
Local Government Committee

HB 1854

Brief Description: Authorizing subdivision of land in rural areas for families.

Sponsors: Representatives Engell, Klicker, Manjarrez, Abell and Dufault.

Brief Summary of Bill

- Authorizes counties to allow the division of land outside of urban growth areas, including with resulting lots below minimum required lot sizes, when the land is divided between family members under certain circumstances.

Hearing Date: 2/12/25

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act.

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. For planning counties and cities, the centerpiece of the planning process is the comprehensive plan. The Legislature has established 14 goals to act as the basis of all comprehensive plans. Examples of goals include reducing sprawl, encouraging development in urban areas, and protecting property rights. The comprehensive plan must address these goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future.

A city or county's comprehensive plan and regulations can be challenged as out of compliance with GMA requirements. These challenges are generally heard before the Growth Management

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Hearings Board (GMHB), though they may, with the agreement of the parties, be heard directly in superior court. Plans and regulations are presumed to be valid, and the burden of proof is on the petitioner to show that the plan or regulations are clearly erroneous and not in compliance with the GMA. After holding the hearing, the GMHB must issue a written final order on the matter.

Rural Comprehensive Plan Element.

One required comprehensive plan element that applies only to counties is the rural element. In rural areas, open space and the natural landscape predominate over the built environment; traditional rural lifestyles, rural economies, and opportunities to live and work in rural areas are fostered; traditional rural visual landscapes are provided; use of the land for fish and wildlife is possible; sprawl is reduced; and urban government services are not required.

Urban areas, by contrast, are those in which the built environment predominates, and the land cannot be primarily utilized for agriculture, natural resources uses, rural uses, or rural development. Urban growth areas are designated areas in which this growth is concentrated. Within a designated urban growth area, urban growth must be encouraged. Outside of a designated urban growth area, urban growth must be prohibited.

The rural element covers rural development and must allow for a variety of rural densities, uses, essential public facilities, and rural government services. In order to achieve a variety of densities, counties can use innovative techniques like clustering, density transfers, conservation easements, and more to accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth.

The rural element must also include measures to protect the rural character of an area. Measures to protect this character include containing or controlling rural development, assuring visual compatibility of developments with the surrounding rural area, reducing the conversion of undeveloped land into low-density development, protecting critical areas, and protecting against conflicts with agricultural, forest, and mineral resource lands.

One way in which counties can control rural development is by requiring minimum lot sizes or limiting the density of development. In Kitsap County, for example, the maximum density in a rural residential zone is one dwelling per 5 acres. In Pierce County, the minimum lot size ranges from 5 to 40 acres, depending on the rural zone in which the property is located. Some counties permit clustering, wherein lots are grouped together more closely than is generally permitted as long as sufficient land from the original parcel is permanently kept as open space.

Setbacks are another way of ensuring that sufficient distance is maintained between a structure and another feature, such as a property line or road. For example, Snohomish County requires structures in rural zones that require a minimum lot size of 5 acres to be either 20 feet from the roadway, or 50 feet, depending on the size of the road.

Summary of Bill:

A county may allow a property owner (grantor) outside of an urban growth area to divide land for transfer or sale to the grantor's family members, notwithstanding requirements for lot sizes or setbacks, when:

- the original parcel has been owned for at least five years by the grantor or has been transferred by a deceased family member with ownership in the family for more than five years;
- the subdivision application identifies each family member receiving each new lot, and no family member receives more than one lot; and
- the resulting lots are large enough to accommodate a residence and associated infrastructure such as a well and a septic system, but the lots need not be the same size as would be required for the development of a single-family residence as provided for in local development regulations or in the county's comprehensive plan.

Except for requirements for lot sizes and setbacks, the development of any lot resulting from the subdivision between family members must conform to local regulations.

Family members include, but are not limited to, parents, children, grandchildren, spouses, and siblings at the time of the subdivision.

Any judicial or GMHB decision requiring lots to be a certain size in rural areas because of the rural character of the area that would prohibit a subdivision between family members allowed pursuant to the family subdivision process is void.

Appropriation: None.

Fiscal Note: Requested on February 5, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.