

HOUSE BILL REPORT

ESB 5008

As Reported by House Committee On:
Local Government

Title: An act relating to short subdivisions.

Brief Description: Concerning short subdivisions.

Sponsors: Senators Palumbo and Fortunato.

Brief History:

Committee Activity:

Local Government: 3/22/19, 4/2/19 [DPA].

Brief Summary of Engrossed Bill
(As Amended by Committee)

- Authorizes all jurisdictions to increase short subdivisions up to nine lots by ordinance.
- Authorizes jurisdictions planning under the GMA, which have adopted a comprehensive plan, to increase short subdivisions up to 14 by ordinance in an urban growth area.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Robbi Kesler (786-7153).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA:

- the county legislative authority must adopt a countywide planning policy;

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- the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and
- the county must designate and take other actions related to urban growth areas (UGAs).

Urban Growth Areas.

Counties that fully plan under the GMA must designate UGAs, areas within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Subdivision/Plat Approval.

Generally, in counties, cities, and towns, an established planning commission or agency must review all preliminary plats and make recommendations to the county, city, or town legislative body to ensure conformance of the proposed subdivision to the relevant comprehensive plan. Recommendations must be submitted to the legislative body within 14 days following action by a hearing body.

The legislative body must review recommendations during its next public meeting and may approve or reject the recommendations based on the record established at the hearing. If the legislative body deems a change to the planning commission or agency's recommendations, the legislative body must adopt its own recommendations and approve or disapprove of the preliminary plat. County, city, and town legislative bodies hold sole authority to adopt or amend platting ordinances.

If a county, city, or town legislative body finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and all other applicable laws, the legislative body must execute written approval on the face of the plat. A county, city, or town legislative body may by ordinance delegate final plat approval to an established planning commission or agency or other administrative personnel in accordance with state law and local charter. A county auditor must refuse to accept any plat for filing until the appropriate legislative body has approved the plat.

Summary of Amended Bill:

Generally, "short subdivisions" remain defined as the division of land into four or fewer lots. However, jurisdictions may increase the number of lots, tracts, or parcels up: (1) to nine by local ordinance; or (2) to 14 in any UGA, by local ordinance, if they are planning under the GMA and have adopted a comprehensive plan.

Any ordinance proposing to increase the allowable number of lots must: (1) provide notice to neighbors, the community, and school districts serving the lots; and (2) provide an

opportunity for public comment prior to approval of any short plats or short subdivisions creating more than four lots. If a local legislative body finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and all other applicable laws, the legislative body must execute written approval on the face of the plat. However, the written findings must address any comments received from the public.

Amended Bill Compared to Engrossed Bill:

The striking amendment:

- provides that a short subdivision is four lots, however counties and cities may increase: (1) up to nine lots by local ordinance; or (2) up to 14 lots, by local ordinance, if they are planning under GMA, have adopted a comprehensive plan, and is in a UGA;
- requires any ordinance increasing the allowable number of lots under the act to provide for effective notice to neighbors, the community, school districts servicing the lots, and provide an opportunity for public comment prior to the approval of any short plats or short subdivisions creating more than four lots; and
- requires that the written findings provided by the county or city must address any public comments received (relating to whether the short plats will have appropriate infrastructure provisions—streets; transit stops; playgrounds; schools; including but not limited to school capacity and class size; etc.).

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) There was substantial confusion regarding the companion to this bill. There are a number of key changes to this bill. Short plats are a more economical process for dividing land. Current law allows applicants to divide land into four lots for the short plat process and local jurisdictions may allow up to nine lots. Under this bill, jurisdictions planning under the GMA could allow divisions of land into nine to 24 lots under the short plat process. This is not a new system. A short plat decision is made by planning and permitting staff of the jurisdiction. Longer plats are decided by the hearings examiner. The short plat process does not change zoning or other regulations. The process preserves opportunities for public comment and for appeal. This system makes it more affordable to build homes and promote affordable housing. More housing is needed across the state and this bill will help streamline the home building process.

(Opposed) Inclusion of infrastructure language is appreciated. The short plat process is for infill rather than green field development. Even within urban growth boundaries, this bill

provides a way to speed up sprawl. The long subdivision process for greater than nine lots is the correct policy.

Persons Testifying: (In support) Scott Hazlegrove, Master Builders Association of King and Snohomish Counties; and Jan Himebaugh, Building Industry Association of Washington.

(Opposed) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.