

SENATE BILL REPORT

EHB 2152

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 23, 2012

Title: An act relating to timelines associated with plats.

Brief Description: Clarifying timelines associated with plats.

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

Brief History: Passed House: 2/11/12, 92-0.

Committee Activity: Government Operations, Tribal Relations & Elections: 2/20/12, 2/23/12 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase and Nelson.

Staff: Karen Epps (786-7424)

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.

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.

- 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.

In 2010 the Legislature adopted SSB 6544, which temporarily extended time limitations associated with final plats and subdivisions from five to seven years. The temporary extension will expire on December 31, 2014.

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 of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Amendments): 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, 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. 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 five 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 nine years from the date of filing, provided the project is within city limits and not subject to the SMA, and date of filing is on or before December 31, 2007. 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 nine years after final plat approval, provided the project is within city limits and not subject to the SMA, and the date of final plat approval is on or before December 31, 2007. 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.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Amendments): Makes a technical correction.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: Construction is down on its knees. Developers have spent time and money to get to a point on their plats, but the economy is not allowing them to build right now. This bill extends timelines out to seven years, with some projects having nine years. There is one large development in the Covington-Maple Valley area that has four phases and will need nine years to complete the project. The goal is to allow construction companies who have worked so hard on a plat to get it to a certain point to not lose all that hard work. This bill provides developers a little more time to get through the process to build. Without these changes, projects will not pencil out and jobs will be lost.

Persons Testifying: PRO: Representative Angel, prime sponsor; Scott Hildebrand, Master Builders Assn, King and Snohomish counties.