture, you will continue to use your property as an agricultural use that is allowed in agriculture. If you're zoned forest, you will continue to do so.

What will happen is that we want to make sure that as we identify what uses will be allowed in the future, we want to first identify where that will apply. So if you want -- the second thing we will do is that if you want to be included or excluded from the application of an overlay designation, the criteria and the language for that is not before you, that will come later and will be included in the code when that is adopted and developed.

We want to hear from those that are in the audience and ask them if they may, to really focus on the proposed policies because we want to make sure that, a, whether we got the policies right consistent with the bill, because that's the first thing we want to see accomplished.

I will turn it over to Jose who will go in details about what is before the Planning Commission and the process. There are copies of the proposed policies and map. What I will also add that

those that are watching, you can find a copy of the bill on the County website at www.clark.wa.gov. Go to the Community Planning Department and from there select Planning Commission and click on freight rail dependent uses. You will also on that site, find uses permitted in Rail Industrial District and Light Industrial Districts as well. Those are the uses or example of uses that will help in the development of the list of freight rail dependent uses.

So I just want to set the stage on what is before you and then turn it over to Jose. If you don't have questions for me, Jose will give you more details of what you're being considered, or asked to consider.

MORASCH: All right. Thank you, Oliver. Any questions for Oliver before we turn it over to Jose? All right. Take it away.

ALVAREZ: Thank you, Oliver. So I just wanted to do an overview of the bill, the comprehensive plan amendments that we're proposing, and how the bill is being included in the policies and the comp plan amendments that we're proposing. I want to go over the overlay map and then sort of a summary of the public process to date.

So as Oliver mentioned, ESB 5517 was passed this summer. The bill essentially amends four sections of the Growth Management Act, three that we're going to focus on. RCW 36.70A.030, which is the definition section, freight rail dependent uses was added to that and also a definition of a short line railroad.

RCW 36.70A.060, the natural resource lands and critical areas development regulations. There was new language added essentially to allow for freight rail dependent uses in resource lands. That same section that was amended also has existing language about conservation of resource lands. So in the policies, we're trying to balance between the new use, the new uses that are allowed with the amendment, and the existing language that requires us to protect those resource areas.

RCW 36.70A.108 is the comprehensive plans transportation element. That section was amended, again, to allow for freight rail dependent uses that do not require urban government services in rural lands. And we'll show you how we included that in the comprehensive plan amendments to be clear that the uses don't allow for the extension of urban government services.

So essentially we had to, with the passing of the bill and the amendment to the Growth Management Act, we needed to amend the comprehensive plan and we're proposing amendments in three elements of the comp plan. The land use element to give you an overview of the overlay that we're proposing that sort of describes what the overlay is, and then the rural and natural resource element.

There's a new goal and three new policies. These reflect the language that's in the bill that was

passed. And with the language, it tries to balance the new language with the existing language to conserve those natural resources.

In the transportation element we have one new policy and seven implementation strategies. In looking at the bill, we in our transportation element, we don't have a real big discussion on the short line railroad in the county, so in addition to adding that to the policy, we thought we needed to add some strategies to sort of address some of the potential impacts from an increase in use of the short line railroad.

So I'm just going to go through the proposed changes. I sent you an Exhibit 4 that has new language, comp plan amendment language since I believe the work session, and the language highlighted in yellow is language that's changed since that work session. And on the PowerPoint I've also highlighted that language in yellow so hopefully you can follow along.

So the first thing is the land use element. We needed to add, we're proposing an overlay to describe the freight rail dependent uses. We're getting the language from the definition Section 2 in the bill which describes what freight rail dependent uses are and the short line railroad. Also add that when we, we did have a meeting with the Railroad Advisory Board subcommittee October 23rd, and went through this language with them.

I know that they've submitted additional proposed changes, but at that time we took into account some of the proposed recommendations that they made and that's included in this proposal.

So next is the goal in the rural and natural resource element. We added a goal, support freight rail dependent uses where the use is dependent on and makes use of the short line railroad as defined by the Surface Transportation Board. Again, this is coming from the Section 2, the definitions of freight rail dependent uses and the short line railroad.

The next one is Policy 3.9.1. Again, this is in the rural and natural resources element. The policy is to support freight rail dependent uses in rural lands as well as agriculture, forest and mineral resources lands. The new language in yellow is where the use is dependent on and makes use of the short line railroad within the county. We thought we needed to add that language to be consistent with the language in the definition of freight rail dependent uses that also has the same clause where the use is dependent on. And in Section 3 of the bill is where it talks about the new uses allowed in the ag, forest and mineral resources lands adjacent to the railroad.

Policy 3.9.2 in the rural and natural resources element, freight rail dependent uses will be allowed on parcels with a freight rail dependent use overlay. We added a comma and struck and, and it continues with where such uses minimize impacts on adjacent rural and resource uses. This is again from Section 3 of the bill. In the PowerPoint on the Section 3(1)(a) is the existing language that's in the Growth Management Act. The second paragraph is the new language that was added. So we thought it was important to try to balance the new uses with

also trying to minimize the impacts on adjacent rural and resource uses.

The next policy is 3.9.3 in the rural and natural resources element. The County may modify development regulations to include development of freight rail dependent uses that do not require urban governmental services in rural lands. Again, this is from Section 5 of the bill, it's in the transportation element of the comprehensive -- or not the comprehensive plan -- but the Growth Management Act, and this is just language directly from that section.

The transportation element, we added a policy 5.4.5, improve mobility and access for the movement of goods and services on the short line railroad to enhance and promote economic opportunity throughout the county. This is essentially language from paraphrasing Section 1, which is sort of more of the intent in the bill that talks about the importance of transportation planning and trying to use existing infrastructure to try to alleviate strains on government infrastructure and recognizing that economic development is an important component of the rail.

The seven transportation element changes are trying to address the issues in Section 5 of the bill that deals with transportation and trying to have concurrency standards and also to have the addition to improvements or strategies to accommodate the impacts of development.

I won't go through all of them, but just point out that I believe in the work session, two things; one, on the last bullet, Commissioner Barca had a question about that, how it differs from the bullet above it.

Essentially there's three jurisdictions where the rail traverses, the City of Vancouver, the City of Battle Ground, the Town of Yacolt and the unincorporated county. So when it talks about an account for community needs in relation to the rail system, I think that's what we're talking about is trying to coordinate with those jurisdictions in implementing the bill. And the bullet before where we added, and on resource uses to minimize impacts on residential neighborhoods and on resource uses, again, that's going back to the balancing in the bill in terms of the existing language and we thought it was important to add that.

So the other element that, in addition to the policy and comprehensive plan amendment changes, we needed to develop an overlay zone. For folks who aren't familiar with our nomenclature, we just have a definition of what an overlay zone is. It's essentially a zoning district that can be applied over an existing district to either establish additional or stricter standards, and in this case we'll be adding additional standards. Those won't be developed until we complete this process when we come up with the development regulations and the list of uses.

So the definition of the freight rail dependent uses talks about adjacent to the railroad that's not defined in the bill. We do have some language in our existing code that talks about, sort of defines adjacent, is near or close, and so we thought we needed to have a more -- to develop a

criteria that could be used consistently if we're looking to expand this so that it's consistent throughout the process. And since we were starting this as a Phase I to identify this area, we went with sort of a narrow interpretation of adjacent, which is essentially abutting plus or minus, and I'll show you the map that identifies the parcels that we are proposing to be included in that overlay.

The overlay also excludes properties that are zoned R-5 south of 119th. North of where we are proposing the overlay begin is zoned R-5. So we decided to exclude that one because of the parcelization, and also the difficulty in trying to have the compatibility between freight rail dependent uses and residential properties. While we don't have a list of uses yet, that it's more than likely going to be more industrial and intensive along those lines, which don't seem to be compatible with the existing residential.

So the properties outlined in red with the red hatch mark is the area that we are proposing to have the Phase I, the first phase of the overlay apply to. These properties in orange are all zoned for agriculture, AG-20. The properties in blue are part of the rural industrial land bank. This gray is the urban, existing urban growth boundary. So this is actually light industrial, this is a lower, I think it's urban low R1-20 zoning and this is commercial.

Like I mentioned, we decided to break this project up into two phases given the time constraints we had. And so the first phase is to identify the policies and the overlay map. And subsequent to the Board taking action in January, we would begin the process to identify the list of uses and development regulations, and we would have a public process that would come before you similar to this process, and again, you'd make your recommendation to the Board.

This is just an overview of the public process we've had to date. We started with the work session with the Board back in September. We got direction from the Board October 18th. We had a public meeting on the 19th. Met with the Railroad Advisory Board on the 23rd where we went over the overlay and the policy comp plan amendment language. Contacted the Department of Commerce for their 60-day review.

We issued a SEPA which the closing comment on that is today. We have not received any comments on the SEPA which we issued as a non- -- as a determination of nonsignificance. We had the work session with you all two weeks ago. We did have a public meeting open house November 8th at Prairie High School where about 50 people attended that, I think I sent you links to the video of that.

The Railroad Advisory Board subcommittee had asked for a meeting on November 13th, and I think they submitted comments to you, what they would like to see, an expansion of the overlay and some changes to the policy language and that will come before you later. We're here this evening and then the Council is set to have a work session December 6th and have a public hearing on January 9th. Do you have any questions?

MORASCH: Any questions for staff? All right. Thank you. With that, I will open the public hearing on the freight rail dependent uses, and the first person on our sign-in sheet is Les Cotton. Is Les Cotton here? Would you like to come down and --

BARCA: There he is.

MORASCH: There he is. All right.

WISER: Three minutes?

MORASCH: Yes.

PUBLIC TESTIMONY

COTTON: Good evening. I guess I wasn't going to be called up here, but my name is Les Cotton, C-o-t-t-o-n. My address is 17709 NE 102nd Avenue in Battle Ground, 98604. And --

COOK: Excuse me. Is his mic on?

BARCA: Yeah.

MORASCH: It sounds like it to me, yeah.

BARCA: Try and speak a little closer to the microphone, please, Mr. Cotton.

COTTON: Is that better?

BARCA: Oh, that's much better.

COTTON: Do you want me to start again?

BARCA: I think we're good, yeah.

COTTON: Yeah. And we on the overlay map, we have -- we actually own about 28 acres and it's composed of five different lots. Two of the lots are zoned on the overlay for rail dependent, and we are requesting that all five of these lots kind of be considered as one parcel. And our main reasoning is that the five lots are already contiguous with each other and they're all zoned the same now, we're AG-20, and they all have a, they currently all have - let's see. What do they call it? - they all have a railroad industrial reserve overlay now, and it just makes a lot more sense to us that these five parcels would all be considered as one.

The two lots that are already on the freight rail dependent, if only those two lots were zoned that way, it would be difficult for us to get to the other three parcels which are north of that.

So we just kind of feel strongly that it would make a lot more sense, and we feel that a lot more users would be considering a little bit larger parcel, so... I've got 36 seconds left. Any questions?

MORASCH: All right. Does anyone have any questions for Mr. Cotton?

SWINDELL: Actually, yeah. Where are your parcels located exactly? Can we see it on the map there.

MORASCH: I think it's right where the mouse pointer is.

BARCA: Yeah, the cursor is on them right now.

ALVAREZ: Do you see the map up there?

SWINDELL: Yeah, right there. Okay. Oh, I see. Okay.

MORASCH: Is that where your property is where that mouse pointer is right now? Can you see the map? I guess you can look at it up there, we can see it down here.

ALVAREZ: Is that it?

COTTON: Down just a little bit. Down. Right there. Up a little. That's one of the parcels.

ALVAREZ: So this one's already included.

COTTON: So the five lots would be, the other three lots are just north of that. So it's kind of like filling gaps in, I guess you could say. Right there, yeah.

MORASCH: Has staff looked at adding those three, was there a reason they weren't included?

ALVAREZ: So this is the area where we essentially went to abutting. When we first started this, we looked at parcels within 500 feet and then sort of narrowed it down to abutting. And so that's why those, I don't think those parcels are within 500 feet and that's why they were excluded, and we weren't looking at contiguous ownership. I guess the definition's adjacent.

What we were proposing is that we start with abutting, and then when we go through the process of the development regulations, we sort of identify a criteria for sort of what the max could be because essentially adjacent is the minimum. We don't -- the threshold could be a quarter of a mile, a half a mile, some sort of determined distance, but we weren't prepared to identify that at the time, and when we had our meeting with the Board, we proposed this as the first phase as a starting point.

MORASCH: Okay.

ALVAREZ: But it's something that could be considered in the future and you can make a recommendation on that.

MORASCH: All right. Thank you. Any other questions for Mr. Cotton or for staff? All right. Well, thank you very much for coming.

COTTON: Thank you.

MORASCH: Stick around and you can listen to us deliberate or you can watch us on TV. Daniel Weaver.

WEAVER: My name is Daniel Weaver, W-e-a-v-e-r, and I'm chair of the Railroad Advisory Board, and we've worked on this for some time, many years actually. And we have found that the major impediment to the growth of the railroad and the development of jobs along the railroad is the availability of industrial property. We've worked on the industrial land bank in getting that also established.

We have a couple of major concerns about the way that staff has proposed this. Even though we initially approved the language that they did, we had time to study it afterwards and realized that there was some problems with it.

The first major problem is the fact that they've only included a portion of the rural industrial land bank, which is the part that the railroad goes through. That is all a contiguous piece of property that is managed by and controlled by Mr. Lagler of the Lagler Dairy, and so that entire blue area is really all one contiguous piece of property. And for us to be able to utilize any of that property for the railroad, it would have to be all of it, because he cannot afford to sell part of it and then move his dairy to the east as he is looking to do into northern or northeastern Oregon or Idaho, so we have to have that whole piece of property.

In addition to that, we've had inquiries about property along the railroad that is major pieces of property, not the fragmented pieces that we've been looking at over the years. So that whole industrial land bank, in our opinion, should all be included in the overlay at this point in time to make that beneficial and viable for going forward with that piece of property; otherwise, we're not going to be able to use that big chunk of land that's currently part of the rural industrial land bank because Mr. Lagler won't let it go.

The other thing of concern is the interpretation of what is allowed and not allowed in industrial development in the rural area and how that's to be developed. We believe that it is permitted to be developed in the rural areas, and there's some question as to whether it's allowed to have urban utilities put into that area.

Those are the major concerns that we have, and we'd ask that the Planning Commission please to consider that for their deliberations and include that property, and consider the information that we submitted with our recommendation as to modifications to the wording of the implementation of the Senate bill.

MORASCH: All right. Thank you. Any questions? I guess I have a couple. I just want to make sure I've got the right document that you sent, the November, is it the November 15 letter?

WEAVER: Yes, that's our letter of recommendation.

MORASCH: With the attachment?

WEAVER: Yes. And in that letter we recommended, I didn't attach an overlay map, but we recommended that the entire industrial land bank be included in the overlay.

MORASCH: That was going to be my next question. I'm looking at the map that we're looking at and I see a big blue rectangle with a bunch of hash lines on it. So it looks like it's already included or --

ALVAREZ: So a portion, this portion is included. The rest of the blue that's outside of the urban growth boundary is also part of the industrial land bank.

MORASCH: Oh, that whole other section over there, I see.

WEAVER: The whole big chunk is part of the industrial land bank and part of the Lagler property.

MORASCH: Okay.

COOK: We should add that our records show different owners, and I am not attempting to impune or cast dispersions on Mr. Weaver at all, so beware of that. We haven't heard directly from Mr. Lagler whether he wants all his property in here. The Planning Commission and the Board have had issues in the past with annual reviews and dockets where it was not certain that the actual owner of the property was behind a request to change the designation or the zoning. So we don't have anything in writing or otherwise from Mr. Lagler.

MORASCH: Okay.

WEAVER: I have spoken directly with Mr. Lagler and with his attorney, Mr. Horenstein, and I believe there's information in Mr. Horenstein's letter, but...

COOK: I am not sure that Mr. Horenstein represents Mr. Lagler.

MORASCH: You may want to talk to them again and have them clarify that before this gets to the Board of County Councilors.

WEAVER: Well, I did speak to him at the open house and we spoke at length about that and he's clearly on board with including it. I'm the one that originally talked to Mr. Lagler way back, eight years ago, ten years ago, and basically convinced him to go forward with this industrial land bank, and I've spoken to him a number of times and he clearly delineated that he was on board with that, he wanted to have that included.

MORASCH: Well, and all I'm suggesting is between now and the Board of County Councilors hearing on this, you may want to talk to him again, and see if he will submit something clearly in writing that says that, or come to the Board of County Councilors hearing because I'm hearing that staff says they're not certain about that, so they'd like to hear it directly from Mr. Lagler or his representative. And he's not here tonight, I don't think, but there will be, you know, the Board of County Councilors makes the final decision on this, so I would encourage you to encourage them to clarify it for the record before that hearing.

WEAVER: There is one other factor and that is that this property is on record with the County, is all tied together through a trust agreement used to borrow money against the property, and it's to be all managed by the same person. So that document is on file. So anything that's done with one piece of property should be done with all of them.

MORASCH: Okay. Any other questions?

WRIGHT: I have a question for staff that arose, I think from Mr. Weaver's testimony, about urban services that would not be permitted out in the area or would not necessarily be provided. Could you give us a little more detail on what those might be, because I believe that we have public water is available in the rural areas, both urban and suburban and rural.

ORJIAKO: Yes. Planning Commission Member Bill, you are right. If you look at the bill, which we provided to the Planning Commission members, from Page 4 through Page 5 are the definitions of public facilities, rural development, and then I believe rural development and then urban governmental services. So read those definitions that are in the bill.

You are correct that in the rural area there are some part of the rural area that public water is available, and when you talk about the distinction between rural and urban, their predominant governmental services is sewer, in this case sanitary, sanitary sewer. So if you read the definition section, you will find that that is the only distinct services that is not provided in the rural area.

Would police protection be provided in the rural area? Yes. Will fire protection be provided in the rural area? Yes. Where public water is available, will that be provided in the rural area? Yes. I think the major -- and the same will go be true for roads. But as you know in the case of

road, it is rural roads out there and in the urban area it's different standards.

So if you're talking about in terms of level of intensity, yes, you can allow governmental services that are rural in nature and that will include water, that will include roads and that will include fire protection.

Similarly, the bill, you read the bill, it talks about these uses are both urban and rural and then it gets into, okay, what does that mean. And similarly the construct of the bill is very specific that it does not allow urban governmental services, and in the definition is where you get what is included in urban governmental services versus rural governmental services. That's how I will answer your question if that is clear.

WRIGHT: So I believe you're on Page 4 and 5 of the --

ORJIAKO: Of the bill itself.

WRIGHT: Yeah. Okay. Thank you.

ORJIAKO: I don't know if Chris --

COOK: Actually, I think it's later in the bill. Well, that's where the definitions are. The language about services --

ORJIAKO: Is on Page 16.

COOK: -- in the bill is on Page 16 and what it says is "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." Now, we've heard argument that this actually means you can have urban services or you cannot have urban services. That is not the way my office reads this. I think the words very clearly do not say anything about permitting development with urban services outside the urban growth boundary, and the rest of GMA in general, would disallow such developments.

There is nothing in here that says for these things there can be urban governmental services that, you know, notwithstanding anything else in GMA, you can do what you want there. We think any interpretation that says you can develop with urban services or you can develop without urban services, we just think that is incorrect.

WRIGHT: So even if there were some urban services available, for instance, water --

COOK: Okay. If they're available in the rural area, then we're going to assume that those are appropriate for the rural area, but this is, this in my view, does not permit bringing new services that are urban in nature out to the rural area. For example, as Dr. Orjiako stated, the roads are

going to be rural roads, they're not going to be rebuilt to an urban standard, that's one particular facility and service that will not be changed by this bill, and sewer is another.

WRIGHT: How about private entities, could they be formed to provide say sewer services for the area?

COOK: Sewer is in general not permitted outside the urban growth boundary.

WRIGHT: But every development does have some sort of sewerage facility whether it be a septic tank or some other type of wastewater treatment disposal.

COOK: Well, of course, and every house does as well. But there's a difference between that and a sewer system, a sanitary sewer system is not something that is in general allowed in the rural area.

WRIGHT: Okay. Thank you.

BARCA: May I get a clarification on that then. I think based on what was said by Bill, what we are saying is on-site wastewater treatment is really the only solution under these circumstances.

COOK: As we read the bill.

BARCA: Okay.

WEAVER: Could I comment that we have met with Senator Wilson and Representative Pike, and with the drafter of the bill, Dana Quam, who authored the bill for the legislature, and they clearly said the intent of this was to allow that development outside in the rural areas and that was their interpretation.

COOK: With respect --

WEAVER: There's --

COOK: -- the intent of any one or two legislatures is irrelevant if it is contrary to the words of the law. They did not put those words in the law.

WEAVER: But the confusing part is that the words may also, if you may also do this, you must be something else, so it's tied together, that's their theory. And the drafter, Dana Quam, said that she clearly researched that information from various legislatures to get that interpretation.

MORASCH: All right. Any other questions? All right. Well, thank you very much.

WEAVER: Thank you.

MORASCH: Amber Carter.

CARTER: Thank you, Commissioners. My name is Amber Carter, C-a-r-t-e-r. I'm here today on behalf of the Portland/Vancouver Junction Railroad.

HOLLEY: Whoa, slow down. I can't go that fast.

CARTER: Thank you.

HOLLEY: Go ahead.

CARTER: Perfect. I'm here on behalf of the Portland/Vancouver Junction Railroad, who is the freight operator for the Chelatchie Prairie Railroad, which of course is owned by the County. I worked on the legislation as part of a broader coalition that included labor, the State Farm Bureau, cities, ports and many, many others.

The legislation passed with over 80 percent support in both the House and Senate, and there were some key differences between 5517 and 1504 which is why we'd not only ask for your inclusion of the rural industrial land bank, but the rejection of the Futurewise comments that have been submitted because they, I believe, are contrary to the goal of 5517 and are more inline with the Bill 1504 that was vetoed.

Specifically I'd like to talk about the word adjacent. Staff has illuminated to the fact that adjacency is really implemented by the overlay map. The word adjacent was very carefully decided on by the legislature. They didn't choose the word abutting. Okay. They did not choose touching. They did not use any of those words that limited the opportunity to look at the entire rural industrial land bank because that was the example with maps included that is part of the legislative record on why Senate Bill 5517 was passed and the governor ultimately agreed to it after his veto of the House Bill 1504.

The issue that Dan Weaver spoke to on the may also provide government services is also one to take very careful note of. When you look at the language on Page 16, may also does not say shall only. Had it said shall only, staff's interpretation would be correct, but it does not. It says may also which leaves the opportunity to interpret the law that development regulations may also include, not just exclude urban government services.

But the fact of the matter is, the services are either there or not, and based on development regulations that are forthcoming, there will be an application process that will help illuminate on that issue. So, again, we'd ask for your inclusion of the Lagler property as part of the rural industrial land bank and the consideration of the Railroad Advisory Board subcommittee comments. Thank you.

MORASCH: All right. Thank you. Any questions?

CARTER: Thank you.

MORASCH: All right. Thank you very much. And I've got that section here, Section 2 on the last page of the bill. So that brings us to Val Alexander. Is Val Alexander here? He's coming.

PUBLIC: She's coming.

MORASCH: She. Oh, okay, she. Yes. Well, it's her turn, so... Does she need somebody to read for her?

BARCA: Yeah.

PUBLIC: Go to the next person and come back for her.

MORASCH: Okay. We will come back to Val.

PUBLIC: Thank you, sir.

MORASCH: Cathy Steiger.

STEIGER: Nothing to say.

MORASCH: Nothing to say. Okay. Sue Marshall. Is Sue Marshall here?

MARSHALL: I'm here.

MORASCH: All right. Val, if you want to get ready, you can come up after Sue.

MARSHALL: Thank you, Commissioners. My name is Sue Marshall. I'm with Friends of Clark County. I want to thank you for the opportunity to comment on the proposed Phase I freight rail dependent uses policies and zoning overlay.

We offer the following comments and concerns. We're concerned about the rushed process, about the swift timeline to approve the zoning overlay and policies without the community having a full opportunity and understand the potential impacts of this zoning change, and understand the specific freight dependent industrial uses that will be developed.

The bill was passed in just this past July. Initially it was proposed to be a development regulation change within the county without a major comp plan change. We oppose the implementation of a development regulation without first implementing a comp plan

amendment.

October 12th it was determined it would be a comp plan change, but rather than wait for the 2018 to implement this and plan for this, a rushed timeline was developed to complete the planning in the remaining 2017 window.

November 2nd, the staff report was available for the Planning Commission work session, open house was held November 8th and here we are today.

I attended the community meeting last week and there was a great deal of frustration expressed, and a number of questions that were raised by the community that could not be answered by planning staff or Council members who were there. A predominant question being, what is the rush? The policy changes are complex and countywide should be considered in a more thoughtful way that allows for adequate public participation.

Friends of Clark County is concerned with the potential impact to resource lands, particularly agricultural lands, which the proposed zoning overlay appears to be entirely agricultural lands. It is not news that we have lost a great deal of farm land to the development and to a planning process that allows for land divisions to be vested prior to determination of compliance with the Growth Management Hearing Board, as was the case in 2016 comp plan, which has yet to be found to be in compliance with the Growth Management Act.

Just to touch on a few things. I'll be short on this as my time is running out. We believe that adjacent means abutting or touching, that is the definition of adjacent. The overlay and the proposed policies allow for freight rail dependent uses on parcels rather than online adjacent to the short line railroad.

We think the policies should be limited to adjacent lands, and I've proposed some language there. And I just would add specifically, we oppose adding in all of the 600 acres encompassed in the rural industrial land bank property especially the east side property currently not included in the overlay. We're concerned about resource land protection, again, we have some proposed language. And we would like to encourage freight rail in urban areas and also have some language there. You can read my testimony.

It's not clear, though, whether the overlay map is proposing a new industrial center or if it is intended to just provide access to the rail. We thought that the bill was to provide access to freight rail movement, not an industrial area. We've participated in a thoughtful way and we would like to continue and would encourage you in whatever powers you have to slow this process down. Thank you very much.

MORASCH: All right. Thank you very much. Does anyone have any questions? All right. Thank you very much. Val Alexander, are you ready? Are you going to read for Val.

MARSHALL: Okay. I'll be reading on behalf of Val.

MORASCH: All right.

ALEXANDER: I have a basic question for you and those who are promoting the development of valuable rural lands and destroying some neighborhoods for some nebulous plans that are supposed to provide thousands of jobs so that Clark County citizens don't have to drive across the bridge to Portland. What is a rail dependent business? I hope for anyone, before anyone makes a decision on this issue, they will have the answer to that question.

I have researched the list of companies that have inquired about the land in question and there is almost no information on most of them. Zen Chemical is based in India and Eagle Manufacturing is from West Virginia, but the rest are not really listed on any website that I could find. I hope that people making a decision on this will insist on seeing the proposals and follow up on them as it looks like some smoking mirrors to me.

What will we, taxpayers, be asked to pay for the infrastructure for this site, and what will be done about water and sewer facilities? Will the railroad have to be moved? What will happen to the 149th Street crossing at 117th? Will there have to be an overpass?

I hope you and the Planning Commission will have a good judgment to insist on a full investigation on how this will really affect the taxpayers before you make a decision. Thank you.

MORASCH: Thank you. And I have a question. Was that submitted in writing? I thought I saw something from Val and now I'm looking through my papers, I have a large stack here and I can't find it, but we did get it.

MARSHALL: Val says yes.

BENDER: It was submitted.

MORASCH: Okay. Great. Any other questions for Val? All right. Well, thank you both. David McDonald.

MCDONALD: Good evening, Commissioners. David McDonald, Ridgefield, Washington, speaking on behalf of myself tonight. First I want to echo Ms. Marshall's statement about the tight timelines. The last time I saw something like this was when Councilor Madore tried to jam through something in October of 2015 in October, the same time frame. This is a very big deal. It's the beginning of potentially allowing for development along 31 miles of railroad between the current urban area and Chelatchie Prairie.

Phase I is just an overlay of Phase I. It can change based upon the policies that you have. It is impossible to know the implications of it all at this point. I've tried. I've filed a public records

request. I got over 2,000 pages of public records that involve County interaction with the Railroad Advisory Board and other individuals just between July 1st and September 19th. I have not been able to actually sift through it all to give you a good viewpoint from my perspective, so I can't really comment as much as I would like to on the project at this time. I'll have to buy the time we get to the Commissioners, but we can't at this point.

Three points. One, no urban services in rural or resource lands. I agree with the County's Prosecuting attorney that there's an inconsistency created by the bill and the current existing law which prevents urban services from going into resource lands. In terms of adjacent, you know, this bill was crafted specifically to be in two counties. They were able to use language that says we want, you know, this particular piece of property east of the -- or excuse me -- west of the Cascades that has this exact population. They could have said since it's going to be Clark County, they wanted all of this blue area, they could have said something besides adjacent.

As an aside, there are two cases in Washington courts which read adjacent as being abutting. I would agree that it's abut. I would also agree with staff that it shouldn't extend beyond 500 feet, because near is near to the railroad. The blue on the Lagler property east of 117th, it's divided by 503 from the railroad, it's not even close.

Secondly -- or excuse me -- thirdly, I would caution you against the creep factor which happens and has happened time and again since I've been involved in land use, and that's been since the late 1980s. Land that is developed, which you will see in this hatch tag which is ag land, the people next door, outside that red line on the west side, just like the gentleman here and his family tonight, they're going to keep coming in and saying now we're adjacent, now we're attached, now we're near and now we want to be developed just like everybody else.

When you start this, you will have that creep. We suggest policies that restrict the growth beyond a certain distance. The policy should restrict it, not the development regulation. If you don't and if you don't recreate policies that actually state strongly the development -- or excuse me -- that you can't have a use that's inconsistent with resource lands or nearby resource lands, you'll lose them. I apologize for not having something more detailed in writing, I'm still working on it. Thank you.

MORASCH: All right. Well, you can always submit it before the Board of County Councilors --

MCDONALD: Will do.

MORASCH: -- and they'll review it. Thank you for coming. Before you leave, any questions? All right. Thank you very much.

MCDONALD: Thank you.

MORASCH: That is the end of our sign-in sheet. Is there anyone who wanted to talk on the freight rail? I see a hand. Are you waving to come down and talk or are you waving just to speak with him? Okay. I don't see anybody's hand going up that wants to talk. So with that, I will close the public hearing and I will return it to the Planning Commission if you have any follow-up questions of staff after the public testimony. No? Yes.

RETURN TO PLANNING COMMISSION

GRIMWADE: One thing that I've heard in several meetings now is this perception that things are being rushed or there's a lack of community engagement, and I was wondering if you just wanted to enlighten me a little bit from your perspective about the process and the timing and what might be the key drivers behind it.

ORJIAKO: I will say that I sympathize with that concern. I think that what we tried to do, and the Planning Commission have seen where this is like a plan update, it takes time. It takes some analysis, some work, some consideration. I went through the 13 goals of the GMA, and in there I mentioned citizen participation and coordination and the goal requires a continuous engagement. I believe that the public will have sufficient time to review the development regulation, which we will engage after this process.

It is true that the Railroad Advisory Board met once. It is true that we had only one open house, it was well attended, more than 50, and at that open house they shared concerns, they told us that we were rushing it and we weren't prepared. I sympathize with that and what is the rush you ask. As you know, amendment to the comp plan, and this is in statute, that requires both map and text is only done once a year. So we were in that window, what can we accomplish this year.

The Planning Commission will recall that you went through a public hearing on all the annual reviews and dockets which we bring to you once a year. So when we complete that process, it gets to the next cycle. So we are really about to close that and start a new one. So if we had followed that cycle, we will be doing this work in 2018 beginning in January after your work and the Council votes on your action on the 2017 process. So I think it's that window, and I may be wrong, but I think it's that window that we're trying our best to see what we can accomplish.

As I indicated earlier, this bill was passed this year and signed into law in summer. It didn't become effective until last month, October 19th to be exact, but we started the conversation with the Council, what can we do to begin the process to implement this. And the timeline, I agree, is very short and I don't want to continue, but that's really the time frame is the once a year and --

GRIMWADE: No, that answers it.

ORJIAKO: Yes.

GRIMWADE: I just think it's important for the public to understand that there is drivers beyond the County which is shaping the speed of which you go, and that you are taking a very thoughtful way through and setting your path in increments where it gives you the time to reflect, adjust and come back. That's all.

ORJIAKO: Yes. And thank you for that. And that's why we propose a Phase I, a Phase II and potentially a Phase III, who knows. But in the Phase I what we wanted to see if we can get right is the policy. That's why I talked about setting the foundation, are we getting it right. And if the public can help us articulate, yes, the policies that are before you it's consistent with the language in the bill, at least we can use that as a step as the framework to do much better work. To say now we have the foundation, we're building a house, let's get the foundation right before we start framing other uses and the appliances and all that, using that phrase. So we want to see if we can get the policies right.

I agree with you that, you know, we will have -- and that's essentially why the Railroad Advisory Board had a second thought on their previous language that they advanced, and that was what was put out to the public. So everyone is reacting to that and that is part of the, if you will, the take that we are rushing it. Upon second thought, they made some changes and recommended inclusion of this property now which I don't know what your take is going to be, but that's why we're here.

MORASCH: All right. Any other questions for staff?

JOHNSON: Yeah, I do. Jose, let's go back to the 500 feet. I like what you said, I just want to make sure I had it right though. So the 500 feet was a starting point.

ALVAREZ: Correct.

JOHNSON: So we look at the Lagler property and the other one, I mean this process, these phases, that would probably be looked at later on because it seems like there was some discussion, wherever, that this whole piece of property was in it. And I just want to make sure or clarify that we're really looking at Phase I and going, look, let's just start with 500 feet. We're not saying really yes or no. We're saying this is the standard, let's get some feedback and let's move forward and we could be adding continuous properties or whatever. Is that fair to say?

ALVAREZ: That's fair to say.

COOK: Can I embellish on that?

JOHNSON: Sure, why not.

COOK: One of the problems is that the bill does call for adjacency. Now, Mr. McDonald talked

about the definition of adjacent in a couple of court cases; however, Clark County code has its own definition of adjacent, and I would guess that that might be more applicable here and it includes abutting or close or near, so...

JOHNSON: But aren't those two different words? You just said two different -- abutting is next to, we looked it up here.

COOK: And isn't something that's abutting adjacent? Well, of course it is. The question is how limited is that term. And that is one of the things that I think is incumbent upon the Planning Commission and the Board at some point to figure out, what does it mean. Staff started with the most limited in part because as you said, they wanted to get it done, but one way or another, there has to be some kind of rule. Okay.

It's kind of the government of laws and not of who has the ear of, you know, somebody on the staff or somebody on the Council or somebody on the railroad advisory committee. It should be according to a rule that is generally and equally applicable to all property owners who might be interested in it, and, therefore, can be known by the public. So there needs to be some kind of rule in my view. They have a rule with this first proposal. Adding a lot of contiguous land no matter who it's owned by doesn't necessarily create a rule, and leaves one to question why is this land appropriate whereas some other land is not.

In addition, the bulk of the rural industrial land bank was not included on the public notice as potentially subject to the overlay. If that land is to be included, it's my opinion that this will have to be renoticed and come back to you so that the people who would be close to that property can know that they may have the effects of the freight rail dependent uses by them.

MORASCH: And you're referring to that area on the other side of --

ORJIAKO: Further to the east.

MORASCH: Yeah. Not the three parcels that Mr. Cotton talked about as far as the notice issues?

COOK: Well, if it's come into that as well.

ORJIAKO: If you include that, then we have to notice or include notifying the property owners abutting them. Our code, and I think this is where the 500 feet beginning point starts from, in the rural area, any change in the rural area requires notice within 500 feet, and, two, the beginning point, that's why I asked.

I made my point earlier that we have to be able to say where will this apply, where, and the map gives us that beginning point. And as Ms. Cook is saying, we have to, and I mentioned that in my opening remark, we have to be thoughtful in the language that we put in the code, i.e.,

the criteria which will come to you. What will be the criteria for expansion of the overlay and the criteria for exclusion. We haven't determined that.

You all participated in, when we went through the surface mining overlay, if you'll recall, we put in place, we said it should go to the hearing examiner and there was an objection that it should be a Type IV process for removing the overlay or for expanding the overlay, that will be the case here as well. We don't have that language or what the criteria will be. I don't have any opinion one way or the other whether the Planning Commission include or recommend that this property be included. As Ms. Cook indicated, we may have to renotice.

It is true that this property was considered as part of the rural industrial land bank. You all participated in that effort. It came to us as two applications. I'm not questioning the LLC or anything like that, but it came to us because the bill says two sites if you'll recall, and it came to us as Ackerland and Dennis Lagler. Things may have changed, I have no knowledge of that.

Secondly, you know, if you want to go, the Lagler property to the east, again while I have no position, it's almost I will say half a mile. If that's the criteria that the council want -- the Planning Commission wants to establish, we'll work with you on that.

MORASCH: All right. Thank you. Any other questions for staff?

BENDER: Ms. Cook, Mr. Weaver indicated that the Lagler property wanted to be brought into the boundaries. You indicated there were other owners perhaps of that property?

COOK: No. No. The property that is now in the hashmarks as being proposed to be included is owned by an LLC, Ackerland LLC, I believe, and Mr. Lagler has ownership I think, or it may be a different LLC owned by him of that eastern property. What we do not have, is we do not have a statement direct from Mr. Lagler as we generally ask for of owners of land saying this is what I want to have happen.

BENDER: That is disconcerting.

COOK: And it's easily remedied. I mean, all he needs to do is let us know.

MORASCH: And I asked for it. Any other questions of staff?

BARCA: I have a question concerning the choices to not include Rural 5. Since the county has property that is adjacent to urban growth boundaries for both Battle Ground and Vancouver on the railroad where we would be able to, in essence, extend industrial lands that are coming right off of the edge of the City of Vancouver from the south and the southern border of Battle Ground which is industrial now, why did we only go after resource land as our choice for the overlay? I heard you say that compatibility was an issue, but there are some houses that are already residential within the choices that were made, so...

ALVAREZ: Right. And we were just looking at it from the south. We didn't start this where it extends from the urban growth boundary, because there is an existing subdivision that we knew didn't want to be included in the urban growth boundary when we expanded in 2007, and we just felt to extend that made sense. One of the comments that was made at the open house was that these properties also have a rural industrial reserve overlay, that makes a lot of sense.

When we're looking to expand the urban growth boundary, we're looking at these to be probably industrial or not be residential. But given the time frame to create this, we just made the decision to not include it at this point in this initial phase of the overlay. Again, we also had some analysis about the compatibility of the uses in agriculture, forest land, there's no forest here, but maybe more intensive industrial uses would be allowed in the agricultural districts than would be allowed in rural residential. It allows for small scale agriculture. So that was kind of the thinking that we had in excluding it.

BARCA: Okay. So my concern about the choice that's made right now is we have kind of a shaky history with this agricultural land here. We have had findings from the Western Growth Board on a couple of occasions coming back from 2007 to now, and it has the appearance that we're going after exclusively the resource land again.

And once we drive a wedge of industrial land between the agricultural uses which are all of the industrial, rural industrial land bank, and all that's orange on the map, we're isolating another component of AG-20 that's going to then become incompatible with the surrounding area which will be the reason why it's going to be asked for to be taken out of the resource zoning in the future. I think we're setting ourselves up for another one of these ag land confrontations by not including any other type of zoned land.

ORJIAKO: I agree, Commissioner Barca, but remember that the provision of this bill does not require a de-designation of resource, that's one component. Unlike the rural industrial land bank, 365 or 367, we have to go through a de-designation which is more of a challenge and a higher bar to cross. We have experience with that, you are correct that we have not been successful.

And I think the observation that the Rural 5, staff made a call not to include them. You may make the same observation that, are there no houses, for example, in the area that are currently zoned as agriculture, it's likely that there are homes. But if you look at the parcelization that are within that Rural 5 areas, I don't know the ownership pattern, and are there some really usable parcel within that, or are there opportunities if there are no homes there to aggregate,
I don't know.

But I think that when you really compare size, the current uses that are allowed and then these

uses on top of it, you may make a call that, a, it's not compatible, and that is the view that we have at least at this point. If we write a criteria that says, yeah, you can come in and ask to be expanded and make the case for it, that could be considered. We go through zone changes where the proponent make a case and whether it's a comp plan and a zone change, you consider that and recommend approval or denial based on the criteria and the circumstances on the ground.

I believe that some of these areas may have, because it's Rural 5, very expensive homes. Jose indicated the piece that is south of 119th, I'm familiar with that, that develop as a cluster and they objected being included in the urban growth boundary, talk alone about it applying rail dependent uses on existing single-family homes. You know, if that's your findings, we will take it, but we made the call that it will be really incompatible. I mention the rural element that talks about maintaining rural character, balancing the resource and minimizing impact, that's why we're trying to frame this policy to see if we have it right.

And then the other issue is as the Cottons indicated, if you include their property, we have to be able -- we may have already done adequate notice, I'm not saying, I don't know that, but the question will also be, how do we minimize impact to adjacent resource, you talk about it, because that is required, that section of the GMA. This bill didn't exempt or amend that section. So we still have to wrestle with, how do we minimize impact to the adjacent resource depending on where we put the overlay.

MORASCH: All right. Thank you. Any other questions? All right. With that, I will turn it back to the Planning Commission for deliberation. Does anyone want to start? Bill, you look like you want to start.

WRIGHT: Okay. Why don't we start, I'll make a **MOTION** that we approve this change as presented by staff.

GRIMWADE: I'll **second** that.

MORASCH: All right. It's been moved and seconded to approve the change as has been proposed by staff. Is there discussion on the motion?

WRIGHT: Well, I think there's been some very interesting discussion tonight on some possible reasons to enlarge the area, possible reasons to reduce the area, and I think staff has established a rule. It may not be perfect, it may not be what you're dealing with five or ten years from now, but it certainly is something that we could proceed with and feel our way through this process. So I think what we have is a good proposal, it was given a lot of thought and we should approve it.

JOHNSON: I concur. I like what Jose said, we're starting and feedback will rule this thing and it will drive it and I've heard great arguments for adding and taking away property, but I just think

we open Pandora's box when we do that. I'm sympathetic to the Cotton properties and the other property. I just think it's a good start and let's see where we land and keep the discussion and dialogue.

Which to the people who said it was rushed, I'm sensitive to that too because I felt the same way about some of the testimony in previous things that we've worked on, but I think it's not rushed because we're doing exactly, Jose, I'm assuming which this is the process, we're Phase I, let's look at it, let's talk about it. I'd like to see them, the 500 feet bigger, but I don't think that that does anything right now other than just muddy the water. So I concur and I'll probably be voting for staff's recommendation.

MORASCH: Well, I'll jump in now then, unless you want to, I'll jump in now.

BARCA: Jump in now.

MORASCH: Yeah, why not. I think the only two changes I would make is Section 3.9.2 on Page 1 says minimize impacts on adjacent rural and resource uses and then the implementing strategy it leaves out the word adjacent, and I would probably add that word adjacent to Page 2 the last bullet point; identify and minimize impacts that freight movements have on adjacent residential neighborhoods and resource lands so that it mirrors the policy language.

JOHNSON: Oh, I see what you're saying.

MORASCH: And then I probably would go ahead and bring in Mr. Cotton's land. It's, you know, it's under the same ownership. It would square off the map, it's a minor adjustment, you know. To the extent that our notice procedures don't provide enough notice for us to be able to make these minor adjustments, then I would recommend that we re-address the notice that goes out, because I think we should be able to make minor adjustments to these kinds of things.

And I can totally understand that property way to the east being beyond a notice, but I mean I think in the future I would hope we would maybe broaden the notice area, you know, a little bit to give the Planning Commission a little bit of flexibility on these sorts of things. But those are the only two changes I would make.

ALVAREZ: I'm sorry. Could you restate the 3.9.2, the change you want to make.

MORASCH: Well, the change is not to 3.9.2, but to the bullet point on Page 2, second to the last bullet point. I would make the language in that bullet point consistent with what you've got in 3.9.2 by adding the word adjacent in front of the word rural -- or excuse me -- in front of the word residential.

COOK: Is that an amendment?

JOHNSON: There's already been a motion.

MORASCH: There's been a motion. I guess it's up to Bill whether he amends his motion or not.

WRIGHT: I'd take those as a **friendly amendment**.

MORASCH: Is that just for the text change or also for Mr. Cotton's land?

WRIGHT: Just for the text.

MORASCH: All right. And what about the second?

GRIMWADE: I'll accept --

JOHNSON: There's already been a second.

GRIMWADE: -- the text change.

MORASCH: All right. **So the text it's been moved and seconded to amend the text.** Any other discussion?

BARCA: I'd like a clarification. We were given this Document 40.230.085, Employment Districts, and I'm assuming this was given to us in the idea that this would be the development regulations if the rural industrial land bank is in place?

ORJIAKO: If I may, I think when we went out at the open house, there was requests from the participants too. Because we did not come out with a use list and we said, you know, we have existing use districts, the rural industrial and then the light industrial that they can take a look at it, and we posted it on our website and we made it available today. Those two districts currently exist in terms of use list. In my remarks I mentioned that that will be a starting point that we will then use to perhaps come up with the list of what will qualify as freight rail dependent uses, that's just for your consumption and for the public consumption.

If you follow the definition of what freight rail dependent uses means, it says fabrication, storage and processing and then transport. Those are the type of uses we are -- that's the starting point, if you say, category, what then qualifies. That is just, folks, take a look at what we currently have, we use that as a starting point, a beginning point to begin to then with their help, narrow down what will qualify as freight rail dependent uses based on the definition. So it's really more of the public to see the type of uses that we currently have that will be helpful to us, rather than starting from scratch, if you will.

BARCA: Okay. That clarifies that for me. So I think under these circumstances this seems like a fairly straightforward lines on a map kind of exercise for us at Phase I, but the development

regulations that get crafted are going to be the real big one. And when we talk about compatibility with rural character, it's going to be very interesting to see how you take a section of land that's contiguous along the railroad for that extent and maintain rural character in it, and I'll be thrilled to be part of the Board when we go through that.

ORJIAKO: I have no comment. That's where buffering and setbacks and those type of bookends come into play.

MORASCH: Okay. Any other deliberation?

PUBLIC: I'd like to request the Chair to open up the public comment to at least one more person and that would be me.

BARCA: It's already been seconded.

MORASCH: What?

BARCA: It's already been seconded on the motion to approve.

MORASCH: Yeah, I'm sorry. It's too late to open up public comment at this point, but I would encourage you to go to the Board of County Councilors hearing, submit written --

PUBLIC: Been there, done that.

MORASCH: Yeah. Well, I would encourage you to go again because they're going to have --

PUBLIC: They told me to go back to the Planning Commission.

MORASCH: Well, I'm sorry, you should have come earlier tonight, but we've got a lot on our agenda and there's already a motion on the table that's been seconded, and, I'm sorry, it's too late to reopen public testimony at this time. So unless there's any further deliberation, I would entertain a roll call. Sonja, roll call, please.

ROLLC ALL VOTE

SWINDELL: AYE
JOHNSON: AYE
GRIMWADE: AYE
BENDER: AYE
BARCA: AYE
WRIGHT: AYE
MORASCH: AYE