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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2713.1/99

ATTY/TYPIST: KT:rmh

BRIEF TITLE:

2 **ESB 5816** - H AMD TO LG COMM AMD (H-2522.1/99)  
3 By Representative

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5 On page 3, after line 6 of the amendment, insert the following:

6 "(16) "Conservation parcel" means a parcel or lot of any size and  
7 configuration created specifically to conserve, preserve, or protect  
8 land in its undeveloped state or to restore the value and benefits of  
9 developed land to its undeveloped state. Lands which may be included  
10 within a conservation parcel include critical areas as defined in RCW  
11 36.70A.030(5), open space areas, riparian areas, forest lands,  
12 agricultural lands, or other lands identified by counties or cities  
13 pursuant to section 3 of this act as eligible for inclusion in a  
14 conservation parcel.

15 **Sec. 2.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read  
16 as follows:

17 The provisions of this chapter shall not apply to:

18 (1) Cemeteries and other burial plots while used for that purpose;

19 (2) Divisions of land into lots or tracts each of which is one-one  
20 hundred twenty-eighth of a section of land or larger, or five acres or  
21 larger if the land is not capable of description as a fraction of a  
22 section of land, unless the governing authority of the city, town, or  
23 county in which the land is situated shall have adopted a subdivision  
24 ordinance requiring plat approval of such divisions: PROVIDED, That  
25 for purposes of computing the size of any lot under this item which  
26 borders on a street or road, the lot size shall be expanded to include  
27 that area which would be bounded by the center line of the road or  
28 street and the side lot lines of the lot running perpendicular to such  
29 center line;

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

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

35 (5) A division for the purpose of lease when no residential  
36 structure other than mobile homes or travel trailers are permitted to

1 be placed upon the land when the city, town, or county has approved a  
2 binding site plan for the use of the land in accordance with local  
3 regulations;

4 (6) A division made for the purpose of alteration by adjusting  
5 boundary lines, between platted or unplatted lots or both, which does  
6 not create any additional lot, tract, parcel, site, or division nor  
7 create any lot, tract, parcel, site, or division which contains  
8 insufficient area and dimension to meet minimum requirements for width  
9 and area for a building site; (~~and~~)

10 (7) A division made for the purpose of creating a conservation  
11 parcel according to the requirements of section 3 of this act; and

12 (8) Divisions of land into lots or tracts if: (a) Such division is  
13 the result of subjecting a portion of a parcel or tract of land to  
14 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
15 binding site plan for all such land; (b) the improvements constructed  
16 or to be constructed thereon are required by the provisions of the  
17 binding site plan to be included in one or more condominiums or owned  
18 by an association or other legal entity in which the owners of units  
19 therein or their owners' associations have a membership or other legal  
20 or beneficial interest; (c) a city, town, or county has approved the  
21 binding site plan for all such land; (d) such approved binding site  
22 plan is recorded in the county or counties in which such land is  
23 located; and (e) the binding site plan contains thereon the following  
24 statement: "All development and use of the land described herein shall  
25 be in accordance with this binding site plan, as it may be amended with  
26 the approval of the city, town, or county having jurisdiction over the  
27 development of such land, and in accordance with such other  
28 governmental permits, approvals, regulations, requirements, and  
29 restrictions that may be imposed upon such land and the development and  
30 use thereof. Upon completion, the improvements on the land shall be  
31 included in one or more condominiums or owned by an association or  
32 other legal entity in which the owners of units therein or their  
33 owners' associations have a membership or other legal or beneficial  
34 interest. This binding site plan shall be binding upon all now or  
35 hereafter having any interest in the land described herein." The  
36 binding site plan may, but need not, depict or describe the boundaries  
37 of the lots or tracts resulting from subjecting a portion of the land  
38 to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to  
39 have been approved if the site plan was approved by a city, town, or

1 county: (i) In connection with the final approval of a subdivision  
2 plat or planned unit development with respect to all of such land; or  
3 (ii) in connection with the issuance of building permits or final  
4 certificates of occupancy with respect to all of such land; or (iii) if  
5 not approved pursuant to (i) and (ii) of this subsection (7)(e), then  
6 pursuant to such other procedures as such city, town, or county may  
7 have established for the approval of a binding site plan.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 58.17 RCW  
9 to read as follows:

10 A county, city, or town may adopt by ordinance procedures for the  
11 creation of conservation parcels as an exemption to the procedures  
12 required by this chapter. The ordinance must:

13 (1) Identify the types of land which may qualify for designation as  
14 conservation parcels, including all lands specified in RCW 58.17.020(3)  
15 and any other lands the county, city, or town determines to have  
16 environmental, ecological, habitat, or natural resource value and to  
17 need conservation, preservation, restoration, or protection;

18 (2) Prohibit any residential, commercial, industrial, or active  
19 agricultural or forestry uses on conservation parcels;

20 (3) Require that any existing residential, commercial, industrial,  
21 or active agricultural or forestry uses be abated and mitigated;

22 (4) To the maximum extent practicable, require that any existing  
23 residential, commercial, industrial, or other developments or  
24 improvements be removed and that the land be restored prior to approval  
25 of the conservation parcel;

26 (5) Limit noncommercial recreation and open space uses on  
27 conservation parcels to those activities which will not alter the  
28 character of the land or impact the environmental, ecological, habitat,  
29 or natural resource value of the land; and

30 (6) Require that title to a conservation parcel be:

31 (a) Held by a public agency for conservation, preservation,  
32 restoration, or protection purposes;

33 (b) Held by a nonprofit nature conservancy corporation or  
34 association as defined in RCW 84.34.250 for conservation, preservation,  
35 restoration, or protection purposes; or

36 (c) Encumbered by a perpetual conservation easement in favor of  
37 either a public agency or a nonprofit nature conservancy corporation or  
38 association as defined in RCW 84.34.250."

1 Correct the title.

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