

SB 5008 - S AMD 159
By Senator Palumbo

ADOPTED 03/12/2019

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
31 the basis for the approval or disapproval of the general layout of a
32 subdivision.

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

5 (6) (a) "Short subdivision" is the division or redivision of land
6 into four or fewer lots, tracts, parcels, sites, or divisions for the
7 purpose of sale, lease, or transfer of ownership. (~~However,~~) The
8 legislative authority of (~~any~~) a county or city (~~or town may~~) not
9 planning under RCW 36.70A.040 by local ordinance increase the number
10 of lots, tracts, or parcels to be regulated as short subdivisions to
11 a maximum of nine.

12 (b) For counties and cities planning under RCW 36.70A.040, "short
13 subdivision" is the division or redivision of land into nine or fewer
14 lots, tracts, parcels, sites, or divisions for the purpose of sale,
15 lease, or transfer of ownership. The legislative authority of (~~any~~)
16 a county or city planning under RCW 36.70A.040 that has adopted a
17 comprehensive plan and development regulations in compliance with
18 chapter 36.70A RCW may by ordinance increase the number of lots,
19 tracts, or parcels to be regulated as short subdivisions to a maximum
20 of (~~nine~~) twenty-four in any urban growth area.

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

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

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

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

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

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

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

6 (14) "Planning commission" means that body as defined in chapter
7 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
8 perform a planning function or that body assigned such duties and
9 responsibilities under a city or county charter.

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

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

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

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

4 (2) In addition to the requirements of subsection (1) of this
5 section, approval of short plats and short subdivisions creating ten
6 or more lots in counties and cities planning under RCW 36.70A.040 and
7 short plats and short subdivisions creating five or more lots in
8 counties and cities not planning under RCW 36.70A.040 are subject to
9 the provisions under RCW 58.17.110.

10 (3) Cities, towns, and counties (~~shall~~) must include in their
11 short plat regulations and procedures pursuant to subsection (1) of
12 this 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. 3.** RCW 58.17.110 and 2018 c 1 s 104 are each amended to
16 read 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
19 establishment of the subdivision and dedication. It shall determine:

20 (a) If appropriate provisions are made for, but not limited to, the
21 public health, safety, and general welfare, for open spaces, drainage
22 ways, streets or roads, alleys, other public ways, transit stops,
23 potable water supplies, sanitary wastes, parks and recreation,
24 playgrounds, schools and schoolgrounds, and shall consider all other
25 relevant facts, including sidewalks and other planning features that
26 assure safe walking conditions for students who only walk to and from
27 school; and (b) whether the public interest will be served by the
28 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, safety, and general welfare and for such open spaces,
33 drainage ways, streets or roads, alleys, other public ways, transit
34 stops, potable water supplies, sanitary wastes, parks and recreation,
35 playgrounds, schools and schoolgrounds and all other relevant facts,
36 including sidewalks and other planning features that assure safe
37 walking conditions for students who only walk to and from school; and
38 (b) the public use and interest will be served by the platting of
39 such subdivision and dedication. If it finds that the proposed

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

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

19 (4) If water supply is to be provided by a groundwater withdrawal
20 exempt from permitting under RCW 90.44.050, the applicant's
21 compliance with RCW 90.44.050 and with applicable rules adopted
22 pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining
23 appropriate provisions for water supply for a subdivision,
24 dedication, or short subdivision under this chapter.

25 (5) Short plats and short subdivisions creating ten or more lots
26 in counties and cities planning under RCW 36.70A.040 and short plats
27 and short subdivisions creating five or more lots in counties and
28 cities not planning under RCW 36.70A.040 that are subject to the
29 provisions of this section may be evaluated by administrative
30 personnel."

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31 On page 1, line 1 of the title, after "subdivisions;" strike the
32 remainder of the title and insert "and amending RCW 58.17.020,
33 58.17.060, and 58.17.110."

EFFECT: (1) Subjects the approval of short plats and short subdivisions creating 10 or more lots in Growth Management Act planning jurisdictions and 5 or more lots in all other jurisdictions to an inquiry and determination of whether appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and schoolgrounds.

(2) Allows the above described inquiry and approval to be done by administrative personnel rather than the legislative body of the county or city as required for subdivisions and dedications.

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