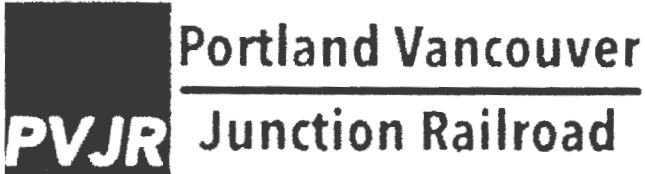


**Wiser, Sonja**

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**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](mailto: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.