
Local Government Committee

HB 2388

Brief Description: Concerning the siting of distributed energy generation resources on agricultural lands.

Sponsors: Representatives Hall, Doglio, Ramel, Reed, Parshley, Duerr, Kloba, Gregerson and Bernbaum.

Brief Summary of Bill

- Designates pivot corner facilities as a distributed energy priority.
- Authorizes counties and cities to allow solar energy production facilities as an accessory use on agricultural land under certain conditions.
- Provides that agrivoltaic and pivot corner solar energy facilities are deemed, under the Growth Management Act, to assure conservation of agricultural land and to not interfere in the use of the land for the production of food or agricultural products.

Hearing Date: 1/20/26

Staff: Kellen Wright (786-7134).

Background:

Distributed Energy Priorities and Agrivoltaic Facilities.

Electrical utilities that serve more than 25,000 customers must use renewable energy to produce, or acquire renewable energy credits equivalent to, 15 percent of the energy the electrical utility annually provides to its customers. The use of certain energy sources, or the acquisition of credits from those sources, count more toward this goal than others. Between July 27, 2025, and December 31, 2029, new distributed energy generation that has been declared a distributed

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energy priority is counted at four times the actual energy output of the facility if the utility owns or has contracted for the energy generation and renewable energy credits or has purchased the renewable energy credits.

Agrivoltaic facilities are one such distributed energy priority. An agrivoltaics facility is a ground-mounted solar energy system designed to be operated at the same time as the land is used for agriculture or livestock. The facility cannot permanently or significantly degrade the agricultural or ecological productivity of the land after the facility ceases operation or involve the sale of a water-right to the land. An agrivoltaic facility must be constructed and operated to achieve integrated and simultaneous production of solar energy and agricultural products as soon as possible on the land beneath and/or between rows of solar panels.

Agricultural Land Under the Growth Management Act.

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. A county may be subject to the planning requirements of the GMA because of the county's population and population growth rate around the time of the GMA's inception in the 1990s, because of the county's population growth rate over a subsequent 10-year period, or because the county opted-in to the GMA planning requirements. Altogether, 18 counties are required to plan, 10 have chosen to plan, and 11 are not subject to the full GMA planning requirements.

Under the GMA, counties and cities must designate agricultural lands not characterized by urban growth that have long-term significance for the production of food or other agricultural products. Counties and cities planning under the GMA must adopt development regulations to assure the conservation of agricultural lands.

In regulating these lands, counties and cities can allow for nonagricultural accessory uses that support agricultural operations. Accessory uses cannot interfere with the overall agricultural use of the property, and must support the continuation of such use. Nonagricultural accessory uses can include new buildings, parking, and related uses, but cannot result in the conversion of more than one acre of agricultural land to nonagricultural use.

Summary of Bill:

A pivot corner is the uncultivated portion of an agricultural field that is adjacent to, but outside of, the area irrigated by a center-pivot irrigation system. A pivot corner facility is a ground-mounted solar energy system that is placed in a pivot corner, and that is designed to be operated in conjunction with the irrigated agricultural land adjacent to it.

Pivot corner facilities are a distributed energy priority.

Pivot corner facilities, agrivoltaics facilities, and other facilities that place solar panels in agricultural land in a way that does not qualify them as distributed energy facilities may be

allowed by counties and cities on agricultural land as accessory uses as long as they satisfy all requirements applicable to accessory uses.

Agrivoltaic and pivot corner facilities are deemed to assure conservation of agricultural lands under the GMA and to not interfere with the continued use of the land for the production of food and agricultural products. County regulations must conform to this determination by July 1, 2029.

Appropriation: None.

Fiscal Note: Requested on January 14, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.