
SENATE BILL 5836

State of Washington

63rd Legislature

2013 Regular Session

By Senators Honeyford, Bailey, and Hatfield

Read first time 02/21/13. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to providing certainty for local governments on
2 water resource decisions; and amending RCW 58.17.110.

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

4 **Sec. 1.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
5 as follows:

6 (1) The city, town, or county legislative body shall inquire into
7 the public use and interest proposed to be served by the establishment
8 of the subdivision and dedication. It shall determine: (a) If
9 appropriate provisions are made for, but not limited to, the public
10 health, safety, and general welfare, for open spaces, drainage ways,
11 streets or roads, alleys, other public ways, transit stops, potable
12 water supplies, sanitary wastes, parks and recreation, playgrounds,
13 schools and schoolgrounds, and shall consider all other relevant facts,
14 including sidewalks and other planning features that (~~assure~~) ensure
15 safe walking conditions for students who only walk to and from school;
16 and (b) whether the public interest will be served by the subdivision
17 and dedication.

18 (2)(a) A proposed subdivision and dedication shall not be approved
19 unless the city, town, or county legislative body makes written

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

23 (b) Permit exempt wells authorized under RCW 90.44.050 may be used
24 by a city, town, or county legislative body to satisfy the requirements
25 of this section for the appropriate provision of potable water to a
26 subdivision as long as the department of ecology has not closed or
27 partially closed a basin to further appropriation of groundwater.

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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