

FINAL BILL REPORT

EHB 2152

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Synopsis as Enacted

Brief Description: Clarifying timelines associated with plats.

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

House Committee on Local Government
Senate Committee on Government Operations, Tribal Relations & Elections

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.
- "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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 (Chapter 79, Laws of 2010, Substitute Senate Bill 6544) temporarily extended time limitations associated with final plats and subdivisions from five to seven years. The temporary extension will expire on December 31, 2014.

Shoreline Management Act.

The Shoreline Management Act of 1971 (SMA) governs uses of state shorelines and involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in city and county shoreline master programs that regulate land use activities in shoreline areas of the state. At the state level, the Department of Ecology is charged with reviewing shoreline master programs and approving those that comply with statutory provisions and agency guidelines governing their adoption.

Summary:

Time limitations governing the submission of final plats are modified as follows:

- 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.
- If a preliminary plat is approved by the local government on or after January 1, 2015, the final plat must be submitted to the local government within five years of the preliminary plat approval.

One exception to these seven and five year-time limits is specified. If a preliminary plat is approved by the local government on or before December 31, 2007, and if the project is within city limits and not subject to the SMA, the final plat must be submitted to the local government within nine years of the preliminary plat approval.

Time limitations for provisions governing lots in final plats and subdivisions are modified as follows:

- Any lots in a final plat filed for record are a valid land use, notwithstanding changes in zoning laws, for seven years from the date of filing if the date of filing is on or before December 31, 2014.
- Any lots in a final plat filed for record are a valid land use, notwithstanding changes in zoning laws, for five years from the date of filing if the date of filing is on or after January 1, 2015.

One exception to these seven and five-year time limits is specified. Any lots in a final plat filed for record are a valid land use, notwithstanding changes in zoning laws, for nine years from the date of filing if the project is within city limits, not subject to the SMA, and date of filing is on or before December 31, 2007.

General time limitations associated with requirements governing subdivisions are modified as follows:

- Subdivisions are 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.
- Subdivisions are governed by the terms of approval of the final plat, and the requirements in effect at the time of approval, for five years if the date of final plat approval is on or after January 1, 2015.

One exception to these seven and five-year time limits is specified. Absent public health or safety concerns, subdivisions are governed by the terms of approval of the final plat, and the requirements in effect at the time of approval, for nine years after final plat approval if the project is within city limits, not subject to the SMA, and the date of final plat approval is on or before December 31, 2007.

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

Votes on Final Passage:

House	92	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 2012