

HOUSE BILL REPORT

EHB 2152

As Amended by the Senate

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:

Committee Activity:

Local Government: 1/10/12, 1/20/12 [DP].

Floor Activity:

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

Senate Amended.

Passed Senate: 3/1/12, 48-0.

Brief Summary of Engrossed Bill

- Establishes 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.
- Establishes date requirements governing the time limits, and conditions all nine-year time limits upon the project being within city limits and not subject to the Shoreline Management Act.
- Repeals two-year time extensions for final plats and subdivisions that temporarily extended associated time limits from five to seven years.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Smith, Springer and Tharinger.

Staff: Ethan Moreno (786-7386).

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:

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 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 of Engrossed Bill:

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 after January 1, 2008, and 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 seven 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 after January 1, 2008, and 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 after January 1, 2008, and 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 SENATE AMENDMENT(S):

The Senate amendment (1) specifies that, except in limited circumstances when nine-year time limits apply, seven-year time limits apply to: (a) final plats if the date of preliminary plat approval is on or before December 31, 2014; (b) land use requirements governing lots in final plats if the date of filing is on or before December 31, 2014; and (c) land use

requirements governing subdivisions if the final plat approval is on or before December 31, 2014; and (2) makes technical changes.

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) The building industry has suffered during our difficult economic times and this bill is a recognition of the hardship that the economy has posed on the industry. The bill, which includes a language change suggested to the Local Government Committee during an interim work session, makes it clear that final plats can be submitted seven years after the preliminary plat is approved.

This bill is a technical correction to 2010 legislation, but support exists for amendments to the underlying bill. The 2014 expiration date in the legislation may need to be revised, as some projects may not be able to be completed within that timeline. Land development is recovering slowly; without this bill many development opportunities will expire and land development scarcity may result. Futurewise agreed to the compromise extension legislation that was adopted in 2010; they recognize that the current bill may pose some risk to environmental protection, but they believe that the economic benefits of the legislation outweigh the potential drawbacks.

(In support with amendment) Work is underway on a large development in King County, but it may not be able to be completed within the timeframes of the bill. The bill should be amended to grant a nine-year expiration timeline for projects that commenced before 2007.

(Opposed) None.

Persons Testifying: (In support) Representative Angel, prime sponsor; Scott Hildebrand, Master Builders Association of King and Snohomish Counties; Art Castle, Building Industry Association of Washington; and April Putney, Futurewise.

(In support with amendment) Dave Ducharme, Yarrow Bay Holdings.

Persons Signed In To Testify But Not Testifying: None.