

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6534

Chapter 208, Laws of 2004

58th Legislature
2004 Regular Session

INDUSTRIAL LAND BANKS

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 16, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6534 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 29, 2004 - 3:07 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6534

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by
Senators Hargrove and Mulliken)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to the siting and designating processes of
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 2003 c 88 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 ~~((+9+))~~ (10) or ~~((+10+))~~ (11) of this section
9 may establish, in consultation with cities consistent with provisions
10 of 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 ~~((Development regulations are established to ensure that urban~~
2 ~~growth will not occur in adjacent nonurban areas;~~

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

5 ~~((g) The plan for the major industrial development is consistent~~
6 ~~with the county's development regulations established for protection of~~
7 ~~critical areas;~~

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

10 ~~((i))~~ ~~((f))~~ An interlocal agreement related to infrastructure cost
11 sharing and revenue sharing between the county and interested cities
12 ~~((are [is]))~~ is established(~~(;~~

13 ~~(j) Provisions are established for determining the availability of~~
14 ~~alternate sites within urban growth areas and the long term annexation~~
15 ~~feasibility of land sites outside of urban growth areas; and~~

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

33 ~~((3))~~ (4) In selecting master planned locations for inclusion in
34 the urban industrial land bank, priority shall be given to locations
35 that are adjacent to, or in close proximity to, an urban growth area.

36 ~~((4))~~ (5) Final approval of inclusion of a master planned
37 location in ~~((the))~~ an urban industrial land bank under subsection (2)
38 of this section shall be considered an adopted amendment to the

1 comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW
2 36.70A.130(2) does not apply so that inclusion or exclusion of master
3 planned locations may be considered at any time. Approval of specific
4 development proposals under subsection (3) of this section requires no
5 further comprehensive plan amendment.

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

10 ~~((+6))~~ (7) Nothing in this section ~~((may be construed to))~~ alters
11 the requirements for a county to comply with chapter 43.21C RCW.

12 ~~((+7))~~ (8)(a) The authority of a county meeting the criteria of
13 subsection ~~((+9))~~ (10) of this section to engage in the process of
14 including or excluding master planned locations from ~~((the))~~ an urban
15 industrial land bank ~~((shall))~~ terminates on December 31, 2007.
16 However, any location included in ~~((the))~~ an urban industrial land bank
17 on or before December 31, 2007, shall be 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))~~ (11) of this section to engage in the process of including or
27 excluding master planned locations from the urban industrial land bank
28 terminates on December 31, 2002. However, any location included in the
29 urban industrial land bank on December 31, 2002, shall be available for
30 major industrial development as long as the criteria of subsection (2)
31 of this section are met.

32 ~~((+8))~~ (9) For the purposes of this section~~((τ))~~:

33 (a) "Major industrial development" means a master planned location
34 suitable for manufacturing or industrial businesses that: ~~((+a))~~ (i)
35 Requires a parcel of land so large that no suitable parcels are
36 available within an urban growth area; ~~((or-(b))~~ (ii) is a natural
37 resource-based industry requiring a location near agricultural land,
38 forest land, or mineral resource land upon which it is dependent; or

1 (~~(e)~~) (iii) requires a location with characteristics such as
2 proximity to transportation facilities or related industries such that
3 there is no suitable location in an urban growth area. The major
4 industrial development may not be for the purpose of retail commercial
5 development or multitenant office parks.

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

13 (10) This section and the termination date specified in subsection
14 (~~(7)~~) (8)(a) of this section apply to a county that at the time the
15 process is established under subsection (1) of this section:

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

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

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

25 (i) Is bordered by the Pacific Ocean;

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

27 (iii) Is bordered by Hood Canal;

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

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

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

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

35 (~~(10)~~) (11) This section and the termination date specified in
36 subsection (~~(7)~~) (8)(b) of this section apply to a county that at the
37 time the process is established under subsection (1) of this section:

1 (a) Has a population greater than forty thousand but fewer than
2 eighty thousand;
3 (b) Has an average level of unemployment for the preceding three
4 years that exceeds the average state unemployment for those years by
5 twenty percent; and
6 (c) Is located in the Interstate 5 or Interstate 90 corridor.
7 (~~(11)~~) (12) Any location included in an industrial land bank
8 pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter
9 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall
10 remain available for major industrial development according to this
11 section as long as the criteria of subsection (2) of this section
12 continue to be satisfied.

Passed by the Senate February 16, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 29, 2004.

Filed in Office of Secretary of State March 29, 2004.