

SENATE BILL REPORT

SB 6140

As Reported By Senate Committee On:
Land Use & Planning, January 22, 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: Senators Morton, Fraser, Mulliken and Winsley.

Brief History:

Committee Activity: Land Use & Planning: 1/19/04, 1/22/04 [DPS].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: That Substitute Senate Bill No. 6140 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Kline, Morton and Murray.

Staff: Andrea McNamara (786-7483)

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. When the division is of four or fewer parcels, it is considered a short subdivision. State law requires cities and counties to establish systems for short subdivisions, but leaves the details largely up to city or county control.

Current law allows eight exceptions to the requirements of the state subdivision law. They include the following:

- 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 for property leases for personal wireless services facilities.

Local zoning ordinances reflect the appropriate and allowable uses of land as determined and administered by city and county governments. Proposed subdivisions must conform to local zoning determinations.

Summary of Substitute Bill: An additional exception to the state subdivision law is established for the purpose of creating a site of less than three acres for an electric utility facility, so long as a survey of the land is properly recorded. An electric utility facility is defined to include substations and switching stations and must be an automated facility that does not require potable water or sewer service. Use of the land remains subject to local zoning and permitting requirements. The exception does not apply to facilities intended for the primary purpose of extending electricity service to an existing customer of another utility.

Substitute Bill Compared to Original Bill: The substitute adds a definition of "electric utility facility" and changes the term "uninhabited" to "an automated facility that does not require potable water or sewer service." It also adds a limitation so that the exemption does not apply to a facility intended for the primary purpose of extending electric service to an existing customer of another utility without that utility's permission.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: In some rural areas of the state, electric cooperatives are finding it difficult to purchase small parcels of land for existing or new substations. Sellers are not interested when they find out they will have to go through the short platting process, which can tie up the remaining parent parcel. Subdivision procedures vary around the state, and while some counties will create exceptions to the short subdivision process for public purposes like utilities, others believe an explicit legislative exemption is needed.

Testimony Against: (Concerns) The origin and purpose of the legislation is hard to understand from the bill language and should be clarified.

Testified: Victoria Lincoln, AWC (pro); Dave Clinton, WRECA (pro); Genesee Adkins, 1000 Friends of WA (concerns).