
Local Government & Housing Committee

SSB 6544

Brief Description: Extending the time limitations for approval of plats.

Sponsors: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Marr, Hobbs, Kilmer and Tom).

Brief Summary of Substitute Bill

- Extends time limitations associated with final plat submissions and the requirements governing applicable subdivisions from five to seven years.
- Expires the extension provisions on December 31, 2014.

Hearing Date: 2/18/10

Staff: Ethan Moreno (786-7386).

Background:

The process by which land divisions may occur is governed by state and local requirements. Local governments, the entities charged with receiving and determining land division proposals, must adopt associated ordinances and procedures in conformity with state requirements.

Numerous statutorily defined terms are applicable in land use division actions. Examples include the following:

- "Subdivision" generally means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership;
- "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision. The preliminary plat is the basis for the approval or disapproval of the general layout of a subdivision;
- "Short subdivision" generally means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of

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ownership. The legislative authority of any city, town, or county that plans under the Growth Management Act may, with some limitations, increase the number of lots, tracts, or parcels to be regulated as short subdivisions to nine;

- "Short plat" is the map or representation of a short subdivision; and
- "Final plat" is the final drawing of the subdivision and dedication prepared for a filing for record with the county auditor. A final plat must contain elements and requirements mandated by statute and applicable local government regulations.

Preliminary plats of any proposed subdivision and dedication must generally be approved, disapproved, or returned to the applicant for modification within 90 from the date of filing. For final plats and short plats, the approval, disapproval, or returning action must be completed by the local government within 30 days. Unless the local government adopts extension ordinances, an applicant has five years to submit a final plat meeting specified statutory requirements to the legislative body of the applicable local government.

If the applicable local government finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and other requirements in effect at the time of preliminary plat approval, the final plat must be approved and filed with the county auditor. Any lots in a final plat filed for record must be a valid land use, notwithstanding changes in zoning laws, for five years from the date of filing. Unless the local government finds that a change in conditions creates a serious threat to public health or safety in the subdivision, a subdivision must be governed by the terms of approval of the final plat, and the requirements in effect at the time of approval, for five years.

Summary of Bill:

Five-year time limitations pertaining to final plat submissions and requirements governing applicable subdivisions are temporarily extended to seven years. Unless the local government adopts extension ordinances, an applicant has seven years to submit a final plat to the applicable local government legislative body. Similarly, any lots in a filed final plat must be a valid land use, notwithstanding changes in zoning laws, for seven years from the date of filing. Absent a local government finding that a change in conditions creates a serious threat to public health or safety in the subdivision, a subdivision is governed by the terms of approval of the final plat, and the requirements in effect at the time of approval, for seven years. The two-year extension provisions expire December 31, 2014.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.