



**Freight Rail Dependent Uses Advisory Committee
Summary Meeting Notes
May 9, 2018**

This document includes action items and summary meeting notes captured during the Freight Rail Dependent Uses Advisory Committee (FRDUAC) meeting held on Wednesday, May 9, 2018 at the CASEE Center in Brush Prairie, WA from 6:00-8:30 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 an audio recording.

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: Max Ault (replacing Mike Bomar), Kent Cash, Dick Clairmont, Erin Erdman (subbing for Sam Crummett), Eric Fuller, Anne Lawrence, Lloyd Lycan, John Shaffer, John Spencer, Eric Temple (ex-officio, with Amber Carter subbing for Eric the last half hour), Daniel Weaver

Advisory committee members absent: Sam Crummett, Ray Steiger (resigned)

Action Items

Action Item	Who	Due Date
1. Prepare and share explanation of the following elements of a use table: conditional use, permitted use, and footnotes	Planning staff with Chris Cook	Share with group by EOD 5/16/18
2. Staff to provide condensed use list based on 5/9 meeting	Planning staff	Share with group by EOD 5/16/18

Bin List (list is cumulative and some items listed were mentioned at a previous meeting)

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
5. Revisit sewage (NAICS 22132) to decide if should be part of use table

Proposed Agenda Topics for Next Meeting

1. Revisit and refine use table
 - a. Confirm if any changes needed to uses included/excluded from use table
 - b. Revisit NAICS item 22132, sewage
 - c. Address permitted uses, conditional uses, any footnotes
2. Sewer (urban services)
3. Finish discussing development standards
 - a. Review and confirm approach to screening and landscape requirements
 - b. Discuss and confirm lot standards, i.e. minimum lot size
 - c. Discuss and confirm other remaining development standards, such as: setbacks, noise levels, etc.



Notes

- The group reviewed and approved the April 18 meeting notes.
- The group reviewed the new batch of meeting materials.
- The group held a preliminary discussion regarding minimum lot size, buffers, and set-backs in order to inform the subsequent discussion on the draft use table.
 - The county uses different landscape standards based on the use and what it is next to.
 - The group is discussing industrial uses in a rural area.
 - The group decided to hear public comment regarding screening, setbacks, and development standards. Please refer to Public Comment section below for more details.

Public Comment

- **Comment:** Lives in R-5 zone within ¼ mile of the railroad. Walks through the area with dog, rides horses on the street, walks through the forest donated to the county, and to the dog park through the agricultural area almost every day. Feels like we need to see adding the most buffers so feel like there is land left to use. Would also like to see something given back to the community, such as a trail. Wanted to live here for the open feeling and land. Can live with big building if blocked with trees and flowers, maybe a trail. Wants to see good will. Doesn't want to live among smoke stacks or 100 ft. tall buildings, wants to keep quality of life.
Response from FRDUAC: Railroad and Parks Advisory Committee are interested in seeing a trail through the area.
- **Comment:** Lives kitty-corner to the current overlay. When considered ¼ mi extent, pulls in house and everyone else in the R-5 yellow area. Discussed the consequence of the ¼ mi extent is that it brings lots of R-5 parcels into the discussion. Doesn't think that was the intention, the intention was to pull in the dairy. Would like the group to figure out how to address the unintended consequence of considering adjacent as within ¼ mi. Agrees with everything the previous person said. Appreciates the idea of a buffer. The prettier you can make it, the more you can disguise it, if it has to go forward, the better. None of you live here, I do. Those things are very disturbing to those of us who live here.
- **Comment:** In orange ag-zone in the overlay area. Reiterated the desire is to focus on the blue, large parcels. Reminded group of previous request of including a minimum acreage provision to allay fears. Filed a petition with the council that had about 80% of people in the orange and residential properties opposed to industry adjacent or near where they live. **Question from FRDUAC:** what size are the orange ag-zoned parcels?
Comment: the orange parcels range from 2-20 acres. Most are 2-10 acres.
- **Comment:** With Identity Clark County. Regarding the conditional use piece, we are in support of buffering and as get close to residential property, you don't see the activity discussed. Makes sense to have different strategies for different industrial types.

Notes (continued)

- The group continued their discussion regarding lot size, buffers and set-backs.
 - Concern that a high parcel size limit would limit the market.
 - Concern that the amount of buffering should depend on the use.
 - Group liked the idea of including a range of landscaping standards, depending on the use.
- Recommendation to use language in 40.230.085(D)(2) Clark County Code: *“Additional Development Standards for the Railroad Industrial District. a. the perimeter around railroad industrial parks shall be landscaped to an L5 or L3 standard except along the rail line. In determining which standard applies, the responsible official will consider the potential impacts, such as noise and visual impacts to neighboring properties. Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3 standard.”*
 - The L5 standard is less strict and protective than the standards used for the Rural Industrial Land Bank (RILB).

- Question to group: is the proposed language sufficient to address the concerns we are hearing from neighbors? Is it fair for the residents? Interested in making sure we address residents' needs.
- Agreement for discussion purposes only that the development standards will have buffers, screening and setbacks, using a range for different uses. The group will work off of code section 40.230.085(D)(2) and will include a minimum lot size, to be discussed further. The group will also need to address setbacks.
- The group spent the remainder of the meeting discussing the use table.
 - The group worked off of the summary sheet which tallied individual FRDUAC responses which they submitted as homework.
 - Planning staff explained how underlying zoning uses apply where there is an overlay. For instance, agriculture is allowed in all zones in the county, so the freight rail overlay would not be adding any extra agricultural uses.
 - There is a mining overlay zone for the county, which permits mining-related activities.
 - The group discussed what would happen if there was an area with two overlays, such as the mining and freight rail dependent use overlay.
 - The group discussed how use of the property, at any given time, would likely use one overlay or the other, either the property would be mined, or it would be developed for freight rail dependent uses. It is possible that one overlay would be used subsequent to the other. For example, a property could be mined first, and then developed later for a different freight rail use.
 - The group grappled with the idea that on any use outside of those permitted on the underlying zone, the use also needs to make use of the rail.
 - The group discussed accessory uses and how that might be addressed.
 - The chair shared his conversation with Senator Wilson regarding SB 5517 and her perspective that it is a jobs bill, designed to open up land for development and that it does not have to use the rail.
 - The group discussed that the law says uses have to make use of and depend on the rail.
 - The group discussed permitted and conditional uses, to better understand that if a use is listed as a "P," permitted, and the site plan meets the development regulations, i.e. shows a rail spur in the site plan, then the permit will be granted.
 - The group also discussed the use of footnotes, such as P¹, where the footnote could be something along the lines of "must make use of and be dependent on the freight rail." Planning staff will work with the Prosecuting Attorney's office to look at this option more closely. Generally, if a use is permitted, it is permitted.
 - The two attached draft use tables reflect where the group landed on each item during the meeting.
 - Attachment #1: shows all of the uses discussed and where the group landed on each item.
 - Attachment #2: shows a condensed draft of the use table, with sections omitted, that the group recommended removing.