

SENATE BILL REPORT

ESB 5915

As Passed Senate, March 18, 1997

Title: An act relating to industrial land banks.

Brief Description: Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area.

Sponsors: Senators Anderson, Hale, Bauer and Stevens.

Brief History:

Committee Activity: Government Operations: 2/25/97, 3/4/97 [DP, DNP]
Passed Senate, 3/18/97, 30-19.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

Minority Report: Do not pass.

Signed by Senators Haugen and Patterson.

Staff: Kathleen Healy (786-7403)

Background: The Growth Management Act (GMA) was enacted in 1990 and 1991, establishing a variety of requirements for counties and cities. A few requirements are established for all counties and cities, and additional requirements are established for those counties and cities that are required to plan under all GMA provisions.

Two sets of populations and growth factors are established to determine whether a county, and the cities within such a county, are required to plan under all GMA requirements.

Each county planning under all GMA requirements, in cooperation with the cities located within its boundaries, develops a countywide planning policy to guide the comprehensive plans that the county and those cities develop. Counties are recognized as being regional governments. Cities are recognized as the primary providers of urban government services within urban growth areas.

Among other requirements, a county planning under all GMA requirements must designate urban growth areas within the county inside of which urban growth must occur and outside of which urban growth must not occur. Every city must be included within an urban growth area. Other areas may be included in an urban growth area if they are already characterized by urban growth or are adjacent to such areas. The county uses a 20-year population forecast prepared by the Office of Financial Management as the basis for designating its urban growth areas.

A county planning under all GMA requirements must adopt a comprehensive plan with a rural element that includes lands not located within an urban growth area and which have not been designated for agriculture, forest, or mineral resources. The rural element must permit land uses compatible with the rural character of these lands and must provide for a variety of densities.

Every county and city in the state is required to designate agricultural lands with long-term commercial significance for agriculture, forest lands with long-term commercial production of timber, and mineral resource lands with long-term significance for mineral extraction. Counties and cities planning under all GMA requirements are required to adopt development regulations assuring the protection of each of these types of designated lands.

Counties planning under the GMA may establish a process for reviewing and approving proposals to site specific major industrial developments outside urban growth areas. Major industrial development means a master planned location for a specific business that (a) requires a parcel of land so large that none are available within an urban growth area, or (b) is of a nature requiring a location near agricultural, forest, or mineral resource land.

Summary of Bill: Industrial developments and industrial land banks may be established as permissible urban growth outside of urban growth areas.

An industrial land bank is defined as a location designated for one or more manufacturing, industrial, commercial or high-technology business, related office uses and incidental retail or commercial uses designed to serve or support the industrial land bank. The county must find there is no suitable location in an existing urban growth area to locate the industrial land bank, and the location must be characterized by size or proximity to transportation facilities, natural resources, or related industries. The industrial land bank is not for retail commercial development or multi-tenant office parks.

To designate an industrial land bank, the county must find (a) after an inventory, no suitable location for the land bank is available within an existing urban growth area, (b) the industrial land bank is important to achieve documented state or county economic development goals, and (c) the necessary infrastructure is available or can be provided by private or public sources in a timely manner. A county may not designate more than two noncontiguous land bank locations.

A development proposal within an industrial land bank may be approved if certain criteria are met. Adequate infrastructure or applicable impact fees, or both, must be provided for, and transportation impacts addressed. Buffers are to be provided between the industrial land bank and adjacent nonurban areas. Development in the industrial land bank must be consistent with the county's development regulations protecting critical areas.

Counties planning under the GMA may designate an industrial land bank on the land use map when the comprehensive plan is being adopted, or as an amendment to the plan.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There are some deficiencies in the GMA which this helps address. Cherry Point was zoned for industrial purposes for 30 years. The approach taken there is a rational one and strikes the need for concerns about the environment and for jobs. This amendment is necessary because it clarifies the idea that this sort of development is appropriate, and it reduces litigation. Some areas have a small economic base and this bill addresses how to deal with these concerns.

Testimony Against: This bill poses some concerns. This issue needs to be addressed clearly and concisely. If there is any arguable points, someone will argue it. Banking—implies storing. These should be called satellite UGSs. There is no need to have a city in a UGA. The concept is supported, but constructive refinement is needed. This bill could compromise GMA goals. There are some potential loopholes. If these are prime industrial lands, why not preserve them.

Testified: PRO: Dave Williams, AWC; Steve Hazelgrove, AWB; Sally Feldman, Realtors; Greg Hanon, NAIOP; Doug Levy, City of Everett; Eric Johnson, Washington Public Ports Association; Roberta Balanezo, Trillium Corporation; Amy Kosterlitz, Trillium Corporation; Sarah Smith, Skookum Lumber; CON: Steve Wells, CTED; Mike Ryland, APA; Scott Merriman, Washington Environment Council.

House Amendment(s): The House amendment retains current law for major industrial development.

The number of counties which may establish industrial land banks is expanded. Counties with a population of at least 140,000 and adjacent to another country are allowed to establish industrial land banks.

Major industrial development must be in proximity to transportation facilities or related industries.