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**SUBSTITUTE SENATE BILL 5700**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on State & Local Government (originally sponsored by Senators Carlson, Benton and Zarelli)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to establishing a pilot program authorizing  
2 designation of industrial land banks outside urban growth areas under  
3 certain circumstances; and amending RCW 36.70A.367.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.367 and 2001 c 326 s 1 are each amended to read  
6 as follows:

7 (1) In addition to the major industrial development allowed under  
8 RCW 36.70A.365, a county (~~required or choosing to plan~~) planning  
9 under RCW 36.70A.040 that meets the criteria in subsection (9) or (10)  
10 of this section may establish, in consultation with cities consistent  
11 with provisions of RCW 36.70A.210, a process for designating a bank of  
12 no more than two master planned locations for major industrial activity  
13 outside urban growth areas.

14 (2) A master planned location for major industrial developments  
15 outside an urban growth area may be included in the urban industrial  
16 land bank for the county if criteria including, but not limited to, the  
17 following are met:

18 (a) New infrastructure is provided for and/or applicable impact  
19 fees are paid;

1 (b) Transit-oriented site planning and traffic demand management  
2 programs are implemented;

3 (c) Buffers are provided between the major industrial development  
4 and adjacent nonurban areas;

5 (d) Environmental protection including air and water quality has  
6 been addressed and provided for;

7 (e) Development regulations are established to ensure that urban  
8 growth will not occur in adjacent nonurban areas;

9 (f) Provision is made to mitigate adverse impacts on designated  
10 agricultural lands, forest lands, and mineral resource lands;

11 (g) The plan for the major industrial development is consistent  
12 with the county's development regulations established for protection of  
13 critical areas; ((and))

14 (h) An inventory of developable land has been conducted as provided  
15 in RCW 36.70A.365;

16 (i) An interlocal agreement related to infrastructure cost sharing  
17 and revenue sharing between the county and interested cities are  
18 established;

19 (j) Provisions are established for determining the availability of  
20 alternate sites within urban growth areas and the long-term annexation  
21 feasibility of land sites outside of urban growth areas; and

22 (k) Development regulations require the industrial land bank site  
23 to be used primarily for locating industrial and manufacturing  
24 businesses and specify that the gross floor area of all commercial and  
25 service buildings or facilities locating within the industrial land  
26 bank shall not exceed ten percent of the total gross floor area of  
27 buildings or facilities in the industrial land bank. The commercial  
28 and service businesses operated within the ten percent gross floor area  
29 limit shall be necessary to the primary industrial or manufacturing  
30 businesses within the industrial land bank. The intent of this  
31 provision for commercial or service use is to meet the needs of  
32 employees, clients, customers, vendors, and others having business at  
33 the industrial site and as an adjunct to the industry to attract and  
34 retain a quality work force and to further other public objectives,  
35 such as trip reduction. Such uses would not be promoted to attract  
36 additional clientele from the surrounding area.

37 (3) In selecting master planned locations for inclusion in the  
38 urban industrial land bank, priority shall be given to locations that  
39 are adjacent to, or in close proximity to, an urban growth area.

1 (4) Final approval of inclusion of a master planned location in the  
2 urban industrial land bank shall be considered an adopted amendment to  
3 the comprehensive plan adopted pursuant to RCW 36.70A.070, except that  
4 RCW 36.70A.130(2) does not apply so that inclusion or exclusion of  
5 master planned locations may be considered at any time.

6 (5) Once a master planned location has been included in the urban  
7 industrial land bank, manufacturing and industrial businesses that  
8 qualify as major industrial development under RCW 36.70A.365 may be  
9 located there.

10 (6) Nothing in this section may be construed to alter the  
11 requirements for a county to comply with chapter 43.21C RCW.

12 (7)(a) The authority of a county meeting the criteria of subsection  
13 (9) of this section to engage in the process of including or excluding  
14 master planned locations from the urban industrial land bank shall  
15 terminate on December 31, (~~(1999)~~) 2007. However, any location  
16 included in the urban industrial land bank on or before December 31,  
17 (~~(1999)~~) 2007, shall (~~(be)~~) remain available for major industrial  
18 development as long as the criteria of subsection (2) of this section  
19 are met. A county that has established or proposes to establish an  
20 industrial land bank pursuant to this section shall review the need for  
21 an industrial land bank within the county, including a review of the  
22 availability of land for industrial and manufacturing uses within the  
23 urban growth area, during the review and evaluation of comprehensive  
24 plans and development regulations required by RCW 36.70A.130.

25 (b) The authority of a county meeting the criteria of subsection  
26 (10) of this section to engage in the process of including or excluding  
27 master planned locations from the urban industrial land bank terminates  
28 on December 31, 2002. However, any location included in the urban  
29 industrial land bank on December 31, 2002, shall be available for major  
30 industrial development as long as the criteria of subsection (2) of  
31 this section are met.

32 (8) For the purposes of this section, "major industrial  
33 development" means a master planned location suitable for manufacturing  
34 or industrial businesses that: (a) Requires a parcel of land so large  
35 that no suitable parcels are available within an urban growth area; or  
36 (b) is a natural resource-based industry requiring a location near  
37 agricultural land, forest land, or mineral resource land upon which it  
38 is dependent; or (c) requires a location with characteristics such as  
39 proximity to transportation facilities or related industries such that

1 there is no suitable location in an urban growth area. The major  
2 industrial development may not be for the purpose of retail commercial  
3 development or multitenant office parks.

4 (9) This section and the termination date specified in subsection  
5 (7)(a) of this section apply to a county that at the time the process  
6 is established under subsection (1) of this section:

7 (a) Has a population greater than two hundred fifty thousand and is  
8 part of a metropolitan area that includes a city in another state with  
9 a population greater than two hundred fifty thousand;

10 (b) Has a population greater than one hundred forty thousand and is  
11 adjacent to another country; or

12 (c) Has a population greater than forty thousand but less than  
13 seventy-five thousand and has an average level of unemployment for the  
14 preceding three years that exceeds the average state unemployment for  
15 those years by twenty percent; and

16 (i) Is bordered by the Pacific Ocean; or

17 (ii) Is located in the Interstate 5 or Interstate 90 corridor.

18 (10) This section and the termination date specified in subsection  
19 (7)(b) of this section apply to a county that at the time the process  
20 is established under subsection (1) of this section:

21 (a) Has a population greater than forty thousand but fewer than  
22 eighty thousand;

23 (b) Has an average level of unemployment for the preceding three  
24 years that exceeds the average state unemployment for those years by  
25 twenty percent; and

26 (c) Is located in the Interstate 5 or Interstate 90 corridor.

27 (11) Any location included in an industrial land bank pursuant to  
28 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of  
29 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
30 for major industrial development according to this section as long as  
31 the criteria of subsection (2) of this section continue to be  
32 satisfied.

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