

# HOUSE BILL REPORT

## ESSB 6140

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### As Passed House - Amended:

March 4, 2004

**Title:** An act relating to exempting uninhabited electric utility facilities from short plats and subdivision requirements.

**Brief Description:** Exempting uninhabited electric utility facilities from short plats and subdivision requirements.

**Sponsors:** By Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Fraser, Mulliken and Winsley).

### Brief History:

#### Committee Activity:

Technology, Telecommunications & Energy: 2/24/04, 2/27/04 [DPA].

#### Floor Activity:

Passed House - Amended: 3/4/04, 94-0.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Creates an additional exception to the state subdivision law for divisions of land into lots or tracts of less than three acres that are used or will be used for the purpose of establishing a site for construction and operation of public or private electric utility facilities that are unstaffed, except for the presence of security personnel.

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## HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS & ENERGY

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Morris, Chair; Ruderman, Vice Chair; Sullivan, Vice Chair; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson, Blake, Bush, Delvin, Hudgins, Kirby, McMahan, Romero, Tom, Wallace and Wood.

**Staff:** Kiki Keizer (786-7109).

### Background:

The state subdivision law governs the manner in which cities and counties administer the division of land into parcels for the purpose of sale, lease, or other transfers of ownership. For purposes of the state subdivision law, when a division is of five or more parcels, it is considered a long subdivision, and four or fewer parcels is considered a short subdivision. Once established, long and short subdivisions are subject to certain requirements. For example, lots created by a short plat cannot be further divided for five years after short plat recording, with limited exceptions.

There are eight exemptions from the requirements of the state subdivision law. They are property divisions for cemeteries and burial plots, certain divisions of five acres or larger, divisions resulting from a will or inheritance, certain divisions for industrial or commercial use, certain divisions by lease where no residential structures other than mobile homes or trailers will be placed on the land, divisions to adjust boundaries, certain divisions for condominium developments, and divisions to be leased for placement of personal wireless facilities.

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**Summary of Amended Bill:**

An additional exemption to the state subdivision law is established for divisions of land into lots or tracts of less than three acres that are used or will be used for the purpose of establishing a site for construction and operation of public or private electric utility facilities. "Electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The ability to site electric utility facilities without going through short plat requirements is necessary in rural areas and is a way to save money and keep electricity rates down. The three acre limit for the exemption, which differs from a five acre limit in the corresponding House bill, was a compromise reached in the Senate. The word "uninhabited" was chosen by the Senate, recognizing that, in the event of a terrorist threat, guards or dogs might be employed at a particular electric utility facility.

All of the changes in the original bill were developed cooperatively through utilities and counties.

**Testimony Against:** None.

**Persons Testifying:** Senator Morton, prime sponsor; and Dave Clinton, Washington Rural Electric Cooperative Association.

**Persons Signed In To Testify But Not Testifying:** None.