

1 "Naturally occurring land failure" means any movement of
2 land, including a landslide, debris flow, mudslide, creep,
3 subsidence, rock fall, and any other gradual or rapid movement
4 of land, that is not caused by human alterations to or
5 improvements constructed upon the land.

6 "Unimproved land" means any land upon which there is no
7 improvement, construction of any structure, building, facility,
8 or alteration of the land by grading, dredging, or mining that
9 would cause a permanent change in the land area on which it
10 occurs and that would change the basic natural condition that
11 exists on the land. Land remains unimproved land
12 notwithstanding the following:

- 13 (1) Minor improvements, including the installation or
14 maintenance of utility poles and signage;
- 15 (2) Minor alterations undertaken for the preservation or
16 prudent management of the unimproved land, including
17 the installation or maintenance of fences, trails, or
18 pathways;
- 19 (3) Maintenance activities, including forest plantings and
20 weed, brush, rock, boulder, or tree removal; or
- 21 (4) The removal or securing of rocks or boulders
22 undertaken to reduce risk to downslope properties.

1 builder of a new residential, commercial, or industrial
2 structure, to:

3 (1) Perform a study to determine the risks of rockfalls or
4 landslides if any portion of the subdivision or
5 development project includes hillsides or cliffs with
6 a slope grade of twenty per cent or greater that poses
7 or may pose a hazard to any to any person or structure
8 on or adjacent to the subdivision or development
9 project site;

10 (2) To perform a risk assessment to determine whether and
11 to what extent conditions on an adjacent property pose
12 a risk of harm to the proposed subdivision,
13 development, future homeowners, or persons in the
14 vicinity thereof, if the adjacent property includes
15 hillsides or cliffs with a slope grade of twenty per
16 cent or greater immediately upslope from the
17 subdivision or development project site;

18 (3) Create hazard buffer zones or implement other
19 appropriate mitigation measures in areas of the
20 subdivision or development site where a rockfall or
21 landslide hazard is determined or is suspected to
22 exist, that are sufficient to protect the health and

1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on January 1, 2046.

Report Title:

Landowner Liability; Unimproved Land

Description:

Relieves landowner of liability for any damage, injury, or harm to persons or property outside the boundaries of the landowner's land caused by naturally occurring land failure originating on unimproved land, except for harm arising from negligent or wanton acts by the owner of the unimproved land. Requires, as part of the county approval process, a study to determine rockfall risks, a risk assessment to determine the extent of risk, and creation of a hazard buffer zone or other mitigation if a hazard exists, for any plan not approved prior to July 1, 2009. Effective 1/1/2046. (SD1)