
Local Government Committee

HB 1195

Brief Description: Revising rules for vesting of short subdivisions.

Sponsors: Representative Simpson.

Brief Summary of Bill

- Establishes that the development of a short subdivision is governed by the terms of the approval of the short subdivision issued by the local governmental authority.
- Establishes that for a period of five years following the approval of the short subdivision, the statutes, ordinances, and regulations in effect at the time of its approval shall govern the development of the short subdivision.
- Exempts from the five year vesting limitation those short subdivisions zoned for single-family homes and which receive short plat approval on or before the effective date of the act.

Hearing Date: 1/24/05

Staff: Thamas Osborn (786-7129).

Background:

A property owner generally must have a proposed division of land reviewed and approved by the county, city or town in which the land is located. Such divisions of land are generally categorized as either "subdivisions" or "short subdivisions." Subdivisions are defined as land divisions resulting in five or more lots, tracts, or parcels. Short subdivisions are defined as land divisions resulting in four or fewer lots, tracts, or parcels. However, a city, town or Growth Management Act planning county may adopt a local ordinance increasing to a maximum of nine the number of lots, tracts, or parcels that may be contained within a short subdivision.

State law distinguishes between subdivisions and short subdivisions with respect to their regulation following the approval of the land division by the local governmental authority. First, the development of a subdivision is governed by the terms of the approval of the final plat issued by such authority. Second, for a period of five years following the approval of the final plat, the development of the subdivision is subject to the laws and regulations in effect at the time of its approval. In other words, with respect to applicable laws and regulations, the development rights of the owner of a subdivision remain vested for a period of five years following approval of the

final plat. If the property is not developed within this five year period, a local government authority can act to enforce laws and regulations enacted subsequent to the approval of the final plat. However, a local government may also take such regulatory action prior to the expiration of this five year period if necessary in order to respond to a change of conditions that creates a serious threat to public health or safety.

Short subdivisions, on the other hand, are not subject to the same regulatory requirements that are applicable to subdivisions. For example, the laws and regulations governing the development of a short subdivision and which are in effect at the time of its approval are not subject to the five year limitation that is applicable to a subdivision.

Summary of Bill:

The development of a short subdivision is governed by the terms of the approval of the short subdivision issued by the local governmental authority. Also, for a period of five years following the approval of the short subdivision, the statutes, ordinances, and regulations in effect at the time of its approval govern the development of the short subdivision. However, a local government may - prior to the expiration of this five year period - enforce laws and regulations enacted subsequent to the approval of the short subdivision in order to respond to a change of conditions that creates a serious threat to public health or safety.

Short subdivisions that are zoned for single family homes, and which receive short plat approval on or before the effective date of the bill, are exempt from the five year vesting limitation described above. Accordingly, those short subdivisions that are covered by this exemption are subject to the application of those statutes, ordinances, and regulations in effect at the time of short plat approval, and which shall continue to apply without any time limitation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.