

HOUSE BILL REPORT

HB 1153

As Reported By House Committee On:
Local Government

Title: An act relating to property divisions.

Brief Description: Restricting property divisions.

Sponsors: Representative R. Johnson.

Brief History:

Reported by House Committee on:
Local Government, February 25, 1993, DP.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 8 members:
Representatives H. Myers, Chair; Bray, Vice Chair;
Edmondson, Ranking Minority Member; Dunshee; Rayburn;
Romero; Springer; and Zellinsky.

Minority Report: Do not pass. Signed by 4 members:
Representatives Reams, Assistant Ranking Minority Member;
R. Fisher; Horn; and Van Luven.

Staff: Bill Lynch (786-7092).

Background: In general, when a property owner wishes to divide his or her land, the division of the land must be reviewed by the city, town, or county pursuant to a subdivision or short subdivision ordinance. If the property is going to be divided into four or less lots, it is considered a short subdivision. A city or town may, however, allow a parcel of property to be divided into a maximum of nine lots under its short subdivision ordinance.

The legislative body of cities, towns, and counties are required to adopt procedures for the summary approval of short subdivisions by administrative personnel. Subdivisions that are not short subdivisions must be submitted to the legislative body of the city, town, or county for approval. Written findings must be made that the proposed short subdivision or subdivision makes appropriate provision for the public health, safety, and general welfare before they can be approved.

The approval process for regular subdivisions also requires the filing of a preliminary plat of the proposed subdivision with the legislative body of the city, town, or county. Notice of a public hearing or an administrative review of the preliminary plat must be sent to adjacent landowners as well as published. Any person may comment on the proposed preliminary plat. The legislative body of the city, town, or county has the sole authority to approve final plats.

Divisions of property that are made pursuant to a will or other methods of inheritance are exempt from the platting and subdivision requirements of state law. Concerns have been raised that the protections provided under the subdivision and platting laws can be circumvented through the inheritance laws.

Summary of Bill: The exemption from the platting and subdivision laws for divisions of property made by a will or through other methods of inheritance is deleted.

Fiscal Note: Not requested.

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

Testimony For: Agricultural land is being broken into a large number of lots in violation of minimum lot size requirements. One 30-acre parcel was broken into 101 lots outside of an urban growth area. This is needed to be consistent with growth management objectives. People can still will their property to others.

Testimony Against: This will surprise many people who have already made out their wills. Under current law people must still adhere to growth management requirements, septic requirements, and the State Environmental Protection Act (SEPA). The Land Development Act prohibits 26 lots or more from being sold without a public offering.

Witnesses: (pro) Representative Rob Johnson, prime sponsor; and (con) Glen Hudson, Washington Association of Realtors.