

Chapter 43.157 RCW
PROJECTS OF STATEWIDE SIGNIFICANCE

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RCW 43.157.005 Declaration. The legislature declares that certain investments, such as investments for industrial development, environmental improvement, and innovation activities, merit special designation and treatment by governmental bodies when they are proposed. 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 and to encourage local governments and state agencies to expedite their completion. [2009 c 421 s 1; 1997 c 369 s 1.]

Effective date—2009 c 421: "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 takes effect immediately [May 8, 2009]." [2009 c 421 s 11.]

RCW 43.157.010 Definitions. The definitions in this section apply throughout this chapter and RCW 28A.525.166, 43.21A.350, and 90.58.100, unless the context 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 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;

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

(iv) A private industrial development with private capital investment in manufacturing or research and development;

(v) An aviation biofuels production facility;

(vi) A pumped storage project using water rights approved by the legislature for that purpose; or

(vii) A project designated by the legislature and codified under this chapter.

(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 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 or greater; or

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

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

(II) The impact on a 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.

A project may be qualified under 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 the meaning assigned it in RCW 82.62.010. [2020 c 46 s 2; 2017 c 288 s 2. Prior: 2012 c 63 s

2; prior: 2009 c 565 s 34; 2009 c 421 s 2; 2004 c 275 s 63; 2003 c 54 s 1; 1997 c 369 s 2.]

Findings—2020 c 46: "(1) The legislature finds that Washington is a national leader in the transition to one hundred percent clean electricity, resulting in substantial reductions in the emissions of greenhouse gases. In 2012, the legislature authorized certain water rights to be used to enable a pumped storage project, codified as RCW 54.16.410. As more variable renewable energy facilities come online to facilitate the transition to our clean energy future, additional renewable energy storage facilities may be used in place of greenhouse gas emitting generation to integrate variable renewable energy. Expediting beneficial use of those authorized water rights for a pumped storage project will enable investment of more than one billion dollars in, and provide economic development to, a rural county, and facilitate construction and operation of additional renewable energy throughout the state and the west.

(2) The legislature further finds that certain studies indicate a resource adequacy shortfall on the region's electric grid by 2025 and it is in the interest of the state to expedite pump storage projects that will address this shortfall." [2020 c 46 s 1.]

Finding—2017 c 288: "The legislature finds that Washington is one of our nation's trade leaders, serving as a gateway to both international and interstate trade for the west. Clark county's population has grown by thirty percent over the past fifteen years. Recent southwest Washington regional transportation council data found a greater than fifty percent year-over-year increase in peak-hour vehicle and truck delays on the Interstate 5 corridor through Vancouver. Southwest Washington must find a path forward to establishing a unified plan for infrastructure investments that will serve as the basis for progress for the next one hundred years. The safety and economic well-being of our residents cannot wait. Legislators representing southwest Washington have set out some guiding principles that will enable a planning process to begin to select a new Interstate 5 bridge project that will serve as the foundation of an initial investment in the bridges that link Washington with Oregon, supporting critical trade routes, alleviating congestion, and improving safety." [2017 c 288 s 1.]

Findings—Intent—2014 c 174; 2012 c 63: "The legislature finds that Washington is becoming a leader in the development and commercialization of aviation biofuels due to its strong tradition of market innovation, a concentrated demand for sustainable aviation fuels, leading expertise and research capacity, an established aviation manufacturing sector, and the availability of a diverse range of feedstocks for the production of biofuels. The legislature also finds that the development of aviation biofuels has the potential to reduce dependence on foreign sources of fossil fuels, reduce greenhouse gas emissions, and promote economic development and jobs in Washington. The legislature intends to support the development of commercial-scale aviation biofuels production facilities in Washington by facilitating and streamlining the permitting process for new facilities and the expansion of existing facilities and by providing access to low-cost financing through the issuance of revenue bonds.

The legislature finds that the 2012 Washington state energy strategy calls for a targeted, strategic policy focus on sustainable aviation biofuels to encourage the realization of Washington's potential. The legislature also finds that a regional stakeholder effort to explore the opportunities and challenges surrounding the production of sustainable aviation fuels, known as sustainable aviation biofuels northwest, urged policymakers in the Northwest to develop supportive public policies that will jump start the industry, attract investment, and accelerate industry growth. In order to provide focus and develop policy recommendations to support the sustainable aviation biofuels sector in Washington, the legislature intends to establish a sustainable aviation biofuels work group." [2014 c 174 s 6; 2012 c 63 s 1.]

Effective date—2009 c 421: See note following RCW 43.157.005.

Part headings not law—2004 c 275: See note following RCW 28B.76.090.

RCW 43.157.020 Expediting completion of projects of statewide significance—Requirements of agreements. Counties and cities with development projects designated as projects of statewide significance within their jurisdictions shall enter into an agreement with the office of regulatory assistance and the project managers of projects of statewide significance for expediting the completion of projects of statewide significance. The agreement shall require:

- (1) Expedited permit processing for the design and construction of the project;
- (2) Expedited environmental review processing;
- (3) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;
- (4) Participation of local officials on the team assembled under the requirements of RCW 43.157.030(3)(b);
- (5) A plan for consultation with affected tribes; and
- (6) Such other actions or items as are deemed necessary by the office of regulatory assistance for the design and construction of the project. [2020 c 46 s 3; 2009 c 421 s 3; 2003 c 54 s 2; 1997 c 369 s 3.]

Findings—2020 c 46: See note following RCW 43.157.010.

Effective date—2009 c 421: See note following RCW 43.157.005.

RCW 43.157.030 Application for designation—Project facilitator or coordinator. (1) The department of commerce shall:

- (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. 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 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) Any project designated by the legislature and codified in this chapter is not subject to the application requirements set out in subsection (1) of this section.

(3) The office of regulatory assistance shall 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 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. [2017 c 288 s 3; 2009 c 421 s 4; 2003 c 54 s 3; 1997 c 369 s 4.]

***Reviser's note:** RCW 43.162.020 was repealed by 2014 c 112 s 123.

Finding—2017 c 288: See note following RCW 43.157.010.

Effective date—2009 c 421: See note following RCW 43.157.005.