

# SENATE BILL REPORT

## SB 5832

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As of February 17, 2015

**Title:** An act relating to time limitations for certain plat approvals.

**Brief Description:** Modifying time limitations for certain plat approvals.

**Sponsors:** Senator Angel.

**Brief History:**

**Committee Activity:** Government Operations & Security: 2/16/15.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Staff:** Karen Epps (786-7424)

**Background:** The process by which land divisions may occur is governed by state and local requirements. Local governments must adopt associated ordinances and procedures in conformity with state requirements. 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. A 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.

The approval, disapproval, or returning action for final plats and short plats must be completed within 30 days. A short plat is the map or representation of a short subdivision. A 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 the elements and requirements mandated by statute and applicable local government regulations. 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.

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 ten years if the project is not subject to requirements of the Shoreline Management Act (SMA), and the preliminary plat approval was on or before December 31, 2007.

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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.*

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 consistent with 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 ten years if the project is not subject to SMA, and the 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 the final plat approval if the date of the 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 ten years if the project is not subject to SMA, and the date of the final plat approval was on or before December 31, 2007.

In 2012 the Legislature adopted EHB 2152 that 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 SMA. In 2013 the Legislature adopted SHB 1074 that extended the nine-year time limits to ten-year time limits and removed the requirement that an associated project be within city limits.

**Summary of 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 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 city, town, or county within 12 years of the preliminary plat approval.

Time limitations for provisions governing lots in final plats and subdivisions are modified. Any lots in a final plat filed for record are considered consistent with a valid land use, notwithstanding changes in zoning laws, for 12 years from the date of filing if the project is not subject to SMA, and date of filing was on or before December 31, 2007.

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 12 years after final plat approval if the project is not subject to SMA, and the date of final plat approval was on or before December 31, 2007.

**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:** PRO: Due to the economy, these dates need to be extended again. The process of platting 45 acres into 129 lots took over two years, required hiring eight separate and different professionals, and cost of in excess of \$250,000. This is what it would cost if the plat approval expired. These are plats that have been approved but have not been developed because of the status of the economy. This bill would extend the expiration dates. The reason behind the 12-year request is because prior to the recession, a plat had five years in which to build out the streets and infrastructure, and the recession has been at least seven years, which is why 12 years is requested. There are very few plats affected by this bill, but it means a lot to someone who has paid \$200,000 to have their preliminary plat approved and are shovel ready as soon as financing is finalized. There is a scarcity of available lots, and allowing lots more latitude to go from preliminary plat approval to final plat approval will help reduce the scarcity.

CON: These dates have been pushed out from five, to seven, to nine, to ten years. At some point it has to be okay to leave these dates at ten years for a little bit of time. Twelve years is a little bit too long to be tying up land that another developer could make available to builders in less time. By 12 years, comprehensive plans and development regulations will likely have changed dramatically, making these subdivisions out of date and inconsistent with the community's vision. The longer these dates are pushed out, some of these subdivisions will lack up-to-date protections for people and property, such as measures to protect people from natural disasters.

**Persons Testifying:** PRO: Senator Angel, prime sponsor; Arthur Castle, Building Industry Assn of WA; Jim Bain, citizen.

CON: Bryce Yadon, Futurewise.