

1 **40.250.120 Freight Rail-Dependent Use Overlay**

2 A. Purpose.

3 The purpose of the freight rail-dependent use (FRDU) overlay provides for those uses, as
4 defined below, that are dependent on and make use of the short line railroad, while protecting
5 adjacent long-term resource-based activity and promoting compatibility with surrounding land
6 uses.

7 B. Applicability.

8 The provisions in this section shall apply to parcels located within the freight rail-
9 dependent use overlay.

10 C. Definitions.

Adjacent	Parcels that abut the short line railroad or are located within one mile of the railroad.
Dependent on	Determined, influenced, relying on, or requiring the aid or support of the short line railroad.
Fabrication	To make; create. To construct by combining or assembling diverse, typically standardized parts.
Freight rail dependent uses	Buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods (excluding coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010) where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development.
Makes use of	The act of using the short line railroad.
Short line railroad	Those railroad lines designated Class II or Class III by the United States surface transportation board.

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12 D. Uses.

13 The uses set out in Table 40.250.120-1 are examples of uses allowable in the FRDU
14 overlay. The uses in the table shall be consistent with the definitions of freight rail-dependent
15 uses in 40.250.120C Definitions. The appropriate review authority is mandatory.

- 16 • "P" – Uses allowed subject to approval of applicable permits.
- 17 • "C" – Conditional uses which may be permitted, subject to the approval of
- 18 a Conditional Use Permit as set forth in Section 40.520.030.
- 19 • "X" – Uses specifically prohibited.

1 The list of uses is based on the 2012 North American Industrial Classification System
2 (NAICS), <http://www.naics.com/search.htm>. NAICS is organized in a hierarchical structure as
3 follows:

- 4 • Sector (two (2) digit);
- 5 • Subsector (three (3) digit);
- 6 • Industry groups (four (4) digit); and
- 7 • Industry (five (5) digit).

8 In Table 40.250.120-1, each line is intended to include all lower divisions within it. If a specific
9 industry group or industry is separately called out on its own line in the table under a
10 subsector, it is to be separately regulated, but all other industry groups or industry under a
11 subsector not listed will be regulated the same as the subsector. Where no industry group or
12 industry is separately called out, the use category is intended to apply generally to uses
13 within the subsector.

14 The use categories apply to the industry sector of the user and are not intended to be
15 applied individually to floor areas within each use category.

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Table 40.250.120-1. Uses 2017 North American Industrial Classification System (NAICS)	FRDU

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18 E. Development Standards.

- 19 1. New lots and structures and additions to structures subject to this section shall
20 comply with the applicable standards for lots, building height, setbacks and building
21 separation in Table 40.250.120-2, subject to the provisions of Chapter 40.200 Land Use
22 Districts – General Provisions and Section 40.550.020 Variances.

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Table 40.250.120-2. Lot Setbacks, Lot Coverage and Building Height Requirements	
Minimum site development area	10 acres
Minimum lot area	20 acres
Minimum site width	None
Minimum site depth	None
Maximum building height ^{1, 2}	100 ft.
Minimum building setback ^{3, 4}	
Front/street side	20 ft.
Side (interior) ^{3, 4}	20 ft.
Rear ^{3, 4}	20 ft.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards
Minimum landscaped area/type ¹	10 percent

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¹ Excluding unique architectural features such as towers, cupolas and peaked roofs. No height limitation for accessory towers.

² Building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent to residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is increased to the building height.

³ Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See Sections 40.230.085(E) and 40.320.010.

⁴ For buildings exceeding thirty-six (36) feet in height, the building setback shall be equal to the height of the building, up to a maximum setback of fifty (50) feet.

2. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

3. A Rail Use Plan is required and shall include the following:

- a. Drawings indicating where they shall build a spur track or siding that will connect with the short line railroad, unless such track already exists. These drawings shall demonstrate that development will not preclude the extension of any short line railroad spur track.
- b. Rail use plan shall describe how structure will make use of the short line railroad.
- c. Rail use plan shall describe how structure is dependent on a short line railroad.

1 4. An applicant for development of a freight rail dependent use shall identify
2 the following:

- 3 a. Lands designated as agricultural and forest resource lands of
4 long-term commercial significance near the boundaries of the site;
5 and
- 6 b. Agricultural and forest resource uses occurring near lands with any
7 designation; and
- 8 c. Potential adverse impacts of the proposed development to those
9 lands and those uses; and
- 10 d. Measures to be taken by the proposed development to reduce or
11 control those adverse impacts.

12 5. Street Standards.

- 13 a. Urban Commercial/Industrial road standards per Section 40.350.030 shall apply
14 to development subject to this title.
- 15 b. No tracks are allowed in public roadways except at at-grade crossings.
- 16 c. At-grade crossings shall be minimized to the greatest extent practicable.

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18 6. Additional Landscaping Standards

- 19 a. The perimeter around FRDU Overlay shall be landscaped to an L5 or L3 standard
20 except along the rail line. In determining which standard applies, the responsible official
21 will consider the potential impacts, such as noise and visual impacts to neighboring
22 properties. Generally, greater impacts trigger the L5 standard and lesser impacts trigger
23 the L3 standard. Additional landscaping requirements include:
 - 24 b. Evergreen Trees. At least one (1) row of evergreen trees shall be planted on FRDU lot
25 perimeters, minimum four (4) feet in height and ten (10) feet maximum separation at
26 time of planting. Permitted evergreen tree species are those with the ability to develop
27 a minimum branching width of eight (8) feet within five (5) years. Multiple tree species
28 shall be integrated into the buffer design to promote long-term health and provide
29 visual interest.
 - 30 c. New landscaping materials shall consist of drought-tolerant species that are native to
31 the coastal region of the Pacific Northwest or noninvasive naturalized species that have
32 adapted to the climatic conditions of the coastal region of the Pacific Northwest.

1 F. Performance Standards. No land or structure shall be used or occupied
2 within FRDU Overlay District unless there is continuing compliance with the
3 following minimum performance standards:

4 1. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as
5 amended, and applicable provisions of Subtitle 40.3.
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7 2. Venting Standards. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes
8 shall be directed away from residential uses within fifty (50) feet of the vent.
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10 3. Major Odor Sources.

11 a. When an application is made for a use which is determined to be a major odor
12 source, the applicant shall demonstrate that:
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14 (1) The odor abatement for the project shall comply with the best available
15 control technology for odor control; and
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17 (2) The emissions will not exceed SWCAA General Regulations.
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19 b. Uses which involve the following odor-emitting processes or activities shall be
20 considered major odor sources:
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22 (1) Lithographic, rotogravure or flexographic printing;
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24 (2) Film burning;
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26 (3) Fiberglassing;
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28 (4) Selling of gasoline and/or storage of gasoline in tanks larger than two
29 hundred sixty (260) gallons;
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31 (5) Handling of heated tars and asphalts;
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33 (6) Incinerating (commercial);
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35 (7) Metal plating;
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37 (8) Tire buffing;
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39 (9) Vapor degreasing;
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41 (10) Wire reclamation;
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2 (11) Use of boilers (greater than one hundred six (106) British thermal units
3 per hour, ten thousand (10,000) pounds steam per hour, or thirty (30)
4 boiler horsepower);

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6 (12) Other uses creating similar odor impacts;

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8 (13) Uses which employ the following processes shall be considered major
9 odor sources, except when the entire activity is conducted as part of a
10 retail sales and service use:

11 (a) Cooking of grains;

12 (b) Smoking of food or food products;

13 (c) Fish or fishmeal processing;

14 (d) Coffee or nut roasting;

15 (e) Deep-fat frying;

16 (f) Dry cleaning;

17 (g) Animal food processing;

18 (h) Other uses creating odors offensive to a person of ordinary
19 sensitivity at any point along a boundary line of the property on
20 which a use or structure is located.
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29 4. Light and Glare Standards.

30 a. Except for exterior lighting, operations producing heat and glare shall be
31 conducted entirely within an enclosed building.

32 b. Exterior lighting shall be shielded and directed away from lots in adjacent uses.

33 c. Interior lighting in parking structures shall be shielded to minimize nighttime
34 glare affecting lots in adjacent uses.

35 d. When nonconforming exterior lighting is replaced, new lighting shall conform to
36 the requirements of this section.

37 e. Glare diagrams which clearly identify potential adverse glare impacts on any
38 residential zone and on arterials shall be required when:

1 (1) Any structure is proposed to have facades of reflective coated glass or
2 other highly reflective material, and/or a new structure or expansion of an
3 existing structure greater than sixty-five (65) feet in height is proposed to
4 have more than thirty percent (30%) of the facades comprised of clear or
5 tinted glass;

6 (2) The facade(s) surfaced or comprised of such materials either:

7 (a) Are oriented towards and are less than two hundred (200) feet
8 from any residential zone; and/or

9 (b) Are oriented towards and are less than four hundred (400) feet
10 from a major arterial with more than fifteen thousand (15,000)
11 vehicle trips per day.

12 f. When glare diagrams are required, the responsible official may require
13 modification of the plans to mitigate adverse impacts, using methods including
14 but not limited to the following:

15 (1) Minimizing the percentage of exterior facade that is composed of glass;

16 (2) Using exterior glass of low reflectance;

17 (3) Tilting glass areas to prevent glare which could affect arterials,
18 pedestrians or surrounding structures;

19 (4) Alternating glass and nonglass materials on the exterior facade; and

20 (5) Changing the orientation of the structure.

21 5. Outdoor Storage Standards.

22 a. All storage areas (including but not limited to areas used to store raw
23 materials, finished and partially finished products and wastes) shall be screened
24 from public rights-of-way to the L3 standard.

25 b. Outdoor storage is prohibited:

26 (1) In floodways;

27 (2) On slopes greater than fifteen percent (15%);

28 (3) In parking stalls required by Chapter 40.340;

29 (4) In areas where outdoor storage or display causes traffic or pedestrian
30 circulation problems as determined by the responsible official or where a
31 minimum five (5) foot wide walkway does not remain clear and free of
32 obstructions;

- 1 (5) If any materials would likely attract animals, birds or vermin;
- 2 (6) In fire lanes; and
- 3 (7) In areas where outdoor storage may have the potential to create
- 4 polluted stormwater runoff without proper containment or treatment prior
- 5 to collection in the designated stormwater facility.

6 c. The applicant shall demonstrate that both outdoor storage and the screening
7 for outdoor storage are in the appropriate locations on the site to minimize
8 impacts, given the operational practices of the facility.

9 6. Vibration. Site generated ground vibrations shall not be perceptible by a person of
10 ordinary sensitivity without instruments, at any point of any boundary line of the
11 property. Vibrations from temporary construction activities and vehicles that leave the
12 property (such as trucks, trains, airplanes and helicopters) are excluded.

13 7. Electromagnetic Interference. Electric fields and magnetic fields shall not be created
14 that adversely affect the normal operation of equipment or instruments or normal
15 radio, telephone, or television reception from off the premises where the activity is
16 conducted. This section does not apply to telecommunication facilities which are
17 regulated by the Federal Communications Commission under the Federal
18 Telecommunication Act of 1996 or its successor.

19 G. Infrastructure

20 Definition – the physical systems and services which support development and people, such as
21 streets and highways, transit service, water and sewer systems, storm drainage systems,
22 and airports.

23 1. Urban Public Facilities “Urban Facilities” may be provided outside the UGA to support
24 FRDU developments per 40.370.

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