RCW 36.70A.367
Major industrial developments — Master planned locations.

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(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 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 RCW 36 70A 367(2) 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, 2014 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

[2007 c 433 § 1, 2004 c 208 § 1, 2003 c 88 § 1, 2002 c 306 § 1, 2001 c 326 § 1, 1998 c 289 § 2, 1997 c 402 § 1, 1996 c 167 § 2]

Notes:

Findings -- Purpose -- 1998 c 289: "The legislature finds that to fulfill the economic development goal of this chapter, it is beneficial to expand the limited authorization for pilot projects for identifying locations for major industrial activity in advance of specific proposals by an applicant. The legislature further finds that land bank availability may provide economically disadvantaged counties the opportunity to attract new industrial activity by offering expeditious siting and therefore promote a community's economic health and vitality. The purpose of this act is to authorize and evaluate additional pilot projects for major industrial activity in economically disadvantaged counties." [1998 c 289 § 1.]

Findings -- Purpose -- 1996 c 167: "In 1995 the legislature addressed the demand for siting of major industrial facilities by passage of Engrossed Senate Bill No. 5019, implementing a process for siting such activities outside urban growth areas. The legislature recognizes that the 1995 act requires consideration of numerous factors necessary to ensure that the community can reasonably accommodate a major industrial development outside an urban growth area.

The legislature finds that the existing case-by-case procedure for evaluating and approving such a site under the 1995 act may operate to a community's economic disadvantage when a firm, for business reasons, must make a business location decision expeditiously. The legislature therefore finds that it would be useful to authorize, on a limited basis, and evaluate a process for identifying locations for major industrial activity in advance of specific proposals by an applicant.

It is the purpose of this act (1) to authorize a pilot project under which a bank of major industrial development locations outside urban growth areas is created for use in expeditiously siting such a development; (2) to evaluate the impact of this process on the county's compliance with chapter 36.70A RCW; and (3) to encourage consolidation and planning, and environmental review procedures under chapter 36.70B RCW." [1996 c 167 § 1.]

Effective date -- 1996 c 167: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 167 § 3.]