

**FREIGHT RAIL OPEN HOUSE MEETING
MINUTES OF MEETING
THURSDAY, AUGUST 30, 2018**

Hockinson High School
6:30 p.m.

OPENING STATEMENT

BOLDT: I can tell you this is in the beginning stages so you're right between the advisory board and getting hearings. With that, we have the railroad operator, Eric Temple, right back there. So if you have any specific railroad questions, he'll be glad sitting right there (inaudible) to answer any of them questions.

With that, I would just before I turn it over, I'd just like to say, you know, we are in a very unique situation during the school strike, so the school went, really went out of their way to let us in this room and the teachers and everybody. So I would just ask you to make sure when you leave, you pick everything up because there's no janitor here and we're all on our own when we said the County would take over this place, we have complete responsibility tonight of what happens, so please bear with us.

The railroad -- the rest rooms are down to the back to your left. And with that, thank you again. I'm here learning just like you. So I'll pass this on.

ALVAREZ: Thank you, Councilor Boldt. Good evening everyone. Thanks for coming out. My name is Jose Alvarez, I'm the project manager on this freight rail development project. Our goal this evening is to provide you some information about this project, to let you know where we are in the process and answer questions you might have.

What we're really looking for is to get feedback for the Council. We're going to have our work session September 26th, and all of the information you provide us tonight and up until September 13th, we're going to compile and share with them.

We have a series of maps along the perimeter here, they're all the same, and staff is out there that we can answer questions after the presentation. Let's see, we're going to have some questions and answers. So there are some cards at the table, if you come up with questions during the presentation, we will be collecting those and we'll be answering those as time allows.

If we don't get to your question, we will be compiling those, we will answer those and put those online and share those with Council as well.

So in October of last year, the Washington State Legislature amended the Growth Management Act to allow Clark and Okanogan counties to come up with development regulations to allow

for freight rail dependent uses adjacent to short line railroads on resource lands.

Senator Wilson and Representative Pike were instrumental in getting this bill passed. The idea was to try to encourage economic development by taking advantage of existing asset versus the rail line by making it more viable by increasing the amount of land that could be developed along them.

So the bill defined freight rail dependent uses as buildings and other infrastructure that are used in the fabrication, processing, storage and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. The bill excludes coal, liquified natural gas and crude oil.

The advisory committee spent a lot of time trying to identify -- trying to define particularly the definitions for dependent, makes use of and adjacent into that level of detail. So the County owns the short line railroad, the Chelatchie Prairie railroad, that runs 33 miles from essentially Fruit Valley Road northeast to Chelatchie Prairie.

Within the Vancouver urban growth area, the Battle Ground urban growth area, there are industrial, industrially zoned land that allows for development to occur in those areas, also in Brush Prairie there's some industrially zoned land that's using the rail line. Essentially the train runs once every two to two and a half days and there's about 10 to 12 shippers using the rail line currently.

So, in November of last year, the County proposed a two-phase process to implement this bill. The first phase was to amend our comprehensive plan to reflect the changes in the Growth Management Act. And then the second phase was to adopt development regulations and the uses that would be allowed along the railroad, and we're in the middle of that, the second phase currently.

So an overlay is essentially an additional zoning layer on property, it can be more restrictive or more permissive. If you think of historic districts where there are overlays on properties to regulate the types of uses that could be on that property, the types of development, in this case the overlay would allow additional uses which are these freight rail dependent uses. And it's optional and not mandatory. So if you don't want to take advantage of this, you don't have to develop your property in that manner.

Most of the property I think in this area is zoned AG-20 and Rural 5, so those uses would still be allowed. And unless you wanted to take advantage of this, it's optional, it's not mandatory.

So, in January of this year, the Council amended our comprehensive plan, there's three elements that were amended, the land use chapter, the rural and resource chapter and the transportation element. The other thing we did was create an overlay map which is the area

outlined in red, and this was essentially 500 feet within, properties within 500 feet of the rail line as you can see on the map here. And it did include and exclude some properties that were Rural 5 and smaller lots that didn't feel could develop.

So the second phase of the process was to put together an advisory committee to guide in the creation and implementation of the development standards. The committee's charge was to consider, recommend development regulations related to the freight rail dependent uses and we started with essentially a subcommittee of the Railroad Advisory Board and had three additional representatives from the Parks Advisory Board, Farm Bureau and the Brush Prairie Neighborhood Association.

The gentleman from the Railroad Advisory Board, do you want to let people know who you are.

So essentially the committee's recommendations were to expand the overlay map, create a use, a list of uses for development and come up with building and development standards, and then the proposal to expand sewer, and we'll go through these in more detail. So the overlay expansion and the one-mile corridor, this outlined in red is the existing freight rail overlay that was adopted in January.

The area in blue are parcels within one mile of the rail line. What we had determined was that in discussing parcel, the definition of adjacent, we started with an expansion of or the committee started with an expansion of existing overlay area which was 500 feet to about a quarter of a mile in our second meeting.

In our fifth meeting, the idea was presented that the proposal would have enough land area to adequately serve the economic development that was -- that -- that was intended with the bill and it also didn't include land that was in the rural industrial land bank that's east of 503, this area here.

So after that meeting, the committee decided upon further reflection, you had -- there were some areas within the one-mile overlay that didn't make sense to be included, there was some land that was owned by the public, the Laurin Middle School and then along the north side of Salmon Creek, those properties probably didn't make sense, and there's some other areas that were smaller parcelized areas that they wanted (inaudible) excluded.

In that last meeting, they decided they wanted to change the definition of adjacent. They couldn't come up with a way to define the area that the new overlay was being proposed and so they just left the definition of adjacent as one mile.

Just for some context, the area in red is about 300 acres; the area in blue is about 6100 acres; and the area in the hatch mark is 4100 acres. So the committee went back to the definition of freight rail dependent uses, essentially fabrication, processing and storage and transport of

goods to filter the allowed uses.

The use list is in your handout there and it covers a broad category, it's based on the North American Industrial Classification System. There are a vast majority of uses, most of them on the list are manufacturing uses. In your handout there's a little more detail about the types of uses and some of the, some examples. The uses also identifies whether these, whether the uses could be permitted outright or conditional uses.

Both processes include site plan review and notice to neighbors within 500 feet. The conditional use requires a neighborhood meeting and a public hearing if requested by any of the parties, either the County, neighbors or the proponent or the development, and those would be public hearings in front of a hearing's examiner. The conditional use permit also allows for additional conditions to mitigate for impacts. So this also allows for conditional uses that could mitigate for impacts that are unique to the use or the location.

As an example, churches and schools are conditional uses in residential zones and ag zones. The building and development standards we have, they're not in that particular handout, we have another handout that has the list of (inaudible) and there are some binders at all of the stations that have the yellow covers on those.

The committee was recommending development standards for building heights in the area, 100 feet, 60 feet depending on where they are relative to neighboring properties. Setbacks, landscaping standards, there's a ten-acre minimum site size for development and the proposed use have to show how it's able to use the rail line.

The committee is also recommending that sewer be extended beyond the urban growth areas. Right now extension beyond the urban growth area is not allowed except for in some limited circumstances, primarily a health hazard or to serve the K through 12 school like this one.

So if you're not going to be able to comment through the survey or comment part this evening, these are some of the additional ways that you can comment on the committee's recommendation. We have a survey on SurveyMonkey, you can send an e-mail to me, you can go online, the survey is online and you can provide comments there or you can just send us something in the mail, all of these things are on the back of this handout.

So Councilor Boldt talked about where we are in the process. Essentially we're in the middle. We've done some comp plan amendments that we talked about last week earlier this year in January about the Phase I. We began Phase II in March. The committee proposal was out in June. We're currently here at the open house. We're going to get your feedback so that we can share that with Council. The comments and surveys are going to be compiled and shared with them before their work session on the 26th.

The rest of the timelines for this project will really depend upon the direction that they give us at that work session. And before any action is taken on this to adopt any of these, we will have public hearings with the Planning Commission and the Board again, and the Council, and those will be open for, there will be public hearings and there will be public testimony for those. Questions?

ANDERSON: Just as a heads up, as Jose mentioned, on the website we will have not only the link to the SurveyMonkey, but we will also have this presentation, all the maps and there's an interactive map which you can blow up and find out where you are in relationship to this particular project. Okay.

So if you have questions, you can write them down, staff will go around and collect them and we'll get through as many as we can this evening. And as we mentioned before, we will, if we don't get a chance to answer your question tonight, we will consolidate everything and also post that online with answers as well. Okay.

The first question: How will a zone change affect my property taxes?

ALVAREZ: So currently taxes are very complex of -- the property value may change depending on the circumstance. So if you have vacant property along the rail line and you can now do some freight rail development, it may increase the value. If you have a half a million dollar home along the rail line and there's development next to you, it may decrease the value. We really won't know until development happens and it's kind of dependent on what happens when and where you are in relationship to that.

ANDERSON: Okay. We have a lot of questions this evening. Does the proposed use have to use the rail line?

ALVAREZ: Yes.

PUBLIC: (Inaudible).

ALVAREZ: If you decide to use the rail, you have to be or if you wanted to take advantage of the overlay, you have to use the rail.

ANDERSON: And that means the existing rail or having a rail spur line put in to access your property wherever your property is. Okay.

Why isn't the asphalt paving X instead of C? So why are we excluding it instead of it being conditional?

Meetings in the past have described it as pretty useless, example Daybreak Youth Rehab, most didn't want.

ALVAREZ: So the committee recommended having asphalt paving as a conditional use. I believe the railroad operator was contacted by someone who was interested in some type of development that would require that, and so that's why it's in there as a conditional use.

ANDERSON: Okay. What is the emergency response plan for the railroad? Has it been drafted? Who takes the lead responsibility? If HAZMAT is to be moved, what is the permitting process? So let's break this down in two.

ALVAREZ: That would be something for the operator, I believe there's a plan in place.

ANDERSON: The newsletter states to extend sewer services to support freight rail dependent developments, what kind of sewers? If gravity line, who will be funding that and who will be required to hook up to it? If an LID, is that subject to a vote of the affected people?

ALVAREZ: We did get a comment from the Clark Regional Wastewater District, they have commented about the reference to tight lining in the code and they, how the sewer is run and how that's, what type of sewer is going to be up to the wastewater district.

ANDERSON: For parcels without direct access to the existing rail line, would right-of-way be granted or would parcels with direct access need to develop first?

ALVAREZ: Right. So if you have direct access, it's not a problem. If you don't have direct access, you would have to require a through easement or purchasing some sort of access to get to the rail line.

ANDERSON: Okay. Senate Bill 5517 - which was the legislation we talked about - explicitly prohibits the expansion of urban services into rural areas, this proposal is at odds with State law. What gives?

ALVAREZ: Defer that to my -- our prosecuting attorney.

COOK: We're not going to get into a (inaudible).

PUBLIC: Can't hear you.

PUBLIC: No, you can come up here.

ALVAREZ: It's a legal question that they'd like for you to answer.

ANDERSON: Will master planning be required prior to any development?

ALVAREZ: There's -- master planning. We have a specific code section that deals with master plans, this doesn't envision a master plan per se. It allows for development to occur as long as you meet certain conditions, one of them being the ten-acre minimum requirement. You can see if there's a larger development if you want to take advantage of the master planning process, but it's not required at this point.

ANDERSON: Next question. What can a basic resident do to stop this process short of lawsuits and court injunctions? For example, can the City of Battle Ground City Council change zoning to stop this?

So if you're in Clark County in the unincorporated area, you're under County Council jurisdiction. The only way the City of Battle Ground can effect a change is if you annex into their jurisdiction. Okay.

PUBLIC: What about the first part? Complete the second now. There were two questions asked.

ALVAREZ: Lots of comments to let us know how you feel and we're going to share that with the Councilors. And if you want to contact the Councilors directly to let them know how you feel, you can do that as well.

PUBLIC: We did.

ANDERSON: And they're listening. They're listening. And they'll be sharing with the others as well. I've got four questions in this one so I'm going to pick one. What is the maximum distance that the adjacent is equal to because right now the proposal for adjacent is within one mile?

ALVAREZ: Right. So it's the adjacent wasn't defined in the bill. In our county code we define adjacent as near or close. So one of the objectives was trying to get a better operational definition to give people some clarity. The recommendation from the advisory committee as it sits right now is one mile, that's parcels within one mile. So it could potentially exceed one mile, but that's ultimately going to be part of the decision of these regulations through this process and Council will make that determination.

ANDERSON: This is another one where there's five different questions, so I'm going to pick a couple and then we'll answer the others online. Is the Chelatchie Prairie Railroad a viable entity?

ALVAREZ: We have contracts with the operator that pays us, the County, revenue after a certain threshold of train cars are reached, and I don't think we've met that threshold yet to get a return on the railroad at this point.

ANDERSON: And another question is: How much land is available along other nearby rail lines?

ALVAREZ: I do not know.

ANDERSON: Have you done a cost-benefit analysis of this development model versus a pedestrian/bike path/park approach? Have you taken quality of life issues into account?

ALVAREZ: That would be (inaudible). We are trying to implement the bill that was passed by the legislature. We do have a trail, rails with trails plan through our parks and that's still on the books and everything is a funding issue, so there's only certain sections that have been developed currently, but that would be a great comment.

ANDERSON: Would the overlay limit future zoning options? For example, I have AG-20 and I want to go to residential.

ALVAREZ: So AG-20 is a resource designation. In order to no longer have the resource designation, you have to demonstrate that the resource use is no longer viable and we do -- and if it's not site-specific, we don't evaluate that on a site-specific basis, we evaluate resource designations area wide or countywide and typically we do that when we update our comprehensive plan which we just did in 2016 and the next time we'd be looking at that is 2024.

ANDERSON: What prevents a prohibited use, for example, the X on the use table from being arbitrarily changed to do a C or a P, conditional or permitted? For example, in other use tables the asphalt batch plant was initially classified as prohibited, an X, and now it is a C.

ALVAREZ: So any changes to the zoning code has to go through a public process both with the Planning Commission and ultimately the County Council makes that decision.

ANDERSON: What road improvement standard will be required for industrial rail developments?

ALVAREZ: I think the proposal includes essentially the urban industrial classifications for development tied to these freight rail development uses and that's what was put in the code as part of this proposal.

ANDERSON: How will neighboring residential properties be protected from adverse industrial noise, air pollution, traffic, adverse views, et cetera?

ALVAREZ: So each of these proposals as they come along we have to go through the State

Environmental Policy Act, SEPA process, and then we have existing development regulations that would address some if not all of those.

ANDERSON: I've got a couple of questions for you on this one. Can overlays change without public notice? The answer is no. Okay.

When you change the overlay, you're making a map amendment and all map amendments must go through what we call a Type IV process which is legislative, so the property owners would be notified, those within 500 feet of the property in question would be notified, anybody on our existing e-mail list in the area like you filled out tonight would be notified and we would go through a similar process which includes public hearings, open houses and finally a hearing with Clark County Council.

What will be the maximum speed for the trains, and what are the hours of operation and what will be the sound volume? I think that's one for our railroad operator we'll add online for you.

How will you manage spur lines from other areas presumably going through/crossing surface streets and neighborhoods?

ALVAREZ: So another -- so spur lines would be developed privately. If they're going to intersect with existing county right-of-way or roads, they have to meet the UTC standards. They really don't like having railroads intersect at (inaudible) crossings and depending on the nature of the roadway. They would prefer that either you go over or under those. So it would depend on the type of road and where it was located and you have to comply with their standards as well as the County.

ANDERSON: Good one. Who will pay for the sewer extension? Will the current service users have to pay for this extension?

ALVAREZ: I can -- I think that's a question for the sewer district whether they want to make an upfront investment not knowing how much use is going to be on this and it may affect the rates of people within the district if they do do that, but that would be up to the sewer district.

ANDERSON: What about an entire neighborhood that is opposed to this zoning change and adjacent properties - you guys need to write better, yeah - how can they stop it?

So I'm going to take a stab at this one. If you and your neighbors do not want this to be on your property, okay, the best course of action is to let County Council know that you are totally opposed to this. Okay.

PUBLIC: I'd like to ask a question. You're reading from (inaudible) vote for our decision on this and I'd like to vote on it or (inaudible).

QUIRING: Good evening. Glad you all came. One of the parts of the process of this is to actually have meetings like this, and so far I have been a proponent of this because I think that it brings the possibility of jobs, good well paying jobs so that your family members when they grow up or your grandchildren can work here in Clark County. It sounds to me like you're really afraid of having the railroad here in your (inaudible) for instance.

I think that the subcommittee has taken care of a lot of the development rules that will protect you from that. We need the industrial land in the county to be able to bring jobs to this county to give it its own identity and its own economic engine.

PUBLIC: Excuse me. (Inaudible) it's residential.

ORJIAKO: Remember what we said in the -- and briefly, my name is Oliver Orjiako and I'm the Community Planning Director. The Councilors are here to listen to you this evening. What they want is your input, that's very critical. And there will be an opportunity for you to testify before them, tell them about your feelings, tell them what you think about the recommendation. There are other Councilors here, I think you've heard from the Chair, the (inaudible) is coming, they're all here to listen to you and they will take your input very seriously. This is not a hearing.

There will be opportunity for you to hear from them when they make their vote and how they vote on this particular issue. I'm not trying to show them, but I just want you to understand that this is to hear from you. This is a proposal that will be up to them, that's why they want to hear from you, please. A proposal will impact you, tell us how you feel about the recommendation, that's why we're here tonight to hear from you.

PUBLIC: So you want comments in addition to questions?

ORJIAKO: We are doing our best to answer them, yes. And the survey that is online and the comment form that we're asking you to fill out. We're also, as my staff have indicated, we have a corrected map on our website that will tell you whether this proposal impacts you or not. Yes, it is within a mile or less, please we'd like to hear from you because it may or may not directly impact you but we would like to hear from you.

ANDERSON: So I've asked staff to pass out comment cards.

PUBLIC: I just have one idea. If they need, the Council people and the County planners are interested in hearing from all the people, maybe we do a who's for it, who's against it, just raise their hands. Very simple.

ORJIAKO: That's okay. Remember what I said in there, this is not a hearing, but to honor your request, raise your hands if you are for this proposal.

ANDERSON: For it.

ORJIAKO: You are for it.

PUBLIC: Do they live here? Do they get to vote? Aren't they on the rail committee?

ORJIAKO: Well, we'll ask them if they live in the area. Please. Please. You asked me a question, please. Remember this is not going to get out of hand, please. Are you for it raise your hands up, please. Now, okay, thank you. And raise your hands if you are opposed to the proposal.

BOLDT: What about I don't know.

ORJIAKO: Now, what about undecided or I don't know. Well, that's a good show. And I think, like I said, the Councilors are here observing at this meeting. It's not what I can take to the Council. I will too, would like to hear from you through this survey and through your comment cards, please. We have more questions before we have you walk around and staff will help answer your questions.

ANDERSON: Can any of this rail line be used to transport oil or any hazardous chemicals?

ALVAREZ: Currently, yes. Right now you can if there is a use, heavy industrial use that has either oil or hazardous chemicals and they have a contract with the operator, he's required to transport that.

ANDERSON: Is there a maximum number of trains permitted per day, per month? No.

PUBLIC: How about hours of operation?

PUBLIC: Can they run it all night?

ANDERSON: Not that I'm aware of, but we'll double-check. Will survey results and comments be available for public to view? Yes, they'll all be on the website once they're compiled.

So in order to provide comments to Council prior to the work session, I think you all know that we said please get the survey marked and the comments in by the 13th of September, that gives us a couple of days to put everything together for them so they can review it. We will continue to accept comments after that point. Okay.

So everything is going to be included, it's just at that point we're going to put a nice binder together and get it to them so they can study it.

PUBLIC: (Inaudible).

ANDERSON: Yes, ma'am.

PUBLIC: What was the question?

ANDERSON: The comments that are typed up here like you guys are writing now, will those also be available to Council at that work session? Yes. We're putting everything together, that's why we have a cutoff of September 13th for processing time. So we have 30 days or so for this comment period for this portion. Okay.

All that information, the survey results, your comments, the answers to the questions today, all of that will be online and you'll be able to see it. You'll also be able to see any information that we provide to Council for their review. Okay.

If you send Jose an e-mail, it goes in the record, it gets photocopied, we save everything. We've done that one. Done that one.

The last box on your screen says Council hearing and ordinance adoption, does this mean it is a done deal? No. Will citizens have a say? Yes. We are in the middle of a process. Okay.

Council will be reviewing your comments on the railroad advisory committee's proposal. At that point they will share with us which direction they would like us to work on and we have a lot more work to do whichever direction they give us to do, and that will also be online. And those who signed up for our e-mail, we will be telling you through the entire process where we are and how to check in and what's going on, what their decision is. Okay.

The very last thing they do is have a hearing and they go through and do an adoptive ordinance, that might be two months from now, it might be a year from now, it might be never depending on where they want to go. Right. And there will be two hearings - Oliver's reminding me - in our process, the first one's Planning Commission, then Council.

PUBLIC: What time are these meetings held? Because I've been to some of these public meetings and they're in the early afternoon when the average person works and the public comment is (inaudible) and there's no further public comment after that. So when are these meetings going to be held? What time of day?

ANDERSON: Okay. So the question was, what time of day are these meetings held. Our Planning Commission holds their hearing at 6:30 in the evening at our Public Services Center in

downtown Vancouver the third Thursday of the month, okay, and it will be scheduled in advance and you'll know what's going on.

County Council they do hearings on two different options. Okay. The first Tuesday of every month they have a 6:00 hearing in the evening, the same building. The other Tuesday is at 10:00 in the day. For projects such as this, we normally request an evening meeting for people to come out, so it would be 6:00. Okay.

I think we've got time for one more. We're going to give you an opportunity to go look at maps and ask some other questions. Did you pick one for me? We've already asked this question.

Oh, this is a good question. Who pays the cost of improving the railroad? You do. It's a county owned asset, so the County's responsible for upgrades, repair, bridge replacements, the trails that go alongside the railroad, any building associated with the asset, we get grants which are also tax dollars, so the public owns the asset.

PUBLIC: (Inaudible).

ANDERSON: I really think I've already answered that question earlier. Does the asset pay for itself? I'm not sure the County has received any revenue yet on this particular asset which is why we're interested in looking at improvements so that we can bring some revenue in for you.

PUBLIC: How much money do you need to move?

ANDERSON: Sir, please. Please. I'm going to cut off the questions now. As I said, we're going to go ahead and type up these questions and answers and we'll have them online and we'll let you know when they will be there. And as I said, Jose, give him a call and he'll do his best to answer your questions.

So we have staff at each of the map sections, if you haven't had a chance to look at them, if you've got questions, they'll be there for you.