
SENATE BILL 5167

State of Washington

68th Legislature

2023 Regular Session

By Senators Boehnke, Fortunato, Rolfes, Short, and Warnick

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

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the energy
8 facility site evaluation council's certification process undermines
9 opportunities for local review of solar and wind facilities sited on
10 agricultural lands that have long-term significance for the
11 commercial production of food or other agricultural products. These
12 energy facilities may occupy large amounts of land and affect
13 agricultural production. The current process for siting these
14 facilities creates an unfair advantage for the facilities, which have
15 the special privilege of being able to opt out of the local review
16 process if the local review process reveals local concerns. The
17 legislature intends to create parity among different types of
18 facilities by prohibiting solar and wind facilities sited on
19 agricultural lands of long-term commercial significance from being
20 eligible for expedited review before the energy facility site
21 evaluation council. This will not prohibit new solar and wind

1 facilities, but rather allow for a comprehensive review of local
2 concerns if a solar or wind facility sited on agricultural lands of
3 long-term commercial significance chooses to receive certification
4 from the energy facility site evaluation council.

5 **Sec. 2.** RCW 80.50.075 and 2022 c 183 s 18 are each amended to
6 read as follows:

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

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

22 (a) Commission an independent study to further measure the
23 consequences of the proposed facility on the environment,
24 notwithstanding the other provisions of RCW 80.50.071; nor

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

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

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

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