



Land Division Submittal Checklist

Approved before land division application

- Lot Certification** (Recorded copy required, no exemptions.)
 ___ Approved Lot Certification, previously recorded; **OR**,
 ___ Approved Lot Certification, PDS will submit it for recording.
- Critical Area Review**
 ___ Report due at submittal. (If required.)
 ___ Provide staff letter of approval at submittal.
- Approved Soils Evaluations for each lot**
- Pre-Application meeting or Waiver**
- URDP** (Approval from host UGA city as required.)
- Water ****
 ___ Drilled Well Evaluation Number **LDI WA** _____;
Approved ___ **Provisional** ___ **OR**,
 ___ Community/Public Well, **approved** by County Health Department; **OR**,
 ___ Public Connection: Provide a letter of availability or a connection receipt. (PUD,
 LaConner and Anacortes only)

Submitted with land division application - See 14.18.100*

- Fees** Submittal \$ _____ Publications \$ _____ Public Works \$ _____
 Recording \$ _____ Road Name \$ _____ Water \$ _____
 - Fact Sheet** (Fully completed.)
 - Ownership Certificate**
 - Assessor's Map** This can be printed from the website. **Identify the subject parcel.**
 - Preliminary subdivision maps*** (See attached for list of requirements.)
 ___ Provide 10 copies from a registered engineer and/or registered land surveyor.
 - Critical Area Report** (If required.) Provide **2 copies.**
 - Engineered Drainage Plan** Provide **2 copies.**
 - Title Report** Provide **2 copies.**
 Issued within 90 days of application showing all persons having an ownership interest,
 provides legal description and lists all encumbrances affecting said site.
 - Lot Closures** Provide **2 copies.**
 ___ Short Plats/Short CaRD's - Due at submittal.
 ___ Long Plats/Long CaRD's - Due with Final Plat.
- **A separate grading permit will be required for road construction.**

Additional requirements for a Long Division

- SEPA Checklist** (If not done previously with grading permit.)
 ___ Please include an 11" x 17" reduced map.
- Pre-Addressed/Stamped Envelopes** for both the owners of record and
 physical addresses within 300 feet of property boundary.
 ___ Include a list of property owners and physical addresses.
 ___ **ONE** set for **5 to 8** lots. ___ **TWO** sets for **9 or more** lots.
- Landscaping Plan** (For Long CaRD's only.)
- CCR's** (If applicable) ___ Yes - Due at Final Plat. ___ No CCR's.

Date application was accepted:

Accepted by: _____

Permit Number _____

Zoning / Setbacks _____

Flood Plain / Floodway _____

Shoreline _____

Notes: _____

Please note:

If you are required to submit a **Road Name Application** it is due at submittal. **Fee is based per road. See Public Works fee schedule for current rate.**

**** If a Hydro Geological Report is required please submit 5 copies.** Not necessarily due at submittal. Contact Ron Palmer 336-9410 x 3406 or Alison Mohns 336-9410 x 5578 for more information.



Planning & Development Services Fact Sheet
Community Development Division

PL#: _____
Date Received

- | | |
|---|---|
| <input type="checkbox"/> Administrative Decision | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Agricultural Variance | <input type="checkbox"/> Shoreline Exemption |
| <input type="checkbox"/> Binding Site Plan | <input type="checkbox"/> Shoreline Substantial Use Permit |
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Short CaRD |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Short Plat |
| <input type="checkbox"/> Long CaRD | <input type="checkbox"/> Special Use Permit Level I |
| <input type="checkbox"/> Lot Certification | <input type="checkbox"/> Special Use Permit Level II |
| <input type="checkbox"/> Modification | <input type="checkbox"/> Variance Level I |
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Variance Level II |
| <input type="checkbox"/> Pre-application Review | <input type="checkbox"/> Other _____ |

Brief project description: _____

Applicant Name: _____

Other Related Permits or Approvals: _____

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Comprehensive Plan/Zoning Designation: _____ Section ____ Township ____ Range ____

Site Address: _____

Lot of Record: Yes No Urban Growth Area: Yes No If yes, City: _____

Comp Plan/Zoning within 200 feet: _____

Mineral Resource Overlay within ¼ mile: Yes No Critical Area/Water within 200 feet: Yes No

Pre-application meeting required? Yes No Meeting verification form enclosed? Yes No

Acreage / Lot Dimensions: _____

Flood Zone: _____ FIRM Map Panel #: _____ Map Date: _____

Road access: Private County – Permit #: _____ State – Permit #: _____

Water Source: Drilled well - Permit #: _____ Community Well Public PUD #1 Anacortes

Sewage Disposal: Septic – Permit #: _____ Public Sewer: _____

Legal Description: _____

_____ (Attach additional sheet if necessary.)



Planning & Development Services
Community Development Division

Applicant

Name

Address

Phone Fax e-mail address

Signature

Owner

Name

Address

Phone Fax e-mail address

Contact

Name

Address

Phone Fax e-mail address

OWNERSHIP CERTIFICATION

I, _____, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a

_____ and that the statements, answers and information submitted presents the argument on behalf of this application and are in all respects true and correct to the best of my knowledge and belief.

Street Address: _____

City, State, Zip: _____

Phone: (_____) _____

Signature(s):

for: _____
(corporation or company name, if applicable)

ACKNOWLEDGMENT

STATE OF WASHINGTON)
 ss.)
COUNTY OF SKAGIT)

On this day personally appeared before me _____, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the _____ day of _____, _____.

NOTARY PUBLIC in and for the State of Washington residing at

My Commission Expires: _____



Planning & Development Services
Critical Areas Checklist
Pursuant to Skagit County 14.24.080

Section ___ Township ___ Range ___ Parcel Number _____ Related Permits: _____

Site Address: _____

Proposed uses: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN
200 FEET OF THE PROJECT AREA.

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, *please attach a list of document titles).
___ Yes* ___ No ___ Unknown
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?
___ Yes ___ No ___ Unknown
- c. Is there vegetation that is associated with wetlands?
___ Yes ___ No ___ Unknown
- d. Have any wetlands been identified?
___ Yes ___ No ___ Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
___ Yes ___ No ___ Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?
___ Yes ___ No ___ Unknown
- g. Are there slopes of 15% or greater?
___ Yes ___ No ___ Unknown
- h. Is the project located within a Flood Hazard Zone?
___ Yes ___ No ___ Unknown
- i. Do you know of any landslide hazard areas?
___ Yes ___ No ___ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

Applicant's Signature

Date

Application Requirements for Preliminary Subdivisions. SCC 14.18.100

A registered engineer and/or a registered land surveyor shall prepare a preliminary subdivision map. Please submit 10 copies of the preliminary plat map with the application. The following information is required on the preliminary plat map:

- The name and address of all owners of record, the developer, and the registered land surveyor and/or registered engineer preparing the plat.
- Legal description of the boundaries of the land.
- 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.
- A vicinity sketch at a minimum scale of 2 inches = 1 mile.
- Total acreage of the portion to be platted and adjacent tracts when under the same ownership. Acreage of individual phases, if applicable.
- The date, scale (written and graphic), and a north arrow.
- The scale shall be provided suitable to the size of the project.
- 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.
- All roads serving 4 or more existing and/or proposed lots shall be named.
- The number and dimensions of all proposed lots and tracts. Lots and tracts shall be sequentially numbered or lettered.
- The square footage and acreage of each individual lot.
- Building front, rear and side setback lines with distance from the property line indicated. This may be shown by a typical insert.
- 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.
- 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.
- Maximum error in feet shall not exceed +/- 26 feet.
- 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.
- Floodway and floodplain lines. Notation of flood hazard zone and map panel reference number.
- Protected critical area buffers pursuant to SCC 14.24 Critical Area Ordinance.
- If the subdivision is to be served by a well or wells, the area reserved for the well and protection of same shall be shown on the plat.

Additional application requirements to be submitted with Preliminary Plat Applications. SCC 14.18.100

- A complete application form provided by the 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 SCC 14.16 and SCC 14.18 shall be submitted.
- 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.
- A completed environmental checklist, if required by SCC 14.12 (SEPA), and WAC 197-11.
- If critical areas are present on the site or within 200 feet, a critical areas assessment pursuant to SCC 14.24.
- The location of any wellhead protection areas that fall on the subject property from any adjacent off-site wells.
- Proposed articles of incorporation, bylaws, and Covenants, Conditions and Restrictions (CCRs), if any.
- 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.
- 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.
- All restrictions proposed to be imposed on the use of the land.
- A drainage plan in conformance with the requirements contained in SCC 14.32.
- Documentation of the date and method of original segregation for the subject property verifying that the lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation.
- A list of any other permit applications having been filed for the same site.
- Any additional information determined to be necessary to demonstrate compliance with other portions of the Skagit County Code.

The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.

Additional Application Requirements for Long Subdivisions. SCC 14.18.100

- Ground contours with intervals of 5 feet or less, unless otherwise determined by the Planning and Development Services.
- Pre-addressed stamped envelopes for Owners of Record within **300** feet of all subject property lines. **One** set for **5 to 8** lots. **Two** sets for **9 or more**. The information shall be updated within 3 months of the date public notice is required.
- Location, number and description of types of any existing and proposed community recreational facilities on site.
- A conceptual grading plan showing proposed clearing and vegetation retention pursuant to SCC14.24 and proposed topography detailed to 5 foot contours.

- 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.

NOTE: See Land Division Ordinance SCC 14.18 for review process.

Final Subdivision Submittal Requirements. SCC 14.18.200

The following provisions must be satisfied prior to the final approval and recording of final subdivision maps, for those preliminary 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 one exception. In recognition of the original building right, one building permit on the original parcel may be pursued during the subdivision process, so long as it conforms to the preliminary subdivision.

- A completed Skagit County application fact sheet.
- A final subdivision neatly drawn on tracing cloth or equivalent material and 10 dark line prints thereof shall be submitted to the Planning and Development Services.

Contents of Final Plat

In addition to the mapping specifications required in Section 14.18.100(1), Preliminary Subdivision, the final subdivision plat shall show a scale not less than 100' to the inch, unless otherwise determined by the Approving Authority, on maps 18" x 24", with a 2" border on the left edge, and 1/2" on all other sides.

- All existing monuments of record, courses and distance necessary to re-stake any portion of said plat from said map. All other surrounding property shall be labeled in dotted lines whether platted or otherwise.
- Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary.
- Individual lot accesses, distance of accesses to property lines, and road names.
- 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.
- Official seals of attesting officers and of the Registered Land Surveyor who platted said property shall be platted on the final tracing.
- The final plat shall show acknowledgments, dedications, Treasurer's Certificate, approvals by the Chairman of the Board of County Commissioner, the Hearing Examiner, the County Engineer or Administrative Official of Public Works, the Director of the 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 12.48.240(3), and any other notes or certifications that the Administrative Official determines are necessary to satisfy the conditions of plat approval.
- 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.

- 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."
- A deposit to cover anticipated taxes and assessments for the current year is required for final short subdivisions, and for the current year and half of the next 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 the issuance of a final approval.
 - All fees shall be provided, including required bonding, and fees in lieu.
 - A typewritten copy of protective deed covenants shall accompany the final subdivision, if applicable.

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.

- The proposed land division shall comply with the applicable provisions of the Skagit County Comprehensive Plan and Skagit County Code.
- **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 development application. To assure safe and adequate access, the County Engineer:
 - a) May approve private streets, provided the private street requirements contained in the County Road Standards as adopted in SCC 14.36 are met, and provided adequate provision should be made for access to the private street by future land divisions;
 - b) 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;
 - c) 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;
 - d) 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
 - e) May assure that the number of lots to be served by the road system complies with the Road Standards.
- **Safe walking conditions for schoolchildren.** In cases where a school is located within a quarter mile of a long subdivision, where it is likely that 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.
- **Public Streets 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 one or more of the following circumstances are met:

- a) The County's Transportation Plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;
 - b) 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;
 - c) Where necessary to provide additions of right-of-way to meet County Road Standards.
- **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.
 - **Park land and facilities.** The developer shall either provide park land 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.
 - **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.
 - 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.
 - 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 SCC 12.48.
 - **Evidence of concurrency of services**, per SCC 14.28. 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.
 - If any portion of a proposed land division is **located within a flood control zone** as provided in RCW 86.16, written approval must be obtained from the State Department of Ecology. (RCW 58.17.120).
 - Proposed land divisions **bordering upon waters of the state** may be required to provide public access to and along such waters.
 - **All construction and site development activities related to the land division are prohibited until:**
 - a) The preliminary land division is approved, and
 - b) Engineering plans are approved which are based on the approved preliminary land division.



Planning and Development Services

CaRD Requirements

Pursuant to 14.18.310, .320 and .330

General Approval Provisions For Conservation and Reserve Development (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. There shall be no density bonus for CaRD developments where the water source is in a low flow watershed, unless the Applicant has demonstrated that there is no continuity between the water source(s) and the low-flow stream per SCC 14.24.350(5)(c).

Zone	Maximum Residential Densities with a CaRD, Dwelling Units per Acre
Rural Intermediate	1/2.5 acres or 1 per 1/256 of a section
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
Rural Reserve	2/10 acres or 2 per 1/64 of a section
Agricultural-Natural Resource Lands	1/40 acres or 1 per 1/16 of a section
Industrial-Natural Resource Lands	1/80 acres or 1 per 1/8 of a section
Secondary Forest-Natural Resource Lands	1/20 acres or 1 per 1/32 of a section
Rural Resource - Natural Resource Lands	4/40 acres or 4 per 1/16 of a section

EXCEPTION: Residential gross densities for lands that are designated as Mineral Resource Overlay (MROs) or are within 1/4 mile of designated MROs, shall be no greater than 1 residential dwelling unit per 10 acres, provided that if the underlying land use designation density of land within 1/4 mile of MRO lands is greater than 1 dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of 1/4 mile for the MR lands, consistent with the CaRD policies in the Land Use Element of the Comprehensive Plan.

- 3) **Open space required.** CaRDs shall provide open space. All lands within a CaRD shall be open space in accordance with SCC 14.18.310(5), 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) 1 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 Section 14.18.310(7).

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 Preservation 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 SCC 14.24 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 14.24.170), 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. Non-residential historic sites and their landscape setting shall also be placed in this category. Historic sites used as residences shall be placed outside of the open space on a lot. All open space designated Os-PA shall be preserved pursuant to SCC 14.24.160 and 14.24.170 until such time as a different open space designation is requested and SCC 14.24 is satisfied. Uses and preservation of the Os-PA shall occur as follows:
 - i) Critical Areas – follow the parameters set forth in SCC 14.24 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 SCC 14.24, 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 in to 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 use 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 zoned Rural Village, 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:
 - i) All open space designated Os-RA may be used for hobby farm, greenbelts and trails or any recreational use outlined in the underlying zoning or special uses relating to recreational, so long as a special use permit is obtained. The applicable open space designation, which 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 the Section as 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 rights after the parent parcel has been divided. Where this occurs, the following criteria shall be met:

- a) 90% 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. For detached dwellings, the minimum lot size is 5,000 square feet. For attached dwellings the minimum lot size is 3,000 square feet. All lots must demonstrate compliance with water supply, sewage system, and setback requirements.
- b) Maximum lot size. 1 acre, unless a larger lot is needed for one 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 (SCC 12.48) and/or on-site sewage system requirements (SCC 12.05); 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 (b), above, 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 (b), above, with the remainder of the parcel placed in an open space designation.
- d) As an alternative to Subsection (b), above, 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.
- e) 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.
- f) A 200-foot setback shall be observed from adjacent NRL designated parcels.
- g) No other setbacks shall be required, except that fire separation may be required based on the UBC. Internal setbacks may be established by private covenant.

8) Additional design requirements applicable to all CaRDs.

- a) Lots shall not be located in critical areas and their buffers designated pursuant to SCC 14.24.

- 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 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.