

SENATE BILL REPORT

SB 5206

As of January 26, 2021

Title: An act relating to eliminating expedited processing of an alternative energy resource facility fueled by solar energy on certain designated lands before the energy facility site evaluation council.

Brief Description: Eliminating expedited processing of an alternative energy resource facility fueled by solar energy on certain designated lands before the energy facility site evaluation council.

Sponsors: Senators Warnick and Short.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/27/21.

Brief Summary of Bill

- Prohibits the use of the Energy Facility Site Evaluation Council's (EFSEC) expedited processing for applicants seeking certification of solar energy projects sited on agricultural lands that have long-term significance for the commercial production of food or other agricultural products as designated under law.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Kimberly Cushing (786-7421)

Background: Energy Facility Site Evaluation Council. Created in 1970, the Energy Facility Site Evaluation Council (EFSEC) is the permitting and certifying authority for siting major energy facilities in Washington. EFSEC's siting jurisdiction includes large energy facilities, such as nuclear power plants of any size and thermal electric power plants with a generating capacity of 350 megawatts or greater. Energy facilities of any size that exclusively use alternative energy resources can also opt-in to the EFSEC review and

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certification process.

Under current law, any person filing an application for certification of an energy facility or an alternative energy resource facility may apply to the EFSEC for an expedited application. EFSEC may grant an applicant expedited processing if they find the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level under the State Environmental Policy Act and the project is found to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

An alternative energy resource includes energy facilities of the following types: wind, solar energy, geothermal energy, landfill gas, wave or tidal action, or biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces treated with chemical preservatives.

Agricultural Lands of Long-Term Commercial Significance. The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated, by mandate or choice, to satisfy all planning requirements of the GMA.

Under the GMA, all counties and cities are obligated to designate, where appropriate, natural resource lands of long-term commercial significance, and environmentally sensitive areas. These designation requirements apply to:

- agricultural lands not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- forest lands not already characterized by urban growth and have long-term significance for the commercial production of timber;
- mineral resource lands not already characterized by urban growth and have long-term significance for the extraction of minerals; and
- environmentally sensitive areas known as critical areas.

Summary of Bill: The Legislature finds that EFSEC's certification process undermines opportunities for local review of solar energy facilities sited on agricultural lands that have long-term significance for the commercial production of food or other agricultural products.

An alternative energy resource facility that chooses to receive certification from EFSEC is not eligible for expedited processing if it is fueled by solar energy sited on agricultural lands of long-term commercial significance as designated under the GMA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.