

SENATE BILL REPORT

ESB 5008

As Passed Senate, March 12, 2019

Title: An act relating to short subdivisions.

Brief Description: Concerning short subdivisions.

Sponsors: Senators Palumbo and Fortunato.

Brief History:

Committee Activity: Local Government: 1/17/19, 2/07/19 [DP, w/oRec].

Floor Activity:

Passed Senate: 3/12/19, 46-2.

Brief Summary of Engrossed Bill

- Allows jurisdictions planning under the Growth Management Act (GMA) to create short subdivisions of up to nine lots.
- Allows jurisdictions planning under the GMA to create short subdivisions of up to 24 lots by ordinance.
- Allows jurisdictions not planning under the GMA to create short subdivisions of up to nine lots by ordinance.
- Subjects approval of short subdivisions created by ordinance to a determination of whether appropriate infrastructure provisions are made.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Bonnie Kim (786-7316)

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.

Background: Growth Management Act. The GMA is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA:

- the county legislative authority must adopt a countywide planning policy;
- the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and
- the county must designate and take other actions related to urban growth areas (UGA).

Urban Growth Areas. Counties that fully plan under the GMA must designate UGAs, areas within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Subdivision/Plat Approval. Generally, in counties, cities, and towns, an established planning commission or agency must review all preliminary plats and make recommendations to the county, city, or town legislative body to ensure conformance of the proposed subdivision to the relevant comprehensive plan. Recommendations must be submitted to the legislative body within 14 days following action by a hearing body.

The legislative body must review recommendations during its next public meeting and may approve or reject the recommendations based on the record established at the hearing. If the legislative body deems a change to the planning commission or agency's recommendations, the legislative body must adopt its own recommendations and approve or disapprove of the preliminary plat. County, city, and town legislative bodies hold sole authority to adopt or amend platting ordinances.

If a county, city, or town legislative body finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and all other applicable laws, the legislative body must execute written approval on the face of the plat. A county, city, or town legislative body may by ordinance delegate final plat approval to an established planning commission or agency or other administrative personnel in accord with state law and local charter. A county auditor must refuse to accept any plat for filing until the appropriate legislative body has approved the plat.

Summary of Engrossed Bill: Generally, short subdivisions remain defined as the division of land into four or fewer lots. However, jurisdictions not planning under the GMA may now by local ordinance increase the number of lots, tracts, or parcels to nine.

Jurisdictions planning under the GMA may create short subdivisions of up to nine lots, tracts, or parcels, and, by ordinance, increase the number to 24 within a UGA.

Approval of short plats and short subdivisions creating 10 or more lots in GMA planning jurisdictions and 5 or more lots in all other jurisdictions is subject to an inquiry and determination of whether appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and schoolgrounds. This inquiry and determination may be done by administrative personnel.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill is about addressing housing affordability issues by eliminating costly steps of the process that do not add value. This bill will enable local governments to bring affordable homes to market more quickly. This is a small step to get at affordability and streamline processes. Housing supply must come from smaller projects, infill type projects. This bill puts short plats in-line with how the Department of Ecology views State Environmental Policy Act compliance.

CON: Although these areas have been reviewed through the comprehensive planning process, that process is difficult for many residents to understand. Removing a public hearing for up to 30 lots may be a big impact on communities.

OTHER: There is value in facilitating local development, but there are concerns about this bill because there are no public hearings for short plats.

Persons Testifying: PRO: Jan Himebaugh, Building Industry Association of Washington; Scott Hazlegrove, Master Builders of King and Snohomish Counties; Bill Clarke, Washington Realtors. .

CON: Bryce Yadon, Futurewise.

OTHER: Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: No one.