
ENGROSSED SENATE BILL 5008

State of Washington

66th Legislature

2019 Regular Session

By Senators Palumbo and Fortunato

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1 AN ACT Relating to short subdivisions; and amending RCW
2 58.17.020, 58.17.060, and 58.17.110.

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

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

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

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

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

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

1 showing the dedication thereon; and, the acceptance by the public
2 shall be evidenced by the approval of such plat for filing by the
3 appropriate governmental unit.

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

7 (4) "Preliminary plat" is a neat and approximate drawing of a
8 proposed subdivision showing the general layout of streets and
9 alleys, lots, blocks, and other elements of a subdivision consistent
10 with the requirements of this chapter. The preliminary plat shall be
11 the basis for the approval or disapproval of the general layout of a
12 subdivision.

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

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

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

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

1 plan; and (c) contains provisions making any development be in
2 conformity with the site plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (a) If appropriate provisions are made for, but not limited to, the
31 public health, safety, and general welfare, for open spaces, drainage
32 ways, streets or roads, alleys, other public ways, transit stops,
33 potable water supplies, sanitary wastes, parks and recreation,
34 playgrounds, schools and schoolgrounds, and shall consider all other
35 relevant facts, including sidewalks and other planning features that
36 assure safe walking conditions for students who only walk to and from
37 school; and (b) whether the public interest will be served by the
38 subdivision and dedication.

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

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

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

36 (5) Short plats and short subdivisions creating ten or more lots
37 in counties and cities planning under RCW 36.70A.040 and short plats
38 and short subdivisions creating five or more lots in counties and
39 cities not planning under RCW 36.70A.040 that are subject to the

1 provisions of this section may be evaluated by administrative
2 personnel.

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