



REAL PROPERTY USE PERMITS, LEASES, CONSENTS AND EASEMENTS		
DPP NUMBER	DPP 500 P III-132	
EFFECTIVE DATE	11/08/2023	SUPERSEDES 09/11/1996
APPROVED BY	/ s / by <i>Mike Haynes, Interim General Manager</i>	

1.0 **PURPOSE:**

- 1.1 To provide guidelines for incidental use of real property under the jurisdictional control of the Department.

2.0 **POLICY:**

- 2.1 Seattle City Light is a municipally owned electric utility, a Department of the City of Seattle, responsible for providing reliable, affordable, safe, and environmentally responsible electric power to the citizens of Seattle, and to neighboring communities north and south of the City.
- 2.2 All City Light real property and real property interests (City Light real property) is owned by the City of Seattle and assigned to the jurisdiction of City Light.
- 2.3 City Light is responsible for managing and preserving the real property under its jurisdiction for its current and future utility needs.
- 2.4 Incidental uses may be authorized provided they do not interfere with the Department’s use of the property. The Department may allow incidental uses of City Light real property which do not:
  - a) Interfere with the current or future use of such property for utility purposes;
  - b) Interfere with or obstruct the operation and maintenance of the utility system;
  - c) Create hazardous conditions or pose a risk of environmental damage;
  - d) Create a risk of liability to the City due to claims arising from personal injury or property damage; or
  - e) Prevent the utility from meeting any local, state, and/or national requirements imposed by any regulatory agency.
- 2.5 Authorization of incidental uses shall be in accordance with the [Real Property Use Guidelines](#).
- 2.6 The Department may deny requests for incidental use of its real property at its discretion. The granting of easements and leases must be authorized by the City Council pursuant to City Charter.
- 2.7 The Use Guidelines establish criteria for granting incidental uses, including: the effect of the proposed use on the Department’s current and future use of the property, including the Department’s ability to meet local, state, and national utility requirements imposed by any regulatory agency, by law, or pursuant to contractual agreements with other utilities; expenses of maintenance and operation; risk of liability from claims and damages arising

from personal injury or property damage; diminishment of the value of the property or its usefulness to the Department; and the difficulty of removing incidental uses once established.

- 2.8 Incompatible uses, including those shown in the Use Guidelines, shall be denied outright.
- 2.9 The Use Guidelines are not intended to override these policy considerations; in the event the Use Guidelines conflict with the DPP, the DPP shall prevail.
- 2.10 City Light shall establish payment rates.
  - 2.10.1 Rates for permits and leases shall be established at the fair market value of the property pursuant to RCW 43.09.210 (State Accountancy Act), reviewed annually, and revised if warranted.
  - 2.10.2 The minimum rate charge shall be set at an amount sufficient to recover the cost of administering the permit. The minimum rate shall be reviewed every two years and may be revised to reflect changing costs.
  - 2.10.3 Rates may, at the discretion of the Department, be offset by an amount equal to the measurable and reasonable value of any bona fide benefits that accrue to the Department. To offset the payment amount the use must provide a true and substantive benefit to the Department and be related to its utility operations, as opposed to a general public benefit.
  - 2.10.4 The Department will charge an additional fee or impose additional requirements related to increased maintenance costs and/or liability, as described in 2.3, which result from the incidental use.
- 2.11 The amount charged for easements granted on the Department's property shall be based on the fair market value of the property right(s) being granted pursuant to RCW 43.09.210. Payment for easements may, at the discretion of the Department, be offset by an amount equal to the fair market value of any real and substantive benefits which accrue to the Department as discussed in §2.10.3.
- 2.12 Administrative fees for permits, leases and easements shall be established by the Department. These fees may be waived or reduced when the use would be a real and substantive benefit to the Department or when the Department initiates the action.
- 2.13 Insurance will be required on any permit, lease, consent, and/or easement, if the use presents a risk of increased or additional liability to the Department or the City.

### 3.0 **ROLES / RESPONSIBILITIES:**

- 3.1 City Light shall be responsible for:
  - 3.1.1 Managing incidental uses of the Department's property and easements;
  - 3.1.2 Granting permits and consents outright, and leases and easements upon authorization by the City Council;
  - 3.1.3 Enforcing terms and conditions of permits, leases, consents and easements;
  - 3.1.4 Initiating the necessary legislation, as required by the City Charter, prior to executing easements and leases for use of Department property; and
  - 3.1.5 Reviewing and revising this Department Policy and Procedure as necessary;

- 3.2 The Department shall review the applications for incidental use and determine whether or not the use:
- presents increased maintenance costs and risk of liability,
  - is compatible with the State Electrical Code, applicable state and federal law, FERC regulations and orders, and other applicable statutes, ordinances and regulations, the Property Use Guidelines, the Department's maintenance and operational requirements, and all future Departmental uses.
  - presents a potentially significant environmental impact.
- 3.3 The Department shall maintain awareness of any unauthorized use of or encroachments on the Department's transmission and/or distribution line rights-of-way or substation properties and shall take appropriate steps to remove the use.

#### 4.0 **PROCEDURES:**

- 4.1 Applicants for permits, leases, consents, and easements shall submit the appropriate application and administrative fee to City Light, Attention: Real Estate Services Manager.
- 4.1.1 Administrative fees for applications shall be charged pursuant to DPP 500 P III-132, Table 1.
- 4.1.2 City Light may waive application fees pursuant to section 2.12 of this DPP.
- 4.2 Requests for permits, leases, consents, or easements shall be approved or denied by City Light, based on consistency with this policy and the Use Guidelines and other relevant technical or operational factors.
- 4.3 All easements, leases, and memoranda of lease, taken or granted, shall be recorded in the appropriate county.

#### 5.0 **DEFINITIONS:**

- 5.1 Department. The City Light Department.
- 5.2 City. The City of Seattle.
- 5.3 General Manager. The General Manager and CEO of the City Light Department.
- 5.4 Real Estate Services Manager. The Manager of Real Estate Services of Seattle City Light.
- 5.5 Easement. A property right held by a property owner or entity to use the land of another for a limited purpose. An easement holder has an interest in the property for the specified use but does not own the land. Easements are perpetual and are commonly granted for uses such as utility rights of way and ingress/egress access.
- 5.6 Permit. A short-term agreement which allows specified uses of the Department's real property under specified terms and conditions.
- 5.7 Consent. A short-term agreement which allows compatible uses of the Department's easements under specified terms and conditions.
- 5.8 Lease. A long-term agreement which allows specified uses of the Department's real property under specified terms and conditions.
- 5.9 Incidental Uses. These are uses by others of the Department's real property or easements, which are non-utility uses and for which the Department may grant, at its discretion, temporary permits or may consent to such uses, or, if a long-term use, the City Council may authorize upon recommendation by the Department, provided that such uses are consistent with this policy and the Department's Use Guidelines.

5.10 Unacceptable Use. A use that is incompatible with the Department's existing and future use of its property and easements.

6.0 **REFERENCES:**

- 6.1 Real Property Use Guidelines.
- 6.2 State Accountancy Act (RCW 43.09.210).
- 6.3 State Authorization to Cities to Operate Electric Utilities (RCW 35.92.050).
- 6.4 Lending of Credit Clause (Washington State Constitution, Art. VIII, Sec. 7).
- 6.5 RCW 35.92.050 and RCW 35.94.040.
- 6.6 Washington State Electrical Construction Code (WAC Ch 296-44).
- 6.7 Seattle City Charter, Article IV, Section
- 6.8 Washington State Growth Management Act (RCW 36.70A. et seq.).
- 6.9 Federal Power Act as amended by the National Energy Policy Act of 1992 (16 U.S.C. 791 et seq. and 16 U.S.C. 824j).

7.0 **APPENDIX:**

- 7.1 Distribution: Posted online @ <https://www.seattle.gov/city-light/about-us/what-we-do/public-policies>

**TABLE 1 – Schedule of Application Fees**

	<b>DESCRIPTION</b>	<b>FEE</b>
	Permit & Lease Applications	
	➤ Residential (including Grazing and Gardening)	\$ 650.00 *
	➤ Commercial / Industrial	\$ 1600.00 *
	Easement Applications	\$ 4000.00 *
	Consent Applications	\$ 250.00 *
	Recording Fee	Established county recording fees

\* Plus taxes, as applicable.

**REVISION HISTORY:**

<b>DATE</b>	<b>CHANGES MADE</b>	<b>REVISED BY</b>
11/08/2023	Revised to update text to current business practices.	Authors: Greg Sancewich & Tim Croll, Carsten Croff, Gina Baxter Coordinator: Kim Kinney