

# HOUSE BILL REPORT

## ESB 5816

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**As Reported By House Committee On:**  
Local Government

**Title:** An act relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

**Brief Description:** Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

**Sponsors:** Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon.

**Brief History:**

**Committee Activity:**

Local Government: 2/16/00, 2/24/00 [DPA].

**Brief Summary of Engrossed Bill**  
**(As Amended by House Committee)**

- Allows counties planning under the Growth Management Act to increase the number of lots, tracts, or parcels in a short subdivision to a maximum of nine within an urban growth area.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Doumit, Democratic Vice Chair and Fisher.

**Staff:** Caroleen Dineen (786-7156).

**Background:**

A property owner generally must have a proposed land division reviewed by the county, city, or town in which the land is located pursuant to a local short subdivision

or subdivision ordinance. Certain types of land divisions are exempt from statutory subdivision requirements.

Subdivisions are defined as land divisions resulting in five or more lots, tracts or parcels. A short subdivision is as a land division or redivision resulting in four or fewer lots, tracts parcels, sites or divisions. A short subdivision containing fewer than four lots may be altered to create up to four lots within the original short plat boundaries.

A city or town may provide by local ordinance for short subdivision of up to nine lots, tracts or parcels. Counties are not authorized to increase the number of lots, tracts, or parcels in a short subdivision by local ordinance.

In addition to other requirements, the Growth Management Act (GMA) requires counties and cities planning under RCW 36.70A.040 (GMA jurisdictions) to designate an urban growth area (UGA) and to adopt a comprehensive plan and implementing development regulations within four years of the date the GMA jurisdiction began planning under the GMA. The UGA is the area within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses.

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**Summary of Amended Bill:**

Counties planning under Growth Management Act (GMA) requirements that have adopted a comprehensive plan and development regulations in compliance with the GMA may by ordinance increase the number of lots, tracts or parcels regulated as short subdivisions to a maximum of nine within any urban growth area.

**Amended Bill Compared to Engrossed Bill:** Provisions adding a new exemption to the subdivision laws for the creation of conservation parcels, defining conservation parcels, and specifying requirements for local ordinances authorizing conservation parcel creation are eliminated in the amended bill.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** (Engrossed bill) Cities currently can authorize 9-lot short plats; this bill puts Growth Management Act (GMA) counties' unincorporated urban growth areas

(UGAs) on the same footing as cities. Counties should have the same authority as cities. This bill is an important tool for GMA implementation, as it provides the opportunity for infill and will reduce urban sprawl. Short subdivision is a more efficient and cost effective method of land division for smaller parcels, and this bill will reduce housing construction costs and increase project review efficiency by reducing the review and approval time. This is a change in procedure only; this does not change the property's zoning, and the short subdivision process addresses the same substantive issues.

Exempting conservation parcels from subdivision requirements is a benefit to property owners, especially those in agricultural areas who may have designated critical areas that cannot be utilized. Authorizing conservation parcels can relieve property owners of the obligation to pay taxes on parcels that cannot be developed. Creation of conservation parcels will protect the environment and is a good addition to the bill. This concept is a very good tool to address salmon recovery, riparian channels and buffer lands.

(Support with concerns) Local governments should have a process to carefully consider tying up land permanently through creation of conservation parcels. The conservation parcels language is too broad and should be narrowed to produce the desired benefits for landowners.

**Testimony Against:** None.

**Testified:** (Support) Senator Mary Margaret Haugen, prime sponsor; Senator McCaslin, sponsor; Gary Reiersgard, Snohomish County; Patrick Beehler, Land Surveyor's Association of Washington; Paul Parker, Washington State Association of Counties; and Mike Ryherd, American Planning Association.

(Support with concerns) Jodi Slavik, Building Industry Association of Washington; Scott Hazelgrove, Association of Washington Business; and Bryan Wahl, Washington Association of Realtors.