

SENATE BILL REPORT

SHB 1935

As Reported By Senate Committee On:
Government Operations, April 4, 1997

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

Brief Description: Permitting development of inherited property.

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

Brief History:

Committee Activity: Government Operations: 3/28/97, 4/4/97 [DPA, DNPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

Minority Report: Do not pass as amended.

Signed by Senators Haugen, Patterson and Swanson.

Staff: Kathleen Healy (786-7403)

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. A city or town may permit a short subdivision of up to nine lots.

The legislative bodies of cities, towns, and counties are 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 subdivision. Among the exceptions are divisions of land made by a last will and testament, although the resulting plats are not necessarily developable.

Summary of Amended Bill: In spite of 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 the 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.

Amended Bill Compared to Substitute Bill: A change is made to reflect that the lot and disposal system must be submitted for final approval to the legislative body of the municipality within five years of creation of the lot.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: There is a myriad of loopholes in this bill. It is not designated for the family farm, but for any piece or pieces of property inherited by someone else. This allows you to do, when you die, what is illegal to do when you are alive.

Testified: Bob Hart, Skagit County (con); Mike Ryherd, 1000 Friends of WA/APA (con).