

HOUSE BILL REPORT

SHB 1935

As Passed Legislature

Title: An act relating to the development of inherited property.

Brief Description: Permitting development of inherited property.

Sponsors: By House Committee on Government Reform & Land Use (originally sponsored by Representative Reams).

Brief History:

Committee Activity:

Government Reform & Land Use: 2/26/97, 2/26/97 [DPS].

Floor Activity:

Passed House: 3/13/97, 59-36.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

Staff: Kimberly Klaiber (786-7156).

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. A division of land into four or fewer lots is considered a short subdivision, but a city or town may allow a parcel to be divided into a maximum of nine lots under its short subdivision ordinance.

The legislative body of a city, town, and county is required to adopt procedures for the *summary approval* of short subdivisions. Subdivisions that are not short subdivisions must be submitted to the legislative body of the city, town, or county for approval. The proposed short subdivision or subdivision will be approved only after the applicable administrative official makes written findings that the proposed short subdivision or subdivision appropriately provides for the public health, safety, and general welfare.

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 and must also be 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.

Certain property divisions are exempt from the requirements of plats and subdivisions. Among the exceptions are divisions of land made by a last will and testament.

Summary of Bill: Despite zoning provisions relating to minimum lot sizes, inherited property which is exempt from platting and subdivision requirements may be developed. The property must be developed for a use authorized for that particular piece of property under current zoning laws. The lot created must contain sufficient area for a single family residence and on-site sewage disposal, with the lot and disposal system submitted for final approval to the legislative body of the municipality within five years of creation of the lot. The people inheriting the property must be immediate family members of the deceased. The number of parcels into which the property can be divided can equal no more than the number of immediate family members who are inheriting the property, not to exceed ten parcels.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Growth Management Act is fine, but we need to breathe some humanity into it. We have not taken into consideration a lot of the problems that people have in various communities around the state. If we do it right, this is one way to do some of that -- to make that recognition.

Testimony Against: This bill has the ability to throw off land use patterns. In a family inheritance situation, people want to keep land in the family for cultural reasons and want to preserve a certain way of life. The bill needs to accommodate

family while ensuring that families don't break up land and sell it off to third parties. Perhaps there should be restraints so that not every estate becomes a redevelopment project. Maybe people who inherit should be restricted from certain development unless they reside there themselves.

Testified: Representative Reams, prime sponsor (pro); and Mike Ryherd, 1000 Friends of Washington and the American Planning Association (concerns).