

# HOUSE BILL REPORT

## SHB 1074

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### As Passed House:

March 4, 2013

**Title:** An act relating to requirements governing and associated with plat approvals.

**Brief Description:** Concerning requirements governing and associated with plat approvals.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Buys and Pike).

### Brief History:

#### Committee Activity:

Local Government: 1/24/13 [DPS].

#### Floor Activity:

Passed House: 3/4/13, 98-0.

### Brief Summary of Substitute Bill

- Increases the final plat approval submission timeline from nine to 10 years for qualifying final plats, and removes a requirement that an associated project be within city limits.
- Modifies land use timeline requirements by extending the valid land use timeline for qualifying lots in a final plat from nine to 10 years, and removing a requirement that an associated project be within city limits.
- Modifies provisions governing subdivisions by extending the period by which subdivisions are governed by the terms of approval of the final plat and requirements in effect at the time of approval from nine to 10 years, and removing a requirement that an associated project be within city limits.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Takko, Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys, Liias, Springer and Upthegrove.

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*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.*

**Minority Report:** Do not pass. Signed by 1 member: Representative Fitzgibbon, Vice Chair.

**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.
- "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 the preliminary plat approval is on or before December 31, 2014, five years if the preliminary plat approval is on or after January 1, 2015, or nine years if the project is within city limits, not subject to requirements of the Shoreline Management Act (SMA), and the preliminary plat approval was on or before December 31, 2007.

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 if the date of filing is on or before December 31,

2014, five years from the date of filing if the date of filing is on or after January 1, 2015, or nine years if the project is within city limits, not subject to the SMA, and date of filing was on or before December 31, 2007.

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 after final plat approval if the date of final plat approval is on or before December 31, 2014, five years if the date of final plat approval is on or after January 1, 2015, or nine years if the project is within city limits, not subject to the SMA, and the date of final plat approval was on or before December 31, 2007.

#### 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. Legislation adopted in 2012 (Chapter 92, Laws of 2012, Engrossed House Bill 2152) repealed the temporary extension adopted in 2010 and established five, seven, and nine-year time limits for qualifying final plat submissions, land-use requirements governing lots in final plats, and land-use requirements governing subdivisions. The legislation also conditioned all nine-year time limits upon the associated projects being within city limits and not subject to the SMA.

#### Shoreline Management Act.

The 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 Substitute Bill:**

Time limitations and location requirements governing the submission and approval of final plats are modified. If a preliminary plat in an area that is not subject to the Shoreline Management Act (SMA) was approved by the local government on or before December 31, 2007, the final plat must be submitted to the legislative body of the applicable city, town, or county within 10 rather than nine years of the preliminary plat approval. A requirement that an associated project be within city limits is deleted.

Time limitations for provisions governing lots in final plats and subdivisions are modified. Any lots in a final plat filed for record are a valid land use, notwithstanding changes in zoning laws, for 10 rather than nine years from the date of filing if the project is not subject to the SMA, and date of filing was on or before December 31, 2007. A requirement that an associated project be within city limits is repealed.

General time limitations associated with requirements governing subdivisions are modified. 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 10 rather than nine years after final plat approval if the project is not subject to the SMA, and the date of final

plat approval was on or before December 31, 2007. A requirement that an associated project be within city limits 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.

**Staff Summary of Public Testimony:**

(In support) Legislation passed last year extended plat-related timelines because of the toughness of the economy; the timelines need to be extended again. The platting process can take multiple years and require numerous and costly experts. Plat approval expirations are expensive to land owners and developers.

The bill is essential to developers and eliminates discrimination against projects located outside of city limits. The bill extends, for one additional year, the opportunity for a developer to obtain project financing. The bill helps to keep shovel-ready projects alive, creates jobs, and helps to meet the state's housing needs. The bill is viewed by some as a technical correction, as some plats are within urban growth areas and potential annexation areas, but outside of city limits. As with the legislation adopted last year, this bill will offer needed relief to developers.

(Opposed) None.

**Persons Testifying:** Representative Angel, prime sponsor; Jim Bain; Scott Hildebrand, Master Builders Association of King/Snohomish Counties; and Andrew Wang.

**Persons Signed In To Testify But Not Testifying:** None.