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HOUSE BILL 2219

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Hunt, DeBolt, Williams and Alexander

Read first time 02/24/2005. Referred to Committee on Local Government.

1            AN ACT Relating to urban industrial land banks; and amending RCW  
2 36.70A.367.

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

4            **Sec. 1.** RCW 36.70A.367 and 2004 c 208 s 1 are each amended to read  
5 as follows:

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

12            (2) A master planned location for major industrial developments  
13 outside an urban growth area may be included in the urban industrial  
14 land bank for the county if criteria including, but not limited to, the  
15 following are met through the completion of a comprehensive planning  
16 process that ensures that:

17            (a) Development regulations are adopted to ensure that urban growth  
18 will not occur in adjacent nonurban areas;

1 (b) The master plan for the major industrial developments is  
2 consistent with the county's development regulations adopted for  
3 protection of critical areas;

4 (c) An inventory of developable land has been conducted as provided  
5 in RCW 36.70A.365;

6 (d) Provisions are established for determining the availability of  
7 alternate sites within urban growth areas and the long-term annexation  
8 feasibility of land sites outside of urban growth areas; and

9 (e) Development regulations are adopted to require the industrial  
10 land bank site to be used primarily for locating industrial and  
11 manufacturing businesses and specify that the gross floor area of all  
12 commercial and service buildings or facilities locating within the  
13 industrial land bank shall not exceed ten percent of the total gross  
14 floor area of buildings or facilities in the industrial land bank. The  
15 commercial and service businesses operated within the ten percent gross  
16 floor area limit shall be necessary to the primary industrial or  
17 manufacturing businesses within the industrial land bank. The intent  
18 of this provision for commercial or service use is to meet the needs of  
19 employees, clients, customers, vendors, and others having business at  
20 the industrial site and as an adjunct to the industry to attract and  
21 retain a quality work force and to further other public objectives,  
22 such as trip reduction. Such uses would not be promoted to attract  
23 additional clientele from the surrounding area. The commercial and  
24 service businesses should be established concurrently with or  
25 subsequent to the industrial or manufacturing businesses.

26 (3) The process for reviewing and approving proposals to authorize  
27 siting of specific major industrial developments within an approved  
28 industrial land bank must ensure through adopted development  
29 regulations that:

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

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

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

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

1 (e) Provision is made to mitigate adverse impacts on designated  
2 agricultural lands, forest lands, and mineral resource lands; and

3 (f) An interlocal agreement related to infrastructure cost sharing  
4 and revenue sharing between the county and interested cities is  
5 established.

6 (4) In selecting master planned locations for inclusion in the  
7 urban industrial land bank, priority shall be given to locations that  
8 are adjacent to, or in close proximity to, an urban growth area.

9 (5) Final approval of inclusion of a master planned location in an  
10 urban industrial land bank under subsection (2) of this section shall  
11 be considered an adopted amendment to the comprehensive plan adopted  
12 pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not  
13 apply so that inclusion or exclusion of master planned locations may be  
14 considered at any time. Approval of specific development proposals  
15 under subsection (3) of this section requires no further comprehensive  
16 plan amendment.

17 (6) Once a master planned location has been included in an urban  
18 industrial land bank, manufacturing and industrial businesses that  
19 qualify as major industrial development under RCW 36.70A.365 may be  
20 located there.

21 (7) Nothing in this section alters the requirements for a county to  
22 comply with chapter 43.21C RCW.

23 (8)(a) The authority of a county meeting the criteria of subsection  
24 (10) of this section to engage in the process of including or excluding  
25 master planned locations from an urban industrial land bank terminates  
26 on December 31, 2007. However, any location included in an urban  
27 industrial land bank on or before December 31, 2007, shall be available  
28 for major industrial development as long as the criteria of subsection  
29 (2) of this section are met. A county that has established or proposes  
30 to establish an industrial land bank pursuant to this section shall  
31 review the need for an industrial land bank within the county,  
32 including a review of the availability of land for industrial and  
33 manufacturing uses within the urban growth area, during the review and  
34 evaluation of comprehensive plans and development regulations required  
35 by RCW 36.70A.130.

36 (b) The authority of a county meeting the criteria of subsection  
37 (11) of this section to engage in the process of including or excluding  
38 master planned locations from the urban industrial land bank terminates

1 on December 31, 2002. However, any location included in the urban  
2 industrial land bank on December 31, 2002, shall be available for major  
3 industrial development as long as the criteria of subsection (2) of  
4 this section are met.

5 (9) For the purposes of this section:

6 (a) "Major industrial development" means a master planned location  
7 suitable for manufacturing or industrial businesses that: (i) Requires  
8 a parcel of land so large that no suitable parcels are available within  
9 an urban growth area; (ii) is a natural resource-based industry  
10 requiring a location near agricultural land, forest land, or mineral  
11 resource land upon which it is dependent; or (iii) requires a location  
12 with characteristics such as proximity to transportation facilities or  
13 related industries such that there is no suitable location in an urban  
14 growth area. The major industrial development may not be for the  
15 purpose of retail commercial development or multitenant office parks.

16 (b) "Industrial land bank" means up to two master planned  
17 locations, each consisting of a parcel or parcels of contiguous land,  
18 sufficiently large so as not to be readily available within the urban  
19 growth area of a city, or otherwise meeting the criteria contained in  
20 (a) of this subsection, suitable for manufacturing, industrial, or  
21 commercial businesses and designated by the county through the  
22 comprehensive planning process specifically for major industrial use.

23 (10) This section and the termination date specified in subsection  
24 (8)(a) of this section apply to a county that at the time the process  
25 is established under subsection (1) of this section:

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

29 (b) Has a population greater than one hundred forty thousand and is  
30 adjacent to another country;

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

35 (i) Is bordered by the Pacific Ocean;

36 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

37 (iii) Is bordered by Hood Canal;

38 (d) Is east of the Cascade divide; and

1 (i) Borders another state to the south; or  
2 (ii) Is located wholly south of Interstate 90 and borders the  
3 Columbia river to the east; (~~(e)~~)  
4 (e) Has an average population density of less than one hundred  
5 persons per square mile as determined by the office of financial  
6 management, and is bordered by the Pacific Ocean and by Hood Canal; or  
7 (f) Borders a county satisfying the criteria in (a), (b), (c), (d),  
8 or (e) of this subsection. A county must have direct major rail line  
9 access to be an eligible county under this subsection (10)(f).  
10 (11) This section and the termination date specified in subsection  
11 (8)(b) of this section apply to a county that at the time the process  
12 is established under subsection (1) of this section:  
13 (a) Has a population greater than forty thousand but fewer than  
14 eighty thousand;  
15 (b) Has an average level of unemployment for the preceding three  
16 years that exceeds the average state unemployment for those years by  
17 twenty percent; and  
18 (c) Is located in the Interstate 5 or Interstate 90 corridor.  
19 (12) Any location included in an industrial land bank pursuant to  
20 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of  
21 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
22 for major industrial development according to this section as long as  
23 the criteria of subsection (2) of this section continue to be  
24 satisfied.

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