
SUBSTITUTE SENATE BILL 5869

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Dozier, Nobles, Shewmake, Torres, Wagoner, and Warnick)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to rural fire district stations; amending RCW
2 58.17.040; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that fire protection
5 is a critical component in maximizing fire preparedness and response
6 in rural and suburban areas of the state that are living with
7 increasing fire danger. Even though this year was not characterized
8 by excessive forest fires, the fires that did happen were
9 devastating. The legislature finds that areas with existing
10 communities that oftentimes include rural school districts and fire
11 districts need the ability to increase fire preparedness and response
12 times. The experiences of the last few years have shown that rapid
13 response is highly effective in reducing the destruction of
14 wildfires. The legislature intends to be a partner with these
15 communities in maximizing fire protection by enabling existing fire
16 districts to expand their services.

17 **Sec. 2.** RCW 58.17.040 and 2019 c 352 s 2 are each amended to
18 read as follows:

19 The provisions of this chapter shall not apply to:

- 1 (1) Cemeteries and other burial plots while used for that
2 purpose;
- 3 (2) Divisions of land into lots or tracts each of which is one-
4 one hundred twenty-eighth of a section of land or larger, or five
5 acres or larger if the land is not capable of description as a
6 fraction of a section of land, unless the governing authority of the
7 city, town, or county in which the land is situated shall have
8 adopted a subdivision ordinance requiring plat approval of such
9 divisions: PROVIDED, That for purposes of computing the size of any
10 lot under this item which borders on a street or road, the lot size
11 shall be expanded to include that area which would be bounded by the
12 center line of the road or street and the side lot lines of the lot
13 running perpendicular to such center line;
- 14 (3) Divisions made by testamentary provisions, or the laws of
15 descent;
- 16 (4) Divisions of land into lots or tracts classified for
17 industrial or commercial use when the city, town, or county has
18 approved a binding site plan for the use of the land in accordance
19 with local regulations;
- 20 (5) A division for the purpose of lease when no residential
21 structure other than mobile homes, tiny houses or tiny houses with
22 wheels as defined in RCW 35.21.686, or travel trailers are permitted
23 to be placed upon the land when the city, town, or county has
24 approved a binding site plan for the use of the land in accordance
25 with local regulations;
- 26 (6) A division made for the purpose of alteration by adjusting
27 boundary lines, between platted or unplatted lots or both, which does
28 not create any additional lot, tract, parcel, site, or division nor
29 create any lot, tract, parcel, site, or division which contains
30 insufficient area and dimension to meet minimum requirements for
31 width and area for a building site;
- 32 (7) Divisions of land into lots or tracts if: (a) Such division
33 is the result of subjecting a portion of a parcel or tract of land to
34 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
35 binding site plan for all such land; (b) the improvements constructed
36 or to be constructed thereon are required by the provisions of the
37 binding site plan to be included in one or more condominiums or owned
38 by an association or other legal entity in which the owners of units
39 therein or their owners' associations have a membership or other
40 legal or beneficial interest; (c) a city, town, or county has

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

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

36 (9) A division of land into lots or tracts of less than three
37 acres that is recorded in accordance with chapter 58.09 RCW and is
38 used or to be used for the purpose of establishing a site for
39 construction and operation of consumer-owned or investor-owned
40 electric utility facilities. For purposes of this subsection,

1 "electric utility facilities" means unstaffed facilities, except for
2 the presence of security personnel, that are used for or in
3 connection with or to facilitate the transmission, distribution,
4 sale, or furnishing of electricity including, but not limited to,
5 electric power substations. This subsection does not exempt a
6 division of land from the zoning and permitting laws and regulations
7 of cities, towns, counties, and municipal corporations. Furthermore,
8 this subsection only applies to electric utility facilities that will
9 be placed into service to meet the electrical needs of a utility's
10 existing and new customers. New customers are defined as electric
11 service locations not already in existence as of the date that
12 electric utility facilities subject to the provisions of this
13 subsection are planned and constructed; and

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

--- END ---