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**SENATE BILL 5206**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Warnick and Short

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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