**RCW 58.17.040 Chapter inapplicable, when.** ***(Effective until January 1, 2028.)*** The provisions of this chapter shall not apply to:

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

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

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

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations. For the purposes of this section, commercially zoned property includes property that is zoned to permit or conditionally permit any multifamily residential uses;

(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

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

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

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

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

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

(10) A division of land into lots or tracts of less than two acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of a rural fire district station, provided the proposed lots or tracts contain sufficient area and dimensions to meet minimum building site width and area requirements, and appropriate provisions are made for potable water supplies and sanitary wastes.

(11) A division of land caused by the acquisition of a portion of an existing lot or tract by a regional transit authority as defined in chapter 81.112 RCW that is acquiring land to build facilities as defined in RCW 81.112.020. [2026 c 166 s 6; 2025 c 208 s 2; 2024 c 190 s 2; 2019 c 352 s 2; 2004 c 239 s 1; 2002 c 44 s 1; 1992 c 220 s 27; 1989 c 43 s 4-123. Prior: 1987 c 354 s 1; 1987 c 108 s 1; 1983 c 121 s 2; prior: 1981 c 293 s 3; 1981 c 292 s 2; 1974 ex.s. c 134 s 2; 1969 ex.s. c 271 s 4.]

***Reviser's note:** Chapters 64.32 and 64.34 RCW were repealed by 2024 c 321 ss 501 and 502, effective January 1, 2028.

**Expiration date—2026 c 166 s 6:** "Section 6 of this act expires January 1, 2028." [2026 c 166 s 8.]

**Expiration date—2025 c 208 s 2:** "Section 2 of this act expires January 1, 2028." [2025 c 208 s 6.]

**Findings—Intent—2024 c 190:** "The legislature finds that fire protection is a critical component in maximizing fire preparedness and response in rural and suburban areas of the state that are living with increasing fire danger. Even though this year was not characterized by excessive forest fires, the fires that did happen were devastating. The legislature finds that areas with existing communities that oftentimes include rural school districts and fire districts need the ability to increase fire preparedness and response times. The experiences of the last few years have shown that rapid response is highly effective in reducing the destruction of wildfires. The legislature intends to be a partner with these communities in maximizing fire protection by enabling existing fire districts to expand their services." [2024 c 190 s 1.]

**Finding—2019 c 352:** "Tiny houses have become a trend across the nation to address the shortage of affordable housing. As tiny houses become more acceptable, the legislature finds that it is important to create space in the code for the regulation of tiny house siting. Individual cities and counties may allow tiny houses with wheels to be collected together as tiny house villages using the binding site plan method articulated in chapter 58.17 RCW.

The legislature recognizes that the International Code Council in 2018 has issued tiny house building code standards in Appendix Q of the International Residential Code, which can provide a basis for the standards requested within this act." [2019 c 352 s 1.]

**Effective date—1989 c 43:** See RCW 64.34.930.

**Severability—1981 c 293:** See note following RCW 58.17.010.

**RCW 58.17.040 Chapter inapplicable, when. *(Effective January 1, 2028.)*** The provisions of this chapter shall not apply to:

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

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

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

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations. For the purposes of this section, commercially zoned property includes property that is zoned to permit or conditionally permit any multifamily residential uses;

(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

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

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to chapter 64.90 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums, cooperatives, or owned by an association or other legal entity in which the owners of units therein or their owners associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums, cooperatives, or owned by an association or other legal entity in which the owners of units therein or their owners associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to chapter 64.90 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

"Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

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

(10) A division of land into lots or tracts of less than two acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of a rural fire district station, provided the proposed lots or tracts contain sufficient area and dimensions to meet minimum building site width and area requirements, and appropriate provisions are made for potable water supplies and sanitary wastes.

(11) A division of land caused by the acquisition of a portion of an existing lot or tract by a regional transit authority as defined in chapter 81.112 RCW that is acquiring land to build facilities as defined in RCW 81.112.020. [2026 c 166 s 7; 2025 c 208 s 3. Prior: 2024 c 321 s 407; 2024 c 190 s 2; 2019 c 352 s 2; 2004 c 239 s 1; 2002 c 44 s 1; 1992 c 220 s 27; 1989 c 43 s 4-123; prior: 1987 c 354 s 1; 1987 c 108 s 1; 1983 c 121 s 2; prior: 1981 c 293 s 3; 1981 c 292 s 2; 1974 ex.s. c 134 s 2; 1969 ex.s. c 271 s 4.]

**Effective date—2026 c 166 s 7:** "Section 7 of this act takes effect January 1, 2028." [2026 c 166 s 9.]

**Effective date—2025 c 208 s 3:** "Section 3 of this act takes effect January 1, 2028." [2025 c 208 s 7.]

**Effective dates—2024 c 321 ss 319 and 401-432:** See note following RCW 64.90.485.

**Findings—Intent—2024 c 190:** "The legislature finds that fire protection is a critical component in maximizing fire preparedness and response in rural and suburban areas of the state that are living with increasing fire danger. Even though this year was not characterized by excessive forest fires, the fires that did happen were devastating. The legislature finds that areas with existing communities that

oftentimes include rural school districts and fire districts need the ability to increase fire preparedness and response times. The experiences of the last few years have shown that rapid response is highly effective in reducing the destruction of wildfires. The legislature intends to be a partner with these communities in maximizing fire protection by enabling existing fire districts to expand their services." [2024 c 190 s 1.]

**Finding—2019 c 352:** "Tiny houses have become a trend across the nation to address the shortage of affordable housing. As tiny houses become more acceptable, the legislature finds that it is important to create space in the code for the regulation of tiny house siting. Individual cities and counties may allow tiny houses with wheels to be collected together as tiny house villages using the binding site plan method articulated in chapter 58.17 RCW.

The legislature recognizes that the International Code Council in 2018 has issued tiny house building code standards in Appendix Q of the International Residential Code, which can provide a basis for the standards requested within this act." [2019 c 352 s 1.]

**Effective date—1989 c 43:** See RCW 64.34.930.

**Severability—1981 c 293:** See note following RCW 58.17.010.