

Local Government Committee

BILL ANALYSIS SSB 5816

TITLE OF THE BILL: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

WHAT THIS BILL DOES: *Allows counties planning under the Growth Management Act that have adopted comprehensive plans and development regulations to increase the number of lots, tracts or parcels in a short subdivision from four to nine and creates an exemption to statutory subdivision requirements for creation of conservation parcels.*

SPONSORS: Senate State and Local Government Committee (originally sponsored by Haugen, McCaslin, Patterson, Gardner and T. Sheldon).

HEARING DATE: Monday, March 29, 1999

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156)

BACKGROUND:

A property owner generally must have a proposed land division reviewed by the county, city, town in which the land is located pursuant to a local short subdivision or subdivision ordinance. Subdivisions are defined as land divisions resulting in five or more lots, tracts or parcels.

A short subdivision is as a land division or redivision resulting in four or fewer lots, tracts parcels, sites or divisions for the purpose of sale, lease or transfer. A short subdivision containing fewer than four lots may be altered to create up to four lots within the original short plat boundaries. A city or town may provide by local ordinance for short subdivision of up to nine lots, tracts or parcels. Counties are not authorized to increase the number of lots, tracts, or parcels in a short subdivision by local ordinance.

County, city and town legislative authorities must adopt procedures for summary approval of short subdivisions by administrative personnel. Subdivisions other than short subdivisions must be approved by the county, city or town legislative authority. The approval process requires the filing of a preliminary plat of the proposed subdivision and includes notice and comment requirements. Subdivisions and short subdivisions generally must meet local density, lot size, setback and other requirements. Before either a short subdivision or other subdivision may be approved, written findings must be made that the proposed short subdivision or subdivision makes appropriate provisions for the public health, safety, and general welfare, including specified items such as open spaces, streets, parks, schools, and sidewalks; and serves the public use and interest.

Certain types of land divisions are exempt from statutory subdivision requirements. Exempt activities or uses include:

- cemeteries or other burial plots while used for that purpose;
- divisions of land into lots or tracts resulting in tracts of land meeting specific size requirements (i.e., each tract at least 1/128 of a section or at least five acres if the land cannot be described as a fraction of a section) unless the local legislative authority provides otherwise by ordinance;
- land divisions made by testamentary provisions or by the laws of descent;
- land divisions for certain activities (e.g., industrial or commercial uses and condominiums) for which the local legislative authority has approved a binding site plan; and
- boundary line adjustments.

The Growth Management Act (GMA) requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. In addition to other requirements for counties and cities planning under RCW 36.70A.040 (GMA jurisdictions), a GMA jurisdiction is required to designate an urban growth area(s) and to adopt a comprehensive plan and implementing development regulations within four years of the date the GMA jurisdiction became required or chose to plan under RCW 36.70A.040.

SUMMARY:

Counties planning under RCW 36.70A.040 that have adopted a comprehensive plan and development regulations in compliance with the GMA may by ordinance increase the number of lots, tracts or parcels regulated as short subdivisions to a maximum of nine within any urban growth area.

A new exemption to the statutory subdivision requirements is created for land divisions made for the purpose of creating a conservation parcel according to statutory requirements. A conservation parcel is defined as a parcel or lot of any size or configuration created specifically to conserve, preserve or protect land in its undeveloped state or to restore the value and benefits of developed land to its undeveloped state. A conservation parcel may include critical areas, open space areas, riparian areas, forest lands, agricultural land, or other lands identified by counties or cities to have ecological or other values and to need conservation or protection.

The local government ordinance authorizing creation of conservation parcels must:

- identify land types qualifying for designation as conservation parcels;
- require existing land uses on such parcels to be abated and mitigated;

- to the extent practicable, require existing development or improvements to be removed and the land to be restored prior to conservation parcel approval;
- limit noncommercial recreation and open space uses to activities not altering the land's character or impacting the ecological or other values of the land; and
- require the title to the land be held for conservation purposes by or that a perpetual conservation easement be granted to either a public agency or a nonprofit nature conservancy corporation or association.