

1 **DRAFT**

2 **September 11, 2017**

3 **Clark County Implementation of 3ESB 5517 – Relating to Rail Dependent**  
4 **Uses**  
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6 The Legislature enacted 3ESB 5517 (5517) during the 2017 legislative session, and Governor Inslee  
7 signed the bill into law. The bill amends the GMA by defining ‘freight rail dependent uses’ and allows  
8 Clark and Okanogan Counties to allow such uses adjacent to short line railroads. Such uses are  
9 considered both urban and rural development. The bill authorizes Clark County to permit freight rail  
10 dependent uses on urban, resource and rural lands.

11 **Scope of Work**

12 In order to implement the provisions in 5517, the county needs to engage in a planning process. To  
13 organize the planning process (developing plan policy and development regulations), Community  
14 Planning has divided essential elements into two phases:

- 15 • During Phase I, the Comprehensive Plan policies and development regulations will be reviewed  
16 to determine whether they are consistent with the revised state law. This process will identify  
17 areas of the plan that must be amended to implement the bill.
- 18 • Phase II will be where issues identified in Phase I are addressed. The preliminary scope of work  
19 and update schedule are general rather than specific because it is difficult to know the full  
20 extent of the required work until Phase I is complete. As a preliminary step, the County Manager  
21 must establish a scope of work for the implementation of 3ESB 5517.

22  
23 Table 1 below shows a summary of potential work items.  
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Review of 3ESB 5517 Requirements	Mandatory	✓ Consideration of intent
Required Clark County Code or Comprehensive Plan	Mandatory	✓ Other development regulation amendments
Important Planning Considerations	Strongly Recommended	✓ Develop and vet proposed comp plan policy and development regulations.

1 **Phase I**

- 2 1. Prepare a Preliminary Scope of Work and Public Participation Plan.
- 3 a. *Preliminary scope of work. Prepare a scope of work for the project with direction of the Board*
- 4 *and input from the PA's office.*
- 5 b. *Public Participation Plan. Prepare a public participation plan. Essential public participation:*
- 6 *mailed notification to property owners, news release, website, work session, Board of*
- 7 *County Council approval of the public participation plan by resolution on consent at a public*
- 8 *meeting.*
- 9 c. *Final action: Approval by the Board.*
- 10 2. Review of freight rail dependent uses.
- 11 a. *Review and Clarification: By County staff with input from Railroad Advisory Board at a public*
- 12 *meeting, draft of comprehensive plan policy and development regulations, using 5517*
- 13 *definitions and CCC Section 40.230.085.*
- 14 b. *Final action: Presentation of the draft plan policy and development regulations to the*
- 15 *Planning Commission in a work session after public notice has been provided.*

16 **Phase II**

- 17 1. Draft Comprehensive Plan revisions
- 18 a. *Essential public participation: Provide draft plan policy for public review and comment,*
- 19 *website update, email and mailing list, news release, work session.*
- 20 b. *Final action: A Proposed Comprehensive Plan additions.*
- 21 2. Draft development regulation revisions
- 22 a. *Essential public participation: Railroad Advisory Board (for certain technical regulations),*
- 23 *website update, email list, news release, public meeting in each planning area, work session*
- 24 b. *Final action: A Proposed development regulations revisions*
- 25 3. SEPA analysis and public review period
- 26 a. *Essential public participation: Update website, email and mailing list, send notice to adopt to*
- 27 *state agencies.*
- 28 b. *Final action: Clark County SEPA Threshold Determination issued. It is likely an EIS will need*
- 29 *to be prepared, as there are 2,173 parcels totaling 8,100 acres within 500 ft. of the*
- 30 *county's rail line.*
- 31 4. Capital Facilities Plan analysis/update
- 32 a. *Essential public participation: public involvement through posting, publication, mailing, and*
- 33 *public hearings of Planning Commission and BOCC around what uses and areas will need*
- 34 *services and who will provide them.*
- 35 b. *Final action: Updated CFP (Comprehensive Plan Appendix F)*
- 36 5. Final adoption of amendments to comprehensive plan and development regulations
- 37 a. *Essential public participation: Website update, email and mailing list, news release, work*
- 38 *session, Planning Commission hearing, Board of County Councilors hearing*
- 39 b. *Final action: Adoption of the implementation of 5517 by Board of County Councilors.*

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### 3 **Timeline**

4 **Preliminary Schedule** - After a preliminary review of State requirements and technical guidance,  
5 Community Planning has identified the following specific steps for the planning process.



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7 **The county can only amend the comprehensive plan once annually. Therefore, it is anticipated that the**  
8 **plan amendment will occur in December of 2018 and become effective in 2019.**

### 9 **Public Participation Plan & Preliminary Scoping Schedule**

#### 10 **Purpose**

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

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

#### 16 **Goals**

- 17 1. Ensure broad participation by identifying key interest groups, soliciting input from the public, and  
18 ensuring no single group or interest dominates the process. County code requires notice to property  
19 owners within 500 feet of proposed action.
- 20 2. Maintain effective communication and coordination with municipalities and service providers.
- 21 3. Accommodate budgetary and staffing constraints by ensuring resources are focused on elements of  
22 the amendment process likely to be of greatest interest to the public.
- 23 4. Distribute information and post notices efficiently.
- 24 5. Notify the public of all meetings, hearings, workshops and legislative actions.
- 25 6. Estimated budget for mailing and preparation of an EIS is \$400,000.00.

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#### 27 **Public Participation Program Structure**

28 To best use Clark County’s limited planning resources, this plan identifies *essential* public participation  
29 strategies that *will* be employed. In some cases, final action may occur before or after the target date

1 because of constrained resources, need for additional intergovernmental collaboration, or unforeseen  
2 circumstances.

### 3 **Techniques and Strategies**

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

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

9 **Public hearings** – A formal public process conducted before the Board of County Councilors and the  
10 Planning Commission.

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

13 **Citizen advisory groups** – Community Planning will work with the Rail Road Advisory Board to  
14 solicit guidance on complex issues requiring a high level of knowledge concerning railroad operations.  
15 The groups will include members who have specific knowledge of or interest in economic development.

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

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

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

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

25 **Notification and availability of information** - Clark County will ensure meetings, worksessions and  
26 hearings are publicized as required by state law or county code. Clark County will make every effort to  
27 post all relevant documents on the county website.

28 **Record** – Community Planning will maintain the record of Clark County’s actions to implement 3ESB 5517  
29 pursuant to GMA. All county departments will forward to Community Planning all written and electronic  
30 comments, testimony and evidence received from the public regarding implementation of the bill. The  
31 record will be maintained for public review at Community Planning, Public Service Center, 1300 Franklin  
32 St., third floor, Vancouver.

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