

HOUSE BILL REPORT

SB 5645

As Reported By House Committee On:
Local Government

Title: An act relating to property divisions.

Brief Description: Restricting property divisions.

Sponsors: Senators Spanel and Fraser.

Brief History:

Reported by House Committee on:
Local Government, March 30, 1993, DP.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

Minority Report: Do not pass. Signed by 4 members:
Representatives Edmondson, Ranking Minority Member; Reams,
Assistant Ranking Minority Member; 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 bodies 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: This legislation will prevent improper and unregulated subdivision from occurring.

Testimony Against: Other statutes protect the public. There has not been any crisis demonstrated to warrant such a bill.

Witnesses: (Pro) Senator Harriet Spanel, prime sponsor; (con) Marcus Boldt, Clark County Farm Bureau; and (con) Glen Hudson, Washington Association of Realtors.