
SUBSTITUTE SENATE BILL 5141

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Fraser and Swecker)

READ FIRST TIME 02/14/07.

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 must comply with land
3 use and development regulations required or authorized by other
4 chapters;

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

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

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

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

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

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

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

1 customers are defined as electric service locations not already in
2 existence as of the date that electric utility facilities subject to
3 the provisions of this subsection are planned and constructed.

--- END ---