

SENATE BILL REPORT

HB 1264

As of March 17, 2003

Title: An act relating to mineral rights; and amending RCW 58.17.020, 58.17.165, and 58.17.212.

Brief Description: Defining "nonmineral ownership interest" for purposes of property subdivision requirements.

Sponsors: Representatives Sump, Bush and Mielke.

Brief History:

Committee Activity: Land Use & Planning: 3/20/03.

SENATE COMMITTEE ON LAND USE & PLANNING

Staff: Tim Watterson (786-7441)

Background: The Subdivision Act, Chapter 58.17 RCW, provides for dividing land for the purpose of sale, lease, or transfer of ownership. "Subdivision" is the division of land into five or more lots, tracts, parcels, or divisions. "Short subdivision" is the division of land into nine or fewer divisions. A "plat" is a map or representation of a subdivision. Subdivisions and short subdivisions (or plats) are granted by local governments pursuant to adopted regulations and are recorded with the county auditor. Recorded plats must include a statement that the subdivision was made with the consent of the property owner(s).

In a Stevens County Superior Court decision in December, 2001, a short plat approved by the county planning department and hearing examiner was ruled defective and invalid because the plat did not include the signatures of the owners of the mineral estate (or rights) on the subject land. The minerals on this property existed not only under the surface but also on the surface of the land in visible and tangible form. Because of the minerals located on the surface, the court termed this a "limited surface estate" and noted that "it is unlikely" that "this case's principles would apply to another case with mineral rights."

Summary of Bill: A new definition is added to the Subdivision Act. "Nonmineral ownership interest" means any ownership interest in a parcel of land that is not exclusively limited to the ownership of the parcel's mineral rights. The ownership statement that is required in the act for recorded plats is limited to the owner or owners "of all nonmineral ownership interests," thereby not requiring the signature of owners of mineral rights. This limitation is also added to signature requirements for public dedication of land in subdivisions and for vacation of subdivisions. A minor Code Reviser correction amendment is also included.

Appropriation: None.

Fiscal Note: Not requested.

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