BEFORE THE SPOKANE COUNTY
PLANNING COMMISSION

A RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS IN THE MATTER OF AMENDING THE SPOKANE COUNTY ZONING CODE TEXT RELATED TO RAILROAD YARDS AND INTERMODAL FACILITIES IN RURAL AND RESOURCE ZONES

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board of County Commissioners of Spokane County, Washington, hereinafter referred to as the “Board,” has created a Planning Commission, hereinafter referred to as the “Commission”; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW the Commission may make recommendations concerning the adoption of comprehensive plans and official controls that implement comprehensive plans; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Board may adopt a comprehensive plan and zoning ordinance for the unincorporated areas of Spokane County and may amend the same; and

WHEREAS, the Spokane County Building and Planning Department received a request from a private party to amend the Zoning Code text to allow railroad yard intermodal facilities in Large Tract Agricultural, Small Tract Agricultural, Rural Traditional, Rural Activity and Rural Conservation zones and said request is included within the staff report included herein as Attachment ‘B’; and

WHEREAS, pursuant to RCW 36.70A.106, notice of intent to adopt was sent to the Washington State Department of Commerce on January 28, 2015; and

WHEREAS, pursuant to RCW 36.70.547, 36.70A.510 and RCW 36.70A.530 a formal consultation meeting with Fairchild Air Force Base, Spokane International Airport and other stakeholders on January 29, 2015; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a Determination of Nonsignificance (DNS) was issued on January 28, 2015 for the proposed amendment; and

WHEREAS, after providing at least fifteen (15) days notice, the Commission held a public hearing on February 12, 2015, to consider amending the Zoning Code for Spokane County; and

WHEREAS, Commission members present at the February 12, 2015 Commission hearing included Stephen Pohl, Pete Rayner, Joyce McNamee, Alene Lindstrand, Stanley Stirling and Mike Cummings; and

WHEREAS, at the February 12, 2015 hearing the Commission received written and verbal testimony, both in favor and opposed to the proposed amendment as contained in Attachment ‘C’. The Commission continued the hearing for written testimony only until February 19, 2015 and scheduled deliberations for February 26, 2015; and

WHEREAS, the applicant for the amendment requested revisions to the proposal at the public hearing and in subsequent correspondence dated February 17, 2015. The request
proposed revisions to the definition of Railroad Yard, Intermodal Transfer Site and requested the proposed facilities be changed from a permitted use with standards to a conditional use permit; and

WHEREAS, after considering all public testimony received at the public hearing, as well as recognizing compliance with State Environmental Policy Act procedures, the Commission deliberated on the proposed amendment on February 26, 2015; and

WHEREAS, Commission members present at the February 26, 2015 deliberations included Stephen Pohl, Joyce McNamee, Alene Lindstrand, Stanley Stirling and Mike Cummings; and

WHEREAS, following discussion and deliberation, the Commission decided to recommend a revised proposal, changing the proposed Railroad Yard Intermodal Site from a permitted use with standards to a conditional use permit and revising the definition of Railroad Yard Intermodal Site from strictly intermodal transfers to transfers of all types of freight; and

WHEREAS, the Commission voted 5-0 to approve the proposed amendment as revised on February 26, 2015; and as included herein as Attachment ‘A’; and

WHEREAS, the Commission finds that the best interests of the public as well as its health, safety and welfare, will be met by approval of the Commission’s recommended amendment included in Attachment ‘A’;

NOW, THEREFORE, BE IT RESOLVED by the Commission that, in making the hereinabove recommendation, the Commission does hereby enter the following Findings of Fact:

#1
Pursuant to the provisions of RCW Chapter 36.70 and the Zoning Code for Spokane County, the Commission has the legal authority to recommend changes to the Zoning Code text for Spokane County.

#2
Spokane County has provided for timely public participation in consideration of the proposed amendment consistent with RCW 36.70A.140, WAC 365-195-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0144 and 98-0788). Public Participation for the proposed amendment included:

- Notice of public hearing circulated to parties on a Building and Planning Department-maintained mailing list of individuals, organizations, and agencies interested in receiving notice of proposed Comprehensive Plan and Zoning Code Amendments.
- Notice was provided on the County’s website.
- Notice of intent to adopt was sent to the Washington State Department of Commerce and circulated to other state agencies on January 28, 2015 pursuant to RCW 36.70A.106.
- A formal consultation meeting with Fairchild Air Force Base, Spokane International Airport and other stakeholders held on January 29, 2015 pursuant to RCW 36.70A.547, 36.70A.510 and RCW 36.70A.530.

#3
The Commission considered public testimony related to the proposed amendment, both in favor and opposed to the proposed amendment.
The Commission considered relevant Comprehensive Plan goals and policies as contained in the Building and Planning staff report, included herein as Attachment ‘B’.

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a Determination of Nonsignificance (DNS) was issued on January 26, 2015 for the proposed amendment; and

The Commission’s recommendation is justified based on consideration of the “Criteria for Amendment” of the Zoning Code text, per section 14.402.040 Spokane County Zoning Code.

BE IT FURTHER RESOLVED by the Commission that it hereby recommends to the Board approval of the proposed amendment, as revised by the Commission, and as included as Attachment ‘A’.

ADOPTED this ___ day of March, 2015

SPOKANE COUNTY PLANNING COMMISSION

[Signatures of Commission Members]

ATTEST: John Pederson, Planning Director
Department of Building and Planning

[Signature]
Attachment A

Planning Commission Recommendation

Proposed Text Amendment
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 or vice versa, and transporting the same from the site either by short line rail or by truck transport.

“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>CUP</td>
<td>CUP</td>
<td>N</td>
</tr>
<tr>
<td>Railroad Yard, Primary</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

14.616.240 Conditional Use Standards and Criteria

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

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

*Note: numbering in zoning code will be adjusted to reflect alphabetic order.*
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>
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</table>

14.618.240 Conditional Use Standards and Criteria

XX. Intermodal Freight Transfer Facilities (RT, RCV zones)

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

Note: numbering in zoning code will be adjusted to reflect alphabetic order.
Attachment B

Staff Report
**Staff Report to the Planning Commission**

*Public Hearing February 12, 2015*

*Proposed Zoning Code Amendment*

Spokane County

Building and Planning Department

**Proposal**

The proposal is an amendment to the 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 full text of the proposed amendment is provided below:

**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:

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

**Amend Chapter 14.618 (Rural Zones) as follows:**

14.618.220 Rural Zones Matrix

Add the following:

<table>
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<th>Utilities/Facilities</th>
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<tbody>
<tr>
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<td>N</td>
<td>L</td>
<td>L</td>
<td>N</td>
<td>L</td>
</tr>
</tbody>
</table>

XX. **Railroad Yard, Intermodal Transfer Site** (RT, RAC, RC zones)
   a. The minimum lot area is 10 acres.
   b. The site shall be within 1.5 miles from a State highway and main rail line and/or short main rail line.
   c. There shall be a paved access route on-site to the loading/unloading area.
   d. Adequate ingress and egress to the site for trucks shall be provided.
   e. No hazardous waste shall be transferred at the site.
   f. Any office building shall be accessory.
   g. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
   h. The site shall be at least 5 miles from another Railroad Yard Intermodal Transfer Site.
The following two maps illustrate the possible locations where rail yard intermodal facilities could be sited based on the proposed criteria.

Note: This is a generalized map for informational purposes only.

Note: Possible locations for intermodal transfer sites are located in small tract agriculture, large tract agriculture, rural traditional, rural activity center, and rural conservation zoning areas that are within 1.5 miles from a state highway and main rail line and/or short main rail line and at least 5 miles from another rail yard intermodal transfer site.
Possible Locations for Intermodal Transfer Site within Resource Lands and Rural Zoning

Proposed Zoning Code Amendment - Applicants Dwight Huna, Land Use Solutions and Entitlement

Notes: This is a generalized map for informational purposes only.

Possible locations for intermodal transfer sites are located in small tract agriculture, large tract agriculture, rural traditional, rural activity center, and rural conservation zoning areas that are within 1.5 miles from a state highway and main rail line and/or short main rail line and at least 5 miles from another rail yard intermodal transfer site.
Public Notice
Notice of the proposed amendment was published in the Legal Notice section of the Spokesman Review on January 28, 2015. The proposal was mailed to agencies of jurisdiction, identified neighborhood and business groups, and individuals on January 28, 2015. States agencies were notified in accordance with RCW 36.70A.106 on January 13, 2015 by the Washington State Department of Commerce. The public hearing is scheduled for February 12, 2015, at 9:00 am or as soon as possible thereafter in the Public Works Hearing Room, located at 1026 West Broadway Avenue, Spokane, WA, 99260.

Environmental Review
A nonproject environmental checklist was reviewed by Building and Planning Staff and a Determination of Nonsignificance (DNS) was issued on January 28, 2015, with a comment and appeal period ending on February 11, 2015. The DNS was circulated to agencies of jurisdiction and published in the Spokesman Review on January 28, 2015.

Formal Consultation with Fairchild AFB and Spokane International Airport
Proposals that may impact general aviation airports or air force bases require special notice and consultation per RCW 36.70.547, 36.70A.510 and RCW 36.70A.530. Spokane County held a formal consultation meeting consistent with these requirements on January 29, 2015.

Background
The proposal was initiated by Dwight Hume of Land Use Solutions and Entitlement as allowed under Section 14.402.080 of the Zoning Code. A railroad yard is generally composed of a series of railroad tracks for storing, sorting, or loading/unloading, railroad cars and/or locomotives. Intermodal freight transport involves the transportation of freight in an intermodal container, using multiple modes of transportation (rail, ship, and truck), without any handling of the freight itself when changing modes. The method reduces cargo handling, and so improves security, reduces damage and loss, and allows freight to be transported faster. In the 1950s, a new standardized intermodal container began to revolutionize freight transportation.

Following are examples of intermodal facilities (source, Wikipedia):
BNSF Transloader Site
Spokane County currently has one active rail intermodal site. The site is owned by Burlington Northern Santa Fe Railroad and is located near the intersection of Fancher Road and Trent Avenue (source, Spokane County).
Review Criteria
The Zoning Code provides the following criteria regarding Zoning Code Text Amendments that must be considered:

14.402.040 Criteria for Amendment
The County may amend the Zoning Code when one of the following is found to apply.
1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to the public welfare.
2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.
3. An amendment is necessary to correct an error in the Zoning Code.
4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

Staff Analysis
Criteria for Amendment

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to the public welfare.
   Response
   The Comprehensive Plan strongly supports economic development; however the amendment may be inconsistent with certain goals and policies in the Rural and Resource Lands Chapter of the Comprehensive Plan. An analysis of applicable Comprehensive Plan goals and policies is provided later in this report.

2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.
   Response
   There are no known changes to economic, technological or land use conditions.

3. An amendment is necessary to correct an error in the Zoning Code.
   Response
   Not applicable to this proposal.

4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
   Response
   Not applicable to this proposal.

5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
   Response
   Railroad yard facilities, including intermodal facilities are currently allowed in the Heavy Industrial zoning category and are allowed in rural zoning categories provided the use meets the criteria for a new major industrial development as described in Comprehensive Plan Policy RL.5.1.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

Response
Subject to public hearings and deliberations the Commission and Board will make determinations and adopt findings related to the public interest.

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**Rural Comprehensive Plan Goals and Policies**

The proposed amendment would allow siting of intermodal facilities in Rural and Resource Lands categories of the Comprehensive Plan. Following is an analysis of goals and policies within these categories as they relate to the proposal. *Wording from the Comprehensive Plan is shown in italics.*

**Rural Category**
Spokane County adopted a definition of rural character to help guide the development of Comprehensive Plan goals and policies related to rural development, consistent with the requirements of the Growth Management Act. Rural character is defined in Chapter 3 of the Plan and Goal RL-1 requires development to be consistent with rural character. Following is the definition of rural character and the associated goal and policies.

**Rural Character**
Defining rural character is essential for development of rural goals and policies. Counties are required to include measures in the rural chapter that protect rural character. Through visioning and other citizen-participation efforts, the following principles for defining and preserving rural character have evolved:

- The rural landscape should reflect a traditional development setting with low population density.
- Interconnected open spaces and natural areas should be provided through clustering and other innovative techniques.
- Rural residents should be self-sufficient and accept a traditional lifestyle with low levels of governmental services.
- Rural towns and centers should provide a community focal point and offer opportunities for shopping and other services.
- Scenic roadways and vistas should be preserved by prohibiting billboards and strip commercial development.
- Agriculture and forestry uses within the Rural category should be accepted as being consistent with rural area lifestyles.
- Land use practices should be conducted in a way that protects the environment, providing for clean air and water.
- Rural lands should have low population densities, allowing much of the area to be retained in a natural state, providing wildlife habitat and the preservation of natural systems.

**RL.1** Provide for rural residential development consistent with traditional rural lifestyles and rural character.

**Policy**

**RL.1.2** Designated rural lands shall have low densities which can be sustained by minimal infrastructure improvements such as septic systems, individual wells and rural roads without
significantly changing the rural character, degrading the environment or creating the necessity for urban levels of service.

Analysis
The proposal would allow a use in rural areas that has typically been restricted to industrial zones in the urban growth area. The proposed railroad yard transloader facilities have no limit on size or intensity and large facilities could be allowed. Rail yards can be a high intensity use with the potential to create impacts to the surrounding area including noise, glare and truck transportation. Given the potential size and intensity of the proposed use, it may not be consistent with maintaining rural character. Mitigating measures to provide greater consistency with rural character could include limitations on facility size and requiring approval through a conditional use permit. A conditional use permit would allow for site specific conditions of approval and provide adjacent residents the opportunity to comment on any proposal.

Non-residential and accessory uses

Policy

RL.1.4 Nonresidential and accessory uses appropriate for the rural area include farms, forestry, outdoor recreation, education and entertainment, sale of agricultural products produced on-site, home industries and home businesses. New churches and schools in the rural area are encouraged to locate in rural cities or rural activity centers, provided adequate services are available and the extension of urban services is not necessary.

Analysis
The proposal may not be consistent with policy RL.1.4 in that it would allow an urban scale industrial use in rural zoning categories. If an intermodal site were limited to transfer of rural products only, such as a grain transfer site, then it would be consistent as an accessory agricultural use and would currently be allowed in these zones. With the exception of hazardous waste, the proposal does not limit the type of products that can be transferred.

Rural Activity Centers

Goal

RL.2 Designate rural activity centers planned for a mix of residential and commercial uses to meet the needs of rural residents while retaining rural character and lifestyles.

Policies

RL.2.1 RACs shall be limited to isolated, rural communities and centers. RAC boundaries shall be defined by a logical outer boundary delineated predominantly by the built environment and the following considerations:

a) Preservation of the character of neighborhoods and communities

b) Preservation of natural systems and open space

c) Physical boundaries, such as bodies of water, streets and highways and land forms and contours

d) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl
e) Designations should be confined to built-up areas, established prior to July 1, 1993, and not include large expanses of vacant land

**RL.2** Designate rural activity centers planned for a mix of residential and commercial uses to meet the needs of rural residents while retaining rural character and lifestyles.

**Policy**

**RL.2.3** Commercial developments within RACs should be of a scale and type to be primarily patronized by local residents and in some instances to provide support for resource industries, tourism and the traveling public.

**Analysis**
Rail yard intermodal sites in Rural Activity Centers may be inconsistent with policy RL.2.3. The proposal would allow a traditionally urban industrial use in a rural activity center. Rail yard intermodal facilities can include significant noise, glare and large truck transportation impacts which can create conflicts with adjacent residential areas.

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**Industrial and Commercial Uses**

The Rural Chapter of the Comprehensive Plan includes a discussion of industrial and commercial uses and provides goals and policies for these uses.

**Description of Industrial and Commercial Uses (RL-15)**
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.

**Major Industrial Development**

**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.

**Analysis**
The Rural Chapter of the Comprehensive Plan generally limits non-agricultural industrial use in rural areas. In defining industrial use the Plan states, “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.5b** Ensure the availability of adequate industrial land to accommodate major industrial developments that cannot be sited in the Urban Growth Area (UGA).

**Analysis**
Policy RL.5b states, “Ensure the availability of adequate industrial land to accommodate major industrial developments that cannot be sited in the Urban Growth Area (UGA).” This policy would allow
development of an industrial use in the rural area if an adequate site is not available in the UGA. Siting a major industrial development is subject to criteria consistent with the requirements of RCW 36.70A.365 and requires an amendment to the Comprehensive Plan. The proposed amendment would allow a rail yard intermodal facility to be permitted without going through the process for siting a major industrial development.

The criteria for allowing a major industrial development are included in page RL-12 of the Rural Chapter of the Comprehensive Plan as follows:

**Major industrial developments outside the Urban Growth Area (UGA) are allowed in certain instances (RCW 36.70A.365). These developments are intended to meet the need for industrial uses in which adequate land within the UGA is not available to accommodate the development. For instance, the development may require a parcel of land so large that no suitable parcels are available in the UGA. Upon approval of a major industrial development outside UGAs, it must be designated as a UGA.**

**Policy**

**RL.5.1 New major industrial developments shall be allowed in the rural category consistent with RCW 36.70A.365, which states as follows:**

*a) “Major industrial development” means a master planned location for a specific manufacturing, industrial or commercial business that:
   I. requires a parcel of land so large that no suitable parcels are available within an urban growth area; or
   II. is a natural resource-based industry requiring a location near agricultural land, forestland or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office parks.*

*b) A major industrial development may be approved outside an urban growth area in a county that is planning under this chapter if criteria including, but not limited to, the following are met:
   I. New infrastructure is provided for and/or applicable impact fees are paid.
   II. Transit-oriented site planning and traffic demand management programs are implemented.
   III. Buffers are provided between the major industrial development and adjacent non-urban areas.
   IV. Environmental protection, including air and water quality, has been addressed and provided for.
   V. Development regulations are established to ensure that urban growth will not occur in adjacent non-urban areas.
   VI. Provision is made to mitigate adverse impacts on designated agricultural lands, forestlands and mineral resource lands.
   VII. The plan for the major industrial development is consistent with the county’s development regulations established for protection of critical areas.
   VIII. An inventory of developable land has been conducted and the County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.*

*c) Final approval of an application for a major industrial development shall be considered an adopted amendment to the Comprehensive Plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of an application for a major industrial development shall not be considered an
amendment to the Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

Analysis
The proposal would allow rail yard intermodal facilities to bypass the requirements of policy RL.5.1. The use would be permitted outright in the specified zones with compliance of the development standards included in the proposal.

Resource Lands Comprehensive Plan Goals and Policies
The proposed amendment would allow siting of intermodal facilities in Resource Lands Comprehensive Plan categories. Following is an analysis of goals and policies within these categories as they relate to the proposal. Wording from the Comprehensive Plan is shown in italics.

Natural Resource Lands are described on page NR-1 of the Comprehensive Plan as follows:

Natural Resource Lands include agriculture, forests and mineral lands of long-term commercial significance. Spokane County is blessed with an abundant supply of natural resource lands. Historically, natural resource industries were the center of the local economy. The resource industries produced lumber, paper products, metal products, stone, sand and gravel, wheat, fruit, berries, vegetables, forage crops, meat, poultry and dairy products, which were consumed by the community and exported around the world. Although the local economy has diversified considerably in recent years, the natural resource industries continue to be important. Resource lands have special characteristics that make them productive. These characteristics include unique soils, climatic conditions and geological structure. They cannot be re-created if they are lost to urban development or mismanaged.

The residents of Spokane County recognize the importance of natural resource lands. Avoiding the irrevocable loss of these resources and protecting them for future generations is the purpose of this Chapter.

Goals
NR.1a Provide for necessary natural resources while preserving and protecting the natural environment and private property rights.

Policy
NR.1b Ensure adequate supply, long-term conservation and wise stewardship of natural resources within Spokane County for the benefit of current and future residents.

Land Use in Natural Resource Lands
To protect natural resource lands, it is important to foster the development of land uses that support and complement resource activities. Generally, the various resource activities, agriculture, forestry and mining, do not conflict with one another. Industrial and commercial uses that are related to resource activities may be supportive of continued resource land use and should be encouraged.

Non-resource-related uses, especially residential uses, often conflict with resource production or extraction. Rural residents often object to the noise, dust, smell and chemicals used in resource areas. The impacts to residential development can be mitigated to some degree by buffering or maintaining low residential density.

Uses that support resource activities include but are not limited to food processing, equipment repair, grain elevators, resource storage areas, aircraft landing fields for crop dusting, lumber mills, chemical and supply distribution.
Commercial and Industrial Use On Natural Resource Lands

NR.3.18 Non-resource-related industrial developments such as major industrial developments, airports and storage yards shall not be allowed on designated resource lands.

NR.3.19 Industries related to and dependent upon natural resources of agriculture, forestry and mining shall be allowed on designated resource lands.

Analysis
The proposal would allow industrial development for rail yard intermodal facilities in resource land Comprehensive Plan categories. 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 that, “Non-resource-related industrial developments such as major industrial developments, airports and storage yards shall not be allowed on designated resource lands.” Appropriate uses for Resource Lands are identified in the Resource Lands Chapter of the Comprehensive Plan, page NR-5 as, “Uses that support resource activities include but are not limited to food processing, equipment repair, grain elevators, resource storage areas, aircraft landing fields for crop dusting, lumber mills, chemical and supply distribution.”
Attachment C

Written Testimony
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.¹ It is also in conflict with Spokane County Comprehensive plan policies governing the use of resource lands.²

Second, we also recommend that you review the policies governing industrial and commercial uses in the rural area for consistency.³ 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.⁴ RCW
Mr. Steve Davenport  
February 5, 2015  
Page 2

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.

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 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. They are also referred to as “resource lands” in the Spokane County Comprehensive Plan.¹

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.”² 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 ³

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, 2015 Proposed Zoning Code Amendment.

5 See the images on pages 5 to 6 of 13 of the Spokane County Building and Planning Department, Staff Report to the Planning Commission Public Hearing February 12, 2015 Proposed Zoning Code Amendment.
Mr. Mike Cummings, Chair Spokane County Planning Commission  
February 11, 2015  
Page 3

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. 9 In fact, the only railroad yard intermodal facility in the county is in an urban growth area. 10 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). 11 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. 12 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).” 13 In the Rural Conservation comprehensive plan designation and zone, industrial facilities such as railroad yard intermodal facilities are not allowed. 14

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.
Mr. Mike Cummings, Chair Spokane County Planning Commission
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Page 4

Respectfully,

[Signature]

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@cnunix.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 perc 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

}
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 “spending 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. 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.

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."

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?"

Footnotes

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 Kossuth County, Iowa.
iv Daniels and Bowers, p. 1.
vi Daniels, p. 265.
WASHINGTON
Agriculture
Strategic Plan
2020 and BEYOND

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Spokane County
Dept. Of Building & Planning

WSDA
WASHINGTON STATE
DEPARTMENT OF AGRICULTURE

Future of Farming
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 paper34). 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.\textsuperscript{35}

AFT has done COCS\textsuperscript{36} 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\(^3\), 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 FARMLAND**

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.\(^{12}\) 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{57}). 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
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
I wanted you guys to have a heads up to my suggested changes to the amendment. It now includes a CUP process and criteria for sites larger than 50 acres. It also deletes the use from a RAC zone.

It is vitally important that we be given enough time to go through all of what we have to present in order for the PC to make an informed decision. I trust you will allow that. There are simply too many pieces to be placed in this puzzle before the picture becomes clear. Sorry, but it is the nature of the beast and most people including myself, do not have a working understanding of the railroad business.

See you soon.

(Would you make copies of this for distribution to your panel and yourselves)

Thanks!

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

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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)
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   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

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Producing more jobs and job reliability.

Intermodal transloading would not only benefit the local business 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 containierized cargo.

- WATCO OKahoma City
- Port of Quincy
- Pineville Freight Depot

Same scale as our Proposed Facililiy?

Examples of Current Transload Facilities Currently Operating at the

What 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 Sliding
- Heavy Equipment Ramp
- Team Track
- Covered Boxcar Work Site with Adjoining Dry Storage
- Centerbeam, Bulkhead and Flatchar Work Site with Open and Covered Storage Nearby
- 140,000 sq ft of Warehouse Space

Facility Capabilities:
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
- 15 acres and an additional 40 acres for expansion
- 8,000 feet of storage rail siding on three tracks

Facility specs
Class I Interchanges: SWC Open to BNFE 8 & UP

Dimensions: Yes
Truck Dyeage: Yes

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

Railcar Sports: 110
Size: 55 acres

Terminal Specifications:

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

The Oklahoma City Intermodal Terminal has mainline connectivity.
Proposed Amendment to the Spokane County Zoning Code

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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
Davenport, Steve

From: Dwight Hume <dhume@spokane-landuse.com>
Sent: Tuesday, February 17, 2015 12:34 PM
To: Davenport, Steve; Aubert, Barbara
Cc: Pederson, John
Subject: Intermodal Yard Definition revision
Attachments: RR Intermodal Definition Clarification.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Steve/Barbara: Please see the attached letter to be included in the record of the public hearing of the Planning Commission on 2-12-15. I would also appreciate receiving any new correspondence you receive during this one week window of the open record.

Thank you

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

Land Use Planning Services
9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V) 509-467-0229 (F)

(Via email on this date)

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 McGregor 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 market place 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
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
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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 market place 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
Aubert, Barbara

From: Derrick Hansen <selkirkcider01@aol.com>
Sent: Thursday, February 19, 2015 5:11 AM
To: Aubert, Barbara
Subject: Public Comment re: Intermodal Railroad Transfer Facilities

19FEB2015

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
JOHNSON, JEFFREY R GS-13 USAF AMC 92 MSG/CD <jeffrey.johnson.64@us.af.mil>
Thursday, February 19, 2015 11:53 AM
Davenport, Steve
Aubert, Barbara; WALTERS, KENNETH GS-13 USAF AMC 92 CES/CEN; DANIELS, RONALD
R GS-13 USAF AMC 92 CES/CD; YOUNG, ALEC GS-11 USAF AMC 92 CES/CENPP
Subject: Proposed Amendment to allow Rail Yards/Intermodal Facilities in Rural and Resource
Land Zoning Classifications
Comment on Proposed Amendment to allow Rail Yards _Intermodal Facilities.pdf
Importance: High

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
Jeffrey R. Johnson, GS-13, DAFC  
Director, Fairchild AFB Encroachment Management Team  
5 West Bong Street, Suite 103  
Fairchild AFB, WA. 99011  

Spokane County Planning Commission  
Attn: Mr. Mike Cummings, Chair  
1026 West Broadway  
Spokane, WA. 99260  

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 a 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 affects 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,

Jeffrey R. Johnson

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

RECEIVED

FEB 19 2015

Spokane County
Dept. Of Building & Planning
Clear Zone
Accident Potential Zone 1
Accident Potential Zone 2
Legend
Altitude less than 2,000 Feet
Dated 10-11 through 10-17
MIA 4 Land Use
Compatibility Area
Accident Potential Zone 1
Clear Zone
Municipality & AFB
Map Produced April 2011
Spokane County GIS
*MIA stands for Military Influence Area. MIA 1 is all of Spokane County*
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)