

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5957

54th Legislature
1995 Regular Session

Passed by the Senate March 7, 1995
YEAS 49 NAYS 0

President of the Senate

Passed by the House April 4, 1995
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5957** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5957

Passed Legislature - 1995 Regular Session

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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