
HOUSE BILL 1909

State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, McMorris and Mulliken

Read first time 02/13/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to land division; and amending RCW 58.17.010,
2 58.17.020, 58.17.030, 58.17.033, 58.17.035, 58.17.040, 58.17.060,
3 58.17.110, 58.17.150, 58.17.195, and 58.17.900.

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

5 **Sec. 1.** RCW 58.17.010 and 1981 c 293 s 1 are each amended to read
6 as follows:

7 The legislature finds that the process by which land is divided is
8 a matter of state concern and should be administered in a uniform
9 manner by cities, towns, and counties throughout the state. The
10 purpose of this chapter is to regulate the subdivision of land and to
11 promote the public health(()) and safety ((~~and general welfare~~)) in
12 accordance with standards established by the state to prevent the
13 overcrowding of land; to lessen congestion in the streets and highways;
14 to promote effective use of land; to promote safe and convenient travel
15 by the public on streets and highways; to provide for adequate light
16 and air; to facilitate adequate provision for water(()) and
17 sewerage((), ~~parks and recreation areas, sites for schools and~~
18 ~~schoolgrounds and other public requirements~~)); to provide for proper
19 ingress and egress; to provide for the expeditious review and approval

1 of proposed subdivisions which conform to zoning standards (~~and local~~
2 ~~plans and policies~~); to adequately provide for the housing and
3 commercial needs of the citizens of the state; and to require uniform
4 monumenting of land subdivisions and conveyancing by accurate legal
5 description.

6 **Sec. 2.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read
7 as follows:

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

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

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

18 (3) "Dedication" is the deliberate appropriation of land by an
19 owner for any general and public uses, reserving to himself no other
20 rights than such as are compatible with the full exercise and enjoyment
21 of the public uses to which the property has been devoted. The
22 intention to dedicate shall be evidenced by the owner by the
23 presentment for filing of a final plat or short plat showing the
24 dedication thereon; and, the acceptance by the public shall be
25 evidenced by the approval of such plat for filing by the appropriate
26 governmental unit.

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

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

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

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

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

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

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

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

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

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

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

31 (14) "Planning commission" means that body as defined in chapters
32 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
33 perform a planning function or that body assigned such duties and
34 responsibilities under a city or county charter.

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

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

1 Every subdivision shall comply with the provisions of this chapter.
2 Every short subdivision as defined in this chapter shall comply with
3 the provisions of (~~any local regulation adopted pursuant to~~) RCW
4 58.17.060.

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

7 (1) A proposed division of land, as defined in RCW 58.17.020, shall
8 be considered under the subdivision or short subdivision ordinance(~~(~~τ~~)~~)
9 and zoning (~~(~~or other land use control~~)~~) ordinances(~~(~~τ~~)~~) in effect on
10 the land at the time a fully completed application for preliminary plat
11 approval of the subdivision, or short plat approval of the short
12 subdivision, has been submitted to the appropriate county, city, or
13 town official.

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

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

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

20 A city, town, or county may adopt by ordinance procedures for the
21 divisions of land by use of a binding site plan as an alternative to
22 the procedures required by this chapter. The ordinance shall be
23 limited and only apply to one or more of the following: (1) The use of
24 a binding site plan to divisions for sale or lease of commercially or
25 industrially zoned property as provided in RCW 58.17.040(4); (2)
26 divisions of property for lease as provided for in RCW 58.17.040(5);
27 and (3) divisions of property as provided for in RCW 58.17.040(7).
28 Such ordinance may apply the same or different requirements and
29 procedures to each of the three types of divisions and shall provide
30 for the alteration or vacation of the binding site plan, and may
31 provide for the administrative approval of the binding site plan. The
32 ordinance must not impose requirements or procedures that are
33 inconsistent with the provisions of RCW 58.17.040(4), (5), or (7). No
34 ordinance is necessary for divisions of property as provided for in RCW
35 58.17.040(7)(e) (i) or (ii).

36 The ordinance shall provide that after approval of the general
37 binding site plan for industrial or commercial divisions subject to a

1 binding site plan, the approval for improvements and finalization of
2 specific individual commercial or industrial lots shall be done by
3 administrative approval.

4 The binding site plan, after approval, and/or when specific lots
5 are administratively approved, shall be filed with the county auditor
6 with a record of survey except when a binding site plan has been
7 approved under RCW 58.17.040(7)(e) (i) or (ii), then administrative
8 approval of the lot and record of survey is not required. Lots,
9 parcels, or tracts created through the binding site plan procedure
10 shall be legal lots of record. The number of lots, tracts, parcels,
11 sites, or divisions shall not exceed the number of lots allowed by the
12 local zoning ordinances.

13 All provisions, conditions, and requirements of the binding site
14 plan shall be legally enforceable on the purchaser or any other person
15 acquiring a lease or other ownership interest of any lot, parcel, or
16 tract created pursuant to the binding site plan.

17 Any sale, transfer, or lease of any lot, tract, or parcel created
18 pursuant to the binding site plan, that does not conform to the
19 requirements of the binding site plan or without binding site plan
20 approval, shall be considered a violation of chapter 58.17 RCW and
21 shall be restrained by injunctive action and be illegal as provided in
22 chapter 58.17 RCW.

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

25 The provisions of this chapter shall not apply to:

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

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

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

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

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

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

17 (7) Divisions of land into lots or tracts if: (a) Such division is
18 the result of subjecting a portion of a parcel or tract of land to
19 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
20 binding site plan for all such land; (b) the improvements constructed
21 or to be constructed thereon are required by the provisions of the
22 binding site plan to be included in one or more condominiums or owned
23 by an association or other legal entity in which the owners of units
24 therein or their owners' associations have a membership or other legal
25 or beneficial interest; (c) a city, town, or county has approved the
26 binding site plan for all such land; (d) such approved binding site
27 plan is recorded in the county or counties in which such land is
28 located; and (e) the binding site plan contains thereon the following
29 statement: "All development and use of the land described herein shall
30 be in accordance with this binding site plan, as it may be amended with
31 the approval of the city, town, or county having jurisdiction over the
32 development of such land, and in accordance with such other
33 governmental permits, approvals, regulations, requirements, and
34 restrictions that may be imposed upon such land and the development and
35 use thereof. Upon completion, the improvements on the land shall be
36 included in one or more condominiums or owned by an association or
37 other legal entity in which the owners of units therein or their
38 owners' associations have a membership or other legal or beneficial
39 interest. This binding site plan shall be binding upon all now or

1 hereafter having any interest in the land described herein." The
2 (~~binding site plan may, but need not,~~) owner of the land against
3 which a binding site plan will be recorded may elect, but is not
4 required by a city, town, or county, to depict or describe on the
5 binding site plan the boundaries of the lots or tracts resulting from
6 subjecting a portion of the land to either chapter 64.32 or 64.34 RCW.
7 A site plan shall be deemed to have been approved as a binding site
8 plan for purposes of this subsection, and is not subject to further
9 review or approval, if the site plan was approved by a city, town, or
10 county: (i) In connection with the final approval of a subdivision
11 plat or planned unit development with respect to all of such land; or
12 (ii) in connection with the issuance of building permits or final
13 certificates of occupancy with respect to all of such land; or (iii) if
14 not approved pursuant to (i) (~~and~~) or (ii) of this subsection (7)(e),
15 then pursuant to such other procedures as such city, town, or county
16 may have established for the approval of a binding site plan which
17 procedures may include the review and approval of the site plan before
18 recording.

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

21 (1) The legislative body of a city, town, or county shall adopt
22 (~~regulations and~~) procedures, and appoint administrative personnel
23 for the summary approval of short plats and short subdivisions or
24 alteration or vacation thereof. When an alteration or vacation
25 involves a public dedication, the alteration or vacation shall be
26 processed as provided in RCW 58.17.212 or 58.17.215. Such
27 (~~regulations~~) procedures shall be adopted by ordinance and shall
28 provide that a short plat and short subdivision may be approved only if
29 written findings that are appropriate, as provided in RCW 58.17.110,
30 (~~are made by the administrative personnel, and may contain wholly~~
31 ~~different requirements than those governing the approval of preliminary~~
32 ~~and final plats of subdivisions~~) and may require surveys and
33 monumentations and shall require filing of a short plat, or alteration
34 or vacation thereof, for record in the office of the county auditor:
35 PROVIDED, That (~~such regulations must contain a requirement that~~)
36 land in short subdivisions may not be further divided in any manner
37 within a period of five years without the filing of a final plat,
38 except that when the short plat contains fewer than (~~four~~) nine

1 parcels, nothing in this section shall prevent the owner who filed the
2 short plat from filing an alteration within the five-year period to
3 create up to a total of (~~four~~) nine lots within the original short
4 plat boundaries: PROVIDED FURTHER, That such (~~regulations~~)
5 procedures are not required to contain a penalty clause as provided in
6 RCW 36.32.120 and may provide for wholly injunctive relief.

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

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

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

17 (1) The city, town, or county legislative body shall inquire into
18 the public use and interest proposed to be served by the establishment
19 of the subdivision (~~and dedication~~). It shall determine: (a) If
20 appropriate provisions are made for (~~but not limited to~~) the public
21 health(~~)~~ and safety, (~~and general welfare~~) for (~~open spaces~~)
22 drainage ways, streets or roads, alleys, other public ways, transit
23 stops, potable water supplies, and sanitary wastes, (~~parks and~~
24 ~~recreation, playgrounds, schools and schoolgrounds~~) and shall
25 consider (~~all other relevant facts, including~~) sidewalks and other
26 planning features that assure safe walking conditions for students who
27 only walk to and from school; and (b) whether the public interest will
28 be served by the subdivision (~~and dedication~~).

29 (2) A proposed subdivision (~~and dedication~~) shall not be approved
30 unless the city, town, or county legislative body makes written
31 findings that: (a) Appropriate provisions are made for the public
32 health(~~)~~ and safety(~~and general welfare~~) and for (~~such open~~
33 ~~spaces~~) drainage ways, streets or roads, alleys, other public ways,
34 transit stops, potable water supplies, sanitary wastes, (~~parks and~~
35 ~~recreation, playgrounds, schools and schoolgrounds~~) and (~~all other~~
36 ~~relevant facts, including~~) sidewalks and other planning features that
37 assure safe walking conditions for students who only walk to and from
38 school; and (b) the public use and interest will be served by the

1 platting of such subdivision (~~(and dedication)~~). If it finds that the
2 proposed subdivision (~~(and dedication)~~) makes such appropriate
3 provisions and that the public use and interest will be served, then
4 the legislative body shall approve the proposed subdivision (~~(and~~
5 ~~dedication)~~). (~~(Dedication of land to any public body,~~) Provision of
6 public improvements to serve the subdivision(~~(, and/or impact fees~~
7 ~~imposed under RCW 82.02.050 through 82.02.090)~~) may be required as a
8 condition of subdivision approval. Dedications shall be clearly shown
9 on the final plat. No dedication(~~(,)~~) or provision of public
10 improvements(~~(, or impact fees imposed under RCW 82.02.050 through~~
11 ~~82.02.090)~~) shall be allowed that constitutes an unconstitutional
12 taking of private property. The legislative body shall not as a
13 condition to the approval of any subdivision require a release from
14 damages to be procured from other property owners.

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

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

22 Each preliminary plat submitted for final approval of the
23 legislative body shall be accompanied by the following agencies'
24 recommendations for approval or disapproval:

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

28 (2) Local planning agency or commission, charged with the
29 responsibility of reviewing plats and subdivisions, as to compliance
30 with all terms of the preliminary approval of the proposed plat
31 subdivision (~~(or dedication)~~);

32 (3) City, town or county engineer.

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

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

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

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

10 All ordinances and resolutions enacted at a time prior to the
11 passage of this chapter by the legislative bodies of cities, towns, and
12 counties and which are in substantial compliance with the provisions of
13 this chapter, shall be construed as valid and (~~may~~) shall be further
14 amended to include new provisions and standards as are authorized in
15 general law.

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