

ESSB 6140 - H COMM AMD

By Committee on Technology, Telecommunications & Energy

ADOPTED 03/04/2004

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 58.17.040 and 2002 c 44 s 1 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;

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

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

28 (6) A division made for the purpose of alteration by adjusting  
29 boundary lines, between platted or unplatted lots or both, which does  
30 not create any additional lot, tract, parcel, site, or division nor

1 create any lot, tract, parcel, site, or division which contains  
2 insufficient area and dimension to meet minimum requirements for width  
3 and area for a building site;

4 (7) Divisions of land into lots or tracts if: (a) Such division is  
5 the result of subjecting a portion of a parcel or tract of land to  
6 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
7 binding site plan for all such land; (b) the improvements constructed  
8 or to be constructed thereon are required by the provisions of the  
9 binding site plan to be included in one or more condominiums or owned  
10 by an association or other legal entity in which the owners of units  
11 therein or their owners' associations have a membership or other legal  
12 or beneficial interest; (c) a city, town, or county has approved the  
13 binding site plan for all such land; (d) such approved binding site  
14 plan is recorded in the county or counties in which such land is  
15 located; and (e) the binding site plan contains thereon the following  
16 statement: "All development and use of the land described herein shall  
17 be in accordance with this binding site plan, as it may be amended with  
18 the approval of the city, town, or county having jurisdiction over the  
19 development of such land, and in accordance with such other  
20 governmental permits, approvals, regulations, requirements, and  
21 restrictions that may be imposed upon such land and the development and  
22 use thereof. Upon completion, the improvements on the land shall be  
23 included in one or more condominiums or owned by an association or  
24 other legal entity in which the owners of units therein or their  
25 owners' associations have a membership or other legal or beneficial  
26 interest. This binding site plan shall be binding upon all now or  
27 hereafter having any interest in the land described herein." The  
28 binding site plan may, but need not, depict or describe the boundaries  
29 of the lots or tracts resulting from subjecting a portion of the land  
30 to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to  
31 have been approved if the site plan was approved by a city, town, or  
32 county: (i) In connection with the final approval of a subdivision  
33 plat or planned unit development with respect to all of such land; or  
34 (ii) in connection with the issuance of building permits or final  
35 certificates of occupancy with respect to all of such land; or (iii) if  
36 not approved pursuant to (i) and (ii) of this subsection (7)(e), then

1 pursuant to such other procedures as such city, town, or county may  
2 have established for the approval of a binding site plan; (~~and~~)

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

11 (9) A division of land into lots or tracts of less than three acres  
12 that is recorded in accordance with chapter 58.09 RCW and is used or to  
13 be used for the purpose of establishing a site for construction and  
14 operation of consumer-owned or investor-owned electric utility  
15 facilities. For purposes of this subsection, "electric utility  
16 facilities" means unstaffed facilities, except for the presence of  
17 security personnel, that are used for or in connection with or to  
18 facilitate the transmission, distribution, sale, or furnishing of  
19 electricity including, but not limited to, electric power substations.  
20 This subsection does not exempt a division of land from the zoning and  
21 permitting laws and regulations of cities, towns, counties, and  
22 municipal corporations."

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