
HOUSE BILL 1360

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Wylie and Harris

Read first time 01/24/13. Referred to Committee on Local Government.

1 AN ACT Relating to extending the deadline to designate one or more
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 2007 c 433 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 (5) 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 may
13 be approved through a two-step process: Designation of an industrial
14 land bank area in the comprehensive plan; and subsequent approval of
15 specific major industrial developments through a local master plan
16 process described under subsection (3) of this section.

17 (a) The comprehensive plan must identify locations suited to major
18 industrial development due to proximity to transportation or resource
19 assets. The plan must identify the maximum size of the industrial land

1 bank area and any limitations on major industrial developments based on
2 local limiting factors, but does not need to specify a particular
3 parcel or parcels of property or identify any specific use or user
4 except as limited by this section. In selecting locations for the
5 industrial land bank area, priority must be given to locations that are
6 adjacent to, or in close proximity to, an urban growth area.

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

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

12 (ii) An analysis of the availability of alternative sites within
13 urban growth areas and the long-term annexation feasibility of sites
14 outside of urban growth areas.

15 (c) Final approval of an industrial land bank area under this
16 section must be by amendment to the comprehensive plan adopted under
17 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
18 36.70A.130(2) and may be considered at any time. Approval of a
19 specific major industrial development within the industrial land bank
20 area requires no further amendment of the comprehensive plan.

21 (3) In concert with the designation of an industrial land bank
22 area, a county shall also adopt development regulations for review and
23 approval of specific major industrial developments through a master
24 plan process. The regulations governing the master plan process shall
25 ensure, at a minimum, that:

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

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

29 (c) Required infrastructure is identified and provided concurrent
30 with development. Such infrastructure, however, may be phased in with
31 development;

32 (d) Transit-oriented site planning and demand management programs
33 are specifically addressed as part of the master plan approval;

34 (e) Provision is made for addressing environmental protection,
35 including air and water quality, as part of the master plan approval;

36 (f) The master plan approval includes a requirement that interlocal
37 agreements between the county and service providers, including cities

1 and special purpose districts providing facilities or services to the
2 approved master plan, be in place at the time of master plan approval;

3 (g) 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 (h) 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 (i) Buffers are provided between the major industrial development
21 and adjacent rural areas;

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

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

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

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

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

20 (i) Is bordered by the Pacific Ocean;

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

22 (iii) Is bordered by Hood Canal;

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

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

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

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

30 (f) Meets all of the following criteria:

31 (i) Has a population greater than forty thousand but fewer than
32 eighty thousand;

33 (ii) Has an average level of unemployment for the preceding three
34 years that exceeds the average state unemployment for those years by
35 twenty percent; and

36 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

37 (6) In order to identify and approve locations for industrial land
38 banks, the county shall take action to designate one or more industrial

1 land banks and adopt conforming regulations as provided by ((RCW
2 ~~36.70A.367(2)~~) subsection (2) of this section on or before the last
3 date to complete that county's next periodic review under RCW
4 36.70A.130(4) that occurs prior to December 31, ((2014)) 2016. The
5 authority to take action to designate a land bank area in the
6 comprehensive plan expires if not acted upon by the county within the
7 time frame provided in this section. Once a land bank area has been
8 identified in the county's comprehensive plan, the authority of the
9 county to process a master plan or site projects within an approved
10 master plan does not expire.

11 (7) Any county seeking to designate an industrial land bank under
12 this section must:

13 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
14 of the intent to designate an industrial land bank. Notice must be
15 published in a newspaper or newspapers of general circulation
16 reasonably likely to reach subscribers in all geographic areas of the
17 county. Notice must be provided not less than thirty days prior to
18 commencement of consideration by the county legislative body; and

19 (b) Make a written determination of the criteria and rationale used
20 by the legislative body as the basis for siting an industrial land bank
21 under this chapter.

22 (8) Any location included in an industrial land bank pursuant to
23 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
24 1997, and section 2, chapter 167, Laws of 1996 shall remain available
25 for major industrial development according to this section as long as
26 the requirements of this section continue to be satisfied.

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