

# SENATE BILL REPORT

## SHB 1074

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As Reported by Senate Committee On:  
Governmental Operations, March 26, 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:** Passed House: 3/04/13, 98-0.

**Committee Activity:** Governmental Operations: 3/18/13, 3/26/13 [DP].

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway, Fraser and Rivers.

**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.

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

SSB 6544 from 2010 temporarily extended time limitations associated with final plats and subdivisions from five to seven years. In 2012, the Legislature adopted EHB 2152 that 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 SMA.

SMA governs uses of state shorelines and involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in city and county shoreline master programs that regulate land use activities in shoreline areas of the state. Master programs, which must be approved by the Department of Ecology, must comply with statutory provisions and agency guidelines.

**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 ten years of the preliminary plat approval. The 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 considered consistent with a valid land use, notwithstanding changes in zoning laws, for ten 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. The 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 ten 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. The requirement that an associated project be within city limits is repealed.

**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: A plat is a piece of land that is divided into a certain number of lots that a contractor or developer hopes to develop. There needs to be an extension for another year because the building industry is still struggling. One developer platted 129 lots and the process took over two years; required the use of eight different professionals, including numerous attorneys and engineers; and cost in excess of \$250,000 to get to the preliminary plat approval stage. Developers will be hurt if their plats expire. The extension of plat approval extends the time that a developer can get financing. This bill will help the state reach its housing goal. There would be a significant expenditure by cities and counties if cities and counties had to go back and re-approve all of these projects.

CON: The original legislation that extended the timelines for plat approval did not include counties. It has not been as much of an issue in the counties. Counties have some concern about being included at this junction. Counties also have some concern about extending the timelines to ten years because they were not included in the previous extensions. With the extension, land ownership can change and it could affect impact fees. With a ten-year extension, the codes will change during that timeframe.

**Persons Testifying:** PRO: Representative Angel, prime sponsor, Jim Bain, citizen; Scott Hildebrand, Master Builders Assn. of King and Snohomish Counties.

CON: Laura Merrill, WA State Assn. of Counties.