

HOUSE BILL REPORT

SSB 5957

As Passed House:

April 4, 1995

Title: An act relating to plat and subdivision amendments.

Brief Description: Amending plats.

Sponsors: Senator Cantu.

Brief History:

Committee Activity:

Government Operations: 3/21/95, 3/22/95 [DP].

Floor Activity:

Passed House: 4/4/95, 97-0.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 14 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Bill Lynch (786-7092).

Background: A person who wishes to alter a subdivision must submit an application to the legislative authority of the city, town, or county requesting the alteration. The application must contain the signatures of a majority of the property owners in the subdivision. If the subdivision is subject to restrictive covenants that were filed at the time the subdivision was approved, and the alteration would result in the violation of a covenant, the application for alteration must contain an agreement signed by all the property owners in the subdivision providing to terminate or alter the relevant covenants.

The legislative authority must provide notice of the application for alteration to all property owners in the subdivision. The notice must either establish a date for a public hearing or provide that a hearing may be requested within 14 days after receiving the notice.

The legislative authority is required to determine the public use and interest in the proposed alteration and may approve or deny the application. After the alteration is approved, the applicant must produce a revised plat.

There is no authority to exempt under certain limited conditions utility easements over public property held as open space from the requirements for alteration of a subdivision.

There is no requirement for a city, town, or county legislative authority to accept the name for a public park that is submitted by the donor of the land for the park.

Summary of Bill: A city, town, or county may grant an easement for ingress or egress or utilities over public property that is held as open space pursuant to a subdivision or plat without compliance with the alteration to subdivision requirements if: (1) the open space is already used as a utility right of way or corridor; (2) other access is not feasible; (3) the granting of the easement will not impair public access or authorize construction of physical barriers of any type; and (4) a public hearing is held with notice to the property owners in the affected subdivision.

A donor of a public park of less than two acres by way of dedication in a plat submitted for approval, may designate that the park be named in honor of a deceased individual of good character. If the preliminary plat includes such a designated name, the city, town, or county legislative authority must adopt the designated name.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: It will avoid an unnecessary burden for cities and others to run utilities through open space that is unbuildable without doing a time-consuming and costly subdivision alteration application. The exception is narrowly drawn.

Testimony Against: None.

Testified: Senator Cantu, prime sponsor; Senator Heavey; and Douglas Vogt, Bellevue citizen.