

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2452

Chapter 239, Laws of 2004

58th Legislature
2004 Regular Session

ELECTRIC UTILITY FACILITIES--SITING

EFFECTIVE DATE: 6/10/04

Passed by the House March 10, 2004
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 10, 2004
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved March 31, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2452** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 31, 2004 - 2:33 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2452

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

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

READ FIRST TIME 02/02/04.

1 AN ACT Relating to sites for construction and operation of
2 unstaffed public or private electric utility facilities; and amending
3 RCW 58.17.040.

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

5 **Sec. 1.** RCW 58.17.040 and 2002 c 44 s 1 are each amended to read
6 as follows:

7 The provisions of this chapter shall not apply to:

8 (1) Cemeteries and other burial plots while used for that purpose;

9 (2) Divisions of land into lots or tracts each of which is one-one
10 hundred twenty-eighth of a section of land or larger, or five acres or
11 larger if the land is not capable of description as a fraction of a
12 section of land, unless the governing authority of the city, town, or
13 county in which the land is situated shall have adopted a subdivision
14 ordinance requiring plat approval of such divisions: PROVIDED, That
15 for purposes of computing the size of any lot under this item which
16 borders on a street or road, the lot size shall be expanded to include
17 that area which would be bounded by the center line of the road or
18 street and the side lot lines of the lot running perpendicular to such
19 center line;

1 (3) Divisions made by testamentary provisions, or the laws of
2 descent;

3 (4) Divisions of land into lots or tracts classified for industrial
4 or commercial use when the city, town, or county has approved a binding
5 site plan for the use of the land in accordance with local regulations;

6 (5) A division for the purpose of lease when no residential
7 structure other than mobile homes or travel trailers are permitted to
8 be placed upon the land when the city, town, or county has approved a
9 binding site plan for the use of the land in accordance with local
10 regulations;

11 (6) A division made for the purpose of alteration by adjusting
12 boundary lines, between platted or unplatted lots or both, which does
13 not create any additional lot, tract, parcel, site, or division nor
14 create any lot, tract, parcel, site, or division which contains
15 insufficient area and dimension to meet minimum requirements for width
16 and area for a building site;

17 (7) Divisions of land into lots or tracts if: (a) Such division is
18 the result of subjecting a portion of a parcel or tract of land to
19 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
20 binding site plan for all such land; (b) the improvements constructed
21 or to be constructed thereon are required by the provisions of the
22 binding site plan to be included in one or more condominiums or owned
23 by an association or other legal entity in which the owners of units
24 therein or their owners' associations have a membership or other legal
25 or beneficial interest; (c) a city, town, or county has approved the
26 binding site plan for all such land; (d) such approved binding site
27 plan is recorded in the county or counties in which such land is
28 located; and (e) the binding site plan contains thereon the following
29 statement: "All development and use of the land described herein shall
30 be in accordance with this binding site plan, as it may be amended with
31 the approval of the city, town, or county having jurisdiction over the
32 development of such land, and in accordance with such other
33 governmental permits, approvals, regulations, requirements, and
34 restrictions that may be imposed upon such land and the development and
35 use thereof. Upon completion, the improvements on the land shall be
36 included in one or more condominiums or owned by an association or
37 other legal entity in which the owners of units therein or their
38 owners' associations have a membership or other legal or beneficial

1 interest. This binding site plan shall be binding upon all now or
2 hereafter having any interest in the land described herein." The
3 binding site plan may, but need not, depict or describe the boundaries
4 of the lots or tracts resulting from subjecting a portion of the land
5 to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to
6 have been approved if the site plan was approved by a city, town, or
7 county: (i) In connection with the final approval of a subdivision
8 plat or planned unit development with respect to all of such land; or
9 (ii) in connection with the issuance of building permits or final
10 certificates of occupancy with respect to all of such land; or (iii) if
11 not approved pursuant to (i) and (ii) of this subsection (7)(e), then
12 pursuant to such other procedures as such city, town, or county may
13 have established for the approval of a binding site plan; (~~and~~)

14 (8) A division for the purpose of leasing land for facilities
15 providing personal wireless services while used for that purpose.
16 "Personal wireless services" means any federally licensed personal
17 wireless service. "Facilities" means unstaffed facilities that are
18 used for the transmission or reception, or both, of wireless
19 communication services including, but not necessarily limited to,
20 antenna arrays, transmission cables, equipment shelters, and support
21 structures; and

22 (9) A division of land into lots or tracts of less than three acres
23 that is recorded in accordance with chapter 58.09 RCW and is used or to
24 be used for the purpose of establishing a site for construction and
25 operation of consumer-owned or investor-owned electric utility
26 facilities. For purposes of this subsection, "electric utility
27 facilities" means unstaffed facilities, except for the presence of
28 security personnel, that are used for or in connection with or to
29 facilitate the transmission, distribution, sale, or furnishing of
30 electricity including, but not limited to, electric power substations.
31 This subsection does not exempt a division of land from the zoning and
32 permitting laws and regulations of cities, towns, counties, and
33 municipal corporations. Furthermore, this subsection only applies to
34 electric utility facilities that will be placed into service to meet
35 the electrical needs of a utility's existing and new customers. New
36 customers are defined as electric service locations not already in

1 existence as of the date that electric utility facilities subject to
2 the provisions of this subsection are planned and constructed.

Passed by the House March 10, 2004.

Passed by the Senate March 10, 2004.

Approved by the Governor March 31, 2004.

Filed in Office of Secretary of State March 31, 2004.