

**2009-2010 Development Code Docket
A-4: Short Plat Exemption for
Creation of Unbuildable Lots for
Natural Area Conservation (Title 20)**

Date: May 19, 2010

Public Hearing Date: Tentative Date: July 10, 2010

Prepared by: Scott Longanecker,
Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Title 18 adding an exemption for unbuildable lots created for the purpose of habitat and critical area preservation.

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions

1
2 **ISSUE:**
3 Under the current platting and subdivision ordinance (Title 18), there is no exemption
4 through the existing short subdivision or large lot subdivision process to create an
5 unbuildable lot for the purpose of habitat and critical area preservation. The cost and
6 time involved in the standard subdivision process may be a barrier to the creation of
7 such lots.

8
9 **BACKGROUND:**
10 Title 18 of Thurston County Code is the Platting and Subdivision Ordinance, which
11 establishes the standards and process of reviewing and approving plats, short plats and
12 large lot subdivisions.

13
14 This is a proposal to amend Thurston County Code Title 18, Chapter 18.28 – Large Lot
15 Subdivisions and Chapter 18.32 – Short Plats. Currently Title 18 provides for certain
16 exemptions from the platting and subdivision process for cemeteries, testamentary
17 divisions, condominiums, boundary line adjustments and others.

18
19 This Title would be amended to allow an exemption to permit a lot to be created for the
20 purpose of critical area protection and habitat conservation. Through this process, a lot

1 could be created to be sold or otherwise transferred in fee simple interest¹ to a
2 registered non-profit conservation land trust or public agency.

3
4 **DEPARTMENT ANALYSIS:**

5 This proposed change would allow a property owner to create a lot to sell or donate
6 strictly for preserving lands in perpetuity for the purposes of habitat, wildlife, critical
7 areas and natural area conservation. Lots created under this exemption would then be
8 required to be sold or donated to a public agency, or registered non-profit conservation
9 land trust for perpetual management and protection. The purpose of this amendment is
10 to provide a simplified process for creating an unbuildable lot strictly for habitat and
11 critical area protection.

12
13 Under the proposed amendments to Chapters 18.28 and 18.32, the created
14 conservation lot would be unbuildable. However, in some cases the remainder lot
15 created through the proposed exemption process may still be considered a building site
16 as defined by TCC 18.08.080 ². One possible requirement of the proposed short plat
17 exemption is that the remainder parcel not be made to be inaccessible, non-conforming
18 or unbuildable through this process.

19
20 Staff believes that creating a lot through this proposed method would result in a
21 separate and legal lot consistent with TCC 18.04.045(K) [see below].

22
23 **18.04.045 “K. Lots created after June 9, 1937 through the methods set
24 out in the Thurston County Platting and Subdivision Ordinance (TCC
25 Title 18), as amended.”**

26
27
28 **OPTIONS:**

29
30 Option 1) Amend Chapters TCC 18.28 and 18.32 to add an exemption for lots
31 created for the purposes of habitat and critical area preservation, with no additional
32 incentive. The purpose of the subdivision exemption would be to preserve natural
33 areas, habitat and critical areas by offering a shorter and less expensive review
34 process compared to a full subdivision review. Residential density of the remainder
35 lot would be based only on its remaining size after the exemption is approved and
36 recorded.

37
38 Option 2.) Make no change to TCC 18.28 and 18.32.

39
40 **SEPA:**

41 A SEPA determination has not been made at this time.

42

¹ Ownership of all rights, title, and interest in a property.

² TCC 18.08.080 - "Building site" means a parcel of land occupied or possible to be occupied by one main building and its accessory buildings, in a way that meets the requirements for setbacks and open space in the Thurston County Zoning Ordinance, and meets the requirements of the Thurston County Sanitary Code, and, if applicable, meets the setback and lot coverage requirements of the shoreline master program for the Thurston region.

1 **NOTIFICATION:**

2 Written notice of the public hearing will be published in *The Olympian* at least twenty
3 (20) days prior to the public hearing.

4
5 **DEPARTMENT RECOMMENDATION:**

6 Amending TCC 18.28 and 18.32 as suggested in option 1) would be consistent with
7 other Thurston County Development Codes and the Thurston County Comprehensive
8 Plan. This amendment is also consistent with the Thurston County Critical Areas
9 Ordinance, TCC 17.15.

10
11 The Resource Stewardship Department recommends the Planning Commission forward
12 Development Code Docket item A-4, Creation of unbuildable lots for purposes of critical
13 area or habitat conservation (Title 18) with a recommendation of approval of option 1) to
14 the Board of County Commissioners as follows:

15
16 **Title 18 Zoning would be amended as follows:**

17
18 Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
19 Staff Comments: Italics Unaffected Omitted Text: (...)

20
21
22 **Proposed new language:**

23
24 **Option 1)**

25
26 Chapter 18.28 – Large Lot Subdivisions

27
28 18.28.010 – Applicability

29
30 Every division of contiguous land, for purposes of sale or lease, into two or more lots, all
31 of which are five acres or one-one hundred twenty-eighth of a section of land or larger,
32 and any one of which is smaller than forty acres or one-sixteenth of a section, shall
33 proceed in compliance with this chapter and Chapters 18.04, 18.08, 18.10, 18.20,
34 18.24, 18.42, 18.44, 18.46 and 18.48. Large lot subdivisions may be redivided pursuant
35 to this chapter (Large Lot Subdivisions), Chapter 18.32 (Short Plats) or Chapter 18.12
36 (Preliminary Plat).

37 (Ord. 11835 § 2, 1998: Ord. 11398 § 10 (part), 1997: Ord. 7071 § 24, 1981: Ord. 6629 § 39 (part), 1980)

38 **18.28.020 – Exemptions.**

39
40 **The provisions of this title shall not apply to:**

41 **A. Conservation lots. Unbuildable lots created for purposes of habitat conservation**
42 **or critical area preservation to be owned in perpetuity and in fee simple interest by a**
43 **registered, non-profit conservation land trust or government agency. Such lots may not**
44 **be created so as to make the remaining lot unbuildable or nonconforming with the**
45 **underlying zoning or zoning standards. For the purposes of this chapter, an unbuildable**
46 **lot shall be defined as a lot which is unable to be developed without a variance or**

1 reasonable use exception. Surveys and/or deeds recorded for the purpose of creating
2 such conservation lots shall:

- 3
- 4 1. Be annotated with language that prohibits human habitation, conversion of
5 native vegetation to another use, or construction of buildings and other
6 structures.
- 7
- 8 2. Contain a note explaining the purposes of the exempt lot, such as the
9 protection of a particular species, habitat conservation, critical area
10 preservation or open space and listing the entity responsible for management
11 of the exempt parcel.
- 12
- 13 3. Be reviewed and approved through a minor administrative review process by
14 Thurston County Resource Stewardship prior to recording with the Thurston
15 County Auditor's Office.

16 ...

17
18 Chapter 18.32 – Short Plats

19 ...

20 18.32.020 – Exemptions.

21
22 The provisions of this title shall not apply to:

23 A. Division of land due to condemnation or sale under threat thereof, by an agency or
24 division of government vested with the power of condemnation;

25 B. Any division of land for use solely for the installation of electric power, telephone,
26 water supply, sewer service or other utility facilities of a similar or related nature;
27 provided, however, that any remaining lot or lots are consistent with applicable zoning
28 and land use plans;

29 C. Any division where no permanent street may be constructed and where restrictive
30 covenants or lease provisions prohibit construction of buildings of a type that permit
31 human occupancy, overnight camping or other human habitation.

32 D. Conservation lots. Unbuildable lots created for purposes of habitat conservation or
33 critical area preservation to be owned in perpetuity and in fee simple interest by a
34 registered, non-profit conservation land trust or government agency. Such lots may not
35 be created so as to make the remaining lot unbuildable or nonconforming with the
36 underlying zoning or zoning standards. For the purposes of this chapter, an unbuildable
37 lot shall be defined as a lot which is unable to be developed without a variance or
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46 protection of a particular species, habitat conservation, critical area

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2 of the exempt parcel.

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5 Thurston County Resource Stewardship prior to recording with the Thurston
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7 *(Ord. 11398 § 10 (part) 1997: Ord. 6629 § 41, 1980: Ord. 4748 § 1 Ch. 8(2), 1974*

8 ...

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12 ATTACHMENTS

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14 A: TCC 18.32.020 - Exemptions
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ATTACHMENT A:

18.32.020 – Exemptions.

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- B. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans;
- C. Any division where no permanent street may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permit human occupancy, overnight camping or other human habitation.

(Ord. 11398 § 10 (part) 1997; Ord. 6629 § 41, 1980; Ord. 4748 § 1 Ch. 8(2), 1974)
