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HOUSE BILL 2181

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State of Washington

58th Legislature

2003 Regular Session

By Representative Hinkle

Read first time 03/03/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to making water available for increased subdivision  
2 and short-subdivision residential densities; and amending RCW 58.17.020  
3 and 90.44.050.

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

5 **Sec. 1.** RCW 58.17.020 and 2002 c 262 s 1 are each amended to read  
6 as follows:

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

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

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

17 (3) "Dedication" is the deliberate appropriation of land by an  
18 owner for any general and public uses, reserving to himself or herself  
19 no other rights than such as are compatible with the full exercise and

1 enjoyment of the public uses to which the property has been devoted.  
2 The intention to dedicate shall be evidenced by the owner by the  
3 presentment for filing of a final plat or short plat showing the  
4 dedication thereon; and, the acceptance by the public shall be  
5 evidenced by the approval of such plat for filing by the appropriate  
6 governmental unit.

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

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

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

19 (6) "Short subdivision" is the division or redivision of land into  
20 ~~((four))~~ fourteen or fewer lots, tracts, parcels, sites, or divisions  
21 for the purpose of sale, lease, or transfer of ownership. ~~((However,~~  
22 ~~the legislative authority of any city or town may by local ordinance~~  
23 ~~increase the number of lots, tracts, or parcels to be regulated as~~  
24 ~~short subdivisions to a maximum of nine. The legislative authority of~~  
25 ~~any county planning under RCW 36.70A.040 that has adopted a~~  
26 ~~comprehensive plan and development regulations in compliance with~~  
27 ~~chapter 36.70A RCW may by ordinance increase the number of lots,~~  
28 ~~tracts, or parcels to be regulated as short subdivisions to a maximum~~  
29 ~~of nine in any urban growth area.))~~

30 (7) "Binding site plan" means a drawing to a scale specified by  
31 local ordinance which: (a) Identifies and shows the areas and  
32 locations of all streets, roads, improvements, utilities, open spaces,  
33 and any other matters specified by local regulations; (b) contains  
34 inscriptions or attachments setting forth such appropriate limitations  
35 and conditions for the use of the land as are established by the local  
36 government body having authority to approve the site plan; and (c)  
37 contains provisions making any development be in conformity with the  
38 site plan.

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

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

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

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

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

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

16 (14) "Planning commission" means that body as defined in chapter  
17 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to  
18 perform a planning function or that body assigned such duties and  
19 responsibilities under a city or county charter.

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

22 **Sec. 2.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to  
23 read as follows:

24 After June 6, 1945, no withdrawal of public ground waters of the  
25 state shall be begun, nor shall any well or other works for such  
26 withdrawal be constructed, unless an application to appropriate such  
27 waters has been made to the department and a permit has been granted by  
28 it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public  
29 ground waters for stock-watering purposes, or for the watering of a  
30 lawn or of a noncommercial garden not exceeding one-half acre in  
31 area(~~, or for single or group domestic uses~~) is exempt from this  
32 section. Further, any withdrawal of public ground water for  
33 residential use in an amount not exceeding five thousand gallons a day  
34 per residence, or for use within an approved group B water system, as  
35 defined in WAC 246-291-010 as of the effective date of this act, in an  
36 amount not to exceed five thousand gallons per day, or for an  
37 industrial purpose in an amount not exceeding five thousand gallons a

1 day, is and shall be exempt from the provisions of this section, but,  
2 to the extent that it is regularly used beneficially, shall be entitled  
3 to a right equal to that established by a permit issued under the  
4 provisions of this chapter: PROVIDED, HOWEVER, That the department  
5 from time to time may require the person or agency making any such  
6 small withdrawal to furnish information as to the means for and the  
7 quantity of that withdrawal: PROVIDED, FURTHER, That at the option of  
8 the party making withdrawals of ground waters of the state not  
9 exceeding five thousand gallons per day, applications under this  
10 section or declarations under RCW 90.44.090 may be filed and permits  
11 and certificates obtained in the same manner and under the same  
12 requirements as is in this chapter provided in the case of withdrawals  
13 in excess of five thousand gallons a day.

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