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SENATE BILL 6589

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State of Washington

59th Legislature

2006 Regular Session

By Senators Eide and McAuliffe

Read first time 01/16/2006. Referred to Committee on Financial Institutions, Housing & Consumer Protection.

1 AN ACT Relating to the development of affordable housing through  
2 flexible short subdivision; amending RCW 58.17.060; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a  
6 large, unmet need for affordable housing in the cities and counties of  
7 Washington that is increasing every year. The legislature further  
8 finds that many single-family residential neighborhoods were developed  
9 at an earlier time at densities less than the maximum allowable under  
10 current zoning regulations. The legislature further finds that the  
11 growth management act requires increased densities in single-family  
12 areas, and that the rising costs of public facilities to accommodate  
13 growth coupled with insufficient revenues available for such facilities  
14 make infill housing within existing developed areas an economic  
15 necessity. The legislature concludes that allowing reasonable  
16 development of underutilized parcels of land within urban growth areas  
17 has significant potential to provide much-needed affordable ownership  
18 housing while also providing resources to existing property owners and  
19 their communities.

1 (2) The legislature declares that it is the purpose of this act to:  
2 (a) Increase the supply of affordable housing without government  
3 subsidies or the provision of additional public facilities; (b)  
4 encourage moderately priced for-sale housing in single-family  
5 neighborhoods and increase housing opportunities for people in a  
6 variety of life cycle stages; and (c) provide homeowners with an  
7 additional option for the portion of their property that is not  
8 required for the use of the existing residential unit.

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

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

34 An ordinance requiring a survey shall require that the survey be  
35 completed and filed with the application for approval of the short  
36 subdivision.

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

6 (3)(a) Cities, towns, and counties planning under RCW 36.70A.040  
7 shall provide in their regulations and procedures for the review and  
8 approval of short plats and short subdivisions or alteration or  
9 vacation thereof that any lot or parcel within a residential zoning  
10 district located within an urban growth area as designated under RCW  
11 36.70A.110 that is two or more times the minimum lot size required in  
12 the applicable zoning regulation may be divided into two or more lots  
13 of regular or irregular shape, provided that:

14 (i) The averaged area of all lots created shall not be less than  
15 the applicable minimum lot size;

16 (ii) All lots created shall have adequate provision for access to  
17 a public street, either by direct frontage or easement, and an averaged  
18 width and depth of at least fifty percent of the applicable minimum  
19 requirements for such lots, if any;

20 (iii) All other applicable regulations and procedures shall apply;  
21 and

22 (iv) All lots created shall be recognized as legal and conforming  
23 for purposes of improvement.

24 (b) Any other city, town, or county may adopt the provisions of  
25 this subsection.

26 (4)(a) Cities, towns, and counties planning under RCW 36.70A.040  
27 shall provide in their regulations and procedures for the review and  
28 approval of short plats and short subdivisions or alteration or  
29 vacation thereof that the adjustment of boundary lines between abutting  
30 lots or parcels in the same ownership within a residential zoning  
31 district and located within an urban growth area as designated under  
32 RCW 36.70A.110 may result in one or more lots or parcels that contain  
33 insufficient area or dimension to meet minimum area or dimension  
34 requirements for a building site but that the resulting lots or parcels  
35 shall be recognized as legal and conforming for purposes of  
36 improvement, provided that:

37 (i) The averaged area of all resulting lots or parcels shall not be  
38 less than the applicable minimum lot size;

1        (ii) All resulting lots or parcels shall have adequate provision  
2 for access to a public street, either by direct frontage or easement,  
3 and an averaged width and depth of at least fifty percent of the  
4 applicable minimum requirements for such lots or parcels, if any; and

5        (iii) No additional lots or parcels are thereby created.

6        (b) Any other city, town, or county may adopt the provisions of  
7 this subsection.

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