Proposed Zoning Code Amendment

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:

<table>
<thead>
<tr>
<th>Utilities/Facilities</th>
<th>Large Tract Agriculture</th>
<th>Small Tract Agriculture</th>
<th>Forest Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Yard, Intermodal Transfer Site</td>
<td>L</td>
<td>L</td>
<td>N</td>
</tr>
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<td>N</td>
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</tr>
</tbody>
</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>
<thead>
<tr>
<th>Utilities/Facilities</th>
<th>Rural-5</th>
<th>Rural Traditional</th>
<th>Rural Activity Center</th>
<th>Urban Reserve</th>
<th>Rural Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Yard, Primary</td>
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<td>N</td>
<td>N</td>
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<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.
Possible Locations for Intermodal Transfer Site within Resource Lands and Rural Zoning

Zoning:
- Rural
  - ET
  - REC
  - RAC
- Resource Lands
  - U.S.
  - REA
- Airfield Overlay Zones
  - Runway
  - Primary Surface
  - Runway Protection Zone-1
  - Clear Zone
  - MIA 1
  - MIA 2
  - North, South, Zone-2
  - Terminus Approach/Departure Zone-2
  - Terminus Zone-4
  - MIA 2
- Other Features
  - Urban Growth Boundary
  - Interstate Highway
  - State Highway

Note: 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 healthcare, rural utility centers, and rural conservation zoning areas that are within 3.5 miles from a state highway and meet all site and/or short rail site and/or 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.

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
RL2 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.

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**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.”