

HOUSE BILL REPORT

HB 2388

As Reported by House Committee On:
Local Government

Title: An act relating to the siting of distributed energy generation resources on agricultural lands in a manner that does not interfere with the continued use of such lands for agricultural production.

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 History:

Committee Activity:

Local Government: 1/20/26, 1/30/26 [DPS].

Brief Summary of Substitute Bill

- Designates solar pivot corner facilities as a distributed energy priority.
- Authorizes counties and cities to allow such facilities as an accessory use on agricultural land.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Duerr, Chair; Zahn, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey, Hall and Parshley.

Staff: Kellen Wright (786-7134).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Distributed Energy Priorities.

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 energy priority is counted at four times the actual energy output of the facility toward the utility's renewable energy requirements 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 example of a 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.

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 Substitute 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 solar 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.

Solar pivot corner facilities are a distributed energy priority.

Solar pivot corner facilities may be allowed by counties and cities on agricultural land as an accessory use.

Substitute Bill Compared to Original Bill:

The substitute bill:

- provides that accessory uses on agricultural land can include solar pivot corner facilities, rather than agrivoltaics facilities, solar pivot corner facilities, and other facilities that place solar panels in agricultural lands in a certain manner; and
- removes the provision declaring that agrivoltaics and pivot corner facilities assure the conservation of agricultural lands and that such facilities do not interfere with the continued use of the lands for the production of food and agricultural products.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 30, 2026.

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

Staff Summary of Public Testimony:

(In support) The idea for this bill came from a report that mapped potentially suitable farmland for agrivoltaics and the possible impacts on crop yields. The report said that the use of agrivoltaics could make substantial inroads into electricity needs. There are 40,000 acres of pivot corners that can provide a great deal of energy. Last year the Legislature encouraged use of agrivoltaics, and this bill is the next step to realizing that potential without reducing agricultural lands. One of the most difficult challenges with clean energy is siting, as more facilities are needed but there is also a need to protect the environment and agricultural lands. Adding pivot corners as an option when used alongside agricultural production does not encroach on the agricultural use of the land but allows farmers another revenue stream. This bill promotes renewable energy and the protection of agricultural lands.

(Opposed) None.

(Other) Section 2 of this bill allows solar facilities as agricultural and nonagricultural accessory uses, which could result in the loss of farmland. Section 3, which deems solar

pivot corner and agrivoltaics to assure the conservation of agricultural lands, is concerning, and the bill needs additional work. We need to figure out how to include this in the Growth Management Act.

Persons Testifying: (In support) Representative Zach Hall, prime sponsor; and Lily Storbeck, The Nature Conservancy.

(Other) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.