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ENGROSSED SENATE BILL 5816

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State of Washington

56th Legislature

1999 Regular Session

By Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

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

1 AN ACT Relating to enabling counties planning under chapter 36.70A  
2 RCW to create nine lots in a short subdivision within a designated  
3 urban growth area; amending RCW 58.17.020 and 58.17.040; and adding a  
4 new section to chapter 58.17 RCW.

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

6 **Sec. 1.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read  
7 as follows:

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

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

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

18 (3) "Dedication" is the deliberate appropriation of land by an  
19 owner for any general and public uses, reserving to himself or herself

1 no other rights than such as are compatible with the full exercise and  
2 enjoyment of the public uses to which the property has been devoted.  
3 The intention to dedicate shall be evidenced by the owner by the  
4 presentment for filing of a final plat or short plat showing the  
5 dedication thereon; and, the acceptance by the public shall be  
6 evidenced by the approval of such plat for filing by the appropriate  
7 governmental unit.

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

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

16 (5) "Final plat" is the final drawing of the subdivision and  
17 dedication prepared for filing for record with the county auditor and  
18 containing all elements and requirements set forth in this chapter and  
19 in local regulations adopted under this chapter.

20 (6) "Short subdivision" is the division or redivision of land into  
21 four or fewer lots, tracts, parcels, sites, or divisions for the  
22 purpose of sale, lease, or transfer of ownership(~~(:—PROVIDED, That))~~).  
23 However, the legislative authority of any city or town may by local  
24 ordinance increase the number of lots, tracts, or parcels to be  
25 regulated as short subdivisions to a maximum of nine. The legislative  
26 authority of any county planning under RCW 36.70A.040 that has adopted  
27 a comprehensive plan and development regulations in compliance with  
28 chapter 36.70A RCW may by ordinance increase the number of lots,  
29 tracts, or parcels to be regulated as short subdivisions to a maximum  
30 of nine in any urban growth area.

31 (7) "Binding site plan" means a drawing to a scale specified by  
32 local ordinance which: (a) Identifies and shows the areas and  
33 locations of all streets, roads, improvements, utilities, open spaces,  
34 and any other matters specified by local regulations; (b) contains  
35 inscriptions or attachments setting forth such appropriate limitations  
36 and conditions for the use of the land as are established by the local  
37 government body having authority to approve the site plan; and (c)  
38 contains provisions making any development be in conformity with the  
39 site plan.

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

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

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

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

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

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

16 (14) "Planning commission" means that body as defined in  
17 chapter(~~s~~) 36.70, 35.63, or 35A.63 RCW as designated by the  
18 legislative body to perform a planning function or that body assigned  
19 such duties and responsibilities under a city or county charter.

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

22 (16) "Conservation parcel" means a parcel or lot of any size and  
23 configuration created specifically to conserve, preserve, or protect  
24 land in its undeveloped state or to restore the value and benefits of  
25 developed land to its undeveloped state. Lands which may be included  
26 within a conservation parcel include critical areas as defined in RCW  
27 36.70A.030(5), open space areas, riparian areas, forest lands,  
28 agricultural lands, or other lands identified by counties or cities  
29 pursuant to section 3 of this act as eligible for inclusion in a  
30 conservation parcel.

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

33 The provisions of this chapter shall not apply to:

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

35 (2) Divisions of land into lots or tracts each of which is one-one  
36 hundred twenty-eighth of a section of land or larger, or five acres or  
37 larger if the land is not capable of description as a fraction of a  
38 section of land, unless the governing authority of the city, town, or

1 county in which the land is situated shall have adopted a subdivision  
2 ordinance requiring plat approval of such divisions: PROVIDED, That  
3 for purposes of computing the size of any lot under this item which  
4 borders on a street or road, the lot size shall be expanded to include  
5 that area which would be bounded by the center line of the road or  
6 street and the side lot lines of the lot running perpendicular to such  
7 center line;

8 (3) Divisions made by testamentary provisions, or the laws of  
9 descent;

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

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

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

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

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

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

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

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

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

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

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

36 (4) To the maximum extent practicable, require that any existing  
37 residential, commercial, industrial, or other developments or

1 improvements be removed and that the land be restored prior to approval  
2 of the conservation parcel;

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

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

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

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

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

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