

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5019**

Chapter 190, Laws of 1995

(partial veto)

54th Legislature  
1995 Regular Session

INDUSTRIAL DEVELOPMENT SITING

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 17, 1995  
YEAS 39 NAYS 0

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 6, 1995  
YEAS 96 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 1, 1995, with the  
exception of section 2, which is  
vetoed.

MIKE LOWRY

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the  
Senate of the State of Washington,  
do hereby certify that the attached  
is **ENGROSSED SENATE BILL 5019** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 1, 1995 - 11:32 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 5019**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

**State of Washington                      54th Legislature                      1995 Regular Session**

**By Senator Snyder**

Read first time 01/09/95.      Referred to Committee on Government Operations.

1            AN ACT Relating to industrial developments; adding a new section to  
2 chapter 36.70A RCW; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.70A RCW  
5 to read as follows:

6            A county required or choosing to plan under RCW 36.70A.040 may  
7 establish, in consultation with cities consistent with provisions of  
8 RCW 36.70A.210, a process for reviewing and approving proposals to  
9 authorize siting of specific major industrial developments outside  
10 urban growth areas.

11            (1) "Major industrial development" means a master planned location  
12 for a specific manufacturing, industrial, or commercial business that:  
13 (a) Requires a parcel of land so large that no suitable parcels are  
14 available within an urban growth area; or (b) is a natural resource-  
15 based industry requiring a location near agricultural land, forest  
16 land, or mineral resource land upon which it is dependent. The major  
17 industrial development shall not be for the purpose of retail  
18 commercial development or multitenant office parks.

1 (2) A major industrial development may be approved outside an urban  
2 growth area in a county planning under this chapter if criteria  
3 including, but not limited to the following, are met:

4 (a) New infrastructure is provided for and/or applicable impact  
5 fees are paid;

6 (b) Transit-oriented site planning and traffic demand management  
7 programs are implemented;

8 (c) Buffers are provided between the major industrial development  
9 and adjacent nonurban areas;

10 (d) Environmental protection including air and water quality has  
11 been addressed and provided for;

12 (e) Development regulations are established to ensure that urban  
13 growth will not occur in adjacent nonurban areas;

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

16 (g) The plan for the major industrial development is consistent  
17 with the county's development regulations established for protection of  
18 critical areas; and

19 (h) An inventory of developable land has been conducted and the  
20 county has determined and entered findings that land suitable to site  
21 the major industrial development is unavailable within the urban growth  
22 area. Priority shall be given to applications for sites that are  
23 adjacent to or in close proximity to the urban growth area.

24 (3) Final approval of an application for a major industrial  
25 development shall be considered an adopted amendment to the  
26 comprehensive plan adopted pursuant to RCW 36.70A.070 designating the  
27 major industrial development site on the land use map as an urban  
28 growth area. Final approval of an application for a major industrial  
29 development shall not be considered an amendment to the comprehensive  
30 plan for the purposes of RCW 36.70A.130(2) and may be considered at any  
31 time.

32 ***\*NEW SECTION. Sec. 2. This act is necessary for the immediate***  
33 ***preservation of the public peace, health, or safety, or support of the***  
34 ***state government and its existing public institutions, and shall take***  
35 ***effect immediately.***

36 ***\*Sec. 2 was vetoed. See message at end of chapter.***

Passed the Senate April 17, 1995.

Passed the House April 6, 1995.

Approved by the Governor May 1, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 1, 1995.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2, Engrossed Senate Bill No. 5019 entitled:

"AN ACT Relating to industrial developments;"

This legislation establishes a careful and appropriate process to allow counties to site large industrial facilities and to locate natural resource dependent facilities outside of urban growth areas. The process will be advanced by a county in collaboration with its cities and requires an inventory of available land and a finding that there is not sufficient land available for such development. It provides for infrastructure and environmental protection and establishes safeguards to prevent these developments from contributing to sprawl.

This bill includes an emergency clause in section 2. This section is ill advised when establishing a process of this nature. The process established will take many months to complete and will require the collaborative efforts of counties and cities. Preventing this bill from being subject to a referendum under Article II, section 1(b) of the state Constitution unnecessarily denies the people of this state their power, at their own option, to approve or reject this bill at the polls.

With the exception of section 2, Engrossed Senate Bill No. 5019 is approved."