
SENATE BILL 5414

State of Washington

64th Legislature

2015 Regular Session

By Senator McAuliffe

Read first time 01/21/15. Referred to Committee on Energy,
Environment & Telecommunications.

1 AN ACT Relating to regulating trees and shrubs located near solar
2 energy systems; and adding a new chapter to Title 64 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature favors all feasible means
5 of energy conservation and all feasible uses of renewable energy. The
6 legislature encourages the planting and maintenance of trees and
7 shrubs to create shading, moderate outdoor temperatures, and provide
8 various economic and aesthetic benefits. However, the legislature
9 recognizes there are situations in which a renewable energy facility,
10 such as a solar energy system, requires specific and limited controls
11 on trees and shrubs.

12 NEW SECTION. **Sec. 2.** (1) After the installation of a solar
13 energy system, a person owning or in control of another property may
14 not allow a tree or shrub to be placed or, if placed, to grow on that
15 property so as to cast a shadow greater than ten percent on the
16 system's collector absorption area at any time between the hours of
17 ten a.m. and two p.m., local standard time.

18 (2) A tree or shrub that is maintained in violation of this
19 section is a private nuisance under RCW 7.48.150.

20 (3) This chapter does not apply to any of the following:

- 1 (a) A tree or shrub planted prior to the installation of a solar
2 energy system;
- 3 (b) A tree planted, grown, or harvested consistent with an
4 agricultural activity or forest practice presumed reasonable under
5 RCW 7.48.310;
- 6 (c) The replacement of a tree or shrub that had been growing
7 prior to the installation of a solar energy system and that,
8 subsequent to the installation of the system, dies or is removed for
9 the protection of public health, safety, or the environment;
- 10 (d) A tree or shrub that is subject to a city or county
11 ordinance; and
- 12 (e) A tree or shrub used by an adjacent property as part of a
13 passive or natural solar heating or cooling system.
- 14 (4) As used in this chapter, "solar energy system" has the same
15 meaning as in RCW 64.04.150.

16 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
17 new chapter in Title 64 RCW.

--- END ---