



# KICK-OFF MEETING

## Clark County Rural Industrial Land Bank

August 13, 2014, 3-4:30 PM | Clark County Offices, 1300 Franklin St, 4<sup>th</sup> Floor

### AGENDA

<b>I. Introductions</b>	<b>3:00</b>
<b>II. Work Program &amp; Schedule</b>	<b>3:05</b>
• Deliverables & Schedule	
• Public Outreach & Legislative Meetings	
<b>III. De-Designation Analysis</b>	<b>3:15</b>
• Approach	
• Study Area	
<b>IV. Master Plan</b>	<b>3:45</b>
• Approach	
• Study Area	
<b>V. Programmatic Environmental Analysis</b>	<b>4:15</b>
• Inventory and alternative sites analysis – Data and Approach	
• Programmatic SEPA Strategies	
<b>VI. Next Steps</b>	<b>4:30</b>

# DATA NEEDS LIST

## Clark County Rural Industrial Land Bank: August 13, 2014

### PRELIMINARY DATA REQUEST

- GIS Layers
  - Comprehensive Plan
  - Zoning
  - City limits / UGAs
  - Parcels
  - Assessor Land Use
  - Soils
  - Critical Areas
  - Sewer Service Area
  - Buildable Lands Analysis
- Clark County Employment Land Inventory developed by the CREDC Land for Jobs Committee in 2011
  - PDF Copy of Report (readable)
  - GIS Files associated with Report
- Documentation from 1994/1998 Agricultural Lands Designation Process if available
- Regarding Transportation, the following link provides a roadway circulation plan County previously produced for the area. <http://www.clark.wa.gov/planning/Transportation/sr503.html> . Questions: 1) is there any other update to the above link that we should be aware of? and 2) how communications with WSDOT should be handled (can we contract them direct or is there a County liaison, is WSDOT aware of the project effort, etc.).

# SEPA STRATEGIES OUTLINE

## Clark County Rural Industrial Land Bank

### SUMMARY OF PRELIMINARY APPROACH

**Background:** The sites have been studied for a variety of agricultural and employment uses including urban industrial uses in a 2007 EIS; prior Comprehensive Plan amendments includes the properties in the Vancouver UGA, but the expansions were removed after a Growth Management Hearings Board determination and compliance order requiring the County to do so.

**Task:** Prepare SEPA strategies considering the prior environmental review, baseline conditions and the proposed master plan, and the potential number of alternatives. Potential approaches could include the following:

1. Adoption of the 2007 EIS and a Determination of Non-Significance supported by an expanded non-project SEPA Checklist (e.g. use of Ecology's non-project checklist that is optional for use). This Checklist will be supported by Task 3 (inventory and alternatives analysis) and the existing conditions report in Task 2.
2. Adoption of the 2007 EIS and a Determination of Significance supported by an Addendum relying on the range of the alternatives in the 2007 EIS and the analysis created for the proposal including Task 3 (inventory and alternatives analysis) and the existing conditions report in Task 2.

### EXAMPLES

#### Notices

- Notice of Adoption / Determination of Non-Significance:  
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbappd.html#dnsadopt>
- Notice of Adoption / Determination of Significance:  
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbappd.html#dsadopt>

#### Addenda

##### Addendum Examples

- Kenmore Bastyr University Master Plan, DS/Adoption of Prior EIS with Addendum:  
<http://archive.today/vw1qP>
- Snohomish County, Various Non-Project Proposals with Addenda:  
<http://www.snohomishcountywa.gov/1603/Environmental-Documents>
- Non-Project Review Form (Could be used for Addendum Analysis):  
<http://www.ecy.wa.gov/programs/sea/sepa/nprf61902.htm>

## DRAFT CHECKLIST

### De-Designation Analysis – Agricultural 20 Zone Associated with Rural Industrial Land Bank

#### STUDY AREA

Description	Comments

#### MAPS REVIEWED

Maps	Comments
€ Comprehensive Plan	
€ Zoning	
€ Soils	
€ Topography	
€ Aerial photography	
€ Current Use	
€ Parcel size	
€ Infrastructure: Roads, Sewer, Water	
€ Floodplains	
€ Wetlands	
€ Streams	
€ Aquifer Recharge	
€ Geologic Hazards	
€ Other:	
€ Other:	



**ANALYSIS**

<u>WAC 365-190-050 Criteria</u>	1994 / 1998 Analysis	2007 Analysis	2014 Analysis
<p>(1) In classifying and designating agricultural resource lands, counties must approach the effort as a county-wide or area-wide process. Counties and cities should not review resource lands designations solely on a parcel-by-parcel process. Counties and cities must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas. Cities are encouraged to coordinate their agricultural resource lands designations with their county and any adjacent jurisdictions.</p>			
<p>2) Once lands are designated, counties and cities planning under the act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in WAC 365-196-815.</p>			
<p>(3) Lands should be considered for designation as agricultural resource lands based on three factors:</p>			
<p>(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.</p>			
<p>(b) The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.</p>			

DE-DESIGNATION ANALYSIS – AGRICULTURAL 20 ZONE  
ASSOCIATED WITH RURAL INDUSTRIAL LAND BANK

WAC 365-190-050 Criteria	1994 / 1998 Analysis	2007 Analysis	2014 Analysis
<p>(i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.</p>			
<p>(ii) In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.</p>			
<p>(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:</p>			
<p>(i) The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service,</p>			
<p>(ii) The availability of public facilities, including roads used in transporting agricultural products</p>			
<p>(iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights,</p>			

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<u>WAC 365-190-050 Criteria</u>	1994 / 1998 Analysis	2007 Analysis	2014 Analysis
(iv) The availability of public services,			
(v) Relationship or proximity to urban growth areas,			
(vi) Predominant parcel size,			
(vii) Land use settlement patterns and their compatibility with agricultural practices,			
(viii) Intensity of nearby land uses,			
(ix) History of land development permits issued nearby,			
(x) Land values under alternative uses, and			
(xi) Proximity to markets			
(4) When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods			
(5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities			

<b>WAC 365-190-050 Criteria</b>	<b>1994 / 1998 Analysis</b>	<b>2007 Analysis</b>	<b>2014 Analysis</b>
<p>(6) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency. It may also be useful to consult with any existing local organizations marketing or using local produce, including the boards of local farmers markets, school districts, other large institutions, such as hospitals, correctional facilities, or existing food cooperatives.</p> <p>These additional lands may include designated critical areas, such as bogs used to grow cranberries or farmed wetlands. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.</p>			

- **Attachments:** Industrial Land Bank Rules and Law



## **WAC 365-196-470**

# **INDUSTRIAL LAND BANKS.**

(1) In addition to the major industrial development allowed under RCW 36 70A 365, a county planning under RCW 36 70A 040 that meets the criteria in subsection (2) of this section may establish a process for designating an industrial land bank consisting of no more than two master planned locations for major industrial activity outside urban growth areas

(a) "Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria contained in RCW 36 70A 367 (4)(a), suitable for manufacturing, industrial, or commercial businesses and designated by the county through the comprehensive planning process specifically for major industrial use

(b) The process of designating industrial land banks must occur in consultation with cities consistent with the county-wide planning policies and, where applicable multicounty planning policies

(c) A master planned location for major industrial developments may be approved through a two-step process. Designation of an industrial land bank area in the comprehensive plan, and subsequent approval of specific major industrial developments through a local master plan process described under subsection (3)(f) of this section

(2) Counties eligible to create an industrial land bank. Only counties that meet one of the following criteria may designate an industrial land bank

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

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

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

(i) Bordered by the Pacific Ocean,

(ii) Located in the Interstate 5 or Interstate 90 corridor, or

(iii) Bordered by Hood Canal

(d) Is east of the Cascade divide, and

(i) Borders another state to the south, or

(ii) Is located wholly south of Interstate 90 and borders the Columbia River to the east,

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

(f) Meets all of the following criteria

(i) Has a population greater than forty thousand but fewer than eighty thousand,

(ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent, and

(iii) Is located in the Interstate 5 or Interstate 90 corridor

(g) A county's authority to create an industrial land bank expires on the due date for the next periodic update found in RCW 36 70A 130(4) occurring prior to December 31, 2014. Once a land bank area has been identified in the county's comprehensive plan, the authority of the county to process a master plan or site projects within an approved master plan does not expire.

(3) How to create an industrial land bank

(a) Creation of an industrial land bank requires an amendment to a county's comprehensive plan and the adoption of development regulations.

(b) The comprehensive plan amendment that designates an industrial land bank must be accompanied by or contain an analysis that

(i) Identifies locations suited to major industrial development due to proximity to transportation or resource assets. This should be based on an inventory of developable land as provided in RCW 36 70A 365. See WAC 365-196-465 for recommendations on major industrial developments.

(ii) Identifies the maximum size of the industrial land bank area and any limitations on major industrial developments based on local limiting factors, but does not need to specify a particular parcel or parcels of property or identify any specific use or user except as limited by this section.

(iii) Gives priority to locations that are adjacent to, or in close proximity to, an urban growth area. This should include an analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas.

(c) The environmental review for amendment of the comprehensive plan should be at the programmatic level.

(d) A comprehensive plan amendment creating an industrial land bank may be considered at any time and is an exception to the requirement in RCW 36 70A 130(1) that the comprehensive plan may be amended no more often than once per year.

(e) Once the industrial land bank is created through the comprehensive plan amendment, approval of a specific major industrial development within the industrial land bank area requires no further amendment of the comprehensive plan.

(f) Development regulations. A county must also adopt development regulations for review and approval of specific major industrial developments through a master plan process. The development regulations governing the master plan process shall ensure, at a minimum, that

(i) Urban growth will not occur in adjacent nonurban areas,

(ii) Development is consistent with the county's development regulations adopted for protection of critical areas,

(iii) Required infrastructure is identified and provided concurrent with development. Such infrastructure, however, may be phased in with development,

(iv) Transit-oriented site planning and demand management programs are specifically addressed as part of the master plan approval,

(v) Provision is made for addressing environmental protection, including air and water quality, as part of the master plan approval,

(vi) The master plan approval includes a requirement that interlocal agreements between the county and service providers, including cities and special purpose districts providing facilities or services to the approved master plan, be in place at the time of master plan approval,

(vii) A major industrial development is used primarily by industrial and manufacturing businesses, and that the gross floor area of all commercial and service buildings or facilities locating within the major industrial development do not exceed ten percent of the total gross floor area of buildings or facilities in the development. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site, to attract and retain a quality workforce, and to further other public objectives, such as trip reduction. These uses may not be promoted to attract additional clientele from the surrounding area. Commercial and service businesses must be established concurrently with or subsequent to the industrial or manufacturing businesses,

(viii) New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds,

(ix) Buffers are provided between the major industrial development and adjacent rural areas,

(x) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands, and

(xi) An open record public hearing is held before either the planning commission or hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site

(g) Required procedures. In addition to other procedural requirements that may apply, a county seeking to designate an industrial land bank under this section must

(i) Provide county-wide notice, in conformance with RCW 36 70A 035, of the intent to designate an industrial land bank. Notice must be published in a newspaper or newspapers of general circulation reasonably likely to reach subscribers in all geographic areas of the county. Notice must be provided not less than thirty days prior to commencement of consideration by the county legislative body, and

(ii) Make a written determination of the criteria and rationale used by the legislative body as the basis for siting an industrial land bank under this chapter

[Statutory Authority RCW 36 70A 050 and 36 70A 190 WSR 10-03-085, § 365-196-470, filed 1/19/10, effective 2/19/10 ]

**RCW 36.70a.367**

**Major industrial developments — Master  
planned locations.**

(1) In addition to the major industrial development allowed under RCW 36 70A 365, a county planning under RCW 36 70A 040 that meets the criteria in subsection (5) of this section may establish, in consultation with cities consistent with provisions of RCW 36 70A 210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas

(2) A master planned location for major industrial developments may be approved through a two-step process. Designation of an industrial land bank area in the comprehensive plan, and subsequent approval of specific major industrial developments through a local master plan process described under subsection (3) of this section

(a) The comprehensive plan must identify locations suited to major industrial development due to proximity to transportation or resource assets. The plan must identify the maximum size of the industrial land bank area and any limitations on major industrial developments based on local limiting factors, but does not need to specify a particular parcel or parcels of property or identify any specific use or user except as limited by this section. In selecting locations for the industrial land bank area, priority must be given to locations that are adjacent to, or in close proximity to, an urban growth area

(b) The environmental review for amendment of the comprehensive plan must be at the programmatic level and, in addition to a threshold determination, must include

(i) An inventory of developable land as provided in RCW 36 70A 365, and

(ii) An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas

(c) Final approval of an industrial land bank area under this section must be by amendment to the comprehensive plan adopted under RCW 36 70A 070, and the amendment is exempt from the limitation of RCW 36 70A 130(2) and may be considered at any time. Approval of a specific major industrial development within the industrial land bank area requires no further amendment of the comprehensive plan

(3) In concert with the designation of an industrial land bank area, a county shall also adopt development regulations for review and approval of specific major industrial developments through a master plan process. The regulations governing the master plan process shall ensure, at a minimum, that

(a) Urban growth will not occur in adjacent nonurban areas,

(b) Development is consistent with the county's development regulations adopted for protection of critical areas,

(c) Required infrastructure is identified and provided concurrent with development. Such

infrastructure, however, may be phased in with development,

(d) Transit-oriented site planning and demand management programs are specifically addressed as part of the master plan approval,

(e) Provision is made for addressing environmental protection, including air and water quality, as part of the master plan approval,

(f) The master plan approval includes a requirement that interlocal agreements between the county and service providers, including cities and special purpose districts providing facilities or services to the approved master plan, be in place at the time of master plan approval,

(g) A major industrial development is used primarily by industrial and manufacturing businesses, and that the gross floor area of all commercial and service buildings or facilities locating within the major industrial development does not exceed ten percent of the total gross floor area of buildings or facilities in the development. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site, to attract and retain a quality workforce, and to further other public objectives, such as trip reduction. These uses may not be promoted to attract additional clientele from the surrounding area. Commercial and service businesses must be established concurrently with or subsequent to the industrial or manufacturing businesses,

(h) New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds,

(i) Buffers are provided between the major industrial development and adjacent rural areas,

(j) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands, and

(k) An open record public hearing is held before either the planning commission or hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site

(4) For the purposes of this section

(a) "Major industrial development" means a master planned location suitable for manufacturing or industrial businesses that (i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area, (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent, or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks

(b) "Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria contained in (a) of this subsection, suitable for

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manufacturing, industrial, or commercial businesses and designated by the county through the comprehensive planning process specifically for major industrial use

(5) This section and the termination provisions specified in subsection (6) of this section apply to a county that at the time the process is established under subsection (1) of this section

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

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

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

(i) Is bordered by the Pacific Ocean,

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

(iii) Is bordered by Hood Canal,

(d) Is east of the Cascade divide, and

(i) Borders another state to the south, or

(ii) Is located wholly south of Interstate 90 and borders the Columbia river to the east,

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

(f) Meets all of the following criteria

(i) Has a population greater than forty thousand but fewer than eighty thousand,

(ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent, and

(iii) Is located in the Interstate 5 or Interstate 90 corridor

(6) In order to identify and approve locations for industrial land banks, the county shall take action to designate one or more industrial land banks and adopt conforming regulations as provided by subsection (2) of this section on or before the last date to complete that county's next periodic review under RCW 36 70A 130(4) that occurs prior to December 31, 2016. The authority to take action to designate a land bank area in the comprehensive plan expires if not acted upon by the county within the time frame provided in this section. Once a land bank area has been identified in the county's comprehensive plan, the authority of the county to process a master plan or site projects within an approved master plan does not expire.



(7) Any county seeking to designate an industrial land bank under this section must

(a) Provide countywide notice, in conformity with RCW 36 70A 035, of the intent to designate an industrial land bank. Notice must be published in a newspaper or newspapers of general circulation reasonably likely to reach subscribers in all geographic areas of the county. Notice must be provided not less than thirty days prior to commencement of consideration by the county legislative body, and

(b) Make a written determination of the criteria and rationale used by the legislative body as the basis for siting an industrial land bank under this chapter.

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