
SENATE BILL 5867

State of Washington

61st Legislature

2009 Regular Session

By Senators Fraser, Swecker, Pridemore, Ranker, Fairley, Kauffman, Marr, Regala, Morton, and Kline

Read first time 02/05/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to verifying water supply to new subdivisions;
2 amending RCW 58.17.070 and 58.17.110; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Where land is divided into multiple lots for
5 the purpose of providing for the future residential and commercial
6 development of those lots, it is vital that the property owner work
7 closely with the general purpose local government and any water supply
8 utility providing service in that area in order to assure an adequate
9 water supply to those lots. Determining that an adequate water supply
10 exists should begin early in subdivision planning and be coordinated
11 with applicable land use, water supply, and capital facilities planning
12 by the general purpose local government and appropriate water supply
13 utilities. It is therefore the purpose of this act that adequate
14 provision for water supply to the subdivision be made at the time a
15 city or county approves the subdivision and that the applicant for
16 subdivision approval demonstrate that the water supply to the
17 subdivision is secured.

1 **Sec. 2.** RCW 58.17.070 and 1981 c 293 s 4 are each amended to read
2 as follows:

3 (1)(a) A preliminary plat of proposed subdivisions and dedications
4 of land shall be submitted for approval to the legislative body of the
5 city, town, or county within which the plat is situated. The applicant
6 shall submit with the preliminary plat a written verification of water
7 supply as provided in subsection (2) of this section. A preliminary
8 plat may not be processed until such verification of water supply is
9 submitted.

10 (b) Unless an applicant for preliminary plat approval requests
11 otherwise, a preliminary plat shall be processed simultaneously with
12 applications for rezones, variances, planned unit developments, site
13 plan approvals, and similar quasi-judicial or administrative actions to
14 the extent that procedural requirements applicable to these actions
15 permit simultaneous processing.

16 (2) The verification of water supply required under subsection (1)
17 of this section must demonstrate that sufficient water supply for the
18 uses of all lots anticipated with full development of the subdivision,
19 and that such water supply will be available presently or before
20 development of the lots within the subdivision. The verification may
21 rely upon one or more of the following to demonstrate an adequate water
22 supply to the subdivision:

23 (a) Evidence of a water right appurtenant to the subdivision land
24 in which the uses and quantities allowable under the right are
25 sufficient and appropriate for purpose of the projected uses upon
26 development of the subdivision;

27 (b) Evidence that a public water supplier has provided written
28 confirmation that the supplier has the authority and will serve the
29 subdivision under an approved and currently valid water system plan;

30 (c) Evidence through written contracts or other proof that valid
31 water rights will be changed or transferred to serve the subdivision,
32 and documentation that the water rights remain valid, that the water
33 rights are eligible for any necessary change, transfer, or amendment
34 for the purposes of the plat, and that the water rights are sufficient
35 for the water supply requirements of the plat; or

36 (d) In the case of any subdivision into six or fewer lots, that the
37 subdivision uses may be served by groundwater withdrawal within the

1 limited purposes and quantities exempt from obtaining a permit as
2 provided for in chapter 90.44 RCW.

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

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

18 (2) A proposed subdivision and dedication shall not be approved
19 unless the city, town, or county legislative body makes written
20 findings that: (a) Appropriate provisions are made for the public
21 health, safety, and general welfare and for such open spaces, drainage
22 ways, streets or roads, alleys, other public ways, transit stops,
23 (~~potable water supplies,~~) an adequate water supply to the subdivision
24 as provided in subsection (4) of this section, sanitary wastes, parks
25 and recreation, playgrounds, schools and schoolgrounds and all other
26 relevant facts, including sidewalks and other planning features that
27 assure safe walking conditions for students who only walk to and from
28 school; and (b) the public use and interest will be served by the
29 platting of such subdivision and dedication. If it finds that the
30 proposed subdivision and dedication make such appropriate provisions
31 and that the public use and interest will be served, then the
32 legislative body shall approve the proposed subdivision and dedication.
33 Dedication of land to any public body, provision of public improvements
34 to serve the subdivision, and/or impact fees imposed under RCW
35 82.02.050 through 82.02.090 may be required as a condition of
36 subdivision approval. Dedications shall be clearly shown on the final
37 plat. No dedication, provision of public improvements, or impact fees

1 imposed under RCW 82.02.050 through 82.02.090 shall be allowed that
2 constitutes an unconstitutional taking of private property. The
3 legislative body shall not as a condition to the approval of any
4 subdivision require a release from damages to be procured from other
5 property owners.

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

11 (4) Before a subdivision may be approved, the legislative body must
12 determine that it will be served by an adequate water supply. An
13 adequate water supply may be demonstrated by substantial evidence in
14 the record that the water supply is available or will be available
15 before or simultaneous with the development of the subdivision. This
16 demonstration may be made through one or more of the following means:

17 (a) Evidence of a water right appurtenant to the subdivision land
18 in which the uses and quantities allowable under the right are
19 sufficient for the projected uses upon development of the subdivision;

20 (b) Evidence that the subdivision lies within the area covered by
21 an approved water system plan of a municipal water supplier having a
22 duty to provide water supply within the area; or

23 (c) In the case of any subdivision into six or fewer lots, that the
24 subdivision uses will be served by groundwater withdrawal within the
25 limited purposes and quantities exempt from obtaining a permit as
26 provided for in chapter 90.44 RCW.

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