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HOUSE BILL 2108

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Anderson, Morris, Haler and Crouse

Read first time 02/08/2007.    Referred to Committee on Technology,  
Energy & Communications.

1            AN ACT Relating to assessing the cost of burying power lines;  
2 amending RCW 36.70A.070; and creating new sections.

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

4            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
5 throughout sections 2 and 3 of this act unless the context clearly  
6 requires otherwise.

7            (1) "Commission" means the utilities and transportation commission.

8            (2) "Consumer-owned utility" means a municipal electric utility  
9 formed under Title 35 RCW, a public utility district formed under Title  
10 54 RCW, an irrigation district formed under chapter 87.03 RCW, a  
11 cooperative formed under chapter 23.86 RCW, or a mutual corporation or  
12 association formed under chapter 24.06 RCW, that is engaged in the  
13 business of distributing electricity to more than one retail electric  
14 customer in the state.

15            (3) "Investor-owned utility" means a company owned by investors  
16 that meets the definition of RCW 80.04.010 and is engaged in  
17 distributing electricity to more than one retail electric customer in  
18 the state.

1        NEW SECTION.    **Sec. 2.** (1) Each investor-owned utility must  
2 complete a cost assessment for burying all existing electric  
3 distribution lines owned by investor-owned utilities in the state. The  
4 cost assessment must include the following:

5        (a) A comparison of the operational advantages and disadvantages of  
6 overhead and underground power distribution systems;

7        (b) An estimation of the capital costs of converting overhead lines  
8 to underground lines, along with the differences in operation and  
9 maintenance costs for the two types of systems;

10       (c) A comparison of the capital costs for constructing overhead  
11 lines versus underground lines;

12       (d) An estimation of the operating and maintenance costs for the  
13 two types of systems; and

14       (e) An estimation of the time and human resources required to bury  
15 underground lines, including an estimation of the potential additional  
16 costs to customers, municipalities, and other utilities that may result  
17 from conversion.

18       (2) In addition to providing cost estimates under subsection (1) of  
19 this section, each investor-owned utility must produce:

20       (a) A prioritized list for each investor-owned utility for burying  
21 their distribution lines based on population density; and

22       (b) An estimated rate requirement for each ratepayer over a twenty,  
23 twenty-five, and thirty-year period if all of the utility's existing  
24 distribution lines were converted to underground lines.

25       (3) The cost assessment prepared under this section must be  
26 submitted to the governor, the appropriate committees of the  
27 legislature, and the commission by December 1, 2007, for further  
28 consideration.

29       NEW SECTION.    **Sec. 3.** (1) All consumer-owned utilities must  
30 complete a cost assessment for burying all existing electric  
31 distribution lines owned by investor-owned utilities in the state. The  
32 cost assessment must include the following:

33       (a) A comparison of the operational advantages and disadvantages of  
34 overhead and underground power distribution systems;

35       (b) An estimation of the capital costs of converting overhead lines  
36 to underground lines, along with the differences in operation and  
37 maintenance costs for the two types of systems;

1 (c) A comparison of the capital costs for constructing overhead  
2 lines versus underground lines;

3 (d) An estimation of the operating and maintenance costs for the  
4 two types of systems; and

5 (e) An estimation of the time and human resources required to bury  
6 underground lines, including an estimation of the potential additional  
7 costs to customers, municipalities, and other utilities that may result  
8 from conversion.

9 (2) In addition to providing cost estimates under subsection (1) of  
10 this section, each consumer-owned utility must produce:

11 (a) A prioritized list for burying their distribution lines based  
12 on population density; and

13 (b) An estimated rate requirement for each ratepayer over a twenty,  
14 twenty-five, and thirty-year period if all of the utility's existing  
15 distribution lines were converted to underground lines.

16 (3) The cost assessment prepared under this section must be  
17 submitted to the governor and the appropriate committees of the  
18 legislature by December 1, 2007, for further consideration.

19 **Sec. 4.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read  
20 as follows:

21 The comprehensive plan of a county or city that is required or  
22 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
23 and descriptive text covering objectives, principles, and standards  
24 used to develop the comprehensive plan. The plan shall be an  
25 internally consistent document and all elements shall be consistent  
26 with the future land use map. A comprehensive plan shall be adopted  
27 and amended with public participation as provided in RCW 36.70A.140.

28 Each comprehensive plan shall include a plan, scheme, or design for  
29 each of the following:

30 (1) A land use element designating the proposed general  
31 distribution and general location and extent of the uses of land, where  
32 appropriate, for agriculture, timber production, housing, commerce,  
33 industry, recreation, open spaces, general aviation airports, public  
34 utilities, public facilities, and other land uses. The land use  
35 element shall include population densities, building intensities, and  
36 estimates of future population growth. The land use element shall  
37 provide for protection of the quality and quantity of ground water used

1 for public water supplies. Wherever possible, the land use element  
2 should consider utilizing urban planning approaches that promote  
3 physical activity. Where applicable, the land use element shall review  
4 drainage, flooding, and storm water run-off in the area and nearby  
5 jurisdictions and provide guidance for corrective actions to mitigate  
6 or cleanse those discharges that pollute waters of the state, including  
7 Puget Sound or waters entering Puget Sound.

8 (2) A housing element ensuring the vitality and character of  
9 established residential neighborhoods that: (a) Includes an inventory  
10 and analysis of existing and projected housing needs that identifies  
11 the number of housing units necessary to manage projected growth; (b)  
12 includes a statement of goals, policies, objectives, and mandatory  
13 provisions for the preservation, improvement, and development of  
14 housing, including single-family residences; (c) identifies sufficient  
15 land for housing, including, but not limited to, government-assisted  
16 housing, housing for low-income families, manufactured housing,  
17 multifamily housing, and group homes and foster care facilities; and  
18 (d) makes adequate provisions for existing and projected needs of all  
19 economic segments of the community.

20 (3) A capital facilities plan element consisting of: (a) An  
21 inventory of existing capital facilities owned by public entities,  
22 showing the locations and capacities of the capital facilities; (b) a  
23 forecast of the future needs for such capital facilities; (c) the  
24 proposed locations and capacities of expanded or new capital  
25 facilities; (d) at least a six-year plan that will finance such capital  
26 facilities within projected funding capacities and clearly identifies  
27 sources of public money for such purposes; and (e) a requirement to  
28 reassess the land use element if probable funding falls short of  
29 meeting existing needs and to ensure that the land use element, capital  
30 facilities plan element, and financing plan within the capital  
31 facilities plan element are coordinated and consistent. Park and  
32 recreation facilities shall be included in the capital facilities plan  
33 element.

34 (4) A utilities element consisting of the general location,  
35 proposed location, and capacity of all existing and proposed utilities,  
36 including, but not limited to, electrical lines, telecommunication  
37 lines, and natural gas lines. The utility element must also consist of

1 an analysis of the cost of burying existing and new electrical lines,  
2 and an identification of those areas at most risk of power outages as  
3 a result of aboveground electrical line service.

4 (5) Rural element. Counties shall include a rural element  
5 including lands that are not designated for urban growth, agriculture,  
6 forest, or mineral resources. The following provisions shall apply to  
7 the rural element:

8 (a) Growth management act goals and local circumstances. Because  
9 circumstances vary from county to county, in establishing patterns of  
10 rural densities and uses, a county may consider local circumstances,  
11 but shall develop a written record explaining how the rural element  
12 harmonizes the planning goals in RCW 36.70A.020 and meets the  
13 requirements of this chapter.

14 (b) Rural development. The rural element shall permit rural  
15 development, forestry, and agriculture in rural areas. The rural  
16 element shall provide for a variety of rural densities, uses, essential  
17 public facilities, and rural governmental services needed to serve the  
18 permitted densities and uses. To achieve a variety of rural densities  
19 and uses, counties may provide for clustering, density transfer, design  
20 guidelines, conservation easements, and other innovative techniques  
21 that will accommodate appropriate rural densities and uses that are not  
22 characterized by urban growth and that are consistent with rural  
23 character.

24 (c) Measures governing rural development. The rural element shall  
25 include measures that apply to rural development and protect the rural  
26 character of the area, as established by the county, by:

27 (i) Containing or otherwise controlling rural development;

28 (ii) Assuring visual compatibility of rural development with the  
29 surrounding rural area;

30 (iii) Reducing the inappropriate conversion of undeveloped land  
31 into sprawling, low-density development in the rural area;

32 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
33 surface water and ground water resources; and

34 (v) Protecting against conflicts with the use of agricultural,  
35 forest, and mineral resource lands designated under RCW 36.70A.170.

36 (d) Limited areas of more intensive rural development. Subject to  
37 the requirements of this subsection and except as otherwise  
38 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including  
2 necessary public facilities and public services to serve the limited  
3 area as follows:

4 (i) Rural development consisting of the infill, development, or  
5 redevelopment of existing commercial, industrial, residential, or  
6 mixed-use areas, whether characterized as shoreline development,  
7 villages, hamlets, rural activity centers, or crossroads developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-use  
9 area shall be subject to the requirements of (d)(iv) of this  
10 subsection, but shall not be subject to the requirements of (c)(ii) and  
11 (iii) of this subsection.

12 (B) Any development or redevelopment other than an industrial area  
13 or an industrial use within a mixed-use area or an industrial area  
14 under this subsection (5)(d)(i) must be principally designed to serve  
15 the existing and projected rural population.

16 (C) Any development or redevelopment in terms of building size,  
17 scale, use, or intensity shall be consistent with the character of the  
18 existing areas. Development and redevelopment may include changes in  
19 use from vacant land or a previously existing use so long as the new  
20 use conforms to the requirements of this subsection (5);

21 (ii) The intensification of development on lots containing, or new  
22 development of, small-scale recreational or tourist uses, including  
23 commercial facilities to serve those recreational or tourist uses, that  
24 rely on a rural location and setting, but that do not include new  
25 residential development. A small-scale recreation or tourist use is  
26 not required to be principally designed to serve the existing and  
27 projected rural population. Public services and public facilities  
28 shall be limited to those necessary to serve the recreation or tourist  
29 use and shall be provided in a manner that does not permit low-density  
30 sprawl;

31 (iii) The intensification of development on lots containing  
32 isolated nonresidential uses or new development of isolated cottage  
33 industries and isolated small-scale businesses that are not principally  
34 designed to serve the existing and projected rural population and  
35 nonresidential uses, but do provide job opportunities for rural  
36 residents. Rural counties may allow the expansion of small-scale  
37 businesses as long as those small-scale businesses conform with the  
38 rural character of the area as defined by the local government

1 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also  
2 allow new small-scale businesses to utilize a site previously occupied  
3 by an existing business as long as the new small-scale business  
4 conforms to the rural character of the area as defined by the local  
5 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services  
6 and public facilities shall be limited to those necessary to serve the  
7 isolated nonresidential use and shall be provided in a manner that does  
8 not permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the  
10 existing areas or uses of more intensive rural development, as  
11 appropriate, authorized under this subsection. Lands included in such  
12 existing areas or uses shall not extend beyond the logical outer  
13 boundary of the existing area or use, thereby allowing a new pattern of  
14 low-density sprawl. Existing areas are those that are clearly  
15 identifiable and contained and where there is a logical boundary  
16 delineated predominately by the built environment, but that may also  
17 include undeveloped lands if limited as provided in this subsection.  
18 The county shall establish the logical outer boundary of an area of  
19 more intensive rural development. In establishing the logical outer  
20 boundary the county shall address (A) the need to preserve the  
21 character of existing natural neighborhoods and communities, (B)  
22 physical boundaries such as bodies of water, streets and highways, and  
23 land forms and contours, (C) the prevention of abnormally irregular  
24 boundaries, and (D) the ability to provide public facilities and public  
25 services in a manner that does not permit low-density sprawl;

26 (v) For purposes of (d) of this subsection, an existing area or  
27 existing use is one that was in existence:

28 (A) On July 1, 1990, in a county that was initially required to  
29 plan under all of the provisions of this chapter;

30 (B) On the date the county adopted a resolution under RCW  
31 36.70A.040(2), in a county that is planning under all of the provisions  
32 of this chapter under RCW 36.70A.040(2); or

33 (C) On the date the office of financial management certifies the  
34 county's population as provided in RCW 36.70A.040(5), in a county that  
35 is planning under all of the provisions of this chapter pursuant to RCW  
36 36.70A.040(5).

37 (e) Exception. This subsection shall not be interpreted to permit

1 in the rural area a major industrial development or a master planned  
2 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
3 36.70A.365.

4 (6) A transportation element that implements, and is consistent  
5 with, the land use element.

6 (a) The transportation element shall include the following  
7 subelements:

8 (i) Land use assumptions used in estimating travel;

9 (ii) Estimated traffic impacts to state-owned transportation  
10 facilities resulting from land use assumptions to assist the department  
11 of transportation in monitoring the performance of state facilities, to  
12 plan improvements for the facilities, and to assess the impact of land-  
13 use decisions on state-owned transportation facilities;

14 (iii) Facilities and services needs, including:

15 (A) An inventory of air, water, and ground transportation  
16 facilities and services, including transit alignments and general  
17 aviation airport facilities, to define existing capital facilities and  
18 travel levels as a basis for future planning. This inventory must  
19 include state-owned transportation facilities within the city or  
20 county's jurisdictional boundaries;

21 (B) Level of service standards for all locally owned arterials and  
22 transit routes to serve as a gauge to judge performance of the system.  
23 These standards should be regionally coordinated;

24 (C) For state-owned transportation facilities, level of service  
25 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
26 to gauge the performance of the system. The purposes of reflecting  
27 level of service standards for state highways in the local  
28 comprehensive plan are to monitor the performance of the system, to  
29 evaluate improvement strategies, and to facilitate coordination between  
30 the county's or city's six-year street, road, or transit program and  
31 the department of transportation's six-year investment program. The  
32 concurrency requirements of (b) of this subsection do not apply to  
33 transportation facilities and services of statewide significance except  
34 for counties consisting of islands whose only connection to the  
35 mainland are state highways or ferry routes. In these island counties,  
36 state highways and ferry route capacity must be a factor in meeting the  
37 concurrency requirements in (b) of this subsection;



1 (D) Specific actions and requirements for bringing into compliance  
2 locally owned transportation facilities or services that are below an  
3 established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the  
5 adopted land use plan to provide information on the location, timing,  
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet current  
8 and future demands. Identified needs on state-owned transportation  
9 facilities must be consistent with the statewide multimodal  
10 transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against  
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in the  
15 comprehensive plan, the appropriate parts of which shall serve as the  
16 basis for the six-year street, road, or transit program required by RCW  
17 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
18 for public transportation systems. The multiyear financing plan should  
19 be coordinated with the ((~~six-year~~)) ten-year improvement program  
20 developed by the department of transportation as required by RCW  
21 47.05.030;

22 (C) If probable funding falls short of meeting identified needs, a  
23 discussion of how additional funding will be raised, or how land use  
24 assumptions will be reassessed to ensure that level of service  
25 standards will be met;

26 (v) Intergovernmental coordination efforts, including an assessment  
27 of the impacts of the transportation plan and land use assumptions on  
28 the transportation systems of adjacent jurisdictions;

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative  
31 efforts to identify and designate planned improvements for pedestrian  
32 and bicycle facilities and corridors that address and encourage  
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions  
35 required to plan or who choose to plan under RCW 36.70A.040, local  
36 jurisdictions must adopt and enforce ordinances which prohibit  
37 development approval if the development causes the level of service on  
38 a locally owned transportation facility to decline below the standards

1 adopted in the transportation element of the comprehensive plan, unless  
2 transportation improvements or strategies to accommodate the impacts of  
3 development are made concurrent with the development. These strategies  
4 may include increased public transportation service, ride sharing  
5 programs, demand management, and other transportation systems  
6 management strategies. For the purposes of this subsection (6)  
7 "concurrent with the development" shall mean that improvements or  
8 strategies are in place at the time of development, or that a financial  
9 commitment is in place to complete the improvements or strategies  
10 within six years.

11 (c) The transportation element described in this subsection (6),  
12 and the six-year plans required by RCW 35.77.010 for cities, RCW  
13 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
14 systems, and the ten-year plan required by RCW 47.05.030 for the state,  
15 must be consistent.

16 (7) An economic development element establishing local goals,  
17 policies, objectives, and provisions for economic growth and vitality  
18 and a high quality of life. The element shall include: (a) A summary  
19 of the local economy such as population, employment, payroll, sectors,  
20 businesses, sales, and other information as appropriate; (b) a summary  
21 of the strengths and weaknesses of the local economy defined as the  
22 commercial and industrial sectors and supporting factors such as land  
23 use, transportation, utilities, education, work force, housing, and  
24 natural/cultural resources; and (c) an identification of policies,  
25 programs, and projects to foster economic growth and development and to  
26 address future needs. A city that has chosen to be a residential  
27 community is exempt from the economic development element requirement  
28 of this subsection.

29 (8) A park and recreation element that implements, and is  
30 consistent with, the capital facilities plan element as it relates to  
31 park and recreation facilities. The element shall include: (a)  
32 Estimates of park and recreation demand for at least a ten-year period;  
33 (b) an evaluation of facilities and service needs; and (c) an  
34 evaluation of intergovernmental coordination opportunities to provide  
35 regional approaches for meeting park and recreational demand.

36 (9) It is the intent that new or amended elements required after  
37 January 1, 2002, be adopted concurrent with the scheduled update  
38 provided in RCW 36.70A.130. Requirements to incorporate any such new

1 or amended elements shall be null and void until funds sufficient to  
2 cover applicable local government costs are appropriated and  
3 distributed by the state at least two years before local government  
4 must update comprehensive plans as required in RCW 36.70A.130.

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