

---

SENATE BILL 6262

---

State of Washington

55th Legislature

1998 Regular Session

By Senator Swecker

Read first time . Referred to Committee on .

1 AN ACT Relating to the development of property transferred to  
2 children; amending RCW 58.17.040; adding a new section to chapter 35.63  
3 RCW; adding a new section to chapter 35A.63 RCW; adding a new section  
4 to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; and  
5 prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read  
8 as follows:

9 The provisions of this chapter shall not apply to:

- 10 (1) Cemeteries and other burial plots while used for that purpose;  
11 (2) Divisions of land into lots or tracts each of which is one-one  
12 hundred twenty-eighth of a section of land or larger, or five acres or  
13 larger if the land is not capable of description as a fraction of a  
14 section of land, unless the governing authority of the city, town, or  
15 county in which the land is situated shall have adopted a subdivision  
16 ordinance requiring plat approval of such divisions: PROVIDED, That  
17 for purposes of computing the size of any lot under this item which  
18 borders on a street or road, the lot size shall be expanded to include  
19 that area which would be bounded by the center line of the road or

1 street and the side lot lines of the lot running perpendicular to such  
2 center line;

3 (3) Divisions made by testamentary provisions, or the laws of  
4 descent;

5 (4) Divisions of land into lots or tracts classified for industrial  
6 or commercial use when the city, town, or county has approved a binding  
7 site plan for the use of the land in accordance with local regulations;

8 (5) A division for the purpose of lease when no residential  
9 structure other than mobile homes or travel trailers are permitted to  
10 be placed upon the land when the city, town, or county has approved a  
11 binding site plan for the use of the land in accordance with local  
12 regulations;

13 (6) A division made for the purpose of alteration by adjusting  
14 boundary lines, between platted or unplatted lots or both, which does  
15 not create any additional lot, tract, parcel, site, or division nor  
16 create any lot, tract, parcel, site, or division which contains  
17 insufficient area and dimension to meet minimum requirements for width  
18 and area for a building site; ((and))

19 (7) Divisions of land into lots or tracts if: (a) Such division is  
20 the result of subjecting a portion of a parcel or tract of land to  
21 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
22 binding site plan for all such land; (b) the improvements constructed  
23 or to be constructed thereon are required by the provisions of the  
24 binding site plan to be included in one or more condominiums or owned  
25 by an association or other legal entity in which the owners of units  
26 therein or their owners' associations have a membership or other legal  
27 or beneficial interest; (c) a city, town, or county has approved the  
28 binding site plan for all such land; (d) such approved binding site  
29 plan is recorded in the county or counties in which such land is  
30 located; and (e) the binding site plan contains thereon the following  
31 statement: "All development and use of the land described herein shall  
32 be in accordance with this binding site plan, as it may be amended with  
33 the approval of the city, town, or county having jurisdiction over the  
34 development of such land, and in accordance with such other  
35 governmental permits, approvals, regulations, requirements, and  
36 restrictions that may be imposed upon such land and the development and  
37 use thereof. Upon completion, the improvements on the land shall be  
38 included in one or more condominiums or owned by an association or  
39 other legal entity in which the owners of units therein or their

1 owners' associations have a membership or other legal or beneficial  
2 interest. This binding site plan shall be binding upon all now or  
3 hereafter having any interest in the land described herein." The  
4 binding site plan may, but need not, depict or describe the boundaries  
5 of the lots or tracts resulting from subjecting a portion of the land  
6 to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to  
7 have been approved if the site plan was approved by a city, town, or  
8 county: (i) In connection with the final approval of a subdivision  
9 plat or planned unit development with respect to all of such land; or  
10 (ii) in connection with the issuance of building permits or final  
11 certificates of occupancy with respect to all of such land; or (iii) if  
12 not approved pursuant to (i) and (ii) of this subsection (7)(e), then  
13 pursuant to such other procedures as such city, town, or county may  
14 have established for the approval of a binding site plan; and

15 (8) Divisions of land into lots or tracts if the owner transfers by  
16 deed not less than one and one-quarter acres nor more than five acres  
17 of property to a child for the exclusive purpose of permitting that  
18 child to construct thereon one single-family residence and necessary  
19 outbuildings for that residence. The deed must contain a restrictive  
20 covenant running with the property reflecting the requirements of this  
21 subsection. Any conveyance of real property under this subsection is  
22 exempt from this chapter. However, if any parcel or parcels that are  
23 divided and transferred under this subsection are further subdivided or  
24 short subdivided in any manner during a ten-year period immediately  
25 following the original division and transfer, the division and transfer  
26 is void and shall be considered part of the original division of  
27 property which shall be subject to the county subdivision or short  
28 subdivision ordinances that are in force at the time of the subsequent  
29 division.

30 Any transfer made under false pretenses for the purpose of using  
31 the exemption under this subsection is a gross misdemeanor.

32 NEW SECTION. Sec. 2. A new section is added to chapter 35.63 RCW  
33 to read as follows:

34 Notwithstanding any zoning provision pertaining to minimum lot  
35 sizes, property that is exempt from subdivision and platting  
36 requirements under RCW 58.17.040(8) may be developed, so long as:

37 (1) The property is developed for a use that is authorized for that  
38 property under current zoning laws; and

1 (2) Each lot that is created contains sufficient area for a single-  
2 family residence and an on-site sewage disposal system using any method  
3 of on-site sewage disposal appropriate for the lot under standards that  
4 exist when the lots are created, as determined by the local health  
5 department with a lot and on-site sewage disposal system submitted for  
6 final approval to the legislative body of the city or town within five  
7 years of the date of creation of the lot.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.63 RCW  
9 to read as follows:

10 Notwithstanding any zoning provision pertaining to minimum lot  
11 sizes, property that is exempt from subdivision and platting  
12 requirements under RCW 58.17.040(8) may be developed, so long as:

13 (1) The property is developed for a use that is authorized for that  
14 property under current zoning laws; and

15 (2) Each lot that is created contains sufficient area for a single-  
16 family residence and an on-site sewage disposal system using any method  
17 of on-site sewage disposal appropriate for the lot under standards that  
18 exist when the lots are created, as determined by the local health  
19 department with a lot and on-site sewage disposal system submitted for  
20 final approval to the legislative body of the city within five years of  
21 the date of creation of the lot.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70 RCW  
23 to read as follows:

24 Notwithstanding any zoning provision pertaining to minimum lot  
25 sizes, property that is exempt from subdivision and platting  
26 requirements under RCW 58.17.040(8) may be developed, so long as:

27 (1) The property is developed for a use that is authorized for that  
28 property under current zoning laws; and

29 (2) Each lot that is created contains sufficient area for a single-  
30 family residence and an on-site sewage disposal system using any method  
31 of on-site sewage disposal appropriate for the lot under standards that  
32 exist when the lots are created, as determined by the local health  
33 department with a lot and on-site sewage disposal system submitted for  
34 final approval to the legislative body of the county within five years  
35 of the date of creation of the lot.

1        NEW SECTION.   **Sec. 5.**   A new section is added to chapter 36.70A RCW  
2 to read as follows:

3        Notwithstanding any zoning provision pertaining to minimum lot  
4 sizes, property that is exempt from subdivision and platting  
5 requirements under RCW 58.17.040(8) may be developed, so long as:

6        (1) The property is developed for a use that is authorized for that  
7 property under current zoning laws; and

8        (2) Each lot that is created contains sufficient area for a single-  
9 family residence and an on-site sewage disposal system using any method  
10 of on-site sewage disposal appropriate for the lot under standards that  
11 exist when the lots are created, as determined by the local health  
12 department with a lot and on-site sewage disposal system submitted for  
13 final approval to the legislative body of the county, city, or town  
14 within five years of the date of creation of the lot.

--- END ---