RCW 58.17.040  Chapter inapplicable, when. The provisions of this chapter shall not apply to:

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

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

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

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

(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

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

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein."
binding site plan may, but need not, depict or describe the boundaries
of the lots or tracts resulting from subjecting a portion of the land
to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to
have been approved if the site plan was approved by a city, town, or
county: (i) In connection with the final approval of a subdivision
plat or planned unit development with respect to all of such land; or
(ii) in connection with the issuance of building permits or final
certificates of occupancy with respect to all of such land; or (iii)
if not approved pursuant to (i) and (ii) of this subsection (7)(e),
then pursuant to such other procedures as such city, town, or county
may have established for the approval of a binding site plan;
(8) A division for the purpose of leasing land for facilities
providing personal wireless services while used for that purpose.
"Personal wireless services" means any federally licensed personal
wireless service. "Facilities" means unstaffed facilities that are
used for the transmission or reception, or both, of wireless
communication services including, but not necessarily limited to,
antenna arrays, transmission cables, equipment shelters, and support
structures; and
(9) A division of land into lots or tracts of less than three
acres that is recorded in accordance with chapter 58.09 RCW and is
used or to be used for the purpose of establishing a site for
construction and operation of consumer-owned or investor-owned
electric utility facilities. For purposes of this subsection,
"electric utility facilities" means unstaffed facilities, except for
the presence of security personnel, that are used for or in connection
with or to facilitate the transmission, distribution, sale, or
furnishing of electricity including, but not limited to, electric
power substations. This subsection does not exempt a division of land
from the zoning and permitting laws and regulations of cities, towns,
counties, and municipal corporations. Furthermore, this subsection
only applies to electric utility facilities that will be placed into
service to meet the electrical needs of a utility's existing and new
customers. New customers are defined as electric service locations not
already in existence as of the date that electric utility facilities
subject to the provisions of this subsection are planned and
constructed. [2019 c 352 § 2; 2004 c 239 § 1; 2002 c 44 § 1; 1992 c
220 § 27; 1989 c 43 § 4-123. Prior: 1987 c 354 § 1; 1987 c 108 § 1;
1983 c 121 § 2; prior: 1981 c 293 § 3; 1981 c 292 § 2; 1974 ex.s. c
134 § 2; 1969 ex.s. c 271 § 4.]

Finding—2019 c 352: "Tiny houses have become a trend across the
nation to address the shortage of affordable housing. As tiny houses
become more acceptable, the legislature finds that it is important to
create space in the code for the regulation of tiny house siting.
Individual cities and counties may allow tiny houses with wheels to be
collected together as tiny house villages using the binding site plan
method articulated in chapter 58.17 RCW. The legislature recognizes that the International Code Council in
2018 has issued tiny house building code standards in Appendix Q of
the International Residential Code, which can provide a basis for the
standards requested within this act." [2019 c 352 § 1.]

Effective date—1989 c 43: See RCW 64.34.930.

Severability—1981 c 293: See note following RCW 58.17.010.