MINUTES OF THE
SPOKANE COUNTY PLANNING COMMISSION

February 12, 2015

A meeting of the Spokane County Planning Commission was called to order by Chair Mike Cummings, at 9:01 a.m. on February 12, 2015 in the Commissioners Hearing Room, Lower Level, Public Works Building, Spokane, WA.

Present:

Planning Commission
Mike Cummings, Chair
Stanley Stirling
Alene Lindstrand
Joyce McNamee
Stephen Pohl
Pete Rayner

Staff
John Pederson, Planning Director, Spokane County Dept. of Building and Planning
Steve Davenport, Senior Planner, Spokane County Dept. of Building and Planning

Interested parties as shown on the attached copy of the Sign-in Sheet.

1. Chair, Mike Cummings, commented on the passing of Planning Commission Member Ed Neunherz.

   Mr. Cummings asked that item #2 of the Agenda be moved to item #7.

2. Public Comment

   There was no public comment.

3. Public Hearing: Proposed Text Amendment to Spokane County Zoning Code re Railroad Intermodal Facilities in Rural and Resource Zones

   Steve Davenport, Senior Planner, explained this proposal is a text amendment to the Spokane County Zoning Code, Chapter 14.300 (Definitions); Chapter 14.616 (Resource Lands) and Chapter 14.618 (Rural zones), to allow railroad yard intermodal facilities in the Rural and Resource Land zones with associated performance standards. Mr. Davenport discussed the review and notification process to various agencies and stated a formal consultation process, as required by the Growth Management Act, was conducted on January 29, 2015 with Fairchild AFB and Spokane International Airport representatives. Mr. Davenport explained that a railroad intermodal transfer site is a site used to load freight from truck to rail car, and transportation of freight on a short line to a primary railroad yard. Mr. Davenport stated that Spokane has one active rail intermodal site owned by Burlington Northern Santa Fe Railroad located near the intersection of Fancher Road and Trent Avenue. Mr. Davenport explained that railroad yard facilities, including intermodal facilities are currently allowed in the Heavy Industrial zone, and are allowed in rural zoning provided the use meets the criteria for a new major industrial development as described in Comprehensive Plan Policy RL.5.1. Mr. Davenport stated that development standards associated with this proposed text amendment include a 10 acre minimum lot size, be within 1 ½ miles from a
state highway, main rail line or short rail line, paved access, adequate ingress and egress, no hazardous waste, limit storage time of containers to 14 days, and the site be five miles from another railroad yard or intermodal facility.

Ms. Lindstrand asked where sites would be located in relation to residences, cities or towns and she noted comments from Futurewise regarding agriculture, smell, noise, etc. Ms. Lindstrand asked if there had been any comments received from farmers. Mr. Davenport indicated no location has been proposed and there have been no comments received from farmers. Mr. Davenport explained the current transferring facility for grain and agriculture products is a permitted use and that transfer of general freight is currently not allowed in the Rural and Resource Lands zoning category. Mr. Davenport directed the members to view the maps in the staff report showing where intermodal facilities could be sited, showing both rural and resource lands.

Public Testimony

Dwight Hume, Land Use Solutions and Entitlement LLC, stated he would explain the text amendment and then allow Bob Westby, Railroad Engineer from WSDOT and Dan DeGon, private manager of the railroad yard at Marshall to complete the presentation. Mr. Hume provided handouts (Exhibit 1) and indicated he has read the comment letters and is making changes to the initial text amendment, which would include a conditional use permit process and criteria for sites larger than 50 acres and delete the proposed use in the Rural Activity Center zone. (Exhibit 2) Mr. Hume stated the text amendment is for a railroad yard intermodal transfer site used to load freight from truck to rail car, and transporting these containers on a short line to a primary railroad yard, which could include accessory uses, used for switching, loading, unloading, service, maintenance, fueling, and storage of railroad cars and engines. Mr. Hume indicated there is a need for this type of facility and diversification from just agriculture products to other commodities. Mr. Hume talked about the serious deficiency in the economic sustainability of small railroad systems, their need to ramp up the volume of cargo to pay for the revenue of operating expenses, and if this does not happen it could lead to the deterioration and eventual closure, which could undermine the agricultural community. Mr. Hume explained railroad tracks cost a million dollars a mile and tracks cannot have more than a half of a percent grade which makes a perfect site along a state highway in a rural zone, noting that noise is already in place. Mr. Hume stated the text amendment is patterned after the criteria for solid waste transfer sites which are allowed in the LTA and STA zones.

The Commission took a break at 10:9:57 a.m.  
The meeting reconvened at 10:07 a.m.

Dan DeGon, representing the private sector, and as General Manager for Washington and Idaho Railway, explained the text amendment would allow an intermodal facility to move more freight over a larger distance. Mr. DeGon stated this text amendment would benefit small railroads so they could ship products at a feasible cost rather than using trucks. Mr. DeGon explained big rail lines make more money moving trains, not unloading and loading; discussed the dynamics of a small rail line versus a large rail line and the costs associated, and indicated short lines service one product, grain. Mr. DeGon stated the cost to build a 50 acre site would be about 10 to 15 million dollars done correctly, and not one agricultural company can support a structure that size. Mr. DeGon discussed the loss of revenue small lines have had over the last three years. Mr. DeGon explained the decrease in truck traffic, pollution and fuel costs saved if this text amendment is approved. Mr. DeGon has talked to several businesses regarding the service this would provide to them and the benefit of increasing rail freight and read a letter from Cooperative Agricultural Producers, Inc. into the record. (Exhibit 3)
Bob Westby, PCC Railway System Manager, stated the State is involved in the railroad system. Mr. Westby explained the issues of keeping short lines up and running, possible cost effectiveness of the text amendment, the need for diversification and increase in shipping, as well as the capacity to do so.

Dick Edwards, Society of Industry Office of Realtors (SCIOR), stated he is in support of the proposed text amendment.

Pete Thompson, Commercial Industry Real Estate Broker, stated he is in support of the text amendment.

Derrick Hansen, farmer on Greenbluff, stated that he is against the use of agricultural lands for intermodal facilities.

Alec Young, concerned citizen, suggested that the text amendment could be allowed on land around Fairchild Air Force Base.

Mr. Pederson clarified that regardless of the underlying zoning, any use would be subject to the overlay zone for Fairchild Air Force Base and Spokane International Airport. Mr. Pederson stated any use in the overlay zone would require consultation and clearance by Fairchild Air Force Base and Spokane International Airport, and any land use activities that would be incompatible can be denied.

There being no further public comment, the public comment portion of the meeting was closed.

DISCUSSION

After discussion, it was the consensus of the Planning Commission to set deliberations on this matter for February 26, 2015, leaving the written comment period open until Thursday, February 19, 2015 at close of business.


Motion by Ms. Lindstrand and Mr. Rayner to approve the minutes of December 11, 2014. Motion carried unanimously.

5. Staff Report

Mr. Pederson provided an update on the deliberations of recreational marijuana and indicated the Board of County Commissioners adopted the recommendation of the Planning Commission, including the language from Spokane County Regional Clean Air Agency. Mr. Pederson indicated the adoption replaces the Interim Zoning Ordinance.

Mr. Pederson stated the Board of County Commissioners held a public hearing on 2014 Comprehensive Plan Amendment, File No. 14-CPA-02 (Wandermere) and have scheduled deliberations for March 30, 2015. Chair Mike Cummings commented that he hopes the Board of County Commissioners will look at our recommendation very closely.
6. Election of Chair and Vice-Chair

Chair Mike Cummings opened nominations for the position of Planning Commission Chair and Vice-Chair. Motion by Mr. Rayner to nominate Stephen Pohl as Chair. Motion by Mr. Cummings to nominate Pete Rayner as Vice-Chair. Motion was carried unanimously.

7. Set Next Agenda

The next meeting of the Planning Commission will be held on February 26, 2015.

There being no further business before the Commission, the meeting adjourned at 11:39 a.m.

[Signature]
Mike Cummings, Chair

Approved: 2-26-15

Barb Aubert, Clerk
February 5, 2015

Mr. Steve Davenport  
Senior Planner  
1026 West Broadway Avenue  
Spokane, Washington 99260  

RE: Proposed text amendments to the Spokane County Zoning Code to allow railroad yards for intermodal transfer in rural and resource land zoning categories.

Thank you for sending Growth Management Services the proposed amendments to Spokane’s comprehensive plan and development regulations that we received on January 13, 2015, and processed with Material ID No. 20968. We appreciate the notice and also the opportunity for consultation.

Commerce supports maintaining the health and viability of the state’s short-line railroads. These railroads are critical to the agricultural industry, help manage traffic impacts on state highways and provide a cost-effective and energy efficient solution to freight transportation. Intermodal facilities are a critical link in the state transportation system. We encourage Spokane County to maintain development regulations that allow such facilities to locate in appropriate places in Spokane County.

Commerce recommends the following changes to this proposal:

First, we recommend that the proposal not allow Railroad Yard Intermodal Transfer sites in the Large Tract Agriculture or Small Tract Agriculture zones. This proposal would allow the conversion of designated agricultural lands to nonagricultural use. Such a proposal is not consistent with your duty to assure the conservation of designated agricultural resource lands. It is also in conflict with Spokane County Comprehensive plan policies governing the use of resource lands.

Second, we also recommend that you review the policies governing industrial and commercial uses in the rural area for consistency. These policies limit new industrial uses to either a major industrial development, or industrial uses that are natural resource dependent. You should address how the proposal is consistent with and implements these policies.

If such facilities are allowed in the rural traditional, we recommend that the proposal include conditions or limitations on Railroad Yard Intermodal Transfer in the Rural Traditional and Rural Conservation zones to assure that such facilities are consistent with rural character.
36.70A.0705(c) requires measures to protect the rural character of the area. It specifically mentions the following: size, scale, intensity, demand for urban services and visual compatibility. We recommend the inclusion of limitations and criteria that specifically address each of these issues. Facilities that exceed the threshold appropriate for rural areas would constitute urban growth. We note that larger scale facilities are already an allowed use in urban industrial areas.

Sincerely,

[Signature]

David Andersen, AICP
Eastern Region Manager
Growth Management Services

DA:lw

cc:  Jeffrey Wilson, AICP, Senior Managing Director, Growth Management Services
     Ike Nwankwo, Western Region Manager, Growth Management Services
     Gregg Figg, Robert Westby, WSDOT

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1^RCW 36.70a.060 Natural resource lands and critical areas — Development regulations.
(1)(a) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

136 Wn.2d 38, REDMOND v. GROWTH HEARINGS BD

WAC 365-196-815 (1) Requirements.
(a) Counties and cities planning under RCW 36.70A.040 must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance. If counties and cities designate agricultural or forest resource lands within any urban growth area, they must also establish a program for the purchase or transfer of development rights.
(b) "Conservation" means measures designed to assure that the natural resource lands will remain available to be used for commercial production of the natural resources designated. Counties and cities should address two components to conservation:
(i) Development regulations must prevent conversion to a use that removes land from resource production. Development regulations must not allow a primary use of agricultural resource lands that would convert those lands to nonresource purposes. Accessory uses may be allowed, consistent with subsection (3)(b) of this section.

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ii Spokane County Comprehensive Plan Policy NR.3.18 Non-resource-related industrial developments such as major industrial developments, airports and storage years shall not be allowed on designated resource lands.

iii Spokane County Comprehensive Plan Chapter 3 Rural Element
Rural Traditional
Rural lands in this category will include large-lot residential uses and resource-based industries, including ranching, farming, mining and forestry operations. Industrial uses will be limited to industries directly related to and dependent on natural resources. New non-resource-related industry would be allowed, provided it meets the
requirement for a major industrial development outside the UGA (see policy RL.5.1 and RCW 36.70A.365). Rural-oriented recreation uses will also play a role in this category. Rural residential clustering is allowed in this category.

**Industrial and Commercial Uses**

Industrial and commercial development in rural areas will generally be limited to uses that serve the needs of rural residents or are related to natural resource activities. These uses typically will include small-scale home professions and home industries, roadside agricultural sales and small commercial establishments within designated rural activity centers. Larger industrial uses generally will be limited to industries directly related to and dependent on natural resources. In some cases, limited infill of areas with existing industrial or commercial development may be appropriate.

**Goal**

RL.5a Provide for industrial and commercial uses in rural areas that serve the needs of rural residents and are consistent with maintaining rural character.

RL.5b Ensure the availability of adequate industrial land to accommodate major industrial developments that cannot be sited in the Urban Growth Area (UGA).

RL.5c Ensure adequate land for inert waste only disposal sites.
February 11, 2015

Spokane County Planning Commission
Public Works Building
1026 W. Broadway
Spokane, WA 99260

Dear Planning Commissioners:

Subject: ZTA-03-2014, Countywide Text Amendment

Thank you for allowing the City of Cheney an opportunity to comment on ZTA-03-2014, an amendment to Spokane County Zoning Code Chapter 14.300 (Definitions), Chapter 14.616 (Resource Lands), and Chapter 14.618 (Rural Zones). The amendment as proposed would allow railroad yard intermodal facilities in the Rural and Resource Land zones with associated development regulations.

The intent of the “Resource Lands” zoning classification is to protect Spokane County’s valuable agriculture and forest resources, while avoiding the irrevocable loss of these resources and protecting them for future generations. This zone is primarily for agriculture and forestry and appropriate ancillary uses. Lands available for a railroad yard/intermodal facility are not appropriate in this zone, as a railroad yard is industrial in nature and should be located on industrial zoned land.

The intent of the “Rural Zones” zoning classification is to provide for a traditional rural landscape including residential, agricultural, and open space uses. The application of this zone is for lands located outside the urban growth area, which includes lands along SR 904 between Four Lakes and Cheney, as public services and utilities are limited in these areas. While a railroad branch line does exist along this corridor, lands designated for a large railroad yard/intermodal facility with a balloon track are not appropriate in this zone.

Rail yard intermodal facilities that are not directly related to resource use and extraction are not consistent with the Comprehensive Plan. Policy NR.3.18 states: “Non-resource related industrial developments such as major industrial developments, airports and storage yards shall not be allowed on designated resource lands.”
Spokane County Planning Commission
February 11, 2015
Page Two

The City of Cheney strongly encourages the Planning Commission to reconsider this request to amend Chapters 14.300, 14.616, and 14.618 of the Spokane County Code, which would allow railroad yard intermodal facilities in the Rural and Resource Land zones. We believe any proposed change of use to allow a rail facility should be considered independently on a case-by-case basis so that an opportunity to comment and/or intervene is given to those who might be affected in the vicinity or where additional rail traffic would pass.

Finally, the City of Cheney would like to have the opportunity to be included in all future dialogue regarding any site-specific rail yard/intermodal facility developments that should occur on the West Plains, as that type of rail development would greatly impact Cheney and the surrounding area.

Sincerely,

[Signature]

Tom Trulove
Mayor

cc: Mark Schuller, City Administrator
    Todd Ableman, Public Works Director
    Brett Lucas, Senior Planner
Good afternoon,

Attached is a letter from Mayor Tom Trulove, City of Cheney, containing our written comments concerning an amendment to allow a railroad yard in Rural and Resource Land zones. Mayor Trulove requests that his letter be entered into the public record on behalf of the City of Cheney at tomorrow morning’s hearing.

The original copy of the attached letter is being mailed to you.

Please don’t hesitate to let me know if you have any questions.

Thank you,

LaRayne Conley
Executive Assistant to the Mayor and City Administrator
City of Cheney
509-498-9203
lconley@cityofcheney.org
February 10, 2015 Draft

Mr. Mike Cummings, Chair
Spokane County Planning Commission
1026 W Broadway
Spokane, Washington 99260

Dear Chair Cummings and Planning Commissioners:

Subject: Comments on proposed amendment ZTA-03-2014 to allow railroad yard intermodal facilities in the Rural and Resource Land zones
Sent via email to vmerriott@spokanecounty.org; sdavenport@spokanecounty.org

Thank you for the opportunity to comment on proposed amendment ZTA-03-2014 to allow railroad yard intermodal facilities in the Rural and Resource Land zones. We urge the Planning Commission to recommend denial because the proposed amendment violates the Growth Management Act and the Spokane County Comprehensive Plan.

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. Futurewise has supporters throughout Washington State with many in Spokane County.

Allowing Railroad Yard Intermodal Facilities Large Tract Agriculture and Small Tract Agriculture zones violates the Growth Management Act

The Large Tract Agriculture and Small Tract Agriculture zones are applied to agricultural lands of long-term commercial significance.¹ They are also referred to as “resource lands” in the Spokane County Comprehensive Plan.²

The Washington State Supreme Court has held that counties are “required to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.”³ In the Lewis County decision, the Washington State Supreme Court upheld a Growth Management Hearing Board decision which concluded that “non-farm uses allowed within farmlands, including mining, residential subdivisions, telecommunications towers and

² Id.
³ King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields), 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.
public facilities: (a) ‘are not limited in ways that would ensure that they do not impact resource lands and activities negatively,’ and (b) substantially interfere with achieving the GMA goal of maintaining and enhancing the agricultural industry.’ The analysis is the same for railroad yard intermodal facilities. These facilities will impact resource lands, they would cover acres of farmland with railroad tracks, roads, and storage acres. The truck traffic they would generate would interfere with the movement of farm equipment, negatively impacting farming activities.

The Washington State Department of Agriculture wrote “[t]he future of farming in Washington is heavily dependent on agriculture’s ability to maintain the land resource that is currently available to it.” The conversion of the farmland allowed by this amendment will substantially interfere with agricultural industry. So the Planning Commission must recommend denial of proposed amendment ZTA-03-2014.

Allowing Railroad Yard Intermodal Facilities Large Tract Agriculture and Small Tract Agriculture zones violates the Spokane County Comprehensive Plan

This is why the Spokane County Comprehensive Plan prohibits uses such as railroad yard intermodal facilities on designated resource lands such as the land zoned Large Tract Agriculture and Small Tract Agriculture. Spokane County Comprehensive Plan Policy NR.3.18 provides in full that “[n]on-resource-related industrial developments such as major industrial developments, airports and storage yards shall not be allowed on designated resource lands.” Again, the Planning Commission must recommend denial of proposed amendment ZTA-03-2014.

Allowing Railroad Yard Intermodal Facilities Rural Traditional, Rural Activity Center, and Rural Conservation zones violates the Growth Management Act

The Growth Management Act, in RCW 36.70A.070(5) and RCW 36.70A.110(1), prohibits urban growth outside of the urban growth areas including agricultural lands of long-term commercial significance and rural areas. The Growth Management Act, in RCW 36.70A.030(17), defines urban growth as “… growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. … When allowed to spread over wide areas, urban growth typically requires urban governmental services.” The images included in Staff Report to the Planning Commission Public Hearing February 12,

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2015 Proposed Zoning Code Amendment show railroad yard intermodal facilities meet the definition of urban growth because they are incompatible with agricultural production and rural uses. In fact, the only railroad yard intermodal facility in the county is in an urban growth area. Consequently, allowing railroad yard intermodal facilities in the Rural Traditional and Rural Conservation zones violates the Growth Management Act.

Rural Activity Center (RACs) are type I limited areas of more intense rural development (LAMIRDS). The rules for LAMIRDs are different than for other parts of the rural area. The uses allowed in a particular Type I LAMIRD must have been located in that LAMIRD in 1993 and must be consistent with the size, scale, and intensity of uses that existed in that particular area in 1993. There is no evidence that there were any railroad yard intermodal facilities in any Rural Activity Center in 1993. So allowing them in the Rural Activity Center zone violates the Growth Management Act.

Allowing Railroad Yard Intermodal Facilities Rural Traditional, Rural Activity Center, and Rural Conservation zones violates the Spokane County Comprehensive Plan

Consistent with the Growth Management Act, the Spokane County Comprehensive Plan prohibits railroad yard intermodal facilities unless within a major industrial development approved pursuant to RCW 36.70A.365. In the Rural Traditional comprehensive plan designation and zone, “[i]ndustrial uses will be limited to industries directly related to and dependent on natural resources. New non-resource-related industry would be allowed, provided it meets the requirement for a major industrial development outside the UGA (see policy RL.5.1 and RCW 36.70A.365.)” In the Rural Conservation comprehensive plan designation and zone, industrial facilities such as railroad yard intermodal facilities are not allowed.

For the reasons in this letter, we urge the Planning Commission to recommend denial of proposed amendment ZTA-03-2014. These uses are a better fit for the Heavy Industrial zone and properly sited major industrial developments described in Comprehensive Plan Policy RL.5.1 where they are allowed now.

Thank you for considering our comments. If you require additional information please contact me at telephone (509) 838-1965 or e-mail Kitty@futurewise.org

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9 Spokane County Building and Planning Department, Staff Report to the Planning Commission Public Hearing February 12, 2015 Proposed Zoning Code Amendment pp. 5 to 6 of 13.
10 Id. at p. 3 of 13.
14 Id. at p. RL-2; Id. at pp. RL-12 – R-13.
Respectfully,

Kitty Klitzke
Spokane Program Director

Enclosures
What to Do About Rural Sprawl?

By Tom Daniels, Professor
Dept. of Geography and Planning
State University of New York at Albany
Albany, NY 12222 tdaniels@cnsunix.albany.edu

Paper Presented at The American Planning Association Conference
Seattle, WA
April 28, 1999

What is Rural Sprawl?

While "urban sprawl" and "suburban sprawl" steal the headlines, rural sprawl presents a thornier problem. Urban sprawl can be thought of as an inflating tire of growth. Suburban sprawl mimics some of urban sprawl, especially in commercial expansion along arterial highways, but also includes leapfrogging development that isolates parcels of farmland, forest land, and open space. Suburban sprawl also tends to separate residential districts from the commercial strip and office park districts, creating greater dependence on the automobile.

Rural sprawl takes two forms. The first is low-density residential development that is scattered outside of villages, suburbs, and smaller cities. The second type of rural sprawl is commercial strip development along arterial highways leading into and out of villages, suburbs, and smaller cities.

What Problems Does Rural Sprawl Create?

Rural sprawl creates a host of planning challenges. Rural residential sprawl usually occurs away from existing central sewer and water. Homeowners rely on on-site septic systems and on wells for water. Often, these systems are not properly sited or not properly maintained. For example, a 1998 study in the Indiana reported that between 25 and 70 percent of the on-site septic systems in the state were failing.¹

When septic systems fail in large numbers, sewer and water lines must be extended into the countryside, often a mile or more. Public sewer is priced according to average cost pricing. This means that when sewer lines are extended, there is a strong incentive to encourage additional hook-ups along the line. So when a sewer line is extended a mile or more, development pressure increases along the line. This usually results in a sprawling pattern, like a hub and spoke from a village to the countryside.

The spread-out rural residents are completely auto-dependent and are often long-range commuters. This puts greater demands on existing roads and increases the demand for more and better roads. The greater traffic also results in the burning of more fossil fuels, producing more air pollution.

Rural residents also have added to the national trend of Americans consuming more land per person for a residence. The demand for 2- to 10-acre house lots has driven up land prices in rural fringe areas beyond what a farmer or forester can afford to pay. Moreover, as land prices rise, farmers and foresters are more likely to sell their land for house lots. This in turn causes a greater fragmenting of the land base, making it more difficult for remaining farmers and foresters to assemble land to rent. Rented land is especially important for commercial farming. Nationwide, about 40 percent of farmland is rented.²

Newcomers to the countryside often have little understanding of the business of farming or forestry. The conflicts between farmers and non-farm neighbors are well-known. Neighbors typically complain about farm odors, noise, dust, crop sprays, and slow moving farm machinery on local roads. Farmers point to crop theft, vandalism, trash dumping, and dogs and children trespassing and harassing livestock. In forested areas, the increase in residents bring a greater likelihood of fire. In short, farming and forestry are industrial uses. They should be kept as separate as possible from rural residential development.

In September, 1998 the Iowa Supreme Court declared the Iowa Right-to-Farm law unconstitutional.³ In February, 1999, the U.S. Supreme Court refused to hear the case on appeal, thus letting the ruling stand. The Iowa Supreme Court found that the law took away the right of non-farm neighbors to sue under the nuisance doctrine, and offered those neighbors no compensation under the 5th Amendment. Forty-nine states have a right-to-farm law, and those laws are certain to be challenged in the coming years. Farmers will be put on the defensive; and the legal costs of defending the farm could be high.
The irony here is that many farmers have resisted land use controls claiming that the controls were a “taking” of their private property rights. Now, courts may rule that farm operations are taking the rights of neighbors to enjoy their own property. Again, the bottom line is that farms and non-farm neighbors should be separated as much as possible.

**What Are the Causes of Rural Sprawl?**

There are several factors that combine to create rural sprawl. Sprawl doesn’t just happen. It is the result of thousands of individual decisions that are made within a framework of local government land controls and local, state, and federal tax policies and spending programs.

- Individual Tastes and Preferences
- Federal Mortgage Interest Deduction
- Weak Local Planning and Zoning
- State Subdivision Control Acts
- State and Federal Highway Programs
- Population Growth

Many people perceive the countryside as a safer, cleaner, cheaper, and more rewarding place to live, compared to the congestion, crime, and high property taxes of cities and the monotony and rising taxes of the suburbs. At the same time, a house has become the major investment vehicle for many families. The strategy is to:

a) buy as much house as possible;
b) maximize the federal mortgage interest deduction;
c) build up equity in the house while paying off the mortgage; and
d) buy or build a house in the countryside where the appreciation potential is high.

The result is a strong demand for “McMansions” on 2- to 10-acre lots. This pattern is made possible by weak local planning and zoning and some state subdivision control acts. The standard for zoning in many rural areas is one- and two-acre minimum lot sizes. This allows for considerable residential development, assuming that the ground will percol for on-site septic systems and that well water is readily available. Many newcomers to the countryside want their own septic and well systems and do not want to pay monthly utility bills. Also, local zoning typically does not limit the number of curb cuts along country roads. It is not uncommon to have a plethora of curb cuts along a country road, despite the traffic danger of limited sight-distance.

There are a number of states with subdivision control acts that effectively encourage the creation of large residential lots in the countryside. For example:

1) Ohio and Tennessee exempt new lots of more than 5 acres from subdivision review;
2) Vermont’s Act 250 exempts new lots of greater than 10 acres from on-site septic system tests for location and type of septic system;
3) Colorado exempts lots of greater than 35 acres. That is one reason why Colorado has been losing farm and ranch land at a rate of 90,000 acres a year; IV
4) Michigan’s Subdivision Control Act allows divisions on parcels less than 20 acres, 5 divisions on parcels between 20 and 30 acres, 7 divisions on parcels between 40 and 50 acres, 11 divisions on parcels between 80 and 90 acres, and 16 divisions on parcels between 160 and 200 acres. For parcels over 20 acres, two additional lots may be created if a road is put in. (See Figures 1-4).

ISTEA and TEA-21 have been hailed by planners because of the regional participation by MPOs, a welcome departure from the old “one size fits all” federal approach to transportation planning. Also, more transportation money has become available for mass transit and bike and pedestrian-oriented projects. But most of the federal transportation money will continue to be spent on roads. The more roads, the more dispersed the settlement patterns are likely to become.

The more roads, ironically, will make telecommuting easier. People will be able to live farther from work and commute to the office a few days a week. Already, there are an estimated 10 million telecommuters in the United States. V

Population growth will be a major factor in rural sprawl over the next several decades. The U.S. Census Bureau predicts there will be 393 million Americans in 2050, up from about 270 million today. VI Perhaps equally important is the possibility of population shifts away from cities and suburbs to the countryside.

**Potential Solutions to Rural Sprawl**

file://T:\Planning\Rural%20Sprawl%20Article\Daniels\%20What%20Do%20About%20Sprawl\%20sprawl.htm (2 of 4)3/8/2006 7:49:05 PM
Prior to a discussion about solving rural sprawl, I must point out that there are “compensation laws” in 25 states. Though the laws vary somewhat, they generally require a government to pay a private landowner if government regulations reduce the value of the property beyond a certain percentage (e.g. 5%, 10%). States with these laws will be hampered in their attempts to curb rural sprawl.

Solutions to rural sprawl must come in an integrated set of techniques. No one technique will suffice. These techniques must combine financial incentives with regulation, including:

- A Comprehensive Plan
- Agricultural, Forest, and Rural Residential Zones
- Subdivision Regulations
- Capital Improvements Plans
- UGB/VGBs
- Property Tax Incentives
- Purchase and Transfer of Development Rights

Solutions to rural sprawl must be mesh with a county or regional comprehensive planning process. The comprehensive plan provides an inventory of land resources, projected population growth, and a vision of how to accommodate that population. The comprehensive plan is the legal foundation for the zoning ordinance, especially through the future land use map.

Zoning is a key ingredient in regulating rural sprawl. Places that have experienced some success in limiting rural sprawl use agricultural zoning of 20 acre or greater minimum lot sizes or fixed area ratio of one building lot of a maximum of two acres for every 25 or 50 acres. Timber zoning in Oregon at 80 and 160 minimum lot sizes has largely been effective, too. A more contentious problem arises in those places where commercial farming and forestry are fading and the land has low natural resource production capacity. In these places, rural residential zones may be appropriate. Oregon has set up 250,000 acres in rural residential zones in the Willamette Valley alone. These zones carry 3- to 5-acre minimum lot sizes. The balance to be struck is to allow some rural residential development without sacrificing good quality land and without accommodating so many rural residents that sprawl develops.

It is important to recognize that “rural cluster” or “open space zoning” is not a solution to rural sprawl. In fact, many cluster developments in the countryside can simply create “clustered sprawl.” Cluster developments may leave some land open, but the clusters are often based on fairly high densities, such as one dwelling per two acres. Fifty houses on 100 acres with 30 acres open still puts 150 or more new dwellers in the countryside. These developments are auto-dependent and the residents can bring on conflicts with farming or forestry neighbors as discussed above. In short, cluster development is a suburban style that will hasten the conversion of rural areas to suburbs.

State subdivision control acts should follow the California model in which any subdivision must go through a planning staff review to make sure that each lot will have adequate services.

Capital improvements programs have not been widely used in rural areas. The programs spell out what infrastructure will be supplied where and when, and how the infrastructure will be financed. In recent years, many sewer and water extensions have been privately financed.

This private infrastructure should comply with the public CIP. This is one way to limit arterial commercial sprawl.

A combination of the CIP and zoning is the Urban Growth Boundary and its smaller relative, the Village Growth Boundary. Both types of boundaries require cooperation among jurisdictions to identify land use needs over the next 20 years and to draw a limit to the extension of public services, especially sewer and water lines. The boundaries promote a more compact style of development that is cheaper to service and minimizes “expanding tire” type of sprawl.

An urban or village growth boundary strategy will work only if there is restrictive zoning in the countryside. If the countryside is zoned in 2-acre lots, a large amount of residential development will simply leapfrog over the boundary and spread through the hinterlands. Financial incentives can be combined with zoning to encourage farm and forestry operators to remain in business. Financial incentives are strictly voluntary.

Preferential farm property tax programs exist in every state. The shortcoming of these programs is that most have minimal eligibility requirements, and the size of the tax break often is small compared to what a developer can offer. Three states—Oregon, Nebraska, and Wisconsin—link preferential farm property taxation to agricultural zoning. This helps to protect the public interest in the preferential taxation, and not simply reduce a landowner’s holding costs while waiting for the land to ripen in value for development. The preferential taxation should be extended to commercial farm and forestry operations, not to subsidize the lifestyle of hobby farmers and rural homeowners.

The purchase and transfer of development rights hold some promise for protecting farming and forestry areas, and for directing growth away from these areas. To date, 15 states and dozens of counties have active PDR programs and have preserved over 520,000 acres at
a cost of about $1 billion.\textsuperscript{vii} In 1996, the federal government authorized $35 million in grants to states and localities for PDR acquisitions. In November of 1998, voters in 31 states passed $7.5 billion in spending measures to preserve farmland and open space and to invest in "smart growth". Leading the way, voters in New Jersey approved $1 billion for land preservation projects over the next ten years.

The purchase of development rights can help create parts of growth boundaries (see Figure 5) and can strengthen zoning by stabilizing the land base. Although there will not be enough money to preserve the entire countryside, and although many landowners will choose not to participate, PDR programs are here to stay and their popularity is growing.

TDRs have enjoyed far less success than PDRs, but the opportunity to transfer development potential from the countryside to developing areas is intuitively attractive. The popularity of TDRs will likely increase as well. TDRs have the advantage of requiring some fairly sound planning in order for them to work, as in the case of Montgomery County, Maryland.

\textbf{Conclusion}

Rural sprawl is a planning challenge that will not go away any time soon. In many parts of the United States, rural sprawl will become more pronounced and will eventually lead to sprawling suburban-type settlements.

The impacts of rural sprawl must be examined in terms of the cumulative impact over time. Initially, a house here and a house there does not seem to place a large burden on the environment or local services; nor does it appear to cause major conflicts with farming or forestry neighbors. But over time, the scatter of houses can add up to sewage disposal and water quality problems, along with conflicts between farm and forestry operators and rural newcomers.

A common question I am asked when I make presentations is, "How do you keep people from moving out to the countryside onto one, two, five, and ten acres lots?" This is a valid question. The answer is that there needs to be a public policy vision backed by tax, spending, and regulatory programs that discourages people from living in the countryside.

This is not far-fetched. At a recent conference on Smart Growth, a fellow-presenter smiled at me and said me, "You know government created the incentives for sprawl which means that government can create the incentives to curb sprawl.\textsuperscript{viii}

The answer to the question about keeping people from moving to the countryside is: "How far do you want to go with public policy to make that happen?"

\textbf{Footnotes}

\textsuperscript{1} Indiana Dept. of Agriculture. The Hoosier Farmland Preservation Task Force Final Report, 1999, p. 21.
\textsuperscript{iii} Iowa Supreme Court, No. 192/96-2276, September 23, 1998. Bormann and Bormann and McGuire and McGuire vs. Board of Supervisors in and for Kosuth County, Iowa.
\textsuperscript{iv} Daniels and Bowers, p. 1.
\textsuperscript{vi} Daniels, p. 265.
\textsuperscript{vii} Remarks by Bob Wagner, American Farmland Trust PDR Conference, Loudonville, OH, March 29, 1999.
\textsuperscript{viii} John Lippman, March 3, 1999, Albany, NY.
Category 3 - Protect Resources

Policymakers need to ensure that farming has access to the key resources necessary to keep it viable. Among these the most critical are: land, water, labor, and electricity and other energy sources.

4.1 Factor 1 - Land

The availability of productive and affordable land is essential to the continuation of agriculture:

- Support the work of the Office of Farmland Preservation (OFP)
- Protect Open Space Taxation for farmland
- Encourage county efforts under GMA to maintain and enhance natural resource-based industries
- Improve enforcement and outreach consistent with the intent of Right to Farm Laws
- Increase the understanding by public officials of the long-term negative fiscal impact of farmland conversion
- Ensure that state-owned and managed working lands use agricultural Best Management Practices to protect adjacent farms and ensures environmental stewardship

THE LAND RESOURCE

Agriculture requires large areas of land for most of its productive activities. About one third of the land area of Washington, 15 million acres, is classified as agricultural, another one third as forest land, and the remaining one third is public land owned by federal or state governments. Other participants report that up to 50 percent of Washington's total land is owned by federal, state or county governments. Most housing and other development is on former agricultural land. In recent years, more people have been moving into what was once forest land.

Agricultural land varies widely in quality. Almost half of all agricultural land is classified as rangeland or pastureland that is normally unsuited for cultivation. Of the remaining 7.7 million acres, about 1 million acres are in the Conservation Reserve Program, indicating that they are of marginal productivity. About 2.3 million acres are classified as prime cropland, but less than one million acres of these are irrigated. There are small amounts of prime farmland included under forests or public ownership, but it would be difficult to make that land available for agricultural uses. The future of farming in Washington is heavily dependent on agriculture's ability to maintain the land resource that is currently available to it.

However, that land base is under constant threat of erosion since privately-owned agricultural land is also in heavy demand for non-agri-
cultural uses such as roads, houses, industry, commerce, and schools and other public services, especially on urban fringes. That demand is tied closely to population changes. If the population of Washington increases by one third to 8 million people by 2025, as currently forecast, it would lead to a commensurate increase in non-agricultural demand for land. As land is progressively lost, the core infrastructure for farming in the region falls below its critical mass, increasing costs to the remaining farmers and encouraging future conversion to other uses.

Particularly on the urban edge and other locations attractive for retirement, industry, or recreation, the per acre production value of land for agricultural use is almost always much lower than for non-agricultural use. If no social or environmental stewardship values are taken into consideration, non-agricultural uses consistently outbid agricultural uses for available land. The value of land in agriculture is derived from the value of the farm products that can be produced on that land. Similarly, the demand for land for an intensive centralized manufacturing facility is derived from the demand for the (per acre) relatively high-value products of the facility. Thus, based solely on business feasibility, non-agricultural activities can typically afford to bid high prices for the relatively small amounts of land that each operation needs.

The American Farmland Trust (AFT) estimated that agriculture used 50 percent of Washington agricultural land (17% of total land in the state) to generate two percent of the state’s gross domestic product (at the farm gate). Allowing for multiplier effects, the total economic impact of agriculture is about 13 percent of state GDP. AFT estimated that in 2006, the value of Washington land in agricultural use was less than $4 billion, compared to a total fair value in all uses of $14 billion. In every county in the state, the current use value of land in agriculture was less than the “fair value” by a substantial margin. There is a strong financial incentive for cities and counties to permit development on agricultural lands, both to gain the benefits of increased economic activity and to capture the increased property taxes (Land Stats paper24). Some would argue that the gain from the decision to develop agricultural lands is merely short-term due to the commensurate increases in services and infrastructure required to serve the increasingly dispersed population. Clearly, the importance of extra-market policy preferences for agricultural lands, such as open space programs, is critical for agricultural production over the long term.

Some development practices lead to the removal of land from farming. For example, a developer wishing to build on wetland in an urban or suburban area can win approval by buying farmland in an outlying area and converting (or attempting to convert) it into the equivalent area of wetland. In addition, governments at every level have used the power of eminent domain to take over farmland for various public purposes.
It can be difficult for the general public in Washington to see any immediate positive or negative impact in the conversion of land from agricultural to non-agricultural uses. Three quarters of the production of Washington farms goes to consumers in other states and countries. Over time, declines in production due to loss of land have not been apparent because increases in yield per acre have more than offset reduced acreage. Since Washington imports large amounts of food, consumers do not tend to consider if a reduction in production from Washington farmland would be reflected in a reduction in food supplies or an increase in food prices in their grocery stores. Therefore, educating voters and policy makers about the social and economic benefits of agriculture may increase the desire to take a proactive long-term vision for the future of agriculture.

On the other hand, urban dwellers may see short-term benefits from stopping the agricultural activities around them. As urban activities encroach into agricultural areas through subdivisions, individual home sites, and businesses or shopping clusters, the newcomers may become critical of, or hostile to, normal agricultural activities that create smells, noise, dust, machinery activity, use inputs, etc. There has been a tendency for urbanized societies to impose additional regulations and restrictions on normal agricultural activities. This increases costs and threatens the survival of agricultural enterprises. Over time, many agricultural operations move out of these mixed-use neighborhoods. However, once land moves out of agricultural use, its reversion to farmland becomes difficult or impossible. Decision-makers are increasingly aware that short-term development benefits do not make up for the long-term reduction of productive agricultural capacity and its inherent stewardship role.

During listening sessions FOF participants made clear their desire for public officials to realize that farmland conversion has a negative fiscal impact. Local officials frequently think in terms of the gains from bringing in new industry and business, however, they often do not factor in the costs associated with the new residential development that will be necessarily associated with that new industry. According to Don Stuart with the American Farmland Trust (AFT) there have been over 100 Cost Of Community Services (COCs) studies around the country, done by planning departments, universities, consultants, and others. All have come to the same conclusion: development of farm and forest land is an overall net loss to the fiscal well-being of
local communities. Fuller explanation is found in an AFT Fact Sheet on COCS studies and a list of the studies that have been done around the country.35

AFT has done COCS36 studies locally in Skagit, San Juan, and Okanogan counties. Skagit is a perfect example. For each $1 paid in taxes by farm and forest lands in that county, those lands received back about 51 cents in services, contributing a 49 cent subsidy for the rest of the taxpayers in the county. For every $1 paid in taxes by residential properties, those properties received $1.25 in public services. This is quite typical. As farm and forest land disappears, this subsidy also disappears. Industrial and commercial uses also, typically, pay more than they receive, but unlike agriculture and forest lands, they almost always require ancillary residential growth, so their excess contributions are offset by the deficit county governments run on residential growth.

AGRICULTURE AS LAND STEWARD

Farmers play a major role in the stewardship of the state’s land. Farmers work in daily contact with streams, lakes, birds, and wildlife. Farmers have a vested interest and associated skills to maintain the productivity of the lands they operate, in a way that urban dwellers with small plots of land often do not. Pesticides used by farmers are much more heavily regulated than those used by homeowners; correspondingly the pollution caused by homeowner use of pesticides is much greater.

Farm practices affect the soil, air, water, and esthetic appearance of the countryside. They also tend to be heavily impacted by various environmental laws. While these laws were often initially prescriptive, it has become increasingly clear that current farmer efforts can be more effective when regulators, environmentalists, and farmers are better educated and willing partners in meeting the goals of laws. Although the approach is slowly changing from punitive toward collaborative and incentive based, the laws as interpreted by the courts are considered by some producers to contain little room for logic or practicality.
The changing view on the role of farmers and farming has been reflected in the decision by the Washington Legislature to set up a new state entity, the Office of Farmland Preservation, within the Washington State Conservation Commission. That Office is still exploring strategies for carrying out its primary mission of farmland preservation. Importantly, the office acknowledges that if the farm is not profitable it is unlikely to stay in the family or be purchased by another farmer. Their actions may include the following:

1. Create grants for local strategic agricultural planning with staff support for farm advisory committees
2. Hire a state agriculture planner
3. Provide farm transition or succession programming
4. Work toward programming for purchase of development rights & transfer of development rights—long-term farmland retention programming
5. Explore other farmland preservation tools such as: linking existing and new farm incentives or benefit programs to existing GMA agriculture zoning or to properties protected by easement, agricultural enterprise district concepts, and methods to retain water with arable land

PRESERVING FARM LAND

A number of programs already exist at the federal, state, and local level, either to sustain farmers in farming or to maintain land in farms. The most widely available aid is provided through reduced levels of property taxes for land used in farming. The farm loses that tax concession if the land is sold for non-farm uses. In addition, the farmer must pay back-taxes for the difference between the non-agricultural and agricultural taxes.

As a local example of farmland preservation, beginning in the 1970s King County provided a pool of money that could be used to buy farmers' development rights. Farmers were paid the difference between the value of their land in farming and in development, but had to commit to maintain their land in farming. That program was limited when funds ran out. There are a number of federal, state, and local sources of funding, and some private funds, available for purchase of development rights from farmers. However, the funds available tend to be limited and intermittent. The Growth Management Act and zoning laws have limited the transfer of land from agricultural to nonagricultural uses, but zones are vulnerable to change under political pressure.

Despite these various measures, there has been a small but steady reduction of the total area of agricultural land in the state. The NASS statistics show that the number of acres in agriculture in Washington has decreased by an average of 67,860 acres per year over the last 10 years. Exact data are not available on how much prime farmland is being lost
to non-agricultural uses. However, anecdotal evidence on where urban development has been taking place suggests that the losses of prime farmland are substantial. Given the financial strength of the non-farm sector in the state and the pressures from expected population growth, agriculture will not be able to maintain its current land resource without major intervention by state government (Land Protection Programs\textsuperscript{37}). There is much to learn from the successes and failures of the many entities protecting land both nationally and globally. Above all, interventions to preserve land must be well thought out in order to prevent an additional maintenance burden on the state.

4.2. Factor 2 - Agricultural Water

Competing demands threaten to reduce farming's access to the water needed to produce, pack, process, and distribute the state's farm products:

- Conduct a state-wide assessment and prioritize projects for investment readiness; identify and apply for appropriate funding
- Change relinquishment statute to reward irrigation efficiencies and other best practices without removing water from agricultural land
- Develop watershed and other local level water resource management programs to continue water conservation, drainage, transfers, and irrigation efficiencies
- Upgrade and improve the antiquated water distribution, drainage, and irrigation infrastructure
- Continue current efforts to identify, evaluate, and develop increased water availability including storage capacity, flexibility, and reuse

**WATER: THE LIFEBLOOD OF AGRICULTURE**

Water is a critical ingredient of agricultural production. According to the 2002 census, over 75 percent of Washington's harvest by value was from the 11.9 percent (1,823,155 acres) of Washington farmland that was irrigated. While all water originates from rain or snowfall, it becomes available for human uses through many different intermediaries including rivers and lakes, wells and aquifers, and dams and other artificial storage systems. In general, agriculture that must depend on the natural cycle of precipitation is limited to the crops or pasture that can flourish in those natural conditions. For example, cool season legumes in Western Washington and grain in Eastern Washington. There is nothing that the producer can do to alter the volume or timing of this precipitation. In contrast, water drawn by users from wells, aquifers, dams, or
Hello,

Please accept the attached comments from Futurewise on ZTA-03-2014 and add them to the record for tomorrow’s Planning Commission hearing.

Thank you,

Kitty Kitzke
Futurewise | Eastern Washington Program Director
35 W Main Ave., Ste. 350 | Spokane, WA 99201
p. 509.838.1965

25 years futurewise
Building Communities & Protecting the Land
Producing more jobs and job reliability.

Intermodal transloading would not only benefit the local businesses but also the economy.

Allowing the code amendment change to allow a small scaled facility to handle strategic advantages to maintaining rail access and reliable intermodal transportation.

In the United States, Intermodal Terminals draw interest from companies who see Intermodal Terminals are positioned to meet the growing demand for containerized cargo.

- Watco Oklahoma City
- Port of Quincy
- Pocatello Freight Depot

Same scale as our proposed facility?

Examples of current transload facilities currently operating at the same scale of facility is being proposed:

Zone Code Amendment Outline
- Bulk Product Storage
- 25 Ton Overhead Crane over Rail or Truck
- Managed Warehousing
- 10 acres of outside storage
- Truck to truck transfer site with adjoining storage
- Tanker car siding
- Heavy Equipment Ramp
- 3005 Track
- Covered Boxcar work site with adjoining dry storage
- and covered storage nearby
- Centerbeam, bulkhead and flatcar work site with open
- 140,000 sq. ft. of Warehouse Space

Prineville Freight Depot
Port of Quincy Intermodal Terminal

- Convenient proximity to I-90, the Port of Quincy
- Mainline rail access
- 24 multi-phase refrigeration unit plugs; 230 & 460 volt
- Storage capacity for containers & chassis
- 16 acres and an additional 40 acres for expansion
- 8,000 feet of storage rail siding on three tracks
- Facility spaces

EXHIBIT #1

DATE: 2-12-15

WIR
Class I Interchanges: SWC Open to BNSF & UP

Dimensional: Yes

Truck Drayage: Yes

Commodities Handled: Bulk dry & liquid goods, non-hazardous

Railcar Spots: 110

Size: 55 acres

Terminal Specifications:

Rail access and convenient proximity to I-40 & I-35.

The Oklahoma City Intermodal Terminal has mainline

WATCO Oklahoma City Terminal
Proposed Amendment to the Spokane County Zoning Code

Amend Chapter 14.300 (Definitions) as follows:

Add the following definitions to Section 14.300.100:

“RAILROAD YARD, INTERMODAL TRANSFER SITE” A site used to load freight from truck to rail car and transporting these containers on a short line to a Primary Railroad Yard. This could also include accessory uses such as grain elevator(s) and office and includes the rail line to and from the main line.

“RAILROAD YARD, PRIMARY” A site used for switching, loading, unloading, service, maintenance, fueling, and storage of railroad cars and engines.

Amend Chapter 14.616 (Resource Lands) as follows:

14.616.220 Resource Lands Matrix

Add the following:

Table 616-1, Resource Lands Matrix

<table>
<thead>
<tr>
<th>Utilities/Facilities</th>
<th>Large Tract Agriculture</th>
<th>Small Tract Agriculture</th>
<th>Forest Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Yard, Intermodal Transfer Site</td>
<td>L</td>
<td>L</td>
<td>N</td>
</tr>
</tbody>
</table>

Table 616-1, Resource Lands Matrix

<table>
<thead>
<tr>
<th>Utilities/Facilities</th>
<th>Large Tract Agriculture</th>
<th>Small Tract Agriculture</th>
<th>Forest Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Yard, Primary</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

XX. Railroad Yard, Intermodal Transfer Site (LTA, STA zones)

a. The minimum lot area is 10 acres.
b. Sites in excess of 50 acres shall be processed as a Conditional Use Permit
c. The site shall be within 1.5 miles from a State highway and main rail line and/or short main rail line.
d. There shall be a paved access route on-site to the loading/unloading area.
e. Adequate ingress and egress to the site for trucks shall be provided.
f. No hazardous waste shall be transferred at the site.
g. Any office building shall be accessory.
h. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
i. The site shall be at least 5 miles from another Railroad Yard Intermodal Transfer Site.

14.616.240 Conditional Use Standards and Criteria

XX. Intermodal Freight Transfer Facilities exceeding 50 acres (STA, LTA zones)
   a. The minimum lot area is 10 acres.
   b. Sites in excess of 50 acres shall be processed as a Conditional Use Permit
   c. The site shall be within 1.5 miles from a State highway and main rail line and/or short main rail line.
   d. There shall be a paved access route on-site to the loading/unloading area.
   e. Adequate ingress and egress to the site for trucks shall be provided.
   f. No hazardous waste shall be transferred at the site.
   g. Any office building shall be accessory.
   h. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
   i. The site shall be at least 5 miles from another Railroad Yard Intermodal Transfer Site.
   j. The use shall be subject to restrictions and conditions as may be imposed by the Hearings Examiner under Chapter 14.404.

Amend Chapter 14.618 (Rural Zones) as follows:

14.618.220 Rural Zones Matrix

Add the following:

Table 618-1, Rural Zones Matrix

<table>
<thead>
<tr>
<th>Utilities/Facilities</th>
<th>Rural-5</th>
<th>Rural Traditional</th>
<th>Rural Activity Center</th>
<th>Urban Reserve</th>
<th>Rural Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Yard, Primary</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

Table 618-1, Rural Zones Matrix

<table>
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<tr>
<td>Railroad Yard, Intermodal Transfer Site</td>
<td>N</td>
<td>L</td>
<td>N</td>
<td>N</td>
<td>L</td>
</tr>
</tbody>
</table>
XX. **Railroad Yard, Intermodal Transfer Site** (RT, RCV zones)
   a. The minimum lot area is 10 acres.
   b. Sites in excess of 50 acres shall be processed as a Conditional Use Permit
   c. The site shall be within 1.5 miles from a State highway and main rail line and/or short main rail line.
   d. There shall be a paved access route on-site to the loading/unloading area.
   e. Adequate ingress and egress to the site for trucks shall be provided.
   f. No hazardous waste shall be transferred at the site.
   g. Any office building shall be accessory.
   h. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
   i. The site shall be at least 5 miles from another Railroad Yard Intermodal Transfer Site.

14.618.240 Conditional Use Standards and Criteria

XX. Intermodal Freight Transfer Facilities exceeding 50 acres (RT, RCV zones)
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   g. Any office building shall be accessory.
   h. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
   i. The site shall be at least 5 miles from another Railroad Yard Intermodal Transfer Site.
   j. The use shall be subject to restrictions and conditions as may be imposed by the Hearings Examiner under Chapter 14.404.
February 3, 2015

Spokane County
Planning Commission
Spokane, WA

Dear Commission,

I am writing in regards to the zone code amendment that the Washington and Idaho Railway is seeking. For CoAg, transportation is critical for our success. Approximately 90% of the wheat that is produced in our area is exported. This requires an infrastructure that moves grain in a timely and economic fashion. Movement by rail is a huge part of that infrastructure. Rail has the capacity to move large quantities quickly and is an economical choice. Rail has the added benefit of being the most environmentally friendly method of transportation. And finally, rail is a safe method of grain movement because of the reduction of truck miles.

For CoAg to ship by rail on our state owned rail line, we need a viable operator. Diversity is important with any business model and it is no different for our operator. The Washington and Idaho Railway need the opportunity to expand into nonagricultural areas. This diversity will help them level out the ups and downs of the agricultural economic and seasonal scene. Without a viable operator on the rail line, the whole rail line is at risk of closure.

CoAg fully supports the zone code amendment that Washington and Idaho Railway is requesting.

Sincerely,

Dick Hatterman
General Manager
Dan just responded that my reference to McGregor should have been St John Hardware. I’ve revised the letter accordingly. Please ignore the last email attachment.

Thanks again.

Dwight J Hume
Land Use Solutions & Entitlement LLC
9101 N Mt. View Lane
Spokane, WA 99218-2140
509-435-3108

2-17-15 emailed to P.C. Members/BA
2-17-15

Spokane County Planning Commission
C/O Steve Davenport, Senior Planner
Building & Planning Department
Public Works Building
1026 W Broadway Avenue
Spokane WA 99260

Ref: Text Amendment Zone Code Intermodal Transfer Site

Members of the Planning Commission:

At the close of the hearing on 2-12-15, a question was raised by you to staff and my client about the definition of Railroad Yard Intermodal Transfer Site, being too restrictive by its terminology regarding type of freight. Mr. DeGon replied that indeed the definition needs to delete the reference to “containers” and also add the phrase “and vice versa” after the phrase “load from truck to rail car”. Therefore I have included the following definition that reflects these changes to use in this amendment.

“RAILROAD YARD, INTERMODAL TRANSFER SITE” A site used to load freight from rail car to truck or vice versa, and transporting the same from the site either by short line rail or by truck transport.

This definition will allow folks like St. John Hardware Co. to have farm machinery delivered to an intermodal site and delivered to rural dealers without making the trip to Spokane for the same function. More importantly, it enables short line railroads to operate freely within the marketplace of various goods and services and thus making their rail line viable.
Thank you for allowing all of these clarifications on this important text amendment to the world of short line railroads and the economy of Spokane County. We appreciate your thoughtful consideration of this request.

Respectfully Submitted

Dwight J Hume

Dwight J Hume
Land Use Solutions and Entitlement

Copy:
Dan DeGon
Bob Westby, WSDOT
File
Good morning,

Thank you for the opportunity to comment on the proposed text amendment to allow railroad yard intermodal facilities in Resource and Rural Lands.

The following concerns are in regard to Resource Land only. Intermodal railroad facilities don’t appear to conflict with Rural Land Comprehensive Plan policies.

1) This is a non-agricultural use of resource lands and not consistent with the Comprehensive Plan.

2) “Rail yard intermodal facilities that are not directly related to resource use and extraction are not consistent with the Comprehensive Plan” pg.13 staff report to plan commission 12FEB2015.

3) Mr Cummings is correct, this use belongs in a heavy industrial zone.

4) By definition, the proposed text amendment cannot ship grain unless it is “containerized” pg. 1 staff report to plan commission 12FEB2015.

5) A waste transfer station is deemed an “essential public facility (EPF)” and therefore permitted as a limited use. An intermodal transfer facility does not meet this criteria.

Regards,

Derrick Hansen
8215 E GreenBluff Rd.
Colbert, WA 99005
Steve/Barbara,

Thank you for the opportunity to comment on the Proposed Amendment to allow Rail Yards/Intermodal Facilities in Rural and Resource Land Zoning Classifications discussed at your meeting last week.
I have attached the Fairchild AFB Comment Letter for this subject and ask if you would include as part of the official record. I also attached a few helpful diagrams to show our airspace and flight paths which could be impacted if approved as proposed.
We are ready and willing to discuss this issue on how and where this might work if you would like.

Could you please send me an quick email confirming you received our comments.

Warmest Regards,
Jeff

//SIGNED//

Jeffrey R. Johnson, GS-13, DAFC
92 Mission Support Group, Deputy //
Director, Fairchild AFB Encroachment Management Team
Fairchild AFB, WA 99208
DSN 657-1477
509-247-1477
Fairchild aircraft must turn north (over the proposed site) to avoid Spokane International Airport approaches.

Note: Runway 23 is the designated calm wind Runway (<5 kts)
Dear Mr. Cummings,

The purpose of this letter is to provide you with the Fairchild Air Force Base response to the proposal for an amendment to the Spokane County Zoning Code to allow railroad yards/intermodal facilities in rural and resource land zoning classifications.

A substantial amount of land surrounding and adjacent to Fairchild AFB might be affected by this amendment. Railroad yards/intermodal facilities are concerning to us if it is too close to the base because they can potentially create loud noises, dust, and glare. Additionally, chemicals are allowed to be transported to and from these sites according to the amendment and we already have concerns with the current rail line which runs adjacent to the base. These facilities located too near our base can pose a nuisance and risk to our installation and our residents living in on-base housing. Noise, dust, and glare might degrade Survival, Evasion, Resistance, and Escape (SERE) training.

Furthermore, glare from these facilities might pose an aircraft safety issue if located near our runway’s approach and departure surface. Our traffic pattern is already restricted to flying operations to the north of the runway due to our close proximity to Spokane International Airport. I have included a picture of our traffic patterns and airspace to assist with this point. We are currently operating in less than 40 percent of the airspace a military base normally is allowed and we have no place left to go if forced to move our flight paths. Development to the north of Fairchild’s runway could be problematic to our flying mission. We recommend those areas not be rezoned.

Another concern we have is the light pollution that would be created by facility like this because it could affect our pilot’s night vision creating a hazard in critical phases of flight (takeoff and landing). There is a movement by the International Dark-Sky Association (IDA) to have communities reduce the glare from outdoor lighting in current and further developments. Several cities and states are already considering new Dark-Sky lighting ordinances. California, Arizona and Washington Departments of Transportation are working on guidelines to reduce light pollution from outdoor lights. It is important on the ground and even more critical in the air as the plane maneuvers for landing. As you would expect, unshielded white light is the worst. It
is certainly tempting for communities to try to reduce costs by switching to the new bright white LED lights while upgrading. Unfortunately the effect of this can significantly increase light pollution glare if the fixtures are not shielded. White light has the worst effect on pilot’s night vision and red has the least. That is why the orange glow from the sodium lights is not as problematic for pilots as white light. I have included a great link showing this effect that a city in Minnesota went through. http://www.universetoday.com/107372/leds-light-pollution-solution-or-night-sky-nemesis/. We request you consider requiring developers to comply with the intent of the IDA criteria until local regulations can be developed. A regional Dark-Sky ordinance could be on the leading edge of the Dark-Sky movement in the Pacific Northwest ultimately reducing energy costs for lighting our cities and by using IDA compliant lighting fixtures not only reduce light pollution on the ground, but make it safer for the military and civilian aviation community.

Finally, we have all spent a lot of time and effort creating the Fairchild Joint Land Use Study and the implementation of it with local ordinances which were adopted by the Spokane County Planning Commission and surrounding communities in 2013. As you know, the JLUS goal is to protect Fairchild’s current and future missions while determining compatible development in areas near the base. I know that is what we are trying to do here, but we are very concerned with the broad brush approach of the proposed language changes which we do not believe are restrictive enough. We believe that JLUS standards should be used for development in Military Influence Area 3 and 4 as we as agreed to and look at each location separately. This approach allows Fairchild AFB experts to look at the proposed development and determine its compatibility and the impact to the mission of the base. The proposed language changes, in our opinion, is saying to us that an intermodal facility can be built anywhere in rural and resource land zoning classifications on parcels near the base and that is not in the best interest of Fairchild AFB. We must recommend a more stringent approach that allows us each to review the proposed development independently on its own merits as stipulated in JLUS. As we studied your proposal, we see that most of these possible areas are within MIA 3 and MIA 4 and some are in directly under our flight path to the north and in the Accident Potential Zones 1 and 2. As mentioned above, we have concerns for development north of the runway or too close to the APZs. We were involved in early discussions about building an intermodal trans-load facility near the base located east of the Geiger Spur, west of Craig Road and North Hwy 902. We gave our initial comments on that location proposal and thought that might work. We are glad to work with the Community Planners around the base for this type of development, but we are really concerned about the proposed approach and have to say we do not support the proposed language as it was presented and discussed at the meeting last week.

We will make ourselves available to discuss this further if that will help address our concerns and allow a proposed railroad yard/intermodal facility to be built in the right place.

Please direct correspondence to the above address or I can be reached at (509) 247-1477 or email at jeffrey.johnson.64@us.af.mil. I appreciate your continued support of our mission.

Sincerely,

[Signature]

JEFFREY R. JOHNSON, GS-13, DAFC
92 Mission Support Group, Deputy //
Director, Fairchild AFB Encroachment Management Team