

or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan: PROVIDED FURTHER, That the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract: AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW; and

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land (~~((and a local government))~~) when the governing body of the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations. ~~((The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.))~~)

Passed the House March 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 293

[Substitute House Bill No. 320]

SUBDIVISION APPROVAL

AN ACT Relating to land use; amending section 1, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.010; amending section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.020; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; amending section 7, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.070; amending section 9, chapter 271, Laws of 1969 ex. sess. as amended by section 4, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.090; amending section 10, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.100; amending section 14, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.140; amending section 15, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.150; amending section 30, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.165; amending section 17, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.170; amending section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180; adding new sections to chapter 58.17 RCW; and creating a new section.

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

Section 1. Section 1, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.010 are each amended to read as follows:

The legislature finds that the process by which land is divided is a matter of state concern and should be administered in a uniform manner by cities, towns, and counties throughout the state. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

*Sec. 2. Section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.020 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

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

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

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

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, ((~~and restrictive covenants to be applicable to the subdivision;~~)) and other elements of a ((~~plat or~~)) subdivision ((~~which shall furnish a~~)) consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

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

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

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

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

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

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

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

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

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

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

(15) "Binding site plan" means a drawing to a scale established by local government which:

(a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by state law or local ordinance; and

(b) Contains inscriptions or attachments stating any appropriate limitations and conditions for the use of the land established by state law or local ordinance.

A site plan is binding if development in substantial conformity with the elements of the plan is required by contract, covenant, or local ordinance. In the absence of a local ordinance establishing a procedure for approval of site plans, the plans and proposed contracts or covenants shall be submitted for review by the legislative authority of the city, town, or county, or by a local agency or official designated by the legislative authority. If the local reviewing authority finds that the proposed site plan adequately provides for streets,

roads, improvements, utilities, open spaces, and any other matters specified by state law or local ordinance, prompt approval shall be given to the site plan.

*Sec. 2. was partially vetoed, see message at end of chapter.

*Sec. 3. Section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth 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 governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

~~((5))~~ (4) A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted ((to be placed)) upon the land and ((a local government)) if the city, town, or county has approved a binding site plan for the use of the land ((in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations, and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.));

(5) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(6) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land;

(7) A division of land into lots, tracts, parcels, sites, or divisions classified for industrial or commercial use if the city, town, or county has approved a binding site plan for the use of the land.

*Sec. 3. was partially vetoed, see message at end of chapter.

Sec. 4. Section 7, chapter 271, Laws of 1969 ex. sess. and RCW 58.17-.070 are each amended to read as follows:

A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

Sec. 5. Section 9, chapter 271, Laws of 1969 ex. sess. as amended by section 4, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.090 are each amended to read as follows:

Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall set a date for a public hearing. At a minimum, notice of ((such)) the hearing shall be given ((by publication of at least one notice)) in the following manner: (1) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county((-Additional)) and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; (2) special notice of ((such)) the hearing shall be given to adjacent landowners by ((at least one other method which may include mailing to adjacent landowners, posting on the property, or in)) any ((manner)) other reasonable method local authorities deem necessary ((to notify)). Adjacent landowners ((and the public:)) are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. All hearings shall be public. All hearing notices shall include a ((legal)) description of the location of the proposed subdivision ((and)). The description may be in the form of either a vicinity location sketch or a ((location)) written description ((in nonlegal language)) other than a legal description.

Sec. 6. Section 10, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.100 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all (~~proposed subdivisions~~) preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it may adopt or reject the recommendations of such hearing body. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the legislative body shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat. Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

Sec. 7. Section 14, chapter 271, Laws of 1969 ex. sess. as amended by section 8, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.140 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant

consents to an extension of such time period: PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. ~~((Ordinances may provide for the expiration of approval given to any preliminary plats))~~ A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval. An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period.

Sec. 8. Section 15, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.150 are each amended to read as follows:

Each ~~((and every))~~ preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

(1) Local 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;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town or county engineer.

An agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

Sec. 9. Section 30, chapter 271, Laws of 1969 ex. sess. and RCW 58-17.165 are each amended to read as follows:

Every final plat or short plat of a subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

If the plat or short plat ~~((includes))~~ is subject to a dedication, the certificate or a separate written instrument shall ~~((also))~~ contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat or short 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. Said certificate or instrument of dedication shall 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 plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

Sec. 10. Section 17, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.170 are each amended to read as follows:

When the legislative body of the city, town or county finds that the ~~((public use and interest will be served by the proposed))~~ subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ((regulations)) ordinances adopted ((pursuant thereto)) under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) 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.

**Sec. 11. Section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180 are each amended to read as follows:*

Any decision approving or disapproving any final plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. ~~((The action may be brought by any property owner in the city, town or county having jurisdiction, who deems himself aggrieved thereby: PROVIDED, That))~~ Standing to bring the action is limited to the following parties:

(1) The applicant or owner of the property on which the subdivision is proposed;

(2) Any property owner entitled to special notice under RCW 58.17.090;

(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.

Review by the superior court of a decision to approve a final plat shall be limited to the question of whether the conditions imposed on approval of the preliminary plat have been substantially satisfied. The application for a writ of review shall be ~~((made to the court))~~ filed and served on the parties within thirty days from ~~((any))~~ the decision ~~((so))~~ to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

*Sec. 11. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. There is added to chapter 58.17 RCW a new section to read as follows:

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 RCW 58.17.200 or 58.17.300 and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

NEW SECTION. Sec. 13. There is added to chapter 58.17 RCW a new section to read as follows:

All cities, towns, and counties shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal local ordinances adopted in accordance with this chapter. These procedures shall include but not be limited to advance notice to individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the costs of providing notice.

NEW SECTION. Sec. 14. There is added to chapter 58.17 RCW a new section to read as follows:

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 is in conformity with any applicable zoning ordinance or other land use controls which may exist.

NEW SECTION. Sec. 15. The senate and house local government committees shall jointly study the laws relating to plats and subdivisions and shall report to the Washington state legislature their findings and recommendations for changes in legislation by January 1, 1982.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1981.

Passed the Senate April 22, 1981.

Approved by the Governor May 18, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 18, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Sections 2 (15), 3 (4), 3 (7), and 11 Substitute House Bill No. 320 entitled:

"AN ACT Relating to land use."

The first three provisions conflict with similar provisions in Substitute House Bill No. 323, which I have signed today.

Section 11 would limit court review to final plats. The more timely stage for review—the preliminary plat state—has been eliminated by Section 11. To preserve this option I have vetoed Section 11.

With the exceptions of Sections 2 (15), 3 (4), 3 (7), and 11, Substitute House Bill No. 320 is approved."

CHAPTER 294

[Substitute House Bill No. 138]

PUBLIC RETIREMENT—ADMINISTRATION—LEOFF DISABILITY

AN ACT Relating to public retirement; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200; amending section 19, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.220; amending section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.090; amending section 8, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.470; amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310; amending section 59, chapter 80, Laws of 1947 as last amended by section 5, chapter 205, Laws of 1979 ex. sess. and RCW 41.32.590; amending section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380; amending section 16, chapter 274, Laws of 1947 as last amended by section 10, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.150; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; adding a new section to chapter 41.26 RCW; and adding a new section to chapter 41.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.26 RCW a new section to read as follows: