



**Freight Rail Dependent Uses Advisory Committee  
Summary Meeting Notes  
March 28, 2018**

This document includes action items and summary meeting notes captured during the Freight Rail Dependent Uses Advisory Committee (FRDUAC) meeting held on Wednesday, March 28, 2018 at the CASEE Center in Brush Prairie, WA from 6:00-8:00 pm. The document includes key points from the discussion and does not provide a word for word transcription of the meeting. Please visit <https://www.clark.wa.gov/community-planning/freight-rail-dependent-uses-advisory-committee> for a recording of the meeting.

**About the Committee**

The FRDUAC members were appointed by the Clark County Council on March 13, 2018 via Resolution No. 2018-03-05.

**Advisory committee members present:** Mike Bomar, Sam Crummett, Eric Fuller, Anne Lawrence, Lloyd Lycan, John Shaffer, John Spencer, Ray Steiger, Eric Temple (ex-officio), Daniel Weaver

**Advisory committee members absent:** Kent Cash, Dick Clairmont

**Action Items**

Action Item	Who	Due Date
1. Add Title 40 use table (Table 40.230.085-1) to committee binder	José	Include in meeting materials for next meeting, 4/18/18
2. Review binder materials provided at 3/28/18 meeting	All committee members	Before next meeting, 4/18/18
3. Complete Open Meeting Act training per instructions sent by email and in the draft protocols document	All committee members	Before next meeting, 4/18/18

**Bin List**

Item
1. Commodities – 90% of national freight rail vs. county code Table 40.230.085-1
2. Revisit question about slide #10 to address why Section 5 of ESB 5517 was reflected in the Rural and Natural Resource Element of the Comprehensive Plan
3. Revisit definition of “adjacent”
4. Address urban services

**Proposed Agenda Topics for Next Meeting**

1. Definitions
2. Uses

**Notes**

- The committee members introduced themselves:
  - Mike Bomar, Columbia River Economic Development Council
  - John Shaffer, Railroad Advisory Board
  - Daniel Weaver, Railroad Advisory Board



- Eric Fuller, Railroad Advisory Board
- Ray Steiger, Greater Brush Prairie Neighborhood Association
- John Spencer, Park Advisory Board
- Eric Temple, Portland Vancouver Junction Railroad (ex-officio)
- Anne Lawrence, WA Farm Bureau
- Lloyd Lycan, Railroad Advisory Board
- Sam Crummett, City of Battle Ground
- [Absent:
  - Kent Cash, Port of Vancouver
  - Dick Clairmont, Railroad Advisory Board]
- The group reviewed the county council's charge for the FRDUAC.
- The group reviewed and discussed the draft committee protocols.
  - How much notice is needed for a committee member to request an agenda item?
    - Ideally topics will be requested more than 15-days before the next meeting, since a 15-day notice needs to be provided to the public.
    - At each meeting, the group will reserve time to discuss key agenda topics for the next meeting.
    - Committee members can request agenda topics by contacting José Alvarez, county community planner and FRDUAC facilitator.
  - Public comment: how do we select who will speak if there is a limited amount of time for public comment and there are many interested in providing comment?
    - The committee could request a shorter comment duration per speaker, if needed.
    - Written comments can be submitted to José and he will share them with the committee for their review and consideration.
  - When is the open house and when will we review information about that event?
    - The open house is scheduled for July 11, 2018 at Prairie High School.
    - More detail on the project schedule are located on slide #19 in the PowerPoint presentation.
  - Decision-making protocols:
    - Request to establish a quorum. Group discussed a quorum could be a simple majority: 6 members of the 11 voting committee members.
    - Request to change decision making to simple majority of those present. If 11 people were present, 6 votes would be needed to confirm a decision.
    - Alternative suggestion: disagreed with the simple majority approach. Instead, recommends decision making should be 2/3 of the whole group (11), to encourage decision-making to reflect different interests. 8 votes would be needed to make a decision.
    - John Shaffer moved to adopt the voting protocols as initially drafted.
    - Dan Weaver asked to add one edit, to specify the quorum for voting is 6 people.
    - Mike Bomar seconded the motion with the amendment.
    - Anne Lawrence expressed concern that it would take only four votes for approval, if only six attended.
    - 9 voting members were present at the meeting.
      - 7 members supported adoption of the protocols with the one edit about the quorum:
        - Mike Bomar
        - Sam Crummet
        - Eric Fuller
        - Lloyd Lycan

- John Shaffer
    - John Spencer
    - Daniel Weaver
  - 2 members dissented:
    - Anne Lawrence
    - Ray Steiger
  - **Decision: Motion passed to adopt the protocols with one edit to clarify that 6 people is a quorum.**
    - There was a request that county staff share a list of railroad dependent uses. José explained that one of the items in the charge for this group is to determine what those uses are.
  - José presented on the following topics. Please see the meeting slide deck for more details.
    - ESB 5517
    - Comprehensive plan amendments
    - Overlay map
    - Council charge and timeline
    - Regulatory framework
- Questions and discussion included the following:
- Question about slide #10: interest in understanding why Section 5 of ESB 5517 was reflected in the Rural and Natural Resource Element of the Comprehensive Plan.
  - How will we quantify the number of trains per day traveling along the rail line? How will we manage public safety?
    - Eric Temple: cannot see circumstances of more than one train per day. Currently the train runs 1 trip per week.
  - Revisit “adjacent.” The group will need to assess if the current definition is sufficient.
  - The Rural Industrial Land Bank (RILB) is pending a court ruling. If the county loses the appeal, the land in the RILB would revert to agricultural zoning.
  - The comprehensive plan map showing the freight rail dependent uses overlay was amended on January 9, 2018. The county is only allowed to amend the comprehensive plan and associated maps one time per year. The earliest the next amendment could take place would be January, 2019.
  - The group will need to determine the process for future changes.
  - Request to provide a field trip to visit the railroad for those not familiar with it.
  - Request to provide copies of the Table 40.230.085-1 Uses, to put in committee member binders.
  - All committee member information will be posted online before each meeting.
  - Could an example be provided of compatibility between protection of agricultural resource lands and freight rail dependent uses?
    - Law says freight rail dependent uses are allowed on agricultural land. However there is also a law that requires protection and preservation of agricultural lands. This group needs to balance both laws and make sure recommended uses for freight rail dependent uses are compatible with agricultural land.
    - One example provided was that perhaps an activity that is contained on a site and would have no impact to the surrounding agricultural land could be ok, such as some kind of steel product manufacturing. However, a site activity that could harm the surrounding agricultural land where food is being grown would not be ok, like chrome plating the steel.
    - Members of the group also noted that they will need to look more broadly at the agriculture industry as a whole and the impact their decision about freight rail dependent uses will have on it.
  - Can county provide info on acres to anticipate demand?

- Group decided to hear public comment.

### Public Comment

- **Comment:** Why was the freight rail dependent use overlay map finalized by staff? Didn't believe vetted various parcels. Doesn't believe individual parcels discussed individually with the council. Concerned for Lagler, as this has been going on for a number of years and he has spent a lot of money on attorney fees. Lagler filed as zone change, why not included in the overlay map? It has been held up and now can't make a change until next year. **Response:** The county council approved the process followed in Phase 1. We did a vetting process and more information can be provided. There was an open house at Prairie High School. Some individuals made requests but the county could not meet noticing requirements to address them in the Phase 1 amendment.
- **Comment:** Opportunity to revive the historic railroad. Hopes the group looks beyond this particular section. Would love to see mill site more active. Freight is more efficient than trucking. Urged group to look larger.
- **Comment:** Is the land bank currently a dairy? Has it been sold? Is it dependent on rail? Rail needs improvement if it were to expand. When traffic increases, then there are noise and traffic issues that need to be addressed. Schools and traffic issues already. Who is representing the neighborhood? The group is lopsided. **Response:** Constantly working on rail improvements, i.e. improved track and customer count.
- **Comment:** Owns property in the overlay area. Why extension made beyond the industrial land bank? Can individual property owners ask for removal? Would like the option to be excluded from the overlay. Are all positions on the advisory committee filled? **Response:** Group to discuss exclusion question. Eminent domain briefly discussed. Confirmed all positions on the committee are full. Request to discuss minimum acres in regulations.
- **Comment:** Raised the commerce clause and described two recent cases related to it: one in Benicia, CA and another in Portland, OR. Also expressed concern about hazardous materials. There is a superfund site at 78<sup>th</sup> and St. Johns. The Lower Willamette River is a superfund site and the tribes sued to get funding for clean-up. Please keep hazardous materials in mind when considering freight uses.
- **Comment:** Lives near the outside of the overlay area. The group seems lopsided. If submit comments in writing, will they be distributed? Who will speak up for the people already here and help the area improve? **Response:** José will distribute letters to the committee that are submitted to him. Ray said he is there to represent the neighbors.
- **Comment:** Involved in getting ESB 5517 passed in the legislature. The examples presented to the legislature of what could be built along the rail line are the uses listed for light industrial. Recommends revising the overlay map to reflect what was shown to the legislature. There already is a RILB use table and lots of work has been done with that.