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SECOND SUBSTITUTE HOUSE BILL 1577

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State of Washington

55th Legislature

1998 Regular Session

By House Committee on House Government Reform & Land Use (originally sponsored by Representatives Mulliken, Sheldon, Cairnes, L. Thomas, Reams, Sherstad, Mielke, Smith, Koster, McMorris, Dunn, Thompson, Bush, Pennington, Sheahan and Robertson)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to land division; and amending RCW 58.17.020 and  
2 58.17.060.

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

4 **Sec. 1.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read  
5 as follows:

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

9 (1) "Subdivision" is the division or redivision of land into five  
10 or more lots, tracts, parcels, sites or divisions for the purpose of  
11 sale, lease, or transfer of ownership, except as provided in subsection  
12 (6) of this section.

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

16 (3) "Dedication" is the deliberate appropriation of land by an  
17 owner for any general and public uses, reserving to himself no other  
18 rights than such as are compatible with the full exercise and enjoyment  
19 of the public uses to which the property has been devoted. The

1 intention to dedicate shall be evidenced by the owner by the  
2 presentment for filing of a final plat or short plat showing the  
3 dedication thereon; and, the acceptance by the public shall be  
4 evidenced by the approval of such plat for filing by the appropriate  
5 governmental unit.

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

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

14 (5) "Final plat" is the final drawing of the subdivision and  
15 dedication prepared for filing for record with the county auditor and  
16 containing all elements and requirements set forth in this chapter and  
17 in local regulations adopted under this chapter.

18 (6) "Short subdivision" is the division or redivision of land into  
19 four or fewer lots, tracts, parcels, sites or divisions for the purpose  
20 of sale, lease, or transfer of ownership(~~(:—PROVIDED, That)~~), however  
21 the legislative authority of any county, city, or town may by local  
22 ordinance increase the number of lots, tracts, or parcels to be  
23 regulated as short subdivisions to a maximum of nine.

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

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

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

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

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

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

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

10 (14) "Planning commission" means that body as defined in chapters  
11 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to  
12 perform a planning function or that body assigned such duties and  
13 responsibilities under a city or county charter.

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

16 **Sec. 2.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each  
17 amended to read as follows:

18 (1) The legislative body of a city, town, or county shall adopt  
19 regulations and procedures, and appoint administrative personnel for  
20 the summary approval of short plats and short subdivisions or  
21 alteration or vacation thereof. When an alteration or vacation  
22 involves a public dedication, the alteration or vacation shall be  
23 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations  
24 shall be adopted by ordinance and shall provide that a short plat and  
25 short subdivision may be approved only if written findings that are  
26 appropriate, as provided in RCW 58.17.110, are made by the  
27 administrative personnel, and may contain wholly different requirements  
28 than those governing the approval of preliminary and final plats of  
29 subdivisions and may require surveys and monumentations and shall  
30 require filing of a short plat, or alteration or vacation thereof, for  
31 record in the office of the county auditor: PROVIDED, That such  
32 regulations must contain a requirement that land in short subdivisions  
33 may not be further divided in any manner within a period of five years  
34 without the filing of a final plat, except that when the short plat  
35 contains fewer than (~~four parcels~~) the maximum number of lots,  
36 tracts, or parcels permitted by local ordinance under RCW 58.17.020(6),  
37 nothing in this section shall prevent the owner who filed the short  
38 plat from filing an alteration within the five-year period to create up

1 to a total of (~~four lots~~) the maximum number of lots, tracts, or  
2 parcels permitted by local ordinance under RCW 58.17.020(6) within the  
3 original short plat boundaries: PROVIDED FURTHER, That such  
4 regulations are not required to contain a penalty clause as provided in  
5 RCW 36.32.120 and may provide for wholly injunctive relief.

6 An ordinance requiring a survey shall require that the survey be  
7 completed and filed with the application for approval of the short  
8 subdivision.

9 (2) Cities, towns, and counties shall include in their short plat  
10 regulations and procedures pursuant to subsection (1) of this section  
11 provisions for considering sidewalks and other planning features that  
12 assure safe walking conditions for students who walk to and from  
13 school.

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