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**SUBSTITUTE SENATE BILL 5957**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Read first time 03/01/95.

1 AN ACT Relating to plat and subdivision amendments; amending RCW  
2 58.17.020 and 58.17.110; and adding a new section to chapter 58.17 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 58.17 RCW  
5 to read as follows:

6 The granting of an easement for ingress and egress or utilities  
7 over public property that is held as open space pursuant to a  
8 subdivision or plat, where the open space is already used as a utility  
9 right of way or corridor, where other access is not feasible, and where  
10 the granting of the easement will not impair public access or authorize  
11 construction of physical barriers of any type, may be authorized and  
12 exempted from the requirements of RCW 58.17.215 by the county, city, or  
13 town legislative authority following a public hearing with notice to  
14 the property owners in the affected plat.

15 **Sec. 2.** RCW 58.17.020 and 1983 c 121 s 1 are each amended to read  
16 as follows:

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

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

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

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

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

23 (4) "Preliminary plat" is a neat and approximate drawing of a  
24 proposed subdivision showing the general layout of streets and alleys,  
25 lots, blocks, and other elements of a subdivision consistent with the  
26 requirements of this chapter. The preliminary plat shall be the basis  
27 for the approval or disapproval of the general layout of a subdivision.

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

32 (6) "Short subdivision" is the division or redivision of land into  
33 four or fewer lots, tracts, parcels, sites or divisions for the purpose  
34 of sale, lease, or transfer of ownership: PROVIDED, That the  
35 legislative authority of any city or town may by local ordinance  
36 increase the number of lots, tracts, or parcels to be regulated as  
37 short subdivisions to a maximum of nine.

38 (7) "Binding site plan" means a drawing to a scale specified by  
39 local ordinance which: (a) Identifies and shows the areas and

1 locations of all streets, roads, improvements, utilities, open spaces,  
2 and any other matters specified by local regulations; (b) contains  
3 inscriptions or attachments setting forth such appropriate limitations  
4 and conditions for the use of the land as are established by the local  
5 government body having authority to approve the site plan; and (c)  
6 contains provisions making any development be in conformity with the  
7 site plan.

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

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

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

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

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

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

23 (14) "Planning commission" means that body as defined in chapters  
24 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to  
25 perform a planning function or that body assigned such duties and  
26 responsibilities under a city or county charter.

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

29 **Sec. 3.** RCW 58.17.110 and 1990 1st ex.s. c 17 s 52 are each  
30 amended to read as follows:

31 (1) The city, town, or county legislative body shall inquire into  
32 the public use and interest proposed to be served by the establishment  
33 of the subdivision and dedication. It shall determine: (a) If  
34 appropriate provisions are made for, but not limited to, the public  
35 health, safety, and general welfare, for open spaces, drainage ways,  
36 streets or roads, alleys, other public ways, transit stops, potable  
37 water supplies, sanitary wastes, parks and recreation, playgrounds,  
38 schools and schoolgrounds, and shall consider all other relevant facts,

1 including sidewalks and other planning features that assure safe  
2 walking conditions for students who only walk to and from school; and  
3 (b) whether the public interest will be served by the subdivision and  
4 dedication.

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

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

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