

HOUSE BILL REPORT

HB 1039

As Reported by House Committee On:
Local Government

Title: An act relating to vesting of short subdivisions.

Brief Description: Revising rules for vesting of short subdivisions.

Sponsors: Representatives Simpson and Chase.

Brief History:

Committee Activity:

Local Government: 1/20/03, 3/5/03 [DP].

Brief Summary of Bill

- Establishes that the terms of approval for a short subdivision remain valid for five years.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Berkey, Clibborn and Moeller.

Minority Report: Do not pass. Signed by 4 members: Representatives Jarrett, Assistant Ranking Minority Member; Ahern, Ericksen and Mielke.

Staff: Amy Wood (786-7127).

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. 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 the number of lots, tracts, or parcels to be regulated as a short subdivision to a maximum of nine.

A subdivision is governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of its approval for a period of five years after final subdivision approval unless the local governing body finds that a change in conditions creates a serious threat to the public health and safety in the subdivision. No such provision governs short subdivisions.

Summary of Bill:

A short subdivision is governed by the terms of approval of the short subdivision and the statutes, ordinances, and regulations in effect at the time of its approval for a period of five years after short subdivision approval unless the local governing body finds that a change in conditions creates a serious threat to the public health and safety in the subdivision.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill makes uniform the requirements for a long plat and a short plat. If un-divested after five years, it allows a local government to divest a short plat owner. Under current law, once a developer is vested, he is vested forever and need not abide by changes in development regulations and zoning laws. This effects new city annexations and unanticipated development such as schools and essential facilities which may be improper to site along side of the development that was originally permitted under the short subdivision. This bill corrects an oversight in existing law.

Testimony Against: This bill chips away at the vested rights of short subdivision owners. Owners count on these subdivisions to pay for their retirement and their children's education. The people affected by a short plat are different than those affected by a long plat subdivision. Fire protection regulations are still exempted from vesting.

Testified: (In support) Representative Simpson, prime sponsor.

(Opposed) Timothy Harris and Tonia Neal, Building Industry Association of Washington.