MEMORANDUM

TO: Thurston County Planning Commission

FROM: Scott Longanecker, Associate Planner

DATE: September 1, 2010


Following the August 18, 2010 Planning Commission hearing, staff was asked to prepare a draft motion and findings for the proposed policy changes to Thurston County Development Code, Title 18. The amendment being recommended by staff is the same as that presented at the May 19, 2010 Planning Commission meeting. For your convenience staff has attached the proposed policy changes.

For more information, including the staff report and supporting documents, please go to:

http://www.co.thurston.wa.us/planning/docket/docket_home.htm

Thurston County Development Code Docket, Item A-4 – Short Plat Exemption for Creation of Unbuildable Lots for Natural Area Conservation (Title 20), Amendment Motion and Findings.

Move to recommend approval of amendments to Title 18, Chapter 18.28 and Chapter 18.32 of the Thurston County Platting and Subdivision Ordinance to include exemptions from the standard subdivision review process. The exemptions would allow for the creation of unbuildable lots for the purpose of natural area conservation.

Findings:
1. The proposed amendment is consistent with the Growth Management Act 36.70A RCW.
2. Chapter 58.17 RCW Plats, Subdivisions, Dedications authorizes Thurston County to establish regulations and procedures for the summary approval of plats and subdivisions in the county.

3. The proposed amendment is consistent with the Thurston County County-Wide Planning Policies.

4. The proposed amendment is consistent with the Thurston County Comprehensive Plan.

5. The proposed amendment is consistent with other sections of the Thurston County Code.

6. The Thurston County Planning Commission held a briefing on May 19, 2010, and a work session on July 7, 2010 regarding the proposed amendments.

7. The Thurston County Planning Commission held a duly advertised public hearing on August 18, 2010 to take public testimony as required by Thurston County Code Chapter 2.05 Growth Management Public Participation.

8. This proposed change would allow property owners to create a lot to sell or donate strictly for preserving land for the purposes of habitat, wildlife, critical areas and natural area conservation.

9. The proposed change would benefit public health, safety, and general welfare of Thurston County Residents by encouraging the conservation of natural areas.
Attachment A:

Proposed new language:

Chapter 18.28 – Large Lot Subdivisions

18.28.010 – Applicability

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

18.28.020 – Exemptions.

The provisions of this title shall not apply to:

A. Conservation lots. Unbuildable lots created for purposes of habitat conservation or critical area preservation to be owned in perpetuity and in fee simple interest by a registered, non-profit conservation land trust or government agency. Such lots may not be created so as to make the remaining lot unbuildable or nonconforming with the underlying zoning or zoning standards. For the purposes of this chapter, an unbuildable lot shall be defined as a lot which is unable to be developed without a variance or reasonable use exception. Surveys and/or deeds recorded for the purpose of creating such conservation lots shall:

1. Be annotated with language that prohibits human habitation, conversion of native vegetation to another use, or construction of buildings and other structures.

2. Contain a note explaining the purposes of the exempt lot, such as the protection of a particular species, habitat conservation, critical area preservation or open space and listing the entity responsible for management of the exempt parcel.

3. Be reviewed and approved through a minor administrative review process by Thurston County Resource Stewardship prior to recording with the Thurston County Auditor’s Office.

Chapter 18.32 – Short Plats

... 18.32.020 – Exemptions.

The provisions of this title shall not apply to:
A. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

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.

D. Conservation lots. Unbuildable lots created for purposes of habitat conservation or critical area preservation to be owned in perpetuity and in fee simple interest by a registered, non-profit conservation land trust or government agency. Such lots may not be created so as to make the remaining lot unbuildable or nonconforming with the underlying zoning or zoning standards. For the purposes of this chapter, an unbuildable lot shall be defined as a lot which is unable to be developed without a variance or reasonable use exception. Surveys and/or deeds recorded for the purpose of creating such conservation lots shall:

1. Be annotated with language that prohibits human habitation, conversion of native vegetation to another use, or construction of buildings and other structures.

2. Contain a note explaining the purposes of the exempt lot, such as the protection of a particular species, habitat conservation, critical area preservation or open space and listing the entity responsible for management of the exempt parcel.

3. Be reviewed and approved through a minor administrative review process by Thurston County Resource Stewardship prior to recording with the Thurston County Auditor’s Office.