

---

SENATE BILL 5141

---

State of Washington

60th Legislature

2007 Regular Session

By Senators Fraser and Swecker

Read first time 01/11/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to affirming the applicability of land use  
2 regulations to divisions of land created by testamentary provisions or  
3 the laws of descent; and amending RCW 58.17.040.

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

5 **Sec. 1.** RCW 58.17.040 and 2004 c 239 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((τ)) or the laws of  
2 descent. Divisions made under this subsection are subject to land use  
3 regulations under other chapters;

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

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

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

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

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

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

23 (9) A division of land into lots or tracts of less than three acres  
24 that is recorded in accordance with chapter 58.09 RCW and is used or to  
25 be used for the purpose of establishing a site for construction and  
26 operation of consumer-owned or investor-owned electric utility  
27 facilities. For purposes of this subsection, "electric utility  
28 facilities" means unstaffed facilities, except for the presence of  
29 security personnel, that are used for or in connection with or to  
30 facilitate the transmission, distribution, sale, or furnishing of  
31 electricity including, but not limited to, electric power substations.  
32 This subsection does not exempt a division of land from the zoning and  
33 permitting laws and regulations of cities, towns, counties, and  
34 municipal corporations. Furthermore, this subsection only applies to  
35 electric utility facilities that will be placed into service to meet  
36 the electrical needs of a utility's existing and new customers. New  
37 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.

--- END ---