
SENATE BILL 5761

State of Washington

58th Legislature

2003 Regular Session

By Senators T. Sheldon and Shin

Read first time 02/11/2003. Referred to Committee on Economic Development.

1 AN ACT Relating to industrial projects of statewide significance;
2 and amending RCW 43.157.010, 43.157.020, 43.157.030, 43.42.050, and
3 43.42.060.

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

5 **Sec. 1.** RCW 43.157.010 and 1997 c 369 s 2 are each amended to read
6 as follows:

7 (1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330,
8 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and (~~{an}~~) an
9 industrial project of statewide significance is a border crossing
10 project that involves both private and public investments carried out
11 in conjunction with adjacent states or provinces or a private
12 industrial development with private capital investment in manufacturing
13 or research and development. To qualify as an industrial project of
14 statewide significance(~~(τ)~~): (a) The project must be completed after
15 January 1, 1997(~~(τ)~~); (b) the applicant must submit an application for
16 designation as an industrial project of statewide significance to the
17 office of permit assistance; and (c) the project must have:

18 (~~{a}~~) (i) In counties with a population of less than or equal to
19 twenty thousand, a capital investment of twenty million dollars;

1 ~~((b))~~ (ii) In counties with a population of greater than twenty
2 thousand but no more than fifty thousand, a capital investment of fifty
3 million dollars;

4 ~~((c))~~ (iii) In counties with a population of greater than fifty
5 thousand but no more than one hundred thousand, a capital investment of
6 one hundred million dollars;

7 ~~((d))~~ (iv) In counties with a population of greater than one
8 hundred thousand but no more than two hundred thousand, a capital
9 investment of two hundred million dollars;

10 ~~((e))~~ (v) In counties with a population of greater than two
11 hundred thousand but no more than four hundred thousand, a capital
12 investment of four hundred million dollars;

13 ~~((f))~~ (vi) In counties with a population of greater than four
14 hundred thousand but no more than one million, a capital investment of
15 six hundred million dollars;

16 ~~((g))~~ (vii) In counties with a population of greater than one
17 million, a capital investment of one billion dollars; ~~((e))~~

18 ~~((h))~~ (viii) In counties with fewer than one hundred persons per
19 square mile as determined annually by the office of financial
20 management and published by the department of revenue effective for the
21 period July 1st through June 30th, projected employment positions of
22 fifty or greater;

23 (ix) In counties with one hundred or more persons per square mile
24 as determined annually by the office of financial management and
25 published by the department of revenue effective for the period July
26 1st through June 30th, projected employment positions of one hundred or
27 greater; or

28 (x) Been designated by the ~~((director of community, trade, and~~
29 economic development)) office of permit assistance as an industrial
30 project of statewide significance either: ~~((i))~~ (A) Because the
31 county in which the project is to be located is a distressed county and
32 the economic circumstances of the county merit the additional
33 assistance such designation will bring; or ~~((ii))~~ (B) because the
34 impact on a region due to the size and complexity of the project merits
35 such designation.

36 (2) The term manufacturing shall have the meaning assigned it in
37 RCW 82.61.010.

1 (3) The term research and development shall have the meaning
2 assigned it in RCW 82.61.010.

3 (4) The term applicant means a person applying to the office of
4 permit assistance for designation of a development project as an
5 industrial project of statewide significance.

6 **Sec. 2.** RCW 43.157.020 and 1997 c 369 s 3 are each amended to read
7 as follows:

8 ~~Counties and cities ((planning under the planning enabling act,~~
9 ~~chapter 36.70 RCW, or the requirements of the growth management act,~~
10 ~~chapter 36.70A RCW, shall include a process, to be followed at their~~
11 ~~discretion for any specific project,)) shall enter into an agreement~~
12 with the office of permit assistance and the project managers of
13 industrial projects of statewide significance for expediting the
14 completion of industrial projects of statewide significance. The
15 agreement shall require:

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

18 (2) Expedited environmental review processing;

19 (3) Expedited processing of requests for street, right of way, or
20 easement vacations necessary for the construction of the project; and

21 (4) Such other items as are deemed necessary by the office of
22 permit assistance for the design and construction of the project.

23 **Sec. 3.** RCW 43.157.030 and 1997 c 369 s 4 are each amended to read
24 as follows:

25 ~~The ((department of community, trade, and economic development))~~
26 office of permit assistance shall:

27 (1) Develop an application for designation of development projects
28 as industrial projects of statewide significance. The application
29 shall contain information regarding the location of the project, the
30 applicant's average employment in the state for the prior year,
31 estimated new employment related to the project, estimated wages of
32 employees related to the project, estimated time schedules for
33 completion and operation, and other information required by the office;

34 (2) Certify that the project meets or will meet the requirements of
35 RCW 43.157.010 regarding designation as an industrial project of
36 statewide significance; and

1 ~~(3) Assign ((an ombudsman))~~ a project facilitator or coordinator to
2 each industrial project of statewide significance(~~(. The ombudsman~~
3 ~~shall be responsible for assembling))~~ to: (a) Assist in the scoping
4 and coordinating functions provided for in chapter 43.42 RCW; (b)
5 assemble a team of state and local government and private officials to
6 help meet the planning, permitting, and development needs of each
7 project(~~(. The ombudsman shall strive to include in the teams)),~~ which
8 team shall include those responsible for planning, permitting and
9 licensing, infrastructure development, work force development services
10 including higher education, transportation services, and the provision
11 of utilities(~~(. The ombudsman shall encourage));~~ and (c) work with
12 each team member to expedite their actions in furtherance of the
13 project.

14 **Sec. 4.** RCW 43.42.050 and 2002 c 153 s 6 are each amended to read
15 as follows:

16 At the request of a project applicant, the office shall assist the
17 project applicant in determining what regulatory requirements,
18 processes, and permits apply to the project, as provided in this
19 section.

20 (1) The office shall assign a project facilitator who shall discuss
21 applicable regulatory requirements, permits, and processes with the
22 project applicant and explain the available options for obtaining
23 required permits.

24 (2) If the project applicant and the project facilitator agree that
25 the project would benefit from a project scoping, or if the project is
26 an industrial project of statewide significance, as defined in RCW
27 43.157.010, the project facilitator shall conduct a project scoping by
28 the project applicant and the relevant state and local permit agencies.
29 The project facilitator shall invite the participation of the relevant
30 federal permit agencies and tribal governments.

31 (a) The purpose of the project scoping is to identify the issues
32 and information needs of the project applicant and the participating
33 permit agencies regarding the project, share perspectives, and jointly
34 develop a strategy for the processing of required permits by each
35 participating permit agency.

36 (b) The scoping shall address:

37 (i) The permits that are required for the project;

1 (ii) The permit application forms and other application
2 requirements of the participating permit agencies;

3 (iii) The specific information needs and issues of concern of each
4 participant and their significance;

5 (iv) Any statutory or regulatory conflicts that might arise from
6 the differing authorities and roles of the permit agencies;

7 (v) Any natural resources, including federal or state listed
8 species, that might be adversely affected by the project and might
9 cause an alteration of the project or require mitigation; and

10 (vi) The anticipated time required for permit decisions by each
11 participating permit agency, including the time required to determine
12 if the permit application is complete, to conduct environmental review,
13 and to review and process the application. In determining the time
14 required, full consideration must be given to achieving the greatest
15 possible efficiencies through any concurrent studies and any
16 consolidated applications, hearings, and comment periods.

17 (c) The outcome of the project scoping shall be documented in
18 writing, furnished to the project applicant, and be made available to
19 the public.

20 (d) The project scoping shall be completed within sixty days of the
21 project applicant's request for a project scoping.

22 (e) Upon completion of the project scoping, the participating
23 permit agencies shall proceed under their respective authority. The
24 agencies are encouraged to remain in communication for purposes of
25 coordination until their final permit decisions are made.

26 (3) This section does not create an independent cause of action,
27 affect any existing cause of action, or establish time limits for
28 purposes of RCW 64.40.020.

29 **Sec. 5.** RCW 43.42.060 and 2002 c 153 s 7 are each amended to read
30 as follows:

31 (1) The office may coordinate the processing by participating
32 permit agencies of permits required for a project, at the request of
33 the project applicant through a cost reimbursement agreement as
34 provided in subsection (3) of this section or with the agreement of the
35 project applicant as provided in subsection (4) of this section.

36 (2) The office shall assign a project coordinator to perform any or

1 all of the following functions, as specified by the terms of a cost
2 reimbursement agreement under subsection (3) of this section or an
3 agreement under subsection (4) of this section:

4 (a) Serve as the main point of contact for the project applicant;

5 (b) Conduct a project scoping as provided in RCW 43.42.050(2);

6 (c) Verify that the project applicant has all the information
7 needed to complete applications;

8 (d) Coordinate the permit processes of the permit agencies;

9 (e) Manage the applicable administrative procedures;

10 (f) Work to assure that timely permit decisions are made by the
11 permit agencies and maintain contact with the project applicant and the
12 permit agencies to ensure adherence to schedules;

13 (g) Assist in resolving any conflict or inconsistency among permit
14 requirements and conditions; and

15 (h) Coordinate with relevant federal permit agencies and tribal
16 governments to the extent possible.

17 (3) At the request of a project applicant and as provided in RCW
18 43.42.070, the project coordinator shall coordinate negotiations among
19 the project applicant, the office, and participating permit agencies to
20 enter into a cost reimbursement agreement and shall coordinate
21 implementation of the agreement, which shall govern coordination of
22 permit processing by the participating permit agencies.

23 (4) (~~The office may determine~~) For industrial projects of
24 statewide significance or if the office determines that it is in the
25 public interest to coordinate the processing of permits for certain
26 projects that are complex in scope, require multiple permits, involve
27 multiple jurisdictions, or involve a significant number of affected
28 parties(~~(. Upon such a determination, the office may)~~), the office
29 shall, upon the applicant's request, enter into an agreement with the
30 project applicant and the participating permit agencies to coordinate
31 the processing of permits for the project. The office may limit the
32 number of such agreements according to the resources available to the
33 office and the permit agencies at the time.

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