S-0324.2

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**SENATE BILL 5111**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Brown

AN ACT Relating to projects of statewide significance for economic development and transportation; amending RCW 43.157.005, 43.157.020, and 43.157.030; and reenacting and amending RCW 43.157.010.

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

**Sec.**  RCW 43.157.005 and 2009 c 421 s 1 are each amended to read as follows:

The legislature declares that certain private investments, such as investments for industrial development, transportation, environmental improvement, and innovation activities, merit special designation ((~~and treatment by governmental bodies when they are proposed~~)) as projects of statewide significance. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize projects of statewide significance, to provide a mechanism for local governments and state and federal agencies to perform a coordinated and comprehensive review of such projects, and to encourage ((~~local governments and state agencies to expedite~~)) their expeditious completion.

**Sec.**  RCW 43.157.010 and 2012 c 63 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 28A.525.166, ((~~28B.76.210, 28C.18.080,~~)) 43.21A.350, and 90.58.100, unless the context clearly requires otherwise:

(1) "Applicant" means a person applying to the department for designation of a development project as a project of statewide significance.

(2) "Aviation biofuels production facility" means a facility primarily for the processing of nonfossil biogenic feedstocks to produce aviation fuels that meet the fuel quality technical standards of the American society for testing materials for aviation fuels and coproducts.

(3) "Department" means the department of commerce.

(4) "Manufacturing" ((~~shall have~~)) has the meaning assigned it in RCW 82.62.010.

(5)(a) "Project of statewide significance" means:

(i) A border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces;

(ii) A development project that will provide a net environmental benefit to the state or a region of the state;

(iii) A development project in furtherance of the commercialization of innovations;

(iv) A private industrial development with private capital investment in manufacturing, conveyance of construction materials, development of a renewable resource as defined in RCW 19.285.030, environmental conservation or efficiency, or research and development; or

(v) An aviation biofuels production facility.

(b) To qualify for designation under RCW 43.157.030 as a project of statewide significance:

(i) The project must be completed after January 1, 2009;

(ii) The applicant must submit an application to the department for designation as a project of statewide significance ((~~to the department of commerce~~)); and

(iii) Except for an aviation biofuels production facility, the project must have:

(A) In counties with a population less than or equal to twenty thousand, a capital investment of five million dollars;

(B) In counties with a population greater than twenty thousand but no more than fifty thousand, a capital investment of ten million dollars;

(C) In counties with a population greater than fifty thousand but no more than one hundred thousand, a capital investment of fifteen million dollars;

(D) In counties with a population greater than one hundred thousand but no more than two hundred thousand, a capital investment of twenty million dollars;

(E) In counties with a population greater than two hundred thousand but no more than four hundred thousand, a capital investment of thirty million dollars;

(F) In counties with a population greater than four hundred thousand but no more than one million, a capital investment of forty million dollars;

(G) In counties with a population greater than one million, a capital investment of fifty million dollars;

(H) In rural counties as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of ((~~fifty~~)) thirty or greater;

(I) In counties other than rural counties as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of ((~~one hundred~~)) seventy or greater; ((~~or~~))

(J) If the project will create jobs in both rural and nonrural counties, projected full-time employment positions after completion of construction of seventy or greater; or

(K) Been qualified by the director of the department as a project of statewide significance either because:

(I) The economic circumstances of the county or region merit the additional assistance such designation will bring;

(II) The impact on a county or region due to the size and complexity of the project merits such designation;

(III) The project resulted from or is in furtherance of innovation activities at a public research institution in the state or is in or resulted from innovation activities within an innovation partnership zone; or

(IV) The project will provide a net environmental benefit as evidenced by plans for design and construction under green building standards or for the creation of renewable energy technology or components or under other environmental criteria established by the director in consultation with the director of the department of ecology.

(c) A project may be qualified under (b)(iii)(K) of this subsection (5)((~~(b)(iii)(J)~~)) only after consultation on the availability of staff resources of the office of regulatory assistance.

(6) "Research and development" ((~~shall have~~)) has the meaning assigned it in RCW 82.62.010.

**Sec.**  RCW 43.157.020 and 2009 c 421 s 3 are each amended to read as follows:

Counties and cities with development projects designated as projects of statewide significance within their jurisdictions ((~~shall~~)) must enter into an agreement with the office of regulatory assistance and the project managers of projects of statewide significance for: Expediting the completion of a project((~~s~~)) of statewide significance; and completing a coordinated and comprehensive review of a project of statewide significance. The agreement ((~~shall~~)) must require:

(1) Expedited permit processing for the design and construction of the project;

(2) Expedited environmental review processing;

(3) Expedited and consolidated processing of requests for street, right-of-way, ((~~or~~)) easement vacations, or other local administrative permits necessary for the construction of the project;

(4) Participation of local officials on the team assembled under the requirements of RCW 43.157.030(2)(b); and

(5) Such other actions or items as are deemed necessary by the office of regulatory assistance for the design and construction of the project but that do not alter any agency or local government permitting authority or other existing statutory requirements.

**Sec.**  RCW 43.157.030 and 2009 c 421 s 4 are each amended to read as follows:

(1) The department of ((~~community, trade, and economic development shall~~)) commerce must:

(a) Develop an application for designation of development projects as projects of statewide significance. ((~~The application must be accompanied by a letter of approval from the legislative authority of any jurisdiction that will have the proposed project of statewide significance within its boundaries. No designation of a project as a project of statewide significance shall be made without such letter of approval. The letter of approval must state that the jurisdiction joins in the request for the designation of the project as one of statewide significance and has or will hire the professional staff that will be required to expedite the processes necessary to the completion of a project of statewide significance.~~)) Upon the proponents' application, the legislative authority of any jurisdiction that will have the proposed project, or a portion of the project, of statewide significance within its boundaries must provide a letter stating whether the jurisdiction joins in the request for the designation of the project as one of statewide significance and has or will hire the professional staff to expedite the processes necessary to the completion of the project. The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite. The application ((~~shall~~)) must contain information regarding the location of the project, the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, estimated time schedules for completion and operation, and other information required by the department; and

(b) Designate a development project as a project of statewide significance if the department determines:

(i) After review of the application under criteria adopted by rule, the development project will provide significant economic benefit to the local or state economy, or both, the project is aligned with the state's comprehensive plan for economic development under RCW 43.162.020, and, by its designation, the project will not prevent equal consideration of all categories of proposals under RCW 43.157.010; and

(ii) The development project meets or will meet the requirements of RCW 43.157.010 regarding designation as a project of statewide significance.

(2) The office of regulatory assistance ((~~shall~~)) must assign a project facilitator or coordinator to each project of statewide significance to:

(a) Assist in the scoping and coordinating functions provided for in chapter 43.42 RCW;

(b) Assemble a team of state and local government and private officials to help meet the planning, permitting, and development needs of each project, which team ((~~shall~~)) must include those responsible for planning, permitting and licensing, infrastructure development, workforce development services including higher education, transportation services, and the provision of utilities; and

(c) Work with each team member to expedite their actions in furtherance of the project.

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