

SHB 2452 - S AMD 822
By Senator Morton

ADOPTED 03/10/2004

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

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

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

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26 On page 1, line 2 of the title, after "facilities;" strike the
27 remainder of the title and insert "and amending RCW 58.17.040."

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