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SENATE BILL 5645

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Spanel and Fraser

Read first time 02/08/93. Referred to Committee on Government Operations.

1 AN ACT Relating to property divisions; and amending RCW 58.17.040.

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

3 **Sec. 1.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read  
4 as follows:

5 The provisions of this chapter shall not apply to:

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

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

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

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

5       ~~((5))~~ (4) A division for the purpose of lease when no residential  
6 structure other than mobile homes or travel trailers are permitted to  
7 be placed upon the land when the city, town, or county has approved a  
8 binding site plan for the use of the land in accordance with local  
9 regulations;

10       ~~((6))~~ (5) A division made for the purpose of alteration by  
11 adjusting boundary lines, between platted or unplatted lots or both,  
12 which does not create any additional lot, tract, parcel, site, or  
13 division nor create any lot, tract, parcel, site, or division which  
14 contains insufficient area and dimension to meet minimum requirements  
15 for width and area for a building site; and

16       ~~((7))~~ (6) Divisions of land into lots or tracts if: (a) Such  
17 division is the result of subjecting a portion of a parcel or tract of  
18 land to either chapter 64.32 or 64.34 RCW subsequent to the recording  
19 of a binding site plan for all such land; (b) the improvements  
20 constructed or to be constructed thereon are required by the provisions  
21 of the binding site plan to be included in one or more condominiums or  
22 owned by an association or other legal entity in which the owners of  
23 units therein or their owners' associations have a membership or other  
24 legal or beneficial interest; (c) a city, town, or county has approved  
25 the binding site plan for all such land; (d) such approved binding site  
26 plan is recorded in the county or counties in which such land is  
27 located; and (e) the binding site plan contains thereon the following  
28 statement: "All development and use of the land described herein shall  
29 be in accordance with this binding site plan, as it may be amended with  
30 the approval of the city, town, or county having jurisdiction over the  
31 development of such land, and in accordance with such other  
32 governmental permits, approvals, regulations, requirements, and  
33 restrictions that may be imposed upon such land and the development and  
34 use thereof. Upon completion, the improvements on the land shall be  
35 included in one or more condominiums or owned by an association or  
36 other legal entity in which the owners of units therein or their  
37 owners' associations have a membership or other legal or beneficial  
38 interest. This binding site plan shall be binding upon all now or  
39 hereafter having any interest in the land described herein." The

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

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