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**SUBSTITUTE SENATE BILL 5359**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Shewmake, Hasegawa, Nobles, Salomon, and Stanford; by request of Department of Commerce)

READ FIRST TIME 02/19/25.

1 AN ACT Relating to accelerating the development of clean energy;  
2 amending RCW 43.330.120; adding new sections to chapter 43.330 RCW;  
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington must  
6 accelerate the pace of development for clean energy projects. The  
7 2021 state energy strategy projects that Washington state will nearly  
8 double electricity consumption by 2050 to meet the state's greenhouse  
9 gas emissions limits to achieve the targets set by chapter 19.405  
10 RCW, the Washington clean energy transformation act. According to a  
11 2023 net zero northwest study by the clean energy transition  
12 institute, meeting Washington's 2050 electricity needs through the  
13 most economically and technically efficient pathway will require  
14 building approximately 2/3 of this additional electricity generation  
15 in-state while also importing approximately 1/3 from out-of-state  
16 sources. Developing clean energy generation projects and additional  
17 electrical transmission capacity is essential to: Meeting the state's  
18 climate goals; growing family-wage clean energy jobs and innovative  
19 clean energy businesses and manufacturing that provide economic  
20 benefits across the state; and ensuring adequate, reliable, and  
21 affordable clean energy for residents and businesses.

1 The legislature further finds that recent legislatively mandated  
2 studies identified significant concerns that impede the development  
3 of clean energy projects, unrelated to the regulatory process. These  
4 impediments include a lack of information related to clean energy  
5 projects, uncertainty over clean energy project impacts and benefits,  
6 inadequate engagement with tribes and local communities, uncertainty  
7 regarding clean energy development under local zoning codes and  
8 growth management requirements, and insufficient statewide planning  
9 to guide development of clean energy projects and electrical  
10 transmission facilities.

11 Therefore, the legislature intends for this act to establish a  
12 framework for the state to provide the information, planning, and  
13 support needed to accelerate the pace of development for clean energy  
14 projects, while also protecting the environment, overburdened  
15 communities, and tribal rights, interests, and resources, including  
16 cultural resources, and bringing benefits to the communities that  
17 host clean energy projects.

18 NEW SECTION. **Sec. 2.** (1) Clean energy siting and development is  
19 established as a priority for the department. To that end, the  
20 department shall:

21 (a) Assemble and share information to guide and support siting of  
22 clean energy projects;

23 (b) Conduct planning and development functions to help achieve  
24 adequate, reliable, and affordable clean energy generation, and  
25 manufacturing; and

26 (c) Support tribes, local governments, and communities to enhance  
27 local and equitable benefits associated with clean energy projects.

28 (2) For the purposes of this section, "clean energy project" has  
29 the same meaning as defined in RCW 43.158.010.

30 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts  
31 appropriated for this specific purpose, the department may:

32 (a) Provide information on clean energy technologies to enhance  
33 public understanding of commonly utilized and emerging technologies  
34 and to clarify the state of knowledge regarding best practices,  
35 environmental impacts, risks, mitigation, and other relevant aspects  
36 of these technologies;

37 (b) Work within the interagency clean energy siting coordinating  
38 council established under RCW 43.394.010 and collaborate with other

1 state agencies as appropriate to identify best practices to support  
2 local governments in siting and permitting emerging clean energy  
3 technologies. The department may consider and analyze issues and  
4 concerns regarding emerging clean energy technologies including, but  
5 not limited to, safety, emergency response, zoning, siting, and  
6 permitting;

7 (c) Support tribally led clean energy development and provide  
8 appropriate liaison support, technical assistance, and assistance in  
9 accessing federal and state funding to tribes or tribally owned  
10 enterprises who may want to develop their own clean energy projects;

11 (d) Develop guidance and templates for community benefits  
12 agreements and project labor agreements to enhance the benefits from  
13 clean energy projects to communities and workers. The guidance and  
14 template must reflect input from tribes, clean energy developers,  
15 community representatives, and interested parties;

16 (e) Provide technical assistance for communities and developers  
17 to create community benefits agreements and project labor agreements  
18 specific to their needs;

19 (f) Support deployment of dual-use clean energy technologies and  
20 colocation with agricultural uses through investments in research and  
21 development, pilot projects, and integration into local planning and  
22 zoning;

23 (g) Assess the efficiency and effectiveness of state and local  
24 tax provisions relating to development and operation of clean energy  
25 projects; and

26 (h) Conduct or participate in such other initiatives, studies, or  
27 investigations as may be directed by the legislature, the governor,  
28 or the director.

29 (2) For the purposes of this section, "clean energy project" has  
30 the same meaning as defined in RCW 43.158.010.

31 NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts  
32 appropriated for this specific purpose, the department may identify  
33 best practices for siting and permitting large-scale battery energy  
34 storage systems. To develop these best practices, the department may  
35 convene a work group to identify best practice policy language and  
36 develop other tools to support local governments and state regulatory  
37 authorities. Work group members may include, but are not limited to,  
38 tribal representatives, city and county representatives, battery  
39 energy storage developers and experts, state regulatory authorities,

1 emergency responders, environmental justice interests, and other  
2 relevant stakeholders with expertise on the topic.

3 (2) If a work group is convened under subsection (1) of this  
4 section, the work group shall address the range of issues and  
5 concerns related to battery energy storage, including safety,  
6 emergency response, zoning, siting, and permitting. The work group  
7 shall incorporate information from nonproject environmental impact  
8 statements developed under RCW 43.21C.535 addressing colocated  
9 battery energy storage. The work group shall develop a menu of  
10 options or templates for policies and regulations related to battery  
11 energy storage facilities that local jurisdictions can tailor to  
12 their needs. The department shall submit a report to the governor and  
13 legislature summarizing the findings and recommendations of the work  
14 group by July 1, 2026.

15 **Sec. 5.** RCW 43.330.120 and 1993 c 280 s 15 are each amended to  
16 read as follows:

17 (1) The department shall serve as the central coordinator for  
18 state government in the implementation of the growth management act,  
19 chapter 36.70A RCW. The department shall work closely with all  
20 Washington communities planning for future growth and responding to  
21 the pressures of urban sprawl. The department shall ensure  
22 coordinated implementation of the growth management act by state  
23 agencies.

24 (2) The department shall offer technical and financial assistance  
25 to cities and counties planning under the growth management act. The  
26 department shall help local officials interpret and implement the  
27 different requirements of the act through workshops, model  
28 ordinances, and information materials.

29 (3) The department shall provide alternative dispute resolution  
30 to jurisdictions and organizations to mediate disputes and to  
31 facilitate consistent implementation of the growth management act.  
32 The department shall review local governments compliance with the  
33 requirements of the growth management act and make recommendations to  
34 the governor.

35 (4) The department may support local governments to integrate  
36 clean energy development, including dual-use clean energy  
37 technologies and colocation with agricultural uses, into planning and  
38 zoning requirements to ensure this does not create the conversion of  
39 designated resources and agricultural land. The department shall

1 provide technical assistance and ongoing liaison support to local  
2 governments, including methods and best practices for siting clean  
3 energy projects and transmission facilities, and for colocation of  
4 energy facilities with agricultural operations, environmental  
5 conservation, and other uses.

6 (5) The department may provide alternative dispute resolution  
7 services including, but not limited to, mediation services, to help  
8 resolve disputes between any combination of local governments,  
9 tribes, and project applicants attempting to site clean energy  
10 projects or electrical transmission facilities. Alternative dispute  
11 resolution processes involving tribes may require unique provisions,  
12 including for confidentiality of tribal information. Information  
13 provided by the federally recognized Indian tribe must be kept  
14 confidential and exempt from public disclosure under chapter 42.56  
15 RCW.

16 NEW SECTION. Sec. 6. Sections 2 through 4 of this act are each  
17 added to chapter 43.330 RCW.

18 NEW SECTION. Sec. 7. If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

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