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**SENATE BILL 5633**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Lovelett and Saldaña

AN ACT Relating to the subdivision of land; amending RCW 36.70B.080; adding a new section to chapter 58.17 RCW; adding a new chapter to Title 58 RCW; repealing RCW 58.17.010, 58.17.020, 58.17.030, 58.17.033, 58.17.035, 58.17.040, 58.17.050, 58.17.060, 58.17.065, 58.17.070, 58.17.080, 58.17.090, 58.17.092, 58.17.095, 58.17.100, 58.17.110, 58.17.120, 58.17.130, 58.17.140, 58.17.150, 58.17.155, 58.17.160, 58.17.165, 58.17.170, 58.17.180, 58.17.190, 58.17.195, 58.17.200, 58.17.205, 58.17.210, 58.17.212, 58.17.215, 58.17.217, 58.17.218, 58.17.220, 58.17.225, 58.17.230, 58.17.240, 58.17.250, 58.17.255, 58.17.260, 58.17.275, 58.17.280, 58.17.290, 58.17.300, 58.17.310, 58.17.320, 58.17.330, 58.17.900, and 58.17.920; prescribing penalties; providing effective dates; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that:

(a) The statutes in chapter 58.17 RCW governing the subdivision of land in Washington state were originally enacted in 1969;

(b) The subdivision process as originally enacted has evolved in practice and implementation by local jurisdictions over 50 years such that a preliminary plat of today has the level of detail of what previously was considered for a final plat;

(c) The subdivision statutes have not been comprehensively updated since the adoption of (i) chapter 36.70A RCW, the growth management act (GMA), (ii) the statutes regarding local project review in chapter 36.70B RCW, and (iii) the statutes integrating project review under chapter 43.21C RCW, the state environmental policy act (SEPA) with the planning requirements under the GMA;

(d) The submittal requirements for a short plat have evolved to become essentially the same as required for a subdivision making the distinction between a short plat and a subdivision obsolete; and

(e) Washington state faces a crisis in housing supply and affordability to provide housing needed for the population growth projected for the state.

(2) In light of the foregoing, the legislature deems it necessary to update the statutes governing the division of land and alteration of property boundaries to provide for a uniform and expeditious process and integrate the subdivision process with the requirements under the GMA, local project review, and SEPA.

(3) To further these goals, the legislature intends to make the plat approval process administrative for jurisdictions planning under the GMA, and to update the subdivision statutes through adoption of a new chapter 58.17A RCW.

NEW SECTION. **Sec.**  The legislature finds that the process by which land is divided is a matter of state concern and should be administered uniformly by cities, towns, and counties throughout the state. The purpose of this chapter is to:

(1) Regulate the division of land and alteration of property boundaries and to promote the public health, safety, and general welfare in accordance with standards established by the state; to promote efficient use of land consistent with requirements for those cities, towns, and counties planning under the growth management act, chapter 36.70A RCW;

(2) Promote safe and convenient travel by the public on streets and highways;

(3) Provide for adequate light and air;

(4) Facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds, and other public requirements;

(5) Provide for proper ingress and egress;

(6) Provide for the expeditious review of applications for proposed subdivisions consistent with RCW 36.70A.020(7) and chapter 36.70B RCW;

(7) Provide for the approval of proposed subdivisions that conform to local comprehensive plans, zoning, and development regulations adopted by cities, towns, and counties;

(8) Adequately provide for the housing and commercial needs of the citizens of the state;

(9) Require uniform monumenting of subdivisions; and

(10) Require conveyances of land by accurate legal description.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Binding site plan" means a drawing to a scale specified by local ordinance which:

(a) Identifies and shows the areas and locations of all streets and roads public or private, improvements, utilities, open spaces, and any other matters specified by local development regulations;

(b) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city, town, or county having authority to approve the site plan; and

(c) Contains provisions making any development be in conformity with the site plan.

(2) "Block" means a group of lots or tracts within well-defined and fixed boundaries.

(3) "County auditor" means the county auditor whose duties are described in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(4) "County road engineer" means the county road engineer whose duties are described in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(5) "County treasurer" means the county treasurer whose duties are described in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(6) "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the land has been dedicated. The intention to dedicate must be evidenced by the owner presenting a final plat for filing that shows the dedication thereon. The acceptance of the dedication by the public must be evidenced by the approval of such plat for filing by the appropriate department official of the city, town, or county.

(7) "Development regulations" has the same meaning as in RCW 36.70A.030.

(8) "Final minor plat" means the final drawing prepared for filing for record with the county auditor and containing all elements and requirements for a minor plat set forth in this chapter and in local regulations adopted under this chapter.

(9) "Final plat" means the final drawing of the subdivision prepared for filing for record with the county auditor showing thereon the division of a parcel or parcels into lots, tracts, blocks, streets and alleys, or other divisions and dedications, and containing all elements and requirements set forth in this chapter and in local development regulations adopted under this chapter.

(10) "Minor plat" means the administrative process of dividing an existing lot into no more than two lots for the purpose of sale, lease, or transfer of ownership pursuant to section 9(10) of this act.

(11) "Multifamily development project" means development of a new detached accessory dwelling unit on the same parent lot as a preexisting primary residence.

(12) "Parcel" means an area of land having fixed boundaries that is subdivided into lots, tracts, and blocks as provided in this chapter.

(13) "Parent lot" means a lot that is subdivided into unit lots through the unit lot subdivision process.

(14) "Planning commission" means the same as "commission" as defined in RCW 36.70.020 for counties, RCW 35.63.010 for cities and towns, or "planning agency" as defined in chapter 35A.63 RCW for code cities.

(15) "Plat" means a map of a proposed subdivision showing thereon the layout for the division of a parcel or parcels of land into lots, tracts, blocks, streets and alleys, or other divisions and dedications together with other elements of the proposed subdivision consistent with the requirements of this chapter. The plat must be the basis for approval or disapproval of the layout of a subdivision.

(16) "Tract" means a fractional part of divided lands having fixed boundaries that is dedicated or reserved for a specific use as specified on the short plat, final plat, or binding site plan, such as drainage facilities, open space or native growth protection area, critical areas, and associated buffers, parks, recreation facilities, and landscaping.

(17) "Unit lot" means a subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.

(18) "Unit lot subdivision" means a subdivision or short subdivision proposed as part of a multifamily development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot. By June 30, 2026, all unit lot subdivisions require notification to purchasers of their legal status as further described in section 11 of this act.

NEW SECTION. **Sec.**  Cities, towns, and counties shall adopt or amend local ordinances consistent with the requirements of this chapter no later than the applicability date for such jurisdiction pursuant to sections 46 and 47 of this act. In the event a city, town, or county does not timely adopt such an ordinance then the provisions of this chapter shall apply and supersede any contrary codes or development regulations of the city, town, or county. However, the city, town, or county is authorized but not required to adopt local ordinances to implement minor plats pursuant to section 8 of this act.

NEW SECTION. **Sec.**  Every subdivision of land must comply with the provisions of this chapter.

NEW SECTION. **Sec.**  (1) The legislative bodies of cities, towns, and counties have sole authority to adopt or amend subdivision ordinances and development regulations adopted pursuant to this chapter, provided that such legislative bodies may by ordinance delegate final plat approval to an established planning commission, agency, or department official in accordance with state law or local charter.

(2) A proposed division of land must be considered under the substantive subdivision ordinance, zoning, and other development regulations in effect at the time an application for plat approval of the subdivision submitted to the appropriate city, town, or county official is deemed to be complete under RCW 36.70B.070. This subsection does not apply to procedural regulations regarding the processing of an application for a proposed subdivision.

(3) The requirements for a fully complete application shall be defined by local ordinance adopted by the city, town, or county consistent with the requirements of chapter 36.70B RCW. A city, town, or county shall not prohibit the submittal of a fully complete application based on a requirement not expressly included in the local ordinance. This subsection shall not operate to allow for or require any public meeting or other form of community engagement as a prerequisite to submittal of a fully complete application under this section.

(4) Nothing in this section restricts the authority of a city, town, or county from imposing conditions on a plat for a proposed subdivision pursuant to the authority under chapter 43.21C RCW unless the plat is exempt from such review under either chapter 43.21C RCW, chapter 197-11 WAC, or by local ordinance.

NEW SECTION. **Sec.**  (1) A city, town, or county may adopt by ordinance procedures for the division of land into lots, tracts, or parcels through approval and recording of a binding site plan as an alternate method to the subdivision procedures under this chapter only for the following purposes:

(a) Divisions of land for the sale or lease of commercially or industrially zoned land or land zoned for mixed-use development that includes residential use as provided in section 9(4) of this act;

(b) Divisions of land for lease as provided for in section 9(5) of this act; and

(c) Divisions of land as provided for in section 9(7) of this act. A binding site plan ordinance may apply the same or different requirements and procedures to each of the three types of authorized divisions; must provide for administrative approval of a binding site plan; and must provide processes for altering and vacating a binding site plan.

(2) A binding site plan ordinance must provide that after approval of the general binding site plan for industrial, commercial, or mixed-use divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial, industrial, or mixed-use lots must be reviewed and approved administratively.

(3) The binding site plan, after approval, or when specific lots are administratively approved, must be filed with the county auditor together with a record of survey. Lots, tracts, blocks, or other divisions created through the binding site plan procedure must be legal lots of record upon recording of the binding site plan. The number of lots or tracts may not exceed the number of lots allowed by the local zoning ordinances and development regulations.

(4) A binding site plan filed for record pursuant to section 9(7) of this act may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW, but must contain the following statement:

"All development and use of the land described herein must be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land must be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan is binding upon all now or hereafter having any interest in the land described herein."

A binding site plan submitted pursuant to section 9(7) of this act must be deemed to have been approved if the site plan was approved by a city, town, or county either:

(a) In connection with the approval of a final plat with respect to all of such land;

(b) In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

(c) If not approved pursuant to (a) and (b) of this subsection, then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan.

(5) All provisions, conditions, and requirements of the binding site plan are legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot or tract created pursuant to the binding site plan.

(6) It is a violation of this chapter and may be restrained by injunctive action and held illegal as provided in this chapter to sell, transfer, or lease any lot or tract that either:

(a) Is on a binding site plan that has not been approved and recorded; or

(b) Does not conform to the requirements of the binding site plan.

NEW SECTION. **Sec.**  (1) Cities that are required to comply with the minimum density requirements under RCW 36.70A.635 may adopt by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls consistent with the requirements of subsection (2) of this section, to take effect on or before the applicability date for such jurisdiction pursuant to sections 46 and 47 of this act.

(2) Through ordinances, development regulations, zoning regulations, and other official controls as required under subsection (1) of this section, cities may allow within a zone that primarily allows residential uses an administrative minor plat to create one new residential lot if the following conditions are met:

(a) No more than one new lot is created through a minor plat. A minor plat is not authorized for properties in zones that primarily allow nonresidential uses such as business, commercial, retail, and/or industrial;

(b) A lot created through a minor plat may be further segregated through either:

(i) A unit lot subdivision to segregate middle housing units into separate legal parcels subject to the applicable residential density the city is required to allow pursuant to RCW 36.70A.635; or

(ii) A subdivision provided the total number of lots in such subdivision does not exceed the density allowed under the applicable zoning;

(c) The parent lot and the new lot or lots resulting from the administrative minor plat both meet the applicable minimum lot size allowed under RCW 36.70A.635;

(d) The parent lot was not created through the dividing of a single-family residential lot authorized by this section; and

(e) The minor plat would not require demolition or alteration of any existing housing that is rent restricted, rent subsidized, or that has been occupied by a tenant paying market-rate rent within the preceding 12 months.

(3) A city that elects to allow minor plats shall establish procedural and substantive standards through which an administrative minor plat is reviewed and approved administratively and not subject to an administrative appeal if certain criteria are met. A city may adopt additional standards or criteria that are not inconsistent with this subsection. The criteria must include that:

(a) The lots resulting from the minor plat meet the minimum lot size under the city's development regulations;

(b) The lots resulting from the minor plat will not require a reasonable use exception for subsequent development;

(c) The applicable sewer and water purveyor or purveyors have issued certificates of availability to serve the newly created lot;

(d) Access rights are granted or conveyed as necessary on or before recording of the final minor plat to provide access for the maximum number of dwelling units that could be developed on the newly created lot, provided such access rights may be reduced consistent with a city's adopted codes, regulations, and design standards as applicable through review of a subsequent application for a building permit, unit lot subdivision, or subdivision application, if less than the maximum number of dwelling units is built on the newly created lot; and

(e) A proposed minor plat may be conditioned upon dedication of right-of-way on the parent lot to the extent such dedication would otherwise be required under applicable codes, regulations, and design standards for the development or subdivision of the parent lot absent the minor plat. Similarly, a subsequent application for development of housing units on the newly created lot may be conditioned upon construction of frontage improvements to right-of-way adjacent to either the parent parcel or the newly created lots to the extent such improvements would be required under applicable codes, regulations, and design standards. An administrative minor plat may not be subject to subdivision requirements, including those set forth in section 12 of this act, other than the requirement for a final minor plat and the requirements of this subsection (3).

(4) The final minor plat must include a restriction providing that the approval and recording of an administrative minor plat does not constitute or guarantee approval by the city of other permits and approvals that may be necessary to construct residential units on the lots resulting from the minor plat.

(5) Any construction on the resulting lots is subject to all existing state and local laws except for the provisions specified in this act.

(6) A city electing to authorize a division of land through a minor plat may not impose a limit on the total number of dwelling units allowed on the new residential lot and the original lot that is less than the number of residential dwelling units allowed by the underlying zoning of the original lot prior to the administrative minor plat.

(7) Notwithstanding the provisions of this section, a city must deny an application for an administrative minor plat if one or both resulting lots would not have sufficient developable land because of the presence of critical areas or their buffers on the lot.

NEW SECTION. **Sec.**  The subdivision requirements of this chapter do not apply to:

(1) Divisions of land into cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the legislative authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring subdivision approval of such divisions;

(3) Divisions of land made by a will valid in the state of Washington, by other testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use, or mixed-use development that includes residential use when the city, town, or county has approved a binding site plan pursuant to section 7 of this act for the use of the land in accordance with local codes and development regulations;

(5) Divisions of land to create lots or tracts for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan pursuant to section 7 of this act for the use of the land in accordance with local regulations;

(6) Any boundary line adjustment that:

(a) Alters boundary lines between platted or unplatted lots or tracts;

(b) Does not create an additional lot or tract; and

(c) Does not create or result in any lot or tract having insufficient size and dimensions to meet minimum requirements for width and area for a building site as established by applicable development regulations of the city, town, or county;

(7) Divisions of land into lots or tracts through a binding site plan pursuant to section 7 of this act if:

(a) Such division is the result of subjecting a portion of a parcel or parcels to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all of such parcel(s);

(b) The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

(c) A city, town, or county has approved the binding site plan; and

(d) Such approved binding site plan is recorded in the county or counties in which such land is located;

(8)(a) Divisions of land for the purpose of leasing for facilities providing personal wireless services while used for that purpose.

(b) For the purposes of this subsection (8):

(i) "Personal wireless services" means any federally licensed personal wireless service.

(ii) "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(9)(a) Divisions of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.

(b) This subsection does not exempt divisions from the zoning codes and development regulations of cities, towns, counties, and other municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers.

(c) For the purposes of this subsection (9):

(i) "Electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

(ii) "New customer" means electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed; and

(10) Divisions of land to divide an existing lot or parcel into up to two lots through an administrative minor plat when authorized by a city pursuant to section 8 of this act.

NEW SECTION. **Sec.**  An assessor's plat made in accordance with RCW 58.18.010 need not comply with any of the requirements of this chapter except sections 37 and 38 of this act.

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

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

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

(3) All cities, code cities, and towns located in a county planning under RCW 36.70A.040 shall by June 30, 2026, adopt or enact procedures for unit lot subdivisions. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

(a) These procedures must include, at a minimum, the requirement that prominent informational notes be placed on the unit lot subdivision's plat, and recorded in the county or counties in which such land is located, to acknowledge each of the following:

(i) Approval of the design and layout of the unit lot's multifamily development project was granted based on detailed review of that specified project, as a whole, on the parent lot, including specific reference to the applicable permit or file number for that specified project;

(ii) Subsequent subdivision actions, additions, or modifications to the multifamily development project's structures may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved multifamily development project or to the land use and development standards in effect at the time of the proposed actions, additions, or modifications;

(iii) If a structure or portion of a structure within the multifamily development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure must conform to the approved multifamily development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested; and

(iv) The individual unit lots may not be separate buildable lots, and additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

(b) These procedures must also:

(i) Be specifically subject to the maximum time period for local government actions set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement as permitted by that section;

(ii) Not require any public predecision hearing, nor any design review other than administrative design review;

(iii) Apply only clear and objective development regulations; and

(iv) Be logically integrated with the application, review, and approval procedures that apply to the underlying multifamily development project to the greatest extent feasible.

(c) After June 30, 2026, no city, code city, or town subject to this section may decline to accept, process, or approve an application for a unit lot subdivision, consistent with the procedural requirements of (a) and (b) of this subsection, solely because that city, code city, or town has not completed adoption or enactment of the procedures required under this section.

(d) Nothing in this section:

(i) Prohibits a city or county from applying public health, safety, building code, and environmental permitting requirements to a multifamily development project that is subject to or integrated with a unit lot subdivision process; or

(ii) Requires a city or county to authorize a multifamily development project or a unit lot subdivision in a location where development is restricted under other laws, rules, or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

NEW SECTION. **Sec.**  All applications for approval of a proposed plat to subdivide land must be processed administratively regardless of the number of lots or tracts to be created through such subdivision. A city, town, or county shall adopt an ordinance providing for administrative review of subdivision applications without a requirement for a public hearing except as provided herein. The administrative review process for subdivision applications, other than minor plats as provided in section 8 of this act, must include the following minimum requirements:

(1) Applications for approval of plats for proposed subdivisions and dedications of land must be submitted for approval to the city, town, or county within which the land is situated.

(2) A city, town, or county may not require an applicant to conduct community outreach or engagement either as a condition precedent for submittal of a subdivision application or as a condition of approval of a subdivision application. A city, town, or county may provide for an optional preapplication meeting regarding a plat for a proposed subdivision but shall not require a preapplication meeting as a condition precedent for a subdivision application to be deemed complete under section 6 of this act and processing under chapter 36.70B RCW.

(3) A city, town, or county may not preclude an applicant for subdivision approval from submitting construction plans and having those plans reviewed concurrently with a subdivision application.

(4) Unless an applicant for subdivision approval requests otherwise, a county, or a city or town with a population exceeding 15,000 people, shall allow and provide for a plat application for a proposed subdivision to be processed concurrently with other applications as specified in RCW 36.70B.120.

(5) The permit process, and notification requirements and opportunities for public comments, regarding plat applications for proposed subdivisions must be set forth in development regulations adopted by the legislative body of the city, town, or county pursuant to the requirements of chapter 36.70B RCW.

(6) All plat applications for proposed subdivisions must be reviewed and processed administratively consistent with the subdivision ordinances adopted by such city, town, or county pursuant to this chapter and chapter 36.70B RCW.

(7) A public hearing may not be required for approval of a plat application for a proposed subdivision, provided a city, town, or county may provide for a public hearing only for plat applications for proposed subdivisions that are located outside of an urban growth area designated pursuant to RCW 36.70A.110 and that are not categorically exempt from environmental review pursuant to chapter 43.21C RCW or exempt by local regulations. For subdivision applications that are not exempt from chapter 43.21C RCW review, a public hearing may be held only if a person adversely affected by the proposed subdivision files a request for a hearing with the city, town, or county within 21 days of the date of publication of the notice of application. If a hearing is requested, notice for the public hearing must be provided consistent with the requirements of the development regulations adopted by the city, town, or county adopted pursuant to chapter 36.70B RCW, and the time period for approval or disapproval of the plat for the proposed subdivision provided for in section 19 of this act commences upon the date of the filing of the request for a public hearing. Any hearing under this subsection must be conducted by the department official, hearing examiner, or planning or hearing body as required by the local project review provisions adopted by the city, town, or county, pursuant to chapter 36.70A RCW, this chapter, and subsection (8) of this section.

(8)(a) Where a public hearing is required as provided in subsection (7) of this section, the city, town, or county legislative body may adopt a hearing examiner system to conduct such hearings and must specify by ordinance the legal effect of the decisions made and the procedures to be followed by the examiner. The legal effect of such decisions must include one of the following:

(i) The decision may be given the effect of a recommendation to the legislative body;

(ii) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(iii) The decision may be given the effect of a final decision of the legislative body.

(b) Each final decision of a hearing examiner must be in writing and include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, must be rendered within 10 working days following conclusion of all testimony and hearings.

(9) A city, town, or county shall complete its review and render a final decision on plat applications for proposed subdivisions consistent with the applicable time periods adopted by the city, town, or county pursuant to chapter 36.70B RCW. If a city is required pursuant to subsection (4) of this section to provide for the submittal and concurrent review of construction plans with the review of a plat application and the applicant for subdivision approval requests such concurrent review, the application for construction plan approval is subject to the applicable time periods for such approval and treated separately from, and not consolidated with, the applicable time period for a final decision on the related plat application.

NEW SECTION. **Sec.**  Notice of the filing of a plat application for approval of proposed subdivision must be provided to affected cities, towns, counties, state and local governmental agencies, utility providers, and such other persons and entities as set forth in regulations adopted by a city, town, or county pursuant to chapter 36.70B RCW.

NEW SECTION. **Sec.**  (1) This section applies only to applications for subdivision approval for which a public hearing is allowed pursuant to section 12(7) of this act.

(2) If a city, town, or county has established by ordinance adopted pursuant to this chapter a process for the review of proposed plats by a planning commission in accordance with state law or local charter, such planning commission shall review all plats and make recommendations thereon to the agency, body, or official of the city, town, or county authorized to approve plats to assure conformance of the proposed subdivision to the comprehensive plan and the applicable development regulations as adopted by the city, town, or county. The recommendations of the planning commission are advisory only and must include written findings of fact and conclusions of law; however, the legislative body of the city, town, or county may by ordinance assign to such planning commission, or other agency, body, or official such administrative functions, powers, and duties as may be appropriate to prepare recommendations and to make final decisions regarding the approval or disapproval of plats for proposed subdivisions.

(3) The planning commission may not require a public hearing on a proposed plat except in the event a public hearing is requested as provided in section 12(7) of this act.

(4) The planning commission's recommendation must be submitted to the designated agency, body, or official designated by the legislative body of the city, town, or county to approve plats not later than 14 days following issuance of the recommendation by the planning commission. The process for the review of the planning commission's recommendation must be set forth in development regulations adopted by the city, town, or county pursuant to this chapter and chapter 36.70B RCW.

NEW SECTION. **Sec.**  (1) The agency, body, or official authorized by an ordinance of a city, town, or county legislative body to review and approve or disapprove plats for proposed subdivisions shall inquire into the public use and interest to be served by the proposed subdivision and dedication. Such authorized agency, body, or official shall determine whether the proposed plat complies with the applicable comprehensive plan designation, development regulations, and other codes and design standards adopted by the city, town, or county, and provides sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. A proposed plat may be subject to conditions of approval necessary to ensure compliance with applicable development regulations, codes, and design standards. A proposed plat, as so conditioned, must be deemed to provide appropriate provisions for the public health, safety, and general welfare.

(2) A plat for a proposed subdivision and dedication must be approved if the authorized agency, body, or official makes written findings that it:

(a) Is consistent with the applicable comprehensive plan designation; and

(b) As conditioned, complies with the applicable development regulations, codes, and design standards, and includes sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. Upon making such findings, the authorized agency, body, or official shall approve the plat application for the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of plat approval. Dedications must be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 may be allowed that constitute an unconstitutional taking of private property. The agency, body, or official with authority to approve plats shall not, as a condition to the approval, require a release from damages to be procured from other property owners.

(3) If water supply for a proposed subdivision is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW are sufficient to determine appropriate provisions for water supply have been made for a subdivision or dedication under this chapter.

NEW SECTION. **Sec.**  The authorized agency, body, or official with authority to approve plats shall consider the physical characteristics of a proposed subdivision and may disapprove or condition approval of a proposed plat based on adopted development regulations and codes addressing flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of plat approval, and such improvements must be noted on the final plat. No plat or final plat may be approved covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the department of ecology of the state of Washington.

NEW SECTION. **Sec.**  Local development regulations must provide that in lieu of the completion of the actual construction of any improvements required to satisfy conditions of plat approval and to obtain approval of a final plat, the city, town, or county shall accept a bond with a surety and subject to conditions satisfactory to it, or other secure method, in an amount equal to 125 percent of the estimated construction cost, providing for and securing to the actual construction and installation of such improvements within a time period as required by the city, town, or county. In addition, local development regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of up to two years after final plat approval. The city, town, or county is hereby granted the power to enforce bonds authorized under this section by all appropriate legal and equitable remedies. Such local development regulations may provide that the improvements such as structures, sewers, and water systems must be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

NEW SECTION. **Sec.**  (1) If a plat of a proposed subdivision and dedication as submitted does not meet the criteria for approval under section 15 of this act it must be returned to the applicant for modification or correction within the time period established by the city, town, or county pursuant to chapter 36.70B RCW but in no event later than 60 days from the date of the determination of completeness unless the applicant consents to an extension of such time period.

(2) A plat of a proposed subdivision and dedication must be approved or disapproved within 170 days in the same time period as a project permit requiring public notice and a public hearing pursuant to RCW 36.70B.080(1)(d)(iii) unless the applicant consents to an extension of such time period.

(3) If an environmental impact statement is required as provided in RCW 43.21C.030 for a proposed plat, the time periods set forth in subsections (1) and (2) of this section may not include the time spent preparing and circulating the environmental impact statement by the local government agency.

(4) A city, town, or county may not prohibit the submission of an application for approval of a final plat prior to completion of construction for the plat improvements. Applications for approval of final plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing the complete application, unless the applicant consents to an extension of such time period.

(5) A final plat meeting all requirements of this chapter must be submitted to the legislative body of the city, town, or county within five years of the date of plat approval. If an administrative or judicial appeal is filed regarding approval of the plat then the date of approval of the five-year period shall not commence until such appeal is completed and final.

(6) Nothing contained in this section prevents any city, town, or county from adopting by ordinance procedures that would allow for the extension of the time periods under this section in which to submit a final plat for approval and such extensions may contain additional or amended conditions and requirements than what was required for the approval of the plat deemed necessary to comply with applicable development regulations, codes, and design standards.

NEW SECTION. **Sec.**  (1) Each approved plat that is submitted for final plat approval must be accompanied by the recommendations for approval or disapproval from the following:

(a) The health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(b) The planning department charged with the responsibility of reviewing plats of proposed subdivisions as to compliance with all conditions of the approval of the plat or dedication; and

(c) The city, town, or county engineer.

(2) Except as provided in section 18(6) of this act, an authorized agency, body, or official issuing a recommendation for approval of the final plat under this section may not modify the terms of its recommendations without the consent of the applicant.

NEW SECTION. **Sec.**  The review procedures for subdivision applications adopted by a city, town, or county pursuant to chapter 36.70B RCW to implement this chapter must include a requirement that notice, together with a legal description and a location map, be given to the department of transportation whenever a city, town, or county receives an application for the approval of a plat for the proposed subdivision of land that is adjacent to the right-of-way of a state highway. The department shall, within the time period prescribed by the local development regulations, but no later than 14 days after receiving the notice, submit to the responsible official who furnished the notice comments and information the department deems to be relevant about the effect of the proposed subdivision upon:

(1) The legal access to the state highway;

(2) The traffic carrying capacity of the state highway; and

(3) The safety of the users of the state highway.

NEW SECTION. **Sec.**  (1) Every final plat, or replat, of any land filed for record must:

(a) Contain a statement of approval from the city, town, or county licensed engineer, or by a licensed engineer acting on behalf of the city, town, or county, as to the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures;

(b) Be accompanied by a complete survey of the section or sections in which the final plat or replat is located made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to RCW 58.24.040;

(c) Include properly acknowledged signatures of any vested owner, lienholder, or beneficiary of a deed of trust for the filing of the plat with the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of said acknowledgment must be enclosed or annexed to such plat and recorded therewith; and

(d) Contain a certification from the appropriate officer or officers in the city, town, or county responsible for tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied, or discharged.

(2) No engineer who is involved in preparing a plat or materials related thereto for an application to the subdivide and plat land for which subdivision approval is sought may be authorized to examine and approve such plat on behalf of any city, town, or county.

NEW SECTION. **Sec.**  (1) Every final plat of a subdivision filed for record must contain a certificate giving a full and correct description of the lands subdivided, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the vested owner or owners.

(2) If the final plat is subject to a dedication, the certificate or a separate written instrument must contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any public or private corporation as shown on the final plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said road. The certificate or instrument of dedication must be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat. Every final plat filed for record that contains a dedication filed must be accompanied by a title report confirming that the title of the lands as described and shown on the final plat is vested in the name of the owner or owners signing the certificate or instrument of dedication.

(3) A dedication of land for public streets may include a waiver of the right of direct access to any public street from the land proposed for subdivision with such dedication, which, if accepted, becomes effective upon recording of the final plat or other certificate or instrument of dedication. Such waiver may be required by local authorities as a condition of approval for the plat for the subdivision. Roads not dedicated as public must be clearly marked as private roads on the face of the final plat. Any dedication, donation, or grant as shown on the face of the final plat must be deemed to be for all intents and purposes a quitclaim deed to the said donee or grantee, for the donee's or grantee's use for the purpose intended by the donors or grantors.

NEW SECTION. **Sec.**  (1) When the legislative body of the city, town, or county, or such other agency, body, or official duly authorized pursuant to section 14 of this act, finds that the final plat for the subdivision conforms to all conditions of approval for the approved plat, and that the final plat meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter that were in effect when the application for approval of the plat for the proposed subdivision was deemed to be complete, it shall suitably inscribe and execute its written approval on the face of the final plat. The final plat must be filed for record consistent with the recording requirements of the county auditor for each county in which the land being subdivided is located. Electronic or paper copies of the final plat must be provided to the city, town, or county engineer and to such other agencies as may be required by ordinance.

(2) Any lots in a final plat filed for record are a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing.

(3) A subdivision is governed by the terms of the final plat approval, and the statutes, ordinances, and regulations in effect at the time of approval under section 21(1) (a) and (c) of this act for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

NEW SECTION. **Sec.**  Any decision approving or disapproving any plat is reviewable under chapter 36.70C RCW. However, judicial review of a final plat is limited to whether the final plat satisfied all the terms and conditions of plat approval for the subdivision.

NEW SECTION. **Sec.**  The county auditor must refuse to accept any plat or dedication for filing until approval of the final plat has been given by the appropriate legislative body, or such other agency, body, or official as authorized by section 14 of this act. Should a plat or dedication be filed without such approval, the prosecuting attorney of the county in which the plat is filed shall apply for a writ of mandate in the name of and on behalf of the legislative body required to approve the plat or dedication, directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record.

NEW SECTION. **Sec.**  No plat or short plat may be approved unless the city, town, or county makes a formal written finding of fact that the proposed subdivision or proposed short subdivision conforms with the applicable zoning, development regulations, codes, and design standards regulations in effect at the time the application for the proposed subdivision is deemed complete as provided in section 6 of this act.

NEW SECTION. **Sec.**  Whenever any parcel of land is divided through a subdivision into two or more lots, tracts, or parcels of land and any person, firm, or corporation or any agent of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action must be taxed against the person, firm, corporation, or agent selling or transferring the property.

NEW SECTION. **Sec.**  If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to section 27 or 42 of this act and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section must be deposited in an escrow or other regulated trust account and no disbursement to sellers is permitted until the final plat is recorded.

NEW SECTION. **Sec.**  A city, town, or county may not issue any building permit, septic tank permit, or other development permit or approval for a lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority authorized to issue such permit or approval finds that the public interest will not be adversely affected thereby. The prohibition contained in this section does not apply to an innocent purchaser for value without actual notice of the violation of this chapter or local regulations adopted pursuant thereto. All purchasers' or transferees' property, other than property of an innocent purchaser for value, must comply with provisions of this chapter and each purchaser or transferee may recover his or her damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter or local regulations adopted pursuant thereto, including any amount reasonably spent as a result of inability to obtain any development permit or approval and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming his or her property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

NEW SECTION. **Sec.**  (1) Whenever any person is interested in the vacation of any recorded final plat for a subdivision or portion thereof, or any area designated or dedicated for public use, that person may file an application for vacation with the legislative body of the city, town, or county in which the subdivision is located. The application must set forth the reasons for vacation and contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were recorded and applicable to the recorded final plat for the subdivision and the application for vacation would result in the violation of a covenant contained within such restrictive covenants, the application must include an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or a city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW must be utilized for the road or street vacation. When the application is for the vacation of the entire final plat together with the roads and/or streets shown thereon, the procedure for vacation in this section must be used, provided vacations of streets may not be made that are prohibited under RCW 35.79.035, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

(2) The legislative body of the city, town, or county shall give notice as provided in regulations adopted by the city, town, or county adopted pursuant to chapter 36.70B RCW and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision based on determining whether the public use and interest would be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, must be deeded to the city, town, or county unless the legislative authority sets forth findings that the public use would not be served in retaining title to those lands.

(3) Title to the vacated property vests with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public for public use other than a road or street, and the legislative body finds that retaining title to the land is not in the public interest, title thereto vests with the person or persons owning the property on each side thereof, as determined by the legislative body. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street vests with the owner or owners of property contained within the vacated subdivision.

(4) This section may not be construed as applying to the vacation of any plat of state-granted tidelands or shorelands.

NEW SECTION. **Sec.**  (1) When any person with an ownership interest in all or portions of a subdivision is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in section 9(6) of this act, that person or a duly authorized representative may submit an application to request the alteration to the legislative body of the city, town, or county where the subdivision is located. The application must be signed by a majority of those persons having an ownership interest of lots, tracts, or parcels in the subject subdivision that are proposed to be altered, however, the application for the alteration of any lots, tracts, or parcels held in common ownership by all lot owners in the subdivision must be signed by the majority of all such owners. If the subdivision is subject to restrictive covenants applicable to the final plat of the subdivision, and the application for alteration would result in the violation of a covenant, the application must contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

(2) Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in regulations adopted by the city, town, or county adopted pursuant to chapter 36.70B RCW. The notice must either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within 14 days of receipt of the notice.

(3) The legislative body may deny or approve the application based on its determination whether the proposed alteration would serve the public use and interest. If any land within the subdivision proposed for alteration is part of an assessment district, any outstanding assessments must be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

(4) After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat, which after signature of the legislative body, must be filed with the county auditor to become the lawful plat of the property.

(5) This section may not be construed as applying to the alteration or replatting of any plat of state-granted tidelands or shorelands.

NEW SECTION. **Sec.**  Any hearing required by section 11, 30, or 31 of this act may be administered by a hearings examiner as provided in section 12(8) of this act.

NEW SECTION. **Sec.**  The alteration of a subdivision is subject to RCW 64.04.175.

NEW SECTION. **Sec.**  Any person who violates any court order or injunction issued pursuant to this chapter is subject to a fine of not more than $5,000 or imprisonment for not more than 90 days, or both.

NEW SECTION. **Sec.**  Following public hearing with notice to the property owners in the affected subdivision, the legislative body of a city, town, or county may, without complying with the requirements of section 31 of this act, grant an easement for ingress and egress or utilities over public property that is held as open space as part of the final plat where:

(1) The open space is already used as a utility right-of-way or corridor;

(2) Other access is not feasible; and

(3) The granting of the easement would not impair public access or authorize construction of physical barriers of any type.

NEW SECTION. **Sec.**  In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in, such act or practice. Any such assurance must be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance constitutes prima facie proof of a violation of this chapter.

NEW SECTION. **Sec.**  Except for those divisions or alterations that are not subject to the requirements of this chapter as provided in section 9 of this act, as now or hereafter amended, permanent control monuments must be established at each and every controlling corner on the boundaries of the land being subdivided. A city, town, or county shall determine the number and location of permanent control monuments within the plat, if any.

NEW SECTION. **Sec.**  The survey of the proposed subdivision and preparation of the plat must be made by or under the supervision of a registered land surveyor who must certify on the final plat that it is a true and correct representation of the lands surveyed.

NEW SECTION. **Sec.**  (1) Whenever a survey of a proposed subdivision reveals a discrepancy, the discrepancy must be noted on the face of the final plat. Any discrepancy must be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat.

(2) For the purposes of this section, "discrepancy" means:

(a) A boundary hiatus;

(b) An overlapping boundary; or

(c) A physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

NEW SECTION. **Sec.**  Any city, town, or county shall, by ordinance, regulate the procedure for naming and numbering of subdivisions, streets, lots, and blocks. A city, town, or county shall provide a lot numbering system and system for assigning house addresses for subdivisions and lots created through an administrative minor plat with such lot numbers and home addresses clearly shown on the recorded final plat or final minor plat.

NEW SECTION. **Sec.**  A copy of any plat recorded in the manner provided in this chapter and certified by the county auditor of the counties in which the same is recorded to be a true copy of such record and the whole thereof, must be received in evidence in all the courts of this state, with like effect as the original.

NEW SECTION. **Sec.**  Any person, firm, corporation, or association, or the agent of any person, firm, corporation, or association who violates any provision of this chapter or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, is guilty of a gross misdemeanor and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, is a separate and distinct offense.

NEW SECTION. **Sec.**  (1) Whenever a city, town, or county receives an application for the approval of a subdivision that lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the irrigation district. The irrigation district shall, after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information or conditions for approval that the irrigation district deems to be necessary regarding the proposed division's effect upon the structural integrity, including lateral support, of the irrigation district facilities, other risk exposures, and the safety of the public and irrigation district.

(2) In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county may not approve a plat or final plat, as defined in section 3 of this act, for any subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the final plat by the legislative authority of the city, town, or county. Rights-of-way must be evidenced by the respective plats submitted for final approval to the appropriate legislative body. In addition, if the subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of 200,000 acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the plat or final plat as defined in section 3 of this act may not be approved by a city, town, or county without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter are a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

NEW SECTION. **Sec.**  Whenever land within an approved plat or recorded final plat is used in a manner or for a purpose which violates any provision of this chapter, any provision of the local subdivision regulations, or any term or condition of plat approval prescribed for the plat by the local government, then the prosecuting attorney, or the attorney general if the prosecuting attorney fails to act, may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or the local regulations, or with such terms or conditions. The costs of such action may be taxed against the violator.

NEW SECTION. **Sec.**  All ordinances and resolutions enacted at a time prior to the passage of this chapter by the legislative bodies of cities, towns, and counties and which are in substantial compliance with the provisions of this chapter, must be construed as valid and may be further amended to include new provisions and standards as are authorized in general law.

NEW SECTION. **Sec.**  This chapter does not apply to cities, towns, and counties planning under chapter 36.70A RCW that are required to adopt the periodic update to their comprehensive plan by December 31, 2025, until July 1, 2027.

NEW SECTION. **Sec.**  A new section is added to chapter 58.17 RCW to read as follows:

(1) This chapter does not apply to cities, towns, and counties planning under chapter 36.70A RCW that were required to adopt the periodic update to their comprehensive plan by December 31, 2024.

(2) This section expires July 1, 2027.

NEW SECTION. **Sec.**  Sections 1 through 46 of this act constitute a new chapter in Title 58 RCW to be codified as chapter 58.17A RCW.

NEW SECTION. **Sec.**  Sections 1 through 47 and 51 of this act take effect July 1, 2026.

NEW SECTION. **Sec.**  Section 52 of this act takes effect July 1, 2027.

**Sec.**  RCW 36.70B.080 and 2023 c 338 s 7 are each amended to read as follows:

(1)(a) Development regulations adopted pursuant to RCW 36.70A.040 must establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions for each type of complete project permit application or project type should not exceed those specified in this section.

(b) For project permits submitted after January 1, 2025, the development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures.

(c) A jurisdiction may exclude certain permit types and timelines for processing project permit applications as provided for in RCW 36.70B.140.

(d) The time periods for local government action to issue a final decision for each type of complete project permit application or project type subject to this chapter should not exceed the following time periods unless modified by the local government pursuant to this section or RCW 36.70B.140:

(i) For project permits which do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070;

(ii) For project permits which require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070, except that a project permit for plat approval pursuant to chapter 58.17A RCW is subject to the time period set forth in (d)(iii) of this subsection as provided in section 18(2) of this act; and

(iii) For project permits which require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

(e) A jurisdiction may modify the provisions in (d) of this subsection to add permit types not identified, change the permit names or types in each category, address how consolidated review time periods may be different than permits submitted individually, and provide for how projects of a certain size or type may be differentiated, including by differentiating between residential and nonresidential permits. Unless otherwise provided for the consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit time periods identified in (d) of this subsection or as amended by a local government.

(f) If a local government does not adopt an ordinance or resolution modifying the provisions in (d) of this subsection, the time periods in (d) of this subsection apply.

(g) The number of days an application is in review with the county or city shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and excluding the following time periods:

(i) Any period between the day that the county or city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

(ii) Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application; and

(iii) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

(h) The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.

(i) If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

(j) Annual amendments to the comprehensive plan are not subject to the requirements of this section.

(k) A county's or city's adoption of a resolution or ordinance to implement this subsection shall not be subject to appeal under chapter 36.70A RCW unless the resolution or ordinance modifies the time periods provided in (d) of this subsection by providing for a review period of more than 170 days for any project permit.

(l)(i) When permit time periods provided for in (d) of this subsection, as may be amended by a local government, and as may be extended as provided for in (i) of this subsection, are not met, a portion of the permit fee must be refunded to the applicant as provided in this subsection. A local government may provide for the collection of only 80 percent of a permit fee initially, and for the collection of the remaining balance if the permitting time periods are met. The portion of the fee refunded for missing time periods shall be:

(A) 10 percent if the final decision of the project permit application was made after the applicable deadline but the period from the passage of the deadline to the time of issuance of the final decision did not exceed 20 percent of the original time period; or

(B) 20 percent if the period from the passage of the deadline to the time of the issuance of the final decision exceeded 20 percent of the original time period.

(ii) Except as provided in RCW 36.70B.160, the provisions in (i) of this subsection ((~~(l)(i) of this section~~)) are not applicable to cities and counties which have implemented at least three of the options in RCW 36.70B.160(1) (a) through (j) at the time an application is deemed procedurally complete.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least 20,000 must, for each type of permit application, identify the total number of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities must establish and implement a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section.

(b) Counties and cities subject to the requirements of this subsection also must prepare an annual performance report that includes information outlining time periods for certain permit types associated with housing. The report must provide:

(i) Permit time periods for certain permit processes in the county or city in relation to those established under this section, including whether the county or city has established shorter time periods than those provided in this section;

(ii) The total number of decisions issued during the year for the following permit types: Preliminary subdivisions, final subdivisions, binding site plans, permit processes associated with the approval of multifamily housing, and construction plan review for each of these permit types when submitted separately;

(iii) The total number of decisions for each permit type which included consolidated project permit review, such as concurrent review of a rezone or construction plans;

(iv) The average number of days from a submittal to a decision being issued for the project permit types listed in ((~~subsection (2)(a)~~)) (b)(ii) of this subsection. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a decision is issued on the application. The number of days shall be calculated by counting every calendar day;

(v) The total number of days each project permit application of a type listed in ((~~subsection (2)(a)~~)) (b)(ii) of this subsection was in review with the county or city. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the application. The number of days shall be calculated by counting every calendar day. The days the application is in review with the county or city does not include the time periods in subsection (1)(g)(i)((~~-(iii) [(1)(g)(i) through (iii)]~~)) through (iii) of this section;

(vi) The total number of days that were excluded from the time period calculation under subsection (1)(g)(i)((~~-(iii) [(1)(g)(i) through (iii)]~~)) through (iii) of this section for each project permit application of a type listed in ((~~subsection (2)(a)~~)) (b)(ii) of this subsection.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Post the annual performance report through the county's or city's website; and

(ii) Submit the annual performance report to the department of commerce by March 1st each year.

(d) No later than July 1st each year, the department of commerce shall publish a report which includes the annual performance report data for each county and city subject to the requirements of this subsection and a list of those counties and cities whose time periods are shorter than those provided for in this section.

The annual report must also include key metrics and findings from the information collected.

(e) The initial annual report required under this subsection must be submitted to the department of commerce by March 1, 2025, and must include information from permitting in 2024.

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1) RCW 58.17.010 (Purpose) and 1981 c 293 s 1 & 1969 ex.s. c 271 s 1;

(2) RCW 58.17.020 (Definitions) and 2002 c 262 s 1, 1995 c 32 s 2, & 1983 c 121 s 1;

(3) RCW 58.17.030 (Subdivisions to comply with chapter, local regulations) and 1974 ex.s. c 134 s 1 & 1969 ex.s. c 271 s 3;

(4) RCW 58.17.033 (Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance) and 1987 c 104 s 2;

(5) RCW 58.17.035 (Alternative method of land division—Binding site plans) and 1987 c 354 s 2;

(6) RCW 58.17.040 (Chapter inapplicable, when) and 2024 c 321 s 407, 2024 c 190 s 2, 2019 c 352 s 2, 2004 c 239 s 1, 2002 c 44 s 1, 1992 c 220 s 27, & 1989 c 43 s 4-123;

(7) RCW 58.17.050 (Assessors plat—Compliance) and 1969 ex.s. c 271 s 5;

(8) RCW 58.17.060 (Short plats and short subdivisions—Summary approval—Regulations—Requirements) and 2023 c 337 s 11, 1990 1st ex.s. c 17 s 51, 1989 c 330 s 2, 1987 c 354 s 5, 1987 c 92 s 1, 1974 ex.s. c 134 s 3, & 1969 ex.s. c 271 s 6;

(9) RCW 58.17.065 (Short plats and short subdivisions—Filing) and 1974 ex.s. c 134 s 12;

(10) RCW 58.17.070 (Preliminary plat of subdivisions and dedications—Submission for approval—Procedure) and 1981 c 293 s 4 & 1969 ex.s. c 271 s 7;

(11) RCW 58.17.080 (Filing of preliminary plat—Notice) and 1982 c 23 s 1 & 1969 ex.s. c 271 s 8;

(12) RCW 58.17.090 (Notice of public hearing) and 1995 c 347 s 426, 1981 c 293 s 5, 1974 ex.s. c 134 s 4, & 1969 ex.s. c 271 s 9;

(13) RCW 58.17.092 (Public notice—Identification of affected property) and 1995 c 347 s 427 & 1988 c 168 s 12;

(14) RCW 58.17.095 (Ordinance may authorize administrative review of preliminary plat without public hearing) and 1986 c 233 s 1;

(15) RCW 58.17.100 (Review of preliminary plats by planning commission or agency—Recommendation—Change by legislative body—Procedure—Approval) and 2017 c 161 s 1, 1995 c 347 s 428, 1981 c 293 s 6, & 1969 ex.s. c 271 s 10;

(16) RCW 58.17.110 (Approval or disapproval of subdivision and dedication—Factors to be considered—Conditions for approval—Finding—Release from damages) and 2018 c 1 s 104, 1995 c 32 s 3, 1990 1st ex.s. c 17 s 52, 1989 c 330 s 3, 1974 ex.s. c 134 s 5, & 1969 ex.s. c 271 s 11;

(17) RCW 58.17.120 (Disapproval due to flood, inundation or swamp conditions—Improvements—Approval conditions) and 1974 ex.s. c 134 s 6 & 1969 ex.s. c 271 s 12;

(18) RCW 58.17.130 (Bond in lieu of actual construction of improvements prior to approval of final plat—Bond or security to assure successful operation of improvements) and 1974 ex.s. c 134 s 7 & 1969 ex.s. c 271 s 13;

(19) RCW 58.17.140 (Time limitation for approval or disapproval of plats—Extensions) and 2013 c 16 s 1, 2012 c 92 s 1, 2010 c 79 s 1, 1995 c 68 s 1, 1986 c 233 s 2, 1983 c 121 s 3, 1981 c 293 s 7, 1974 ex.s. c 134 s 8, & 1969 ex.s. c 271 s 14;

(20) RCW 58.17.150 (Recommendations of certain agencies to accompany plats submitted for final approval) and 1983 c 121 s 4, 1981 c 293 s 8, & 1969 ex.s. c 271 s 15;

(21) RCW 58.17.155 (Short subdivision adjacent to state highway—Notice to department of transportation) and 1984 c 47 s 1;

(22) RCW 58.17.160 (Requirements for each plat or replat filed for record) and 1985 c 99 s 1 & 1969 ex.s. c 271 s 16;

(23) RCW 58.17.165 (Certificate giving description and statement of owners must accompany final plat—Dedication, certificate requirements if plat contains—Waiver) and 1981 c 293 s 9 & 1969 ex.s. c 271 s 30;

(24) RCW 58.17.170 (Written approval of subdivision—Original of final plat to be filed—Copies—Periods of validity, governance) and 2017 c 161 s 2, 2013 c 16 s 2, 2012 c 92 s 2, 2010 c 79 s 2, 1981 c 293 s 10, & 1969 ex.s. c 271 s 17;

(25) RCW 58.17.180 (Review of decision) and 1995 c 347 s 717, 1983 c 121 s 5, & 1969 ex.s. c 271 s 18;

(26) RCW 58.17.190 (Approval of plat required before filing—Procedure when unapproved plat filed) and 2017 c 161 s 3 & 1969 ex.s. c 271 s 19;

(27) RCW 58.17.195 (Approval of plat or short plat—Written finding of conformity with applicable land use controls) and 1981 c 293 s 14;

(28) RCW 58.17.200 (Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed) and 1969 ex.s. c 271 s 20;

(29) RCW 58.17.205 (Agreements to transfer land conditioned on final plat approval—Authorized) and 1981 c 293 s 12;

(30) RCW 58.17.210 (Building, septic tank or other development permits not to be issued for land divided in violation of chapter or regulations—Exceptions—Damages—Rescission by purchaser) and 2010 c 8 s 18005, 1974 ex.s. c 134 s 10, & 1969 ex.s. c 271 s 21;

(31) RCW 58.17.212 (Vacation of subdivision—Procedure) and 1987 c 354 s 3;

(32) RCW 58.17.215 (Alteration of subdivision—Procedure) and 1987 c 354 s 4;

(33) RCW 58.17.217 (Alteration or vacation of subdivision—Conduct of hearing) and 1987 c 354 s 7;

(34) RCW 58.17.218 (Alteration of subdivision—Easements by dedication) and 1991 c 132 s 2;

(35) RCW 58.17.220 (Violation of court order or injunction—Penalty) and 1969 ex.s. c 271 s 22;

(36) RCW 58.17.225 (Easement over public open space—May be exempt from RCW 58.17.215—Hearing—Notice) and 1995 c 32 s 1;

(37) RCW 58.17.230 (Assurance of discontinuance of violations) and 1969 ex.s. c 271 s 23;

(38) RCW 58.17.240 (Permanent control monuments) and 1974 ex.s. c 134 s 11 & 1969 ex.s. c 271 s 24;

(39) RCW 58.17.250 (Survey of subdivision and preparation of plat) and 1969 ex.s. c 271 s 26;

(40) RCW 58.17.255 (Survey discrepancy—Disclosure) and 1987 c 354 s 6;

(41) RCW 58.17.260 (Joint committee—Members—Recommendations for surveys, monumentation and plat drawings) and 1971 ex.s. c 85 s 9 & 1969 ex.s. c 271 s 27;

(42) RCW 58.17.275 (Proposals to adopt, amend, or repeal local ordinances—Advance notice) and 1981 c 293 s 13;

(43) RCW 58.17.280 (Naming and numbering of short subdivisions, subdivisions, streets, lots and blocks) and 1993 c 486 s 1 & 1969 ex.s. c 271 s 29;

(44) RCW 58.17.290 (Copy of plat as evidence) and 1969 ex.s. c 271 s 31;

(45) RCW 58.17.300 (Violations—Penalties) and 1969 ex.s. c 271 s 32;

(46) RCW 58.17.310 (Application for approval of plat within irrigation district—Approval without provision for irrigation prohibited) and 2009 c 145 s 1, 1990 c 194 s 1, 1986 c 39 s 1, 1985 c 160 s 1, & 1973 c 150 s 2;

(47) RCW 58.17.320 (Compliance with chapter and local regulations—Enforcement) and 1974 ex.s. c 134 s 13;

(48) RCW 58.17.330 (Hearing examiner system—Adoption authorized—Procedures—Decisions) and 1995 c 347 s 429, 1994 c 257 s 6, & 1977 ex.s. c 213 s 4;

(49) RCW 58.17.900 (Validation of existing ordinances and resolutions) and 1969 ex.s. c 271 s 33; and

(50) RCW 58.17.920 (Effective date and application of 1974 ex.s. c 134) and 1974 ex.s. c 134 s 14.

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