



Planning & Development Services

PL _____ - _____

Fact Sheet

1. Applicant Name _____

Address _____

Phone _____ Fax _____ e-mail address _____

Signature _____

2. Property Owner's Name _____

Address _____

Phone _____ Fax _____ e-mail address _____

3. Contact Name _____

Address _____

Phone _____ Fax _____ e-mail address _____

4. Parcel ID#: _____ Assessor Tax #: _____

Parcel ID#: _____ Assessor Tax #: _____

Parcel ID#: _____ Assessor Tax #: _____

5. Section _____ Township _____ Range _____

6. Comprehensive Plan/Zoning Designation: _____

7. Minimum Lot Size Required: _____

8. Lot Size and Dimensions: _____

9. Substandard (actual lot size is less than the minimum lot size required): Yes No

10. Site Address:

11. Legal Description:

(Attach additional sheet if necessary.)



Planning & Development Services

Lot of Record Certification

Frequently Asked Questions

When is a Lot of Record Certification required? Lot of Record Certification is required for the following development permit applications: Land Divisions, Binding Site Plans, Septic Permits, and Building Permits for new residential, commercial, industrial or institutional structures or structures accessory thereto, Special Uses, Variances, Administrative Decisions (Reductions in Setbacks), or any permit seeking to vest under SCC 14.02.050.

What is the Lot of Record Certification process? Lot of Record Certification is the review process necessary to determine:

(1) If a parcel was created legally (meets the definition of a Lot of Record):

- Any lot platted or legally created under a Skagit County subdivision ordinance on or after March 1, 1965,
- Any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or
- Any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965.

and is therefore eligible for conveyance as a separate lot; and

(2) Whether or not the lot will be considered for development permits.

Why is it necessary to determine if the parcel is a Lot of Record? The County is prohibited under Washington State law (RCW 58.17.210) from issuing any building, on-site sewage, or other development permit for lots divided (separated from adjoining parcels) in violation of state or local land use regulations.

What is a legal lot of record? Legal Lot of Record is a term used prior to the adoption of the July 24, 2000, Unified Development Code referring to a Lot of Record meeting the aggregation requirements of SCC 14.04.190(5) as formerly codified.

What happens if a parcel is determined not a Lot of Record? The applicant will be notified of the determination in writing. The applicant will be informed of any possible options to rectify the situation.

What is the criteria to determine if a lot will be considered for development permits? To be considered for development permits a lot must either meet the minimum lot size for the zone in which it is located, or if substandard, meet one of the exemptions listed in SCC 14.16.850(4)(c).

Can multiple substandard lots be combined in order to meet an exemption? Yes. Owners may choose to combine contiguous lots through the Boundary Line Adjustment process in order to meet the required criteria for the lot to be considered for development permits.

What happens if a parcel is determined to be a Lot of Record, but not eligible development permits? The owner can elect to initialize an activity listed in SCC 14.16.850(4)(d)-(e) for the applicable zone, or if eligible, apply for a Reasonable Use Exception per SCC 14.16.850(4)(f).

Does an approved Lot of Record Certification guarantee that a lot is buildable? No, an approved Lot of Record Certification only allows development permits to be considered on the lot. To determine if a lot is "buildable" a development permit application (building, on-site sewage, grading, land use, etc.) must be submitted and approved. Development regulations may change over time, which will affect the potential development of the lots.

Does a title insurance policy or an individual Assessor (tax) account number make a Lot of Record? Unfortunately, the answer is no. Title insurance policies do not insure that the parcel meets all governmental requirements. Check your policy or contact your title insurer if you have any questions. ***It is also a common misconception that if the lot in question, or adjoining lots, have separate tax account numbers, they are separate lots of record. This is not true.*** Separate tax account numbers do not divide property they are simply a tracking system for tax purposes.

What about court ordered divisions of land? In some instances court ordered divisions of land are exempt from having to comply with the County subdivision regulations. Please note, however, that parcels of land created under a Court Order which creates any lot smaller than the minimum lot size allowed for the zoning district will **not** be considered for development purposes.

Do I have to hire someone to research the parcel history and get copies of sale documents such as deeds, contracts, etc.? No, these documents are normally recorded and on file with the County Auditor (Recording Desk). Practically speaking, however, it can be quite time-consuming to try to do this research and often times inexperienced researchers will not provide adequate information needed to complete the Lot Certification review. There are private research firms that do this for a fee that have access to additional information. The submittal of a professionally researched application can result in a quicker review time frame for the applicant since these professionals make thorough research notes and provide excellent documentation of the transfer of property.

Does a Lot of Record Certification need to be recorded? Yes. All new Lot of Record Certifications will be recorded upon issuance. If individuals have previously-issued Lot Certifications they may choose to have them recorded at the Auditor's Office.

Are all previously-issued Lot of Record Certifications still valid? Not necessarily. Previously-issued Lot of Record Certifications will be honored upon recording 'as is' if issued prior to 1/18/2002. Lot of Record Certifications issued between 1/18/2002 and 5/19/2005 will need additional pursuant to SCC 14.06.045(5).

If a Lot of Record Certification has been issued in the past, but review under the current regulations would provide a different result, can individuals reapply? Yes, an owner may reapply for a Lot of Record Certification and request review and determination under the current regulations.

Can individuals apply for Lot of Record Certification on all remaining undeveloped lots in a post 3/1/1965 plat in a single application? Yes. Owners can apply for groups of undeveloped lots within the same plat utilizing one application.'

If there is an existing primary structure on a lot and an accessory structure is requested, is Lot of Record Certification necessary? No. Lot of Record Certification is required for a NEW primary structure or an accessory structure to a NEW primary structure.

Skagit County Code

14.16.850(4)(c)

The County shall only consider issuing development permits on those substandard Lots of Record meeting any of the exemptions in this subsection.

- (i) The Lot of Record was properly platted and approved by Skagit County on or after March 1, 1965, provided that any lot that was created with a restriction on the face of the plat that the lot was created "not for development purposes" shall not be considered for development pursuant to this subsection.
- (ii) The Lot of Record is recognized as a participating parcel paying assessments to the Edison Subarea (Sub-District) of the Skagit County Clean Water District pursuant to Ordinance No. 16177 or any subsequent ordinances.
- (iii) The Lot of Record is recognized as part of an adopted "Limited Area of More Intense Rural Development" (LAMIRD) pursuant to SC C 14.16.920.
- (iv) The Lot of Record has been approved on a previously issued Lot of Record Certification consistent with SCC 14.06.045(5).
- (v) The Lot of Record is located in an Urban Growth Area, is a minimum of 1 acre in size, and can satisfy the requirements of Skagit County Code for water (either on-site or connection to a public water system) and for wastewater (either on-site or connection to a public sewer system), together with any other code provision applicable to the type of development proposed, as specified in SCC 14.06.045(6).
- (vi) The Lot of Record is at least one acre in size and further meets one or more of the following:
 - (A) Has existing water meter and/or sewer service connection existing on the lot prior to January 1, 2004; or
 - (B) Has water and/or sewer connections allowed under a specific binding written contract in effect on January 1, 2004 that is an extension agreement or connection agreement; or
 - (C) The owner or predecessor owner has paid or is currently still paying water and/or sewer assessments pursuant to a legally established Utility Local Improvement District (ULID) or a Local Improvement District (LID) that was established prior to January 1, 2004.
- (vii) The Lot of Record meets one or more of the following:
 - (A) Has an existing dwelling unit that, at a minimum, meets the standards of an "efficiency dwelling unit" under Section 206 of the 1997 Uniform Building Code or a commercial/industrial/institutional building located solely on the Lot of Record and the dwelling unit or commercial/industrial/institutional building was either constructed prior to July 1, 1990, according to the Assessor's records, or, if constructed after that date, obtained a building permit for its construction and approval to occupy from the County; or
 - (B) Has an approved permit for an onsite sewage system pursuant to SCC 12.05 submitted and approved prior to January 1, 2004, and either that permit is still valid, or the system has been installed; or
 - (C) Has an individual water system evaluation pursuant to SC C 12.48 (including installation of the well) submitted and approved prior to June 1, 1997 for a water system intended to serve the substandard lot; or
 - (D) Has been issued a development permit which vests future structure(s) pursuant to SCC 14.02.050 (Vesting).
- (viii) The Lot of Record was legally created prior to March 1, 1965 or, if created after March 1, 1965, was exempt from subdivision requirements at the time it was created, and meets one of the following requirements:
 - (A) The Lot of Record is one acre or larger and is located in the Rural Village Residential or Rural Intermediate zoning district. Lots located within the Fidalgo Island subarea plan boundaries identified in Ordinance No. 18375, Appendix 1, Section 1, #12, or located on Guemes Island shall not be eligible for this subsection until after completion of and subject to the adopted recommendations of the Fidalgo Island Subarea Plan or the Guemes Island Subarea Plan, respectively; or
 - (B) The Lot of Record is five acres or larger and is located in the Rural Reserve zoning district; or
 - (C) The Lot of Record is ten acres or larger and is located in a Rural Resource-Natural Resource Lands or Secondary Forest-Natural Resource Lands zoning district; or
 - (D) The Lot of Record meets the requirements of SCC 14.16.410(3)(c) for residential development in the Industrial Forest-Natural Resource Lands designation.

Return Name & Address:

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

LOT OF RECORD CERTIFICATION

File Number: PL _____ - _____

Applicant Name: _____

Property Owner Name: _____

Having reviewed the information provided by the applicant, the Department hereby finds that the parcel(s) bearing Skagit County Parcel Number(s):

P#(s): _____

Lot Size: _____ Description: _____

1. CONVEYANCE

- IS**, a Lot of Record as defined in Skagit County Code (SCC) 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS eligible for conveyance. (*per AF#* _____)
- IS NOT**, a Lot of Record as defined in SCC 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS NOT eligible for conveyance or development.

2. DEVELOPMENT

- IS**, the minimum lot size required for the _____ zoning district in which the lot is located and therefore IS eligible to be considered for development permits.
- IS NOT**, the minimum lot size required for the _____ zoning district in which the lot is located, but does meet an exemption listed in SCC 14.16.850(4)(c) _____ and therefore IS eligible to be considered for development permits.
- IS NOT**, the minimum lot size required for the _____ zoning district in which the lot is located, does not meet an exemption listed in SCC 14.16.850(4)(c) and therefore IS NOT eligible to be considered for certain development permits.

Authorized Signature: _____ Date: _____

See attached map for Lot of Record boundaries.