
Local Government Committee

HB 2152

Brief Description: Clarifying timelines associated with plats.

Sponsors: Representatives Angel, Takko, Dammeier, Rivers, Kristiansen, Springer, Buys, Tharinger and Liias.

Brief Summary of Bill

- Establishes five-year limits for final plat submissions meeting specific approval requirements on or after January 1, 2015.
- Establishes five-year limits for land-use requirements governing lots in final plats if specific filing requirements are met on or after January 1, 2015.
- Establishes five-year limits for land-use requirements governing subdivisions meeting specific approval requirements on or after January 1, 2015.
- Repeals two-year time extensions for final plats and subdivisions that temporarily extended associated time limits from five to seven years.

Hearing Date: 1/10/12

Staff: Ethan Moreno (786-7386).

Background:

Land Divisions and Associated Time Limitations.

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.

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- "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 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.
- "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 a proposed subdivision and dedication must generally be approved, disapproved, or returned by the local government to the applicant for modification within 90 days from the date of filing. For final plats and short plats, the approval, disapproval, or returning action must be completed within 30 days. Absent an extension by the local government, an applicant has seven years to submit a qualifying final plat to the legislative body of the applicable local government.

If a subdivision proposed for final plat is approved by the applicable local government, the county, city, or town must file the final plat with the county auditor. Any lots in a final plat filed by the local government must be a valid land use, notwithstanding changes in zoning laws, for seven years from the date of filing. Additionally, absent public health or safety concerns, 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 seven years.

Recent Legislation - Temporary Two-Year Extensions.

Legislation adopted in 2010 (Substitute Senate Bill 6544, enacted as ch. 79, laws of 2010) temporarily extended time limitations associated with final plats and subdivisions from five to seven years. The temporary extension will expire on December 31, 2014.

Summary of Bill:

Time limitations governing the submission of final plats are modified. If a preliminary plat is approved by the local government on or before December 31, 2014, the final plat must be submitted to the local government within seven years of the preliminary plat approval. Final plat submissions occurring on or after January 1, 2015, must be made within seven years of the preliminary plat approval.

Time limitations associated with provisions governing lots in final plats and subdivisions are modified. Any lots in a final plat filed by the local government must be a valid land use, notwithstanding changes in zoning laws, for seven years from the date of filing, provided the date of filing is on or before December 31, 2014. Lots in a final plat filed by the local government on or after January 1, 2015, must be a valid land use, notwithstanding changes in zoning laws, for five years from the date of filing.

Subdivisions must be governed by the terms of approval of the final plat, and the requirements in effect at the time of approval, for seven years after final plat approval, provided the date of final plat approval is on or before December 31, 2014. If the date of final plat approval is on or after January 1, 2014, the 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 after final plat approval.

A temporary extension that, until December 31, 2014, extended time limits associated with final plats and subdivisions from five to seven years is repealed.

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.