
SENATE BILL 5206

State of Washington

67th Legislature

2021 Regular Session

By Senator Warnick

Read first time 01/14/21. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to eliminating expedited processing of an
2 alternative energy resource facility fueled by solar energy on
3 certain designated lands before the energy facility site evaluation
4 council; amending RCW 80.50.075; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the energy
7 facility site evaluation council's certification process undermines
8 opportunities for local review of alternative energy resource
9 facilities that are fueled by solar energy sited on agricultural
10 lands that have long-term significance for the commercial production
11 of food or other agricultural products as designated under RCW
12 36.70A.170. The current process creates an unfair advantage for those
13 facilities, which have the special privilege of being able to opt out
14 of the local review process if the local review process reveals local
15 concerns. The legislature intends to create parity among different
16 types of facilities by prohibiting alternative energy resource
17 facilities fueled by solar energy sited on agricultural lands of
18 long-term commercial significance from being eligible for expedited
19 review before the energy facility site evaluation council. This will
20 allow for a comprehensive review of local concerns if an alternative
21 energy resource facility fueled by solar energy sited on agricultural

1 lands of long-term commercial significance chooses to receive
2 certification from the energy facility site evaluation council.

3 **Sec. 2.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to
4 read as follows:

5 (1) Any person filing an application for certification of an
6 energy facility or an alternative energy resource facility pursuant
7 to this chapter may apply to the council for an expedited processing
8 of such an application, except as provided in subsection (4) of this
9 section. The application for expedited processing shall be submitted
10 to the council in such form and manner and accompanied by such
11 information as may be prescribed by council rule. The council may
12 grant an applicant expedited processing of an application for
13 certification upon finding that the environmental impact of the
14 proposed energy facility is not significant or will be mitigated to a
15 nonsignificant level under RCW 43.21C.031 and the project is found
16 under RCW 80.50.090(2) to be consistent and in compliance with city,
17 county, or regional land use plans or zoning ordinances.

18 (2) Upon granting an applicant expedited processing of an
19 application for certification, the council shall not be required to:

20 (a) Commission an independent study to further measure the
21 consequences of the proposed energy facility or alternative energy
22 resource facility on the environment, notwithstanding the other
23 provisions of RCW 80.50.071; nor

24 (b) Hold an adjudicative proceeding under chapter 34.05 RCW, the
25 administrative procedure act, on the application.

26 (3) The council shall adopt rules governing the expedited
27 processing of an application for certification pursuant to this
28 section.

29 (4) An alternative energy resource facility that is fueled by
30 solar energy sited on agricultural lands that have long-term
31 significance for the commercial production of food or other
32 agricultural products as designated under RCW 36.70A.170 and that
33 chooses to receive certification pursuant to RCW 80.50.060(2) is not
34 eligible for expedited processing under this section.

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