

ESB 5008 - H COMM AMD
By Committee on Local Government

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 58.17.020 and 2002 c 262 s 1 are each amended to
4 read as follows:

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

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

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

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

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

27 (4) "Preliminary plat" is a neat and approximate drawing of a
28 proposed subdivision showing the general layout of streets and
29 alleys, lots, blocks, and other elements of a subdivision consistent
30 with the requirements of this chapter. The preliminary plat shall be

1 the basis for the approval or disapproval of the general layout of a
2 subdivision.

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

7 (6) "Short subdivision" is the division or redivision of land
8 into four or fewer lots, tracts, parcels, sites, or divisions for the
9 purpose of sale, lease, or transfer of ownership, provided that:

10 (a) If the legislative authority of a county or city is not
11 planning under RCW 36.70A.040, it may, by local ordinance, define
12 short subdivision as the division or redivision of land into as many
13 as nine or fewer lots, tracts, parcels, sites, or divisions for the
14 purpose of sale, lease, or transfer of ownership;

15 (b) If the legislative authority of a county or city is planning
16 under RCW 36.70A.040, it may, by local ordinance, define short
17 subdivision as the division or redivision of land into as many as nine
18 or fewer lots, tracts, parcels, sites, or divisions for the purpose
19 of sale, lease, or transfer of ownership; and

20 (c) If the legislative authority of a county or city planning
21 under RCW 36.70A.040 has adopted a comprehensive plan and development
22 regulations in compliance with chapter 36.70A RCW, it may, by local
23 ordinance, define short subdivision as the division or redivision of
24 land in any urban growth area, into as many as fourteen or fewer
25 lots, tracts, parcels, sites, or divisions for the purpose of sale,
26 lease, or transfer of ownership. ((However, the legislative authority
27 of any city or town may by local ordinance increase the number of
28 lots, tracts, or parcels to be regulated as short subdivisions to a
29 maximum of nine. The legislative authority of any county planning
30 under RCW 36.70A.040 that has adopted a comprehensive plan and
31 development regulations in compliance with chapter 36.70A RCW may by
32 ordinance increase the number of lots, tracts, or parcels to be
33 regulated as short subdivisions to a maximum of nine in any urban
34 growth area.))

35 (7) "Binding site plan" means a drawing to a scale specified by
36 local ordinance which: (a) Identifies and shows the areas and
37 locations of all streets, roads, improvements, utilities, open
38 spaces, and any other matters specified by local regulations; (b)
39 contains inscriptions or attachments setting forth such appropriate
40 limitations and conditions for the use of the land as are established

1 by the local government body having authority to approve the site
2 plan; and (c) contains provisions making any development be in
3 conformity with the site plan.

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

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

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

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

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

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

19 (14) "Planning commission" means that body as defined in chapter
20 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
21 perform a planning function or that body assigned such duties and
22 responsibilities under a city or county charter.

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

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

27 (1) The legislative body of a city, town, or county (~~shall~~)
28 must adopt regulations and procedures, and appoint administrative
29 personnel for the summary approval of short plats and short
30 subdivisions or alteration or vacation thereof. When an alteration or
31 vacation involves a public dedication, the alteration or vacation
32 (~~shall~~) must be processed as provided in RCW 58.17.212 or
33 58.17.215. Such regulations (~~shall~~) must be adopted by ordinance
34 and (~~shall~~) must provide that a short plat and short subdivision
35 may be approved only if written findings that are appropriate, as
36 provided in RCW 58.17.110, are made by the administrative personnel,
37 and may contain wholly different requirements than those governing
38 the approval of preliminary and final plats of subdivisions and may
39 require surveys and monumentations and (~~shall~~) must require filing

1 of a short plat, or alteration or vacation thereof, for record in the
2 office of the county auditor: PROVIDED, That such regulations must
3 contain a requirement that land in short subdivisions may not be
4 further divided in any manner within a period of five years without
5 the filing of a final plat, except that when the short plat contains
6 fewer than four parcels, nothing in this section shall prevent the
7 owner who filed the short plat from filing an alteration within the
8 five-year period to create up to a total of four lots within the
9 original short plat boundaries: PROVIDED FURTHER, That such
10 regulations are not required to contain a penalty clause as provided
11 in RCW 36.32.120 and may provide for wholly injunctive relief.

12 An ordinance requiring a survey (~~shall~~) must require that the
13 survey be completed and filed with the application for approval of
14 the short subdivision.

15 (2) In addition to the requirements of subsection (1) of this
16 section, approval of short plats and short subdivisions creating ten
17 or more lots in counties and cities planning under RCW 36.70A.040 and
18 short plats and short subdivisions creating five or more lots in
19 counties and cities not planning under RCW 36.70A.040 are subject to
20 the provisions under RCW 58.17.110.

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

26 **Sec. 3.** RCW 58.17.110 and 2018 c 1 s 104 are each amended to
27 read as follows:

28 (1) The city, town, or county legislative body shall inquire into
29 the public use and interest proposed to be served by the
30 establishment of the subdivision and dedication. It shall determine:

31 (a) If appropriate provisions are made for, but not limited to, the
32 public health, safety, and general welfare, for open spaces, drainage
33 ways, streets or roads, alleys, other public ways, transit stops,
34 potable water supplies, sanitary wastes, parks and recreation,
35 playgrounds, schools and schoolgrounds, and shall consider 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) whether the public interest will be served by the
39 subdivision and dedication.

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

26 (b) The written findings required under (a) of this subsection
27 must address any public comments received under subsection (3) of
28 this section.

29 (3) Any ordinance proposing the increased allowable number of
30 lots pursuant to RCW 58.17.020 and 58.17.060 must provide for
31 effective notice to neighbors, the community, and school districts
32 servicing the lots, and provide an opportunity for public comment
33 prior to the approval of any short plats or short subdivisions
34 creating more than four lots.

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

1 (~~(4)~~) (5) If water supply is to be provided by a groundwater
2 withdrawal exempt from permitting under RCW 90.44.050, the
3 applicant's compliance with RCW 90.44.050 and with applicable rules
4 adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in
5 determining appropriate provisions for water supply for a
6 subdivision, dedication, or short subdivision under this chapter."

7 Correct the title.

EFFECT: (1) Provides that a short subdivision is 4 lots, however
counties and cities may increase:

(a) Up to 9 lots by local ordinance; or

(b) Up to 14 lots, by local ordinance, if they are planning under
GMA, have adopted a comprehensive plan and is in an urban growth
area.

(2) Requires any ordinance increasing the allowable number of
lots under the act to provide for effective notice to neighbors, the
community, and school districts servicing the lots, and provide an
opportunity for public comment prior to the approval of any short
plats or short subdivisions creating more than four lots.

(3) Requires that the written findings provided by the county/
city must address any public comments received (relating to whether
the short plats will have appropriate infrastructure provisions --
streets, transit stops, playgrounds, schools including but not
limited to school capacity and class size, etc.).

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