



**Freight Rail Dependent Uses Advisory Committee
Summary Meeting Notes
June 20, 2018**

This document includes action items and summary meeting notes captured during the Freight Rail Dependent Uses Advisory Committee (FRDUAC) meeting held on Wednesday, June 20, 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 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: Brittany Bagent (subbing for Max Ault), Kent Cash, Dick Clairmont, Erin Erdman (subbing for Sam Crummett), Anne Lawrence, Lloyd Lycan, John Shaffer, John Spencer, Amber Carter (ex-officio, subbing for Eric Temple), Daniel Weaver

Advisory committee members absent: Eric Fuller, Ray Steiger (resigned)

Action Items

| Action Item | Who | Due Date |
|---|----------------|--|
| 1. Provide FRDUAC final recommendations to the Clark County Council | Planning staff | Prior to next council work session, date TBD |
| 2. Confirm date of mid-July council work session with group | Planning staff | As soon as confirmed |
| 3. Provide group with updated project schedule | Planning staff | After mid-July council work session |
| 4. Share cost and time estimates of additional environmental work | Planning staff | As soon as available |

Notes

- The group reviewed and approved the June 6, 2018 meeting notes.
- José provided a recap of the June 13, 2018 council work session on the freight rail-dependent uses project.
 - The council requested additional information on the North American Industrial Classification System (NAICS) specifically regarding chemical manufacturing. They also inquired about asphalt batch plants as a conditional use. They requested copies of the FRDUAC meeting notes to better understand why the group made some of their recommendations, and a copy of the proposed changes to the sewer regulations. Staff noted a few sections of the comprehensive plan they would recommend amending if the sewer code is revised.
 - Staff has provided the requested follow-up information to the councilors.
 - Another meeting with council is planned for mid-July. The exact date is not confirmed yet. Staff will send notification once a date is set.
- Anne inquired about the addition of the asphalt plant since she missed the meeting when that change was made.
- The group discussed plan amendment procedures. Staff explained the two ways comprehensive plans are revised:



- Annual review: involves a request submitted by September 1st, there is a pre-application conference in the fall and an application is submitted in January, the request goes to the Planning Commission and then to the county council. A submission by September 1, 2018 would become effective in January 2020. Annual reviews include fees and much of the work to be completed by the requestor.
- Docket: a map or text change can be requested by September 1st, a work session is held with the council in September and they can accept the proposal and put it on the next year's work plan or reject the proposal. If added to the work plan, the proposal would go before the Planning Commission and then to the county council. Dockets are free to the requestor and the work is primarily completed by staff.
- The group discussed comments submitted by Eric Temple regarding the amendment procedure. He recommended involvement of the Railroad Advisory Board as part of the process. There were others in the group who expressed interest in having Railroad Advisory Board involvement, ensuring they have sufficient time to provide feedback on a proposal, and not being brought in too late in the process.
- Some in the group were concerned with the strictness of the requirement that proponent(s) need to submit a petition to the county with at least 60% of the property owners of the land within the boundaries of a proposed new overlay. Staff explained 60% model would be consistent with the approach used for new rural centers. Staff also clarified the 60% threshold would only be necessary for a new overlay, not to expand or reduce an existing overlay area. Some in the group liked that the neighbors would have input on a new freight rail overlay.
- Some in the group were concerned with a 100-acre minimum as part of the requirements to establish a new freight rail dependent use overlay area and would prefer to see a lower acreage minimum. Staff explained the drafted language was reflecting the interest they have heard in wanting bigger areas for development. Some in the group supported the 100-acre minimum.
- There are typically several months between the initial submission of an annual review or docket item and when that item will go before the Planning Commission. If the Railroad Advisory Board were notified of any freight rail dependent uses annual reviews or docket items when submitted, they should have sufficient time to provide feedback prior to review of the item by the Planning Commission.
- The group heard public comment (captured below) and then passed a motion, with one opposed, to accept the staff proposed plan amendment language with one edit, as follows:
 - The Railroad Advisory Board will be notified at the time of submission of a freight rail-dependent use annual review or docket request and will be consulted for feedback during the amendment process.
 - During discussion, one person would prefer to see a smaller acre minimum, like 40 acres.

Public Comment

- **Comment:** requested clarification on which process would be used if you were a property owner within the freight rail dependent uses overlay area and you would like to be excluded. **Staff Comment:** confirmed that removal would follow the docket process. If property owner(s) submitted a docket request by September 1, 2018, then the earliest that item could go into effect would be in January 2020.
- **Comment:** with Clark County Citizens United. Made comments that there is no SEPA review requirement for the freight rail dependent uses. Also expressed opposition to the 100-acre requirement north of Battle Ground and expressed opposition to the need for an overlay, stating there is nothing in state law or anywhere that says you need an overlay. Noted that as the mining overlay designates where rock is, we already know we have 33-miles of the railroad and it's open for commercial and industrial development, particularly in rural land. The commenter did not support confining the overlay past Battle Ground and expressed concern that the group did not come up with the 100-acres. The commenter expressed alarm and plans lobby the councilors to reject this stuff.
- **Comment:** neighbor explained he was against changing the overlay since there is an overlay that is supposedly working already. Regarding asphalt, the commenter is familiar with Brush Prairie history with asphalt plants and is against uses involving asphalt. The commenter would like to see a change in the buffers and agreed with a public

comment submitted by Tim Trohimovich noting EPA standards and saying that the L3, L4 and L5 standards are inappropriate and should be made bigger.

- **Comment:** with Clark County Citizens United. Shared story regarding former neighbor Bob Noyce, of Intel, who she worked for as he was building a new building in Hillsboro, OR. Intel made a strategic investment in the '70s to locate in Hillsboro based on agreements with the city, county and state. Intel served as an impetus for others to locate in Hillsboro too. Intel currently has over 17,000 employees and Nike has several thousand over there. Hillsboro is very forward thinking and the commenter asked the committee to use this opportunity to kick us out of second gear and stimulate the economy. Clark County used to be on par with Hillsboro, as both were large dairy farm areas, but Hillsboro's economy has boomed ahead while the county's is lagging behind. The commenter also discussed how many parcels would really be eligible to participate. The commenter shared the results of a parcel census she conducted: only 8% of the first forty parcels are 40 acres or more and 17% are 20 acres or more. The commenter also raised concerns about property rights and said that when you ask people to combine their parcels to accommodate this overlay, you are impacting property rights and that is why CCCU is here.
- **Comment:** shared comments regarding the idea of who is going to come here. Nike and Intel are not coming, we are going to get the asphalt plant. The 60% agreement and 100-acres is fair.
- **Comment:** lives in greater Brush Prairie. Made comments regarding employment in Clark County and explained that looked up the top 30-employers in Clark County. The top few have under 29,000 employees. After that, the number of employees per company is in the hundreds. The commenter does not understand the jobs that will be brought to Brush Prairie and asked for the evidence. **FRDUAC Comment:** while the CREDC does not provide forecasts, they anticipate larger job numbers when there is full build-out of a long-term plan. This will not happen in a few years, but once land is development-ready. **Comment:** asked where to find the CREDC study. **FRDUAC Comment:** noted that she could follow-up with Brittany at the CREDC or find it as part of the public record.
- **Comment:** lives on 159th St in Brush Prairie and learned about this project about a week ago. Raised concerns with the 1-mile extent along the railroad. Explained her farm is located near Salmon Creek and just received its Salmon-safe Farm Certification. Nike is also on this certification, it is governmental. The commenter shared a copy of the certification with the group if they would like to do more research to learn about it. Noted that 1-mile is a huge environmental impact to Salmon creek. Her property is within the 1-mile extent.

Notes (continued)

- José walked the group through sections of code staff identified as places to add reference to freight rail-dependent uses. Those code sections include:
 - 40.320.010 Landscaping and Screening on Private Property Table 40.320.010 Landscaping Standards
 - 40.340.010 Parking and Loading Standards Table 40.340.010-4 Minimum Required Parking Spaces By Use. There was a question regarding G.2 and if freight rail dependent uses needed to be listed there as well. Staff confirmed that the storage warehouse, wholesale establishment, rail or trucking freight terminal parking minimums would apply in those cases, and item G.1 parking requirements would apply for any other freight rail-dependent uses.
 - 40.520.040 Site Plan Review Section B(2)(c).
 - [Note other sections of code with cross-referencing already discussed by the group include: 40.370.010 Sewerage Regulations per the 6/6/18 meeting and 40.560.010 Plan Amendment Procedures, as discussed at the beginning of this meeting.]
- The group was fine with the staff suggested code edits to cross-reference the freight rail-dependent uses.
- The group discussed a new FRDU overlay map proposal developed by John Shaffer and Daniel Weaver.
 - John Shaffer walked the group through the process he and Dan Weaver used to develop the new proposal shared with the group. First, they started with the previous proposal of 1-mile between the Vancouver and Battle Ground urban growth boundaries and then adjusted the overlay based on the parcels with the best chance of being developed. They removed many properties near Salmon Creek, assuming development across Salmon Creek was unlikely. They removed properties that are schools, parks, subdivisions, or areas with a lot of small parcels. They included parcels with access to the railroad and kept properties on the east side that were owned by Lagler, both within and outside of the Rural Industrial

- Land Bank area. The end product, and new proposal, is roughly 2,000 acres. The previous 1-mile proposal encompassed about 5,000 acres. The new proposal still provides the opportunity develop property east of 503 without needing to cross it. They also tried avoided crossings at 152nd. The current overlay has roughly 300 acres and it would be less than that with buffers. Based on CREDC information, there is interest in more than 300 acres of land
- Amber Carter shared that when the bill was presented to the legislature, the rural industrial land bank was the primary example given. She expressed interest in figuring out the sequencing and likes the overall idea of not needing to change the overlay multiple times in the future
 - The group discussed sequencing of environmental and comprehensive plan review.
 - Staff clarified that any land outside of the 2007 SEPA study area would need additional environmental analysis. It is unlikely that additional environmental analysis could be completed for the 2019 comprehensive plan update. The earliest it would be done would be for the 2020 comprehensive plan update
 - Staff clarified a question regarding land conversion/de-designation and explained that this project would not need to address de-designation of ag land because the underlying zone is not changing
 - Staff explained that the environmental analysis would involve a non-project SEPA that addresses how to mitigate impacts at a high level
 - Staff explained if the proposed overlay area is within the 2007 study area, then any necessary environmental work could be complete in time for the 2019 comprehensive plan update.
 - One member expressed concern that state legislators might feel like there was a bait and switch if they saw the current proposal.
 - Another liked the idea of proposing what they think makes sense and letting the county council decide what to do.
 - A motion passed to support the new map proposal. [Note: it was later clarified in the meeting that any parcels outside of the 1-mile buffer in the new map proposal would be removed, for consistency with the definition of adjacency.]
 - Discussion of the motion included hope that support for this revised map would lead to further shrinking in the future.
 - The motion passed with one opposed and one abstaining.
 - The group decided to hear public comment.

Public Comment

- **Comment:** the commenter addressed SEPA review and stated that SEPAs and EISs don't expire. The commenter noted that all of this land has been through an EIS process and that the zoning is not changing; therefore, it does not need a SEPA and EIS process. The commenter explained that construction or a project triggers SEPA. The commenter also noted that an amendment to the SEPA was done to the comprehensive plan, it was a supplemental and that the land the group is talking has already had EIS and SEPA already. Any time spent on additional SEPA/EIS is a waste of time. The commenter also shared that in 1994 and 1995 Boeing expressed interest in this property but there was no ability to locate there because of obstacles in the regulations. This land is ripe for these kinds of employers and the commenter hoped the group would widen their eyes and open their views. The commenter noted that this is a game-changer for Clark County and that hopefully you will understand to get jobs and economic viability.
- **Comment:** requested clarification on when the recommended map would go into effect. **Staff comment:** the new map area would require additional environmental work outside the area that has already been studied. That work would be completed in 2019 and could go into effect in 2020.
- **Comment:** the commenter lives along 151st near the railroad. The commenter noted that what the group is doing is confusing and hard to understand. He also noted that he headed the resistance to the asphalt plant [in Brush Prairie] and was involved in the neighborhood association at the time when there was no interest in it. Regarding the map, the commenter noted that there is not much developable property unless many people sell their land,

which is tough. He noted that if you are going to do this, the process needs to be more open or it will run right into a strong resistance. He provided an example regarding a subdivision and that if he wants to sell a house on his land, he will need to answer questions about the overlay. The commenter closed by noting he is seeing a lot of resistance.

- **Comment:** with Clark County Citizens United. The commenter noted that this group has not had an honest discussion on land owner property rights and what the overlay means to property owners. The commenter also noted that the bill's intent was for the rural industrial land bank area and was for jobs. The commenter asked what the chances are of job opportunities with a small overlay and reminded the group that the bill was supported by both sides of the aisle.

Notes (continued)

- The group discussed if they wanted to revise the definition of adjacent
 - Staff explained that ideally the definition and the overlay map would align.
 - Some in the group wanted to keep the 1-mile buffer in case someone wants to develop land they did not include in their recommendation. They noted that that property owner(s) would need to be within the 1-mile and have access to the railroad. They suggested that if the definition of adjacent causes a problem in the future, then the definition could be revised.
 - The group confirmed that staff could remove any parcels in the proposed overlay outside of the 1-mile buffer. There was at least one parcel in the new proposed overlay that looked like it was outside the boundary.
- The group did not identify any additional comments to submit to the council with their recommendation. They discussed that they could submit comments later in the process if they would like.

Next Steps

- Staff will forward the group's final recommendations to council
- A council work-session will take place in mid-July that is expected to provide direction on what to bring forward to the open house for the public. Staff will share the date of this meeting once confirmed.
- Staff will update the rest of the project schedule once direction from the council is confirmed. This schedule will be shared with the group.
- Staff will share cost and time estimates of additional environmental work with the group.

Public Comment

- **Comment:** the commenter opposed needing 100-acres to come into the overlay. The commenter also raised the asphalt plant project and noted that the person was offering to improve the rail line to Chelatchie Prairie. They stated that is huge and that the group needs to move forward with this as quickly as possible. Delays here will delay that project. The money saved from someone paying to improve the line is astronomical. The commenter asked the group to please consider those things because people are ready to use the line. The commenter noted that some things that go to council are written in stone.
- **Comment:** the commenter asked if everyone within the 1-mile boundary will be notified about the public meeting. **Staff comment:** yes they would. **Comment:** the commenter stated that the process is confusing. The last time he paid attention, the overlay was south of where he lives and now it has jumped to where he lives. You need to notify the neighbors.
- **Comment:** the commenter shared that for those of us in Brush Prairie, we were envisioning the trains we see now, 1 locomotive with a few cars. The commenter heard that the train could become 30 trains per day and thinks that is a major impact. The commenter noted that beyond the impact to property, the rail line runs through a golf course and expensive houses and does not think this will go well with the neighbors.
- **Comment:** the commenter wanted to counter the argument to go fast and stated that this impacts the people who live along the line and will impact the people who are here. The commenter noted that this is not what people who live along the rail signed up for. This was a quaint train. The commenter urged the group to be cautious and cognizant of the people you are impacting and reminded them: you don't live here, we do.