

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

RESOLUTION NO. 2018-03-05

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

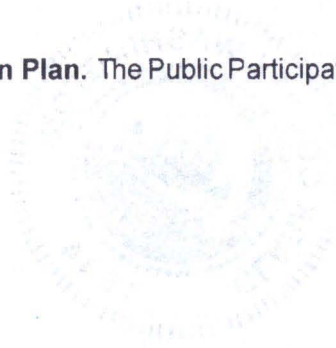
WHEREAS, Clark County is required to clearly identify the procedures for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response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



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

3
4 **Section 2. Charge to the Freight Rail Dependent Use Advisory**
5 **Committee.** The Freight Rail Dependent Use Advisory Committee is charged
6 with assisting the county as shown in Exhibit 2.

7
8 **Section 3. Instructions to Clerk.**

9
10 The Clerk to the Board shall:

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

20
21
22 ADOPTED this 13 day of March, 2018.

23
24 BOARD OF COUNTY COUNCILORS
25 FOR CLARK COUNTY, WASHINGTON

26 Attest:

27
28
29
30 
31 Clerk to the Board


32
33 By: 
34 Marc Boldt, Chair

35

36
37 Approved as to Form Only:
38 Anthony F. Golik
39 Prosecuting Attorney

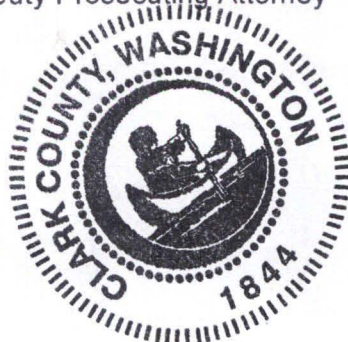
40 By: _____
41 Jeanne Stewart, Councilor

42 By: _____
43 Julie Olson, Councilor

44
45 By: 
46 Chris Cook
47 Senior Deputy Prosecuting Attorney

48 By: _____
49 John Blom, Councilor

50 By: _____
51 Eileen Quiring, Councilor



1 **Exhibit 1**

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

4 **Purpose**

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

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

10 **Goals**

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

19
20 **Public Participation Program Structure**

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

25 **Techniques and Strategies**

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

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

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

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

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

1
2 EXHIBIT 2
3
4

5 Freight Rail Dependent Use Advisory Committee
6

7 **Purpose**
8

9 The County Council wants to implement new provisions of the state Growth Management Act (GMA) that
10 allow development along the county-owned Chelatchie Prairie Railroad.
11

12 During the 2017 legislative session, lawmakers amended the act to permit freight rail-dependent uses on
13 parcels adjacent to the railroad. If adopted by the Board of County Councilors, such uses would be allowed in
14 rural, agriculture and forest-zoned lands.
15

16 The Council has charged the Freight Rail Dependent Use Advisory Committee to consider and recommend
17 development regulations related to freight rail dependent uses to be adopted in 2018. The committee will
18 review the oil classifications in RCW 90. 56.010, exclude energy products and chemicals deemed hazardous,
19 build a list of uses from the bulk commodities that make up over 90% of rail freight, and use definition of
20 Freight Rail Dependent Uses in ESB 5517 with particular emphasis on the terms "dependent on" and "makes
21 use" of to refine list.
22

23 **Members of the Freight Rail Dependent Use Advisory Committee**
24

| | |
|----------------------------|--|
| 25 Daniel Weaver | Chair, Railroad Advisory Board |
| 26 John Shaffer | Vice-Chair, Railroad Advisory Board |
| 27 Eric Fuller | Commercial and Industrial Real Estate |
| 28 Jeff Swanson | City Manager Battle Ground |
| 29 Mike Bomar | CREDC |
| 30 Kent Cash | Port of Vancouver |
| 31 Dick Clairmont | Railroad Advisory Board |
| 32 Lloyd Lycan | Railroad Advisory Board |
| 33 TBD | Clark County Parks Advisory Board |
| 34 TBD | Clark-Cowlitz County Farm Bureau |
| 35 TBD | Greater Brush Prairie Neighborhood Association |
| 36 Eric Temple, Ex-officio | Portland Vancouver Junction Railroad |

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

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

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

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

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

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

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

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? | Jul 11 | Jul 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)