

SENATE BILL REPORT

SHB 2452

As Reported By Senate Committee On:
Land Use & Planning, February 23, 2004

Title: An act relating to sites for construction and operation of unstaffed public or private electric utility facilities.

Brief Description: Regulating sites for construction and operation of unstaffed public or private electric utility facilities.

Sponsors: House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris and Crouse).

Brief History:

Committee Activity: Land Use & Planning: 2/23/04 [DPA].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: Do pass as amended.

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

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. Once established, all long and short subdivisions are subject to certain statutory requirements. For example, lots created by a short plat cannot be further divided for five years after short plat recording, with limited exceptions.

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 Amended 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.

Amended Bill Compared to Substitute Bill: The striking amendment includes the language from the Senate companion measure, ESSB 6140, which has three differences from the house version: (1) it limits the parcels to three acres instead of five acres; (2) it describes the types of electric utility facilities in terms of being "automated" and without potable water or sewer instead of "unstaffed;" and (3) the exception does not apply if the new utility facility is intended primarily to serve the customers of another electric utility.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This exception to the short subdivision requirements has been well-worked with all the affected stakeholders. It is very important to electric utilities, especially in the rural areas, where property owners are unwilling to sell land to utilities if they will be required to short plat their remaining property to do so. The more urban counties have created "public purpose" exceptions for these types of situations, but many of the rural counties have not.

Testimony Against: None.

Testified: Dave Clinton, WRECA.