## Euler, Gordon

**From:** Tilton, Rebecca
**Sent:** Wednesday, February 24, 2016 9 51 AM
**To:** Euler, Gordon
**Subject:** FW Comments on Designation of a Rural Industrial Land Bank

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Hello Gordy,

Please see the below comments from James Hunter for the Rural Industrial Land Bank hearing

Thanks!
Rebecca

-----Original Message-----
From Hunters Greens [mailto huntersgreens@spiritone com]
Sent Tuesday, February 23, 2016 8 33 PM
To Tilton, Rebecca
Subject Comments on Designation of a Rural Industrial Land Bank

Dear County Councilers,

At the Planning Commission hearing on December 17, 2015 there was written and oral testimony from the Railroad Advisory Board (RRAB) The written testimony included a list of uses the RRAB would like to add to the light industrial uses included in the proposal These uses were to be added specifically for the Ackerland portions of the property which contains the rail line The uses are heavy industry and include saw mills and wood preservation, veneer, plywood and engineered wood product manufacturing, pulp, paper and paperboard mills, cement manufacturing, Primary metal manufacturing, Coating, engraving, heat treating and allied activities, Electroplating, plating, polishing, anodizing, and coloring

The last item on the list is "Support activities for water transportation " This category includes activities that support marine shipping

There was no discussion of these uses by the Planning Commission, and yet they moved to add these recommendations to their recommendations to the County Council So these uses are now part of the proposal the Board of Councilers will be voting on

Throughout the open house process, Planning staff assured the public that the land bank would be light industrial In particular, they used the example of a saw mill as heavy industry that would not be allowed, but a furniture factory which was light industrial would be allowed To accept this recommendation would be a betrayal of the neighbors of the land bank who participated in the open house process These uses would create a much higher risk to nearby residences and the three Battle Ground School facilities that abut the Ackerland property Please remove these uses from the proposal

Finally, the inclusion of "Support activities for water transportation" supports a fear I have had from the beginning, that this proposal is somehow related to the Vancouver oil shipment facility proposal The existence of a bill in the State Legislature (ESSB 6334) permitting the use of of Ag and Forest lands along short line railroads for warehousing and

storage in Clark County is another indication of plans being promoted for this use. Such a use would bring all the dangers of the proposed oil facility to all lands near the entire short line from the port to the land bank, as well to motorists traveling across the numerous at grade crossings along the route. Certainly such a proposal deserves a good public airing before approval.

Respectfully submitted,

James E. Hunter
11116 NE 156th St.
Brush Prairie, WA 98606
360 256-3788

Clark County
Economic Development
1300 Franklin Street
Vancouver, WA
98660

February 24, 2016

Clark County Council
Marc Boldt, Chair
Jeanne Stewart, Vice Chair, District 1 Councilor
Julie Olson, District 2 Councilor
David Madore, District 3 Councilor
Tom Mielke, District 4 Councilor
PO Box 5000
Vancouver, WA
98666-5000

RE: Proposed Rural Industrial Land Bank

Dear Chair Boldt, Vice Chair Stewart, and Council:

The Clark County Railroad Advisory Board (RRAB) submitted written comments dated November 4, 2015 into the record for consideration by the Planning Commission and the County Council related to the proposed rural industrial land bank application (attached). A portion of these comments concerned the use tables for the proposal, recommending some uses permitted under the railroad industrial (IR) development code be incorporated into the approved uses table for the western portion of the proposed land bank (known as the Ackerland property). The Planning Commission ultimately adopted the Railroad Advisory Board's complete recommendation.

At the February 17, 2016 public open house for the proposed rural industrial land bank I had the opportunity to hear the concerns of those present, some of whom represented the Greater Brush Prairie Neighborhood Association. Accordingly, I propose the Planning Commission's recommendation incorporating the RRAB's comments be modified in your action on this application (changes to RRAB recommendation in bold/underlined).

1) In addition to the uses included in the light industrial zoning code (IL), include the following approved uses from the railroad industrial zoning code (IR) as **conditionally permitted** on the Ackerland properties to encourage rail-related development:

| Table 40.230.085-1. Uses | | | | | |
|---|---|---|---|---|---|
| **2012 North American Industrial Classification System (NAICS)** | | | | | |
| B. Manufacturing Uses | | | | | |
| | 321 | Wood product manufacturing | | | |
| | | 3211 | Sawmills and wood preservation | | |
| | | 3212 | Veneer, plywood, and engineered wood product manufacturing | | |
| | 322 | Paper manufacturing | | | |
| | | 3221 | Pulp, paper and paperboard mills | | |
| | 327 | Nonmetallic mineral product manufacturing | | | |
| | | 3273 | Cement and concrete product manufacturing | | |
| | | | | 327310 | Cement manufacturing |
| | | | | 327320 | Ready-mix concrete manufacturing |
| | | 3274 | Lime and gypsum product manufacturing | | |
| | | 3279 | Other nonmetallic mineral product manufacturing | | |
| | 331 | Primary metal manufacturing | | | |
| | 332 | Fabricated metal product manufacturing | | | |
| | | 3328 | Coating, engraving, heat treating, and allied activities | | |
| | | | | 332813 | Electroplating, plating, polishing, anodizing, and coloring |
| E. Transportation and warehousing | | | | | |
| | 488 | Support activities for transportation | | | |
| | | 4883 | Support activities for water transportation | | |

2) **Attach the following policy footnote to these uses:**

***"It is the intent of allowed uses in the rural industrial land bank to be those characterized as light industrial (IL); in cases where uses are conditionally permitted due to ambiguity in the NAICS codes, those uses which can reasonably be considered light industrial uses will be allowed through the conditional use process"***

3) Adopt the following language as applicable to the Ackerland properties:

*"Applicants for development shall submit a rail use plan showing where they could build a spur track that will connect with the main line. A rail use plan does not apply if an applicant can show there is an existing track or spur. Development shall not preclude the extension of any spur track." (see also Clark County Code, 40.230.085(D)(2)(e))*

The rationale for this approach derives from limitations associated with using North American Industrial Classification System (NAICS) codes to delineate types of uses in development code For example, the 321 series concerning wood product manufacturing contains code 3212, "veneer, plywood, and engineered wood product manufacturing". In my estimation some of these codes contain uses which are respectively consistent with both light and heavy industrial use types in the same code series Specifically, a veneer mill would typify a heavy industrial use, while an engineered wood products manufacturing facility would be consistent with a light industrial use

Making these uses conditional rather than permitted outright allows for additional public input and for the discretion of the hearings examiner to weigh more heavily into the decision, which in my opinion balances out the NAICS code limitations The related trade-off is increased uncertainty for applicants, however I believe this is a valid, balanced trade-off to meet the public interest, so I recommend this approach from the perspective of my position as staff

Thank you for your consideration of these comments. Please let me know of any additional questions you may have or information you require

Sincerely,

Jeff Swanson, Director
Clark County Economic Development

Cc Mark McCauley, County Manager
Dr. Oliver Orjiako, Director, Clark County Community Planning
Dr Gordon Euler, Deputy Director, Clark County Community Planning
Todd Coleman, Chair, Clark County Railroad Advisory Board
Larry Knight, President, Greater Brush Prairie Neighborhood Association
Ray Steiger, Vice President, Greater Brush Prairie Neighborhood Association
Steve Horenstein, Horenstein Law Group