

Local Government Committee

BILL ANALYSIS HB 1916

TITLE OF THE BILL: Exempting conservation parcels from the subdivision laws.

WHAT THIS BILL DOES: *Creates an exemption to statutory subdivision requirements for creation of conservation parcels.*

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

HEARING DATE: Wednesday, February 24, 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, or town in which the land is located pursuant to a local short subdivision or subdivision ordinance. Short subdivisions are defined as land divisions resulting in four or fewer lots, tracts or parcels. Subdivisions are defined as land divisions resulting in five or greater lots, tracts or parcels.

Statutes provide for summary approval of short subdivisions by administrative personnel. Subdivisions (i.e., divisions 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 serves the public use and interest and makes appropriate provisions for the public health, safety, and general welfare, including specified items such as open spaces, streets, parks, schools, and sidewalks.

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 5 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, mobile home leases, and condominiums) for which the local legislative authority has approved a binding site plan; and
- boundary line adjustments.

SUMMARY:

A new exemption to the statutory subdivision requirements is created. Land divisions made for the purpose of creating a conservation parcel according to statutory requirements are exempt from the requirements of the subdivision statutes.

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. Lands which may be included in a conservation parcel are specified and include critical areas; open space areas; riparian areas; forest lands; agricultural lands; or other lands identified by counties or cities to have ecological or other values and to need conservation or protection.

Requirements are specified for a local government ordinance authorizing the creation of conservation parcels. The local government ordinance 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 that 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.

Technical revisions to the definitions section of the subdivision statutes are included.