

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2498**

Chapter 306, Laws of 2002

57th Legislature  
2002 Regular Session

INDUSTRIAL LAND BANKS

EFFECTIVE DATE: 6/13/02

Passed by the House March 9, 2002  
Yeas 94 Nays 0

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 6, 2002  
Yeas 46 Nays 1

BRAD OWEN  
**President of the Senate**

Approved April 2, 2002

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2498** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

April 2, 2002 - 10:28 a.m.

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2498

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Representatives Fromhold, Dunn, Jarrett, Ogden, Lovick, Dunshee, Schmidt, Conway, Linville, Miloscia and Anderson

Read first time 01/18/2002. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to establishing a pilot program authorizing  
2 designation of industrial land banks outside urban growth areas under  
3 certain circumstances; and amending RCW 36.70A.367.

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

5 **Sec. 1.** RCW 36.70A.367 and 2001 c 326 s 1 are each amended to read  
6 as follows:

7 (1) In addition to the major industrial development allowed under  
8 RCW 36.70A.365, a county (~~required or choosing to plan~~) planning  
9 under RCW 36.70A.040 that meets the criteria in subsection (9) or (10)  
10 of this section may establish, in consultation with cities consistent  
11 with provisions of RCW 36.70A.210, a process for designating a bank of  
12 no more than two master planned locations for major industrial activity  
13 outside urban growth areas.

14 (2) A master planned location for major industrial developments  
15 outside an urban growth area may be included in the urban industrial  
16 land bank for the county if criteria including, but not limited to, the  
17 following are met:

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

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

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

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

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

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

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

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

16 (i) An interlocal agreement related to infrastructure cost sharing  
17 and revenue sharing between the county and interested cities are  
18 established;

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

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

1 (3) In selecting master planned locations for inclusion in the  
2 urban industrial land bank, priority shall be given to locations that  
3 are adjacent to, or in close proximity to, an urban growth area.

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

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

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

15 (7)(a) The authority of a county meeting the criteria of subsection  
16 (9) of this section to engage in the process of including or excluding  
17 master planned locations from the urban industrial land bank shall  
18 terminate on December 31, (~~(1999)~~) 2007. However, any location  
19 included in the urban industrial land bank on or before December 31,  
20 (~~(1999)~~) 2007, shall be available for major industrial development as  
21 long as the criteria of subsection (2) of this section are met. A  
22 county that has established or proposes to establish an industrial land  
23 bank pursuant to this section shall review the need for an industrial  
24 land bank within the county, including a review of the availability of  
25 land for industrial and manufacturing uses within the urban growth  
26 area, during the review and evaluation of comprehensive plans and  
27 development regulations required by RCW 36.70A.130.

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

35 (8) For the purposes of this section, "major industrial  
36 development" means a master planned location suitable for manufacturing  
37 or industrial businesses that: (a) Requires a parcel of land so large  
38 that no suitable parcels are available within an urban growth area; or  
39 (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; ~~((or))~~

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; ~~((or))~~

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, and is bordered by the Pacific Ocean and by Hood Canal.

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

32 (a) Has a population greater than forty thousand but fewer than  
33 eighty thousand;

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

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

38 (11) Any location included in an industrial land bank pursuant to  
39 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of

1 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
2 for major industrial development according to this section as long as  
3 the criteria of subsection (2) of this section continue to be  
4 satisfied.

Passed the House March 9, 2002.

Passed the Senate March 6, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.