

# HOUSE BILL REPORT

## SB 5651

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**As Passed House:**

April 10, 2003

**Title:** An act relating to urban industrial land banks in counties with low population densities.

**Brief Description:** Authorizing land banks in certain counties with low population densities.

**Sponsors:** By Senators Hargrove, Mulliken and T. Sheldon.

**Brief History:**

**Committee Activity:**

Local Government: 3/31/03, 4/3/03 [DP].

**Floor Activity:**

Passed House: 4/10/03, 95-0.

**Brief Summary of Bill**

- Allows a county meeting specified population density and geographic criteria to establish land banks for major industrial activity outside designated urban growth areas.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

**Staff:** Ethan Moreno (786-7386).

**Background:**

*Growth Management Act*

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in

Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major GMA requirements. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Among numerous planning requirements, GMA jurisdictions must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. The GMA, however, includes some exceptions to UGA requirements for new fully contained communities, master planned resorts, and major industrial developments complying with specified criteria.

#### Major Industrial Development - Pilot Project

In 1996 the Legislature enacted legislation authorizing a pilot project under which major industrial development could be established outside UGAs for the purpose of expeditiously siting such development (i.e., HB 2467, enacted as Chapter 167, Laws of 1996). Among other provisions, the pilot project legislation established criteria for siting these developments within designated banks of land; provided for amending GMA comprehensive plans to implement these provisions; and specified eligibility criteria and termination dates for relevant county authority. The provisions of the original pilot project have been amended several times to modify the applicable criteria and termination dates.

#### Master Planned Locations - Establishment Criteria

Under current law, eligible counties meeting specified criteria (see below) may establish up to two master planned locations for major industrial activity within an urban industrial land bank (land bank) located outside UGAs.

"Major industrial development" is defined as a master planned location suitable for manufacturing or industrial businesses that:

- requires a parcel of land so large that no suitable parcels are available within a UGA; or
- is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or
- requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location within a UGA.

Major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

Among other criteria for establishing major industrial developments within designated land banks, eligible counties must provide for new infrastructure, environmental

protection, and mitigation of adverse impacts on other lands. Additionally, when selecting locations for inclusion within a land bank, counties must give priority to locations adjacent to, or in close proximity to, a UGA.

Master Planned Locations - Eligibility Criteria/Termination Dates

Statute prescribes two sets of eligibility criteria and termination dates for counties engaged in the process of including or excluding master planned locations from a land bank. Eligibility criteria for *both sets* includes specific population, geographic, and unemployment requirements. The *first set* of eligibility criteria terminates on December 31, 2007. The *second set* of eligibility criteria terminated on December 31, 2002. Any location included in a land bank on or before the termination date remains available for major industrial development if the *establishment* criteria are met.

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**Summary of Bill:**

Unemployment eligibility criterion for a county authorized to engage in the process of including or excluding master planned locations from a land bank until December 31, 2007, is replaced with a population density criterion fewer than 100 persons per square mile. The amended criterion apply to a county bordered by the Pacific Ocean and by Hood Canal.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Because of changes in the state's unemployment rate, a specific criterion in current law allowing the establishment of a land bank is no longer applicable. This bill is essentially a technical correction related to shifting unemployment rates.

**Testimony Against:** None.

**Testified:** Senator Hargrove, prime sponsor; and Mike Ryherd, American Planning Association.