

RESOLUTION NO. 2018-03-xx

A RESOLUTION relating to the adoption of a Public Participation Plan for implementation of ESB 5517 allowing for freight rail dependent uses along the county railroad consistent with the Growth Management Act, Chapter 36.70A RCW.

WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan through ordinances 2016-06-12 and 2017-07-04 to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, the 2017 Washington legislature enacted ESB 5517 that allows Clark County to adopt freight rail dependent uses on parcels adjacent to the county railroad; and

WHEREAS, Clark County adopted ordinance 2018-01-01 amending the Land Use, Rural and Natural Resource, and Transportation Elements of the comprehensive plan and a Freight Rail Dependent Use Overlay map; and

WHEREAS, Clark County is undertaking a process to develop regulations to implement ESB 5517; and

WHEREAS, Chapter 36.70A.140 RCW requires counties to conduct outreach to "establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans."; and

WHEREAS, Clark County is required to clearly identify the procedures for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments; and

WHEREAS, the Clark County Council (Council) after effective notice considered the Public Participation Plan (Exhibit 1) at a duly advertised public meeting on March 13, 2018; and

WHEREAS, the Council concluded at duly advertised public hearing and finds that adoption will further the public health, safety and welfare; now therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY,
STATE OF WASHINGTON:

Section 1. Adoption of a Public Participation Plan. The Public Participation

Plan show in Exhibit 1 is adopted to be used for the county's implementation process for ESB 5517.

Section 2. Charge to the Freight Rail Dependent Use Advisory

Committee. The Freight Rail Dependent Use Advisory Committee is charged with assisting the county as shown in Exhibit 2.

Section 3. Instructions to Clerk.

The Clerk to the Board shall:

1. Transmit a copy of this resolution to the Washington State Department of Commerce within ten days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted resolution to Community Planning Department Director.
3. Transmit a copy of the adopted resolution to the City of Battle Ground and City of Vancouver.
4. Record a copy of this resolution with the Clark County Auditor.
5. Cause notice of adoption of this resolution to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 13 day of March, 2018.

**BOARD OF COUNTY COUNCILORS
FOR CLARK COUNTY, WASHINGTON**

Attest:

Clerk to the Board

By: _____
Marc Boldt, Chair

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By: _____
Jeanne Stewart, Councilor

By: _____
Julie Olson, Councilor

By: _____
Chris Cook
Senior Deputy Prosecuting Attorney

By: _____
John Blom, Councilor

By: _____
Eileen Quiring, Councilor

Exhibit 1

Clark County Implementation of 3ESB 5517 – Rail Dependent Uses Public Participation Plan & Preliminary Scoping Schedule

Purpose

The Washington State Growth Management Act (GMA) requires cities and counties to conduct outreach to ensure “early and continuous public participation” in developing and amending comprehensive plans and development regulations (RCW 36.70A.140).

To ensure compliance, the proposed public participation plan clearly identifies the scope of work and how the public can participate or comment.

Goals

1. Ensure broad participation by identifying key interest groups, soliciting input from the public, and ensuring no single group or interest dominates the process. County code requires notice to property owners within 500 feet of proposed action in the rural area.
2. Maintain effective communication and coordination with municipalities and service providers.
3. Accommodate budgetary and staffing constraints by ensuring resources are focused on elements of the amendment process likely to be of greatest interest to the public.
4. Distribute information and post notices efficiently.
5. Notify the public of all meetings, hearings, workshops and legislative actions.

Public Participation Program Structure

To best use Clark County’s limited planning resources, this plan identifies *essential* public participation strategies that *will* be employed. In some cases, final action may occur before or after the target date because of constrained resources, need for additional intergovernmental collaboration, or unforeseen circumstances.

Techniques and Strategies

The public participation methods employed by Clark County may include: Mailing list and mailing via US Postal Service to all of those entitled to notice.

Public workshops and open houses – Informal gatherings to solicit public feedback on Clark County’s planning efforts. Workshops and/or listening posts may involve presentations by staff, question and answer sessions and interactive activities.

Public hearings – A formal public process conducted before the Board of County Councilors or Planning Commission.

Clark County website – The online site where relevant documents, schedules, announcements, notices of meetings, hearings and public involvement opportunities will be posted.

Citizen advisory groups – Community Planning will work with the Freight Rail Dependent Use Advisory Committee, Railroad Advisory Board, Parks Advisory Board, Greater Brush Prairie Neighborhood

Association, Farm Bureau and Neighborhood Association of Clark County and any other interested groups to solicit guidance on issues concerning development regulations of freight rail dependent uses.

Email list – Community Planning will maintain a list of individuals and groups who have expressed an interest in the implementation of 3ESB 5517. The list will be used to disseminate announcements and notices.

News releases – Clark County will prepare news releases and distribute them to the regional media, neighborhood associations and other local information providers throughout the update process.

Board of County Councilors work sessions – Community Planning will schedule worksessions as needed to brief board members and other interested parties.

Planning Commission worksessions – Community Planning will schedule worksessions as needed to brief the Planning Commission and other interested parties.

Notification and availability of information - Clark County will ensure meetings, worksessions and hearings are publicized as required by state law or county code. Clark County will make every effort to post all relevant documents on the county website. In addition, a project file will be maintained for public review at Community Planning, Public Service Center, 1300 Franklin St., third floor, Vancouver.

EXHIBIT 2

Freight Rail Dependent Use Advisory Committee

Purpose

The County Council wants to implement new provisions of the state Growth Management Act (GMA) that allow development along the county-owned Chelatchie Prairie Railroad.

During the 2017 legislative session, lawmakers amended the act to permit freight rail-dependent uses on parcels adjacent to the railroad. If adopted by the Board of County Councilors, such uses would be allowed in rural, agriculture and forest-zoned lands.

The Council has charged the Freight Rail Dependent Use Advisory Committee to consider and recommend development regulations related to freight rail dependent uses to be adopted in 2018. The committee will review the oil classifications in RCW 90.56.010, exclude energy products and chemicals deemed hazardous, build a list of uses from the bulk commodities that make up over 90% of rail freight, and use definition of Freight Rail Dependent Uses in ESB 5517 with particular emphasis on the terms “dependent on” and “makes use” of to refine list.

Members of the Freight Rail Dependent Use Advisory Committee

Daniel Weaver	Chair, Railroad Advisory Board
John Shaffer	Vice-Chair, Railroad Advisory Board
Eric Fuller	Commercial and Industrial Real Estate
Jeff Swanson	City Manager Battle Ground
Mike Bomar	CREDC
Kent Cash	Port of Vancouver
Dick Clairmont	Railroad Advisory Board
Lloyd Lycan	Railroad Advisory Board
TBD	Clark County Parks Advisory Board
TBD	Clark-Cowlitz County Farm Bureau
TBD	Greater Brush Prairie Neighborhood Association
Eric Temple, Ex-officio	Portland Vancouver Junction Railroad

Freight Rail Dependent Uses Phase II –Timeline

Tasks	Description	Start Date	End Date
Goal	Update Title 40 freight rail dependent uses	2018	2018
Action	BOCC Work Session	Feb 7	Feb 7
Action	BOCC Hearing to Amend PPP	Mar 13	Mar 13
Action	FRDUAC	Mar 28	Mar 28
Action	FRDUAC	Apr 18	Apr 18
Action	FRDUAC	May 9	May 9
Action	FRDUAC (if needed)	May 23	May 23
Deliverable	Draft Title 40 amendments	June 1	June 1
Action	BOCC Work Session (Check-in)	Jun 13	Jun 13
Deliverable	All documents Posted for Comment	Jun 14	Jun 14
Action	Open House - TBD/Prairie High School?	Ju1 11	Ju1 11
Deliverable	SEPA (30 days)	Aug 21	Sep 19
Action	15-day notice PC Hearing (Columbian & Reflector)	Sep 5	Sep 20
Action	30-day notice SEPA (Columbian & Reflector)	Aug 21	Aug 21
Action	DEAB	Aug 2	Aug 2
Action	Clark County Planning Commission Worksession	Aug 16	Aug 16
Action	Commerce 60-day review (60 days)	Aug 2	Sep 23
Action	Clark County Planning Commission Hearing	Sep 20	Sep 20
Action	BOCC Worksession	Oct 3	Oct 3
Action	15-day notice BOCC Hearing (Columbian & Reflector)	Oct 8	Oct 22
Action	BOCC Hearing + Adopting Ordinance	Oct 23	Oct 23
Deliverable	Effective (10 days after BOCC hearing)	Nov 3	Nov 3

(March 13, 2018)