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**SUBSTITUTE SENATE BILL 5869**

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**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)

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.

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