
SECOND SUBSTITUTE HOUSE BILL 1847

State of Washington

69th Legislature

2025 Regular Session

By House Finance (originally sponsored by Representatives Doglio, Reed, Parshley, and Ramel)

READ FIRST TIME 02/26/25.

1 AN ACT Relating to prioritizing the development of distributed
2 alternative energy resources in targeted circumstances; amending RCW
3 43.21C.530, 84.34.020, and 84.34.070; adding new sections to chapter
4 43.21F RCW; 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, as Washington
7 works towards meeting its goals under the clean energy transformation
8 act, we see many larger-scale renewable energy projects proposed.
9 These projects can come with significant challenges. This act aims to
10 incentivize the development of renewable energy on lands and
11 structures that have minimal disruption to natural habitats,
12 communities, cultural resources, and agriculture. This could include
13 small-scale wind energy developments, solar energy developments on
14 landfills, structures, and other developed lands, and the placement
15 of solar panels on agricultural lands that ensure the continued
16 viability of agriculture alongside energy production. Incentivizing
17 distributed energy can help us protect our rich agricultural lands
18 and meet our clean energy goals.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21F
20 RCW to read as follows:

1 (1) The following categories of clean energy facilities and
2 nonproject activities that reduce environmental impacts are
3 determined to constitute distributed energy priorities:

4 (a) Solar energy generation and accompanying energy storage and
5 electricity transmission and distribution, including vehicle charging
6 equipment, when such facilities are located:

7 (i) Within the easement, right-of-way, or existing footprint of
8 electrical transmission facilities;

9 (ii) Within the easement, right-of-way, or existing footprint of
10 a state highway or city or county road;

11 (iii) On structures over or enclosing irrigation canals, drainage
12 ditches, and irrigation, agricultural, livestock supply, stormwater,
13 or wastewater reservoirs or similar impoundments of state waters that
14 do not host salmon or steelhead trout runs;

15 (iv) On elevated structures over parking lots;

16 (v) On lands within a transportation facility, including but not
17 limited to airports and railroad facilities, or restricted from other
18 developments by transportation facility operations;

19 (vi) On closed or capped portions of landfills;

20 (vii) On reclaimed or former surface mine lands or contaminated
21 sites that have been remediated under chapter 70A.305 RCW or the
22 federal comprehensive environmental response, compensation, and
23 liability act (42 U.S.C. Sec. 9601 et seq.) in a manner that includes
24 an asphalt or soil cap;

25 (viii) As an agrivoltaic facility; and

26 (ix) On existing structures;

27 (b) Wind energy generation that is not a utility-scale wind
28 energy facility as defined in RCW 70A.550.010, and accompanying
29 energy storage and transmission and distribution equipment, including
30 vehicle charging equipment;

31 (c) Energy storage, when such facilities are located:

32 (i) Within the easement, right-of-way, or existing footprint of
33 electrical transmission facilities;

34 (ii) Within the easement, right-of-way, or existing footprint of
35 a state highway or city or county road;

36 (iii) On lands within a transportation facility, including but
37 not limited to airports and railroad facilities, or restricted from
38 other developments by transportation facility operations;

39 (iv) On closed or capped portions of landfills;

40 (v) On reclaimed or former surface mine lands;

1 (vi) On contaminated sites that have been remediated under
2 chapter 70A.305 RCW or the federal comprehensive environmental
3 response, compensation, and liability act (42 U.S.C. Sec. 9601 et
4 seq.) in a manner that includes an asphalt or soil cap; and

5 (vii) On or in existing structures;

6 (d) Programs that reduce electric demand, manage the level or
7 timing of electricity consumption, or provide electricity storage,
8 renewable or nonemitting electric energy, capacity, or ancillary
9 services to an electric utility and that are located on the
10 distribution system, any subsystem of the distribution system, or
11 behind the customer meter, including conservation and energy
12 efficiency; and

13 (e) Programs that reduce energy demand, manage the level or
14 timing of energy consumption, or provide thermal energy storage.

15 (2)(a) The department must review and, when appropriate,
16 periodically recommend to the legislature additional types of
17 distributed energy priorities for inclusion on the list under
18 subsection (1) of this section.

19 (b) The identification of distributed energy priorities in
20 subsection (1) of this section applies to the maximum extent
21 practical under state and federal law, but does not include any
22 development sites or activities prohibited under other state or
23 federal laws.

24 (3)(a) For purposes of this section, "agrivoltaic facility" means
25 a ground-mounted photovoltaic solar energy system that is designed to
26 be operated coincident with continued productive agricultural use of
27 the land or both the continued productive agricultural use of the
28 land and the provision of ecological value, including habitat.

29 (b) Eligible agricultural products and uses include any
30 combination of:

31 (i) Crop production;

32 (ii) Grazing;

33 (iii) Animal husbandry; and

34 (iv) Apiaries with pollinator habitat that have been designed and
35 installed to enable the agricultural producer the flexibility to
36 change what products are produced, raised, or grown at any point
37 throughout the life of the facility.

38 (c) An agrivoltaic facility must not permanently or significantly
39 degrade the agricultural or ecological productivity of the land after

1 the cessation of the operation of the facility or involve the sale of
2 a water right associated with the land.

3 (d) An agrivoltaic facility must be constructed, installed, and
4 operated to achieve integrated and simultaneous production of both
5 solar energy and marketable agricultural products by an agricultural
6 producer:

7 (i) On land beneath or between rows of solar panels, or both; and

8 (ii) As soon as agronomically feasible and optimal for the
9 agricultural producer after the commercial solar operation date, and
10 continuing until facility decommissioning.

11 (e) Solar panel arrays must be designed and installed in a manner
12 that supports the continuation of a viable farm operation for the
13 life of the array, and must consider, as appropriate, the
14 availability of light, water infrastructure for crops or animals, and
15 panel height and spacing relative to farm machinery needs.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21F
17 RCW to read as follows:

18 The department must assist in identifying, coordinating, and
19 implementing opportunities for state government, in its role as a
20 regulator, energy consumer, or possessor of property and assets
21 capable of being used for distributed energy priorities, to
22 facilitate the development of distributed energy priorities
23 identified in section 2 of this act.

24 **Sec. 4.** RCW 43.21C.530 and 2023 c 230 s 301 are each amended to
25 read as follows:

26 (1) The definitions in this subsection apply throughout this
27 section unless the context clearly requires otherwise.

28 (a) "Alternative energy resource" has the same meaning as defined
29 in RCW 80.50.020.

30 (b) "Alternative jet fuel" has the same meaning as defined in RCW
31 43.158.010.

32 (c) "Associated facilities" has the same meaning as defined in
33 RCW 43.158.010.

34 (d) "Clean energy product manufacturing facility" has the same
35 meaning as defined in RCW 43.158.010.

36 (e) "Clean energy project" has the same meaning as defined in RCW
37 43.158.010.

38 (f) "Closely related proposals" means proposals that:

1 (i) Cannot or will not proceed unless the other proposals, or
2 parts of proposals, are implemented simultaneously with them; or

3 (ii) Are interdependent parts of a larger proposal and depend on
4 the larger proposal as their justification or for their
5 implementation.

6 (g) "Green electrolytic hydrogen" has the same meaning as defined
7 in RCW 80.50.020.

8 (h) "Green hydrogen carrier" has the same meaning as defined in
9 RCW 80.50.020.

10 (i) "Renewable hydrogen" has the same meaning as defined in RCW
11 80.50.020.

12 (j) "Renewable natural gas" has the same meaning as defined in
13 RCW 80.50.020.

14 (k) "Renewable resource" has the same meaning as defined in RCW
15 80.50.020.

16 (l) "Storage facility" has the same meaning as defined in RCW
17 80.50.020.

18 (2) (a) After the submission of an environmental checklist and
19 prior to issuing a threshold determination that a clean energy
20 project proposal is likely to cause a probable significant adverse
21 environmental impact consistent with RCW 43.21C.033, the lead agency
22 must notify the project applicant and explain in writing the basis
23 for its anticipated determination of significance. Prior to issuing
24 the threshold determination of significance, the lead agency must
25 give the project applicant the option of withdrawing and revising its
26 application and the associated environmental checklist. The lead
27 agency shall make its threshold determination based upon the changed
28 or clarified application and associated environmental checklist. The
29 responsible official has no more than 30 days from the date of the
30 resubmission of a clarified or changed application to make a
31 threshold determination, unless the applicant makes material changes
32 that substantially modify the impact of the proposal, in which case
33 the responsible official must treat the resubmitted clarified or
34 changed application as new, and is subject to the timelines
35 established in RCW 43.21C.033.

36 (b) The notification required under (a) of this subsection is not
37 an official determination by the lead agency and is not subject to
38 appeal under this chapter.

39 (c) Nothing in this subsection amends the requirements of RCW
40 43.21C.033 as they apply to proposals that are not for clean energy

1 projects and nothing in this subsection precludes the lead agency
2 from allowing an applicant for a proposal that is not a clean energy
3 project to follow application processes similar to or the same as the
4 application processes identified in this subsection.

5 (3) (a) When an environmental impact statement is required, a lead
6 agency shall prepare a final environmental impact statement for clean
7 energy projects within 24 months of a threshold determination of a
8 probable significant, adverse environmental impact.

9 (b) A lead agency may work with clean energy project applicants
10 to set or extend a time limit longer than 24 months under (a) of this
11 subsection, provided the:

12 (i) Applicant agrees to a longer time limit; and

13 (ii) Responsible official for the lead agency maintains an
14 updated schedule available for public review.

15 (c) For all clean energy projects that require the preparation of
16 an environmental impact statement, the lead agency shall work
17 collaboratively with applicants and all agencies that will have
18 actions requiring review under this chapter to develop a schedule
19 that shall:

20 (i) Include a list of, and roles and responsibilities for, all
21 entities that have actions requiring review under this chapter for
22 the project;

23 (ii) Include a comprehensive schedule of dates by which review
24 under this chapter will be completed, all actions requiring review
25 under this chapter will be taken, and the public will have an
26 opportunity to participate;

27 (iii) Be completed within 60 days of issuance of a determination
28 of significance;

29 (iv) Be updated as needed, but no later than 30 days of missing a
30 date on the schedule; and

31 (v) Be available for public review on the state environmental
32 policy act register.

33 (d) A lead agency may fulfill its responsibilities under this
34 subsection with a coordinated project plan prepared pursuant to 42
35 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under
36 (c)(ii) of this subsection.

37 (e) A failure to comply with the requirements in this subsection
38 is not subject to appeal and does not provide a basis for the
39 invalidation of the review by an agency under this chapter. Nothing

1 in this subsection creates any civil liability for an agency or
2 creates a new cause of action against an agency.

3 (f) For clean energy projects, the provisions of this subsection
4 are in addition to the requirements of RCW 43.21C.0311.

5 (4) This subsection provides clarifications on the content of
6 review under this chapter specific to clean energy projects.

7 (a) In defining the proposal that is the subject of review under
8 this chapter, a lead agency may not combine the evaluation of a clean
9 energy project proposal with other proposals unless the:

10 (i) Proposals are closely related; or

11 (ii) Applicant agrees to combining the proposals' evaluation.

12 (b) An agency with authority to impose mitigation under RCW
13 43.21C.060 may require mitigation measures for clean energy projects
14 only to address the environmental impacts that are attributable to
15 and caused by a proposal.

16 (5) (a) (i) The department of ecology must evaluate, in light of
17 the goals of chapters 70A.45 and 19.405 RCW, the appropriateness of
18 tools available under this chapter to expedite the processes required
19 by this chapter, for actions that are unlikely to result in
20 significant adverse environmental impacts, for:

21 (A) Distributed energy priorities identified in section 2 of this
22 act; and

23 (B) Construction of structures with a footprint of less than
24 1,000 square feet that support solar energy generation panels or
25 other equipment, if the construction of such structures is not
26 undertaken wholly or partly on lands covered by water.

27 (ii) For each specific category of such projects, the department
28 of ecology may, as appropriate:

29 (A) Categorically exempt from compliance with this chapter
30 certain projects. The department may limit the availability of a
31 categorical exemption under this subsection to development actions
32 that do not exceed certain size thresholds or that are carried out in
33 specified circumstances or locations; or

34 (B) Identify circumstances where it is appropriate to identify
35 standardized mitigation, which may include best management practices,
36 for potential adverse environmental impacts. When implemented, the
37 standardized mitigation developed under this subsection must be
38 considered in a threshold determination under this chapter.

39 (b) In adopting rules under this subsection, the department must:

1 (i) Consider the nonproject environmental impact statements
2 prepared pursuant to RCW 43.21C.405 and 43.21C.535;

3 (ii) Consider applicable rules, guidance, and environmental best
4 management practices adopted by federal agencies, and the scope and
5 applicability of any similar exemptions under federal statute and
6 rules to environmental review requirements under the national
7 environmental policy act, 42 U.S.C. Sec. 4321 et seq.; and

8 (iii) Request and consider input from agencies, federally
9 recognized Indian tribes, stakeholders, local governments, and the
10 public in a manner that satisfies the obligations of chapters 34.05
11 and 70A.02 RCW, including to assist in the identification of the
12 suitable scope, size thresholds, circumstances, best management
13 practices, and mitigation measures.

14 (c) In recognition of the state's regulatory requirements, which
15 include 2030 and 2045 compliance deadlines for clean energy under
16 chapter 19.405 RCW, and the urgency of the need to facilitate energy
17 infrastructure developments, the department must aspire to finalize
18 the adoption of rules under this subsection by January 1, 2028, so as
19 to enable the application of the categorical exemptions and
20 standardized mitigation under this subsection as quickly as possible.

21 **Sec. 5.** RCW 84.34.020 and 2014 c 125 s 2 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Open space land" means (a) any land area so designated by an
26 official comprehensive land use plan adopted by any city or county
27 and zoned accordingly((~~r~~));i or (b) any land area, the preservation of
28 which in its present use would (i) conserve and enhance natural or
29 scenic resources, or (ii) protect streams or water supply, or (iii)
30 promote conservation of soils, wetlands, beaches or tidal marshes, or
31 (iv) enhance the value to the public of abutting or neighboring
32 parks, forests, wildlife preserves, nature reservations or
33 sanctuaries or other open space, or (v) enhance recreation
34 opportunities, or (vi) preserve historic sites, or (vii) preserve
35 visual quality along highway, road, and street corridors or scenic
36 vistas, or (viii) retain in its natural state tracts of land not less
37 than one acre situated in an urban area and open to public use on
38 such conditions as may be reasonably required by the legislative body
39 granting the open space classification((~~r~~));i or (c) any land meeting

1 the definition of farm and agricultural conservation land under
2 subsection (8) of this section. As a condition of granting open space
3 classification, the legislative body may not require public access on
4 land classified under (b)(iii) of this subsection for the purpose of
5 promoting conservation of wetlands.

6 (2) "Farm and agricultural land" means:

7 (a) Any parcel of land that is (~~twenty~~) 20 or more acres or
8 multiple parcels of land that are contiguous and total (~~twenty~~) 20
9 or more acres:

10 (i) Devoted primarily to the production of livestock or
11 agricultural commodities for commercial purposes;

12 (ii) Enrolled in the federal conservation reserve program or its
13 successor administered by the United States department of
14 agriculture; or

15 (iii) Other similar commercial activities as may be established
16 by rule;

17 (b)(i) Any parcel of land that is five acres or more but less
18 than (~~twenty~~) 20 acres devoted primarily to agricultural uses,
19 which has produced a gross income from agricultural uses equivalent
20 to, as of January 1, 1993:

21 (A) (~~One hundred dollars~~) \$100 or more per acre per year for
22 three of the five calendar years preceding the date of application
23 for classification under this chapter for all parcels of land that
24 are classified under this subsection or all parcels of land for which
25 an application for classification under this subsection is made with
26 the granting authority prior to January 1, 1993; and

27 (B) On or after January 1, 1993, (~~two hundred dollars~~) \$200 or
28 more per acre per year for three of the five calendar years preceding
29 the date of application for classification under this chapter;

30 (ii) For the purposes of (b)(i) of this subsection, "gross income
31 from agricultural uses" includes, but is not limited to, the
32 wholesale value of agricultural products donated to nonprofit food
33 banks or feeding programs;

34 (c) Any parcel of land of less than five acres devoted primarily
35 to agricultural uses which has produced a gross income as of January
36 1, 1993, of:

37 (i) (~~One thousand dollars~~) \$1,000 or more per year for three of
38 the five calendar years preceding the date of application for
39 classification under this chapter for all parcels of land that are
40 classified under this subsection or all parcels of land for which an

1 application for classification under this subsection is made with the
2 granting authority prior to January 1, 1993; and

3 (ii) On or after January 1, 1993, (~~(fifteen hundred dollars)~~)
4 \$1,500 or more per year for three of the five calendar years
5 preceding the date of application for classification under this
6 chapter. Parcels of land described in (b)(i)(A) and (c)(i) of this
7 subsection will, upon any transfer of the property excluding a
8 transfer to a surviving spouse or surviving state registered domestic
9 partner, be subject to the limits of (b)(i)(B) and (c)(ii) of this
10 subsection;

11 (d) Any parcel of land that is five acres or more but less than
12 (~~(twenty)~~) 20 acres devoted primarily to agricultural uses, which
13 meet one of the following criteria:

14 (i) Has produced a gross income from agricultural uses equivalent
15 to two hundred dollars or more per acre per year for three of the
16 five calendar years preceding the date of application for
17 classification under this chapter;

18 (ii) Has standing crops with an expectation of harvest within
19 seven years, except as provided in (d)(iii) of this subsection, and a
20 demonstrable investment in the production of those crops equivalent
21 to one hundred dollars or more per acre in the current or previous
22 calendar year. For the purposes of this subsection (2)(d)(ii),
23 "standing crop" means Christmas trees, vineyards, fruit trees, or
24 other perennial crops that: (A) Are planted using agricultural
25 methods normally used in the commercial production of that particular
26 crop; and (B) typically do not produce harvestable quantities in the
27 initial years after planting; or

28 (iii) Has a standing crop of short rotation hardwoods with an
29 expectation of harvest within (~~(fifteen)~~) 15 years and a demonstrable
30 investment in the production of those crops equivalent to (~~(one~~
31 ~~hundred dollars)~~) \$100 or more per acre in the current or previous
32 calendar year;

33 (e) Any lands including incidental uses as are compatible with
34 agricultural purposes, including wetlands preservation, provided such
35 incidental use does not exceed (~~(twenty)~~) 20 percent of the
36 classified land and the land on which appurtenances necessary to the
37 production, preparation, or sale of the agricultural products exist
38 in conjunction with the lands producing such products. Agricultural
39 lands also include any parcel of land of one to five acres, which is
40 not contiguous, but which otherwise constitutes an integral part of

1 farming operations being conducted on land qualifying under this
2 section as "farm and agricultural lands";

3 (f) The land on which housing for employees and the principal
4 place of residence of the farm operator or owner of land classified
5 pursuant to (a) of this subsection is sited if: The housing or
6 residence is on or contiguous to the classified parcel; and the use
7 of the housing or the residence is integral to the use of the
8 classified land for agricultural purposes;

9 (g) Any land that is used primarily for equestrian related
10 activities for which a charge is made, including, but not limited to,
11 stabling, training, riding, clinics, schooling, shows, or grazing for
12 feed and that otherwise meet the requirements of (a), (b), or (c) of
13 this subsection; ((~~or~~))

14 (h) Any land primarily used for commercial horticultural
15 purposes, including growing seedlings, trees, shrubs, vines, fruits,
16 vegetables, flowers, herbs, and other plants in containers, whether
17 under a structure or not, subject to the following:

18 (i) The land is not primarily used for the storage, care, or
19 selling of plants purchased from other growers for retail sale;

20 (ii) If the land is less than five acres and used primarily to
21 grow plants in containers, such land does not qualify as "farm and
22 agricultural land" if more than ((~~twenty-five~~)) 25 percent of the
23 land used primarily to grow plants in containers is open to the
24 general public for on-site retail sales;

25 (iii) If more than ((~~twenty~~)) 20 percent of the land used for
26 growing plants in containers qualifying under this subsection (2)(h)
27 is covered by pavement, none of the paved area is eligible for
28 classification as "farm and agricultural land" under this subsection
29 (2)(h). The eligibility limitations described in this subsection
30 (2)(h)(iii) do not affect the land's eligibility to qualify under (e)
31 of this subsection; and

32 (iv) If the land classified under this subsection (2)(h), in
33 addition to any contiguous land classified under this subsection, is
34 less than ((~~twenty~~)) 20 acres, it must meet the applicable income or
35 investment requirements in (b), (c), or (d) of this subsection; or

36 (i) Lands identified in (a) through (h) of this subsection on
37 which an agrivoltaic facility is located.

38 (3) "Timberland" means any parcel of land that is five or more
39 acres or multiple parcels of land that are contiguous and total five
40 or more acres which is or are devoted primarily to the growth and

1 harvest of timber for commercial purposes. Timberland means the land
2 only and does not include a residential homesite. The term includes
3 land used for incidental uses that are compatible with the growing
4 and harvesting of timber but no more than (~~ten~~) 10 percent of the
5 land may be used for such incidental uses. It also includes the land
6 on which appurtenances necessary for the production, preparation, or
7 sale of the timber products exist in conjunction with land producing
8 these products.

9 (4) "Current" or "currently" means as of the date on which
10 property is to be listed and valued by the assessor.

11 (5) "Owner" means the party or parties having the fee interest in
12 land, except that where land is subject to real estate contract
13 "owner" means the contract vendee.

14 (6) (a) "Contiguous" means land adjoining and touching other
15 property held by the same ownership. Land divided by a public road,
16 but otherwise an integral part of a farming operation, is considered
17 contiguous.

18 (b) For purposes of this subsection (6):

19 (i) "Same ownership" means owned by the same person or persons,
20 except that parcels owned by different persons are deemed held by the
21 same ownership if the parcels are:

22 (A) Managed as part of a single operation; and

23 (B) Owned by:

24 (I) Members of the same family;

25 (II) Legal entities that are wholly owned by members of the same
26 family; or

27 (III) An individual who owns at least one of the parcels and a
28 legal entity or entities that own the other parcel or parcels if the
29 entity or entities are wholly owned by that individual, members of
30 his or her family, or that individual and members of his or her
31 family.

32 (ii) "Family" includes only:

33 (A) An individual and his or her spouse or domestic partner,
34 child, stepchild, adopted child, grandchild, parent, stepparent,
35 grandparent, cousin, or sibling;

36 (B) The spouse or domestic partner of an individual's child,
37 stepchild, adopted child, grandchild, parent, stepparent,
38 grandparent, cousin, or sibling;

1 (C) A child, stepchild, adopted child, grandchild, parent,
2 stepparent, grandparent, cousin, or sibling of the individual's
3 spouse or the individual's domestic partner; and

4 (D) The spouse or domestic partner of any individual described in
5 (b)(ii)(C) of this subsection (6).

6 (7) "Granting authority" means the appropriate agency or official
7 who acts on an application for classification of land pursuant to
8 this chapter.

9 (8) "Farm and agricultural conservation land" means either:

10 (a) Land that was previously classified under subsection (2) of
11 this section, that no longer meets the criteria of subsection (2) of
12 this section, and that is reclassified under subsection (1) of this
13 section; or

14 (b) Land that is traditional farmland that is not classified
15 under chapter 84.33 or 84.34 RCW, that has not been irrevocably
16 devoted to a use inconsistent with agricultural uses, and that has a
17 high potential for returning to commercial agriculture.

18 (9) "Agrivoltaic facility" has the same meaning as described in
19 section 2 of this act.

20 **Sec. 6.** RCW 84.34.070 and 2017 c 251 s 1 are each amended to
21 read as follows:

22 (1)(a) When land has once been classified under this chapter, it
23 must remain under such classification and must not be applied to
24 other use except as provided by subsection (2) of this section for at
25 least ten years from the date of classification. It must continue
26 under such classification until and unless withdrawn from
27 classification after notice of request for withdrawal is made by the
28 owner. After the initial (~~ten~~) 10-year classification period has
29 elapsed, notice of request for withdrawal of all or a portion of the
30 land may be given by the owner to the assessor or assessors of the
31 county or counties in which the land is situated. If a portion of a
32 parcel is removed from classification, the remaining portion must
33 meet the same requirements as did the entire parcel when the land was
34 originally granted classification under this chapter unless the
35 remaining parcel has different income criteria. Within seven days the
36 assessor must transmit one copy of the notice to the legislative body
37 that originally approved the application. The assessor or assessors,
38 as the case may be, must withdraw the land from the classification
39 and the land is subject to the additional tax and applicable interest

1 due under RCW 84.34.108. Agreement to tax according to use is not
2 considered to be a contract and can be abrogated at any time by the
3 legislature in which event no additional tax or penalty may be
4 imposed.

5 (b) If the assessor gives written notice of removal as provided
6 in RCW 84.34.108(1)(d)(i) of all or a portion of land classified
7 under this chapter before the owner gives a notice of request for
8 withdrawal in (a) of this subsection, the provisions of RCW 84.34.108
9 apply.

10 (2)(a) The following reclassifications are not considered
11 withdrawals or removals and are not subject to additional tax under
12 RCW 84.34.108:

13 (i) Reclassification between lands under RCW 84.34.020 (2) and
14 (3);

15 (ii) Reclassification of land classified under RCW 84.34.020 (2)
16 or (3) or designated under chapter 84.33 RCW to open space land under
17 RCW 84.34.020(1);

18 (iii) Reclassification of land classified under RCW 84.34.020 (2)
19 or (3) to forestland designated under chapter 84.33 RCW; and

20 (iv) Reclassification of land classified as open space land under
21 RCW 84.34.020(1)(c) and reclassified to farm and agricultural land
22 under RCW 84.34.020(2) if the land had been previously classified as
23 farm and agricultural land under RCW 84.34.020(2).

24 (b) Designation as forestland under RCW 84.33.130(1) as a result
25 of a merger adopted under RCW 84.34.400 is not considered a
26 withdrawal or removal and is not subject to additional tax under RCW
27 84.34.108.

28 (3) Applications for reclassification are subject to applicable
29 provisions of RCW 84.34.037, 84.34.035, 84.34.041, and chapter 84.33
30 RCW.

31 (4) The income criteria for land classified under RCW
32 84.34.020(2) (b) and (c) may be deferred for land being reclassified
33 from land classified under RCW 84.34.020 (1)(c) or (3), or chapter
34 84.33 RCW into RCW 84.34.020(2) (b) or (c) for a period of up to five
35 years from the date of reclassification.

36 (5) The addition of an agrivoltaic facility to farm and
37 agricultural lands does not constitute a reclassification for
38 purposes of this chapter and is not considered a withdrawal or
39 removal subject to additional tax under RCW 84.34.108.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- **END** ---