

CERTIFICATION OF ENROLLMENT

SENATE BILL 5651

Chapter 88, Laws of 2003

58th Legislature
2003 Regular Session

URBAN INDUSTRIAL LAND BANKS

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 16, 2003
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 10, 2003
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 23, 2003.

GARY 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 **SENATE BILL 5651** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

April 23, 2003 - 4:45 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5651

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senators Hargrove, Mulliken and T. Sheldon

Read first time 02/05/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to urban industrial land banks in counties with low
2 population densities; 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 2002 c 306 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) or (10) 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
13 outside an urban growth area may be included in the urban industrial
14 land bank for the county if criteria including, but not limited to, the
15 following are met:

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

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

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

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

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

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

9 (g) The plan for the major industrial development is consistent
10 with the county's development regulations established for protection of
11 critical areas;

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

14 (i) An interlocal agreement related to infrastructure cost sharing
15 and revenue sharing between the county and interested cities are [is]
16 established;

17 (j) Provisions are established for determining the availability of
18 alternate sites within urban growth areas and the long-term annexation
19 feasibility of land sites outside of urban growth areas; and

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

37 (3) In selecting master planned locations for inclusion in the

1 urban industrial land bank, priority shall be given to locations that
2 are adjacent to, or in close proximity to, an urban growth area.

3 (4) Final approval of inclusion of a master planned location in the
4 urban industrial land bank shall be considered an adopted amendment to
5 the comprehensive plan adopted pursuant to RCW 36.70A.070, except that
6 RCW 36.70A.130(2) does not apply so that inclusion or exclusion of
7 master planned locations may be considered at any time.

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

12 (6) Nothing in this section may be construed to alter the
13 requirements for a county to comply with chapter 43.21C RCW.

14 (7)(a) The authority of a county meeting the criteria of subsection
15 (9) of this section to engage in the process of including or excluding
16 master planned locations from the urban industrial land bank shall
17 terminate on December 31, 2007. However, any location included in the
18 urban industrial land bank on or before December 31, 2007, shall be
19 available for major industrial development as long as the criteria of
20 subsection (2) of this section are met. A county that has established
21 or proposes to establish an industrial land bank pursuant to this
22 section shall review the need for an industrial land bank within the
23 county, including a review of the availability of land for industrial
24 and manufacturing uses within the urban growth area, during the review
25 and evaluation of comprehensive plans and development regulations
26 required by RCW 36.70A.130.

27 (b) The authority of a county meeting the criteria of subsection
28 (10) of this section to engage in the process of including or excluding
29 master planned locations from the urban industrial land bank terminates
30 on December 31, 2002. However, any location included in the urban
31 industrial land bank on December 31, 2002, shall be available for major
32 industrial development as long as the criteria of subsection (2) of
33 this section are met.

34 (8) For the purposes of this section, "major industrial
35 development" means a master planned location suitable for manufacturing
36 or industrial businesses that: (a) Requires a parcel of land so large
37 that no suitable parcels are available within an urban growth area; or
38 (b) is a natural resource-based industry requiring a location near

1 agricultural land, forest land, or mineral resource land upon which it
2 is dependent; or (c) requires a location with characteristics such as
3 proximity to transportation facilities or related industries such that
4 there is no suitable location in an urban growth area. The major
5 industrial development may not be for the purpose of retail commercial
6 development or multitenant office parks.

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

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

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

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

19 (i) Is bordered by the Pacific Ocean;

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

21 (iii) Is bordered by Hood Canal;

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

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

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

26 (e) Has an average (~~level of unemployment for the preceding three~~
27 ~~years that exceeds the average state unemployment for those years by~~
28 ~~twenty percent~~)) population density of less than one hundred persons
29 per square mile as determined by the office of financial management,
30 and is bordered by the Pacific Ocean and by Hood Canal.

31 (10) This section and the termination date specified in subsection
32 (7)(b) of this section apply to a county that at the time the process
33 is established under subsection (1) of this section:

34 (a) Has a population greater than forty thousand but fewer than
35 eighty thousand;

36 (b) Has an average level of unemployment for the preceding three
37 years that exceeds the average state unemployment for those years by
38 twenty percent; and

1 (c) Is located in the Interstate 5 or Interstate 90 corridor.

2 (11) Any location included in an industrial land bank pursuant to
3 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
4 1997, and section 2, chapter 167, Laws of 1996 shall remain available
5 for major industrial development according to this section as long as
6 the criteria of subsection (2) of this section continue to be
7 satisfied.

Passed by the Senate March 16, 2003.

Passed by the House April 10, 2003.

Approved by the Governor April 23, 2003.

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