

2 **SHB 1577** - S AMD - 431

3 By Senators Roach, Anderson, Heavey and McCaslin

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 58.17.010 and 1981 c 293 s 1 are each amended to read
8 as follows:

9 The legislature finds that the process by which land is divided is
10 a matter of state concern and should be administered in a uniform
11 manner by cities, towns, and counties throughout the state. The
12 purpose of this chapter is to regulate the subdivision of land and to
13 promote the public health((~~τ~~)) and safety ((~~and general welfare~~)) in
14 accordance with standards established by the state to prevent the
15 overcrowding of land; to lessen congestion in the streets and highways;
16 to promote effective use of land; to promote safe and convenient travel
17 by the public on streets and highways; to provide for adequate light
18 and air; to facilitate adequate provision for water((~~τ~~)) and
19 sewerage((~~τ~~), ~~parks and recreation areas, sites for schools and~~
20 ~~schoolgrounds and other public requirements~~)); to provide for proper
21 ingress and egress; to provide for the expeditious review and approval
22 of proposed subdivisions which conform to zoning standards ((~~and local~~
23 ~~plans and policies~~)); to adequately provide for the housing and
24 commercial needs of the citizens of the state; and to require uniform
25 monumenting of land subdivisions and conveyancing by accurate legal
26 description.

27 "**Sec. 2.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read
28 as follows:

29 As used in this chapter, unless the context or subject matter
30 clearly requires otherwise, the words or phrases defined in this
31 section shall have the indicated meanings.

32 (1) "Subdivision" is the division or redivision of land into
33 ((~~five~~)) ten or more lots, tracts, parcels, sites or divisions for the
34 purpose of sale, lease, or transfer of ownership, except as provided in
35 subsection (6) of this section.

1 (2) "Plat" is a map or representation of a subdivision, showing
2 thereon the division of a tract or parcel of land into lots, blocks,
3 streets and alleys or other divisions and dedications.

4 (3) "Dedication" is the deliberate appropriation of land by an
5 owner for any general and public uses, reserving to himself no other
6 rights than such as are compatible with the full exercise and enjoyment
7 of the public uses to which the property has been devoted. The
8 intention to dedicate shall be evidenced by the owner by the
9 presentment for filing of a final plat or short plat showing the
10 dedication thereon; and, the acceptance by the public shall be
11 evidenced by the approval of such plat for filing by the appropriate
12 governmental unit.

13 A dedication of an area of less than two acres for use as a public
14 park may include a designation of a name for the park, in honor of a
15 deceased individual of good character.

16 (4) "Preliminary plat" is a neat and approximate drawing of a
17 proposed subdivision showing the general layout of streets and alleys,
18 lots, blocks, and other elements of a subdivision consistent with the
19 requirements of this chapter. The preliminary plat shall be the basis
20 for the approval or disapproval of the general layout of a subdivision.

21 (5) "Final plat" is the final drawing of the subdivision and
22 dedication prepared for filing for record with the county auditor and
23 containing all elements and requirements set forth in this chapter
24 (~~and in local regulations adopted under this chapter~~)).

25 (6) "Short subdivision" is the division or redivision of land into
26 (~~four~~) nine or fewer lots, tracts, parcels, sites or divisions for
27 the purpose of sale, lease, or transfer of ownership(~~(:—PROVIDED,~~
28 ~~That)~~). The legislative authority of any city or town (~~may~~) shall by
29 local ordinance increase the number of lots, tracts, or parcels to be
30 regulated as short subdivisions to (~~a maximum of~~) nine.

31 (7) "Binding site plan" means a drawing to a scale specified by
32 local ordinance which: (a) Identifies and shows the areas and
33 locations of all streets, roads, improvements, utilities, open spaces,
34 and any other matters specified by local regulations; (b) contains
35 inscriptions or attachments setting forth such appropriate limitations
36 and conditions for the use of the land as are established by the local
37 government body having authority to approve the site plan; and (c)
38 contains provisions making any development be in conformity with the
39 site plan.

1 (8) "Short plat" is the map or representation of a short
2 subdivision.

3 (9) "Lot" is a fractional part of divided lands having fixed
4 boundaries, being of sufficient area and dimension to meet minimum
5 zoning requirements for width and area. The term shall include tracts
6 or parcels.

7 (10) "Block" is a group of lots, tracts, or parcels within well
8 defined and fixed boundaries.

9 (11) "County treasurer" shall be as defined in chapter 36.29 RCW or
10 the office or person assigned such duties under a county charter.

11 (12) "County auditor" shall be as defined in chapter 36.22 RCW or
12 the office or person assigned such duties under a county charter.

13 (13) "County road engineer" shall be as defined in chapter 36.40
14 RCW or the office or person assigned such duties under a county
15 charter.

16 (14) "Planning commission" means that body as defined in chapters
17 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
18 perform a planning function or that body assigned such duties and
19 responsibilities under a city or county charter.

20 (15) "County commissioner" shall be as defined in chapter 36.32 RCW
21 or the body assigned such duties under a county charter.

22 **Sec. 3.** RCW 58.17.030 and 1974 ex.s. c 134 s 1 are each amended to
23 read as follows:

24 Every subdivision shall comply with the provisions of this chapter.
25 Every short subdivision as defined in this chapter shall comply with
26 the provisions of (~~any local regulation adopted pursuant to~~) RCW
27 58.17.060.

28 **Sec. 4.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read
29 as follows:

30 (1) A proposed division of land, as defined in RCW 58.17.020, shall
31 be considered under the subdivision or short subdivision ordinance(~~(7)~~)
32 and zoning (~~or other land use control~~) ordinances(~~(7)~~) in effect on
33 the land at the time a fully completed application for preliminary plat
34 approval of the subdivision, or short plat approval of the short
35 subdivision, has been submitted to the appropriate county, city, or
36 town official.

1 (2) The requirements for a fully completed application (~~shall~~
2 be)), defined by local ordinance, is limited to procedural submission.

3 (3) The limitations imposed by this section shall not restrict
4 conditions imposed under chapter 43.21C RCW.

5 **Sec. 5.** RCW 58.17.035 and 1987 c 354 s 2 are each amended to read
6 as follows:

7 A city, town, or county may adopt by ordinance procedures for the
8 divisions of land by use of a binding site plan as an alternative to
9 the procedures required by this chapter. The ordinance shall be
10 limited and only apply to one or more of the following: (1) The use of
11 a binding site plan to divisions for sale or lease of commercially or
12 industrially zoned property as provided in RCW 58.17.040(4); (2)
13 divisions of property for lease as provided for in RCW 58.17.040(5);
14 and (3) divisions of property as provided for in RCW 58.17.040(7).
15 Such ordinance may apply the same or different requirements and
16 procedures to each of the three types of divisions and shall provide
17 for the alteration or vacation of the binding site plan, and may
18 provide for the administrative approval of the binding site plan. The
19 ordinance must not impose requirements or procedures that are
20 inconsistent with the provisions of RCW 58.17.040(4), (5), or (7). No
21 ordinance is necessary for divisions of property as provided for in RCW
22 58.17.040(7)(e) (i) or (ii).

23 The ordinance shall provide that after approval of the general
24 binding site plan for industrial or commercial divisions subject to a
25 binding site plan, the approval for improvements and finalization of
26 specific individual commercial or industrial lots shall be done by
27 administrative approval.

28 The binding site plan, after approval, and/or when specific lots
29 are administratively approved, shall be filed with the county auditor
30 with a record of survey except when a binding site plan has been
31 approved under RCW 58.17.040(7)(e) (i) or (ii), then administrative
32 approval of the lot and record of survey is not required. Lots,
33 parcels, or tracts created through the binding site plan procedure
34 shall be legal lots of record. The number of lots, tracts, parcels,
35 sites, or divisions shall not exceed the number of lots allowed by the
36 local zoning ordinances.

37 All provisions, conditions, and requirements of the binding site
38 plan shall be legally enforceable on the purchaser or any other person

1 acquiring a lease or other ownership interest of any lot, parcel, or
2 tract created pursuant to the binding site plan.

3 Any sale, transfer, or lease of any lot, tract, or parcel created
4 pursuant to the binding site plan, that does not conform to the
5 requirements of the binding site plan or without binding site plan
6 approval, shall be considered a violation of chapter 58.17 RCW and
7 shall be restrained by injunctive action and be illegal as provided in
8 chapter 58.17 RCW.

9 **Sec. 6.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read
10 as follows:

11 The provisions of this chapter shall not apply to:

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

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

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

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

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

34 (6) A division made for the purpose of alteration by adjusting
35 boundary lines, between platted or unplatted lots or both, which does
36 not create any additional lot, tract, parcel, site, or division nor
37 create any lot, tract, parcel, site, or division which contains

1 insufficient area and dimension to meet minimum requirements for width
2 and area for a building site; and

3 (7) Divisions of land into lots or tracts if: (a) Such division is
4 the result of subjecting a portion of a parcel or tract of land to
5 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
6 binding site plan for all such land; (b) the improvements constructed
7 or to be constructed thereon are required by the provisions of the
8 binding site plan to be included in one or more condominiums or owned
9 by an association or other legal entity in which the owners of units
10 therein or their owners' associations have a membership or other legal
11 or beneficial interest; (c) a city, town, or county has approved the
12 binding site plan for all such land; (d) such approved binding site
13 plan is recorded in the county or counties in which such land is
14 located; and (e) the binding site plan contains thereon the following
15 statement: "All development and use of the land described herein shall
16 be in accordance with this binding site plan, as it may be amended with
17 the approval of the city, town, or county having jurisdiction over the
18 development of such land, and in accordance with such other
19 governmental permits, approvals, regulations, requirements, and
20 restrictions that may be imposed upon such land and the development and
21 use thereof. Upon completion, the improvements on the land shall be
22 included in one or more condominiums or owned by an association or
23 other legal entity in which the owners of units therein or their
24 owners' associations have a membership or other legal or beneficial
25 interest. This binding site plan shall be binding upon all now or
26 hereafter having any interest in the land described herein." The
27 (~~binding site plan may, but need not,~~) owner of the land against
28 which a binding site plan will be recorded may elect, but is not
29 required by a city, town, or county, to depict or describe on the
30 binding site plan the boundaries of the lots or tracts resulting from
31 subjecting a portion of the land to either chapter 64.32 or 64.34 RCW.
32 A site plan shall be deemed to have been approved as a binding site
33 plan for purposes of this subsection, and is not subject to further
34 review or approval, if the site plan was approved by a city, town, or
35 county: (i) In connection with the final approval of a subdivision
36 plat or planned unit development with respect to all of such land; or
37 (ii) in connection with the issuance of building permits or final
38 certificates of occupancy with respect to all of such land; or (iii) if
39 not approved pursuant to (i) (~~and~~) or (ii) of this subsection (7)(e),

1 then pursuant to such other procedures as such city, town, or county
2 may have established for the approval of a binding site plan which
3 procedures may include the review and approval of the site plan before
4 recording.

5 **Sec. 7.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
6 amended to read as follows:

7 (1) The legislative body of a city, town, or county shall adopt
8 (~~regulations and~~) procedures, and appoint administrative personnel
9 for the summary approval of short plats and short subdivisions or
10 alteration or vacation thereof. When an alteration or vacation
11 involves a public dedication, the alteration or vacation shall be
12 processed as provided in RCW 58.17.212 or 58.17.215. Such
13 (~~regulations~~) procedures shall be adopted by ordinance and shall
14 provide that a short plat and short subdivision may be approved only if
15 written findings that are appropriate, as provided in RCW 58.17.110,
16 (~~are made by the administrative personnel, and may contain wholly~~
17 ~~different requirements than those governing the approval of preliminary~~
18 ~~and final plats of subdivisions~~) and may require surveys and
19 monumentations and shall require filing of a short plat, or alteration
20 or vacation thereof, for record in the office of the county auditor:
21 PROVIDED, That (~~such regulations must contain a requirement that~~)
22 land in short subdivisions may not be further divided in any manner
23 within a period of five years without the filing of a final plat,
24 except that when the short plat contains fewer than (~~four~~) nine
25 parcels, nothing in this section shall prevent the owner who filed the
26 short plat from filing an alteration within the five-year period to
27 create up to a total of (~~four~~) nine lots within the original short
28 plat boundaries: PROVIDED FURTHER, That such (~~regulations~~)
29 procedures are not required to contain a penalty clause as provided in
30 RCW 36.32.120 and may provide for wholly injunctive relief.

31 An ordinance requiring a survey shall require that the survey be
32 completed and filed with the application for approval of the short
33 subdivision.

34 (2) Cities, towns, and counties shall include in their short plat
35 (~~regulations and~~) procedures pursuant to subsection (1) of this
36 section provisions for considering sidewalks and other planning
37 features that assure safe walking conditions for students who walk to
38 and from school.

1 **Sec. 8.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
2 as follows:

3 (1) The city, town, or county legislative body shall inquire into
4 the public use and interest proposed to be served by the establishment
5 of the subdivision (~~(and dedication)~~). It shall determine: (a) If
6 appropriate provisions are made for (~~(, but not limited to,)~~) the public
7 health(~~(,)~~) and safety, (~~(and general welfare,)~~) for (~~(open spaces,)~~)
8 drainage ways, streets or roads, alleys, other public ways, transit
9 stops, potable water supplies, and sanitary wastes, (~~(parks and~~
10 ~~recreation, playgrounds, schools and schoolgrounds,)~~) and shall
11 consider (~~(all other relevant facts, including)~~) sidewalks and other
12 planning features that assure safe walking conditions for students who
13 only walk to and from school; and (b) whether the public interest will
14 be served by the subdivision (~~(and dedication)~~).

15 (2) A proposed subdivision (~~(and dedication)~~) shall not be approved
16 unless the city, town, or county legislative body makes written
17 findings that: (a) Appropriate provisions are made for the public
18 health(~~(,)~~) and safety(~~(, and general welfare)~~) and for (~~(such open~~
19 ~~spaces,)~~) drainage ways, streets or roads, alleys, other public ways,
20 transit stops, potable water supplies, sanitary wastes, (~~(parks and~~
21 ~~recreation, playgrounds, schools and schoolgrounds)~~) and (~~(all other~~
22 ~~relevant facts, including)~~) sidewalks and other planning features that
23 assure safe walking conditions for students who only walk to and from
24 school; and (b) the public use and interest will be served by the
25 platting of such subdivision (~~(and dedication)~~). If it finds that the
26 proposed subdivision (~~(and dedication)~~) makes such appropriate
27 provisions and that the public use and interest will be served, then
28 the legislative body shall approve the proposed subdivision (~~(and~~
29 ~~dedication)~~). (~~(Dedication of land to any public body,)~~) Provision of
30 public improvements to serve the subdivision(~~(, and/or impact fees~~
31 ~~imposed under RCW 82.02.050 through 82.02.090)~~) may be required as a
32 condition of subdivision approval. Dedications shall be clearly shown
33 on the final plat. No dedication(~~(,)~~) or provision of public
34 improvements(~~(, or impact fees imposed under RCW 82.02.050 through~~
35 ~~82.02.090)~~) shall be allowed that constitutes an unconstitutional
36 taking of private property. The legislative body shall not as a
37 condition to the approval of any subdivision require a release from
38 damages to be procured from other property owners.

1 (3) If the preliminary plat includes a dedication of a public park
2 with an area of less than two acres and the donor has designated that
3 the park be named in honor of a deceased individual of good character,
4 the city, town, or county legislative body must adopt the designated
5 name.

6 **Sec. 9.** RCW 58.17.150 and 1983 c 121 s 4 are each amended to read
7 as follows:

8 Each preliminary plat submitted for final approval of the
9 legislative body shall be accompanied by the following agencies'
10 recommendations for approval or disapproval:

11 (1) Local health department or other agency furnishing sewage
12 disposal and supplying water as to the adequacy of the proposed means
13 of sewage disposal and water supply;

14 (2) Local planning agency or commission, charged with the
15 responsibility of reviewing plats and subdivisions, as to compliance
16 with all terms of the preliminary approval of the proposed plat
17 subdivision (~~(or dedication)~~);

18 (3) City, town or county engineer.

19 Except as provided in RCW 58.17.140, an agency or person issuing a
20 recommendation for subsequent approval under subsections (1) and (3) of
21 this section shall not modify the terms of its recommendations without
22 the consent of the applicant.

23 **Sec. 10.** RCW 58.17.195 and 1981 c 293 s 14 are each amended to
24 read as follows:

25 No plat or short plat may be approved unless the city, town, or
26 county makes a formal written finding of fact that the proposed
27 subdivision or proposed short subdivision is in conformity with any
28 applicable zoning ordinance (~~(or other land use controls which may~~
29 ~~exist)~~).

30 **Sec. 11.** RCW 58.17.900 and 1969 ex.s. c 271 s 33 are each amended
31 to read as follows:

32 All ordinances and resolutions enacted at a time prior to the
33 passage of this chapter by the legislative bodies of cities, towns, and
34 counties and which are in substantial compliance with the provisions of
35 this chapter, shall be construed as valid and (~~may~~) shall be further

1 amended to include new provisions and standards as are authorized in
2 general law."

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4 By Senators Roach, Anderson, Heavey and McCaslin

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6 On page 1, line 1 of the title, after "division;" strike the
7 remainder of the title and insert "and amending RCW 58.17.010,
8 58.17.020, 58.17.030, 58.17.033, 58.17.035, 58.17.040, 58.17.060,
9 58.17.110, 58.17.150, 58.17.195, and 58.17.900."

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