

---

HOUSE BILL 1965

---

State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Eddy and Curtis

Read first time 02/02/2007. Referred to Committee on Local Government.

1            AN ACT Relating to authorizing major industrial development within  
2 industrial land banks; and amending RCW 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+))~~ (5) or ~~((+11+))~~ (6) of this section may  
9 establish, in consultation with cities consistent with provisions of  
10 RCW 36.70A.210, a process for designating a bank of no more than two  
11 master planned locations for major industrial activity outside urban  
12 growth areas.

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

18            ~~(a) Development regulations are adopted to ensure that urban growth~~  
19 ~~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)) A master planned location for major industrial developments  
6 may be approved through a two-step process: Designation of an  
7 industrial land bank in the comprehensive plan; and subsequent approval  
8 of specific major industrial developments through a local master plan  
9 process described under subsection (3) of this section.

10 (a) The comprehensive plan must identify locations suited to major  
11 industrial development due to proximity to transportation or resource  
12 assets. The plan must identify the maximum size of the industrial land  
13 bank and any limitations on major industrial developments based on  
14 local limiting factors, but does not need to specify a particular  
15 parcel or parcels of property or identify any specific use or user  
16 except as limited by this section. In selecting locations for the  
17 industrial land bank, priority must be given to locations that are  
18 adjacent to, or in close proximity to, an urban growth area.

19 (b) The environmental review for amendment of the comprehensive  
20 plan must be at the programmatic level and, in addition to a threshold  
21 determination, must include:

22 (i) An inventory of developable land as provided in RCW 36.70A.365;  
23 and

24 (ii) An analysis of the availability of alternative sites within  
25 urban growth areas and the long-term annexation feasibility of sites  
26 outside of urban growth areas.

27 (c) Final approval of an industrial land bank under this section  
28 must be by amendment to the comprehensive plan adopted under RCW  
29 36.70A.070, and the amendment is exempt from the limitation of RCW  
30 36.70A.130(2) and may be considered at any time. Approval of a  
31 specific major industrial development within the industrial land bank  
32 requires no further amendment of the comprehensive plan.

33 (3) In concert with the designation of an industrial land bank, a  
34 county shall also adopt development regulations for review and approval  
35 of specific major industrial developments through a master plan  
36 process. The master plan process must ensure, at a minimum, that:

37 (a) Urban growth will not occur in adjacent nonurban areas;

1       (b) Development is consistent with the county's development  
2 regulations adopted for protection of critical areas;

3       (c) A major industrial development is used primarily by industrial  
4 and manufacturing businesses, and that the gross floor area of all  
5 commercial and service buildings or facilities locating within the  
6 major industrial development does not exceed ten percent of the total  
7 gross floor area of buildings or facilities in the development. The  
8 intent of this provision for commercial or service use is to meet the  
9 needs of employees, clients, customers, vendors, and others having  
10 business at the industrial site, to attract and retain a quality  
11 workforce, and to further other public objectives, such as trip  
12 reduction. These uses may not be promoted to attract additional  
13 clientele from the surrounding area. Commercial and service businesses  
14 must be established concurrently with or subsequent to the industrial  
15 or manufacturing businesses;

16       (d) New infrastructure is provided for and/or applicable impact  
17 fees are paid to assure that adequate facilities are provided  
18 concurrently with the development. Infrastructure may be achieved in  
19 phases as development proceeds;

20       (e) Buffers are provided between the major industrial development  
21 and adjacent rural areas;

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

24       (g) An open record public hearing is held before either the  
25 planning commission or hearing examiner with notice published at least  
26 thirty days before the hearing date and mailed to all property owners  
27 within one mile of the site.

28       (4) For the purposes of this section:

29       (a) "Major industrial development" means a master planned location  
30 suitable for manufacturing or industrial businesses that: (i) Requires  
31 a parcel of land so large that no suitable parcels are available within  
32 an urban growth area; (ii) is a natural resource-based industry  
33 requiring a location near agricultural land, forest land, or mineral  
34 resource land upon which it is dependent; or (iii) requires a location  
35 with characteristics such as proximity to transportation facilities or  
36 related industries such that there is no suitable location in an urban  
37 growth area. The major industrial development may not be for the  
38 purpose of retail commercial development or multitenant office parks.

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

8 ~~((10))~~ (5) This section ~~((and the termination date specified in~~  
9 ~~subsection (8)(a) of this section apply))~~ applies to a county that at  
10 the time the process is established under subsection (1) of this  
11 section:

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

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

17 (c) Has ~~((a population greater than forty thousand but less than~~  
18 ~~seventy five thousand and has))~~ an average level of unemployment for  
19 the preceding three years that exceeds the average state unemployment  
20 for those years by twenty percent; and

21 (i) Is bordered by the Pacific Ocean;

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

23 (iii) Is bordered by Hood Canal;

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

25 (i) Borders another state to the south; or

26 (ii) Is located wholly south of Interstate 90 and borders the  
27 Columbia river to the east; or

28 (e) Has an average population density of less than one hundred  
29 persons per square mile as determined by the office of financial  
30 management, and is bordered by the Pacific Ocean and by Hood Canal.

31 ~~((11))~~ (6) This section ~~((and the termination date specified in~~  
32 ~~subsection (8)(b) of this section apply))~~ applies to a county that at  
33 the time the process is established under subsection (1) of this  
34 section:

35 (a) Has a population greater than forty thousand but fewer than  
36 eighty thousand;

37 (b) Has an average level of unemployment for the preceding three

1 years that exceeds the average state unemployment for those years by  
2 twenty percent; and

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

4 ~~((+12+))~~ (7) Any location included in an industrial land bank  
5 pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter  
6 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall  
7 remain available for major industrial development according to this  
8 section as long as the ~~((criteria))~~ process of subsection (2) of this  
9 section continues to be satisfied.

--- END ---