



County Council Work Session Summary

FROM: Jose Alvarez, Planner III
Colete Anderson, Program Manager II

DATE: Feb. 7, 2018

SUBJECT: FREIGHT RAIL DEPENDENT USES PHASE II OVERVIEW

On Feb. 7, 2018, Community Planning presented an overview of Phase II (Development Code) of the implementation of Freight Rail Dependent Uses. Phase II will include the development of code language in Title 40 to include a list of uses, site plan requirements, and a process for future overlay revisions.

Staff requested direction from council on the following discussion items:

1. **Composition of advisory subcommittee:** In Phase I, the county received comments from the public and commerce requesting a broader participation on the committee. The Council discussed adding members from the Parks Advisory Board, Farm Bureau, Friends of Clark County and the Brush Prairie Neighborhood Association.

Council direction: New advisory committee with a new name to add to existing subcommittee members, representation from:

- Parks Advisory Board
- Farm Bureau/Agriculture
- Brush Prairie Neighborhood Association

Next steps: Staff will revise the Public Participation Plan (PPP) that was adopted on October 19, 2017 to include the development of new committee, to include those on the current committee and representatives from the organizations stated above. The PPP will also include a timeline that indicates the schedule of the process, public participation that includes outreach to the Neighborhood Association Council of Clark County (NACCC). The updated PPP will be brought back to the council for review and approval.

2. **Definition:** The bill states that freight rail dependent uses means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is **dependent on** and **makes use** of an adjacent short line railroad. How should that be interpreted?

Council direction: The advisory committee will use this definition and interpret what uses would meet that definition.

Next steps: Advisory Committee review and discussion

3. **Use List:** Staff gave an overview of how the rail line is being used now, what commodities are being shipped and what shippers are using the rail line. The bill specifically states that crude oil will not be an allowed commodity. There are other energy products that are not classified as crude oil. Does the council have any feedback on what they don't want to see shipped along the rail line?

Council direction: Review all oil classifications. Products that are hazardous, such as energy products and dangerous chemicals should not be allowed.

Next steps: Staff will work with the advisory committee on reviewing the oil classifications and only including those that are not hazardous.

4. **Environmental Review:** The use list that is developed will determine the level of SEPA review.

Council direction: N/A

Next steps: Once the use list is developed by the advisory committee, it will be brought before the council at a work session for review before any public engagement.

5. **Other council request:** Email council letter received from Department of Commerce.

Freight Rail Dependent Uses

County Council work session— February 7, 2018



Jose Alvarez and Colete Anderson, Community Planning

Agenda

- Freight Rail Dependent Use ESB5517
 - Phase I Policy and Overlay
 - Phase II Development Code
- Discussion Items
 - Advisory subcommittee
 - Definitions
 - Use list
 - Environmental Review
- Next Steps



Freight Rail Dependent Uses

ESB 5517 amended the Growth Management Act to allow “freight rail dependent uses” and gave Clark and Okanogan counties authority to allow such uses adjacent to short line railroads as authorized by revised RCW 36.70A.060 and RCW36.70A.108.

Phase I – Comprehensive plan policy and overlay map amendments

- Land Use Policies
- Transportation Policy
- Transportation Strategies
- Freight Rail Dependent Uses Overlay



Freight Rail Dependent Uses

Phase II – Title 40 Development Code Amendments

- Develop a new overlay with list of uses
- Site plan requirements
- Process for future overlay revision



Discussion Items – Advisory Subcommittee

Composition of the advisory subcommittee

- Current composition: CREDC, City of Battle Ground, Commercial & Industrial Realtor, Portland Vancouver Junction Railroad, Port of Vancouver, Railroad advisory board members (non-affiliated)
- Public comment
- Should the advisory subcommittee be expanded to include Clark County Parks Advisory Board, Farm Bureau, Brush Prairie Neighborhood and Friends of Clark County?



Discussion Items - Definition

Freight rail dependent uses - means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is **dependent on** and **makes use of** an adjacent short line railroad.

- **Dependent** is defined as:

- Contingent upon something or someone else.
- Subordinate
- Unable to exist or function
- Hanging down

- American Heritage Dictionary

- **Makes use of:**

- Restrictions on property that require freight rail use. (i.e. covenants)



Discussion Item - Use List

Current commodities shipped:

- Roofing
- Plastic pellets
- Sand
- Soybean meal/Corn starch
- Large transformers
- Warehousing/Storage/Transloading
- Magnesium Chloride
- Argon/compressed gases
- Mineral Oil
- Slag
- Railroad track materials

Shippers:

- Andersen Dairy
- Linde Gas
- Malarkey Roofing
- Roadwise
- Lane Mountain Silica
- Food Express
- Omega Industries
- Canfield Transfer
- Bonneville Power Administration
- Truck Rail Handling



Discussion Item - Use List

Bulk Commodities make up 91% of rail freight

- Food and farm products
 - Grain
 - Food Products
 - Fertilizers
- Energy (ESB 5517 doesn't allow crude oil)
 - Coal
 - Crude oil
 - Ethanol



Discussion Item - Use List

Crude oil - means any naturally occurring hydrocarbons coming from the earth that are liquid at twenty-five degrees Celsius and one atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate. - RCW 90.56.010

Oil or oils - means oil of any kind that is liquid at twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. - RCW 90.56.010



Discussion Item - Use List

Bulk Commodities cont.:

- Construction
 - Lumber
 - Steel
 - Stone
 - Sand
 - Gravel
- Intermodal
- Chemicals
- Automotive

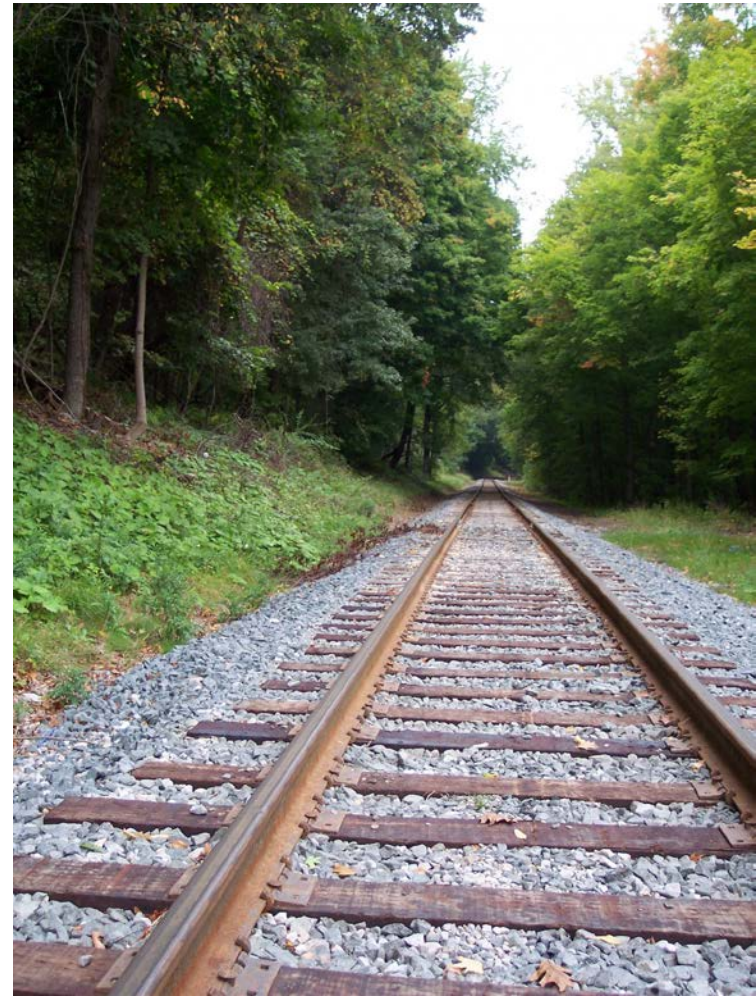


Discussion Item - Environmental Review

Use 2007 Final Environmental Impact Statement

The use list will determine the level of SEPA review within the adopted Freight Rail Dependent Uses overlay

Council work session prior to moving forward



Next Steps

- Freight Rail Committee meetings
- Council work session to review use list
- Open house/Community Input
- Commerce 60-day review
- SEPA review
- Planning Commission work session & hearing
- Council work sessions & hearing



Thank you!

Comments and questions

Clark County Community Planning

Clark County Public Service Center

1300 Franklin Street • PO Box 5000

Vancouver, WA 98666-5000

