

## Chapter 14.18

### LAND DIVISIONS

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#### **14.18.000 General.**

- (1) Purpose. This Chapter governs the division and redivision of land into lots for the purpose of sale, lease or other transfer by utilizing 1 of the following processes: long subdivision, short subdivision, planned unit development (reserved), and binding site plan. The term “lot” includes tracts, parcels, sites or other divisions. The conservation and reserve development process is included as an overlay process to allow alternate residential development designs in rural and resource areas and to help achieve larger open space areas in accordance with the Comprehensive Plan. This Chapter also governs the minor adjustment of boundary lines through the boundary line adjustment process. The intent of this Chapter is to carry out the policies of the Comprehensive Plan, the County-wide Planning Policies and the laws of the State of Washington relating to land division.
- (2) Applicability/Exemptions. This Chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or other transfer except:
  - (a) Cemeteries and other burial plots while used for that purpose;
  - (b) Divisions of land into lots 80 acres and greater. For purposes of computing the size under this Subsection exemption of any lot that borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.
  - (c) Divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the filing of a complete development permit application for such parcel.
- (3) General Provisions.
  - (a) Only a lot of record, as defined in Chapter 14.04 SCC, may be divided.
  - (b) For the purpose of determining the gross acreage of a proposed land division, the acreage shall include that area which would be bounded by the centerline of any existing public road or street, which is adjacent to the land division, and the side lot lines of the lot running perpendicular to such centerline.
  - (c) For the purposes of determining whether proposed lots within a proposed land division meet the minimum lot size of the zone, the proposed lot acreage shall include:
    - (i) That area which would be bounded by the centerline of any existing public road or street which is adjacent to the lot and the side lot lines of the lot running perpendicular to such centerline; and

- (ii) That area which would be bounded by the centerline of any proposed public or private road or street, which is adjacent to the lot and internal to the land division, and the side lot lines of the lot running perpendicular to such centerline.
- (4) Review for Conformity with Other Codes. The approving authority's decision may be to grant or deny any application or to require of the applicant such conditions, modifications, and restrictions as are found necessary to make the application compatible with its environment and carry out the objectives and goals of this Chapter, RCW 58.17.110, the Comprehensive Plan, and other codes and ordinances of Skagit County, including, but not limited to, SCC Titles 14 and 15.
- (5) General Requirements. The following requirements shall be met for any land division under this Chapter to be approved. In addition to these general requirements, any specific requirements relevant to each individual type of land division are found in their respective sections of this Chapter.
  - (a) The proposed land division shall comply with the applicable provisions of the Skagit County Comprehensive Plan and Skagit County Code.
  - (b) Adequacy of Access. Each lot within a land division shall have approved access to a street conforming to County road standards, unless an alternative standard has been approved by the County Engineer in a pre-application meeting and documentation of such approval is submitted with the development application. To assure safe and adequate access, the County Engineer:
    - (i) May approve private streets, provided the private street requirements contained in the County road standards as adopted in Chapter 14.36 SCC are met, and provided adequate provision should be made for access to the private street by future land divisions;
    - (ii) May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the County road standards;
    - (iii) Shall be satisfied that the applicant has demonstrated sufficient access right, and appropriate pro-rata contributions for the entire access route, where access to the land division is gained via a private road;
    - (iv) Shall require off-site improvements to public or private streets needed to provide access from the subdivision to a road acceptable to the County Engineer; and
    - (v) May assure that the number of lots to be served by the road system complies with the road standards.
  - (c) Safe Walking Conditions for School Children. In cases where a school is located within a quarter mile of a long subdivision, where it is likely the children will walk to school, information regarding pedestrian needs generated by the project will be required and reviewed. Where deemed necessary, safe walkways between the land division and the school may be required.
  - (d) Public Street Rights-of-Way. Dedication or deeding to the County of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all land divisions or of any lot(s) within them where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development and where 1 or more of the following circumstances are met:
    - (i) The County's transportation plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;
    - (ii) The dedication is necessary to extend or to complete the existing or future neighborhood street pattern to provide a public transportation system that supports future development of abutting property consistent with the Skagit County Comprehensive Plan or Skagit County Zoning Code;
    - (iii) Where necessary to provide additions of right-of-way to existing County right-of-way to meet County road standards.
  - (e) Minimum road frontage of each lot shall be 70 feet except when located on a cul-de-sac, then 40 feet. Individual lots may be accessed by a 20-foot right-of-way. Panhandled lots will only be allowed if there is no other feasible access, as determined by the Administrative Official in a pre-application

- meeting and documentation is submitted with the development application. Newly constructed contiguous or adjoining easements for access purposes are not permitted.
- (f) Parkland and Facilities. The developer shall either provide parkland and facilities within the land division in accordance with the standards in the Skagit County Comprehensive Park and Recreation Plan or a fee in lieu of required land and/or facilities.
  - (g) Open Space Corridors. Open space easements shall be provided by any land division when such divisions are located within any community or regional open space corridor identified by the Skagit County Park and Recreation Plan. The residents or lot owners of the development shall be provided access to the open space easement. The area of the open space easement shall be counted as part of the site for purposes of density and floor area calculations. Maintenance of the open space easement shall be the responsibility of the County.
  - (h) The proposal shall be located within an official designated boundary of a Skagit County Fire Protection District, unless the division is to divide land for sale only and no development right is desired. The one exception is for land divisions for residential purposes on certain saltwater islands, as further described and allowed under SCC 14.16.850(6)(b)(iv). Prior to approval of any residential land division outside of a Skagit County Fire District, there shall be a water supply to each lot that meets the minimum flow and pressure requirements for operation of a fire sprinkler system installed per National Fire Protection Association (NFPA) 13D or such other fire protection system as approved by the Skagit County Fire Marshal.
  - (i) Evidence must be supplied from the applicable purveyor of the availability of water to serve the projects and adequate provision for sewage disposal. The method of sewage disposal shall also be provided, including soil data, if individual sewage disposal is to be used, or if public sewer or community septic disposal is used, the name of the system. If individual wells are to be utilized, documentation approving the well sites must be provided, pursuant to Chapter 12.48 SCC.
  - (j) Evidence of concurrency of services, per Chapter 14.28 SCC.
  - (k) If access is proposed off of a State highway, a State access permit shall be obtained by the applicant. The application for such permit shall be provided with the land division application. The access permit must be approved prior to the start of construction of on-site improvements, or final plat, whichever is sooner.
  - (l) If any portion of a proposed land division is located within a flood control zone as provided in Chapter 86.16 RCW, written approval must be obtained from the State Department of Ecology (RCW 58.17.120).
  - (m) Proposed land divisions bordering upon waters of the State may be required to provide public access to and along such waters.
  - (n) All construction and site development activities related to the land division are prohibited until (1) the preliminary land division is approved, and (2) engineering plans are approved which are based on the approved preliminary land division.
- (6) Transfer Development Rights (TDR). Reserved.
  - (7) Phased Development. An applicant who chooses to develop a site in phases or divisions shall submit to the Department a phasing plan in conjunction with the specific land division application for concurrent review. Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention pond or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of 1 or more phases or stages of the entire development. Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan shall be attached to and made a part of, the specific land division. Approval of a phasing plan does not constitute approval of the land division.
  - (8) No Development Permits if Violation. No building permit, septic tank permit, or other development permit shall be issued for any lot divided in violation of this Chapter, unless the permit is sought by an

innocent purchaser. The innocent purchaser shall be entitled to recover their costs for determining compliance with this Chapter from any person, firm, corporation, or agent that sold or transferred the lot in violation of this Chapter, pursuant to the provisions of RCW 58.17.210.

- (9) Innocent Purchaser.
- (a) An innocent purchaser shall not previously have been granted innocent purchaser status by Skagit County. All contiguous lots created in violation of this Title which are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot, shall be combined through a boundary line adjustment, and a new legal description shall be recorded reflecting the legal description of the new lot(s) after being combined as required in this Subsection. Whenever a lot certification is denied, the County shall inform the applicant of the innocent purchaser provisions.
  - (b) Innocent purchaser status will only be granted to individuals who can demonstrate they have purchased the property for value, as required by RCW 58.17.210.
  - (c) A recorded lot certification, as described in SCC 14.06.045(4), shall be conclusive evidence of notice regarding lot status. Any person who purchases a lot with a previously recorded lot certification indicating the lot is not a lot of record will not be granted innocent purchaser status under this Subsection.
  - (d) An innocent purchaser of a lot created in violation of the Skagit County Code who files a notarized affidavit of innocent purchase with the County on forms satisfactory to the Administrative Official and Prosecuting Attorney shall be entitled to have the lot treated as a lot of record for purposes of conveyance according to the provisions of this Code pertaining to lot certification, SCC 14.06.045(1)(a). The lot must meet the requirements of SCC 14.16.850(4) to be considered for development permits.
  - (e) Any innocent purchaser may, alternatively, rescind the sale or transfer of the subject property and recover the costs of investigation, suit, and reasonable attorneys' fees occasioned thereby as provided in RCW 58.17.210.
- (10) Modifications or Variances. Any request for a variance from or modification to any of the requirements of this Chapter other than to density or land use changes shall be processed as a development code variance, pursuant to the variance requirements of Chapter 14.10 SCC. Variances to density and land use would constitute a rezone and shall follow procedures for a rezone in Chapter 14.08 SCC. Applications for variances shall be heard concurrent with the land division proposal. Applications for density or land use changes shall be heard prior to or concurrent with the land division proposal. (Ord. O20050003 (part); Ord. O20040017 (part); Ord. 20040008 Attch. 3 § 3; Ord. 17938 Attch. F (part), 2000)

#### **14.18.100 Preliminary subdivisions.**

The purpose of this Section is to specify requirements for the segregation of land into short subdivisions (4 or fewer lots) and long subdivisions (5 or more lots) in accordance with applicable State and County laws, rules and regulations, including permit processing procedures required by Chapter 14.06 SCC. See SCC 14.18.000(2) for exemptions.

- (1) Application Requirements for Preliminary Subdivisions.
- (a) A registered engineer and/or a registered land surveyor shall prepare a preliminary subdivision map. The following information is required on the preliminary plat map:
    - (i) The name and address of all owners of record, the developer, and the registered land surveyor and/or registered engineer preparing the plat.
    - (ii) Legal description of the boundaries of the land.
    - (iii) Section subdivision showing the boundary of the plat in relation to the section, with notation of Section, Township, and Range. This information may be done as an insert drawn to a convenient scale or included within the boundary of the parcel as approved by the Administrative Official.

- (iv) A vicinity sketch at a minimum scale of 2 inches = 1 mile.
  - (v) Total acreage of the portion to be platted, and adjacent tracts when under the same ownership.  
Acreage of individual phases, if applicable.
  - (vi) The date, scale (written and graphic), and a north arrow.
  - (vii) The scale shall be provided suitable to the size of the project.
  - (viii) The layout of existing and conceptual horizontal layout of proposed roads and utilities, including existing and proposed easements; the location of municipal boundaries, township lines, and section lines; the location, width and names of existing and proposed roads; and additional right-of-way required for substandard roads. Proposed roads shall be differentiated as such.
  - (ix) All roads serving 4 or more existing and/or proposed lots shall be named.
  - (x) The number and dimensions of all proposed lots and tracts. Lots and tracts shall be sequentially numbered or lettered.
  - (xi) The square footage and acreage of each individual lot.
  - (xii) Building front, rear and side setback lines with distance from the property line indicated. This may be shown by a typical insert.
  - (xiii) A certificate by a registered land surveyor certifying that the boundaries of the land have been surveyed and monumented and that all distances and bearings on the preliminary plat are accurate.
  - (xiv) All horizontal control survey work shall be Class "3." Angular error of closure shall not exceed  $20' \sqrt{N}$ . The total linear error of closure shall not exceed 1/5,000.
  - (xv) Maximum error in feet shall not exceed +/- 0.26 feet.
  - (xvi) A survey of the portion of the section in which the plat is located showing the original or established corners, a description and the original traverse of the same showing error of closure and method of balancing shall also be submitted. This is to be accompanied by a subdivision insert showing all calculations necessary to determine the corners and distances of the plat.
  - (xvii) Floodway and floodplain lines. Notation of flood hazard zone and map panel reference number.
  - (xviii) Protected critical area buffers pursuant to Chapter 14.24 SCC, Critical Areas Ordinance.
  - (xix) If the subdivision is to be served by a well or wells, the area reserved for the well and the protection of same shall be shown on the plat.
  - (xx) The location of any wellhead protection areas that fall on the subject property from any adjacent off-site wells.
- (b) Application requirements to be submitted:
- (i) A complete application form provided by Planning and Development Services, with supporting documents as required below that contains sufficient information to determine compliance with adopted rules and regulations as outlined in Chapters 14.16 and 14.18 SCC shall be submitted;
  - (ii) A title report issued within 90 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting said site;
  - (iii) A completed environmental checklist, if required by Chapter 14.12 SCC, SEPA, and Chapter 197-11 WAC;
  - (iv) Proposed articles of incorporation, bylaws, and Covenants, Conditions and Restrictions (CC&Rs), if any;
  - (v) If critical areas are present on the site or within 200 feet, a critical areas assessment pursuant to Chapter 14.24 SCC;

- (vi) The method of sewage disposal, including soil data, if individual sewage disposal is used, or if public sewer or community septic disposal is to be used, the name of the system, and letter of approval;
  - (vii) Complete land division applications shall include compliance with all provisions outlined in SCC 12.48.240(1) (Water Requirements for Land Division) and any applicable State and Federal regulations regarding water use;
  - (viii) All restrictions proposed to be imposed on the use of the land;
  - (ix) A drainage plan in conformance with the requirements contained in Chapter 14.32 SCC;
  - (x) Documentation of the date and method of original segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
  - (xi) A list of any other permit applications having been filed for the same site;
  - (xii) Any required fees; and
  - (xiii) Any additional information determined to be necessary to demonstrate compliance with other portions of the Skagit County Code.
- (c) The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.
- (2) Additional Application Requirements for Long Subdivisions.
- (a) Ground contours with intervals of 5 feet or less, unless otherwise determined by Planning and Development Services.
  - (b) Assessor's list of property owners within 300 feet.
  - (c) Location, number and description of types of any existing and proposed community recreational facilities on site.
  - (d) A conceptual grading plan showing proposed clearing and vegetation retention pursuant to Chapter 14.24 SCC and proposed topography detailed to 5-foot contours.
- (3) Review Process.
- (a) Preliminary short subdivisions shall be processed as a Level 1 application, per Chapter 14.06 SCC.
  - (b) Preliminary long subdivisions with fewer than 9 lots shall be processed as a Level 1 application, per Chapter 14.06 SCC.
  - (c) Preliminary long subdivisions with between 9 and 50 lots shall be processed as a Level III-HE application, per Chapter 14.06 SCC.
  - (d) Preliminary long subdivisions with more than 50 lots shall be processed as a Level III-PC application, per Chapter 14.06 SCC.
  - (e) The review process shall determine conformity with the applicable approval requirements of SCC 14.18.000(5) and any additional applicable approval requirements in Chapters 12.05, 12.48, 14.12, 14.16, 14.18, 14.24 (Critical Areas Ordinance), 14.28 (Concurrency), and 14.32 (Drainage) SCC. The proposed subdivision shall be approved, approved with conditions, or denied.
- (4) Additional Approval Requirements for Preliminary Long Subdivisions. A public transit stop shall be provided in coordination with Skagit County Transit Authority and public transit regulations if over 10 lots are created and the project is located on a transit route.
- (5) Limitations.
- (a) All preliminary subdivisions must be finalized per SCC 14.18.200 for lots to be created.
  - (b) The following general limitations shall apply to all short subdivision applications:
    - (i) Only a legal lot, as defined in Chapter 14.04 SCC, or a combination of 2 or more contiguous legal lots may be short subdivided;
    - (ii) A maximum of 4 lots may be created by any single application;

- (iii) A maximum of 8 lots may be created from 2 or more contiguous parcels with any common ownership interest. Five years must pass before another contiguous short plat in common ownership interest may be approved; and
  - (iv) Except as provided in SCC 14.18.000(2), if the lot to be subdivided was created through a prior short subdivision, at least 5 years must have passed since the recording of such prior short subdivision. Additional short subdivisions on the remainder of such lands will not be eligible for approval for 5 years unless the total divisions are less than 4 on a single legal lot or less than 8 on 2 or more contiguous parcels, in such instances, the total divisions shall not total over 4 or 8, respectively, during the 5-year period.
- (6) Preliminary Subdivision Approval Duration.
- (a) Preliminary short subdivision approvals shall be valid for 36 months.
  - (b) Preliminary long subdivision approvals shall be valid for 60 months.
  - (c) If any condition is not satisfied and the final subdivision is not recorded within the approval period, the preliminary plat approval shall be null and void.
  - (d) If the final plat is being developed in phases, the initial phase must be recorded within the approval period, or the subdivision is null and void. Additional phases may continue to have validity, based on a phasing schedule established by the preliminary approval.
- (7) Revisions to Approved Preliminary Subdivisions. Applications to revise subdivisions that have received preliminary approval, but not final approval, shall comply with the following:
- (a) Revisions that result in any substantial changes as determined by the Department, shall be treated as a new application for purposes of vesting and shall be reviewed under the same process required for the preliminary plat, pursuant to Chapter 14.06 SCC. For the purpose of this Section, substantial change includes:
    - (i) The creation of additional lots;
    - (ii) Changes in access points that are inconsistent with the Road Standards; or
    - (iii) Changes in the proposal that leads to built or natural environmental impacts that were not addressed in the original approval.
  - (b) When revising an approved preliminary subdivision to a CaRD, only 1/2 of the original application fees shall be charged.
  - (c) Approval of the following modifications by the Department shall not be considered substantial revisions:
    - (i) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;
    - (ii) Changes in lot dimensions that are consistent with Chapter 14.16 SCC;
    - (iii) A decrease in the number of lots to be created. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

**14.18.200 Final subdivisions.**

- (1) Purpose. The purpose of this Section is to specify provisions that must be satisfied prior to the final approval and recording of final subdivision maps, for those preliminarily approved long and short subdivisions. Issuance of building permits or sale or lease of lots within a subdivision is not permitted until the final subdivision is recorded with 1 exception. In recognition of the original building right, 1 building permit on the original parcel may be pursued during the subdivision process, so long as it conforms to the preliminary subdivision.
- (2) Application Requirements for Final Subdivisions.
  - (a) General. A final subdivision neatly drawn on tracing cloth or equivalent material and 7 dark line prints thereof shall be submitted to Planning and Development Services.

- (b) Contents of Final Plat. In addition to the mapping specifications required in Section 14.18.100(1), the final subdivision shall show:
- (i) A scale not less than 100' to the inch, unless otherwise determined by the Approving Authority, on maps 18" x 24", with a 2-inch border on the left edge, and 1/2-inch border on all other sides.
  - (ii) All existing monuments of record, courses and distance necessary to restake any portion of said plat from said map. All other surrounding property shall be labeled in dotted lines whether platted or otherwise.
  - (iii) Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary.
  - (iv) Individual lot accesses, distance of accesses to property lines, and road names.
  - (v) A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  - (vi) Official seals of attesting officers and of the registered land surveyor who platted said property shall be platted on the final tracing.
  - (vii) The final plat shall show acknowledgments, dedications, Treasurer's Certificate, approvals by the Chairman of the Board of County Commissioners, the Hearing Examiner, the County Engineer or Administrative Official of Public Works, the Director of Planning and Development Services, and the County Health Officer or their designees, and the certificate of the registered land surveyor who platted said property. Any conditions of approval will be noted on the face of the plat, or reference shall be made to any recorded documents containing conditions of approval or any pertinent covenants and restrictions. The subdivision shall contain all certifications required by the County based on the most current standard plat notes, plat water notes as required by SCC 12.48.240(3), and any other notes or certifications that the Administrative Official determines are necessary to satisfy the conditions of plat approval.
  - (viii) All proposed lots less than 5 acres in size will require the well-protection zone(s) and approved on-site sewage system area(s) to be shown on all preliminary and final plat maps. If the well-protection zone exercises the right to provide this sanitary control of the land through other legal provisions, such as recorded covenants or easements, these must be depicted on or recorded references must be shown on the plat.
  - (ix) When a private road is included in the land division the following note shall be included on the final plat:

In no case shall the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.

- (c) A deposit to cover anticipated taxes and assessments for the current year is required for final short subdivisions, and for the current year and next year for final long subdivisions. The applicant shall also provide certification from the Skagit County Treasurer's Office that property taxes for the subject property are not delinquent prior to the issuance of a final approval.
  - (d) All fees shall be provided, including required bonding, and fees in lieu.
  - (e) A typewritten copy of protective deed covenants shall accompany the final subdivision, if applicable.
- (3) Review Process.
- (a) Final short subdivisions shall be reviewed as a Level I application, per Chapter 14.06 SCC.
  - (b) Final long subdivisions shall be reviewed as a Level IV application, per Chapter 14.06 SCC.



- (4) Final Subdivision Approval Requirements. Prior to approval of the final subdivision, the following requirements shall be met:
- (a) All final subdivisions shall conform to the conditions in the preliminary subdivision approval.
  - (b) All final plats submitted for approval to the County Commissioners shall be accompanied by the written recommendation for approval or denial by the County Health Department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply, including approval of the engineering details for such facilities. Prior to approval by the Skagit County Health Office, engineering design and construction documents that comply with Chapters 246-290 and 246-291 WAC, as-built documents approved by the purveyor or its designee, and a letter of acceptance by the purveyor must all be acknowledged in writing, and placed on file by the Planning Department. Requests for final approval must comply with SCC 12.48.240(2) and Chapter 12.05 SCC, On-Site Sewage Code—Rules and Regulations.
  - (c) All final subdivisions submitted for approval to the County Commissioners shall be accompanied by the written recommendation for approval or denial from the County Engineer. Engineering plans for roads, drainage controls and other proposed or conditioned improvements shall be prepared and submitted by the applicant and reviewed and approved by the County Engineer prior to the commencement of on-site clearing or construction activities and approval of the final subdivision.
  - (d) One-inch diameter iron pipes or 1/2-inch rebar with identifying plastic cap shall be set at all lot corners (pipe length determined by soil conditions); cased monuments shall be set in asphalt roads. Temporary staking may be substituted prior to and during construction. Final staking shall be completed after utilities have been installed and roads constructed to subgrade standards.
  - (e) The design and construction of drainage facilities shall be in compliance with the current Skagit County Drainage Ordinance, Chapter 14.32 SCC.
  - (f) Roads leading to or within a plat or subdivision, whether dedicated public roads or private roads, shall be constructed in compliance with Skagit County Road Standards unless otherwise approved by the County Engineer.
  - (g) If public sewer or community septic disposal is to be used, the system must be constructed and stubouts provided to each lot; or as appropriately bonded pursuant to SCC 12.48.190 and Chapter 12.05 SCC.
  - (h) Where a driveway easement provides access to a lot not accessible directly from a road built to Skagit County Road Standards, the driveway shall be built to driveway standards contained in the International Fire Code Section 503 as amended by Skagit County prior to final plat approval. Driveway easements shall be a minimum of 20 feet wide and shall have additional width as required to contain any cuts, fills and slopes required to build a driveway.
  - (i) Each plat set or document shall be stamped, signed and dated by a professional surveyor.
- (5) Improvements Required—Final Subdivisions. Before obtaining final subdivision approval, the applicant shall complete the required improvements. Improvements may be bonded only as allowed by Chapter 14.36 SCC, Public Works Standards, Chapter 12.05 SCC, On-Site Sewage Code—Rules and Regulations, and Chapter 12.48 SCC (water code).
- (6) Maintenance of Private Streets and Community Property.
- (a) All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair and adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.
  - (b) In no case shall the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.

- (c) Required easements for utility installation and maintenance shall be provided on all private roads.
- (7) Filing of the Final Plat.
  - (a) All final plats shall be recorded in the County Auditor's Office only after approval by the Approving Authority. Planning and Development Services shall be responsible for recording of the final plat within 30 days of approval. All required fees shall be paid by the applicant prior to recording. After the plat tracing has been filed for record with the County Auditor, it shall become the property of Skagit County.
  - (b) Prior to signature and final approval of a subdivision, Planning and Development Services shall return the plat tracing to the engineer or land surveyor of record, and no other party, for necessary corrections.
- (8) Alterations of Final Subdivisions.
  - (a) Alterations after a final subdivision has been approved and recorded shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.
  - (b) If the final subdivision is subject to restrictive covenants that were filed at the time of the approval of the final subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement based on the terms and conditions of the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
  - (c) An application for an alteration of an approved final subdivision shall be processed as a Level III-HE permit. The application may be approved if the proposed alteration is consistent with the requirements of the SCC.
  - (d) After approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final subdivision, to be processed in the same manner as set forth for final subdivisions in this Chapter.
  - (e) Any features contained on the original subdivision that has been relied upon in subsequent land development or County planning decisions shall be incorporated into the alteration.
- (9) Vacations of a Final Subdivision.
  - (a) Subdivision vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.
  - (b) All subdivision vacation applications shall be reviewed as a Level I permit.
  - (c) Applications for vacations of County roads may be processed pursuant to this Chapter only when such road vacations are proposed in conjunction with the vacation of the plat. Vacations limited to County roads shall be processed in accordance with Chapter 36.87 RCW and Chapter 11.08 SCC. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

**14.18.300 Conservation and Reserve Developments (CaRDs)—An alternative division of land.**

A Conservation and Reserve Development (CaRD) is a method of single-family residential land development characterized by building lots or envelopes that are much smaller than typical of the zone, leaving open space for agriculture, forestry, continuity of ecological functions characteristic of the property, and preservation of rural character. This results in reduced impervious surface area and lowered costs of development and maintenance. Certain requirements of the zone may be modified when using the CaRD process, as specifically stated in the CaRD provisions.

- (1) Purpose. The purposes of the CaRD provisions are:
  - (a) To buffer and protect natural resource lands;
  - (b) To reserve lands that may be appropriate for future urban growth areas;

- (c) To help retain the rural landscape, character, and lifestyle;
  - (d) To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site;
  - (e) To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions; and
  - (f) To ensure the continued existence of open space as an element of Skagit County's rural character.
- (2) Applicability.
- (a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).
  - (b) CaRD approvals allow variations in the underlying zoning regulations but are not intended as and do not constitute rezoning.
  - (c) CaRDs are permitted in the following zones:
    - (i) Agriculture (on parcels 80 acres or 1/8 section, or greater);
    - (ii) Industrial Forest (on parcels 160 acres or 1/4 section, or greater);
    - (iii) Secondary Forest (on parcels 40 acres or 1/16 section, or greater);
    - (iv) Rural Resource (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section);
    - (v) Rural Reserve (on parcels 10 acres or 1/64 section, or greater, with 1 lot allowed for each additional 5 acres or 1/128 section);
    - (vi) Rural Intermediate (on parcels 5 acres or 1/128 section, or greater); and
    - (vii) Rural Village Residential (on parcels 2 acres or 1/320 section with public water and septic or on parcels 5 acres or 1/128 section with private water and septic, or greater);
    - (viii) Bayview Ridge Urban Reserve (on parcels 10 acres or 1/64 section, or greater, with 1 lot allowed for each additional 5 acres or 1/128 section);
    - (ix) Hamilton Residential (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section);
    - (x) Hamilton Urban Reserve (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section).
  - (d) CaRDs are not permitted within urban growth areas with the exception of Bayview Ridge and Hamilton as specified above.
- (3) Additional Submittal Requirements.
- (a) The substance of a CaRD application is the underlying land division application and the additional required CaRD information. To be considered vested, the information for both the land division application and the additional required CaRD information must be provided.
  - (b) In addition to the application materials for the underlying application, CaRD applications for 5 or more lots shall include the following information on a site plan:
    - (i) Topography. Source may be USGS, unless specific site circumstances dictate 5-foot aerial contours.
- (4) Process.
- (a) The CaRD shall be reviewed in conjunction with the underlying land division permit it accompanies. No additional process shall be required.
  - (b) At the time of recording, all CaRDs shall be identified on the County's official land use map. Applicable open space designations shall be maintained through a plat restriction. (Ord. O20080010 (part); Ord. O20070009 (part); Ord. O20030016 (part); Ord. 17938 Attch. F (part), 2000)

**14.18.310 General approval provisions—CaRD.**

- (1) The application shall meet the requirements of the underlying land division permit and those outlined in this Section.
- (2) Allowable Density. The maximum residential gross densities shall not exceed those set forth in the following lot size table. The maximum density as allowed for by the Comprehensive Plan may not necessarily be granted if a density limitation is necessary to meet septic and/or water system requirements. There shall be no density bonus for CaRD developments in areas designated as a “sole source aquifer,” except where the source of water is from a public water system whose source is outside the designated area or from an approved alternative water system pursuant to Chapter 12.48 SCC. Applications for such systems are processed pursuant to the regulations outlined in Chapter 12.48 SCC. Applications for CaRDs requesting an alternative system to obtain a density bonus shall be processed as a Level II application. Hearing Examiner criteria for review of an alternative system shall ensure that the system has no adverse impacts to the sole source aquifer. For CaRD density bonus developments in flow-sensitive basins refer to SCC 14.24.350.

<b>Zone</b>	<b>Maximum Residential Densities with a CaRD*</b>	<b>Open Space Options</b>
Rural Intermediate	1/2.5 acres or 1 per 1/256 of a section	All, where appropriate
Rural Village Residential	1/1 acre or 1 per 1/640 of a section with public water and septic or 1/2.5 acres or 1/256 of a section with private water and septic	All, where appropriate
Rural Reserve	2/10 acres or 2 per 1/64 of a section	All, where appropriate
Agricultural—Natural Resource Lands	1/40 acres or 1 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Industrial—Natural Resource Lands	1/80 acres or 1 per 1/8 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Secondary Forest—Natural Resource Lands	1/20 acres or 1 per 1/32 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Rural Resource—Natural Resource Lands	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Bayview Ridge Urban Reserve	2/10 acres or 2 per 1/64 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
Hamilton Residential	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
Hamilton Urban Reserve	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV

	<p>*Exception: Maximum residential densities for lands in or within one-quarter mile of a designated Mineral Resource Overlay (MRO) shall be no greater than 1/10 acres; provided, that if the underlying land use designation density of land within one-quarter mile of MRO lands is greater than 1/10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of one-quarter mile for the MRO lands, consistent with the CaRD policies in the Comprehensive Plan.</p>	
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- (3) Open Space Required. CaRDs shall provide open space. All lands within a CaRD shall be open space in accordance with Subsection (5) of this Section, except for the following:
- (a) Building lots (i.e., lots which do not contain open space);
  - (b) The development envelope of a lot containing open space; or
  - (c) Development envelopes when a binding site plan is utilized.
- (4) Open space shall either be located in:
- (a) One separate tract within the CaRD, retained in its entirety for open space; or
  - (b) A dedicated open space area on one of the lots in the CaRD. This lot shall have a building envelope, where a house and accessory structures may be located, which is no larger than the maximum lot size allowed by Subsection (7) of this Section.
- (5) Designation, Allowed Uses, and Preservation of Open Space. Open space within a CaRD shall be designated per the following 6 categories, based on the zoning designation and characteristics of the site. Accessory structures to the primary use of each open space designation are allowable if allowed by the underlying zoning. CaRDs may contain more than 1 type of open space; provided that all open space shall be within 1 tract or lot.
- (a) Open Space – Protection Areas (Os-PA). The purpose of this designation is to set areas of open space in a protective easement in order to protect critical areas without the expense of a detailed site assessment, historic sites and view sheds. All lands which have not received a site assessment pursuant to Chapter 14.24 SCC, Critical Areas Ordinance, shall be placed in this category. If in the future a critical area site assessment is performed and the critical areas have been delineated (see SCC 14.24.080), then the Os-PA parcel may be changed to another open space designation based on the criteria set forth in this Section with the critical areas identified as protected critical areas (PCAs). Amendments to the plat map and recorded easement shall be required. A revised plat map for this purpose will not be considered a plat amendment. Nonresidential historic sites and their landscape setting shall also be placed in this category. Historic sites used as residences may be located inside or outside of this open space. All open space designated Os-PA shall be preserved pursuant to SCC 14.24.080 and 14.24.090 until such time as a different open space designation is requested and Chapter 14.24 SCC is satisfied. Uses and preservation of the Os-PA shall occur as follows:
    - (i) Critical Areas. Follow the parameters set forth in Chapter 14.24 SCC for conservation and maintenance.
    - (ii) Historic Sites. A use covenant with covenants, conditions and restrictions (CC&Rs) shall be determined through the CaRD review process and noted on the face of the plat. The duration of the covenant shall be noted on the plat.
  - (b) Open Space Natural Resource Lands (Os-NRL). The purpose of this open space is to preserve the natural resource lands within the County by clustering development and leaving the remainder open for resource production. The open space within CaRDs zoned Ag-NRL, IF-NRL, SF-NRL, or RRC-

NRL shall be placed in this category, unless designated Os-PA, subject to the provisions of Chapter 14.24 SCC, the Critical Areas Ordinance. All open space designated Os-NRL shall be placed in a natural resource lands easement (NRLE), which restricts the grantor and its heirs, successors and assigns from exercising rights to use and subdivide the land for any and all residential, recreational, commercial, and industrial purposes and activities which are not incidental to the purpose of the NRLE until such time that the land no longer has long-term commercial significance for the production of food, agriculture products, timber or extraction of minerals. Property is restricted to natural resource production as defined in the NRLE; provided, that it may be used for those uses outlined in the underlying zone (except for a dwelling unit). In the case of Agriculture and Industrial Forest lands, restrictions defined in the NRLE may only be extinguished upon a declaration in a court of competent jurisdiction finding that it is no longer possible to commercially use the property for the production of food, agriculture products, timber, or extraction of minerals.

- (c) Open Space Urban Reserve (Os-UR). This designation is to retain areas of open space until such time that urban development is deemed appropriate for that area and then to continue to require a portion of that original space to be preserved. This open space may only be used within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas or Rural Villages excluding those areas subject to Subsections (5)(a) and (b) of this Section, and excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency. This open space designation if supported by a 20-year needs analysis may also be applied to areas located outside one-quarter mile of a UGA following the appropriate Comprehensive Plan and development regulation amendments. The requirements for Os-UR are:
- (i) Future Urban Development Allowed. When land with an Os-UR designation goes into an urban growth area or a Rural Village Residential, additional development is allowed on the Os-UR designated land, except within a minimum of 30% of the parent parcel which is to remain in open space through a plat restriction unless and until the parcel is annexed into a city or town. That land which is not designated as open space in a plat restriction then becomes available for urban development pursuant to the underlying urban zoning designation. Amendments to the plat map and recorded easements shall be required with the agreement. A revised plat map for this purpose will not be considered a plat amendment.
  - (ii) Open Space Urban Reserve Land Uses. All open space designated Os-UR may have the same uses as allowed in Os-RA. That Os-UR land converted to permanent open space by agreement of the owner and County may be used for any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special permit is obtained, and for greenbelts or trails.
- (d) Open Space Rural Open (Os-RO). This designation is to provide for open areas within the rural portions of the County without having to be committed to a specific recreational use. It is intended for open space purposes and/or greenbelts. This open space may only be used in CaRDs with the following designations: Rural Village Residential, Rural Intermediate and Rural Reserve excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency. All open space placed in this designation shall remain in Os-RO unless the County has adopted a Comprehensive Plan amendment and implementing regulation resulting from the completion of a County-wide comprehensive needs analysis for future development, in which case the Os-RO open space may be redesignated to Os-UR upon application to the County. Such application shall require amendments to the plat map and recorded easements. A revised plat map for this purpose will not be considered a plat amendment.

The requirements for Os-RO are:

All open space designated Os-RO may have the same uses as allowed in Os-RA.

- (e) Open Space Recreational/Amenities (Os-RA). This designation is to provide open space areas that will be used for recreational purposes. Recreational uses may apply either solely to owners within the CaRD plat or to the general public or a combination thereof. The open space within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, and Rural Reserve and which is intended for recreation purposes, community facilities, and/or greenbelts shall be placed in this category.

The requirements for Os-RA are:

All open space designated Os-RA may be used for hobby farms, greenbelts and trails or any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special use permit is obtained. The applicable open space designation shall be maintained through a plat restriction. An Os-RA may be redesignated to another open space designation only if all property owners within the CaRD division agree to the redesignation and if it meets the appropriate criteria for the open space designation desired as provided in Subsections (5)(a) through (f) of this Section and it meets the underlying zoning criteria. Amendments to the plat map and recorded easements shall be required. A revised plat map for this purpose will not be considered a plat amendment.

- (f) Open Space Reserve (Os-RSV). This is only for those parcels which have not extinguished all of their development rights, otherwise permitted under the zoning designation. All open space designated Os-RSV may have the same uses as allowed in Os-RA. The applicable open space designation, which shall be maintained through a plat restriction, shall continue until the open space area is further platted through a CaRD process; provided, that any resulting land division shall not exceed the allowable development rights of the original parcel.
- (6) Preservation of Development Rights in NRL Areas. If a parcel is within a natural resource land (NRL) and the applicant wishes not to exhaust all of the development rights for the parcel, they may place any of the remainder developmental rights into an Os-RSV designation to be divided at a later date. The number of future lots available shall only be those remaining development rights not used after the parent parcel has been divided. Where this occurs, the following criteria shall be met:
    - (a) Ninety percent of the overall open space area of the original project shall be placed in Os-NRL;
    - (b) The amount of land placed into the Open Space Reserve shall not exceed the number of future lots times 1 acre;
    - (c) No additional open space will be required;
    - (d) A development plan showing all areas of future development and access points for future divisions shall be provided; and
    - (e) No portion of the reserved Os-RSV area shall contain critical areas.
- (7) Lot Size Requirements.
    - (a) Minimum Lot Size. The following minimum lot size requirements shall be utilized for CaRD developments:
      - (i) For detached dwellings, the minimum lot size is 5,000 square feet.
      - (ii) For attached dwellings, the minimum lot size is 3,000 square feet.
    - (b) Maximum Lot Size. One acre, unless a larger lot is needed for 1 or more of the following reasons, in which case that lot shall be no larger than necessary to accomplish the purpose of the exception; and provided, that the exception shall then be recorded on the face of the plat map:
      - (i) To satisfy individual water system supply (Chapter 12.48 SCC) and/or on-site sewage system requirements (Chapter 12.05 SCC); or
      - (ii) To contain both an existing residential building and existing accessory building(s); or
      - (iii) To contain both an existing residential building and proposed buildings accessory to a natural resource land open space designation.

- (c) In addition to the exceptions discussed under Subsection (7)(b) of this Section, 1 parcel within each CaRD may be greater than 1 acre, for the sole purpose of containing open space. In such a parcel, only 1 acre may be used for a residential dwelling unit and residential accessory buildings, unless a larger building area is allowed based on the criteria under Subsection (7)(b) of this Section, with the remainder of the parcel placed in an open space designation.
  - (d) As an alternative to Subsection (7)(b) of this Section, lots may be as large as 1.5 acres; provided, that the average size of all lots within the CaRD (except a lot containing open space) shall not exceed 1 acre.
- (8) Setbacks for All Buildings Within the Development.
- (a) From a public road, a minimum of 20 feet. For lots designated Ag-NRL, IF-NRL, and SF-NRL, lots shall be configured so that houses are no more than 200 feet from adjacent public roads.
  - (b) A 200-foot setback shall be observed from adjacent NRL designated parcels.
  - (c) Fire separation shall be required pursuant to the IBC.
  - (d) Underlying zoning setbacks shall be required from the exterior boundaries of the CaRD development except as provided in Subsection (8)(a) of this Section.
  - (e) Internal setbacks may be established by private covenant.
- (9) Additional Design Requirements Applicable to All CaRDs.
- (a) Lots shall not be located in critical areas and their buffers designated pursuant to Chapter 14.24 SCC.
  - (b) On CaRDs within or adjacent to an NRL designation, lots shall be placed to minimize potential impacts to natural resource land production on both the subject property and any adjacent resource lands. Lots shall be located to not complicate resource access, normal field operations or harvesting, and to minimize the impact of resource land operations on the residential lot (such as airborne dust, noise, and smell).
  - (c) For lands in RRc-NRL that are subject to the provisions of SCC 14.24.120, any property owner who applies for and receives CaRD approval under SCC 14.18.300 through 14.18.330 shall, at the time of CaRD approval, automatically be subject to the buffer requirements of SCC 14.24.530 and shall no longer be subject to the provisions of SCC 14.24.120.
  - (d) For the purpose of determining compliance of a binding site plan with this Section, a development envelope, which meets all the requirements of lots outlined herein, shall be drawn around each proposed building. (Ord. O20080014 (part); Ord. O20080010 (part); Ord. O20070009 (part); Ord. O20030016 (part); Ord. 17938 Attch. F (part), 2000)

**14.18.320 Approval provisions—CaRDs with 4 or fewer lots (short CaRDs).**

- (1) Lots shall be located to minimize infrastructure requirements such as roadways, driveways, utilities, etc. In order to achieve a reduction of necessary infrastructure, short CaRDs shall be required to meet 1 of the following provisions:
  - (a) Where a short CaRD is located adjacent to an existing public road, all new building lots shall be located immediately adjacent to the road; or
  - (b) Where an existing residence is located either on the subject or an adjacent property, all new building lots shall be located immediately adjacent to the existing residence.
- (2) As an alternative to Subsection (1) of this Section, for divisions resulting in more than 1 new building lot, lots may be located elsewhere within the CaRD as long as all lots proposed for new construction are clustered together.
- (3) Alternatives in Subsections (1) and (2) of this Section may be waived if the short CaRD is processed subject to a Level III-HE process and the Hearing Examiner determines that the purposes of SCC 14.18.300 can be met and the required right-of-way or easement area for any access roads to serve the building lots/envelopes shall then be taken out of the allowable area for the building lots/envelopes. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)



**14.18.330 Approval provisions—CaRDs with 5 or more lots (long CaRDs).**

(1) Clustering of Lots Required. Except as described below, clustering of lots within the CaRD into cluster pods shall be required. Cluster pods shall be located a minimum of 25 feet from each other and from existing public roads. Clustering of lots into cluster pods may not be required in the following limited circumstances:

- (a) Special conditions and circumstances exist which are not the result of actions or omissions by the applicant;
- (b) Impacts on resource lands or critical areas make clustering inappropriate, or topographic or critical area constraints make clustering infeasible; and
- (c) Separate access points to the adjacent road, if necessary, are acceptable to the County Engineer.

Additional conditions may be applied if the clustering requirement is waived. In no way does the waiver of the clustering requirement modify the lot size requirements of this Section. A lot containing an existing house need not be included within a cluster, unless this is necessary to meet the other CaRD design requirements.

(2) Maximum Number of Dwelling Units per Cluster Pod. The number of dwelling units in each cluster pod shall not exceed that specified by the following table:

<b>Zoning</b>	<b>Maximum No. of Units/Cluster Pod</b>
Rural Resource; Rural Reserve; Rural Intermediate; Rural Village; Bayview Ridge Urban Reserve; Hamilton Residential; and Hamilton Urban Reserve	14
Agricultural; Industrial Forest; and Secondary Forest	6

The size of septic fields, both community and individual, and/or community water systems may further limit the size of cluster pods within a development, if such limitation is necessary to meet septic and/or water system requirements.

(3) Screening of Cluster Pods. Except in Ag-NRL zoned CaRDs, cluster pods shall be screened from existing adjacent public roads and from other cluster pods either by:

- (a) Existing topography and vegetation; or
- (b) An approved landscaping plan pursuant to SCC 14.16.830. (Ord. O20080010 (part); Ord. O20070009 (part); Ord. O20030016 (part); Ord. 17938 Attch. F (part), 2000)

**14.18.340 Bayview Ridge UGA subdivisions with 4 or fewer building lots.**

- (1) Landscaping. As a minimum, meet the requirements of SCC 14.16.830 Type II and III landscaping, except that all street frontage trees shall be deciduous, with a size at maturity not to exceed the maximum building height for the AEO safety zone.
- (2) Connectivity Analysis. Roads and sidewalks shall connect or stub out to surrounding streets, sidewalks, or paths or undeveloped property based on an analysis of logical connections.

- (3) Additional Urban Road Standards. A minimum 4-foot planting strip and 5-foot sidewalk is required on all road frontages. (Ord. O20080009 (part))

#### **14.18.400 Planned unit development.**

Reserved.

#### **14.18.500 Binding site plans.**

- (1) Purpose. The purposes of this Section are:
  - (a) To provide an alternative administrative method for division of land for commercial and industrial zoned property, or condominiums;
  - (b) To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the County;
  - (c) To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
  - (d) To specify administrative requirements for binding site plans in addition to the procedural requirements of Chapter 14.06 SCC and in accordance with applicable Washington State and Skagit County laws, rules and regulations.
- (2) General Provisions.
  - (a) Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, or creation of condominium units, is required to apply for, complete and have approved a binding site plan, as provided in Chapter 58.17 RCW and as required by this Chapter.
  - (b) The site that is subject to the binding site plan may be reviewed independently, based on as-built plans, for fully developed sites.
  - (c) Binding site plans shall be required for any commercial or industrial development that involves 2 or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure.
  - (d) The site that is subject to the binding site plan shall consist of 1 or more contiguous legal lots of record.
- (3) Complete Application.
  - (a) Prior to submitting an application, the applicant is advised to meet with Planning and Development Services staff to discuss the application and permitting process. A completed application form and submittal of all required information shall ensure a timely review process.
  - (b) A proposed binding site plan shall be considered under the zoning and other County codes in effect on the land at the time a fully completed application is filed with the Department.
  - (c) A complete application for binding site plan application shall consist of:
    - (i) A completed application form provided by Planning and Development Services, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations, as outlined in SCC 14.18.000(5) and elsewhere in this Title.
    - (ii) A site plan in a form prescribed by the Administrative Official. At a minimum, the site plan shall include:
      - (A) Date;
      - (B) Graphic and numeric scale;
      - (C) A vicinity map;
      - (D) North arrow;
      - (E) Total acreage;
      - (F) The location and size of all proposed lots;
      - (G) Proposed and existing structures including building envelopes and building setback lines;

- (H) All proposed or existing uses;
  - (I) The location of proposed or existing open space including any required landscaped areas;
  - (J) The location and identification of critical areas;
  - (K) The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and roadway widths, and additional right-of-way if required on substandard roads;
  - (L) Proposed road names;
  - (M) Designated floodways and floodplains;
  - (N) The number and location of proposed or existing parking spaces on and off the site;
  - (O) The location and size of utility trunk lines serving the site;
  - (P) The location and size of water bodies and drainage features, both natural and man made;
  - (Q) A layout of sewers; and
  - (R) Existing and proposed easements and existing access.
- (iii) A survey prepared by a professional land surveyor, licensed in the State of Washington.
  - (iv) A drainage plan subject to the requirements of Chapter 14.32 SCC, Drainage Ordinance.
  - (v) A completed environmental checklist, if required by Chapter 14.12 SCC, SEPA, and Chapter 197-11 WAC.
  - (vi) All existing or proposed covenants, easements, maintenance agreements or other documents applicable to use or maintenance of the site.
  - (vii) For new construction, a grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to 5-foot contours, unless smaller contour intervals are otherwise required by the Skagit County Code or rules and regulations promulgated thereunder.
  - (viii) A phasing plan, acreage of phases, and time schedule, if the site is intended to be developed in phases.
  - (ix) Copy of any restrictive covenants.
  - (x) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation.
  - (xi) A list of any other permit applications having been filed for the same site.
  - (xii) The payment of fees.
- (d) The Administrative Official may waive in writing specific submittal requirements determined to be unnecessary for review of the application.
- (4) Review Process.
- (a) Binding site plans for the creation of lots in existing developments, or for 8 or fewer lots, tracts, parcels, or units on a new development, shall be processed as a Level I permit.
  - (b) Binding site plans for the creation between 9 and 50 lots, tracts, parcels, or units shall be processed as a Level III-HE permit.
  - (c) Binding site plans for the creation of more than 50 lots, tracts, parcels, or units shall be processed as a Level III-PC permit.
- (5) Approval Requirements. The application shall be reviewed and approved, approved with conditions, or denied, based on the following requirements:
- (a) The binding site plan shall ensure that the collective proposal functions as 1 site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
  - (b) The binding site plan shall meet the requirements outlined in Chapter 14.16 SCC, Zoning, and SCC 14.18.000(5), for new development.

- (c) If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the Administrative Official may, where appropriate, include any conditions and limitations contained in the previously approved site plan. Subsequent development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of submittal of the binding site plan review and expressly depicted on the binding site plan.
  - (d) When a binding site plan is being considered concurrently with another land development application, the Administrative Official will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. Subsequent site development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of vesting of the application, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan.
  - (e) The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.
  - (f) The Administrative Official may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan.
  - (g) Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.
- (6) Recording and Binding Effect.
- (a) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of Chapter 64.32 or 64.34 RCW, the applicant shall record the approved binding site plan with a record of survey (except for the provisions of RCW 58.09.090(1)(d)(iv)) as 1 recording document complying with the requirements of this SCC 14.18.500 labeled as “Binding Site Plan.” Before recording, the applicant shall complete the required improvements. In lieu of completion, all improvements except drainage-related facilities may be bonded.
  - (b) When a record of survey is not required pursuant to RCW 58.09.090(1)(d)(iv), the applicable record of survey data, consistent with the submittal requirements as adopted by the Administrative Official, shall be shown on the binding site plan to be recorded.
  - (c) Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by RCW 58.09.060, records of survey, contents—record of corner, information.
  - (d) The approved binding site plan record of survey recording forms shall include the following, in the format prescribed by the Administrative Official:
    - (i) Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
    - (ii) Signature and stamp of the land surveyor who prepared the binding site plan;
    - (iii) Reference to the recording number of the completed survey as required by this Section if the boundaries have been previously surveyed;
    - (iv) Reference to all agreements or covenants required as a condition of approval;
    - (v) Notarized signatures of all persons having an ownership or security interest in the land being divided;
    - (vi) Approval of the Skagit County Engineer;
    - (vii) Approval of the Skagit County Treasurer;
    - (viii) Approval of the Administrative Official; and

- (ix) Approval of the Health Official.
  - (e) The Administrative Official shall examine and sign the approved binding site plan and record of survey if it conforms to the commercial site development permit or the approved site plan and all conditions of approval. Binding site plans with the record of survey shall be recorded with the Skagit County Auditor's Office. A copy of the documents stamped with the recording number shall be sent to the Skagit County Assessor's Office, the Skagit County Treasurer's Office, Skagit County Public Works' Office, and to the applicant.
  - (f) Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
  - (g) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.
- (7) Site Improvements Required Prior to Approval of Building Permit. All public and private site improvements required by the approved binding site plan must be completed and accepted by the County or subjected to a performance security approved by the Administrative Official prior to issuing the first building permit for the site. Alternatively, the Administrative Official may condition the completion of such improvements pursuant to an approved phasing plan.
- (8) Alterations of Approved Binding Site Plan.
- (a) The applicant may propose alteration of an approved binding site plan. Alterations shall be considered either major or minor. Major alterations shall be those which meet the criteria listed in SCC 14.18.100(7). Minor alterations shall be all others.
  - (b) The proposed alteration must be clearly shown on a new site plan and be accompanied by a letter of explanation.
  - (c) Major alterations shall be processed as under the same process as the original permit and shall require complete resubmittal of all application materials specified in SCC 14.18.100(7). Minor alterations shall be processed as a Level I permit.
  - (d) Binding site plans may be altered if the original intent of the recorded binding site plan has not been altered, and impacts to health and safety, environment, or the delivery of services are adequately mitigated. Conditions of approval beyond those originally applied to the project may be applied to the altered binding site plan. If an alteration to a previously recorded binding site plan or record of survey is approved, the applicant must record the revised binding site plan or record of survey.
- (9) Vacations of Recorded Binding Site Plans.
- (a) Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this Chapter. A binding site plan shall be vacated as a whole only.
  - (b) If a building permit or commercial site development permit which accompanies a binding site plan expires without construction, then the binding site plan shall be considered vacated unless Planning and Development Services determines that the expiration is consistent with the approved binding site plan. (Ord. O20070009 (part); Ord. 17938 Atch. F (part), 2000)

#### **14.18.600 Condominiums.**

- (1) Purpose. The purpose of this Section is to provide for review of a condominium proposal for conformance with zoning density requirements and street addressing, and for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map.

- (2) Final Submittal Requirements. Condominiums shall be consistent with recorded binding site plans. The following shall be submitted for approval of a condominium proposal.
  - (a) Two sets of prints of the final recording maps prepared in accordance with RCW 64.34.232.
  - (b) Legal description from title report dated within 30 days prior to recording.
  - (c) Boundary closure calculations and supporting surveys.
  - (d) Copy of last real estate transaction for all adjoining unplatted parcels.
  - (e) Notes. The following notes shall be placed on the final condominium map page:
    - (i) Approval of Planning and Development Services.

This condominium meets the density standards of Chapter 14.16 SCC.

1. The exterior boundary and legal description of this condominium meets or exceeds the review standards of Planning and Development Services.
2. Planning and Development Services review consisted only of review SCC 14.18.600 and does not constitute binding site plan approval as contemplated under RCW 58.17.040(7).

- (ii) A signature line for the Director of Planning and Development Services shall appear following the notes required by this Section. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.18.700 Boundary line adjustments.**

- (1) Purpose. The purpose of this Section is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of lots of record or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, to combine substandard lots of record pursuant to SCC 14.16.850(4)(a) and 14.18.000(9)(a), or for other similar purposes.
- (2) Procedures and Limitations of the Boundary Line Adjustment Process. Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:
  - (a) Applications for boundary line adjustments shall be reviewed as a Level I permit as provided in Chapter 14.06 SCC. The review shall include examination for consistency with Chapter 14.16 SCC, Chapter 14.26 SCC, Shorelines, applicable Board of Health regulations, and, for developed lots, International Fire and Building Codes.
  - (b) Any adjustment of boundary lines must be approved by the Department prior to the transfer of property ownership between adjacent legal lots.
  - (c) Where other alternatives exist, boundary line adjustments that will result in the occurrence of multiple zoning designations on 1 lot should be avoided. Any adjustment of boundary lines resulting in the occurrence of multiple zoning designations on 1 lot shall include the following conditions:
    - (i) The areas of any separately zoned portions of the lot shall not be allowed to be combined in the calculation of the total lot acreage for development purposes unless the multiple zoning designations are resolved through a Comprehensive Plan Map amendment.
    - (ii) The lot shall not be considered for the provisions outlined in SCC 14.16.850(7).
    - (iii) The property owner shall identify 1 separately zoned portion of the lot as the area to be considered for the purpose of determining density. The identified portion of the lot must meet all applicable requirements for development and meet the minimum lot size for the applicable zoning district, meet at least 1 exemption listed in SCC 14.16.850(4)(c), or be granted a reasonable use exception pursuant to SCC 14.16.850(4)(f).

- (iv) Any development on the property shall comply with the requirements of the zoning district in which the development is located.
- (d) A boundary line adjustment proposal shall not:
  - (i) Result in the creation of an additional lot. Boundary line adjustments between contiguous lots of record where the net number of lots is not increased and each resulting lot meets the minimum lot size dimensional standards of the zoning designation shall not be considered the creation of additional lots.
  - (ii) Result in the creation of a substandard lot, unless the boundary line adjustment proposal is pursuant to SCC 14.16.860 or 14.16.850(4)(a), in which case the substandard lots can be combined through a boundary line adjustment, even if the resulting lot is substandard in size.
  - (iii) Result in a lot that does not qualify as a building site pursuant to Health Department requirements for sewer and water.
  - (iv) Reduce the overall area in a land division devoted to open space.
  - (v) Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat.
- (3) Final Approval and Recording Required.
  - (a) A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the Department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
  - (b) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.
  - (c) Boundary line adjustments shall be based on legal descriptions, certified by a licensed surveyor or title company, of the revised lots, tracts, or parcels. (Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20040017 (part); Ord. 17938 Attch. F (part), 2000)