

FINAL BILL REPORT

SHB 3099

C 289 L 98

Synopsis as Enacted

Brief Description: Revising the definition of "major industrial development" for the purpose of growth management planning.

Sponsors: By House Committee on Government Reform & Land Use (originally sponsored by Representatives DeBolt, Kessler and Johnson).

House Committee on Government Reform & Land Use Senate Committee on Government Operations

Background: Under the Growth Management Act (GMA), counties meeting specified growth criteria must adopt comprehensive plans that include a land use element, a rural element, a transportation element, and several other elements. A county that does not meet the growth criteria may choose to plan under the GMA.

Each county that plans under the GMA must designate an urban growth area sufficient to permit the urban growth expected to occur over the next 20 years. Counties must encourage urban growth within the urban growth areas, and may allow growth outside of the urban growth areas only if it is not urban in nature. Limited intensive rural development, including development of existing industrial areas, is allowed outside urban growth areas in the rural element and does not constitute urban growth.

The GMA contains several exceptions to the general prohibition of urban growth outside urban growth areas:

- fully contained communities meeting certain criteria are permitted.
- master planned resorts, which are self-contained and fully integrated planned unit developments in a setting of significant natural amenities, may be authorized if specified conditions are met.
- specific major industrial developments may be sited outside urban growth areas if criteria are met. A major industrial development is a specific manufacturing, industrial, or commercial business that either: (1) requires a parcel of land so large that no suitable parcels exist within urban growth areas; or (2) is a natural resource-based industry requiring a location near resource land upon which it is dependent.
- industrial land banks are permitted on a pilot basis. In 1996, the Legislature authorized Clark County to designate a bank of no more than two master planned locations for major industrial activity outside urban growth areas. In 1997, legislation was enacted expanding this authority to include Whatcom County.

The land bank authority allows designation of a location suitable for manufacturing or industrial businesses that: (1) requires a parcel of land so large that no suitable parcels are available within the urban growth area; (2) are natural resource-based industries requiring a location near resource land upon which it is dependent; or (3) require a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The bank may not be for retail commercial development or multitenant office parks.

The following criteria must be met to establish a location for a bank:

- new infrastructure is provided for or impact fees are paid;
- transit-oriented site planning and traffic demand management programs are implemented;
- buffers are provided between the development and adjacent nonurban areas;
- environmental protection including air and water quality has been addressed and provided for;
- development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- adverse impacts on resource lands are mitigated;
- the plan for the development is consistent with critical areas regulations; and
- an inventory has been conducted and the county has found that land suitable to site the location is unavailable within the urban growth area.

The authority to include master planned locations in a bank terminates on December 31, 1998.

Summary: Legislative findings are made that it is beneficial to expand the limited authorization for pilot projects for major industrial activity outside urban growth areas. The Legislature further finds that land bank availability may assist economically disadvantaged counties.

Additional counties are authorized to establish industrial land banks. The additional counties are those with a population between 40,000 and 75,000 and unemployment exceeding the state average by 20 percent for the preceding years, and that are either 1) bordered by the Pacific Ocean or 2) located in the I-5 or I-90 corridors. (The effect is to add Lewis, Grant, and Clallam counties.)

The authority to include master planned locations in a bank is extended one year to December 31, 1999.

Votes on Final Passage:

House 95 0

Senate 31 15 (Senate amended)
House 97 1 (House concurred)

Effective: June 11, 1998