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## Local Government Committee

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### HB 1818

**Brief Description:** Concerning the administration of plats.

**Sponsors:** Representatives Penner, Parshley, Klicker, Nance, Stuebe, Barkis, Barnard, Low, Connors, Walen, Manjarrez and Leavitt.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Creates a mandatory administrative review process for subdivisions that meet certain requirements.</li><li>• Makes various changes to existing subdivision laws.</li></ul>
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**Hearing Date:** 2/11/25

**Staff:** Elizabeth Allison (786-7129).

**Background:**

Subdivisions and Plats.

Counties, cities, and towns are subject to laws regarding the subdivision of land. Subdivision is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or the transfer of ownership. A subdivision of land into four or fewer lots is called a short subdivision. A city or town may increase the number of lots that can be regulated as short subdivisions up to a maximum of nine. Counties planning under the Growth Management Act may do the same with unincorporated land within an urban growth area. Subdivisions and short subdivisions must comply with local ordinances around zoning, road standards, shorelines, utilities, and drainage.

Plats and short plats are maps or representations of subdivisions and short subdivisions that show the division of land into lots, streets, alleys, dedications, and easements. A preliminary plat is an

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approximate drawing of a proposed subdivision that shows the general layout of streets, alleys, lots, blocks, and other elements of a subdivision. A preliminary plat is the basis for approval or disapproval of the general layout of a subdivision.

#### Subdivision and Plat Approval.

There is a two-step process for approving subdivisions, which consists of a preliminary plat approval and a final plat approval. A proposed division of land is considered, under subdivision or short subdivision ordinances and other land use controls, in effect at the time a fully completed application for preliminary plat approval is submitted to the appropriate entity. Local ordinances determine what constitutes a fully completed application. A preliminary plat of proposed subdivisions and dedications of land must be submitted for approval to the local jurisdiction's legislative body where the plat is situated. Each short plat and short subdivision granted must be filed with the county auditor and is not deemed approved until the document is filed.

The local jurisdiction must inquire into the public use and interest to be served by the subdivision and dedication and determine if appropriate provisions are made for various considerations such as public ways, transit stops, potable water supplies, and parks and recreation. A proposed plat may not be approved unless the local jurisdiction makes written findings that the appropriate provisions are made.

When evaluating applications for subdivision, local jurisdiction must consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat based on flood, inundation, or swamp conditions. The local jurisdiction may require construction of protective improvements as a condition to approval. In lieu of completing construction of any required improvements, the local jurisdiction may accept a bond.

Preliminary plats must be approved, disapproved, or returned for modification within 90 days of the filing date. The applicant may consent to an additional 21 days.

A final plat that complies with subdivision laws must be submitted to the local jurisdiction for approval within five, seven, or 10 years depending on the time period and circumstances of approval. Local jurisdictions may adopt ordinances extending the timeline that may contain additional or altered condition requirements.

#### Notice of Filing Requirements.

Notice of the filing of a preliminary plat of certain proposed subdivisions must be given to the appropriate city or town authorities. These proposed subdivisions include that:

- the subdivision is adjacent to or within one mile of a local jurisdiction's boundaries;
- the appropriate authority contemplates the use of any city or town utilities; and
- the subdivision is adjacent to the right-of-way of a state highway or within two miles of the boundary of an airport.

Notice must include the hour and location of the hearing and a description of the property to be

platted. Notice for a plat for the proposed subdivision of land that is adjacent to the right-of-way of a state highway; written notice of the application, including a legal description of the plat; and a location map must be given to the Department of Transportation.

#### Planning Commissions.

A planning commission or planning agency established by a local jurisdiction must review all preliminary plats and make recommendations to assure that the proposed subdivision conforms with the jurisdiction's comprehensive plans and planning standards. Reports from the planning commission or agency are advisory only. A local jurisdiction may assign a planning commission or agency official duties and powers, including holding hearings and making recommendations on proposed subdivisions.

#### Binding Site Plans.

Binding site plans are an alternative to the subdivision process. A binding site plan may only be used for industrial or commercial use; the lease of mobile homes, tiny homes, or travel trailers; and condominiums. Local governments must adopt procedures for binding site plan review and approval.

#### Exemptions from Subdivision Laws.

The following land divisions are exempt from subdivision laws:

- burial plots;
- divisions into lots above a certain size;
- divisions made by testamentary provisions or the laws of descent;
- boundary line adjustments where no additional lots are created;
- divisions for industrial or commercial use, lots for mobile homes, and for the development of condominiums when a binding site plan is used; and
- divisions of land into lots or tracts if certain conditions relating to binding site plans are met, including a statement that development and use of the land will be in accordance with the binding site plan, permits, regulations, and other requirements.

The exemptions are not exempt from zoning and permitting laws and other regulations.

#### Administrative Review.

A local jurisdiction may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing. The ordinance may include specified optional elements. Minimum requirements must be met.

#### Miscellaneous Provisions.

If the preliminary plat includes a dedication of a public park with an area of less than 2 acres and a donor has designated that the park be named in honor of a deceased individual of good character, the local jurisdiction must adopt the designated name.

An offer of dedication may include a waiver of right of direct access to any street from any property.

Any lot in a final plat filed for record is valid despite any change in zoning laws for five, seven, or 10 years, depending on the time period and circumstances of the approval.

Any decisions approving or disapproving any plat is reviewable under judicial review of land use decisions.

When any person is interested in the alteration of any subdivision, that person must submit an application to request the alteration. Upon receipt of an application for alteration, the local jurisdiction must provide notice of the application to the owners of the property within the subdivision. The notice must either establish a date for public hearing or provide that a hearing may be required.

An easement for ingress and egress or for utilities over public property that meets certain requirements may be exempted from requirements regarding the alteration of subdivisions.

### **Summary of Bill:**

#### Subdivisions and Plats.

A preliminary plat is an approximate drawing of a proposed subdivision that shows the general layout of streets, alleys, lots, blocks, and other elements of a subdivision for which a complete application has been submitted for approval on or before June 30, 2026. A short subdivision is the division or redivision of land into nine, rather than four, or fewer lots for which an application has been submitted for approval on or before June 30, 2026. A short plat is the map or representation of a short subdivision for which a complete application is submitted for approval on or before June 30, 2026, and which is submitted for filing with the county auditor.

City, town, and county legislative authorities have sole authority to enact or amend ordinances and development regulations governing subdivisions. The ordinance may delegate final plat approval to a planning commission or authorized official.

#### Subdivision and Plat Approval.

A local jurisdiction may not prohibit the submittal of a complete application based on a requirement that is not expressed in state law or local ordinance.

All applications for approval of a proposed plat to subdivide land submitted and deemed to be complete on or after July 1, 2026, must be processed administratively regardless of the number of lots or tracts to be created through such subdivision. A local jurisdiction must adopt an ordinance to provide for administrative review of subdivision applications without a requirement for a public hearing, with exceptions.

The official authorized in an ordinance of a local jurisdiction to administratively review and approve or disapprove plats for proposed subdivision and must determine whether the proposed plat complies with the applicable comprehensive plan designation, development regulations, and

other codes and design standards. Specific requirements are provided.

Bonds accepted in lieu of completing required construction of protective improvements may include a bond with a surety or other secure method equal to 125 percent of the estimated construction cost.

Language requiring preliminary plats to be approved, disapproved, or returned for modification within 90 days of the filing date with an optional extension is removed. If a plat of a proposed subdivision and dedication as submitted does not meet designated criteria for approval, the proposed plat or subdivision must be returned to the applicant for modification within a time period established by the local jurisdiction. The time period may not exceed 30 days from the date of determination of completeness unless the applicant consents.

A final plat that meets all subdivision requirements must be submitted for approval within five years of plat approval if the date of determination is on or after July 1, 2026, rather than within designated time periods.

#### Notice of Filing Requirements.

Existing notice requirements for the filing of a preliminary plat of a proposed subdivision are removed. Notice of the filing of a plat application for approval of a proposed subdivision must be provided to affected cities, towns, counties, state and local governmental agencies, utility providers, and other people and entities set forth in local regulations.

#### Planning Commissions.

Language providing that planning commission reports are advisory only is removed.

#### Binding Site Plans.

A binding site plan may be used for mixed-use developments with residential uses. All development and use of land under a binding site plan may be amended with the approval of the local jurisdiction, in accordance with permits, approvals, regulations, requirements, and restrictions imposed on the land and its development.

#### Exemptions from Subdivision Laws.

Divisions of land into tracts that meet certain conditions exempting them from state subdivision laws are deemed to have been approved by a local jurisdiction with respect to all land in a binding site plan:

- in connection with the approval of a final plan;
- in connection with the issuance of building permits or final certifications of occupancy; or
- if not approved under the first two circumstances, in accordance with other procedures the local jurisdiction has established for the approval of a binding site plan.

Divisions of land into lots or tracts for mixed-use development that includes residential use, and divisions of land to split an existing lot or parcel into up to two lots or parcels that meet certain requirements, are exempt from state subdivision laws.

Language requiring a statement that development and use of the land will be in accordance with the binding site plan, permits, regulations, and other requirements for the division of land exempt from state subdivision laws through binding site plans is removed.

#### Administrative Review.

The option for local jurisdictions to adopt an ordinance providing for administrative review is removed. Local jurisdictions are required to provide for the administrative review of a preliminary and a final plat for which a complete application was submitted and deemed complete on or before June 30, 2026, without a public hearing. The ordinance must include specified requirements.

#### Miscellaneous Provisions.

Language requiring a local government to use a designated name for a preliminary plat that includes a dedication of a public park meeting certain requirements is removed.

Judicial review of a final plat is limited to whether the final plat satisfied all of the terms and conditions of plat approval for the subdivision.

A person submitting an application for the alteration of any subdivision must have an ownership interest in all or portions of the subdivision. The requirement that the notice provided by a local jurisdiction must include a date for a public hearing or provide that a public hearing may be required is removed.

#### Administrative Lot Splitting.

Cities that must comply with minimum density requirements under the Growth Management Act must adopt or amend ordinances by July 1, 2026, to allow an administrative lot split to create one new residential lot within a primarily residential zone, if the following conditions are met:

- no more than one new lot is created, and no lot split is authorized in business, commercial, retail, and industrial zones;
- a lot created through an administrative lot split may be further segregated if certain conditions are met;
- the donor lot and the new lot both meet applicable minimum lot sizes; and
- the donor lot was not created through the splitting of a single-family residential lot.

A city must establish procedural and substantive standards through which an administrative lot split is reviewed and approved, in the same manner as lot splits exempt from state subdivision laws, based upon a lot split survey showing the newly created lot and the remainder of the donor parcel. A lot split must be approved administratively and is not subject to an administrative appeal if:

- the lots resulting from the split meet the minimum lot size under the city's development regulations;
- the sewer and water surveyors have issued certificates of availability to serve the newly created lot;

- access rights are granted or conveyed as necessary; and
- a proposed lot split may be conditioned upon dedication of a right-of-way on the donor lot.

Cities may not impose a limit on the total number of dwelling units allowed on the new residential lot and the original lot that is less than the number of residential dwelling units allowed by the underlying zoning of the original lot prior to the administrative lot split.

A city must deny an application for an administrative lot split if a resulting lot would not have sufficient developable land because of the presence of critical areas on the lot.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2025.

**Effective Date:** The bill contains multiple effective dates. Please see the bill.