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

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

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

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

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

(3) This chapter does not apply to any of the following:
(a) A tree or shrub planted prior to the installation of a solar energy system;

(b) A tree planted, grown, or harvested consistent with an agricultural activity or forest practice presumed reasonable under RCW 7.48.310;

(c) The replacement of a tree or shrub that had been growing prior to the installation of a solar energy system and that, subsequent to the installation of the system, dies or is removed for the protection of public health, safety, or the environment;

(d) A tree or shrub that is subject to a city or county ordinance; and

(e) A tree or shrub used by an adjacent property as part of a passive or natural solar heating or cooling system.

(4) As used in this chapter, "solar energy system" has the same meaning as in RCW 64.04.150.

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

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