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4 **RESOLUTION NO. 2018-03-xx**  
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6 A RESOLUTION relating to the adoption of a Public Participation Plan for implementation  
7 of ESB 5517 allowing for freight rail dependent uses along the county railroad consistent with the  
8 Growth Management Act, Chapter 36.70A RCW.  
9

10 WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth  
11 Management Plan through ordinances 2016-06-12 and 2017-07-04 to meet the goals  
12 and requirements of Chapter 36.70A RCW; and  
13

14 WHEREAS, the 2017 Washington legislature enacted ESB 5517 that  
15 allows Clark County to adopt freight rail dependent uses on parcels adjacent to the county  
16 railroad; and  
17

18 WHEREAS, Clark County adopted ordinance 2018-01-01 amending the Land Use,  
19 Rural and Natural Resource, and Transportation Elements of the comprehensive plan and  
20 a Freight Rail Dependent Use Overlay map; and  
21

22 WHEREAS, Clark County is undertaking a process to develop regulations to  
23 implement ESB 5517; and  
24

25 WHEREAS, Chapter 36.70A.140 RCW requires counties to conduct outreach to  
26 "establish and broadly disseminate to the public a public participation program identifying  
27 procedures providing for early and continuous public participation in the development and  
28 amendment of comprehensive land use plans and development regulations implementing  
29 such plans."; and  
30

31 WHEREAS, Clark County is required to clearly identify the procedures for broad  
32 dissemination of proposals and alternatives, opportunity for written comments, public  
33 meetings after effective notice, provision for open discussion, communication programs,  
34 information services, and consideration of and response to public comments; and  
35

36 WHEREAS, the Clark County Council (Council) after effective notice  
37 considered the Public Participation Plan (Exhibit 1) at a duly advertised public meeting on  
38 March 13, 2018; and  
39

40 WHEREAS, the Council concluded at duly advertised public hearing and  
41 finds that adoption will further the public health, safety and welfare; now therefore,  
42

43 BE IT RESOLVED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY,  
44 STATE OF WASHINGTON:  
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46 **Section 1. Adoption of a Public Participation Plan.** The Public Participation

1 Plan show in Exhibit 1 is adopted to be used for the county's implementation  
2 process for ESB 5517.

3  
4 **Section 2. Charge to the Freight Rail Dependent Use Advisory**

5 **Committee.** The Freight Rail Dependent Use Advisory Committee is charged  
6 with assisting the county as shown in Exhibit 2.

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8 **Section 3. Instructions to Clerk.**

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10 The Clerk to the Board shall:

- 11 1. Transmit a copy of this resolution to the Washington State Department of
- 12 Commerce within ten days of its adoption pursuant to RCW 36.70A.106.
- 13 2. Transmit a copy of the adopted resolution to Community Planning
- 14 Department Director.
- 15 3. Transmit a copy of the adopted resolution to the City of Battle Ground
- 16 and City of Vancouver.
- 17 4. Record a copy of this resolution with the Clark County Auditor.
- 18 5. Cause notice of adoption of this resolution to be published forthwith
- 19 pursuant to RCW 36.70A.290.

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21  
22 ADOPTED this 13 day of March, 2018.

23  
24 BOARD OF COUNTY COUNCILORS  
25 FOR CLARK COUNTY, WASHINGTON

26 Attest:

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29 \_\_\_\_\_  
30 Clerk to the Board

By: \_\_\_\_\_  
Marc Boldt, Chair

31  
32  
33 Approved as to Form Only:  
34 Anthony F. Golik  
35 Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne Stewart, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

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41 By: \_\_\_\_\_  
42 Chris Cook  
43 Senior Deputy Prosecuting Attorney

By: \_\_\_\_\_  
John Blom, Councilor

44  
45 By: \_\_\_\_\_  
46 Eileen Quiring, Councilor

1 **Exhibit 1**

2 **Clark County Implementation of 3ESB 5517 – Rail Dependent Uses**  
3 **Public Participation Plan & Preliminary Scoping Schedule**

4 **Purpose**

5 The Washington State Growth Management Act (GMA) requires cities and counties to conduct outreach to  
6 ensure “early and continuous public participation” in developing and amending comprehensive plans and  
7 development regulations (RCW 36.70A.140).

8 To ensure compliance, the proposed public participation plan clearly identifies the scope of work and how  
9 the public can participate or comment.

10 **Goals**

- 11 1. Ensure broad participation by identifying key interest groups, soliciting input from the public, and  
12 ensuring no single group or interest dominates the process. County code requires notice to property  
13 owners within 500 feet of proposed action in the rural area.
- 14 2. Maintain effective communication and coordination with municipalities and service providers.
- 15 3. Accommodate budgetary and staffing constraints by ensuring resources are focused on elements of the  
16 amendment process likely to be of greatest interest to the public.
- 17 4. Distribute information and post notices efficiently.
- 18 5. Notify the public of all meetings, hearings, workshops and legislative actions.
- 19

20 **Public Participation Program Structure**

21 To best use Clark County’s limited planning resources, this plan identifies *essential* public participation  
22 strategies that *will* be employed. In some cases, final action may occur before or after the target date  
23 because of constrained resources, need for additional intergovernmental collaboration, or unforeseen  
24 circumstances.

25 **Techniques and Strategies**

26 The public participation methods employed by Clark County may include: Mailing list and mailing via US  
27 Postal Service to all of those entitled to notice.

28 **Public workshops and open houses** – Informal gatherings to solicit public feedback on Clark County’s  
29 planning efforts. Workshops and/or listening posts may involve presentations by staff, question and answer  
30 sessions and interactive activities.

31 **Public hearings** – A formal public process conducted before the Board of County Councilors or Planning  
32 Commission.

33 **Clark County website** – The online site where relevant documents, schedules, announcements, notices of  
34 meetings, hearings and public involvement opportunities will be posted.

35 **Citizen advisory groups** – Community Planning will work with the Freight Rail Dependent Use Advisory  
36 Committee, Railroad Advisory Board, Parks Advisory Board, Greater Brush Prairie Neighborhood

1 Association, Farm Bureau and Neighborhood Association of Clark County and any other  
2 interested groups to solicit guidance on issues concerning development regulations of freight rail  
3 dependent uses.

4 **Email list** – Community Planning will maintain a list of individuals and groups who have expressed an interest  
5 in the implementation of 3ESB 5517. The list will be used to disseminate announcements and notices.

6 **News releases** – Clark County will prepare news releases and distribute them to the regional media,  
7 neighborhood associations and other local information providers throughout the update process.

8 **Board of County Councilors work sessions** – Community Planning will schedule worksessions as needed to  
9 brief board members and other interested parties.

10 **Planning Commission worksessions** – Community Planning will schedule worksessions as needed to brief the  
11 Planning Commission and other interested parties.

12 **Notification and availability of information** - Clark County will ensure meetings, worksessions and hearings  
13 are publicized as required by state law or county code. Clark County will make every effort to post all relevant  
14 documents on the county website. In addition, a project file will be maintained for public review at  
15 Community Planning, Public Service Center, 1300 Franklin St., third floor, Vancouver.

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2 EXHIBIT 2  
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5 Freight Rail Dependent Use Advisory Committee  
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7 **Purpose**  
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9 The County Council wants to implement new provisions of the state Growth Management Act (GMA) that  
10 allow development along the county-owned Chelatchie Prairie Railroad.  
11

12 During the 2017 legislative session, lawmakers amended the act to permit freight rail-dependent uses on  
13 parcels adjacent to the railroad. If adopted by the Board of County Councilors, such uses would be allowed in  
14 rural, agriculture and forest-zoned lands.  
15

16 The Council has charged the Freight Rail Dependent Use Advisory Committee to consider and recommend  
17 development regulations related to freight rail dependent uses to be adopted in 2018. The committee will  
18 review the oil classifications in RCW 90. 56.010, exclude energy products and chemicals deemed hazardous,  
19 build a list of uses from the bulk commodities that make up over 90% of rail freight, and use definition of  
20 Freight Rail Dependent Uses in ESB 5517 with particular emphasis on the terms “dependent on” and “makes  
21 use” of to refine list.  
22

23 **Members of the Freight Rail Dependent Use Advisory Committee**  
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25 Daniel Weaver	Chair, Railroad Advisory Board
26 John Shaffer	Vice-Chair, Railroad Advisory Board
27 Eric Fuller	Commercial and Industrial Real Estate
28 Jeff Swanson	City Manager Battle Ground
29 Mike Bomar	CREDC
30 Kent Cash	Port of Vancouver
31 Dick Clairmont	Railroad Advisory Board
32 Lloyd Lycan	Railroad Advisory Board
33 TBD	Clark County Parks Advisory Board
34 TBD	Clark-Cowlitz County Farm Bureau
35 TBD	Greater Brush Prairie Neighborhood Association
36 Eric Temple, Ex-officio	Portland Vancouver Junction Railroad

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## Freight Rail Dependent Uses Phase II –Timeline

Tasks	Description	Start Date	End Date
Goal	Update Title 40 freight rail dependent uses	2018	2018
Action	BOCC Work Session	Feb 7	Feb 7
Action	BOCC Hearing to Amend PPP	Mar 13	Mar 13
Action	FRDUAC	Mar 28	Mar 28
Action	FRDUAC	Apr 18	Apr 18
Action	FRDUAC	May 9	May 9
Action	FRDUAC (if needed)	May 23	May 23
<b>Deliverable</b>	Draft Title 40 amendments	June 1	June 1
Action	BOCC Work Session (Check-in)	Jun 13	Jun 13
<b>Deliverable</b>	All documents Posted for Comment	Jun 14	Jun 14
Action	Open House - TBD/Prairie High School?	Ju1 11	Ju1 11
<b>Deliverable</b>	SEPA (30 days)	Aug 21	Sep 19
Action	15-day notice PC Hearing (Columbian & Reflector)	Sep 5	Sep 20
Action	30-day notice SEPA (Columbian & Reflector)	Aug 21	Aug 21
Action	DEAB	Aug 2	Aug 2
Action	Clark County Planning Commission Worksession	Aug 16	Aug 16
Action	Commerce 60-day review (60 days)	Aug 2	Sep 23
Action	Clark County Planning Commission Hearing	Sep 20	Sep 20
Action	BOCC Worksession	Oct 3	Oct 3
Action	15-day notice BOCC Hearing (Columbian & Reflector)	Oct 8	Oct 22
Action	BOCC Hearing + Adopting Ordinance	Oct 23	Oct 23
<b>Deliverable</b>	Effective (10 days after BOCC hearing)	Nov 3	Nov 3

(March 13, 2018)