



Agenda

Planning Commission Workshop
Wednesday, August 12, 2026
Richland City Hall - Council Chambers
625 Swift Boulevard

Regular Workshop - 6:00 p.m.

Call to Order/Attendance

Agenda Items

1. Comprehensive Plan Update - Proposed Revisions to RMC Titles 19 & 24
- Jennifer Ballard, Senior Planner

Announcements

2. Save the Date: 2026 BCC Volunteer Appreciation Event
- Amanda Wallner, Economic Development Manager

Adjournment

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (RCW Ch. 42.30) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



PLANNING COMMISSION WORKSHOP AGENDA ITEM STAFF REPORT

Meeting Date: 8/12/2026

Agenda Category: Agenda Items

Prepared By: Jennifer Ballard, Senior Planner

Subject

Comprehensive Plan Update - Proposed Revisions to RMC Titles 19 & 24

Department/Office

Document Type

Development Services

Planning Commission Item

Summary

Nicole Stickney, Associate Principal with AHBL, Inc, will provide an overview of proposed revisions to Richland Municipal Code (RMC) Title 19 - Development Regulation and Administration (general topics), and Title 24 - Land Division Regulations (specific text). The proposed RMC revisions include those required per Washington State Law as well as those proposed by the City of Richland.

Attachments

1. PowerPoint Presentation
2. Title 24 Revision Memo 2026.08.07
3. DRAFT RMC Title 24 2026.08.07
4. Engrossed Substitute House Bill 1293 (2023) - Growth Management Act—Design Review
5. Engrossed Second Substitute Senate Bill 5258 (2023) - Condominiums and Townhouses—Construction and Sale—Various Provisions
6. Second Substitute Senate Bill 5290 (2023) - Project Permits—Local Project Review—Various Provisions
7. Engrossed Second Substitute House Bill 1096 (2025) - Residential Lot Splitting



Richland Municipal Code Title 19
(overview only)

Richland Municipal Code Title 24

PLANNING COMMISSION WORKSHOP
August 12, 2026

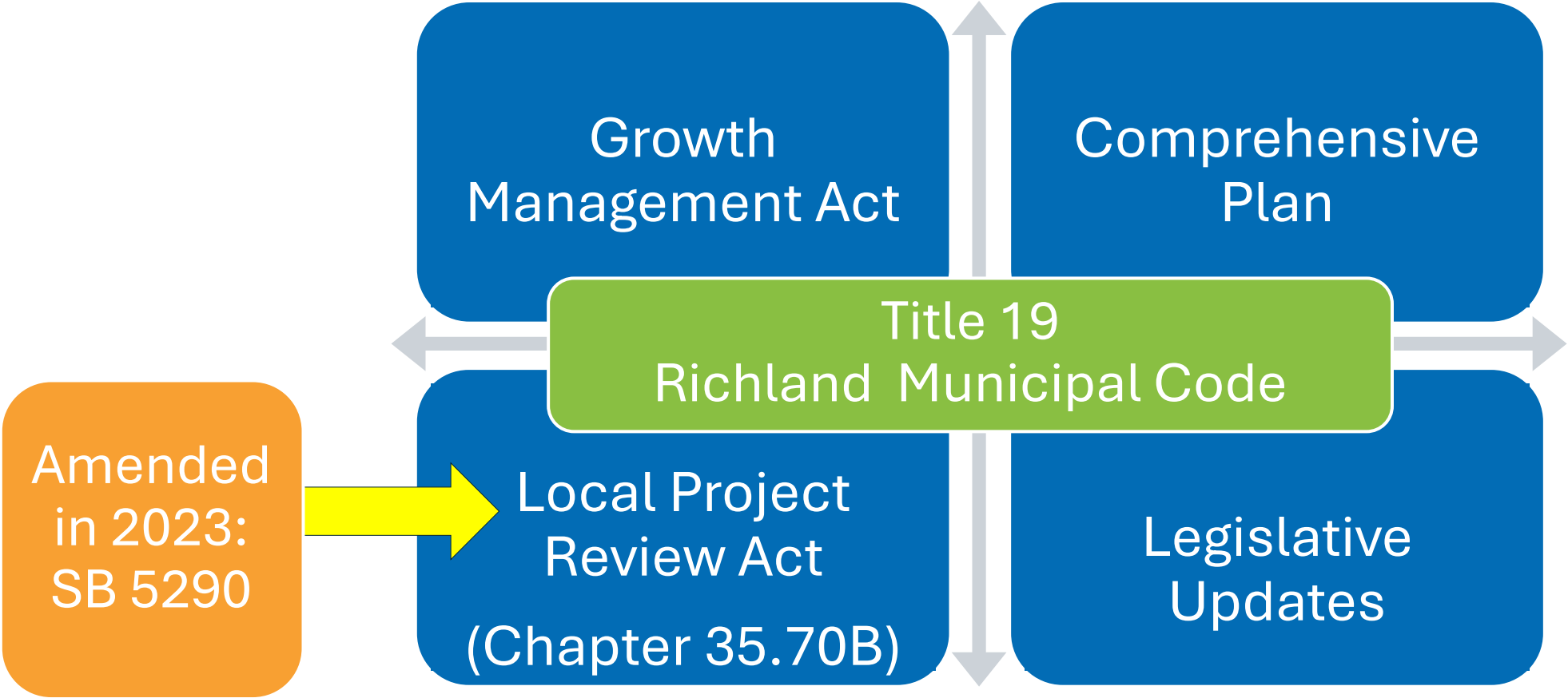
OVERVIEW OF UPDATES TO



TITLE 19

DEVELOPMENT REGULATIONS ADMINISTRATION

WHAT MUST BE CONSIDERED?



KEY CONCEPTS

What SB 5290 Does:

**Streamlines local
land use permit
review**

**New Statutory
Timelines**

Intended Outcomes:

Reduce permit review delays

Provide legal certainty for developers

**Encourage modernization of local permitting
systems**

Increase transparency (annual reporting)

OVERVIEW OF THE UPDATES – PER STATE REQUIREMENTS:

- ✓ Adding a definitions section
- ✓ Permit types will be modified:
 - Type I applications are administrative without notice; no hearing required
[65 days except final plat decisions]
 - Type IA is a new application type. Type IA permits are administrative with notice; no hearing required [100 days]
 - Type II, Type III, and Type IIIA application all must provide public notice and hearing [170 days except preliminary plat decisions]
 - Type IV permits are legislative [no review timeline]
- ✓ Note: Does not impact building permits or modify the SMP

OVERVIEW OF THE UPDATES – INITIATED BY CITY:

- ✓ Changing the name of Special Use Permits to Conditional Use Permits and all review will be by the Hearing Examiner
- ✓ Specify the city may conduct public hearings online
- ✓ Adding template for “notice of application”
- ✓ Clarifying how legal standing for closed record hearings is determined: standing is established if commenting on a permit application (if someone makes a SEPA comment, they will need to also comment on the permit itself to have standing)
- ✓ Added specificity on what constitutes an “Emergency” for a comprehensive plan amendment

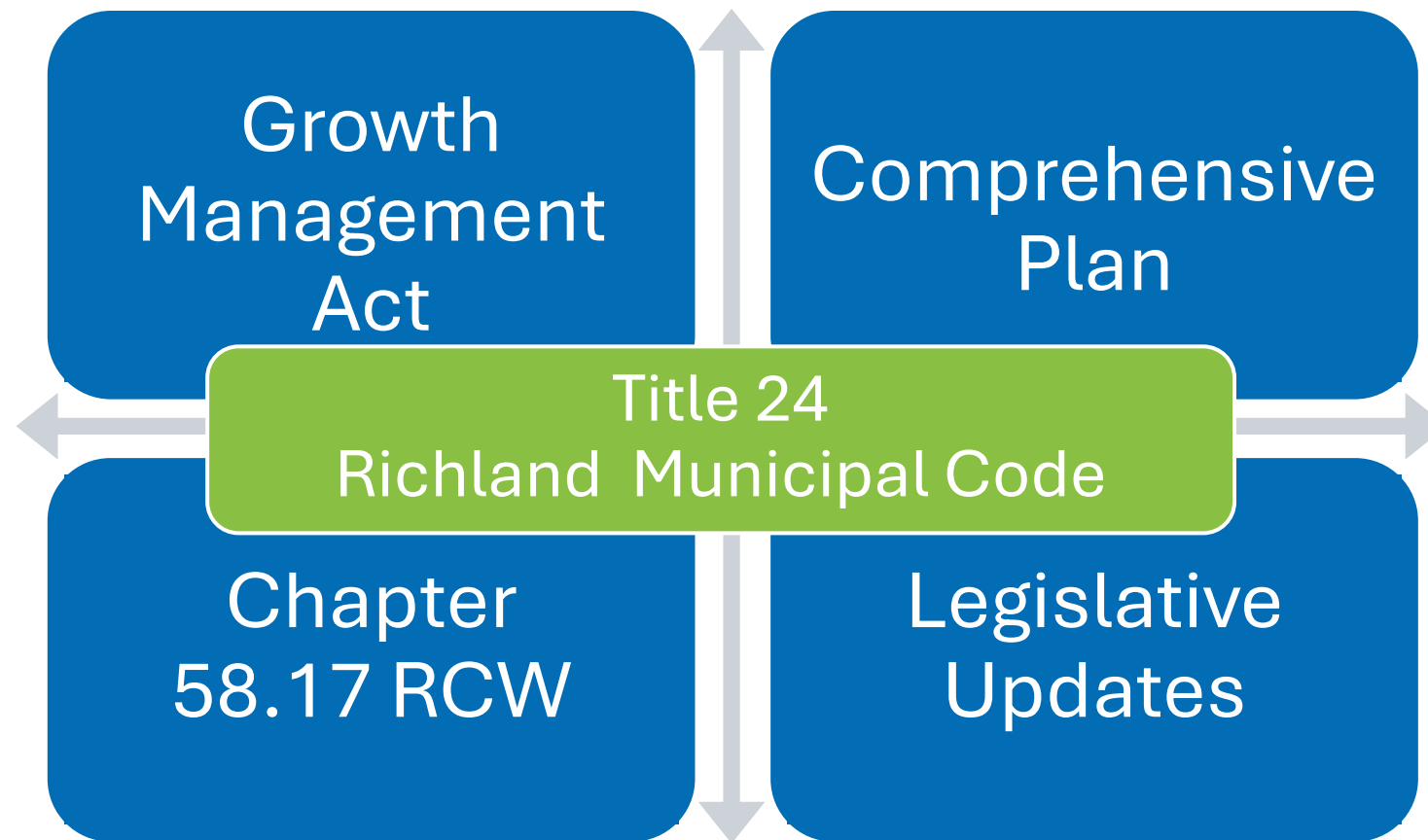
PROPOSED UPDATES TO



TITLE 24

LAND DIVISION REGULATIONS

HOW ARE THESE UPDATES DETERMINED?



DIVISION OF LAND - OVERVIEW



Governed by state's Subdivision Act (1969)
Chapter 58.17 RCW



Private property rights apply
(Due Process)

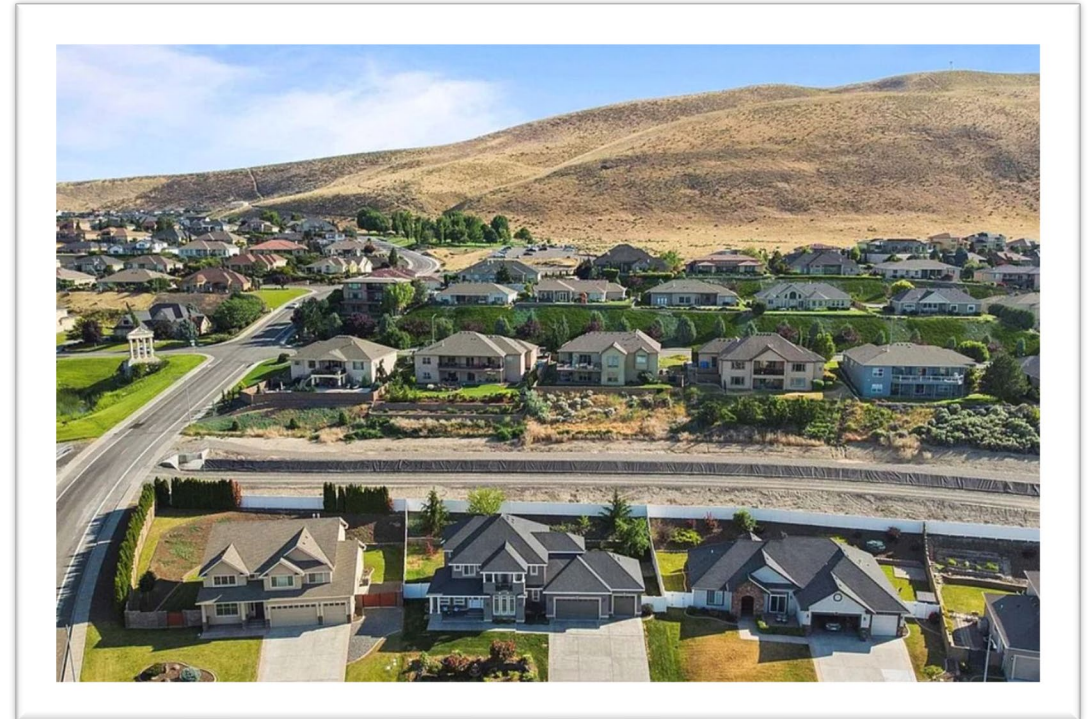


Constitutional Rights
(State and Federal)

WHAT DOES TITLE 24 COVER?

- ✓ General Provisions
- ✓ Boundary Line Adjustments/
Parcel Combination
- ✓ Short Subdivisions
- ✓ Subdivisions
- ✓ Binding Site Plans
- ✓ Unit Lot Subdivisions
- ✓ Residential Lot Splitting
- ✓ Land Division Standards

NEW!



Last updated in
2024

DEVELOPMENT REGULATION UPDATE – NEW STATE REQUIREMENTS

- **Unit Lot Subdivisions** - ESSSB 5258 (2023) and ESB 559 (2025)
- **Residential Lot Splitting** – ESSHB 1096 (2025)
- SB 5290 (2023)– Local Project Review Act
- ESHB 1293 (2023) – Clear and objective design review



PROPOSED UPDATES TO TITLE 24 SUBDIVISIONS

WHAT ISN'T CHANGING?

Exemptions

(RMC 24.20.020)

Process / requirements for Boundary Line Adjustments

(Ch. 24.30 RMC)

Process / requirements for Short Subdivisions

(Ch 24.40)

Timing for Review

(Follow State Statutory Requirements)

Review Criteria, Requirements for Findings

Revisions (RMC 24.70)

Alterations to Final Subdivision (RMC 24.80)

GENERAL UPDATES:

- ✓ Changes must be made aligning with proposed revisions to:
 - Title 19 – Development Administration (per SB 5290)
 - Title 23 – Zoning Regulations
- ✓ Future-proofing condominium references
(Repeal of Chapters 64.32 and 64.34 RCW in Jan. 2028)
- ✓ Changes to definitions
- ✓ Reduced / consolidating duplicative language
- ✓ Changes in time limitations to record BLAs and parcel combinations (increasing from 90 to 180 days)

WHAT IS RESIDENTIAL LOT SPLITTING?

One additional building lot is created, providing a new building site for single-family and/or middle housing

- Cities must now provide a “residential lot split” process (administrative review)
- City can apply dimensional standards of zoning district to each individual lot
- Formerly this could have been done with a short subdivision (if conditions met)



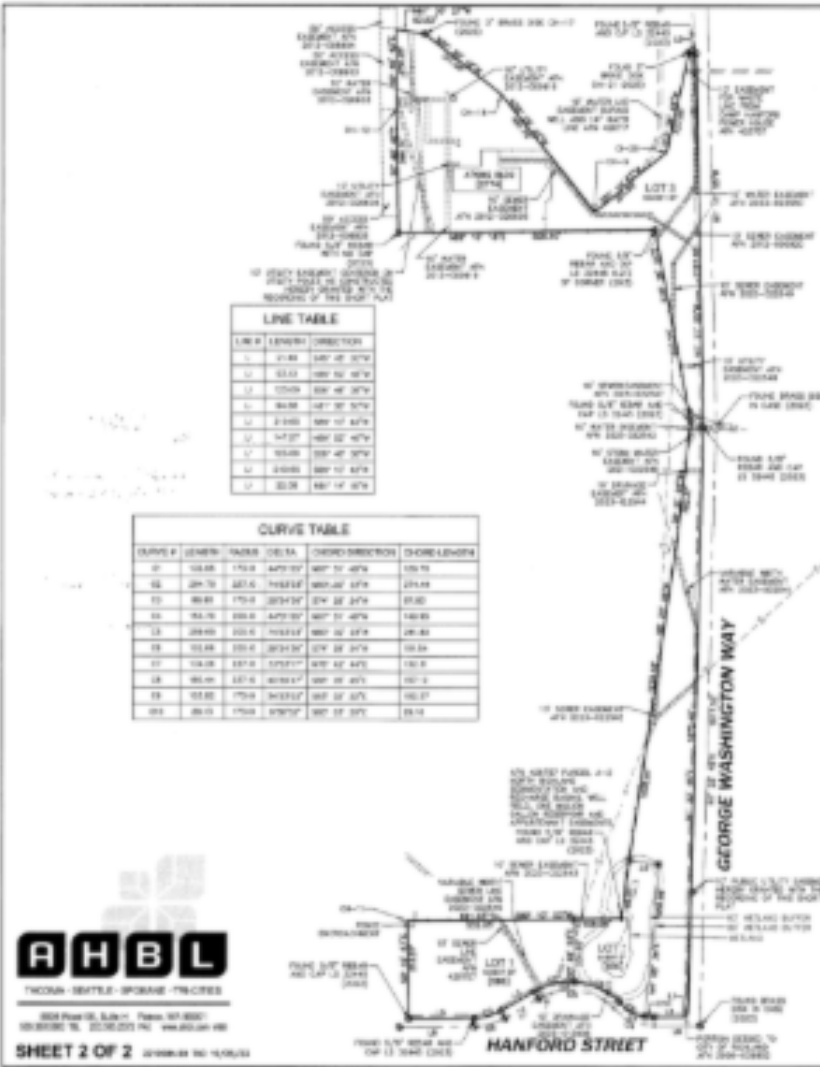
RESIDENTIAL LOT SPLITTING - RMC 24.35 - NEW

- ✓ Written to mirror style and order of Chapter 24.30 (BLAs)
- ✓ Chapter includes application requirements, approval criteria, recording procedures, etc.
- ✓ Applicant must submit a record of survey, and if approved, has 180 days to record the lot split

WHAT IS A SHORT SUBDIVISION?

“Short Plat”

- Division into 9 or fewer lots



SHORT SUBDIVISIONS - RMC 24.40

- ✓ Reorganized some sections for better flow / understanding and use
- ✓ Added RMC 24.40.130 “Re subdivision limitation” (5 Year rule)
 - This was previously included in “General Provisions” but only applies to Short Subdivisions so this is a better location

WHAT IS A “UNIT LOT” SUBDIVISION?

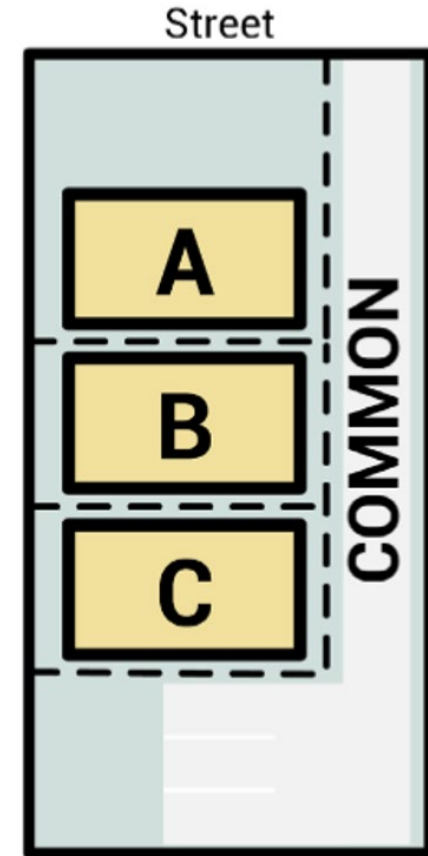
Divides a parent lot into two or more lots

- Allows for the sale of each unit individually
- City applies dimensional standards of zoning district to development on *parent lot as a whole*, instead of applying standards to each individual lot
- Intended to increase homeownership opportunities



UNIT LOT SUBDIVISIONS – RMC 24.45 - **NEW**

- ✓ Written to mirror style and order of Short Subdivision & Subdivision Chapters
- ✓ Topics include application requirements, review process, requirements for final approval, findings, appeals, revision and expiration
- ✓ Process is similar to a short plat, but requires notice to property owners within 300' and a posting on-site



Example unit lot subdivision with three unit lots and a tract held in common.

WHAT IS A SUBDIVISION?



“Long Plat”

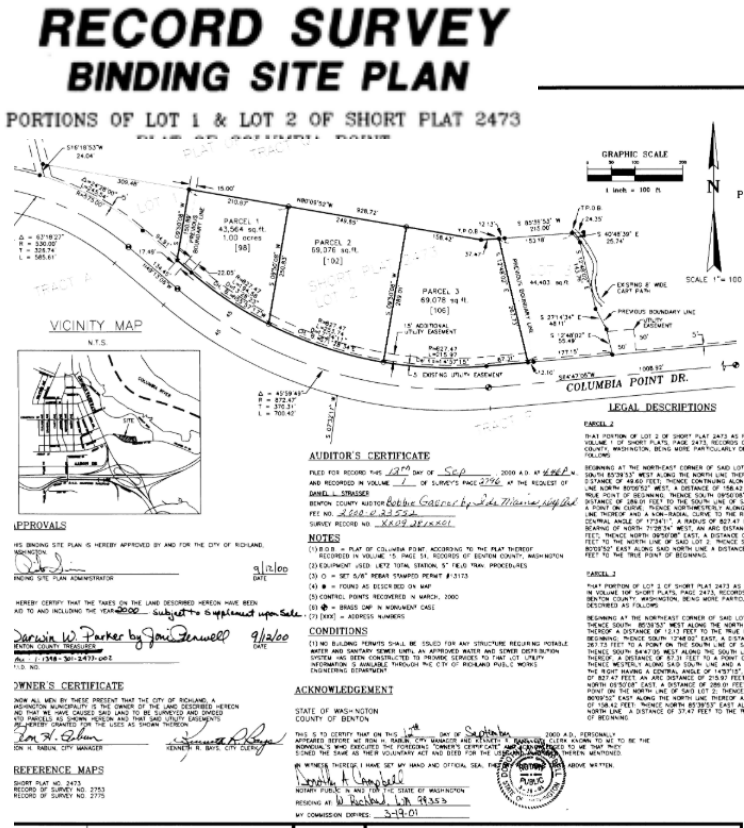
- Division into 10 or more lots

SUBDIVISIONS - RMC 24.50

- ✓ Relocated Phasing section to RMC 24.50.014 "Phasing"
- ✓ Specified the WSDOT office to be notified (when required) is the South Central regional office

WHAT IS A BINDING SITE PLAN?

- ✓ It is Not a “Site plan” or a “Site plan review” process
- ✓ It is: A form of land division
- ✓ Allowed for commercial, industrial development (RCW 58.17.035) and other purposes



BINDING SITE PLANS – RMC 24.60

- ✓ Updating to specifically include commercial and industrial development
 - Previously only manufactured home parks or condominiums were listed options



DESIGN STANDARD DEVIATIONS – RMC 24.100.380 & .390

Current Text:

Proposed Adjusted Text:

The basis for a deviation from the strict application of the requirements of the municipal code and public works standards is undue and unnecessary hardship on the property owner.

...Is achieving equal or better performance, equivalent design or an alternative engineering solution that better fits the site.

That the deviation is necessary for the preservation and enjoyment of a substantial property right of the proper owner/developer or is necessary for the reasonable and acceptable development of the property.

...Represents a solution for...

In authorizing a deviation, the administrator may attach such conditions regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and in the public interest.

...As are necessary to ensure compliance with the purposes of this title and protection of public health, safety, and infrastructure...

Thank you!

TO: Mike Rizzitiello, Development Services
Director, City of Richland

DATE: August 7, 2026

FROM: MillieAnne VanDevender &
Nicole Stickney
Tri-Cities - (509) 380-5883

PROJECT NO.: 2240885.30

PROJECT NAME: Richland Comprehensive Plan
2026 Periodic Update

SUBJECT: Proposed Updates to Richland Title 24 – Land Division Regulations (Subdivisions)

INTRODUCTION

Richland is in the process of completing the required periodic review of its comprehensive plan, and development regulations must be updated per RCW 36.70A.130. Richland’s Land Division Regulations (subdivision code), is in Title 24 of the Richland Municipal Code (RMC), and a part of the development regulations. Title 24 was most recently updated in 2024.

This memo outlines the proposed changes we have prepared in order to update Title 24 to comply with GMA updates and the draft Comprehensive Plan. This memo accompanies the redline (line in / line out) edit version dated August 7, 2026; that document also contains notes for reviewers for increased understanding and documenting why changes are proposed. We request review and feedback from the Planning Commission and from other interested parties; an updated draft will be circulated prior to a public hearing.

Overview

- The subdivision of land into lots is governed by the state’s Subdivision Act (1969): Chapter 58.17 RCW and by city codes adopted under that chapter's authority. There are many details that apply and provide a framework for how cities can regulate and carry out their duties in processing applications including the Growth Management Act, the State Environmental Policy Act (SEPA), the Appearance of Fairness Doctrine, the Local Project Review Act, and so forth.
- Private property rights also apply; Due process rights (both procedural and substantive) must be upheld.
- The US Constitution states that property shall not be taken without just compensation and the Washington State Constitution states that property should not be damaged or taken without just compensation.

New State Requirements

The last update to Richland’s Comprehensive Plan occurred in 2017 and since that time the State Legislature has passed several bills impacting divisions of land:

Unit Lot Subdivisions – ESSSB 5258 (2023), codified as RCW 58.17.060 and ESB 5559 (2025), amending RCW 58.17.020 and 58.17.060

Jurisdictions must incorporate processes for Unit Lot Subdivisions into their short plat regulations. Unit Lot Subdivisions are a method for dividing a single parent parcel into individual “unit lots” that can then be sold to individual owners. However, unlike the traditional subdivision, the “unit lots” do not need to meet area and dimensional requirements (i.e., minimum size) by themselves, rather the parent unit (entire site) is evaluated for those requirements. This can increase housing ownership for it allows, as an example, an existing detached accessory dwelling unit to be sold where otherwise the lot might be too small to be segregated. In addition to ADUs, a Unit Lot Subdivision is utilized for other missing middle housing like duplexes, townhomes, and cottage housing. Unit Lot Subdivisions are not intended to allow increasing densities that would otherwise be allowed in the zone, but rather increase ownership opportunities.

Jurisdictions (subject to the requirements, which includes Richland) must allow for an administrative review of a “residential lot split” which is intended to facilitate the creation of more buildable lots. A residential lot split is the splitting of one residential lot into two. Both lots must meet applicable regulations such as minimum lot size.

Additionally, we also made changes to implement the requirements of other bills:

- SB 5290 (2023) codified as several chapters in RCW 36.70.B, establishing modernized and streamline local project review processing
- ESSHB 1293 (2023) codified as RCW 36.70B.160, stating that jurisdictions may apply only clear and objective design review

Process Overview

Amendments to the subdivision code or other development regulations are made via a legislative non-project decision made by the City Council. These draft development regulations will be first presented to the Planning Commission, and will continue through SEPA environmental review, and will also be routed to the Dept. of Commerce a 60-day review period of state agencies. The Planning Commission's role is to review the proposed changes, hold a public hearing (expected in Fall 2026), and make a recommendation.

PROPOSED UPDATES

As shown in the enclosed draft Title 24 document, we have prepared proposed amendments that are summarized below. Because Title 24 was last amended only a few years ago, no major overhauls or huge adjustments were required.

General Updates

- Changes made in alignment with the proposed revisions to Title 19 DEVELOPMENT REGULATION ADMINISTRATION including project types
- Changes made in alignment with the proposed revisions to Title 23 ZONING REGULATIONS including applicable zones
- Reduced / consolidated duplicative language
- Future-proofing condominium references after the January 1, 2028 repeal of Chapters 64.32 and 64.34 RCW

Chapter 24.20 RMC: GENERAL PROVISIONS

- For the statement purpose, we changed the term “avoid” to “lessen” congestion in alignment with RCW 58.17.010.

RMC 24.02.040 Definitions

We propose several changes to the definitions:

- Removed terms not in use
- Revised “Complete Application” for conformance with SB 5290
- Added definitions such as “Common Ownership,” “Development phasing,” and “Security and improvement agreement”

- Added definition of “Clear and objective design and development standards” to implement ESHB 1293
- Added definitions “Lot, parent,” “Lot, unit,” and “Unit lot subdivision” in conformance with RCW 58.17.20
- Added “Residential lot splitting” and “lot split” in conformance with RCW 58.17.145

RMC 24.30.060 Time limitation to record approved boundary line adjustment and parcel combination

We changed the time limitation for recording from 90 days to 180 days, as deeds and other instruments often need to be prepared. Adding additional time will be advantageous for property owners. This is an improvement for property owners / developers.

Chapter 24.35 RMC: RESIDENTIAL LOT SPLITTING (NEW)

- The purpose of this new chapter is to outline the administrative process and criteria for a two-lot lot split, known as Residential Lot Splitting, to implement ESSHB 1096 (see above). The chapter includes application requirements, approval criteria, appeals, and recording. An applicant must submit a record of survey, and if approved, has up to 180 days to record the lot split.

Chapter 24.45 RMC: UNIT LOT SUBDIVISIONS (NEW)

- The purpose of this new chapter is to outline the process and criteria for a unit lot subdivision to implement ESSSB 5258 (see above). The process is similar to that of a short plat, but requires notice to all property owners within 300’ and with a site posting. The chapter includes application requirements, the review process, requirements for final approval, findings, appeals, and revision and expiration.

Chapter 24.60 RMC: BINDING SITE PLANS

Under RCW 58.17.035 Binding Site Plans can be allowed for industrial and commercial development. Binding Site Plans are a form of land division that offers increased flexibility (the name can be misleading; this is not the same as a “Site Plan” or “Site Plan Review” process in which no lands are being divided). Richland has not included this option in the past. Instead, other processes (short plat or subdivision) must be used. Allowing BSPs will be an improvement for property owners / developers.

c: Jennifer Ballard – City of Richland
Emily Weimer, MillieAnne VanDevender - AHBL

Title 24
LAND DIVISION REGULATIONS

Chapter 24.10

AUTHORITY

Note to reviewers: you may see something that you think should be capitalized or (uncapitalized). The company that processes the codification will make a final determination on capitalization.

24.10.010 Purpose.

This title is established in accordance with Chapter 58.17 RCW which authorizes cities to administer the process for the division of land, [together with RCW 35.63.080, RCW 35.22.690, and Chapter 36.70A RCW](#). The Richland city council finds that the process by which all land within the city of Richland is divided is a matter of city concern, and therefore should be administered in accordance with certain standards. The purpose of this title is to regulate the division of all land and to promote the public health, safety, and general welfare in accordance with standards established to prevent overcrowding of land, to lessen congestion in the streets and highways, to promote effective land use, to promote safe and convenient travel by the public on streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewer, parks and recreation areas and other public requirements, to provide for proper ingress and egress, and to provide for the expeditious review and approval of proposed divisions of land within the city.

24.10.020 Severability.

The provisions of this title are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause or portion of this title, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.

24.10.030 Division of land to comply with title.

Every division of land within the city shall comply with the provisions of this title [unless excepted by this title](#).

24.10.040 Authority.

The legislative authority of the city of Richland hereby delegates final subdivision and short subdivision approval to the administrator and public works director, or their designees.

Chapter 24.20

GENERAL PROVISIONS

24.20.010 Purpose.

Pursuant to the purposes set forth in RCW 58.17.010, the regulations in this title are necessary to:

A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city;

B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;

RCW 58.17.010 says "to lessen congestion" so we have proposed that change.

C. ~~Avoid~~Lessen congestion and promote safe and convenient travel ~~by the public~~ on streets, highways, sidewalks, and multi-use pathways within the City through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;

D. Provide for adequate access to light and air;

E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements;

F. Provide for proper and safe ingress and egress;

G. Provide for housing and commercial needs of the community;

H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions;

I. Protect environmentally sensitive areas, where feasible;

J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas within the confines of RCW 36.70a.020(6);

We recommend amending language as shown below to ensure consistency with RCW 36.70A.030(8) and RCW 36.70A.040(4).

K. To ensure consistency with and ~~to further~~implement the goals and policies of the comprehensive plan; and

L. To provide a process for the division of land for the following:

1. Short Subdivision. ~~The division of land into nine or fewer lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;~~
2. Subdivision. ~~The division of land into 10 or more lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area;~~
3. Binding Site Plan. ~~The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity or land division for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations.~~

[4. Unit Lot Subdivision.](#)

[5. Lot Splitting.](#)

24.20.020 Exemptions.

The following actions are exempt from the provisions of this title; provided, that in order to determine whether the action qualifies for the exemption claimed, approval must be received from the administrator [who shall determine whether the exemption criteria of this chapter and RCW 58.17.040 have been satisfied](#). Creation of an exempt lot does not vest the owner with the right to develop the lot when it does not meet access or use requirements of the zoning district in which it is located. Specifically, the provisions of this title shall not apply to the following exemptions:

- A. Cemeteries and other burial plots while used for that purpose;
- B. 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; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;
- C. Divisions made by testamentary provisions or the laws of descent;
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations;
- E. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations;
- F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, that 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;

*NOTE For subsections (G)(1) and (G)(6): We noticed a note that Chapters 64.32 and 64.34 were repealed by 2024 c321 ss 501 and 502, **effective January 1, 2028** Link: <https://app.leg.wa.gov/RCW/default.aspx?cite=58.17.040>*

Note to codifier: can a footnote be added to note this (upcoming) change?

G. Divisions of land into lots or tracts if:

1. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW, or any successor statute, subsequent to the recording of a binding site plan for all such land;
2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
3. The city has approved the binding site plan for all such land;
4. Such approved binding site plan is recorded in the county or counties in which such land is located; and
5. The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

6. The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW, or any successor statute.

7. A binding site plan shall be deemed to have been approved ~~if the site plan was approved~~ by the city:

- a. In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
- b. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
- c. If not approved pursuant to subsections (G)(~~7~~5)(a) and (b) of this section, then pursuant to other such procedures as the city may have established for the approval of a binding site plan;

H. A division for the purpose of leasing land for facilities providing personal wireless services while

used for that purpose. “Personal wireless services” means any federally licensed personal wireless service. “Facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

I. A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, “electrical utility facilities” means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed;

J. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of eminent domain; and

K. Division or acquisition of land for public right-of-way and/or the division of land as a result of abandonment of irrigation district right-of-way real property sold or otherwise disposed of pursuant to RCW 87.03.820 or as a result of the sale of surplus real property pursuant to RCW 87.03.136.

24.20.030 Application for exemptions.

An application for exemption for any of the purposes set forth in RMC 24.20.020 shall be processed to determine whether the division is exempt with a minimum review for compliance with applicable city regulations. The application shall be determined complete upon the submittal of the following materials:

A. A completed application;

B. Maps, plans, and/or exhibits containing all applicable information as required by the administrator; and

C. Applicable fee as set forth in the city of Richland fee schedule.

24.20.040 Definitions.

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

We recommend removing the following terms which are not used in this code: “Building envelope” “Meander Line” “Ordinary High Water Mark” “Proof of Ownership” and “Tax Parcel Consolidation” as well as Right-of-Way, Loop Street, Major Street, Minor Street and Private Street.

Please note the following term for “Administrator” which is used often throughout this code:

“Administrator” means the development services director or designee who shall be responsible for the administration and enforcement of this code.

“Alley” means a public thoroughfare or right-of-way, open to public travel and dedicated to public use, which affords only a secondary means of access to abutting property.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot/boundary line adjustment, or authorized representative of such owner or owners, or a duly authorized representative of any governmental agency for which an action is sought for a governmental purpose.

“Application” means all of the application forms, plans, and accompanying documents required for any particular land division or lot/boundary line adjustment request.

“Binding site plan” means a drawing to a scale, specified in Chapter 24.60 RMC, which:

1. Identifies and shows the land areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by this title; and
3. Contains provisions requiring any development to be in conformance with the binding site plan.

“Block” ~~is~~ means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

“Boundary line adjustment” ~~shall have the same meaning as “lot/boundary line adjustment,”~~ meaning means the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.

~~“Building envelope” refers to the buildable area of a lot after applicable setbacks, easements, and other restrictions on the lot are considered.~~

We recommend adding a definition for “Clear and objective design and development standards” to ensure consistency with RCW 58.17.020 (ESB 5559).

“Clear and objective design and development standards” means locally adopted development regulations that involve no personal or subjective judgement by a public official and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

“Common ownership” means ownership of land, facilities, or improvements by the owners of unit lots in common, by a homeowners’ associations or by another ownership arrangement authorized by state law for managing common areas.

Definition of completeness is modified, based on language from SB 5290

“Complete application” means an application that meets the procedural submission requirements of the local government, as outlined on the project permit application. Additional information or studies may be required subsequent to the procedural review of the application by the city. ~~appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.~~ A determination of completeness is conducted pursuant to Title 19 RMC.

“Comprehensive plan” means ~~that the comprehensive plan for the city, as~~ adopted by the Richland city council in accordance with Chapter 36.70A RCW. ~~as the comprehensive plan for the city.~~

*We noticed that Chapters 64.32 and 64.34 were repealed by 2024 c321 ss 501 and 502, **effective January 1, 2028** Link: <https://app.leg.wa.gov/RCW/default.aspx?cite=58.17.040>*

Note to codifier: can a footnote be added to note this (upcoming) change?

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW, or any successor statute. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

“Cul-de-sac” means a street opening at one end and having a turn-around at the other end.

“Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner 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, short subdivision or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat, short subdivision, or binding site plan for filing by the city.

“Department” means the city of Richland development services department.

“Developer/Owner” means any person, firm or corporation undertaking the subdividing or re-subdividing of a lot, tract or parcel of land as, or on behalf of, the owner thereof.

“Development agreement” means a voluntary contract between the city and a person who owns or controls property within the city, that details the obligations of both parties and specifies the standards and conditions that will govern development of the property. Although the agreements are voluntary, they are binding for the parties and their successors after they have been made. Development Agreements are governed by RCW 36.70B.170.

“Development permit” means any permit issued by the city of Richland allowing the physical alteration of real property including, but not limited to, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, or lot/boundary line adjustment is not considered a development permit for the purposes of this title.

“Development phasing” means a defined sequence established for developing a subdivision in smaller parts, which is identified on a map and which sets out the number of dwelling units or proposed commercial or industrial development contained in given phase. Development phasing shall ensure that each individual phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any nonfinalized portion meets the minimum lot size of the underlying zone for the proposed use.

“Division” is the division or redivision of land, regardless of the size of the parcels or the number of lots, for the purpose of sale, lease or transfer of ownership and includes subdivision, short subdivision or binding site plan provisions.

“Easement” means a grant by a property owner to specific persons, named entities, or to the public of the right to use that property for a specific purpose.

“Fill” means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

“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 title and in other city regulations.

“Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

“Homeowners’ association” means a legal entity established to own, manage, maintain, or administer common property or common facilities for the benefit of property owners within a development~~an incorporated nonprofit organization operating under recorded land agreements.~~

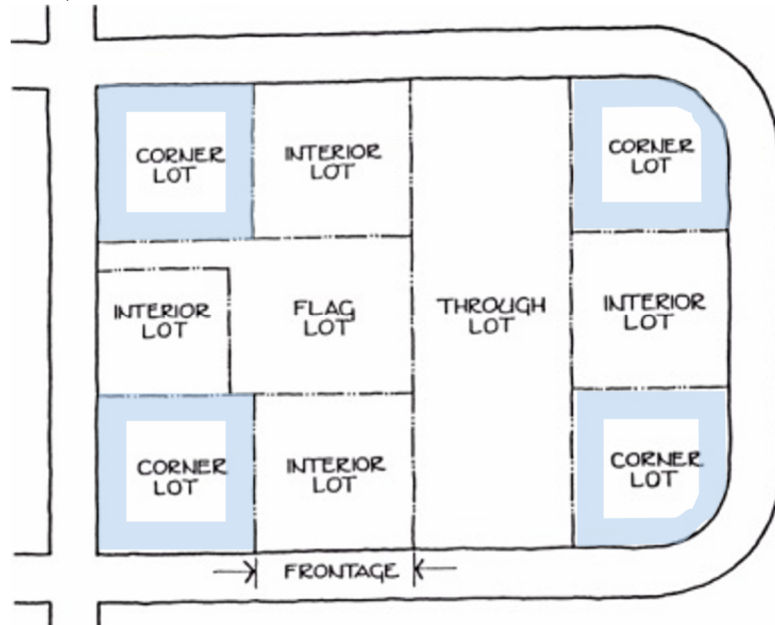
“Improvements” means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, streetlights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments.

“Land division” means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots are created by full subdivision, short subdivision, binding site plan or exemption (see RMC 24.20.020).

“Lot” means a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by aliquot part (section, township and range), and of sufficient area and dimension to meet minimum zoning requirements. The term includes tracts or parcels.

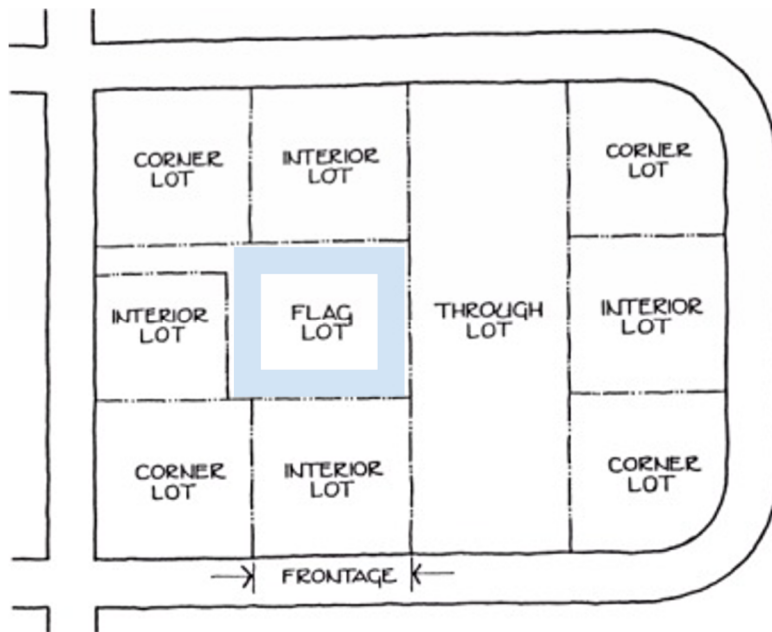
~~“Lot/boundary line adjustment” is synonymous with “boundary line adjustment” and means the relocation or other minor adjustment of the boundaries of a lot, in which the relocation does not result in the creation of any additional lot or lots.~~

“Lot, corner” means a lot situated at the intersection of two or more streets.



“Lot, double-frontage” means a lot with street frontage along two opposite boundaries.

“Lot, flag” means an irregular extension or protrusion of a lot created for the purpose of providing such lot with frontage on a public or private street or access way.



“Lot, frontage” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; except in those cases in a commercial or industrial district where a lot has two or more street frontages of equal length or nearly equal length, the frontage shall be considered to be the line adjoining the street which ~~the comprehensive plan shows~~ is intended to carry the heaviest traffic flow, or where no public street exists, along a private road, easement or access way.

The proposed definition for “Lot, newly created” is from RCW 58.17.145 (15).

“Lot, newly created” means the additional lot that was created through a residential lot split under RCW 58.17.145 and Chapter 24.35 RMC.

“Lot, nonconforming” means a lot of record in existence prior to the effective date of the ordinance codified in this title and any amendments thereto which does not meet the minimum lot size and other requirements as set forth in RMC Title 23, Zoning.

The phrase “or split into two lots using the lot splitting process” is per RCW 58.17.145

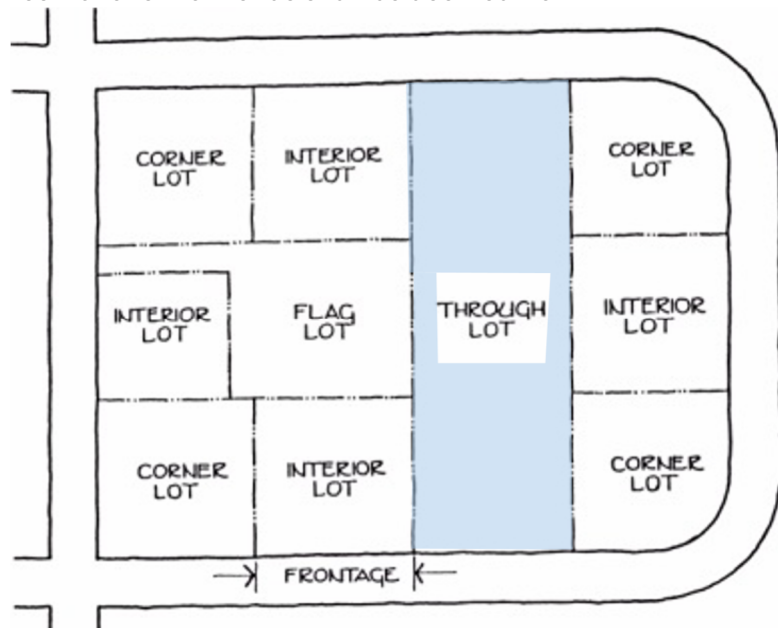
“Lot, parent” means a residential lot which is subdivided into unit lots through the unit lot subdivision process or split into two lots using the lot splitting process.

“Lot of record” means any lot, tract, or parcel of land shown on an officially recorded plat or short subdivision or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used

herein does not imply that the lot conforms with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or this title.

“Lot, reverse-frontage” means a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in RMC 24.100.300. The rear lot line of the lot shall be that boundary abutting a street or other disadvantageous use.

“Lot, through” means a lot that has both ends fronting on a street neither of which having access restrictions. Both ends shall be deemed front.



The proposed definitions for “Lot, split” and “Lot split survey” are from RCW 58.17.145 (15).

“Lot split” means the administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership pursuant to this section.

“Lot split survey” means the final survey prepared for filing for record with the county auditor and containing all elements and requirements for a lot split per RMC 24.35.040 and RCW 58.17.145.

“Lot, unit” means a lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

“May” describes a condition or action which is permissible.

~~“Meander line” means a traverse that approximates the margin of a permanent natural body of water for closing of a survey and to allow for area computations. For riparian parcels the meander~~

~~line does not constitute the boundary but only an approximation thereof; the actual boundary is the ordinary high water mark for navigable streams.~~

“Middle housing” means residential buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing, as defined in RCW 36.70A.030.

“Monument” means a permanent-type survey marker, which conforms to the City of Richland’s Public Works Standards for Survey Monuments.

~~“Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition existed on June 1, 1971, for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this chapter, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or other authorized jurisdictions. In any area where the ordinary high water mark cannot be found, it shall be defined in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining fresh water.~~

“Parcel” means a contiguous quantity of land in the possession of, owned by, controlled by, or recorded as the property of the same owner or joint owners.

“Parcel combination” means the combination/merger of two or more lots/parcels into one lot/parcel.

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

“Plat certificate” means a title report prepared by a title company for the property comprising a proposed binding site plan, subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances affecting said property.

~~“Preliminary subdivision /short subdivision” is a neat and approximate drawing of either a proposed subdivision or short subdivision (long plat) showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat subdivision shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.~~

“Preliminary short subdivision ” is a neat and approximate drawing of a proposed short subdivision (short plat) showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary short subdivision shall be the basis for the approval or disapproval of the general layout of a short subdivision.

~~“Proof of ownership” means an actual or copy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where~~

~~proof of ownership is required by this title, the administrator shall have the discretion to require a current (issued within the past 30 days) title insurance policy.~~

“Public street” means an approved street, whether improved or unimproved, held in public ownership or control (either through plat dedication, deed, or easement/right-of-way conveyance) and intended to be open as a matter of right to public vehicular travel.

“Public right of way” means any publicly owned land or easement set aside for utilities or surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

“Public health official” means the staff designated at the Benton-Franklin Health District or designee.

“Public works director” means the city of Richland public works director or designee.

“Public works standards” means the city’s engineering, design, and construction standards and specifications governing the construction of public and private infrastructure improvements. The city of Richland’s engineering design standards ~~includes~~ include such documents establishing infrastructure standards that are authorized by the public works director and published on the city’s website.

“Residential lot splitting” means a simple process whereby one additional building lot is created in order to provide new building sites for single-family and/or middle housing in accordance with RCW 58.17.145.

“Review authority” means the Richland hearing examiner in the case of a preliminary subdivision or the administrator and public works director in the case of all other land divisions.

~~“Right-of-way” shall have the same meaning as “public way.”~~

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

“Security and improvement agreement” means an agreement between a project proponent and a city setting out the terms and conditions to allow construction of required infrastructure improvements at a later date. The agreement shall set out the requirements for a performance bond or other security, listing the amount, and describing surety conditions.

“Shall” describes a condition or action which is mandatory.

“Short plat” means the map or representation of a short subdivision.

“Short subdivision” is the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“State Environmental Policy Act (SEPA)” means the State Environmental Policy Act as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

“Street” means a public right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. Streets are classified by the city as principal arterials, minor arterials, major and minor collector streets, local streets and private street as set out in Chapter 12.02 RMC and consistent with WSDOT Functional Classifications, and the term definitions are herein incorporated by reference.

~~“Street, loop” means a minor street of limited length which generally follows a “U-shaped” alignment with both legs intercepting the same street.~~

~~“Street, major” means a street intended to carry a heavier traffic loading, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets are classified as principal arterial, minor arterial, and major collector.~~

~~“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified as minor collector, local street – single frontage, and private street as defined in Chapter 12.02 RMC.~~

~~“Street, private” means a street, secured by private easement, tract or parcel created to provide the access from a city street to platted lots, that is not deeded or dedicated to the city, the maintenance of which is the responsibility as noted on the face of the plat.~~

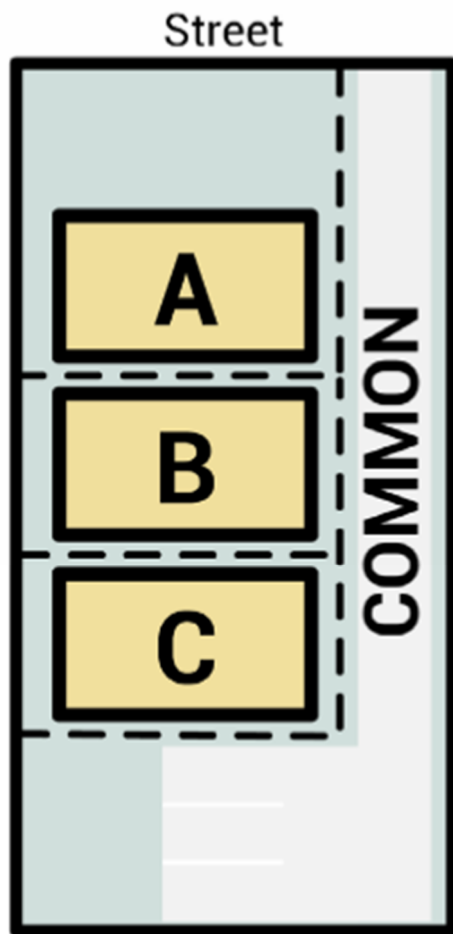
“Subdivision” is the division or redivision of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Surety” means a bond, letter of credit, the deposit of a certified check in a city account, a security and improvement agreement, or other security acceptable to the city.

~~“Tax parcel consolidation” means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the administrator. If all applicable standards are met, the administrator shall provide a letter to the applicant stating compliance, which the applicant may submit to the Benton County assessor’s office when requesting the tax parcel consolidation.~~

The following definition is from RCW 58.17.020 but also modified to specify it’s a short subdivision (for up to only nine lots)

“Unit Lot Subdivision” means a short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or up to nine individual lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual lots.



Example unit lot subdivision with three unit lots and a tract held in common.

“Zoning restrictions” means the restrictions found in the zoning ordinances of the city, primarily RMC Title 23, Zoning.

24.20.050 Undefined words and phrases.

The definition of any word or phrase not listed in the definitions, which is in question when administering this title, shall be defined according to one of the following sources in order of priority:

- A. Any city of Richland resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;
- B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary;

D. The common dictionary.

24.20.060 Legal lot.

Development shall be permitted only on legally created lots. A legal lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created, or binding site plan was approved, including but not limited to demonstrating that the lot was created through one of the following:

A. Lots created through subdivision – a plat approved by the city of Richland or Benton County separately describing the lot in question; or

B. Lots created through short subdivision – a short subdivision approved by the city of Richland or Benton County separately describing the lot in question; or

C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the city of Richland or Benton County; or

D. A deed, contract of sale, mortgage, property tax segregation, plat, or recorded survey describing the lot in question if the instrument was executed prior to July 1, 1969 (effective date of Chapter 58.17 RCW); or

E. Parcels created through an exemption to RCW 58.17.040, such as those over five acres in size and those created by testamentary provisions or the laws of descent; or

F. Parcels whose current configuration was the result of a prior boundary line adjustment or boundary agreement pursuant to RCW 58.04.007;

[G. Parcels created by administrative residential lot splitting, as defined in RCW 58.17.145;](#) or

[H. G.](#) Parcels created by an act of the courts.

24.20.070 Approval required prior to recordation.

Any map, plat or plan, unless previously exempt, hereafter made of a proposed boundary line adjustment, parcel combination, [lot splitting](#), short subdivision [\(including unit lot subdivision\)](#), subdivision or binding site plan, or any part thereof, shall be presented for approval prior to recording at the Benton County auditor's office. No such map, plat or plan shall be recorded or have any validity unless or until it has the approval of city departments and agencies with jurisdiction as required by this title.

24.20.080 Prohibition against sale, lease or transfer of property.

No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval hereunder by the city and recording the approved division with Benton County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the subdivision, short subdivision or binding site plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of this title.

24.20.090 Violations.

In the event of the sale, assignment, transfer, lease or conveyance of any lots in violation of the regulations of this title, the city may initiate an action to rescind or enjoin such transfer, assignment, sale conveyance or lease by making application for an injunction in Benton County superior court. In addition, the city has such other remedies as are provided by law. Furthermore, any person in violation of any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

24.20.100 Violations – Penalties.

If the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

24.20.110 Violations – Continuing offense – Penalties.

For any violation of a continuing nature, each day's violation shall be considered a separate offense punishable as provided in RMC 24.20.090 and 24.20.100.

24.20.120 Injunctive and other proceedings.

Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title.

24.20.130 Application, review and inspection fees.

The Richland city council shall establish fees to defray the administrative expenses incurred by the city for the following:

We have not proposed any changes to the fee requirements however, we suggest consolidating the information in this section as shown with strikeouts and insertions.

A. Fees Associated With Land Division Activities.

1. As set by the City of Richland fee schedule adopted by Resolution, a nonrefundable application fee shall be paid at the time of submission of the following applications for Land Division Activities: for applications described in this Title.

- ~~a) —1. Short Subdivision Application Fee. As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.~~
- ~~b) —2. Preliminary Subdivision Application Fee. As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.~~
- ~~c) —3. Final Plat Review Fee. As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the final short subdivision or final subdivision.~~

~~2. Plat Improvement Plan Review Fee.~~ As set by the ~~city~~City of Richland fee schedule, ~~this fee is a~~ nonrefundable, ~~and the estimated~~ Plat Improvement Plan Review fee shall be paid prior to review of the improvement plans and specifications for the final plat by the public works director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the public works director or designee approving the improvement plans and specifications for a final plat.

~~53. Construction Inspection Fee.~~ As set by the city of Richland fee schedule, ~~this fee is a~~ nonrefundable, ~~estimated Construction Inspection Fee,~~ ~~and the estimated fee~~ shall be paid prior to initiation of construction of the plat improvements. The fee is to cover actual costs incurred by the city. If the cost to the city exceeds the amount of the fees paid, the developer shall pay an additional fee before final approval of the plat improvements.

~~6. Plat Alteration or Vacation Application Fee.~~ As set by the city of Richland fee schedule this fee is nonrefundable and shall be paid at the time of submission of the application.

~~7. Exemption Letter Fee.~~ As set by the city of Richland fee schedule, this fee shall be paid at the time of submission of the application.

~~8. Preliminary Subdivision, Short Subdivision and Binding Site Plan Revision Application Fee.~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

~~9. Deviation Request Fee.~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the deviation request.

~~10. Boundary Line Adjustment/Parcel Combination Fee.~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

~~11. Plat Exemption/Lot Line Adjustment Fee.~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

~~12. Subdivision Amendment Fee (Major or Minor).~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

~~13. Time Extension Request Fee.~~ As set by the city of Richland fee schedule, this fee is nonrefundable and shall be paid at the time of submission of the application.

B. Fees Associated With Utility and/or Street Extensions (Not Associated With a Plat).

1. Utility and/or Street Extension Plan Review Fee. As set by RMC Title 12 and/or the city of Richland fee schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to plan review by the public works director or designee. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the public works director or designee approving the improvement plan.

2. Utility and/or Street Extension Inspection Fee. As set by the city of Richland fee schedule, this fee is nonrefundable, and the estimated fee shall be paid prior to initiation of construction of the improvements. The fee is to cover actual costs incurred by the city. Any deficiency shall be paid prior to the public works director or designee approving the improvements.

C. For the purposes of this section, the public works director or designee is authorized to establish the total estimated cost of the proposed improvements.

~~D.1.~~ For the purposes of this section, “actual costs incurred by the city” shall be the actual salaries and benefits of city staff for the time involved, plus any other direct costs associated with the project such as costs for contracted services.

We suggest relocating Section 24.40.140 to Chapter 24.40 Short Subdivisions since it pertains only to short plats.

24.20.140 ~~Repealed~~Resubdivision limitation:

~~Land within a short subdivision may not be further divided in any manner within a period of five years from the date of recording of a short subdivision with the Benton County auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine lots within the original short subdivision boundaries.~~

24.20.150 Contiguous ownership.

Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

24.20.160 Professional land surveyor.

The preparation of all ~~land divisions listed within this title preliminary and final short subdivisions, subdivisions and binding site plans~~ shall be made by or under the supervision of a professional land surveyor licensed in the state of Washington. The professional land surveyor shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. A survey is required on all final plats. All surveys shall comply with Chapter 58.09 RCW and Chapter 332-130 WAC.

24.20.170 Tax payment required.

All taxes on the property to be platted must be paid as indicated by the seal and signature of the Benton County treasurer on the face of the plat.

Chapter 24.30

BOUNDARY LINE ADJUSTMENTS/PARCEL COMBINATION

24.30.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the city of Richland to review ~~lot~~/boundary line adjustments and parcel combinations. This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.

A. Parcel combinations allows for two or more lots/parcels to be combined into one lot/parcel by removing interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership.

B. ~~Lot~~/Boundary line adjustments provide a procedure for changes in property lines. A ~~lot~~/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features.

1. -A ~~lot~~/boundary line adjustment does not apply to boundary changes that would otherwise be regulated by applicable city of Richland land use codes and regulations, or to actions requiring the replat, alteration, or vacation of a subdivision or short subdivision.
2. The adjustment must be consistent with all applicable zoning, health, building, and similar regulations, and cannot result in nonconformance or increase an existing nonconformance.

~~This chapter is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW, and Chapter 332-130 WAC.~~

24.30.020 Scope.

The lot lines separating two lots of record may only be adjusted/removed under the provisions of this chapter, except as provided under RCW 58.17.040, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided, that all requirements set forth in this chapter are met, ~~lot~~/boundary line adjustments proposing lot reorientations shall be deemed to be minor in nature.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section, "lot" shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by aliquot part (section, township and range,) and be of sufficient area to meet minimum zoning requirements. ~~The purpose of the parcel combination process is to remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership.~~ Boundary line adjustments must be consistent with the following:

A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments as required by the city of Richland critical area ordinance and shoreline

master program;

B. Such alteration shall not diminish the size of any lot so as to result in a lot which would not comply with zoning regulations except as provided in RMC 24.30.050(B);

C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

D. All lots resulting from the boundary line alteration shall be in conformance with all applicable zoning requirements.

24.30.030 Review process.

Boundary line adjustments and parcel combinations are classified as Type I applications and shall be reviewed pursuant to RMC 19.20.010. Based on comments from the public works department, public health official, and other applicable agencies and departments, the administrator shall approve the proposed lot line adjustment or lot combination only upon finding that the standards of the Richland Municipal Code have been satisfied and the approval criteria of RMC 24.30.050 have been met.

24.30.040 Application submittal and contents.

To be considered complete, a ~~lot~~/boundary line adjustment or parcel combination application shall include the following:

A. Applications for ~~lot~~/boundary line adjustments or parcel combinations shall be made on forms provided by the city of Richland development services department, and shall be submitted to the development services department along with the appropriate fees as established in the city of Richland fee schedule;

B. A completed boundary line adjustment and parcel combination request form, including all materials required pursuant to the Richland Municipal Code ~~;~~ ~~to include a site plan showing~~

~~(1) the location and dimensions of all structures/improvements existing upon the affected lots;~~
~~(2) the distance between each structure/improvement and the proposed lot/boundary lines;~~
~~and (3) structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;~~

C. A clean and legible record of survey suitable for recording and submitted in digital format (PDF) showing the following:

1. The location and dimensions of all structures/improvements existing upon the affected lots;

2. The distance between each structure/improvement and the proposed lot/boundary lines;

3. Structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

~~4~~1. The proposed lines for all affected lots, indicated by bold solid lines;

~~5~~2. The existing lot lines proposed to be changed, indicated by light broken lines;

~~6~~3. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;

~~7~~4. A north arrow and scale;

~~8~~5. All parcel numbers of affected lots;

~~9~~6. The location of the property as to quarter/quarter section;

~~10~~7. The location and dimensions of any easements upon any affected lots;

~~11~~8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

~~12~~9. The area and dimensions of each lot following the proposed adjustment;

~~13~~~~10~~. The existing and, if applicable, proposed future method of sewage disposal for each affected lot, including the location and dimensions of the proposed drain field;

~~14~~~~11~~. The location of all existing and proposed water, sewer, irrigation and storm drainage facilities;

~~15~~~~12~~. Footprint of existing buildings with dimensions from property lines;

~~16~~~~13~~. Draft deeds for land transfer with new legal descriptions. The legal descriptions shall include the legal description for the portion of the land to be transferred and a legal description of each new parcel after the transfer. Deeds shall be typed; handwritten deeds will not be accepted;

D. The drawing shall be submitted along with a preliminary deed signed and notarized by all legal owners of the subject properties; and

E. If on-site wastewater (septic tanks) disposal is proposed under the limited circumstances where the Richland Municipal Code does not require connection to the city's sewer system, the applicant shall provide written verification from the Benton-Franklin Health District that the site is adequate to accommodate an on-site sewage disposal system.

24.30.050 Approval criteria.

All public improvements installed for any ~~lot~~/boundary line adjustment or parcel combination shall be in accordance with the city's public works standards and irrigation district standards and specifications if located within the boundaries of an irrigation district. ~~Lot~~/~~b~~oundary line adjustments and parcel combinations shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility or irrigation easement or deprive any parcel of access or utilities or irrigation facilities;

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Replat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision; or

H. Amend the conditions of approval for previously platted property.

Staff suggested extending the time for the BLA and parcel combination recording. This change makes sense, particularly as deeds and other instruments often need to be prepared and it can take a while (working through the legal process, involving lenders, etc.) to get those drafted.

24.30.060 Time limitation to record approved ~~lot~~/boundary line adjustment and parcel combination.

If the final documents are not recorded within ~~180~~ 90 days of approvals, the ~~lot~~boundary line adjustment or parcel combination shall automatically become null and void.

24.30.070 Recording.

A. Upon approval of the application, the administrator shall notify the applicant. The applicant shall then record with the Benton County auditor the certificate or document issued by the administrator indicating approval of the ~~lot~~/boundary line adjustment or parcel combination, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A ~~lot~~/boundary line adjustment or parcel combination does not become effective until the applicant has recorded the documents required by the Benton County auditor. The applicant shall return one copy of each recorded document, such as executed deeds, to the department, which copy must bear the Benton County auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the department.

Chapter 24.35

RESIDENTIAL LOT SPLITTING

24.35.010 Purpose.

The purpose of this chapter is to clearly delineate the administrative process and criteria used by the city of Richland to review residential lot splitting in accordance with RCW 58.17.145. Administrative lot splitting is intended solely for the division of one residential lot into two lots and shall not be used in lieu of other land division procedures where such procedures are required by state law or this title. Both the parent lot and the newly created lot must meet the minimum lot size allowed under applicable development regulations.

24.35.020 Scope.

Review of applications for administrative lot splitting shall follow the provisions of this chapter, except as provided under RCW 58.17.145, as now adopted or hereafter amended. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the land division requirements set forth in this title; provided that all requirements set forth in this chapter are met, splitting one lot into two lots shall be deemed minor in nature and will be processed as a Type I permit, as described in Chapter 19.30 RMC.

Lot Splitting applications must be consistent with the following:

A. The parent lot was itself not created through the administrative lot splitting process described herein;

B. The parent lot is located in a residential zone and not in an exclusively non-residential zone including, but not limited to, zones that are exclusively commercial, retail, agricultural, or industrial;

We are flagging the following for Attorney review. This language comes from RCW 58.17.145(1)(e) but seems very subjective for a process that is subject to administrative approval.

C. If the lot split would require demolition or alteration of any existing housing that would displace a renter, the applicant must recommend a displacement mitigation strategy that may include, but is not limited to, relocation assistance;

We are flagging the following for Attorney review. This language comes RCW 58.17.145(2) with some adjustments we've made; could appear to be a "takings" type issue.

D. A lot split may be conditioned upon dedication of right-of-way on the parent lot to the extent a dedication is required under applicable codes, regulations, and administrative design standards for subdivision of the parent lot under RMC 24.40 (Short Subdivisions), 24.45 (Unit Lot Subdivisions), and 24.50 (Subdivisions).

E. Development of dwelling units on the newly created lot may be conditioned upon construction of utilities and frontage improvements to a right-of-way adjacent to either the parent lot or the newly created lot to the extent required under Richland's public work standards.

F. The applicant of an administrative lot split may seek review and approval of said lot split concurrently with review of a residential building permit to create new housing, subject to the development standards in and administrative processes for Type I permits pursuant to RMC Title 19.

G. Construction on the newly created lot is subject to all state and local laws specified in RCW 58.17.145.

H. The City may not impose a limit on the number of dwelling units allowed on the parent lot or newly created lot that is less than the number of dwelling units allowed by the underlying zoning of the parent lot prior to the administrative lot split.

I. Lots that are not buildable according to locally adopted development regulations including but not limited to the listed items in RCW 58.17.145 (6) are not eligible for a lot split.

J. Further residential lot splitting under this chapter shall not be permitted for either the parent lot or newly created lot. Nothing in this section prohibits future land divisions through other procedures authorized by this title, subject to applicable regulations and RCW 58.17.145.

24.35.030 Review process.

Administrative lot splitting applications are classified as Type I applications and shall be reviewed pursuant to Chapter 19.30 RMC. Applicants are permitted to submit a residential building permit application for the newly created lot to be reviewed concurrently with the lot splitting application, and contingent upon relevant zoning regulations. Based on comments from the public works department, public health official, and other applicable agencies and departments, the administrator shall approve, approve with conditions, or deny the proposed lot splitting and building permit application upon findings.

24.35.040 Application submittal and contents.

To be considered complete, an administrative lot splitting application shall include the following:

A. Applications for lot splitting shall be made on forms provided by the city of Richland development services department, and shall be submitted to the development services department along with the appropriate fees as established in the city of Richland fee schedule;

B. A completed lot split permit application, including all materials required pursuant to the Richland Municipal Code, to be completed via Richland's online permit portal.

C. A clean and legible record of survey suitable for recording and submitted in digital format (PDF) showing the following:

1. The proposed lines for the parent and newly-created lots, indicated by bold, solid lines;
2. The existing lot lines proposed to be changed, indicated by light, broken lines;

3. The original legal description of the entire property, together with new separate legal descriptions for each parcel, labelling them specifically as parcel A and parcel B;
4. A north arrow and scale;
5. Parcel number of affected lot;
6. The location of the property as to quarter/quarter section;
7. The location and dimensions of any easements upon any affected lots;
8. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;
9. The area and dimensions of each lot following the proposed lot split;
10. The location of all existing and proposed water, sewer, irrigation and storm drainage facilities;
11. The location and dimensions of all structures/ improvements existing upon the affected lot;
12. The distance between each structure and improvements and the proposed lot/boundary lines;
13. Structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;
14. A condition on the face of the survey stating further lot splits of the parent lot and newly created lot are not authorized.

D. The drawing shall be submitted along with a preliminary deed prepared for recording; and

E. The public works director has confirmed water and sewer availability to serve the newly created lot and dwelling units; and

F. Any application materials required for concurrent building permit review shall also be included as pursuant to RMC Title 23.

24.35.050 Approval Criteria.

Any public improvements installed for any administrative lot splitting process shall be in accordance with the city's public works standards and irrigation district standards and specifications if located within the boundaries of an irrigation district. Administrative lot splits shall not:

A. Create more than one new lot, tract, parcel, or division;

B. Result in either the parent lot or newly created lot failing to meet the minimum lot area, lot dimensions, access requirements, utility service requirements, or other applicable standards expressly required by this chapter, the underlying zoning district, or state law. This provision shall not be construed to require correction of a legally existing nonconformity that predates the lot split, provided the lot split does not increase the degree of such nonconformity.

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site,

or division;

D. Diminish or impair any public or private utility or irrigation easement or deprive any parcel of access or utilities or irrigation facilities;

E. Create unreasonably restrictive or hazardous access to the property; or

F. Be inconsistent with recorded plat conditions unless amended through an authorized process.

24.35.060 Appeals.

Administrative lot split decisions are subject to the appeal procedures applicable to Type I permits, as described in 19.20.030 RMC.

24.35.070 Time limitation for recording approved administrative lot splits.

If the final documents are not recorded within 180 days of approval, the administrative lot split authorization shall automatically become null and void.

24.35.080 Recording.

A. Upon approval of the application, the administrator shall notify the applicant. The applicant shall then record with the Benton County auditor the lot split survey in a form acceptable to the Benton County Auditor, together with the certificate or document issued by the administrator indicating approval of the administrative lot split, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey.

B. An administrative lot split does not become effective until the applicant has recorded the documents required by the Benton County auditor. The applicant shall return one copy of each recorded document to the department, which copy must bear the Benton County auditor's stamp to verify recording. No building or other site development permits shall be granted until the applicant returns the copy of the recorded document to the department.

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Chapter 24.40

SHORT SUBDIVISIONS

24.40.010 Contents of application.

Every preliminary short subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. The preliminary short plat shall be submitted to the city in a digital PDF format;
2. SEPA environmental checklist, if applicable, consistent with the provisions of RMC 22.09.090. ~~An environmental checklist will be required for a preliminary short subdivision if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site;~~
3. A plat certificate dated within 30 days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing;
4. Any other information deemed necessary by the administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary Short Subdivision Data (To Be Included on the Preliminary Short Subdivision Maps or Exhibits).

1. Title of the proposed short subdivision;
2. Location of subject property by quarter-quarter(s) of the section, township and range;
3. Legal description of the subject property with the source of the legal description clearly indicated;
4. A vicinity map at a scale of not more than 400 feet to the inch, except that the administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property;
5. North arrow, scale and boundary of the proposed short subdivision, and the date the map is prepared;
6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet and acreage shown to two decimal places;
7. Location and identification of existing utilities;
8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;
9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short subdivision;

10. All existing easements that affect the subject property as shown in a current plat certificate;
11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the flood insurance rate map, and critical areas as defined in Chapter 22.10 RMC;
12. Location of existing buildings, septic tanks, drain fields, wells and other improvements such as existing irrigation facilities and associated easements, rights-of-way, canals, wasteways, drainageways, piping and artificially created wetlands, and a note indicating if they will remain or be removed;
13. Whether adjacent property is platted or unplatted. If platted, give the name of the subdivision. If the proposed short subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat must be provided, along with the recording numbers of any recorded covenants and easements;
14. [When required by the administrator evaluate grading, drainage, critical areas, or infrastructure requirements](#): Topographic information as provided by a licensed land surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent or greater; and
15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage.

24.40.014 [Phasing.](#)

[Phasing of short subdivisions is not allowed.](#)

24.40.020 Distribution of plans.

When the department determines that the application is complete pursuant to Chapter 19.30 RMC, the department shall distribute the application materials to agencies deemed prudent by the city including any irrigation district whose boundaries include any portion of the city of Richland. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the [South Central regional office of the](#) Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.40.030 Preliminary short subdivision – Administrative review.

Preliminary short subdivisions are classified as Type I applications and shall be processed pursuant to the applicable provisions of RMC Title 19. The administrator is authorized to approve, approve with conditions, or deny the application for preliminary short subdivision. The applicant will be notified in writing by the administrator as to the requirements for the filing of the short subdivision (preliminary short subdivision approval) or its denial within 30 days of determining that the application is complete. The decision of the administrator is final unless a timely appeal is filed pursuant to RMC 24.40.050, Appeals.

24.40.040 Findings.

Prior to approving any preliminary short subdivision the administrator shall determine and make written findings of fact that the public interest will be served by the short subdivision, the proposed short subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

- A. The public health, safety, and general welfare;
- B. Open spaces;
- C. Drainage ways;
- D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways (including any applicable frontage improvements);
- E. Transit stops;
- F. Public potable water supplies;
- G. Sanitary sewer;
- H. Parks and recreation;
- I. Playgrounds, schools and school grounds;
- J. Sidewalks and other planning features that assure safe walking conditions for students, who only walk to and from school;
- K. Other requirements found to be necessary and appropriate, and for which written standards and policies have been adopted.

24.40.050 Appeals.

Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.40.054 Expiration of preliminary approval.

Approval of a preliminary short subdivision shall automatically expire two years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.

24.40.056 Time extensions.

A. An extension request letter and supporting data for time extension requests shall be submitted to the development services department at least 45 days prior to the expiration of the preliminary short subdivision. Time extension requests shall be processed as a Type I application under to RMC Title 19.

B. The administrator may approve one 12-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the

short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.40.060 Final short subdivision submittal.

A. The final short subdivision shall incorporate all conditions of the preliminary approval, and all conditions of approval imposed by the administrator.

B. All final short subdivision submittals shall include the following:

1. A minimum of two copies of the proposed final short subdivision;
2. Appropriate fees as provided in RMC 24.20.130;
3. Plat certificate dated within 30 days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owners signing; and
4. Maps shall also be submitted in portable document format (.pdf) format at the time of submittal.

24.40.070 ~~Repealed~~ Phasing.

~~Phasing of short subdivisions is not permitted.~~

24.40.080 Contents of final short subdivision.

All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final short subdivision shall include the following:

A. The final short subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final short subdivisions shall measure 18 by 24 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The city file number of the short subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be that of a standard engineering drawing scale. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the short subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the short subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses (as determined by the city) for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary short subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special notes or statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final short subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the short subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto.

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow.

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown.

R. The lines and curves defining each lot shall be labeled with bearings and distances which form a closed figure within the limits of WAC 332-130-085 or 332-130-090.

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used.

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.

U. Short subdivision boundary and street center lines having curves shall show radius, arc, central

angle and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show two spiral curve elements in addition to the chord bearing and length.

V. Lots along curves shall show arc length and radius. For lot corners that are on nontangent or nonperpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show the central angle for each segment of the curve along each lot, arc length, tangent length, and radius.

W. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown.

X. Requirements for lot development, such as intersection sight distance preservation features and other constraints on lot improvements.

Y. The final short subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Z. Signature Blocks. The plat must be reviewed and signed by the following:

1. ~~City~~~~Richland~~ public works director;
2. City development services director (Administrator);
3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);
4. Benton County treasurer;
5. Benton County assessor; and
6. Applicable irrigation district ~~of~~or utility purveyor.

24.40.090 Final short subdivision – Approval of administrator and public works director.

A. Upon receipt of the final short subdivision application, the administrator and public works director shall review and approve the final short subdivision once it has been determined that it conforms to the conditions of the preliminary approval and applicable state laws and meets the requirements of this title in existence when the preliminary short subdivision was approved.

Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and
2. All elements of the permitted sanitary sewer system installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
3. All elements of the permitted potable water distribution system installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and

4. All elements of the permitted stormwater drainage system installed, inspected, and accepted. Completion of manhole and inlet casting adjustments and long-term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
5. All elements of the permitted public streets installed, inspected and accepted. Consistent with RMC 24.40.100, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
8. All off-site infrastructure required by preliminary short subdivision conditions, including those improvements required by the applicable irrigation district, is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and
9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
10. Record drawings of the public infrastructure meeting the public works standards.

B. The public works director may determine that the minimum improvements described above are substantially complete if:

- ~~(1.)~~ all of the items listed above are complete to the point of providing service as intended by their design, even if minor work is needed to complete adjustments and site cleanup; and
- ~~(2.)~~ the total estimated value of the minor work is less than \$10,000; and
- ~~(3.)~~ the applicant has deposited \$10,000 with the city prior to submittal of the final short subdivision or subdivision application to secure completion of the required minor work. Inspection, acceptance and energizing of streetlights may be included in the scope of this minor work.

24.40.100 Recording.

The applicant shall record the completed final short subdivision map with the Benton County auditor's office and submit copies of the recorded documents to the department within 10 days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

24.40.110 ~~Repealed. Expiration of preliminary approval.~~

~~Approval of a preliminary short subdivision shall automatically expire two years from the date of approval unless a complete application for a final short subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.40.120.~~

24.40.120 ~~Repealed. Time extensions.~~

~~A. An extension request letter and supporting data for time extension requests shall be submitted to the development services department at least 45 days prior to the expiration of the preliminary short subdivision. Time extension requests shall be processed as a Type I application under to RMG Title 19.~~

~~B. The administrator may approve one 12-month time extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision contrary to the public health, safety, or general welfare. Prior to granting the time extension, the department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the department or affected agencies may be required as a condition of this extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.~~

~~C. The department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMG.~~

24.40.130 Resubdivision limitation.

Land within a short subdivision may not be further divided in any manner within a period of five years from the date of recording of a short subdivision with the Benton County auditor without the filing of a final plat in accordance with the provisions established in this title for subdivisions; provided, that when the short subdivision contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of nine lots within the original short subdivision boundaries.

Chapter 24.45

UNIT LOT SUBDIVISIONS

Note: this chapter was written to be a stand-alone chapter for Unit Lot Subdivision review. (The alternative approach would be to only describe how Unit Lot Subdivisions are processed as Short Plats, and only set out how they are different / process is modified.)

24.45.005 Purpose and Scope

A. The purpose of this chapter is to establish a procedure to allow the division of a single parent lot into individual unit lots that may be held or sold to individual owners. A unit lot subdivision shall be processed separately from short subdivisions except as expressly provided.

B. Unit lot subdivisions occur as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development of one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot. The division of property by the unit lot subdivision process may only be used for the following:

1. The division of land for the purposes of allowing division of a parent lot into separately owned unit lots; and
2. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.

C. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable administrative design review standards and development standards.

24.45.010 Contents of Application

Every application for a unit lot subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. The unit lot subdivision shall be submitted to the city in a digital PDF format;
2. SEPA environmental checklist, if applicable; consistent with the provisions of RMC 22.09.090
3. A plat certificate dated within 30 days of the application filing date confirming that the title of the lands as described and shown on the unit lot subdivision is in the name of the owners signing;

4. Any other information deemed reasonably necessary by the administrator to demonstrate compliance with the requirements of the Richland Municipal Code.

B. Preliminary Unit Lot Subdivision Data (To Be Included on the Unit Lot Subdivision Maps or Exhibits).

1. Location of subject property by quarter-quarter(s) of the section, township and range;
2. Legal description, parcel number, and/or street address of the original parent parcel and legal descriptions of the new unit lots;
3. A vicinity map at a scale of not more than 400 feet to the inch, except that the administrator may approve an alternative scale if requested.
4. North arrow, scale and boundary of the proposed unit lot subdivision, and the date the map is prepared;
5. Boundary of the parent lot, lot numbers/labels, and lot lines along with their dimensions and areas in square feet and acreage shown to two decimal places;
6. Location and identification of existing utilities and utility easements as well as proposed utility easements for utility connections;
7. Location and widths of all existing and proposed streets, roads and access easements within and adjacent to the proposed unit lot subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;
8. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the unit lot subdivision and joint use and maintenance agreements, covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or an ownership association for use and maintenance of common areas and features;
9. Location of any natural features such as areas with very mature trees, streams, drainage ways, special flood hazard areas identified on the flood insurance rate map, and critical areas as defined in Chapter 22.10 RMC;
10. Location of and distance to existing buildings, septic tanks, drain fields, wells and other improvements such as existing irrigation facilities and associated easements, rights-of-way, canals, wasteways, drainageways, piping and artificially created wetlands, and a note indicating if they will remain or be removed;
11. When required by the administrator evaluate grading, drainage, critical areas, or infrastructure requirements: Topographic information as provided by a licensed land surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent or greater;
12. Site data table showing number of proposed lots, existing zoning, water supplier, and sewer; and
13. The title of the plat shall include the phrase "Unit Lot Subdivision."

The process for reviewing Unit Lot Subdivisions will need to be added to Title 19 concurrently with adoption of revisions to Title 24.

24.45.020 Unit Lot subdivision – Review process.

A. Unit lot subdivisions shall be processed as Type I applications.

B. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.

The RCWs state a 250' notice radius is required; but city staff wants 300' to be consistent with other noticing requirements at the City. This exceeds the minimum statutory notice distance.

C. In addition to the applicable provisions of RMC Title 19 for processing applications, applications for unit lot subdivisions classified as Type I shall provide notice to the community and property owners within 300 feet of the parent lot a notice consistent with the content requirements of RCW 36.70B.110 of how to provide written comments to the administrative decision maker, including through notice posted on the closest public sidewalk or roadway.

24.45.030 Requirements for final approval

A lot may be divided into two or more (but no more than nine) separately owned unit lots and common areas, provided the following standards are met.

A. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor. All proposed recorded instruments may be subject to approval as to form by the city attorney or administrator.

B. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

C. Notes shall be placed on the unit lot subdivision's plat, and recorded with the county auditor to acknowledge each of the following in accordance with RCW 58.17.060:

1. Approval of the design and layout of the unit lot's housing development project was granted based on detailed review of that specified project, as a whole, on the parent lot, including specific reference to the applicable permit or file number for that specified project;
2. Subsequent subdivision actions, additions, or modifications to the unit lot housing development project's structures may not create or increase any nonconformity of the

parent lot as a whole, and shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time of the proposed actions, additions, or modifications;

3. If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested; and
4. Unit lots are not separate buildable lots independent of the overall development, and additional development of individual unit lots may be limited as a result of the application of development standards to the parent lot.

24.45.040 Findings.

Prior to approval, the administrator shall find that the proposed unit lot subdivision:

A. Complies with applicable provisions of the comprehensive plan as implemented through adopted development regulation;

B. Is consistent with applicable zoning regulations such as but not limited to setbacks along the lot lines of the parent lot;

C. Provides adequate access, utilities, drainage, and services;

D. Meets applicable adopted health, safety, utility, access, and infrastructure standards; and

E. Complies with the requirements of this chapter.

24.45.050 Appeals

Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and the procedure set forth in Chapter 19.70 RMC.

24.45.060 Revision and Expiration.

Unit lot subdivisions follow the revision and expiration procedures for a short subdivision, found in chapter 24.40 RMC.

Chapter 24.50

SUBDIVISIONS

24.50.005 Preapplication conference required.

A preapplication conference pursuant to RMC 19.30.010 ~~shall be~~ required prior to filing an application for a preliminary subdivision unless the administrator waives this requirement. The administrator's determination to waive this preapplication requirement is based on the scope and complexity of the proposed project, and will be based on the scope and complexity of the proposal, as determined by the administrator ~~made in the administrator's sole discretion.~~

24.50.010 Contents of application.

Every preliminary subdivision shall consist of the appropriate application form, applicable fees, and the following:

A. Maps and Exhibits.

1. The preliminary subdivision plat shall be submitted to the city in a digital PDF format;
2. SEPA environmental checklist if applicable, consistent with the provisions of RMC 22.09.090;
3. A plat certificate dated within 30 days of the application filing date confirming that the title of the lands as described and shown on the short subdivision is in the name of the owner(s) signing;
4. Any other information deemed necessary by the administrator to demonstrate compliance with requirements of the Richland Municipal Code.

B. Preliminary Subdivision Data (To Be Included on the Preliminary Subdivision).

1. Title of the proposed subdivision;
2. Location of the subject property by quarter-quarter(s) of the section, township and range;
3. Legal description of the subject property with the source of the legal description clearly indicated;
4. A vicinity map at a scale of not more than 400 feet to the inch, except that the administrator may approve an alternative scale if requested. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property;
5. North arrow, scale and boundary of the proposed subdivision, and the date the map is prepared;
6. Boundaries of all blocks, lot numbers, and lot lines along with their dimensions and areas in square feet and acreage to two decimal places;
7. Location and identification of existing utilities;

8. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed subdivision and within 100 feet thereof, or the nearest city street if there is no city street within 100 feet of the subject property;
9. All easements, including border easements, or tracts proposed to be dedicated for any public purpose or for the common use of the property owner(s) of the subdivision;
10. All existing easements that affect the subject property as shown in a current plat certificate;
11. Location of any natural features such as wooded areas, streams, drainage ways, special flood hazard areas identified on the flood insurance rate map, or critical areas as defined in Chapter 22.10 RMC;
12. Location of existing buildings, septic tanks, drain fields, wells or other improvements such as existing irrigation facilities, easements, rights-of-way, canals, wasteways, drainageways, piping and artificially created wetlands, and a note indicating if they will remain or be removed;
13. Whether adjacent property is platted or unplatted. If platted, give the name of the subdivision. If the proposed subdivision is the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown, and a copy of the existing plat shall be submitted, along with the recording numbers of any recorded covenants and easements;
14. Topographic information as provided by a licensed land surveyor, at five-foot maximum contour intervals, or at two-foot intervals where overall site topography is too flat to be depicted by five-foot intervals. Delineate areas with any slopes that are 15 percent or greater; ~~and~~
15. Site data table showing number of proposed lots, existing zoning, water supplier, and method of sewerage; ~~and~~;
16. If the subdivision is proposed to occur in two or more phases, the proposed phases shall be clearly shown and labeled.

24.50.014 Phasing.

A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the department. The phasing plan may be approved by the administrator provided:

1. The phasing plan includes all land identified within the legal notice;
2. The sequence of phased development is identified by a map;
3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate identified impacts;
4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any nonfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and
5. The public works director approves the necessary documents so that all road improvement requirements are assured for that phase. A phasing plan may be amended or substituted

[following preliminary approval. Said plan may be approved administratively provided the above criteria are met.](#)

24.50.020 Distribution of plans.

When the department determines that the application is complete pursuant to Chapter 19.30 RMC, the department shall distribute the application materials to agencies deemed prudent by the city. The application materials shall also be provided to nearby municipalities when the subject property is located adjacent to or within one mile of another municipal boundary. Application materials shall also be provided to the [South Central regional office of the](#) Washington State Department of Transportation when the subject property is located adjacent to the right-of-way of any existing or proposed state or federal highway. Any reviewing agency may request additional information during the review process.

24.50.030 Preliminary subdivision – Open record hearing.

Preliminary subdivisions are classified as Type ~~HA~~ III applications and shall be processed pursuant to the applicable provisions of RMC Title 19. Notice of the time, place, and purpose of the hearing examiner open record hearing on the preliminary subdivision shall be given in accordance with RMC 19.40.010 and in the following manner:

- A. Mailing a written notice not less than 15 days prior to the date of such hearing to the owners of all properties within 300 feet of the exterior boundaries of the proposed subdivision, said mailing to be by regular, first class mail, postage prepaid; and
- B. Posting public notice on or adjacent to the land proposed to be subdivided at least 15 days prior to the date of the open record hearing; and
- C. Publishing in the official newspaper of the city and on the city's website a notice of the open record hearing not less than 15 days prior to the date of such hearing.

24.50.040 Preliminary subdivision – Review by hearing examiner.

The hearing examiner will hold an open record hearing concerning all preliminary subdivisions submitted to the city, and will review all preliminary subdivisions to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning, and specifications.

A. The hearing examiner shall inquire into the public use and interest proposed to be served by the subdivision and any dedications associated therewith.

[B.](#) The hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, irrigation water right-of-way and distribution facilities, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.

C.B. Every decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

RCW 58.17.140 specifies:

“Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 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 43.21.C.030 the ninety day period shall not include the time spent preparing and circulating the EIS by the local government agency.”

LINK: <https://app.leg.wa.gov/RCW/default.aspx?cite=58.17.140>

D.E. The hearing examiner must act on the application within 90 days of [the determination of completeness of the filing of a fully completed](#) preliminary subdivision application unless the applicant consents to an extension of time. This 90-day period excludes time required to comply with Chapter 43.21C RCW and RMC 24.50.030.

E.D. The decision of the hearing examiner is final unless a timely appeal is filed pursuant to RMC 24.50.060

24.50.050 Findings.

This section could potentially be repealed – it is duplicate of RMC 24.50.040(1). We will ask for the City Attorney’s direction

Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

- A. The public health, safety, and general welfare;
- B. Open spaces;
- C. Drainage ways/stormwater;
- D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;
- E. Transit stops;
- F. Public potable water supplies and irrigation water right-of-way and distribution facilities;
- G. Sanitary sewer;
- H. Parks and recreation;

I. Playgrounds, schools and school grounds;

J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

24.50.060 Appeals.

Any decision approving or disapproving any land division shall be reviewable pursuant to the appropriate project permit application type as provided in RMC 19.20.030 and procedure as set forth in Chapter 19.70 RMC.

24.50.070 Expiration of preliminary approval.

Approval of a preliminary subdivision shall automatically expire five years from the date of approval unless a complete application for a final subdivision meeting all requirements under this title is submitted to the city. Extension of time may be granted as provided in RMC 24.50.080.

24.50.080 Time extensions.

A. An extension request letter and supporting data for time extension requests shall be submitted to the department at least 45 days prior to the expiration of the preliminary subdivision. Time extension requests shall be processed as a Type I application pursuant to RMC Title 19.

Attorney review requested for the phrase below "this may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare" (and also as stated at Section 24.40.056(B) and at Section 24.60.120(B))

B. Subject to the routing and comment requirement provided herein, the administrator may grant a single one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the subdivision contrary to the public health, safety, or general welfare. Prior to granting the one-year time extension, the department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.50.090 Final subdivision submittal.

A. The submittal of an application for final subdivision approval shall only occur after:

1. The applicant has completed all work and it has been accepted by the public works department; or
2. The applicant has substantially completed all work required by the public works department, including preparation and submittal of record drawings and survey data, a walk-

through inspection has been completed (with punch list items valued at less than \$10,000), and financial security for the punch list items has been provided and accepted by the public works department; or

3. A security and improvement agreement in a form approved by the city attorney and executed by applicant and the city manager, coupled with the required financial surety, is attached to the final subdivision application.

B. Upon satisfaction of one of the three options above and submission of the final subdivision application to the department, it shall be routed to appropriate departments and agencies to review for compliance with the conditions of approval. Once all reviewing departments and agencies are satisfied, all necessary infrastructure has been installed, and all conditions have been met or appropriate bonding and surety obtained pursuant to RMC ~~24.50.110~~ [24.50.014](#), the final subdivision map shall be submitted by applicant to the department for obtaining the required signatures. Final subdivisions shall be approved, disapproved, or returned to the applicant within 30 days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW 58.17.140).

24.50.100 Contents of final subdivision.

All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable city standards. The contents of a final subdivision shall include the following:

A. The final subdivision shall be a legibly drawn, printed, or reproduced permanent map. Final subdivisions shall measure 24 by 36 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat map. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The city file number of the subdivision, location by quarter-quarter(s) of a section, township and range shall be shown.

C. The scale shall be a standard engineering drawing scale. The scale shall be shown in a text form as well as a graphic bar scale.

D. A bold boundary line shall delineate the existing perimeter boundary of the subdivision prior to any dedication to the public.

E. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

F. Layout and names of adjoining subdivisions, subdivision lots or portions thereof shall be shown within and adjacent to the subdivision boundary.

G. The layout, lot and block numbers, and dimensions of all lots shall be shown.

H. Street names shall be shown.

I. Street addresses for each lot shall be shown.

J. Plat restrictions required as conditions of preliminary subdivision approval shall be shown.

K. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by the immediate land division shall also be identified, shown and labeled.

L. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

M. A notarized certification and acknowledgement by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and the granting of easements for slope and utilities.

N. A certification signed by a professional land surveyor registered in the state of Washington stating: (1) that the final subdivision was surveyed and prepared by him/her, or under his/her supervision; (2) that the subdivision map is a true and correct representation of the subject land; and (3) that monumentation has been established as required by city standards. The certification must be consistent with Chapter 58.09 RCW.

O. All monuments found, set, reset, replaced or removed and not replaced, describing their kind, size and location and giving other data relating thereto.

P. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map with graphic bar scale and north arrow.

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown.

R. The lines and curves defining each lot shall be labeled with bearings and distances which form a closed figure within the limits of WAC 332-130-085 or 332-130-090.

S. Bearings and lengths are to be shown for all lines. No ditto marks are to be used.

T. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.

U. Subdivision boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show two spiral curve elements in addition to the chord bearing and length.

V. Lots along curves shall show arc length and radius. For lot corners that are on nontangent or nonperpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius.

W. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown.

X. Requirements for lot development, such as intersection sight distance [limitations for improvements on corner lots](#) ~~preservation features~~, and other constraints on lot improvements.

[such as limitations on driveways placements for lots with multiple frontages.](#)

Y. The final subdivision map shall indicate the actual net area for each platted lot exclusive of dedicated or private road right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet to the nearest square foot.

Z. Signature Blocks. The plat must be reviewed and signed by the following:

1. ~~City~~[Richland](#) public works director;
2. [City development services director](#) (Administrator);
3. Benton-Franklin Health District (only where septic systems and/or private wells are required to serve the development);
4. Benton County treasurer;
5. Benton County assessor; and
6. Applicable irrigation district purveyor.

The following was moved to 24.50.014 based on staff request.

24.50.110 ~~Repealed Phasing:~~

~~A. Any subdivision may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary subdivision for approval by the department. The phasing plan may be approved by the administrator provided:~~

- ~~1. The phasing plan includes all land identified within the legal notice;~~
- ~~2. The sequence of phased development is identified by a map;~~
- ~~3. Each phase has reasonable public or private infrastructure to support the number of dwelling units or proposed commercial or industrial development contained in that phase and to appropriately mitigate and identified impacts;~~
- ~~4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision or binding site plan; and provided that any nonfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and~~
- ~~5. The public works director approves the necessary documents so that all road improvement requirements are assured for that phase.~~

~~B. A phasing plan may be amended or substituted following preliminary approval. Said plan may be approved administratively provided the above criteria are met.~~

24.50.120 Final plat – Approval of administrator and public works director.

A. Upon receipt of the final subdivision map, the administrator and public works director shall review the final map and shall approve the final subdivision once it has been determined that the

final subdivision conforms to the conditions of the preliminary approval and applicable state laws, and meets the requirements of this title in existence when the preliminary subdivision was approved. Minimum improvements shall consist of all of the following elements:

1. Issuance of a right-of-way construction permit pursuant to Chapter 12.08 RMC; and
2. All elements of the permitted sanitary sewer system are installed, inspected and accepted. Completion of manhole and cleanout casting adjustments may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
3. All elements of the permitted potable water distribution system are installed, inspected and accepted. Completion of valve covers and surface adjustments to fire hydrants may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
4. All elements of the permitted stormwater drainage system are installed, inspected and accepted. Completion of manhole and inlet casting adjustments and long-term erosion control treatment of retention basins may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
5. All elements of the permitted public streets are installed, inspected and accepted. Consistent with this section, completion of asphalt paving and curb and gutter may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
6. Concrete sidewalks included in the right-of-way construction permit may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
7. Inspection, acceptance and energizing of streetlights may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
8. All off-site infrastructure required by preliminary subdivision conditions including elements of the irrigation distribution facilities is installed, inspected and accepted, and all property rights acquisition for said infrastructure is completed. Property rights transactions must be recorded in the public record; and
9. Placement of all public street survey monumentation and property boundary markers may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager; and
10. Record drawings of the public infrastructure meeting the public works standards may be deferred if secured by a security and improvement agreement in a form approved by the city attorney and executed by the city manager.

B. The public works director may determine that the minimum improvements described above are substantially complete and authorize the final plat if:

- (1.) All of the items listed above are complete and the total estimated value of the incomplete work is less than \$10,000; and

~~(2.)~~ The applicant has deposited \$10,000 with the city prior to submittal of the final subdivision application to secure completion of the required work; or

~~(3.)~~ If the applicant and the city enter into a security and improvement agreement to secure the completion of incomplete items.

24.50.130 Performance bond.

In lieu of the construction of the required improvements prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required infrastructure improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the infrastructure within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the infrastructure and acceptance of the improvements by the city.

24.50.140 Recording.

The applicant shall record the completed final subdivision map with the Benton County auditor's office and submit copies of the recorded documents to the development services department within 10 days of recordation. All fees for such recording shall be paid by the applicant prior to recording.

Chapter 24.60

BINDING SITE PLANS

24.60.010 Purpose and scope.

A. The purpose of the binding site plan is to establish a procedure of land division in lieu of other provisions of this title. The division of property by the binding site plan process may only be used for the following:

1. [The division of land for the sale or lease of commercial or industrial development; and](#)
- [2.](#) The division of land for the purposes of leasing space for manufactured homes, travel trailers, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or other recreational vehicles so long as the site plan complies with all other applicable regulations; and
- ~~2~~3. The division of land involving improvements constructed or to be constructed that will be one or more condominiums or owned by an association or other legal entity.

B. Binding site plans will not be approved unless appropriate provisions and dedications of public rights-of-way, utilities, and easements are made to meet infrastructure provisions per city standards. The city may also require a development agreement governing future development of the property.

24.60.020 Overview of [processing](#) procedures.

A. The general procedures for processing a binding site plan shall consist of the following steps:

1. [A preapplication conference pursuant to RMC 19.30.010 is required prior to filing an application for a binding site plan unless the administrator waives this requirement. The administrator's determination to waive this preapplication requirement will be based on the scope and complexity of the proposal, as determined by the administrator.](#)
- [2.](#) Submittal of an application for preliminary approval of a binding site plan;
- ~~3~~2. Approval by the public works director of appropriate engineering design plans for streets and other public improvements, and either construction of improvements or submittal of a security and improvement agreement in a form approved by the city attorney and executed by the city manager;
- ~~4~~3. Approval of the binding site plan by the administrator; and
- ~~5~~4. Recording of binding site plan with the Benton County auditor's office.

24.60.030 Application for binding site plan approval.

Prior to the division of land as allowed per RMC 24.60.010, a binding site plan application shall be filed. The application shall include:

- A. A completed application form;
- B. The binding site plan prepared by a registered professional land surveyor shall be submitted to

the city in a digital PDF format;

C. A plat certificate dated no later than 30 days prior to the date of application showing the name of all parties with an interest in the land being subdivided;

D. Preliminary engineering plans including, but not limited to water, sewer, streetlights, roads, storm drainage and sidewalks;

E. Application fee as required by the city of Richland fee schedule;

F. A SEPA [environmental](#) checklist, [if applicable, consistent with the provisions of RMC 22.09.090](#); and

G. Any other information deemed necessary by the administrator to demonstrate compliance with requirements of the Richland Municipal Code.

24.60.040 Content of binding site plan.

The below text is shown stricken per staff's request.

~~The binding site plan shall consist of a cover sheet, if necessary, containing approvals, conditions, certificates, and inscriptions; and a scaled drawing(s) representing the parcel to be divided. The cover sheet is necessary only if the binding site plan contains more than one sheet. All sheets shall be drawn in permanent black ink on sheets of paper measuring 18 by 24 inches, and with a two-inch margin on the left edge and a one-inch margin on all other edges. The drawing shall be drawn at an appropriate decimal scale such that it is not cramped or illegible. The cover sheet and drawing shall contain the following:~~

~~A. Content of Cover Sheet. The cover sheet shall contain the following information and inscriptions:~~

- ~~1. At the top of the sheet, the title "Binding Site Plan No. (number) of (year)" followed by the name of the proposed binding site plan. If the land to be divided is a portion of a larger property for which a binding site plan has previously been recorded, the name shall be "a portion of...." followed by the name of previously recorded binding site plan;~~
- ~~2. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described below, for which an exact location is known, with all dimensions shown to the nearest one-hundredth of a foot, curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes, and seconds;~~
- ~~3. Location by section, township and range to the nearest quarter section;~~
- ~~4. Abbreviated legal descriptions of all the lots, parcels, or tracts of land within the boundaries of the parcel as they are proposed to be divided at the time of binding site plan approval; and~~
- ~~5. Inscriptions setting forth appropriate limitations and conditions for use of the land; and~~
- ~~6. Certificates, dedications, and approvals as required by the administrator.~~

~~A~~**B**. Content of Binding Site Plan Drawing(s). The binding site plan drawing(s) shall contain the following information:

1. At the top of the sheet, the title “Binding Site Plan No. (number) of (year)” followed by the name of the proposed binding site plan. and name of the binding site plan as provided in subsection (A)(1) of this section;
2. Location by section, township and range to the nearest quarter section;
3. Scale of drawing, date, and north arrow;
4. When required by the administrator evaluate grading, drainage, critical areas, or infrastructure requirements: Existing topography as provided by a licensed land surveyor of the land indicated by contour lines at two-foot intervals or less and delineating any areas with slopes that are 15 percent or greater;
5. The boundary line of the binding site plan which contains the entire parcel which is to be divided, and the line of all existing buildings, streets, roads, rights-of-way, easements, lots, blocks, tracts, etc., within or adjacent to the property to be divided;
6. The locations of all proposed streets, roads, rights-of-way, easements, etc.;
7. The lines of the lot divisions proposed at the time of binding site plan application;
8. The exact location, width, and name or purpose of existing and proposed streets, roads, alleys, walks, utility, access control, or other easements, driveway accesses onto public streets, open spaces, etc., except that where exact locations and dimensions are not known at the time of binding site plan application, general locations shall be shown and appropriate limitations and conditions shall be referenced to and contained within inscriptions on the binding site plan cover sheet;
9. Sufficient data to readily determine and reproduce on the ground the bearing and length of every line described above, for which an exact location is known, with all dimensions shown to the nearest one-hundredth of a foot, with curves described by length of arc, radius, and central angle, with all angles and bearings shown in degrees, minutes and seconds; and
10. The location of all streams, ponds, wetlands, or other bodies of water, prominent topographic features, sensitive areas, or other significant natural features on the site which affect or might be affected by the division or development of the land including, but not limited to, the location of any existing irrigation facilities, easements, and rights-of-way, canals, wasteways, drainage ways, piping, and artificially created wetlands.

24.60.050 Review procedures for preliminary approval.

A. Referral to City Departments and Divisions. Within 10 working days of the filing of a complete binding site plan application, the administrator will transmit a copy of the binding site plan to the public works department, energy services, fire and emergency services, and the building division of the development services department, consistent with the city’s pre-application meeting procedures. Transmittal of the binding site plan shall be under cover of a memorandum scheduling a meeting of the affected departments and divisions within 20 business days following the filing of a complete binding site plan application and shall stipulate the time and place of such meeting.

~~B. Written Response From Affected Departments. Prior to or at the binding site plan meeting, written comments, recommendations or requirements from the affected departments shall be~~

~~delivered to the administrator. Failure to provide a written response shall constitute an assumption that the binding site plan is acceptable to the department not responding.~~

~~C. Binding Site Plan Meeting. The binding site plan meeting shall convene at the stipulated time and place and shall be attended by affected departments and the applicant and/or representatives of the applicant. The administrator shall serve as moderator of the meeting.~~

Flagging the phrase “will be in the best interests of the citizens....” Which is subjective and perhaps should be removed.

~~B~~D. Consideration and Action by the Administrator. The administrator, within a period of seven business days from the date of the binding site plan meeting, shall consider all information provided and determine if the application for binding site plan makes adequate provisions for the public health, safety, and welfare, and **will be in the best interests of the citizens of the city** and in accordance with the design criteria of the Richland Municipal Code. After due consideration of the above, the administrator shall approve, conditionally approve, deny, or return the binding site plan application to the applicant.

~~C~~E. Return and Resubmission. The administrator may return the application for binding site plan to the applicant without taking action on it when additional information or modifications are required. After an application is resubmitted, the administrator may (1) refer the application to affected city departments and divisions and schedule a second binding site plan meeting according to the procedure previously set forth, or (2) take action on the binding site plan application resubmittal. The administrator shall act to approve, conditionally approve, or deny the application for the binding site plan; however, the administrator may, with the applicant’s consent, return the binding site plan to the applicant without taking action on it.

24.60.060 Requirements for final approval including design and bonding of improvements.

A. Prior to affixing of a signature of approval on the binding site plan by the administrator, the applicant shall, upon the decision of the public works director, either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas, or have prepared and submitted to the public works director, and the public works director shall have approved, detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and streetlighting systems, or other required improvements in accordance with the applicable specifications and standards of the city and other involved utility agencies, irrigation districts or irrigation purveyors. Irrigation system designs, site grading, and other such designs or plans that may be required by law, or that were specifically required as conditions of binding site plan approval, shall be submitted concurrently for the public works director’s review and approval. Furthermore, bonding or other legally sufficient assurances of installation of required improvements shall be provided as required in ~~RMC 24.50.110~~**RMC 24.50.014** related to subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the Benton County auditor’s office.

B. When binding site plans are approved in areas where a master plan including preliminary

engineering has been reviewed and approved by all departments and the Richland city council, the administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads, and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city, and are either constructed or bonded or otherwise conditioned.

24.60.070 Performance bond.

In lieu of the construction of the required streets prior to final platting or dividing of the property, the applicant may enter into a security and improvement agreement with the city to construct the required infrastructure improvements at a later date, and shall furnish to the city a performance bond or other security in an amount and with surety conditions satisfactory to the city, providing for and securing to the city the actual construction of the infrastructure within a period specified by the city and expressed in the bond and/or contract. The full amount of the bond shall be retained by the city until completion of the construction of the infrastructure and acceptance of the street improvements by the city.

24.60.080 Appeals.

Any action taken by the administrator on a binding site plan application may be appealed to the hearing examiner in accordance with the requirements set forth in RMC Title 19 for a Type I permit application.

24.60.090 Recording and enforcement.

All approved binding site plans must be recorded with the Benton County auditor. Once recorded the lots, parcels, or tracts created through this procedure are legal lots of record. All provisions, conditions, and limitations on the binding site plan are binding on the owner, purchaser, or any other person acquiring a lease or other interest of any lot, parcel, or tract created pursuant to the binding site plan. Any sale, transfer, or lease of any lot, tract, or parcel prior to recording of the binding site plan with the Benton County auditor is a violation of Chapter 58.17 RCW and this title.

24.60.100 Rescission.

A. The city may rescind, vacate or modify all or a portion of a final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be configured as it was immediately prior to the time that the binding site plan was recorded.

B. Signatures of all the owners having an interest in those portions of a binding site plan which are proposed to be altered by an amendment, rescission or vacation are required on the application for rescission, vacation or modification.

C. The process for rescinding, modifying or vacating a binding site plan shall be accomplished by following the same procedure and satisfying the same laws and conditions as required for a new binding site plan, and the action to rescind, modify or vacate must be found by the city to further the public interest and not cause a significant environmental or land use impact on or beyond the site.

24.60.110 Expiration.

Approval of a binding site plan shall automatically expire five years from the date of approval. Extension of time may be granted as provided in RMC 24.60.120.

24.60.120 Time extensions.

A. An extension request letter and supporting data for time extension requests shall be submitted to the department at least 45 days prior to the expiration of the binding site plan preliminary approval. Time extension requests shall be processed as a Type I application pursuant to RMC Title 19.

B. Subject to the routing and comment requirement provided herein, the administrator may grant an initial one-year time extension provided there are no significant changed conditions or changed development regulations which would render recording of the binding site plan contrary to the public health, safety, or general welfare. Subsequent one-year extensions may be granted by the administrator based on the same analysis. Prior to granting time extensions, the department shall circulate the time extension request to affected agencies for comment. Additional or altered conditions recommended by the department or affected agencies may be required as a condition of the time extension. This may include new or updated city regulations deemed necessary to protect the public health, safety, or general welfare.

C. The department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.70 RMC.

24.60.130 Notice of filing.

Notice of filing of a binding site plan adjacent to or within one mile of another municipal boundary must be given to the appropriate municipal official. Notice of such filing located adjacent to the right-of-way of any existing or proposed state or federal highway must be given to the [South Central regional office of the](#) Washington State Department of Transportation. Notice of the filing may be given to any other agency deemed prudent by the city.

Chapter 24.70

REVISIONS TO PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

24.70.010 Applications.

An application may be submitted for any proposed revision to a preliminary subdivision or preliminary short subdivision. The application shall contain the signatures of the parties having an ownership interest in the preliminary short subdivision or subdivision and shall be reviewed as a Type I land use decision under RMC Title 19.

24.70.020 Revisions of preliminary subdivisions and short subdivisions.

A. A request to revise a subdivision or short subdivision that has received preliminary approval shall be submitted to the development services department.

B. Proposed revisions to a preliminary subdivision that would result in a substantial change, as determined by the administrator, shall be treated as a new application for purposes of vesting and transportation concurrency, and shall be reviewed as a Type III land use decision under RMC Title 19.

C. Proposed revisions to a preliminary short subdivision that would result in a substantial change, as determined by the administrator, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as a Type I land use decision pursuant to RMC Title 19.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. Any revision that would result in or would have the effect of decreasing the aggregate area of open space in the subdivision by 10 percent or more;
2. Any revision that would result in increasing the number of lots in the subdivision beyond the number previously approved;
3. Any revision that would result in the relocation of any roadway access point as it connects to an exterior street from the plat;
4. Any revision that proposes phasing of plat development when no phasing plan was included in the original preliminary subdivision approval; or
5. Any revision that, in the opinion of the administrator, would significantly increase any adverse impacts or undesirable effects of the plat;
6. A change to conditions of approval of an approved preliminary subdivision or preliminary short subdivision that leads to environmental impacts that were not addressed in the original approval.

E. Proposed revisions to a subdivision or short subdivision that do not result in a substantial change, as determined by the administrator, shall be treated as a minor ~~revision~~ ~~change~~ and may be approved administratively by the administrator as a Type I land use decision pursuant to RMC Title 19.

F. For purposes of this section, minor revisions include, but are not limited to:

1. Revisions to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;
2. Revisions in lot dimensions that are consistent with the underlying zone;
3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;
4. Revisions in timing of phased plans; and
5. Revisions to engineering design that reduce construction-related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

Chapter 24.80

ALTERATIONS TO FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

24.80.010 Application.

A. An application may be submitted for any proposed alteration to a final subdivision or final short subdivision. The application shall contain the signatures of the majority of the parties having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision/final short subdivision or portion to be altered. If the final subdivision/final short subdivision is subject to restrictive covenants which were filed at the time of approval of the final subdivision/final short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the final subdivision/final short subdivision, or portion thereof.

B. An alteration of a final subdivision is classified as a Type III permit and shall be processed pursuant to RMC Title 19 and in a manner consistent with RCW 58.17.215.

C. Any final short subdivision alteration proposed under this section shall be subject to the requirements of Chapter 24.40 RMC.

24.80.020 Alteration of final subdivision – Procedure.

A. Upon receipt of a completed application for the alteration of a final subdivision, the administrator shall provide notice of the application to all owners of property within the subdivision, publication in the official newspaper of the city, and to those owners of property within 300 feet of that portion or phase of the subdivision proposed for alteration. The notice shall include a statement that a public hearing will be conducted by the hearing examiner.

B. Consistent with RCW 58.17.217 and [RCW 58.17.330](#), any hearing for alteration of a subdivision shall be administered by the hearing examiner, and such decision shall be given the effect of a final decision.

C. During the public hearing, the hearing examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots

resulting from the alteration. If any land within the alteration contains a dedication to the general use of parties residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. Following approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, which shall be signed by the administrator and public works director and filed with the Benton County auditor's office to become the lawful plat of the property.

Chapter 24.90

VACATION OF FINAL SUBDIVISIONS AND FINAL SHORT SUBDIVISIONS

24.90.010 Subdivision or short subdivision vacation – Application.

An application may be submitted for the proposed vacation of all or part of a recorded subdivision or short subdivision. The application shall contain the signatures of all parties having an ownership interest in the lots, tracts, parcels, sites or divisions in the subject subdivision/short subdivision or portion to be vacated.

24.90.020 Subdivision or short subdivision vacation – Process.

Vacation of a subdivision or short subdivision is classified as a Type III application. Upon submittal of a complete application for vacation of a subdivision or short subdivision, the administrator shall process the vacation request pursuant to RMC Title 19 and in a manner consistent with RCW 58.17.212.

24.90.030 Subdivision or short subdivision vacation – Procedure.

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. Vacations will be processed in accordance with rules prescribed under state law.

24.90.040 Subdivision or short subdivision vacation – Conduct of hearing.

Consistent with RCW 58.17.217 and [RCW 58.17.330](#), any hearing for vacation of a subdivision shall be administered by the city's hearing examiner, and such decision shall be given the effect of a final decision.

Chapter 24.100
LAND DIVISION DESIGN STANDARDS

24.100.010 Application.

Except for divisions of land which meet the conditions of RMC 24.20.020, the regulations contained in this chapter shall apply to all divisions of land within the city. Every map, plat, replat or plan hereafter made of any such division of land within the city limits shall comply with the provisions of this chapter and the public works standards.

24.100.020 Street requirements.

All streets and rights-of-way within a short subdivision, subdivision or binding site plan shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the public works standards.

24.100.030 Streets – Conformity with comprehensive plan.

The alignment of streets shall conform as nearly as possible with those shown on the comprehensive plan or related plans of the city.

24.100.040 Streets – Relation to adjoining street systems.

The layout of streets shall provide for the continuation of major streets existing on adjoining properties or of their proper projection when adjoining property is not divided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

24.100.050 Streets – Access to bodies of water.

Unless topography or ground conditions prevent, any division of land bordering on a river or public waterfront reservation shall be provided with at least one street not less than 60 feet wide to the ~~low water mark or the reservation boundary~~ [shoreline jurisdiction](#) at one-half mile intervals as measured along such body of water.

24.100.060 Streets – Local residential streets.

Local streets which serve primarily to provide access to abutting property shall be designed to discourage cut-through traffic and planned to channel traffic onto minor collectors and other major streets. Local residential streets shall be designed to discourage average traffic speeds in excess of the posted or basic rule (25 mph) speed.

24.100.070 Streets – Dead-end.

Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than 400 feet or as otherwise allowed due to topographical or other constraints and allowed by Appendix D of the International Fire Code as adopted by reference in RMC Title 20, and shall be designed and improved in accordance with city standards as established by Chapter 12.08 RMC and the public works standards.

24.100.080 Streets – Alignment.

For major streets, connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve that meets the minimum curve radius per

AASHTO guidelines unless otherwise approved by the public works director. Connecting tangents between curves shall be a minimum of 100 feet long. For minor streets, curves shall have a typical minimum deflection angle of 30 degrees with curve radii between 100 feet minimum and 150 feet maximum unless approved by the public works director or designee. These parameters are to minimize the potential for speeding within neighborhoods.

24.100.090 Streets – Intersections.

Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than 15 degrees from a right angle, curves or suitable radius and lengths shall be provided. Where street intersections have curvature within 275 feet of the centerline of a stop or yield controlled intersection (looking right or left), the plat shall establish sight distance easements if necessary, based on evaluation of the AASHTO sight triangles per RMC 12.11.020.

24.100.100 Streets – Half-width.

A street lying along the boundary of a subdivision may be dedicated to a width of 30 feet (half of the right-of-way width as required by RMC 24.100.130) if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining parcel, the other half shall be dedicated on the proposed plat to make the street complete. Streets lying along the boundary of a subdivision, whether dedicated by the plat or already dedicated, but not improved, shall be improved by the developer to a minimum paved width of 22 feet. These regulations shall not apply to new roads/streets to be located adjacent to unincorporated land or as otherwise determined by the public works director.

24.100.110 Streets – Grades.

Streets shall ~~confirm~~conform closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than 0.50 percent on any street and shall meet AASHTO maximum guidelines for major streets and a maximum of 12 percent for minor streets, unless otherwise approved by the public works director and the fire marshal based on the fire department's specific apparatus needs. Changes passing through intersections shall not exceed five percent with one percent grade breaks allowed upon entry and exit.

24.100.120 Streets – Intersection spacing.

Intersection spacing or jogs of minor streets in neighborhoods shall not be less than 125 feet from centerline to centerline of street. Intersection spacing along major streets with minor streets shall use the following table to the extent feasible based on the posted speed of the major street. Greater spacing may be required in some instances where a proposed intersection might be within the ninety-fifth percentile queues from intersections of two major streets.

Posted Speed (MPH)	Minimum Spacing (Feet)
25	155
30	200
35	250
40	305
45	360

24.100.130 Streets – Width.

Street widths and right-of-way widths shall be as shown in the public works standards.

24.100.140 Roadway widths and standards.

All streets, not including alleys, shall be improved in accordance with the public works standards.

Note to Planning Commissioners: the AG and SAG zoning districts are proposed to be eliminated. Instead, there would be a “Residential – Limited Agriculture” zoning district. This will be discussed at future meetings when we review RMC Title 23.

24.100.150 Rural street standards.

Rural street standards shall apply in the ~~FP, AG and SAG zoning districts~~ [R-LA zoning district](#) and elsewhere with approval from the public works director.

24.100.160 Street name signs.

Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Street naming and addressing shall be consistent with Chapter 12.01 RMC.

24.100.170 Alleys.

Alleys (public) shall not be provided within the city of Richland.

24.100.180 Sewer system requirements.

All proposed land division shall be provided with a complete sanitary sewer system serving each lot designed for human habitation. Design of the sewage disposal system shall be in accordance with RMC Title 17 and the public works standards.

24.100.190 Water system requirements.

All new development shall be connected to the public water main to provide a potable water distribution system serving each lot designed for human habitation. Design of the water distribution system shall be in accordance with International Fire Code Standards, RMC Title 18 and the public works standards.

24.100.200 Provision for irrigation.

Nonpotable irrigation facilities must be provided for every lot within any proposed residential land division in which the use of potable water is restricted pursuant to RMC 18.16.080. The irrigation distribution system (as distinguished from the separate domestic water distribution system) must be designed and installed in accordance with the public works standards and irrigation districts or irrigation purveyor’s requirements, except as otherwise approved by the public works director and applicable irrigation district or irrigation purveyor.

24.100.210 Stormwater system requirements.

Stormwater runoff from streets, impervious areas, and other areas shall be disposed of through stormwater drainage facilities complying with RMC Title 16 and the public works standards.

24.100.220 Utility rights-of-way and easements – Required.

All municipal utility rights-of-way and utility easements shall be dedicated to the public and shown on the plat. Ten-foot public utility easements shall be placed adjacent to existing and proposed public street ROWs. Separate utility easements shall be located as required by the provider.

24.100.230 Easements – Watercourses.

Where a development is traversed by a watercourse, canal, drainage way, wasteway, channel, or stream, there shall be provided a stormwater easement, irrigation easement or drainage right-of-way conforming substantially to the lines of such watercourse, canal, drainage way, wasteway, channel, or stream, and such further width for construction and maintenance as will be adequate for the purpose.

24.100.240 Capacity for future developments.

The capacities and dimensions of water, sewerage, drainage, electrical, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the development and the capacities required to serve the vicinity.

24.100.250 Blocks – Depth.

Except for reverse-frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

24.100.260 Blocks – Pedestrian pathway connections.

For blocks over 500 feet in length a pedestrian pathway right-of-way not less than 12 feet wide shall be provided where such a pathway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

24.100.270 Lots – Access.

Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right of access (easement) which is permanent and inseparable from the lot served subject to the provisions of RMC Title 12.

24.100.280 Lots – Size.

Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

24.100.290 Lots – Shape.

Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines. Ordinarily, the ratio of width to depth shall be one to not more than two and

one-fourth. Flag lots shall be discouraged unless no other practical alternative exists as determined by the ~~administrator~~[review authority](#).

24.100.300 Lots – Double frontage.

Residential lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. For such lots, there shall be an easement in favor of the city limiting access to only one street and a note stating such shall be placed on the face of the final plat map.

24.100.310 Standard specifications.

Physical developments and improvements required by this title shall be designed and installed in accordance with public works standards and/or other specifications as determined by the public works director. Construction shall be performed subject to the inspection of the public works director or designee. The improvement intended to become part of the city system, including streets, water, electrical and sewer utilities, shall not become part of the city system until formally accepted by the city.

24.100.320 Streetlights required.

Streetlights shall be installed by the developer in accordance with the public works standards.

24.100.330 Other utilities required.

New electrical, telephone, and cable television lines must be placed underground, except:

- A. Electric utility substations, pad-mounted transformers and switching facilities, and electrical service pedestals.
- B. CATV pedestals, active and passive devices, including amplifiers and cable warning signs.
- C. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.
- D. Temporary services for construction.
- E. Existing overhead electric and communications lines which are not in substantial conflict with the final, approved design such that they would render lots or streets unusable.
- F. Existing main feeder lines which are relocated.

24.100.340 Datum.

- A. The horizontal datum for all survey work shall be the Washington State Lambert Grid Coordinate System South Zone, using the current NGS adjustment as established in accordance with Chapter 58.20 RCW or other datum as determined by the subdivision administrator and public works director. The unit of measure shall be the U.S. survey foot.
- B. The plans shall show the horizontal control used to establish ties to the datum, with type, size, and location, date visited, and the state plane coordinates for each monument used. At least one monument must be shown for each street in the project.

C. Richland public works maintains a continuously operating reference station (DANP CORS) which can be utilized to establish NAD83 – 2011 epoch 2010.00 (current adjustment). Contact the city surveyor to obtain data from the network.

D. The vertical datum for all survey work shall be the North American Vertical Datum of 1988 (NAVD 88) Geoid 12B. Plans shall show the benchmarks used to establish ties to the datum, with description, location and elevation of each benchmark used.

24.100.350 Monumentation.

Right-of-way, street centerline and street intersection monumentation shall be established as described by public works design standards. In addition, for short subdivision, subdivision or binding site plans, every lot corner shall be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

24.100.360 Conflicts with other code provisions.

In the event the standards and conditions established by this chapter conflict with other standards and conditions established in this title, the provisions contained in this chapter shall control. In the event the provisions of this chapter conflict with the provisions of RMC Title 23, Zoning, the provisions of RMC Title 23 shall control.

24.100.370 Infrastructure – Permitting.

Whenever any public improvements or public works infrastructure are required to support the development, the plans for all public infrastructure improvements shall be submitted to, reviewed, and approved by the public works director or designee before commencement of construction.

24.100.380 Deviation.

A. The owner/developer of property may seek a deviation from the provisions of the municipal code and public works standards or requirements codified by this chapter by submitting a deviation application to the city along with the permit application. A deviation fee, as set forth in the city of Richland fee schedule, shall be due at the time of application. Deviations for short subdivisions and binding site plans shall be reviewed administratively and approved by the administrator as part of the short subdivision or binding site plan review process. Deviations for subdivisions shall be decided by the hearing examiner during the preliminary subdivision hearing.

B. The basis for such a deviation from the strict application of the requirements of the municipal code and public works standards is achieving equal or better performance, equivalent design or an alternative engineering solution that better fits the site ~~is undue and unnecessary hardship on the property owner~~. No deviation from the provisions or requirements of this chapter shall be authorized unless the review authority finds:

1. That ~~exceptional or extraordinary~~ circumstances or conditions exist ~~to the division of the property, or to the intended use of the property~~, that do not apply generally to other properties similarly situated; and
2. That the deviation is ~~necessary for the preservation and enjoyment of a substantial property right of the property owner/developer or is necessary for the~~ represents a solution for

reasonable and acceptable development of the property. Financial hardship is not a basis for a deviation from the provisions of this chapter; and

3. That the authorization of the deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity; and

4. That the deviation from the provisions and requirements of the municipal code and public works standards does not grant a special privilege to the applicant.

C. Deviation from those items requiring approval of the public works director may be granted by the review authority only upon written recommendation of the public works director.

24.100.390 Deviation – Conditions.

In authorizing a deviation, the administrator ~~review authority~~ may attach thereto such conditions as are necessary to ensure compliance with the purposes of this title and protection of public health, safety, and infrastructure ~~regarding the features of the deviation as deemed necessary to carry out the spirit and purposes of this title and in the public interest.~~

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1293

Chapter 333, Laws of 2023

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—DESIGN REVIEW

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 95 Nays 1

LAURIE JINKINS
**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 49 Nays 0

DENNY HECK
President of the Senate

Approved May 8, 2023 1:12 PM

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1293** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1293

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Housing (originally sponsored by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed, and Graham)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to streamlining development regulations; amending
2 RCW 36.70B.160; and adding a new section to chapter 36.70A 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 36.70A
5 RCW to read as follows:

6 (1) For purposes of this section, "design review" means a
7 formally adopted local government process by which projects are
8 reviewed for compliance with design standards for the type of use
9 adopted through local ordinance.

10 (2) Except as provided in subsection (3) of this section,
11 counties and cities planning under RCW 36.70A.040 may apply in any
12 design review process only clear and objective development
13 regulations governing the exterior design of new development. For
14 purposes of this section, a clear and objective development
15 regulation:

16 (a) Must include one or more ascertainable guideline, standard,
17 or criterion by which an applicant can determine whether a given
18 building design is permissible under that development regulation; and

19 (b) May not result in a reduction in density, height, bulk, or
20 scale below the generally applicable development regulations for a
21 development proposal in the applicable zone.

1 (3) The provisions of subsection (2) of this section do not apply
2 to development regulations that apply only to designated landmarks or
3 historic districts established under a local preservation ordinance.

4 (4) Any design review process must be conducted concurrently, or
5 otherwise logically integrated, with the consolidated review and
6 decision process for project permits set forth in RCW 36.70B.120(3),
7 and no design review process may include more than one public
8 meeting.

9 (5) A county or city must comply with the requirements of this
10 section beginning six months after its next periodic comprehensive
11 plan update required under RCW 36.70A.130.

12 **Sec. 2.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to
13 read as follows:

14 (1) Each local government is encouraged to adopt further project
15 review provisions to provide prompt, coordinated, and objective
16 review and ensure accountability to applicants and the public,
17 including expedited review for project permit applications for
18 projects that are consistent with adopted development regulations or
19 that include dwelling units that are affordable to low-income or
20 moderate-income households and within the capacity of systemwide
21 infrastructure improvements.

22 (2) Nothing in this chapter is intended or shall be construed to
23 prevent a local government from requiring a preapplication conference
24 or a public meeting by rule, ordinance, or resolution, where
25 otherwise required by applicable state law.

26 (3) Each local government shall adopt procedures to monitor and
27 enforce permit decisions and conditions.

28 (4) Nothing in this chapter modifies any independent statutory
29 authority for a government agency to appeal a project permit issued
30 by a local government.

31 (5) For the purposes of this section:

32 (a) A dwelling unit is affordable if it requires payment of
33 monthly housing costs, including utilities other than telephone, of
34 no more than 30 percent of the family's income.

35 (b) "Dwelling unit" means a residential living unit that provides
36 complete independent living facilities for one or more persons and
37 that includes permanent provisions for living, sleeping, eating,
38 cooking, and sanitation, and that is sold or rented separately from
39 other dwelling units.

1 (c) "Low-income household" means a single person, family, or
2 unrelated persons living together whose adjusted income is less than
3 80 percent of the median family income, adjusted for household size,
4 for the county where the household is located, as reported by the
5 United States department of housing and urban development, or less
6 than 80 percent of the city's median income if the project is located
7 in the city, the city has median income of more than 20 percent above
8 the county median income, and the city has adopted an alternative
9 local median income.

10 (d) "Moderate-income household" means a single person, family, or
11 unrelated persons living together whose adjusted income is at or
12 below 120 percent of the median household income, adjusted for
13 household size, for the county where the household is located, as
14 reported by the United States department of housing and urban
15 development, or less than 120 percent of the city's median income if
16 the project is located in the city, the city has median income of
17 more than 20 percent above the county median income, and the city has
18 adopted an alternative local median income.

Passed by the House April 14, 2023.
Passed by the Senate April 11, 2023.
Approved by the Governor May 8, 2023.
Filed in Office of Secretary of State May 10, 2023.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258

Chapter 337, Laws of 2023

68th Legislature
2023 Regular Session

CONDOMINIUMS AND TOWNHOUSES—CONSTRUCTION AND SALE—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 9, which takes effect January 1, 2024.

Passed by the Senate April 21, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 20, 2023
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 8, 2023 1:16 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Shewmake, Gildon, Billig, Llias, Lovick, Nguyen, Nobles, Randall, and Wellman)

1 AN ACT Relating to increasing the supply and affordability of
2 condominium units and townhouses as an option for homeownership;
3 amending RCW 64.35.105, 64.50.010, 64.50.020, 64.50.040, 64.90.250,
4 64.90.605, 64.90.645, 82.02.060, 58.17.060, and 64.55.160; reenacting
5 and amending RCW 64.38.010; adding a new section to chapter 82.45
6 RCW; creating a new section; and providing an effective date.

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

8 **Sec. 1.** RCW 64.35.105 and 2004 c 201 s 101 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Affiliate" has the meaning in RCW ((64.34.020)) 64.90.010.

13 (2) "Association" has the meaning in RCW ((64.34.020)) 64.90.010.

14 (3) "Building envelope" means the assemblies, components, and
15 materials of a building that are intended to separate and protect the
16 interior space of the building from the adverse effects of exterior
17 climatic conditions.

18 (4) "Common element" has the meaning in RCW ((64.34.020))
19 64.90.010.

20 (5) "Condominium" has the meaning in RCW ((64.34.020)) 64.90.010.

21 (6) "Construction professional" has the meaning in RCW 64.50.010.

(7) "Conversion condominium" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(8) "Declarant" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(9) "Declarant control" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445 or 64.90.670.

(11) "Limited common element" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.

(13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.

(14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.

(15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

(16) "Person" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(17) "Public offering statement" has the meaning in (~~RCW 64.34.410~~) chapter 64.90 RCW.

(18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.

(19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.

(20) "Resale certificate" means the statement to be delivered by the association under (~~RCW 64.34.425~~) chapter 64.90 RCW.

(21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW (~~(64.34.312)~~) 64.90.420.

(22) "Unit" has the meaning in RCW ((64.34.020)) 64.90.010.

(23) "Unit owner" has the meaning in RCW ((64.34.020)) 64.90.010.

Sec. 2. RCW 64.38.010 and 2021 c 227 s 9 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Assessment" means all sums chargeable to an owner by an association in accordance with RCW 64.38.020.

(2) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above ((zero-dollars)) \$0 throughout the ((thirty-year)) 30-year study period described under RCW 64.38.065.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Contribution rate" means, in a reserve study as described in RCW 64.38.065, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(7) "Effective age" means the difference between the estimated useful life and remaining useful life.

(8) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(9) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the ((thirty-year)) 30-year study period described under RCW 64.38.065, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(10) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve

1 component is calculated by multiplying the current replacement cost
2 of the reserve component by its effective age, then dividing the
3 result by the reserve component's useful life. The sum total of all
4 reserve components' fully funded balances is the association's fully
5 funded balance.

6 (11) "Governing documents" means the articles of incorporation,
7 bylaws, plat, declaration of covenants, conditions, and restrictions,
8 rules and regulations of the association, or other written instrument
9 by which the association has the authority to exercise any of the
10 powers provided for in this chapter or to manage, maintain, or
11 otherwise affect the property under its jurisdiction.

12 (12) "Homeowners' association" or "association" means a
13 corporation, unincorporated association, or other legal entity, each
14 member of which is an owner of residential real property located
15 within the association's jurisdiction, as described in the governing
16 documents, and by virtue of membership or ownership of property is
17 obligated to pay real property taxes, insurance premiums, maintenance
18 costs, or for improvement of real property other than that which is
19 owned by the member. "Homeowners' association" does not mean an
20 association created under chapter 64.32 (~~(06)~~), 64.34, or 64.90 RCW.

21 (13) "Lot" means a physical portion of the real property located
22 within an association's jurisdiction designated for separate
23 ownership.

24 (14) "Owner" means the owner of a lot, but does not include a
25 person who has an interest in a lot solely as security for an
26 obligation. "Owner" also means the vendee, not the vendor, of a lot
27 under a real estate contract.

28 (15) "Remaining useful life" means the estimated time, in years,
29 before a reserve component will require major maintenance, repair, or
30 replacement to perform its intended function.

31 (16) "Replacement cost" means the current cost of replacing,
32 repairing, or restoring a reserve component to its original
33 functional condition.

34 (17) "Reserve component" means a common element whose cost of
35 maintenance, repair, or replacement is infrequent, significant, and
36 impractical to include in an annual budget.

37 (18) "Reserve study professional" means an independent person who
38 is suitably qualified by knowledge, skill, experience, training, or
39 education to prepare a reserve study in accordance with RCW 64.38.065
40 and 64.38.070.

1 (19) "Residential real property" means any real property, the use
2 of which is limited by law, covenant or otherwise to primarily
3 residential or recreational purposes.

4 (20) "Significant assets" means that the current replacement
5 value of the major reserve components is (~~(seventy-five)~~) 75 percent
6 or more of the gross budget of the association, excluding the
7 association's reserve account funds.

8 (21) "Tangible medium" means a writing, copy of a writing,
9 facsimile, or a physical reproduction, each on paper or on other
10 tangible material.

11 (22) "Useful life" means the estimated time, between years, that
12 major maintenance, repair, or replacement is estimated to occur.

13 **Sec. 3.** RCW 64.50.010 and 2020 c 18 s 23 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Action" means any civil lawsuit or action in contract or
18 tort for damages or indemnity brought against a construction
19 professional to assert a claim, whether by complaint, counterclaim,
20 or cross-claim, for damage or the loss of use of real or personal
21 property caused by a defect in the construction of a residence or in
22 the substantial remodel of a residence. "Action" does not include any
23 civil action in tort alleging personal injury or wrongful death to a
24 person or persons resulting from a construction defect.

25 (2) "Association" means an association, master association, or
26 subassociation as defined and provided for in RCW 64.34.020(4),
27 64.34.276, 64.34.278, (~~(and)~~) 64.38.010(~~((11))~~) (12), and
28 64.90.010(4).

29 (3) "Claimant" means a homeowner or association who asserts a
30 claim against a construction professional concerning a defect in the
31 construction of a residence or in the substantial remodel of a
32 residence.

33 (4) "Construction defect professional" means an architect,
34 builder, builder vendor, contractor, subcontractor, engineer,
35 inspector, or such other person with verifiable training and
36 experience related to the defects or conditions identified in any
37 report included with a notice of claim as set forth in RCW
38 64.50.020(1)(a).

1 (5) "Construction professional" means an architect, builder,
2 builder vendor, contractor, subcontractor, engineer, or inspector,
3 including, but not limited to, a dealer as defined in RCW 64.34.020
4 and a declarant as defined in RCW 64.34.020, performing or furnishing
5 the design, supervision, inspection, construction, or observation of
6 the construction of any improvement to real property, whether
7 operating as a sole proprietor, partnership, corporation, or other
8 business entity.

9 ~~((+5+))~~ (6) "Homeowner" means: (a) Any person, company, firm,
10 partnership, corporation, or association who contracts with a
11 construction professional for the construction, sale, or construction
12 and sale of a residence; and (b) an "association" as defined in this
13 section. "Homeowner" includes, but is not limited to, a subsequent
14 purchaser of a residence from any homeowner.

15 ~~((+6+))~~ (7) "Residence" means a single-family house, duplex,
16 triplex, quadraplex, or a unit in a multiunit residential structure
17 in which title to each individual unit is transferred to the owner
18 under a condominium or cooperative system, and shall include common
19 elements as defined in RCW 64.34.020 and common areas as defined in
20 RCW 64.38.010(4).

21 ~~((+7+))~~ (8) "Serve" or "service" means personal service or
22 delivery by certified mail to the last known address of the
23 addressee.

24 ~~((+8+))~~ (9) "Substantial remodel" means a remodel of a residence,
25 for which the total cost exceeds one-half of the assessed value of
26 the residence for property tax purposes at the time the contract for
27 the remodel work was made.

28 **Sec. 4.** RCW 64.50.020 and 2002 c 323 s 3 are each amended to
29 read as follows:

30 (1) In every construction defect action brought against a
31 construction professional, the claimant shall, no later than ~~((forty-~~
32 ~~five))~~ 45 days before filing an action, serve written notice of claim
33 on the construction professional.

34 (a) The notice of claim shall state that the claimant asserts a
35 construction defect claim against the construction professional and
36 shall describe the claim in reasonable detail sufficient to determine
37 the general nature of the defect.

38 (b) If the claimant is a condominium association created after
39 the effective date of this section, the written notice of claim shall

1 include a written report from a construction defect professional. In
2 addition to describing the claim in reasonable detail sufficient to
3 determine the general nature of the defect the written report shall
4 state the construction defect professional's qualifications, the
5 manner and type of inspection upon which the report was based, and
6 the general location of the defect.

7 (2) Within (~~twenty-one~~) 14 days after service of the notice of
8 claim, the construction professional may serve a written response
9 demanding a meeting with the claimant and its expert, including the
10 construction defect professional who authored the report required in
11 subsection (1)(b) of this section to confer regarding the report and
12 its contents. The meeting shall take place within 14 days of service
13 of the construction professional's demand or at such later date as
14 mutually agreed to by the parties.

15 (3) Within 14 days after the meeting referenced in subsection (2)
16 of this section or, in the absence of a demand for such meeting,
17 within 21 days after service of the notice of claim, whichever is
18 later, the construction professional shall serve a written response
19 on the claimant by registered mail or personal service. The written
20 response shall:

21 (a) Propose to inspect the residence that is the subject of the
22 claim and to complete the inspection within a specified time frame.
23 The proposal shall include the statement that the construction
24 professional shall, based on the inspection, offer to remedy the
25 defect, compromise by payment, or dispute the claim;

26 (b) Offer to compromise and settle the claim by monetary payment
27 without inspection. A construction professional's offer under this
28 subsection (~~(+2+)~~) (3)(b) to compromise and settle a homeowner's
29 claim may include, but is not limited to, an express offer to
30 purchase the claimant's residence that is the subject of the claim,
31 and to pay the claimant's reasonable relocation costs; or

32 (c) State that the construction professional disputes the claim
33 and will neither remedy the construction defect nor compromise and
34 settle the claim.

35 (~~(+3+)~~) (4)(a) If the construction professional disputes the
36 claim or does not respond to the claimant's notice of claim within
37 the time stated in subsection (~~(+2+)~~) (3) of this section, the
38 claimant may bring an action against the construction professional
39 for the claim described in the notice of claim without further
40 notice.

1 (b) If the claimant rejects the inspection proposal or the
2 settlement offer made by the construction professional pursuant to
3 subsection ~~((2))~~ (3) of this section, the claimant shall serve
4 written notice of the claimant's rejection on the construction
5 professional. After service of the rejection, the claimant may bring
6 an action against the construction professional for the construction
7 defect claim described in the notice of claim. If the construction
8 professional has not received from the claimant, within ~~((thirty))~~ 30
9 days after the claimant's receipt of the construction professional's
10 response, either an acceptance or rejection of the inspection
11 proposal or settlement offer, then at anytime thereafter the
12 construction professional may terminate the proposal or offer by
13 serving written notice to the claimant, and the claimant may
14 thereafter bring an action against the construction professional for
15 the construction defect claim described in the notice of claim.

16 ~~((4))~~ (5)(a) If the claimant elects to allow the construction
17 professional to inspect in accordance with the construction
18 professional's proposal pursuant to subsection ~~((2))~~ (3)(a) of this
19 section, the claimant shall provide the construction professional and
20 its contractors or other agents reasonable access to the claimant's
21 residence during normal working hours to inspect the premises and the
22 claimed defect.

23 (b) Within ~~((fourteen))~~ 14 days following completion of the
24 inspection, the construction professional shall serve on the
25 claimant:

26 (i) A written offer to remedy the construction defect at no cost
27 to the claimant, including a report of the scope of the inspection,
28 the findings and results of the inspection, a description of the
29 additional construction necessary to remedy the defect described in
30 the claim, and a timetable for the completion of such construction;

31 (ii) A written offer to compromise and settle the claim by
32 monetary payment pursuant to subsection ~~((2))~~ (3)(b) of this
33 section; or

34 (iii) A written statement that the construction professional will
35 not proceed further to remedy the defect.

36 (c) If the construction professional does not proceed further to
37 remedy the construction defect within the agreed timetable, or if the
38 construction professional fails to comply with the provisions of (b)
39 of this subsection, the claimant may bring an action against the

1 construction professional for the claim described in the notice of
2 claim without further notice.

3 (d) If the claimant rejects the offer made by the construction
4 professional pursuant to (b)(i) or (ii) of this subsection to either
5 remedy the construction defect or to compromise and settle the claim
6 by monetary payment, the claimant shall serve written notice of the
7 claimant's rejection on the construction professional. After service
8 of the rejection notice, the claimant may bring an action against the
9 construction professional for the construction defect claim described
10 in the notice of claim. If the construction professional has not
11 received from the claimant, within ~~((thirty))~~ 30 days after the
12 claimant's receipt of the construction professional's response,
13 either an acceptance or rejection of the offer made pursuant to
14 (b)(i) or (ii) of this subsection, then at anytime thereafter the
15 construction professional may terminate the offer by serving written
16 notice to the claimant.

17 ~~((+5+))~~ (6)(a) Any claimant accepting the offer of a construction
18 professional to remedy the construction defect pursuant to subsection
19 ~~((+4+))~~ (5)(b)(i) of this section shall do so by serving the
20 construction professional with a written notice of acceptance within
21 a reasonable time period after receipt of the offer, and no later
22 than ~~((thirty))~~ 30 days after receipt of the offer. The claimant
23 shall provide the construction professional and its contractors or
24 other agents reasonable access to the claimant's residence during
25 normal working hours to perform and complete the construction by the
26 timetable stated in the offer.

27 (b) The claimant and construction professional may, by written
28 mutual agreement, alter the extent of construction or the timetable
29 for completion of construction stated in the offer, including, but
30 not limited to, repair of additional defects.

31 ~~((+6+))~~ (7) Any action commenced by a claimant prior to
32 compliance with the requirements of this section shall be subject to
33 dismissal without prejudice, and may not be recommenced until the
34 claimant has complied with the requirements of this section.

35 ~~((+7+))~~ (8) Nothing in this section may be construed to prevent a
36 claimant from commencing an action on the construction defect claim
37 described in the notice of claim if the construction professional
38 fails to perform the construction agreed upon, fails to remedy the
39 defect, or fails to perform by the timetable agreed upon pursuant to
40 subsection ~~((+2+))~~ (3)(a) or ~~((+5+))~~ (6) of this section.

1 (~~((8))~~) (9) Prior to commencing any action alleging a
2 construction defect, or after the dismissal of any action without
3 prejudice pursuant to subsection (~~((6))~~) (7) of this section, the
4 claimant may amend the notice of claim to include construction
5 defects discovered after the service of the original notice of claim,
6 and must otherwise comply with the requirements of this section for
7 the additional claims. The service of an amended notice of claim
8 shall relate back to the original notice of claim for purposes of
9 tolling statutes of limitations and repose. Claims for defects
10 discovered after the commencement or recommencement of an action may
11 be added to such action only after providing notice to the
12 construction professional of the defect and allowing for response
13 under subsection (~~((2))~~) (3) of this section.

14 (10) If the claimant is an association, and notwithstanding any
15 contrary provisions in the association's governing documents, the
16 association's board of director's ability to incur expenses to
17 prepare and serve a notice of claim and any related reports and
18 otherwise comply with the requirements of this chapter shall not be
19 restricted.

20 **Sec. 5.** RCW 64.50.040 and 2002 c 323 s 5 are each amended to
21 read as follows:

22 (1)(a) In the event the board of directors, pursuant to RCW
23 64.34.304(1)(d) or 64.38.020(4), institutes an action asserting
24 defects in the construction of two or more residences, common
25 elements, or common areas, this section shall apply. For purposes of
26 this section, "action" has the same meaning as set forth in RCW
27 64.50.010.

28 (b) The board of directors shall substantially comply with the
29 provisions of this section.

30 (2)(a) Prior to the service of the summons and complaint on any
31 defendant with respect to an action governed by this section, the
32 board of directors shall mail or deliver written notice of the
33 commencement or anticipated commencement of such action to each
34 homeowner at the last known address described in the association's
35 records.

36 (b) The notice required by (a) of this subsection shall state a
37 general description of the following:

38 (i) The nature of the action and the relief sought; (~~and~~)

1 (ii) To the extent applicable, the existence of the report
2 required in RCW 64.50.020(1)(a), which shall be made available to
3 each homeowner upon request;

4 (iii) A summary of the construction professional's response
5 pursuant to RCW 64.50.020(3), if any; and

6 (iv) The expenses and fees that the board of directors
7 anticipates will be incurred in prosecuting the action.

8 (3) Nothing in this section may be construed to:

9 (a) Require the disclosure in the notice or the disclosure to a
10 unit owner of attorney-client communications or other privileged
11 communications;

12 (b) Permit the notice to serve as a basis for any person to
13 assert the waiver of any applicable privilege or right of
14 confidentiality resulting from, or to claim immunity in connection
15 with, the disclosure of information in the notice; or

16 (c) Limit or impair the authority of the board of directors to
17 contract for legal services, or limit or impair the ability to
18 enforce such a contract for legal services.

19 **Sec. 6.** RCW 64.90.250 and 2018 c 277 s 211 are each amended to
20 read as follows:

21 (1) To exercise any development right reserved under RCW
22 64.90.225(1)(~~(h)~~) (g), the declarant must prepare, execute, and
23 record any amendments to the declaration and map in accordance with
24 the requirements of RCW 64.90.245 and 64.90.285(3). The declarant is
25 the unit owner of any units created. The amendment to the declaration
26 must assign an identifying number to each new unit created and,
27 except in the case of subdivision, combination, or conversion of
28 units described in subsection (3) of this section, reallocate the
29 allocated interests among all units. The amendment must describe any
30 common elements and any limited common elements created and, in the
31 case of limited common elements, designate the unit to which each is
32 allocated to the extent required under RCW 64.90.240. The amendments
33 are effective upon recording.

34 (2) Development rights may be reserved within any real estate
35 added to the common interest community if the amendment to the
36 declaration adding that real estate includes all matters required
37 under RCW 64.90.225 and 64.90.230 and the amendment to the map
38 includes all matters required under RCW 64.90.245. This subsection

1 does not extend the time limit on the exercise of development rights
2 imposed by the declaration pursuant to RCW 64.90.225(1) (h) .

3 (3) When a declarant exercises a development right to subdivide,
4 combine, or convert a unit previously created into additional units
5 or common elements, or both:

6 (a) If the declarant converts the unit entirely into common
7 elements, the amendment to the declaration must reallocate all the
8 allocated interests of that unit among the other units as if that
9 unit had been taken by condemnation under RCW 64.90.030; or

10 (b) If the declarant subdivides the unit into two or more units,
11 whether or not any part of the unit is converted into common
12 elements, the amendment to the declaration must reallocate all the
13 allocated interests of the unit among the units created by the
14 subdivision in any reasonable manner prescribed by the declarant.

15 (4) If the declaration provides, pursuant to RCW 64.90.225(1) (h),
16 that all or a portion of the real estate is subject to a right of
17 withdrawal:

18 (a) If all the real estate is subject to withdrawal, and the
19 declaration or map or amendment to the declaration or map does not
20 describe separate portions of real estate subject to that right, none
21 of the real estate may be withdrawn if a unit in that real estate has
22 been conveyed to a purchaser; or

23 (b) If any portion of the real estate is subject to withdrawal as
24 described in the declaration or map or amendment to the declaration
25 or map, none of that portion of the real estate may be withdrawn if a
26 unit in that portion has been conveyed to a purchaser.

27 (5) If the declarant combines two or more units into a lesser
28 number of units, whether or not any part of a unit is converted into
29 common elements or common elements are converted units, the amendment
30 to the declaration must reallocate all of the allocated interests of
31 the units being combined into the unit or units created by the
32 combination in any reasonable manner prescribed by the declarant.

33 (6) A unit conveyed to a purchaser may not be withdrawn pursuant
34 to subsection (4)(a) or (b) of this section without the consent of
35 the unit owner of that unit and the holder of a security interest in
36 the unit.

37 **Sec. 7.** RCW 64.90.605 and 2018 c 277 s 402 are each amended to
38 read as follows:

1 (1) Except as provided otherwise in subsection (2) of this
2 section, a declarant required to deliver a public offering statement
3 pursuant to subsection (3) of this section must prepare a public
4 offering statement conforming to the requirements of RCW 64.90.610,
5 64.90.615, and 64.90.620.

6 (2) A declarant may transfer responsibility for preparation of
7 all or a part of the public offering statement to a successor
8 declarant or to a dealer who intends to offer units in the
9 (~~condominium~~) common interest community.

10 (3)(a) Any declarant or dealer who offers to convey a unit for
11 the person's own account to a purchaser must provide the purchaser of
12 the unit with a copy of a public offering statement and all material
13 amendments to the public offering statement before conveyance of that
14 unit.

15 (b) Any agent, attorney, or other person assisting the declarant
16 or dealer in preparing the public offering statement may rely upon
17 information provided by the declarant or dealer without independent
18 investigation. The agent, attorney, or other person is not liable for
19 any material misrepresentation in or omissions of material facts from
20 the public offering statement unless the person had actual knowledge
21 of the misrepresentation or omission at the time the public offering
22 statement was prepared.

23 (c) The declarant or dealer is liable for any misrepresentation
24 contained in the public offering statement or for any omission of
25 material fact from the public offering statement if the declarant or
26 dealer had actual knowledge of the misrepresentation or omission or,
27 in the exercise of reasonable care, should have known of the
28 misrepresentation or omission.

29 (4) If a unit is part of a common interest community and is part
30 of any other real estate regime in connection with the sale of which
31 the delivery of a public offering statement is required under the
32 laws of this state, a single public offering statement conforming to
33 the requirements of RCW 64.90.610, 64.90.615, and 64.90.620 as those
34 requirements relate to each regime in which the unit is located, and
35 to any other requirements imposed under the laws of this state, may
36 be prepared and delivered in lieu of providing two or more public
37 offering statements.

38 (5) A declarant is not required to prepare and deliver a public
39 offering statement in connection with the sale of any unit owned by
40 the declarant, or to obtain for or provide to the purchaser a report

1 or statement required under RCW 64.90.610(1)(oo), 64.90.620(1), or
2 64.90.655, upon the later of:

3 (a) The termination or expiration of all special declarant
4 rights;

5 (b) The expiration of all periods within which claims or actions
6 for a breach of warranty arising from defects involving the common
7 elements under RCW 64.90.680 must be filed or commenced,
8 respectively, by the association against the declarant; or

9 (c) The time when the declarant ceases to meet the definition of
10 a dealer under RCW 64.90.010.

11 (6) After the last to occur of any of the events described in
12 subsection (5) of this section, a declarant must deliver to the
13 purchaser of a unit owned by the declarant a resale certificate under
14 RCW 64.90.640(2) together with:

15 (a) The identification of any real property not in the common
16 interest community that unit owners have a right to use and a
17 description of the terms of such use;

18 (b) A brief description or a copy of any express construction
19 warranties to be provided to the purchaser;

20 (c) A statement of any litigation brought by an owners'
21 association, unit owner, or governmental entity in which the
22 declarant or any affiliate of the declarant has been a defendant
23 arising out of the construction, sale, or administration of any
24 common interest community within the state of Washington within the
25 previous five years, together with the results of the litigation, if
26 known;

27 (d) Whether timesharing is permitted or prohibited, and, if
28 permitted, a statement that the purchaser of a time share unit is
29 entitled to receive the disclosure document required under chapter
30 64.36 RCW; and

31 (e) Any other information and cross-references that the declarant
32 believes will be helpful in describing the common interest community
33 to the purchaser, all of which may be included or not included at the
34 option of the declarant.

35 (7) A declarant is not liable to a purchaser for the failure or
36 delay of the association to provide the resale certificate in a
37 timely manner, but the purchase contract is voidable by the purchaser
38 of a unit sold by the declarant until the resale certificate required
39 under RCW 64.90.640(2) and the information required under subsection

(6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 8. RCW 64.90.645 and 2021 c 260 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any earnest money deposit, as defined in RCW 64.04.005, made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to RCW 64.90.605(3) must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: (a) Delivered to the declarant at closing, (b) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, (c) refunded to the purchaser, or (d) delivered to a court in connection with the filing of an interpleader action.

(2)(a) If a purchase agreement for the sale of a unit provides that deposit funds may be used for construction costs and the declarant obtains and maintains a surety bond as required by this section, the declarant may withdraw escrow funds when construction of improvements has begun. The funds may be used only for actual building and construction costs of the project in which the unit is located.

(b) The bond must be issued by a surety insurer licensed in this state in favor of the purchaser in an amount adequate to cover the amount of the deposit to be withdrawn. The declarant may not withdraw more than the face amount of the bond. The bond must be payable to the purchaser if the purchaser obtains a final judgment against the declarant requiring the declarant to return the deposit pursuant to the purchase agreement. The bond may be either in the form of an individual bond for each deposit accepted by the declarant or in the form of a blanket bond assuring the return of all deposits received by the declarant.

(c) The party holding escrow funds who releases all or any portion of the funds to the declarant has no obligation to monitor the progress of construction or the expenditure of the funds by the declarant and is not liable to any purchaser for the release of funds pursuant to this section.

1 (3) ((A)) The amount of deposit ((under)) funds that may be used
2 pursuant to subsection (2) of this section may not exceed five
3 percent of the purchase price.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.45
5 RCW to read as follows:

6 (1) The down payment assistance account is created in the custody
7 of the state treasurer. Receipts from the real estate excise tax on
8 sales of condominiums or townhouses to persons using a down payment
9 assistance program offered by the Washington state housing finance
10 commission must be deposited in the account, as provided in
11 subsection (2) of this section. Expenditures from the account may be
12 used only for payment toward a person's down payment assistance loan
13 that was used to purchase a condominium or townhouse for which the
14 tax was collected. Only the Washington state housing finance
15 commission or the commission's designee may authorize expenditures
16 from the account. The account is subject to allotment procedures
17 under chapter 43.88 RCW, but an appropriation is not required for
18 expenditures.

19 (2)(a) Beginning June 15, 2024, and each June 15th thereafter,
20 the department must notify the economic and revenue forecast council
21 of the total amount received under RCW 82.45.060 from sales of
22 condominiums or townhouses to persons using a down payment assistance
23 program offered by the Washington state housing finance commission
24 during the prior calendar year.

25 (b) Beginning in fiscal year 2025, and each fiscal year
26 thereafter, the legislature must appropriate from the general fund to
27 this account the lesser of (i) the amount received under RCW
28 82.45.060 on sales of condominiums or townhouses to persons using a
29 down payment assistance program offered by the Washington state
30 housing finance commission during the prior calendar year, as
31 determined under (a) of this subsection, or (ii) \$250,000 per fiscal
32 year.

33 (c) On or before March 1, 2024, and each March 1st thereafter,
34 the Washington state housing finance commission must provide the
35 department with the following information for each sale of a
36 condominium or townhouse to a person using a down payment assistance
37 program offered by the Washington state housing finance commission
38 that occurred during the prior calendar year:

(i) The real estate excise tax affidavit number associated with the sale;

(ii) The date of sale;

(iii) The parcel number of the property sold;

(iv) The street address of the property sold;

(v) The county in which the property sold is located;

(vi) The full legal name of the seller, or sellers, as shown on the real estate excise tax affidavit;

(vii) The full legal name of the buyer, or buyers, as shown on the real estate excise tax affidavit; and

(viii) Any additional information the department may require to verify the property sold is a condominium or townhouse sold to persons using a down payment assistance program offered by the Washington state housing finance commission.

(d) For the purposes of this subsection, "townhouse" means dwelling units constructed in a row of two or more attached units where each dwelling unit shares at least one common wall with an adjacent unit and is accessed by a separate outdoor entrance.

(3) This section expires January 1, 2034.

Sec. 10. RCW 82.02.060 and 2021 c 72 s 1 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of

1 user fees, debt service payments, taxes, or other payments earmarked
2 for or proratable to the particular system improvement;

3 (c) The availability of other means of funding public facility
4 improvements;

5 (d) The cost of existing public facilities improvements; and

6 (e) The methods by which public facilities improvements were
7 financed;

8 (2) May provide an exemption for low-income housing, and other
9 development activities with broad public purposes, including
10 development of an early learning facility, from these impact fees,
11 provided that the impact fees for such development activity shall be
12 paid from public funds other than impact fee accounts;

13 (3)(a) May not impose an impact fee on development activities of
14 an early learning facility greater than that imposed on commercial
15 retail or commercial office development activities that generate a
16 similar number, volume, type, and duration of vehicle trips;

17 (b) When a facility or development has more than one use, the
18 limitations in this subsection (3) or the exemption applicable to an
19 early learning facility in subsections (2) and (4) of this section
20 only apply to that portion that is developed as an early learning
21 facility. The impact fee assessed on an early learning facility in
22 such a development or facility may not exceed the least of the impact
23 fees assessed on comparable businesses in the facility or
24 development;

25 (4) May provide an exemption from impact fees for low-income
26 housing or for early learning facilities. Local governments that
27 grant exemptions for low-income housing or for early learning
28 facilities under this subsection (4) may either: Grant a partial
29 exemption of not more than eighty percent of impact fees, in which
30 case there is no explicit requirement to pay the exempted portion of
31 the fee from public funds other than impact fee accounts; or provide
32 a full waiver, in which case the remaining percentage of the exempted
33 fee must be paid from public funds other than impact fee accounts,
34 except as provided in (b) of this subsection. These exemptions are
35 subject to the following requirements:

36 (a) An exemption for low-income housing granted under subsection
37 (2) of this section or this subsection (4) must be conditioned upon
38 requiring the developer to record a covenant that, except as provided
39 otherwise by this subsection, prohibits using the property for any
40 purpose other than for low-income housing. At a minimum, the covenant

1 must address price restrictions and household income limits for the
2 low-income housing, and that if the property is converted to a use
3 other than for low-income housing, the property owner must pay the
4 applicable impact fees in effect at the time of conversion;

5 (b) An exemption for early learning facilities granted under
6 subsection (2) of this section or this subsection (4) may be a full
7 waiver without an explicit requirement to pay the exempted portion of
8 the fee from public funds other than impact fee accounts if the local
9 government requires the developer to record a covenant that requires
10 that at least 25 percent of the children and families using the early
11 learning facility qualify for state subsidized child care, including
12 early childhood education and assistance under chapter 43.216 RCW,
13 and that provides that if the property is converted to a use other
14 than for an early learning facility, the property owner must pay the
15 applicable impact fees in effect at the time of conversion, and that
16 also provides that if at no point during a calendar year does the
17 early learning facility achieve the required percentage of children
18 and families qualified for state subsidized child care using the
19 early learning facility, the property owner must pay 20 percent of
20 the impact fee that would have been imposed on the development had
21 there not been an exemption within 90 days of the local government
22 notifying the property owner of the breach, and any balance remaining
23 thereafter shall be a lien on the property; and

24 (c) Covenants required by (a) and (b) of this subsection must be
25 recorded with the applicable county auditor or recording officer. A
26 local government granting an exemption under subsection (2) of this
27 section or this subsection (4) for low-income housing or an early
28 learning facility may not collect revenue lost through granting an
29 exemption by increasing impact fees unrelated to the exemption. A
30 school district who receives school impact fees must approve any
31 exemption under subsection (2) of this section or this subsection
32 (4);

33 (5) Shall provide a credit for the value of any dedication of
34 land for, improvement to, or new construction of any system
35 improvements provided by the developer, to facilities that are
36 identified in the capital facilities plan and that are required by
37 the county, city, or town as a condition of approving the development
38 activity;

39 (6) Shall allow the county, city, or town imposing the impact
40 fees to adjust the standard impact fee at the time the fee is imposed

1 to consider unusual circumstances in specific cases to ensure that
2 impact fees are imposed fairly;

3 (7) Shall include a provision for calculating the amount of the
4 fee to be imposed on a particular development that permits
5 consideration of studies and data submitted by the developer to
6 adjust the amount of the fee;

7 (8) Shall establish one or more reasonable service areas within
8 which it shall calculate and impose impact fees for various land use
9 categories per unit of development; ~~((and))~~

10 (9) May provide for the imposition of an impact fee for system
11 improvement costs previously incurred by a county, city, or town to
12 the extent that new growth and development will be served by the
13 previously constructed improvements provided such fee shall not be
14 imposed to make up for any system improvement deficiencies; and

15 (10) Must adopt or amend by ordinance, and incorporate into their
16 development regulations, zoning regulations, and other official
17 controls the requirements of this section to take effect six months
18 after the jurisdiction's next periodic comprehensive plan update
19 required under RCW 36.70A.130.

20 For purposes of this section, "low-income housing" means housing
21 with a monthly housing expense, that is no greater than thirty
22 percent of eighty percent of the median family income adjusted for
23 family size, for the county where the project is located, as reported
24 by the United States department of housing and urban development.

25 For the purposes of this section, "early learning facility" has
26 the same meaning as in RCW 43.31.565.

27 **Sec. 11.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
28 amended to read as follows:

29 (1) The legislative body of a city, town, or county shall adopt
30 regulations and procedures, and appoint administrative personnel for
31 the summary approval of short plats and short subdivisions or
32 alteration or vacation thereof. When an alteration or vacation
33 involves a public dedication, the alteration or vacation shall be
34 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations
35 shall be adopted by ordinance and shall provide that a short plat and
36 short subdivision may be approved only if written findings that are
37 appropriate, as provided in RCW 58.17.110, are made by the
38 administrative personnel, and may contain wholly different
39 requirements than those governing the approval of preliminary and

1 final plats of subdivisions and may require surveys and
2 monumentations and shall require filing of a short plat, or
3 alteration or vacation thereof, for record in the office of the
4 county auditor: PROVIDED, That such regulations must contain a
5 requirement that land in short subdivisions may not be further
6 divided in any manner within a period of five years without the
7 filing of a final plat, except that when the short plat contains
8 fewer than four parcels, nothing in this section shall prevent the
9 owner who filed the short plat from filing an alteration within the
10 five-year period to create up to a total of four lots within the
11 original short plat boundaries: PROVIDED FURTHER, That such
12 regulations are not required to contain a penalty clause as provided
13 in RCW 36.32.120 and may provide for wholly injunctive relief.

14 An ordinance requiring a survey shall require that the survey be
15 completed and filed with the application for approval of the short
16 subdivision.

17 (2) Cities, towns, and counties shall include in their short plat
18 regulations and procedures pursuant to subsection (1) of this section
19 provisions for considering sidewalks and other planning features that
20 assure safe walking conditions for students who walk to and from
21 school.

22 (3) All cities, towns, and counties shall include in their short
23 plat regulations procedures for unit lot subdivisions allowing
24 division of a parent lot into separately owned unit lots. Portions of
25 the parent lot not subdivided for individual unit lots shall be owned
26 in common by the owners of the individual unit lots, or by a
27 homeowners' association comprised of the owners of the individual
28 unit lots.

29 **Sec. 12.** RCW 64.55.160 and 2005 c 456 s 17 are each amended to
30 read as follows:

31 (1) On or before the (~~sixtieth~~) 60th day following completion
32 of the mediation pursuant to RCW 64.55.120(4) and following filing
33 and service of the complaint, the declarant, association, or party
34 unit owner may serve on an adverse party an offer to allow judgment
35 to be entered. The offer of judgment shall specify the amount of
36 damages, not including costs or fees, that the declarant,
37 association, or party unit owner is offering to pay or receive. A
38 declarant's offer shall also include its commitment to pay costs and
39 fees that may be awarded as provided in this section. The declarant,

1 association, or party unit owner may make more than one offer of
2 judgment so long as each offer is timely made. Each subsequent offer
3 supersedes and replaces the previous offer. Any offer not accepted
4 within ((~~twenty-one~~)) 21 days of the service of that offer is deemed
5 rejected and withdrawn and evidence thereof is not admissible and may
6 not be provided to the court or arbitrator except in a proceeding to
7 determine costs and fees or as part of the motion identified in
8 subsection (2) of this section.

9 (2) A declarant's offer must include a demonstration of ability
10 to pay damages, costs, and fees, including reasonable attorneys'
11 fees, within thirty days of acceptance of the offer of judgment. The
12 demonstration of ability to pay shall include a sworn statement
13 signed by the declarant, the attorney representing the declarant,
14 and, if any insurance proceeds will be used to fund any portion of
15 the offer, an authorized representative of the insurance company. If
16 the association or party unit owner disputes the adequacy of the
17 declarant's demonstration of ability to pay, the association or party
18 unit owner may file a motion with the court requesting a ruling on
19 the adequacy of the declarant's demonstration of ability to pay. Upon
20 filing of such motion, the deadline for a response to the offer shall
21 be tolled from the date the motion is filed until the court has
22 ruled.

23 (3) An association or party unit owner that accepts the
24 declarant's offer of judgment shall be deemed the prevailing party
25 and, in addition to recovery of the amount of the offer, shall be
26 entitled to a costs and fees award, including reasonable attorneys'
27 fees, in an amount to be determined by the court in accordance with
28 applicable law.

29 (4) If the amount of the final nonappealable or nonappealed
30 judgment, exclusive of costs or fees, is not more favorable to the
31 offeree than the offer of judgment, then the offeror is deemed the
32 prevailing party for purposes of this section only and is entitled to
33 an award of costs and fees, including reasonable attorneys' fees,
34 incurred after the date the last offer of judgment was rejected and
35 through the date of entry of a final nonappealable or nonappealed
36 judgment, in an amount to be determined by the court in accordance
37 with applicable law. The nonprevailing party shall not be entitled to
38 receive any award of costs and fees.

39 (5) If the final nonappealable or nonappealed judgment on
40 damages, not including costs or fees, is more favorable to the

1 offeree than the last offer of judgment, then the court shall
2 determine which party is the prevailing party and shall determine the
3 amount of the costs and fees award, including reasonable attorneys'
4 fees, in accordance with applicable law.

5 (6) Notwithstanding any other provision in this section, with
6 respect to claims brought by an association or unit owner, the
7 liability for declarant's costs and fees, including reasonable
8 attorneys' fees, shall:

9 (a) With respect to claims brought by an association, not exceed
10 five percent of the assessed value of the condominium as a whole,
11 which is determined by the aggregate tax-assessed value of all units
12 at the time of the award; and

13 (b) With respect to claims brought by a party unit owner, not
14 exceed five percent of the assessed value of the unit at the time of
15 the award.

16 NEW SECTION. **Sec. 13.** Sections 3 through 5 of this act apply
17 only to construction defect claims commenced after the effective date
18 of this section.

19 NEW SECTION. **Sec. 14.** Section 9 of this act takes effect
20 January 1, 2024.

Passed by the Senate April 21, 2023.

Passed by the House April 20, 2023.

Approved by the Governor May 8, 2023.

Filed in Office of Secretary of State May 10, 2023.

--- END ---

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5290

Chapter 338, Laws of 2023

68th Legislature
2023 Regular Session

PROJECT PERMITS—LOCAL PROJECT REVIEW—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 7, which takes
effect January 1, 2025.

Passed by the Senate April 17, 2023
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 10, 2023
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 8, 2023 1:17 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SECOND SUBSTITUTE
SENATE BILL 5290** as passed by the
Senate and the House of
Representatives on the dates hereon
set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5290

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Mullet, Kuderer, Fortunato, Llias, Nobles, Saldaña, and C. Wilson; by request of Office of the Governor)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to consolidating local permit review processes;
2 amending RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and
3 36.70B.160; reenacting and amending RCW 36.70B.110; adding new
4 sections to chapter 36.70B RCW; creating new sections; and providing
5 an effective date.

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

7 **Sec. 1.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to
8 read as follows:

9 (1) A local government by ordinance or resolution may exclude the
10 following project permits from the provisions of RCW 36.70B.060
11 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark
12 designations, street vacations, or other approvals relating to the
13 use of public areas or facilities, or other project permits, whether
14 administrative or quasi-judicial, that the local government by
15 ordinance or resolution has determined present special circumstances
16 that warrant a review process or time periods for approval which are
17 different from that provided in RCW 36.70B.060 through 36.70B.090 and
18 36.70B.110 through 36.70B.130.

19 (2) A local government by ordinance or resolution also may
20 exclude the following project permits from the provisions of RCW
21 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary

1 adjustments and building and other construction permits, or similar
2 administrative approvals, categorically exempt from environmental
3 review under chapter 43.21C RCW, or for which environmental review
4 has been completed in connection with other project permits.

5 (3) A local government must exclude project permits for interior
6 alterations from site plan review, provided that the interior
7 alterations do not result in the following:

8 (a) Additional sleeping quarters or bedrooms;

9 (b) Nonconformity with federal emergency management agency
10 substantial improvement thresholds; or

11 (c) Increase the total square footage or valuation of the
12 structure thereby requiring upgraded fire access or fire suppression
13 systems.

14 (4) Nothing in this section exempts interior alterations from
15 otherwise applicable building, plumbing, mechanical, or electrical
16 codes.

17 (5) For purposes of this section, "interior alterations" include
18 construction activities that do not modify the existing site layout
19 or its current use and involve no exterior work adding to the
20 building footprint.

21 NEW SECTION. Sec. 2. A new section is added to chapter 36.70B
22 RCW to read as follows:

23 (1) Subject to the availability of funds appropriated for this
24 specific purpose, the department of commerce must establish a
25 consolidated permit review grant program. The department may award
26 grants to any local government that provides, by ordinance,
27 resolution, or other action, a commitment to the following building
28 permit review consolidation requirements:

29 (a) Issuing final decisions on residential permit applications
30 within 45 business days or 90 calendar days.

31 (i) To achieve permit review within the stated time periods, a
32 local government must provide consolidated review for building permit
33 applications. This may include an initial technical peer review of
34 the application for conformity with the requirements of RCW
35 36.70B.070 by all departments, divisions, and sections of the local
36 government with jurisdiction over the project.

37 (ii) A local government may contract with a third-party business
38 to conduct the consolidated permit review or as additional inspection

1 staff. Any funds expended for such a contract may be eligible for
2 reimbursement under this act.

3 (iii) Local governments are authorized to use grant funds to
4 contract outside assistance to audit their development regulations to
5 identify and correct barriers to housing development.

6 (b) Establishing an application fee structure that would allow
7 the jurisdiction to continue providing consolidated permit review
8 within 45 business days or 90 calendar days.

9 (i) A local government may consult with local building
10 associations to develop a reasonable fee system.

11 (ii) A local government must determine, no later than July 1,
12 2024, the specific fee structure needed to provide permit review
13 within the time periods specified in this subsection (1)(b).

14 (2) A jurisdiction that is awarded a grant under this section
15 must provide a quarterly report to the department of commerce. The
16 report must include the average and maximum time for permit review
17 during the jurisdiction's participation in the grant program.

18 (3) If a jurisdiction is unable to successfully meet the terms
19 and conditions of the grant, the jurisdiction must enter a 90-day
20 probationary period. If the jurisdiction is not able to meet the
21 requirements of this section by the end of the probationary period,
22 the jurisdiction is no longer eligible to receive grants under this
23 section.

24 (4) For the purposes of this section, "residential permit" means
25 a permit issued by a city or county that satisfies the conditions of
26 RCW 19.27.015(5) and is within the scope of the international
27 residential code, as adopted in accordance with chapter 19.27 RCW.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70B
29 RCW to read as follows:

30 (1) Subject to the availability of funds appropriated for this
31 specific purpose, the department of commerce must establish a grant
32 program for local governments to update their permit review process
33 from paper filing systems to software systems capable of processing
34 digital permit applications, virtual inspections, electronic review,
35 and with capacity for video storage.

36 (2) The department of commerce may only provide a grant under
37 this section to a city if the city allows for the development of at
38 least two units per lot on all lots zoned predominantly for
39 residential use within its jurisdiction.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70B
2 RCW to read as follows:

3 (1) Subject to the availability of amounts appropriated for this
4 specific purpose, the department of commerce must convene a digital
5 permitting process work group to examine potential license and
6 permitting software for local governments to encourage streamlined
7 and efficient permit review.

8 (2) The department of commerce, in consultation with the
9 association of Washington cities and Washington state association of
10 counties, shall appoint members to the work group representing groups
11 including but not limited to:

12 (a) Cities and counties;

13 (b) Building industries; and

14 (c) Building officials.

15 (3) The department of commerce must convene the first meeting of
16 the work group by August 1, 2023. The department must submit a final
17 report to the governor and the appropriate committees of the
18 legislature by August 1, 2024. The final report must:

19 (a) Evaluate the existing need for digital permitting systems,
20 including impacts on existing digital permitting systems that are
21 already in place;

22 (b) Review barriers preventing local jurisdictions from accessing
23 or adopting digital permitting systems;

24 (c) Evaluate the benefits and costs associated with a statewide
25 permitting software system; and

26 (d) Provide budgetary, administrative policy, and legislative
27 recommendations to increase the adoption of or establish a statewide
28 system of digital permit review.

29 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
30 read as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Closed record appeal" means an administrative appeal on the
34 record to a local government body or officer, including the
35 legislative body, following an open record hearing on a project
36 permit application when the appeal is on the record with no or
37 limited new evidence or information allowed to be submitted and only
38 appeal argument allowed.

39 (2) "Local government" means a county, city, or town.

1 (3) "Open record hearing" means a hearing, conducted by a single
2 hearing body or officer authorized by the local government to conduct
3 such hearings, that creates the local government's record through
4 testimony and submission of evidence and information, under
5 procedures prescribed by the local government by ordinance or
6 resolution. An open record hearing may be held prior to a local
7 government's decision on a project permit to be known as an "open
8 record predecision hearing." An open record hearing may be held on an
9 appeal, to be known as an "open record appeal hearing," if no open
10 record predecision hearing has been held on the project permit.

11 (4) "Project permit" or "project permit application" means any
12 land use or environmental permit or license required from a local
13 government for a project action, including but not limited to
14 ~~((building permits,))~~ subdivisions, binding site plans, planned unit
15 developments, conditional uses, shoreline substantial development
16 permits, site plan review, permits or approvals required by critical
17 area ordinances, site-specific rezones ~~((authorized by a~~
18 ~~comprehensive plan or subarea plan))~~ which do not require a
19 comprehensive plan amendment, but excluding the adoption or amendment
20 of a comprehensive plan, subarea plan, or development regulations
21 except as otherwise specifically included in this subsection.

22 (5) "Public meeting" means an informal meeting, hearing,
23 workshop, or other public gathering of people to obtain comments from
24 the public or other agencies on a proposed project permit prior to
25 the local government's decision. A public meeting may include, but is
26 not limited to, a design review or architectural control board
27 meeting, a special review district or community council meeting, or a
28 scoping meeting on a draft environmental impact statement. A public
29 meeting does not include an open record hearing. The proceedings at a
30 public meeting may be recorded and a report or recommendation may be
31 included in the local government's project permit application file.

32 **Sec. 6.** RCW 36.70B.070 and 1995 c 347 s 408 are each amended to
33 read as follows:

34 (1) (a) Within ~~((twenty-eight))~~ 28 days after receiving a project
35 permit application, a local government planning pursuant to RCW
36 36.70A.040 shall ~~((mail or))~~ provide ~~((in person))~~ a written
37 determination to the applicant ~~((, stating))~~.

38 (b) The written determination must state either:

39 ~~((a))~~ (i) That the application is complete; or

1 ~~((b))~~ (ii) That the application is incomplete and that the
2 procedural submission requirements of the local government have not
3 been met. The determination shall outline what is necessary to make
4 the application procedurally complete.

5 (c) The number of days shall be calculated by counting every
6 calendar day.

7 (d) To the extent known by the local government, the local
8 government shall identify other agencies of local, state, or federal
9 governments that may have jurisdiction over some aspect of the
10 application.

11 (2) A project permit application is complete for purposes of this
12 section when it meets the procedural submission requirements of the
13 local government ~~((and is sufficient for continued processing even~~
14 ~~though additional information may be required or project~~
15 ~~modifications may be undertaken subsequently))~~, as outlined on the
16 project permit application. Additional information or studies may be
17 required or project modifications may be undertaken subsequent to the
18 procedural review of the application by the local government. The
19 determination of completeness shall not preclude the local government
20 from requesting additional information or studies either at the time
21 of the notice of completeness or subsequently if new information is
22 required or substantial changes in the proposed action occur.
23 However, if the procedural submission requirements, as outlined on
24 the project permit application have been provided, the need for
25 additional information or studies may not preclude a completeness
26 determination.

27 (3) The determination of completeness may include or be combined
28 with the following ~~((as optional information))~~:

29 (a) A preliminary determination of those development regulations
30 that will be used for project mitigation;

31 (b) A preliminary determination of consistency, as provided under
32 RCW 36.70B.040; ~~((or))~~

33 (c) Other information the local government chooses to include; or

34 (d) The notice of application pursuant to the requirements in RCW
35 36.70B.110.

36 (4)(a) An application shall be deemed procedurally complete on
37 the 29th day after receiving a project permit application under this
38 section if the local government does not provide a written
39 determination to the applicant that the application is procedurally
40 incomplete as provided in subsection (1)(b) (ii) of this section. When

1 the local government does not provide a written determination, they
2 may still seek additional information or studies as provided for in
3 subsection (2) of this section.

4 (b) Within ~~((fourteen))~~ 14 days after an applicant has submitted
5 to a local government additional information identified by the local
6 government as being necessary for a complete application, the local
7 government shall notify the applicant whether the application is
8 complete or what additional information is necessary.

9 (c) The notice of application shall be provided within 14 days
10 after the determination of completeness pursuant to RCW 36.70B.110.

11 **Sec. 7.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to
12 read as follows:

13 (1)(a) Development regulations adopted pursuant to RCW 36.70A.040
14 must establish and implement time periods for local government
15 actions for each type of project permit application and provide
16 timely and predictable procedures to determine whether a completed
17 project permit application meets the requirements of those
18 development regulations. The time periods for local government
19 actions for each type of complete project permit application or
20 project type should not exceed ~~((one hundred twenty days, unless the~~
21 ~~local government makes written findings that a specified amount of~~
22 ~~additional time is needed to process specific complete project permit~~
23 ~~applications or project types))~~ those specified in this section.

24 ~~((The))~~ (b) For project permits submitted after January 1, 2025,
25 the development regulations must, for each type of permit
26 application, specify the contents of a completed project permit
27 application necessary for the complete compliance with the time
28 periods and procedures.

29 ~~((+2))~~ (c) A jurisdiction may exclude certain permit types and
30 timelines for processing project permit applications as provided for
31 in RCW 36.70B.140.

32 (d) The time periods for local government action to issue a final
33 decision for each type of complete project permit application or
34 project type subject to this chapter should not exceed the following
35 time periods unless modified by the local government pursuant to this
36 section or RCW 36.70B.140:

37 (i) For project permits which do not require public notice under
38 RCW 36.70B.110, a local government must issue a final decision within
39 65 days of the determination of completeness under RCW 36.70B.070;

1 (ii) For project permits which require public notice under RCW
2 36.70B.110, a local government must issue a final decision within 100
3 days of the determination of completeness under RCW 36.70B.070; and

4 (iii) For project permits which require public notice under RCW
5 36.70B.110 and a public hearing, a local government must issue a
6 final decision within 170 days of the determination of completeness
7 under RCW 36.70B.070.

8 (e) A jurisdiction may modify the provisions in (d) of this
9 subsection to add permit types not identified, change the permit
10 names or types in each category, address how consolidated review time
11 periods may be different than permits submitted individually, and
12 provide for how projects of a certain size or type may be
13 differentiated, including by differentiating between residential and
14 nonresidential permits. Unless otherwise provided for the
15 consolidated review of more than one permit, the time period for a
16 final decision shall be the longest of the permit time periods
17 identified in (d) of this subsection or as amended by a local
18 government.

19 (f) If a local government does not adopt an ordinance or
20 resolution modifying the provisions in (d) of this subsection, the
21 time periods in (d) of this subsection apply.

22 (g) The number of days an application is in review with the
23 county or city shall be calculated from the day completeness is
24 determined under RCW 36.70B.070 to the date a final decision is
25 issued on the project permit application. The number of days shall be
26 calculated by counting every calendar day and excluding the following
27 time periods:

28 (i) Any period between the day that the county or city has
29 notified the applicant, in writing, that additional information is
30 required to further process the application and the day when
31 responsive information is resubmitted by the applicant;

32 (ii) Any period after an applicant informs the local government,
33 in writing, that they would like to temporarily suspend review of the
34 project permit application until the time that the applicant notifies
35 the local government, in writing, that they would like to resume the
36 application. A local government may set conditions for the temporary
37 suspension of a permit application; and

38 (iii) Any period after an administrative appeal is filed until
39 the administrative appeal is resolved and any additional time period
40 provided by the administrative appeal has expired.

1 (h) The time periods for a local government to process a permit
2 shall start over if an applicant proposes a change in use that adds
3 or removes commercial or residential elements from the original
4 application that would make the application fail to meet the
5 determination of procedural completeness for the new use, as required
6 by the local government under RCW 36.70B.070.

7 (i) If, at any time, an applicant informs the local government,
8 in writing, that the applicant would like to temporarily suspend the
9 review of the project for more than 60 days, or if an applicant is
10 not responsive for more than 60 consecutive days after the county or
11 city has notified the applicant, in writing, that additional
12 information is required to further process the application, an
13 additional 30 days may be added to the time periods for local
14 government action to issue a final decision for each type of project
15 permit that is subject to this chapter. Any written notice from the
16 local government to the applicant that additional information is
17 required to further process the application must include a notice
18 that nonresponsiveness for 60 consecutive days may result in 30 days
19 being added to the time for review. For the purposes of this
20 subsection, "nonresponsiveness" means that an applicant is not making
21 demonstrable progress on providing additional requested information
22 to the local government, or that there is no ongoing communication
23 from the applicant to the local government on the applicant's ability
24 or willingness to provide the additional information.

25 (j) Annual amendments to the comprehensive plan are not subject
26 to the requirements of this section.

27 (k) A county's or city's adoption of a resolution or ordinance to
28 implement this subsection shall not be subject to appeal under
29 chapter 36.70A RCW unless the resolution or ordinance modifies the
30 time periods provided in (d) of this subsection by providing for a
31 review period of more than 170 days for any project permit.

32 (l)(i) When permit time periods provided for in (d) of this
33 subsection, as may be amended by a local government, and as may be
34 extended as provided for in (i) of this subsection, are not met, a
35 portion of the permit fee must be refunded to the applicant as
36 provided in this subsection. A local government may provide for the
37 collection of only 80 percent of a permit fee initially, and for the
38 collection of the remaining balance if the permitting time periods
39 are met. The portion of the fee refunded for missing time periods
40 shall be:

1 (A) 10 percent if the final decision of the project permit
2 application was made after the applicable deadline but the period
3 from the passage of the deadline to the time of issuance of the final
4 decision did not exceed 20 percent of the original time period; or

5 (B) 20 percent if the period from the passage of the deadline to
6 the time of the issuance of the final decision exceeded 20 percent of
7 the original time period.

8 (ii) Except as provided in RCW 36.70B.160, the provisions in
9 subsection (1)(i) of this section are not applicable to cities and
10 counties which have implemented at least three of the options in RCW
11 36.70B.160(1) (a) through (j) at the time an application is deemed
12 procedurally complete.

13 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and
14 the cities within those counties that have populations of at least
15 ((twenty thousand)) 20,000 must, for each type of permit application,
16 identify the total number of project permit applications for which
17 decisions are issued according to the provisions of this chapter. For
18 each type of project permit application identified, these counties
19 and cities must establish and implement a deadline for issuing a
20 notice of final decision as required by subsection (1) of this
21 section and minimum requirements for applications to be deemed
22 complete under RCW 36.70B.070 as required by subsection (1) of this
23 section.

24 (b) Counties and cities subject to the requirements of this
25 subsection also must prepare an annual performance report((s)) that
26 ((include, at a minimum, the following information for each type of
27 project permit application identified in accordance with the
28 requirements of (a) of this subsection:

29 (i) Total number of complete applications received during the
30 year;

31 (ii) Number of complete applications received during the year for
32 which a notice of final decision was issued before the deadline
33 established under this subsection;

34 (iii) Number of applications received during the year for which a
35 notice of final decision was issued after the deadline established
36 under this subsection;

37 (iv) Number of applications received during the year for which an
38 extension of time was mutually agreed upon by the applicant and the
39 county or city;

1 ~~(v) Variance of actual performance, excluding applications for~~
2 ~~which mutually agreed time extensions have occurred, to the deadline~~
3 ~~established under this subsection during the year; and~~

4 ~~(vi) The mean processing time and the number standard deviation~~
5 ~~from the mean.~~

6 ~~(c) Counties and cities subject to the requirements of this~~
7 ~~subsection must:~~

8 ~~(i) Provide notice of and access to the annual performance~~
9 ~~reports through the county's or city's website; and~~

10 ~~(ii) Post electronic facsimiles of the annual performance reports~~
11 ~~through the county's or city's website. Postings on a county's or~~
12 ~~city's website indicating that the reports are available by~~
13 ~~contacting the appropriate county or city department or official do~~
14 ~~not comply with the requirements of this subsection.~~

15 ~~If a county or city subject to the requirements of this~~
16 ~~subsection does not maintain a website, notice of the reports must be~~
17 ~~given by reasonable methods, including but not limited to those~~
18 ~~methods specified in RCW 36.70B.110(4).~~

19 ~~(3))~~ includes information outlining time periods for certain
20 permit types associated with housing. The report must provide:

21 (i) Permit time periods for certain permit processes in the
22 county or city in relation to those established under this section,
23 including whether the county or city has established shorter time
24 periods than those provided in this section;

25 (ii) The total number of decisions issued during the year for the
26 following permit types: Preliminary subdivisions, final subdivisions,
27 binding site plans, permit processes associated with the approval of
28 multifamily housing, and construction plan review for each of these
29 permit types when submitted separately;

30 (iii) The total number of decisions for each permit type which
31 included consolidated project permit review, such as concurrent
32 review of a rezone or construction plans;

33 (iv) The average number of days from a submittal to a decision
34 being issued for the project permit types listed in subsection
35 (2)(a)(ii) of this section. This shall be calculated from the day
36 completeness is determined under RCW 36.70B.070 to the date a
37 decision is issued on the application. The number of days shall be
38 calculated by counting every calendar day;

39 (v) The total number of days each project permit application of a
40 type listed in subsection (2)(a)(ii) of this section was in review

1 with the county or city. This shall be calculated from the day
2 completeness is determined under RCW 36.70B.070 to the date a final
3 decision is issued on the application. The number of days shall be
4 calculated by counting every calendar day. The days the application
5 is in review with the county or city does not include the time
6 periods in subsection (1)(g)(i)-(iii) of this section;

7 (vi) The total number of days that were excluded from the time
8 period calculation under subsection (1)(g)(i)-(iii) of this section
9 for each project permit application of a type listed in subsection
10 (2)(a)(ii) of this section.

11 (c) Counties and cities subject to the requirements of this
12 subsection must:

13 (i) Post the annual performance report through the county's or
14 city's website; and

15 (ii) Submit the annual performance report to the department of
16 commerce by March 1st each year.

17 (d) No later than July 1st each year, the department of commerce
18 shall publish a report which includes the annual performance report
19 data for each county and city subject to the requirements of this
20 subsection and a list of those counties and cities whose time periods
21 are shorter than those provided for in this section.

22 The annual report must also include key metrics and findings from
23 the information collected.

24 (e) The initial annual report required under this subsection must
25 be submitted to the department of commerce by March 1, 2025, and must
26 include information from permitting in 2024.

27 (3) Nothing in this section prohibits a county or city from
28 extending a deadline for issuing a decision for a specific project
29 permit application for any reasonable period of time mutually agreed
30 upon by the applicant and the local government.

31 ~~((4) The department of community, trade, and economic~~
32 ~~development shall work with the counties and cities to review the~~
33 ~~potential implementation costs of the requirements of subsection (2)~~
34 ~~of this section. The department, in cooperation with the local~~
35 ~~governments, shall prepare a report summarizing the projected costs,~~
36 ~~together with recommendations for state funding assistance for~~
37 ~~implementation costs, and provide the report to the governor and~~
38 ~~appropriate committees of the senate and house of representatives by~~
39 ~~January 1, 2005.))~~

1 **Sec. 8.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to
2 read as follows:

3 (1) Each local government is encouraged to adopt further project
4 review and code provisions to provide prompt, coordinated review and
5 ensure accountability to applicants and the public(~~(, including~~
6 ~~expedited review for project permit applications for projects that~~
7 ~~are consistent with adopted development regulations and within the~~
8 ~~capacity of systemwide infrastructure improvements)) by:~~

9 (a) Expediting review for project permit applications for
10 projects that are consistent with adopted development regulations;

11 (b) Imposing reasonable fees, consistent with RCW 82.02.020, on
12 applicants for permits or other governmental approvals to cover the
13 cost to the city, town, county, or other municipal corporation of
14 processing applications, inspecting and reviewing plans, or preparing
15 detailed statements required by chapter 43.21C RCW. The fees imposed
16 may not include a fee for the cost of processing administrative
17 appeals. Nothing in this subsection limits the ability of a county or
18 city to impose a fee for the processing of administrative appeals as
19 otherwise authorized by law;

20 (c) Entering into an interlocal agreement with another
21 jurisdiction to share permitting staff and resources;

22 (d) Maintaining and budgeting for on-call permitting assistance
23 for when permit volumes or staffing levels change rapidly;

24 (e) Having new positions budgeted that are contingent on
25 increased permit revenue;

26 (f) Adopting development regulations which only require public
27 hearings for permit applications that are required to have a public
28 hearing by statute;

29 (g) Adopting development regulations which make preapplication
30 meetings optional rather than a requirement of permit application
31 submittal;

32 (h) Adopting development regulations which make housing types an
33 outright permitted use in all zones where the housing type is
34 permitted;

35 (i) Adopting a program to allow for outside professionals with
36 appropriate professional licenses to certify components of
37 applications consistent with their license; or

38 (j) Meeting with the applicant to attempt to resolve outstanding
39 issues during the review process. The meeting must be scheduled
40 within 14 days of a second request for corrections during permit

1 review. If the meeting cannot resolve the issues and a local
2 government proceeds with a third request for additional information
3 or corrections, the local government must approve or deny the
4 application upon receiving the additional information or corrections.

5 (2) (a) After January 1, 2026, a county or city must adopt
6 additional measures under subsection (1) of this section at the time
7 of its next comprehensive plan update under RCW 36.70A.130 if it
8 meets the following conditions:

9 (i) The county or city has adopted at least three project review
10 and code provisions under subsection (1) of this section more than
11 five years prior; and

12 (ii) The county or city is not meeting the permitting deadlines
13 established in RCW 36.70B.080 at least half of the time over the
14 period since its most recent comprehensive plan update under RCW
15 36.70A.130.

16 (b) A city or county that is required to adopt new measures under
17 (a) of this subsection but fails to do so becomes subject to the
18 provisions of RCW 36.70B.080(1)(1), notwithstanding RCW
19 36.70B.080(1)(1)(ii).

20 ~~((+2))~~ (3) Nothing in this chapter is intended or shall be
21 construed to prevent a local government from requiring a
22 preapplication conference or a public meeting by rule, ordinance, or
23 resolution.

24 ~~((+3))~~ (4) Each local government shall adopt procedures to
25 monitor and enforce permit decisions and conditions.

26 ~~((+4))~~ (5) Nothing in this chapter modifies any independent
27 statutory authority for a government agency to appeal a project
28 permit issued by a local government.

29 NEW SECTION. Sec. 9. A new section is added to chapter 36.70B
30 RCW to read as follows:

31 (1) The department of commerce shall develop and provide
32 technical assistance and guidance to counties and cities in setting
33 fee structures under RCW 36.70B.160(1) to ensure that the fees are
34 reasonable and sufficient to recover true costs. The guidance must
35 include information on how to utilize growth factors or other
36 measures to reflect cost increases over time.

37 (2) When providing technical assistance under subsection (1) of
38 this section, the department of commerce must prioritize local

governments that have implemented at least three of the options in RCW 36.70B.160(1).

Sec. 10. RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are each reenacted and amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a threshold determination under chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section or this chapter prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW or from allowing appeals of procedural determinations prior to submitting a project permit ((application)).

(2) The notice of application shall be provided within ((fourteen)) 14 days after the determination of completeness as provided in RCW 36.70B.070 and, except as limited by the provisions of subsection (4)(b) of this section, ((shall)) must include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 ((or 36.70B.090));

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to

comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.030(2) and 36.70B.040; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the notice of application required by subsection (2) of this section and the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

1 (f) Publishing notice in agency newsletters or sending notice to
2 agency mailing lists, either general lists or lists for specific
3 proposals or subject areas; and

4 (g) Mailing to neighboring property owners.

5 (5) A notice of application shall not be required for project
6 permits that are categorically exempt under chapter 43.21C RCW,
7 unless an open record predecision hearing is required or an open
8 record appeal hearing is allowed on the project permit decision.

9 (6) A local government shall integrate the permit procedures in
10 this section with ~~((its))~~ environmental review under chapter 43.21C
11 RCW as follows:

12 (a) Except for a threshold determination and except as otherwise
13 expressly allowed in this section, the local government may not issue
14 a decision or a recommendation on a project permit until the
15 expiration of the public comment period on the notice of application.

16 (b) If an open record predecision hearing is required, the local
17 government shall issue its threshold determination at least fifteen
18 days prior to the open record predecision hearing.

19 (c) Comments shall be as specific as possible.

20 (d) A local government is not required to provide for
21 administrative appeals of its threshold determination. If provided,
22 an administrative appeal ~~((shall))~~ must be filed within fourteen days
23 after notice that the determination has been made and is appealable.
24 Except as otherwise expressly provided in this section, the appeal
25 hearing on a threshold determination ~~((of nonsignificance shall))~~
26 must be consolidated with any open record hearing on the project
27 permit.

28 (7) At the request of the applicant, a local government may
29 combine any hearing on a project permit with any hearing that may be
30 held by another local, state, regional, federal, or other agency, if:

31 (a) The hearing is held within the geographic boundary of the
32 local government; and

33 (b) ~~((The joint hearing can be held within the time periods
34 specified in RCW 36.70B.090 or the))~~ The applicant agrees to the
35 schedule in the event that additional time is needed in order to
36 combine the hearings. All agencies of the state of Washington,
37 including municipal corporations and counties participating in a
38 combined hearing, are hereby authorized to issue joint hearing
39 notices and develop a joint format, select a mutually acceptable
40 hearing body or officer, and take such other actions as may be

1 necessary to hold joint hearings consistent with each of their
2 respective statutory obligations.

3 (8) All state and local agencies shall cooperate to the fullest
4 extent possible with the local government in holding a joint hearing
5 if requested to do so, as long as:

6 (a) The agency is not expressly prohibited by statute from doing
7 so;

8 (b) Sufficient notice of the hearing is given to meet each of the
9 agencies' adopted notice requirements as set forth in statute,
10 ordinance, or rule; and

11 (c) The agency has received the necessary information about the
12 proposed project from the applicant to hold its hearing at the same
13 time as the local government hearing.

14 (9) A local government is not required to provide for
15 administrative appeals. If provided, an administrative appeal of the
16 project decision and of any environmental determination issued at the
17 same time as the project decision, shall be filed within fourteen
18 days after the notice of the decision or after other notice that the
19 decision has been made and is appealable. The local government shall
20 extend the appeal period for an additional seven days, if state or
21 local rules adopted pursuant to chapter 43.21C RCW allow public
22 comment on a determination of nonsignificance issued as part of the
23 appealable project permit decision.

24 (10) The applicant for a project permit is deemed to be a
25 participant in any comment period, open record hearing, or closed
26 record appeal.

27 (11) Each local government planning under RCW 36.70A.040 shall
28 adopt procedures for administrative interpretation of its development
29 regulations.

30 NEW SECTION. **Sec. 11.** The department of commerce shall develop
31 a template for counties and cities subject to the requirements in RCW
32 36.70B.080, which will be utilized for reporting data.

33 NEW SECTION. **Sec. 12.** The department of commerce shall develop
34 a plan to provide local governments with appropriately trained staff
35 to provide temporary support or hard to find expertise for timely
36 processing of residential housing permit applications. The plan shall
37 include consideration of how local governments can be provided with
38 staff that have experience with providing substitute staff support or

1 that possess expertise in permitting policies and regulations in the
2 local government's geographic area or with jurisdictions of the local
3 government's size or population. The plan and a proposal for
4 implementation shall be presented to the legislature by December 1,
5 2023.

6 NEW SECTION. **Sec. 13.** Section 7 of this act takes effect
7 January 1, 2025.

Passed by the Senate April 17, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 8, 2023.

Filed in Office of Secretary of State May 10, 2023.

--- END ---

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096

Chapter 301, Laws of 2025

69th Legislature
2025 Regular Session

RESIDENTIAL LOT SPLITTING

EFFECTIVE DATE: July 27, 2025

Passed by the House April 27, 2025
Yeas 94 Nays 4

LAURIE JINKINS
**Speaker of the House of
Representatives**

Passed by the Senate April 14, 2025
Yeas 43 Nays 4

DENNY HECK
President of the Senate
Approved May 17, 2025 11:25 AM

BOB FERGUSON
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 19, 2025

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Barkis, Ryu, Connors, Leavitt, Klicker, Reed, Fitzgibbon, Richards, Couture, Macri, Callan, Doglio, Bronoske, Tharinger, Wylie, Duerr, Timmons, Ormsby, Fosse, Stonier, Bernbaum, and Hill)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to increasing housing options through lot
2 splitting; amending RCW 36.70A.635; adding a new section to chapter
3 58.17 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that allowing an
6 existing residential lot to be split to create a new residential lot
7 through a simple, administrative process can offer many advantages to
8 both the existing homeowner and to prospective homebuyers. The
9 legislature further finds that administrative lot splitting can
10 provide current owners the opportunity to maintain homeownership in
11 changing life circumstances while facilitating development of middle
12 housing to provide homebuyers, including first-time homebuyers, with
13 more affordable ownership opportunities. The legislature also finds
14 that lot splitting can be combined with the review of a residential
15 building permit application to create a single integrated process
16 benefiting both homeowners and cities. Therefore, it is the intent of
17 the legislature to ease restrictions on, and expand opportunities
18 for, lot splitting in cities.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 58.17
20 RCW to read as follows:

1 (1) Cities shall include in their development regulations a
2 process through which an applicant can seek review and approval of an
3 administrative lot split, which may be combined with concurrent
4 review of a residential building permit to create new middle housing,
5 as defined in RCW 36.70A.030, or single-family housing. The
6 application process for a residential lot to be split may require
7 only an administrative decision, through which the application is
8 reviewed, approved, or denied by the planning director or other
9 designee based on applicable clear and objective development
10 standards, with neither a predecision public hearing, nor any design
11 review other than administrative design review. A new buildable
12 residential lot and residential building permit or permits must be
13 administratively approved and are not subject to administrative
14 appeal if they comply with applicable development standards and the
15 following conditions are met:

16 (a) No more than one newly created lot is created through the
17 administrative lot split;

18 (b) Both the parent lot and the newly created lot meet the
19 minimum lot size allowed under applicable development regulations;

20 (c) The parent lot was not created through the splitting of a
21 residential lot authorized by this section;

22 (d) The parent lot is located in a residential zone and not in an
23 exclusively nonresidential zone including, but not limited to, zones
24 that are exclusively commercial, retail, agricultural, or industrial;

25 (e) If the lot split would require demolition or alteration of
26 any existing housing that would displace a renter, the applicant must
27 recommend a displacement mitigation strategy that may include, but is
28 not limited to, relocation assistance;

29 (f) The applicable sewer and water purveyors have issued
30 certificates of availability to serve the newly created lot and
31 dwelling units;

32 (g) Access and utility rights are granted or conveyed as
33 necessary on or before recording of the lot split survey to provide
34 access for the maximum number of dwelling units that could be
35 developed on the newly created lot, provided such access rights may
36 be reduced consistent with a city's adopted codes, regulations, or
37 design standards as applicable through review of a subsequent
38 application for a building permit, short subdivision, unit lot
39 subdivision, subdivision application, or short subdivision if less

1 than the maximum number of dwelling units are built on the newly
2 created lot;

3 (h) The planning director or other designee determines that the
4 application follows all applicable development regulations; and

5 (i) The lot split survey has been approved by the planning
6 director or other designee and includes a condition on the face of
7 the survey that further lot splits of the parent lot and newly
8 created lot are not authorized by this section.

9 (2) A proposed lot split may be conditioned upon dedication of
10 right-of-way on the parent lot to the extent such dedication is
11 required under applicable codes, regulations, and design standards
12 for the development, short plat, or subdivision of the parent lot
13 absent an administrative lot split.

14 (3) Development of dwelling units on the newly created lot may be
15 conditioned upon construction of frontage improvements to a right-of-
16 way adjacent to either the parent lot or the newly created lot to the
17 extent required under applicable codes, regulations, and design
18 standards.

19 (4) Any construction on the newly created lot is subject to all
20 existing state and local laws including those specified in this
21 section. Nothing in this section modifies the requirements for
22 approval of residential building permits in chapter 19.27 RCW.

23 (5) A city subject to the requirements of this section may not
24 impose a limit on the total number of dwelling units allowed on the
25 parent lot or newly created lot that is less than the number of
26 dwelling units allowed by the underlying zoning of the parent lot
27 prior to the administrative lot split.

28 (6) Notwithstanding the provisions of this section, lots that are
29 not buildable according to locally adopted development regulations
30 including, but not limited to, critical areas, shorelines,
31 stormwater, setbacks, impervious surface areas, and building coverage
32 standards, are not eligible for a lot split under this section.

33 (7) If a lot split results in a lot of a size that would allow
34 for further land division, the lot is not eligible for a lot split
35 but may be divided under other applicable land subdivision processes.

36 (8) The newly created lot must meet any locally adopted minimum
37 density requirements.

38 (9) Cities are immune from any liability, loss, or other damage
39 suffered by another that is related to the city's approval of a lot

1 split under this act, including if the lot split creates a lot that
2 is later determined to not be buildable.

3 (10) Parent lots and newly created lots approved under this
4 section must have a lot split survey recorded with the county auditor
5 with a notation that future lot splits are not allowed on the lot.

6 (11) An application process or a residential lot to be split
7 under this section is subject to the maximum time period for local
8 government actions as set forth in RCW 36.70B.080, unless extended
9 pursuant to project-specific mutual agreement as permitted by RCW
10 36.70B.080.

11 (12) Ordinances adopted to comply with this section are not
12 subject to administrative or judicial appeal under chapter 43.21C
13 RCW.

14 (13) The department of commerce must develop guidance for cities
15 in implementing the lot splitting requirements.

16 (14) A city required to comply with the requirements of this
17 section that has its next comprehensive plan update due in 2027,
18 pursuant to RCW 36.70A.130, must adopt or amend by ordinance, and
19 incorporate into its development regulations, zoning regulations, and
20 other official controls, the requirements of this section in its next
21 comprehensive plan update. All other cities required to comply with
22 this section must implement the requirements within two years of the
23 effective date of this section.

24 (15) For the purposes of this section, the following definitions
25 apply unless the context clearly requires otherwise:

26 (a) "Lot split" means the administrative process of dividing an
27 existing lot into two lots for the purpose of sale, lease, or
28 transfer of ownership pursuant to this section.

29 (b) "Lot split survey" means the final survey prepared for filing
30 for record with the county auditor and containing all elements and
31 requirements for a lot split under this section and any local
32 regulations.

33 (c) "Newly created lot" means a lot that was created by a lot
34 split under this section.

35 (d) "Parent lot" means a lot that is subjected to a lot split
36 under this section.

37 (16) The provisions of this section do not apply to areas
38 designated as sole-source aquifers by the United States environmental
39 protection agency on islands in the Puget Sound.

1 **Sec. 3.** RCW 36.70A.635 and 2024 c 152 s 2 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (4) of this section, any
4 city that is required or chooses to plan under RCW 36.70A.040 must
5 provide by ordinance and incorporate into its development
6 regulations, zoning regulations, and other official controls,
7 authorization for the following:

8 (a) For cities with a population of at least 25,000 but less than
9 75,000 based on office of financial management population estimates:

10 (i) The development of at least two units per lot on all lots
11 zoned predominantly for residential use, unless zoning permitting
12 higher densities or intensities applies;

13 (ii) The development of at least four units per lot on all lots
14 zoned predominantly for residential use, unless zoning permitting
15 higher densities or intensities applies, within one-quarter mile
16 walking distance of a major transit stop; and

17 (iii) The development of at least four units per lot on all lots
18 zoned predominantly for residential use, unless zoning permitting
19 higher densities or intensities applies, if at least one unit is
20 affordable housing.

21 (b) For cities with a population of at least 75,000 based on
22 office of financial management population estimates:

23 (i) The development of at least four units per lot on all lots
24 zoned predominantly for residential use, unless zoning permitting
25 higher densities or intensities applies;

26 (ii) The development of at least six units per lot on all lots
27 zoned predominantly for residential use, unless zoning permitting
28 higher densities or intensities applies, within one-quarter mile
29 walking distance of a major transit stop; and

30 (iii) The development of at least six units per lot on all lots
31 zoned predominantly for residential use, unless zoning permitting
32 higher densities or intensities applies, if at least two units are
33 affordable housing.

34 (c) For cities with a population of less than 25,000, that are
35 within a contiguous urban growth area with the largest city in a
36 county with a population of more than 275,000, based on office of
37 financial management population estimates the development of at least
38 two units per lot on all lots zoned predominantly for residential
39 use, unless zoning permitting higher densities or intensities
40 applies.

1 (2)(a) To qualify for the additional units allowed under
2 subsection (1) of this section, the applicant must commit to renting
3 or selling the required number of units as affordable housing. The
4 units must be maintained as affordable for a term of at least 50
5 years, and the property must satisfy that commitment and all required
6 affordability and income eligibility conditions adopted by the local
7 government under this chapter. A city must require the applicant to
8 record a covenant or deed restriction that ensures the continuing
9 rental of units subject to these affordability requirements
10 consistent with the conditions in chapter 84.14 RCW for a period of
11 no less than 50 years. The covenant or deed restriction must also
12 address criteria and policies to maintain public benefit if the
13 property is converted to a use other than which continues to provide
14 for permanently affordable housing.

15 (b) The units dedicated as affordable must be provided in a range
16 of sizes comparable to other units in the development. To the extent
17 practicable, the number of bedrooms in affordable units must be in
18 the same proportion as the number of bedrooms in units within the
19 entire development. The affordable units must generally be
20 distributed throughout the development and have substantially the
21 same functionality as the other units in the development.

22 (c) If a city has enacted a program under RCW 36.70A.540, the
23 terms of that program govern to the extent they vary from the
24 requirements of this subsection.

25 (3) If a city has enacted a program under RCW 36.70A.540,
26 subsection (1) of this section does not preclude the city from
27 requiring any development, including development described in
28 subsection (1) of this section, to provide affordable housing, either
29 on-site or through an in-lieu payment, nor limit the city's ability
30 to expand such a program or modify its requirements.

31 (4)(a) As an alternative to the density requirements in
32 subsection (1) of this section, a city may implement the density
33 requirements in subsection (1) of this section for at least 75
34 percent of lots in the city that are primarily dedicated to single-
35 family detached housing units.

36 (b) The 25 percent of lots for which the requirements of
37 subsection (1) of this section are not implemented must include but
38 are not limited to:

1 (i) Any areas within the city for which the department has
2 certified an extension of the implementation timelines under RCW
3 36.70A.637 due to the risk of displacement;

4 (ii) Any areas within the city for which the department has
5 certified an extension of the implementation timelines under RCW
6 36.70A.638 due to a lack of infrastructure capacity;

7 (iii) Any lots, parcels, and tracts designated with critical
8 areas or their buffers that are exempt from the density requirements
9 as provided in subsection (8) of this section;

10 (iv) Any portion of a city within a one-mile radius of a
11 commercial airport with at least 9,000,000 annual enplanements that
12 is exempt from the parking requirements under subsection (7)(b) of
13 this section; and

14 (v) Any areas subject to sea level rise, increased flooding,
15 susceptible to wildfires, or geological hazards over the next 100
16 years.

17 (c) Unless identified as at higher risk of displacement under RCW
18 36.70A.070(2)(g), the 25 percent of lots for which the requirements
19 of subsection (1) of this section are not implemented may not
20 include:

21 (i) Any areas for which the exclusion would further racially
22 disparate impacts or result in zoning with a discriminatory effect;

23 (ii) Any areas within one-half mile walking distance of a major
24 transit stop; or

25 (iii) Any areas historically covered by a covenant or deed
26 restriction excluding racial minorities from owning property or
27 living in the area, as known to the city at the time of each
28 comprehensive plan update.

29 (5) A city subject to the requirements of subsection (1)(a) or
30 (b) of this section must allow at least six of the nine types of
31 middle housing to achieve the unit density required in subsection (1)
32 of this section. A city may allow accessory dwelling units to achieve
33 the unit density required in subsection (1) of this section. Cities
34 are not required to allow accessory dwelling units or middle housing
35 types beyond the density requirements in subsection (1) of this
36 section. A city must also allow zero lot line short subdivision where
37 the number of lots created is equal to the unit density required in
38 subsection (1) of this section.

39 (6) Any city subject to the requirements of this section:

1 (a) If applying design review for middle housing, only
2 administrative design review shall be required;

3 (b) Except as provided in (a) of this subsection, shall not
4 require through development regulations any standards for middle
5 housing that are more restrictive than those required for detached
6 single-family residences, but may apply any objective development
7 regulations that are required for detached single-family residences,
8 including, but not limited to, set-back, lot coverage, stormwater,
9 clearing, and tree canopy and retention requirements;

10 (c) Shall apply to middle housing the same development permit and
11 environmental review processes that apply to detached single-family
12 residences, unless otherwise required by state law including, but not
13 limited to, shoreline regulations under chapter 90.58 RCW, building
14 codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW,
15 or electrical codes under chapter 19.28 RCW;

16 (d) Shall not require off-street parking as a condition of
17 permitting development of middle housing within one-half mile walking
18 distance of a major transit stop;

19 (e) Shall not require more than one off-street parking space per
20 unit as a condition of permitting development of middle housing on
21 lots no greater than 6,000 square feet before any zero lot line
22 subdivisions or lot splits;

23 (f) Shall not require more than two off-street parking spaces per
24 unit as a condition of permitting development of middle housing on
25 lots greater than 6,000 square feet before any zero lot line
26 subdivisions or lot splits; and

27 (g) Are not required to achieve the per unit density under
28 chapter 332, Laws of 2023 on lots after subdivision below 1,000
29 square feet unless the city chooses to enact smaller allowable lot
30 sizes.

31 (7) The provisions of subsection (6)(d) through (f) of this
32 section do not apply:

33 (a) If a local government submits to the department an empirical
34 study prepared by a credentialed transportation or land use planning
35 expert that clearly demonstrates, and the department finds and
36 certifies, that the application of the parking limitations of
37 subsection (6)(d) through (f) of this section for middle housing will
38 be significantly less safe for vehicle drivers or passengers,
39 pedestrians, or bicyclists than if the jurisdiction's parking
40 requirements were applied to the same location for the same number of

1 detached houses. The department must develop guidance to assist
2 cities on items to include in the study; or

3 (b) To portions of cities within a one-mile radius of a
4 commercial airport in Washington with at least 9,000,000 annual
5 enplanements.

6 (8) The provisions of this section do not apply to:

7 (a) Portions of a lot, parcel, or tract designated with critical
8 areas designated under RCW 36.70A.170 or their buffers as required by
9 RCW 36.70A.170, except for critical aquifer recharge areas where a
10 single-family detached house is an allowed use provided that any
11 requirements to maintain aquifer recharge are met;

12 (b) Areas designated as sole-source aquifers by the United States
13 environmental protection agency on islands in the Puget Sound;

14 (c) A watershed serving a reservoir for potable water if that
15 watershed is or was listed, as of July 23, 2023, as impaired or
16 threatened under section 303(d) of the federal clean water act (33
17 U.S.C. Sec. 1313(d));

18 (d) Lots that have been designated urban separators by countywide
19 planning policies as of July 23, 2023; or

20 (e) A lot that was created through the splitting of a single
21 residential lot pursuant to section 2 of this act.

22 (9) Nothing in this section prohibits a city from permitting
23 detached single-family residences.

24 (10) Nothing in this section requires a city to issue a building
25 permit if other federal, state, and local requirements for a building
26 permit are not met.

27 (11) A city must comply with the requirements of this section on
28 the latter of:

29 (a) Six months after its next periodic comprehensive plan update
30 required under RCW 36.70A.130 if the city meets the population
31 threshold based on the 2020 office of financial management population
32 data; or

33 (b) 12 months after their next implementation progress report
34 required under RCW 36.70A.130 after a determination by the office of
35 financial management that the city has reached a population threshold
36 established under this section.

37 (12) A city complying with this section and not granted a
38 timeline extension under RCW 36.70A.638 does not have to update its
39 capital facilities plan element required by RCW 36.70A.070(3) to
40 accommodate the increased housing required by chapter 332, Laws of

1 2023 until the first periodic comprehensive plan update required for
2 the city under RCW 36.70A.130(5) that occurs on or after June 30,
3 2034.

4 (13) Until June 30, 2026, for cities subject to a growth target
5 adopted under RCW 36.70A.210 that limit the maximum residential
6 capacity of the jurisdiction, any additional residential capacity
7 required by this section for lots, parcels, and tracts with critical
8 areas or critical area buffers outside of critical areas or their
9 buffers may not be considered an inconsistency with the countywide
10 planning policies, multicounty planning policies, or growth targets
11 adopted under RCW 36.70A.210.

12 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2025, in the omnibus appropriations act, this
15 act is null and void.

Passed by the House April 27, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor May 17, 2025.
Filed in Office of Secretary of State May 19, 2025.

--- END ---



An Evening of Appreciation

Volunteer Recognition



September 30, 2026 · Time: 5:00 – 7:30 PM

Location: Richland Community Center