

CHAPTER 186.

[S. B. 20.]

PLATTING AND DEDICATION OF LANDS.

AN ACT relating to the platting, subdivision and dedication of land.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The platting and subdividing of land into lots, or tracts comprising five (5) or more of such lots or tracts, or containing a dedication of any part thereof as a public street or highway is hereby required to proceed under, and in compliance with, the provisions of this act.

Platting and dedication of lands.

SEC. 2. Each such plat, subdivision or dedication, before any of its lots or tracts may be sold or offered for sale, shall first be submitted for approval to the legislative or planning authority having jurisdiction thereof as herein prescribed, and no sale or offer for sale shall be made unless and until the same shall be approved by such authority as herein provided with the written approval of such authority duly shown thereon or attached thereto and until the same has been duly filed for record with the auditor of such county in which the land so platted, subdivided or dedicated is located.

Proposed plat submitted for approval.

SEC. 3. Whenever any land proposed to be platted, subdivided or dedicated is situate within the boundaries of any city or town of the State of Washington, the same shall be submitted for approval to the council or other legislative body of such city or town: *Provided*, That whenever any such city or town has created a city or town planning commission, such city or town planning commission shall have authority to take appropriate action thereon in lieu of the council or other legislative body on behalf of any such city or town.

City council.

SEC. 4. Any and all proposed plats, subdivisions and dedications of land that are not situate within

County commissioners.

any city or town shall be submitted for approval to the board of county commissioners of the county within which such land is situate: *Provided*, That whenever such board has created a county planning commission, such county planning commission shall have authority to take appropriate action thereon on behalf of such county in lieu of the board of county commissioners: *And provided further*, That whenever any land so proposed to be so platted, subdivided or dedicated is adjacent to or a part of the metropolitan or suburban area of any city or town although outside its corporate limits, before action thereon is taken by the board of commissioners or county planning commission of such county, due notice of the pendency of such application shall be given to the appropriate council, legislative body or planning commission of such city or town to the end that it may be heard and the interests of such city or town may be protected before any decision is made thereon.

Regulations.

SEC. 5. To effectuate the policy of this legislation, every legislative or planning authority charged with the duty of passing upon and giving or withholding approval of plats, subdivisions and dedications shall establish reasonable regulations, with the continuing right of amendment thereof, controlling the form of plats, subdivisions and dedications to be filed, the minimum width of streets and alleys, the minimum lot or tract area, street arrangement, provision for improvement of streets and public places and for water supply, sewerage and other public services, dedications of parks, playgrounds and other public places. No plat, subdivision or dedication shall be approved unless accompanied by a complete survey of the section or sections in which it may be located, with complete field and computation notes showing original or reestablished corners, with description of the same and actual traverse showing error of closure and method of balancing, with sketch show-

Proposed
plat to be
accompanied
by survey.

ing all distances, angles and calculations required to determine corners and distances of the plat. The allowable error of closure shall not exceed one (1) foot in four thousand (4,000) feet. In order that there may be consultation tending toward a reasonable degree of uniformity in such regulations, the legislative or planning authority shall submit to the State Planning Council at least sixty (60) days in advance of final adoption, its proposed regulations and shall file with the Planning Council a copy of the regulations as finally established by it. Thereafter amendments thereto shall be likewise submitted to the Planning Council not less than ten (10) days before final adoption and there shall also be filed with the Planning Council a copy of each amendment as finally established by it.

SEC. 6. Whenever any such proposed plat, subdivision or dedication is submitted to any such city, town or county authority, the clerk or secretary thereof shall at once cause, at the expense of the person proposing such plat, subdivision or dedication, not less than three (3) notices of a hearing thereof to be posted in conspicuous places on, or adjacent to the land proposed to be so platted or subdivided, giving notice of the time and place where such hearing is to be held, which notices shall be posted not less than seven (7) days prior to the hearing thereof. Such authority may also give such additional notice by mail as it deems requisite to adjacent land owners or others. Any and all such hearings shall be open to the public.

SEC. 7. It shall be the duty of such city, town or county authority to inquire into the public use and public interest proposed to be served by the establishment of such a plat, subdivision or dedication, and it shall also see that appropriate provision is made in any such plat or subdivision for streets and other public ways, parks and playgrounds, and

Notice
posted of
proposed
plat.

Plat
approved if
public inter-
est served.

shall also consider all other facts deemed by it relevant and designed to indicate whether or not the public interest will be served or advantaged by such platting, subdividing or dedication; and if it find that the plat, subdivision or dedication makes appropriate provision for streets and other public ways, parks and playgrounds, and that the public use and interest will be served or advantaged by such platting, subdividing or dedication, then it will give its written approval which shall be suitable [suitably] inscribed on such plat, subdivision or dedication and executed by it. Thereupon, upon compliance with the provisions of sections 9290 and 9291 of Remington's Revised Statutes of Washington, such plat, subdivision or dedication shall be eligible for filing with the county auditor of the county in which such land is located, and thenceforth it shall be known as a duly authorized plat, subdivision or dedication of such land.

Plat approved or disapproved within sixty days.

SEC. 8. Such proposed plat, subdivision or dedication shall be approved, disapproved or returned to the applicant for modification or correction by such city, town or county authority within sixty (60) days from date of filing thereof unless the applicant in the meantime shall have filed written consent for a longer period in which to act thereon.

Review.

SEC. 9. Any decision approving or refusing to approve any such plat, subdivision or dedication shall be reviewable for arbitrary, capricious or corrupt action or nonaction, by writ of review before the superior court of the county in which such matter is pending by any property owner of the city, town or county having jurisdiction thereof, who deems himself aggrieved thereby: *Provided*, That due application for such writ of review shall be made to such court within thirty (30) days from the date of any decision so to be reviewed.

SEC. 10. It shall be the duty of each county auditor and county assessor to refuse to accept for filing

any plat, subdivision or dedication until the approval thereof as herein prescribed has been given by the appropriate city, town or county authority. Should any such plat, subdivision or dedication be so filed without the securing of such approval, the prosecuting attorney of the county in which such plat is filed is hereby required to institute application for writ of mandate in the superior court for such county in the name of and on behalf of the city, town, or county authority required to approve, requiring the county auditor thereof to remove from his files or records any such plat, subdivision or dedication, and the costs in such action shall be taxed against the county auditor so accepting for filing without approval thereof as herein provided.

Duty of auditor and assessor to refuse to file unapproved plat.

SEC. 11. Whoever, being the owner or agent of the owner of any land located within a plat or subdivision, transfers or sells, or agrees to sell or option any land by reference to or exhibition of or by any other use or [of] a plat or map of a subdivision, before such plat or map has been approved by the city, town or county authority having jurisdiction thereof and before the same has been filed in the office of the appropriate county auditor, shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred, or sold or agreed or optioned to be sold and the description of such lot by metes and bounds in the instrument of transfer, agreeing or optioning, shall not exempt the transaction from such penalty or from the remedies herein provided. The said city, town or county authority may enjoin such transfer, sale agreement or option by action for injunction brought in the superior court of the appropriate county, or may recover the said penalty by a civil action in any court of competent jurisdiction.

Penalty for sale of land before plat is approved.

Passed the Senate March 4, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 17, 1937.