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HOUSE BILL 1916

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Linville, Mastin, Regala, Ericksen, Cooper, Conway, Fisher, Grant and Anderson

Read first time 02/10/1999. Referred to Committee on Local Government.

1 AN ACT Relating to exempting conservation parcels from the  
2 subdivision laws; amending RCW 58.17.020 and 58.17.040; adding a new  
3 section to chapter 58.17 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes a need to  
6 conserve, preserve, restore, and protect lands with value to this state  
7 for the purposes of maintaining or improving water quality, restoring  
8 or preserving riparian and habitat areas, protecting endangered species  
9 habitat and critical areas, and preserving natural resources. The  
10 legislature finds that public agencies and nonprofit nature conservancy  
11 corporations or associations can assist this state in conserving,  
12 preserving, restoring, and protecting these lands by acquiring the  
13 title to or conservation easements on these lands.

14 The legislature also recognizes the requirements of existing  
15 subdivision laws may impede the transfer of such lands to public  
16 agencies and nonprofit nature conservancy corporations or associations  
17 because these regulations are designed to regulate land development and  
18 since the boundaries or natural features of these lands may not follow

1 straight lines or occur in parcel sizes sufficient to satisfy existing  
2 minimum requirements of local zoning or subdivision regulations.

3 The legislature therefore intends by this act to facilitate the  
4 conservation, preservation, restoration, and protection of such lands  
5 by authorizing an exemption to state subdivision laws for the creation  
6 of conservation parcels and by specifying requirements for local  
7 governments to review requests to create conservation parcels.

8 **Sec. 2.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read  
9 as follows:

10 As used in this chapter, unless the context or subject matter  
11 clearly requires otherwise, the words or phrases defined in this  
12 section shall have the indicated meanings.

13 (1) (~~"Subdivision" is the division or redivision of land into five~~  
14 ~~or more lots, tracts, parcels, sites or divisions for the purpose of~~  
15 ~~sale, lease, or transfer of ownership, except as provided in subsection~~  
16 ~~(6) of this section.~~

17 (2) ~~"Plat" is a map or representation of a subdivision, showing~~  
18 ~~thereon the division of a tract or parcel of land into lots, blocks,~~  
19 ~~streets and alleys or other divisions and dedications.~~

20 (3) ~~"Dedication" is the deliberate appropriation of land by an~~  
21 ~~owner for any general and public uses, reserving to himself no other~~  
22 ~~rights than such as are compatible with the full exercise and enjoyment~~  
23 ~~of the public uses to which the property has been devoted. The~~  
24 ~~intention to dedicate shall be evidenced by the owner by the~~  
25 ~~presentment for filing of a final plat or short plat showing the~~  
26 ~~dedication thereon; and, the acceptance by the public shall be~~  
27 ~~evidenced by the approval of such plat for filing by the appropriate~~  
28 ~~governmental unit.~~

29 A dedication of an area of less than two acres for use as a public  
30 park may include a designation of a name for the park, in honor of a  
31 deceased individual of good character.

32 (4) ~~"Preliminary plat" is a neat and approximate drawing of a~~  
33 ~~proposed subdivision showing the general layout of streets and alleys,~~  
34 ~~lots, blocks, and other elements of a subdivision consistent with the~~  
35 ~~requirements of this chapter. The preliminary plat shall be the basis~~  
36 ~~for the approval or disapproval of the general layout of a subdivision.~~

37 (5) ~~"Final plat" is the final drawing of the subdivision and~~  
38 ~~dedication prepared for filing for record with the county auditor and~~

1 containing all elements and requirements set forth in this chapter and  
2 in local regulations adopted under this chapter.

3 (6) "Short subdivision" is the division or redivision of land into  
4 four or fewer lots, tracts, parcels, sites or divisions for the purpose  
5 of sale, lease, or transfer of ownership: PROVIDED, That the  
6 legislative authority of any city or town may by local ordinance  
7 increase the number of lots, tracts, or parcels to be regulated as  
8 short subdivisions to a maximum of nine.

9 (7) "Binding site plan" means a drawing to a scale specified by  
10 local ordinance which: (a) Identifies and shows the areas and  
11 locations of all streets, roads, improvements, utilities, open spaces,  
12 and any other matters specified by local regulations; (b) contains  
13 inscriptions or attachments setting forth such appropriate limitations  
14 and conditions for the use of the land as are established by the local  
15 government body having authority to approve the site plan; and (c)  
16 contains provisions making any development be in conformity with the  
17 site plan.

18 (8) "Short plat" is the map or representation of a short  
19 subdivision.

20 (9) "Lot" is a fractional part of divided lands having fixed  
21 boundaries, being of sufficient area and dimension to meet minimum  
22 zoning requirements for width and area. The term shall include tracts  
23 or parcels.

24 (10) "Block" is a group of lots, tracts, or parcels within well  
25 defined and fixed boundaries.

26 (11) "County treasurer" shall be as defined in chapter 36.29 RCW or  
27 the office or person assigned such duties under a county charter.

28 (12) "County auditor" shall be as defined in chapter 36.22 RCW or  
29 the office or person assigned such duties under a county charter.

30 (13) "County road engineer" shall be as defined in chapter 36.40  
31 RCW or the office or person assigned such duties under a county  
32 charter.

33 (14) "Planning commission" means that body as defined in chapters  
34 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to  
35 perform a planning function or that body assigned such duties and  
36 responsibilities under a city or county charter.

37 (15) "County commissioner" shall be as defined in chapter 36.32 RCW  
38 or the body assigned such duties under a county charter.)) "Binding  
39 site plan" means a drawing to a scale specified by local ordinance

1 which: (a) Identifies and shows the areas and locations of all  
2 streets, roads, improvements, utilities, open spaces, and any other  
3 matters specified by local regulations; (b) contains inscriptions or  
4 attachments setting forth such appropriate limitations and conditions  
5 for the use of the land as are established by the local government body  
6 having authority to approve the site plan; and (c) contains provisions  
7 making any development be in conformity with the site plan.

8 (2) "Block" is a group of lots, tracts, or parcels within well  
9 defined and fixed boundaries.

10 (3) "Conservation parcel" means a parcel or lot of any size and  
11 configuration created specifically to conserve, preserve, or protect  
12 land in its undeveloped state or to restore the value and benefits of  
13 developed land to its undeveloped state. Lands which may be included  
14 within a conservation parcel include critical areas as defined in RCW  
15 36.70A.030(5), open space areas, riparian areas, forest lands,  
16 agricultural lands, or other lands identified by counties or cities  
17 pursuant to section 4 of this act as eligible for inclusion in a  
18 conservation parcel.

19 (4) "County auditor" shall be as defined in chapter 36.22 RCW or  
20 the office or person assigned such duties under a county charter.

21 (5) "County commissioner" shall be as defined in chapter 36.32 RCW  
22 or the body assigned such duties under a county charter.

23 (6) "County road engineer" shall be as defined in chapter 36.40 RCW  
24 or the office or person assigned such duties under a county charter.

25 (7) "County treasurer" shall be as defined in chapter 36.29 RCW or  
26 the office or person assigned such duties under a county charter.

27 (8) "Dedication" is the deliberate appropriation of land by an  
28 owner for any general and public uses, reserving to the owner no other  
29 rights than such as are compatible with the full exercise and enjoyment  
30 of the public uses to which the property has been devoted. The  
31 intention to dedicate shall be evidenced by the owner by the  
32 presentment for filing of a final plat or short plat showing the  
33 dedication thereon; and, the acceptance by the public shall be  
34 evidenced by the approval of such plat for filing by the appropriate  
35 governmental unit.

36 A dedication of an area of less than two acres for use as a public  
37 park may include a designation of a name for the park, in honor of a  
38 deceased individual of good character.

1       (9) "Final plat" is the final drawing of the subdivision and  
2 dedication prepared for filing for record with the county auditor and  
3 containing all elements and requirements set forth in this chapter and  
4 in local regulations adopted under this chapter.

5       (10) "Lot" is a fractional part of divided lands having fixed  
6 boundaries, being of sufficient area and dimension to meet minimum  
7 zoning requirements for width and area. The term includes tracts or  
8 parcels.

9       (11) "Planning commission" means that body as defined in chapter  
10 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to  
11 perform a planning function or that body assigned such duties and  
12 responsibilities under a city or county charter.

13       (12) "Plat" is a map or representation of a subdivision, showing  
14 thereon the division of a tract or parcel of land into lots, blocks,  
15 streets, and alleys or other divisions and dedications.

16       (13) "Preliminary plat" is a neat and approximate drawing of a  
17 proposed subdivision showing the general layout of streets and alleys,  
18 lots, blocks, and other elements of a subdivision consistent with the  
19 requirements of this chapter. The preliminary plat shall be the basis  
20 for the approval or disapproval of the general layout of a subdivision.

21       (14) "Short plat" is the map or representation of a short  
22 subdivision.

23       (15) "Short subdivision" is the division or redivision of land into  
24 four or fewer lots, tracts, parcels, sites, or divisions for the  
25 purpose of sale, lease, or transfer of ownership: PROVIDED, That the  
26 legislative authority of any city or town may by local ordinance  
27 increase the number of lots, tracts, or parcels to be regulated as  
28 short subdivisions to a maximum of nine.

29       (16) "Subdivision" is the division or redivision of land into five  
30 or more lots, tracts, parcels, sites, or divisions for the purpose of  
31 sale, lease, or transfer of ownership, except as provided in subsection  
32 (15) of this section.

33       **Sec. 3.** RCW 58.17.040 and 1992 c 220 s 27 are each amended to read  
34 as follows:

35       The provisions of this chapter shall not apply to:

- 36       (1) Cemeteries and other burial plots while used for that purpose;  
37       (2) Divisions of land into lots or tracts each of which is one-one  
38 hundred twenty-eighth of a section of land or larger, or five acres or

1 larger if the land is not capable of description as a fraction of a  
2 section of land, unless the governing authority of the city, town, or  
3 county in which the land is situated shall have adopted a subdivision  
4 ordinance requiring plat approval of such divisions: PROVIDED, That  
5 for purposes of computing the size of any lot under this item which  
6 borders on a street or road, the lot size shall be expanded to include  
7 that area which would be bounded by the center line of the road or  
8 street and the side lot lines of the lot running perpendicular to such  
9 center line;

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

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

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

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

26 (7) A division made for the purpose of creating a conservation  
27 parcel according to the requirements of section 4 of this act; and

28 (8) Divisions of land into lots or tracts if: (a) Such division is  
29 the result of subjecting a portion of a parcel or tract of land to  
30 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
31 binding site plan for all such land; (b) the improvements constructed  
32 or to be constructed thereon are required by the provisions of the  
33 binding site plan to be included in one or more condominiums or owned  
34 by an association or other legal entity in which the owners of units  
35 therein or their owners' associations have a membership or other legal  
36 or beneficial interest; (c) a city, town, or county has approved the  
37 binding site plan for all such land; (d) such approved binding site  
38 plan is recorded in the county or counties in which such land is  
39 located; and (e) the binding site plan contains thereon the following

1 statement: "All development and use of the land described herein shall  
2 be in accordance with this binding site plan, as it may be amended with  
3 the approval of the city, town, or county having jurisdiction over the  
4 development of such land, and in accordance with such other  
5 governmental permits, approvals, regulations, requirements, and  
6 restrictions that may be imposed upon such land and the development and  
7 use thereof. Upon completion, the improvements on the land shall be  
8 included in one or more condominiums or owned by an association or  
9 other legal entity in which the owners of units therein or their  
10 owners' associations have a membership or other legal or beneficial  
11 interest. This binding site plan shall be binding upon all now or  
12 hereafter having any interest in the land described herein." The  
13 binding site plan may, but need not, depict or describe the boundaries  
14 of the lots or tracts resulting from subjecting a portion of the land  
15 to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to  
16 have been approved if the site plan was approved by a city, town, or  
17 county: (i) In connection with the final approval of a subdivision  
18 plat or planned unit development with respect to all of such land; or  
19 (ii) in connection with the issuance of building permits or final  
20 certificates of occupancy with respect to all of such land; or (iii) if  
21 not approved pursuant to (i) and (ii) of this subsection (7)(e), then  
22 pursuant to such other procedures as such city, town, or county may  
23 have established for the approval of a binding site plan.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 58.17 RCW  
25 to read as follows:

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

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

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

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

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

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

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

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

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

15 (c) Encumbered by a perpetual conservation easement in favor of  
16 either a public agency or a nonprofit nature conservancy corporation or  
17 association as defined in RCW 84.34.250.

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