

AN INTERIM ORDINANCE RELATING TO LOT CERTIFICATION AND DEVELOPMENT ON SUBSTANDARD SIZE LOTS, ADOPTING NEW SKAGIT COUNTY CODE SECTION 14.06.045, AMENDING VARIOUS PROVISIONS OF SKAGIT COUNTY CODE SECTION 14.06.040, 14.06.090, 14.16.850, 14.18.000 AND 14.18.700, AND REPEALING INTERIM ORDINANCE O20030032 REGARDING LOT AGGREGATION UPON THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the Western Washington Growth Management Hearings Board (Hearings Board) has found several provisions of Skagit County Code (SCC) out of compliance with the requirements of the Growth Management Action (GMA) in case No. 00-2-0046c, including, in particular, the provisions related to development on substandard size lots; and

WHEREAS, the County has appealed certain aspects of this Hearings Board decision to Skagit County Superior Court in Case No. 01-2-00423-1; and

WHEREAS, in January of 2002 the parties to Skagit County Superior Court appeal expressed an interest in postponing the date for trial to give all interested parties the opportunity to pursue possible settlement of the matters on appeal; and

WHEREAS, the County found it to be in the best interests of the citizens of Skagit County at that time to have greater clarity now that interim rules should apply to those situations that are the subject of the Skagit County Superior Court appeal during the time period in which the parties to that appeal are pursuing potential settlement; and

WHEREAS, on January 18, 2002, the Skagit County Board of County Commissioners adopted Interim Ordinance No. R20020037 imposing interim controls on the lot aggregation provisions of former SCC 14.04.190(5) and have subsequently extended the provisions of that interim ordinance through and including Interim Ordinance No. O20030032, which by its terms is scheduled to expire on March 22, 2004; and

WHEREAS, on September 11, 2003, the Hearings Board ordered the County to bring itself into compliance within 180 days and further stated in the Hearings Board Decision that it "hope (s) the County spends no more time and money on studies on this issue, but uses the next 180 days to develop and adopt new regulations to deal with substandard lot development within long-term commercial agricultural zones (Compliance Order in Case No. 00-2-0046c);" and

WHEREAS, pursuant to the Stipulation and Agreed Order RE Continuance of Trial Date in Skagit County Superior Court Case No. 01-2-00423-1, the County has agreed to keep the provisions of Interim Ordinance No. O20030032 in place until either the parties have reached a settlement agreement, the Western Washington Growth Management Hearings Board (WWGMHB) has found the provisions of the new lot certification ordinance compliant with GMA, or the Court has entered a final ruling on the merits of the appeal; and

WHEREAS, the Board of County Commissioners held a public hearing on the proposed ordinance on March 8, 2004, and received written comment on this proposed ordinance from January 29, 2004 until March 12, 2004; and

WHEREAS, The Board of County Commissioners has considered all of the public testimony and written comments on the proposed ordinance and has determined that it is in the best interest of the citizens of Skagit County to adopt the proposed lot certification ordinance, as modified in response to public comment.

NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners adopts the amendments to Skagit County Code 14.06.040, 14.06.045 and 14.06.090 as shown on Attachment 1.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Board of County Commissioners adopts the amendment to Skagit County Code 14.16.850 as shown on Attachment 2.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Board of County Commissioners adopts the amendment to Skagit County Code 14.18.000 as shown on Attachment 3.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Board of County Commissioners adopts the amendment to Skagit County Code 14.18.700 as shown on Attachment 4.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that Interim Ordinance O20030032 is hereby extended until the date this new ordinance is found to be in compliance with GMA by the Western Washington Growth Management Hearings Board in Case No. 00-2-0046c, at which time this new ordinance shall take effect and Interim Ordinance O20030032 shall be repealed in its entirety.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this interim ordinance shall remain in effect until September 22, 2004, unless readopted, amended, or a settlement agreement providing for a replacement ordinance is reached prior to that time.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby instructs the Planning Commission and the Staff to address the following additional issues raised as part of the public comment during their review of a permanent lot certification ordinance:

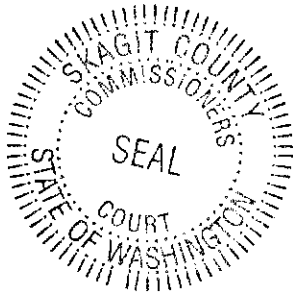
1. Consideration of a transfer of development rights program that would permit and encourage the transfer of development rights from substandard size lots in the natural resource lands zoning districts and the rural residential zoning districts to urban residential areas or specifically designated or authorized "receiving areas" within the county; and
2. Consideration of potential additional exceptions for development rights on substandard size lots in portions of the Ag-NRL zone that, based on soil types and/or specific nature of the

agricultural operation, could have a residential development right without interfering with ongoing natural resource production, or could have a residential development right that could only be used if transferred to a non-natural resource land location pursuant to the TDR program described in item (1). Further, staff and the Planning Commission should evaluate existing substandard parcels in Rural Resource-Natural Resource Lands, Secondary Forest- Natural Resource Lands, and Industrial Forest- Natural Resource Lands for application to this ordinance.

3. Research the number and location of previously-issued lot certifications to assess the affect on rural and natural resource lands and to consider whether the amendments to the ordinance should except additional previously-issued lot certifications, without adversely impacting natural resource lands, or causing rural development inconsistent with the provisions of GMA and the County's comprehensive plan.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Staff is instructed to prepare an administrative rule to guide future consideration of the Single Lot ownership and No Reasonable Use exception described in SCC 14.16.850(D) to provide greater predictability and uniformity in its administration.

DATED THIS 22nd DAY OF March, 2004.



**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson
Ted W. Anderson, Chairman

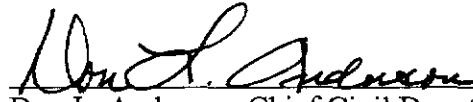
Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Commissioner

Don Munks
Don Munks, Commissioner

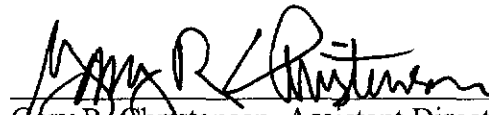
ATTEST:

JoAnne Giesbrecht
JoAnne Giesbrecht, Clerk
Skagit County Board of Commissioners

APPROVED AS TO FORM:


Don L. Anderson, Chief Civil Deputy
Skagit County Prosecutor's Office

APPROVED AS TO CONTENT:


Gary R. Christensen, Assistant Director
Planning & Permit Center

ATTACHMENT 1

Skagit County Code 14.06.040 is amended to read as follows:

(1) – (4) No Change

New Section (5)

(5) Lot Certification. A Lot Certification, pursuant to SCC 14.06.045, is an administrative review and determination that is required as part of a complete application for a development permit, as described in SCC 14.06.090, for those development permits listed in SCC 14.06.045(2). Because a Lot Certification is not a development permit application, but instead is required as part of certain development permit applications, the Lot Certification shall not require a Letter of Completeness (SCC 14.06.100), a Notice of Development Application and public comment period (SCC 14.06.150), nor a Notice of Decision (SCC 14.06.200). A Lot Certification determination may be appealed to the Hearing Examiner by the property owner, or by any other aggrieved party with standing pursuant to the same appeal procedures as those described for a Level I decision pursuant to SCC 14.06.110(7). The notice of appeal of a Lot Certification determination shall include a statement and such evidence as is necessary to determine that the party appealing is aggrieved by the determination and, therefore, has standing to bring the appeal. Because a Notice of Development Application is not required for a Lot Certification determination, appeals are not limited to Parties of Record, as defined by SCC 14.04.

Skagit County Code is amended to create a new section as follows:

14.06.045 Lot Certification

- (1) Lot Certification shall be the administrative review process completed to determine whether a lot is legally created and, therefore, eligible for conveyance and whether the lot is eligible to apply for development permits, as follows:
- (a) Conveyance. The Planning and Permit Center shall determine whether a lot was legally created. A legally created lot is a lot that meets the definition of Lot of Record, as defined in SCC 14.04.020 or a lot owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 for the lot in question. A Lot of Record may be conveyed individually without violating the provisions of RCW 58.17, but may or may not be eligible for development permits, as described in SCC 14.16.850(4). Parcels not meeting the definition of Lot of Record may not be able to be conveyed without violating RCW 58.17 and will not be considered for development purposes.
 - (b) Development. If a Lot of Record is certified under subsection (a) above, the Planning and Permit Center shall also determine whether the Lot of Record is eligible to apply for development permits. To be eligible to apply for development permits, the Lot of Record must either meet the minimum lot size

requirements of the zoning district in which it is located, or, if the Lot of Record does not meet the minimum lot size requirements of the zoning district in which it is located (a "Substandard Lot of Record"), it must meet one or more of the exemptions identified in subsection 14.18.850(4)(c) below.

- (2) Pursuant to SCC 14.06.090(1)(b), a Lot Certification shall be required prior to or as a part of any of the following development permit applications: Land Divisions, Binding Site Plans pursuant to SCC 14.18.500, New Onsite Sewage Systems pursuant to SCC 12.05.090, Building Permits for new residential, commercial, industrial or institutional structures or structures accessory thereto, Special Use Permits, Variance Permits, Administrative Decisions of Reduction of Setbacks pursuant to SCC 14.16.810(4), or any permits seeking to qualify under the vesting sections of SCC 14.02.050.
- (3) A separate assessor's parcel number, alone, shall not be sufficient evidence that the lot meets the definition of a Lot of Record. Evidence that the lot in question meets the definition of Lot of Record shall be required for lot certification.
- (4) Once issued, the Lot Certification shall be recorded with the Skagit County Auditor. A Determination that the lot does not meet the Lot of Record requirements shall also be recorded for purposes of innocent purchaser notification as described in SCC 14.18.000(9).
- (5) Once issued, the Lot Certification shall constitute the final determination regarding Lot of Record status for the specified legal description, and any future development permit requests on the same legal description shall not require a new Lot Certification review, but may rely on the existing Lot Certification. Lot Certifications issued by the County prior to the effective date of this section which specifically noted they were "for building purposes" on the face of the Lot Certification shall be recorded by the owner and shall be entitled to the same finality as Lot Certifications issued pursuant to this section. All other previously-issued Lot Certifications will be considered as sufficient evidence for meeting the requirements of subsection (1)(a) above, but will need further review to determine eligibility for development under (1)(b).
- (6) Issuance of a Lot Certification that includes a determination that the Lot of Record is eligible to apply for development under subsection (1)(b) above shall not constitute a determination that the Lot of Record has met other requirements of the Skagit County Code, including, but not limited to SCC 14.24 (Critical Areas), SCC 12.48 (Drinking Water Systems), SCC 12.05 (On-site Sewage Code), SCC 14.34 (Flood Damage Prevention), SCC 14.28 (Concurrency), SCC 14.26 (Shorelines) nor any requirements of the specific zoning designation, other than the minimum lot size requirements. Nothing in this section shall be interpreted to replace or supercede any requirements of any applicable public or private water purveyor.
- (7) A lot owner may apply for Lot Certifications for a group of undeveloped lots contained within a subdivision approved on or after March 1, 1965 as a single Lot Certification application. In addition, when future subdivisions are approved pursuant to SCC 14.18,

the plat map shall include a note regarding Lot Certification and Lot Certifications shall be issued for all lots within the plat upon recording.

- (8) The Lot Certification review and decision shall be an administrative review and determination process as described in SCC 14.06.040(5) and may be appealed to the Hearing Examiner according to the appeal process for Level I decisions listed in SCC 14.06.110. Because a Lot Certification is not a development permit application, but instead is required as part of a development permit application, the Lot Certification shall not require a Letter of Completeness (SCC 14.06.100), a Notice of Development Application and public comment period (SCC 14.06.150), nor a Notice of Decision (SCC 14.06.200).

Skagit County Code 14.06.090 is amended to read as follows:

- (1) The Applicant shall apply for all permits and approvals required by the Skagit County Code. A development application shall be declared complete only when the County has received all of the following:

(a) No Change

(b) Lot of record certification if required pursuant to 14.06.045(2).

(c) – (f) No Change

Provided, however, that additional materials may be required based on project specific and site specific issues, as identified in writing by the Administrative Official as part of the preapplication process.

(2) – (4) No Change

ATTACHMENT 2

Skagit County Code 14.16.850 is amended to read as follows:

SCC 14.16.850 General Provisions

- (1) – (3) no change
- (4) Development on Lots of Record.
- (a) Notwithstanding other restrictions of Skagit County Code, ~~except as set forth below~~, only Lots of Record meeting the minimum ~~dimensional standards~~ lot size requirements of the zoning district in which they are located will be ~~approved-eligible~~ for development permits. Lots of Record that do not meet the minimum lot size requirements of the zoning district in which they are located (hereafter "substandard Lots of Record") shall only be eligible for a development permit if they meet one or more of the exceptions described in subsection (c) below.
 - (i) An owner of contiguous substandard lots may choose to aggregate (combine) them in order to meet ~~this~~ these requirements, provided that aggregation of lots shall satisfy the requirements for and be recorded as a boundary line adjustment, pursuant to SCC 14.18.700. ~~Aggregation of lots shall be recorded as a boundary line adjustment. Except for substandard lots created through testamentary provisions,~~
 - (ii) If the owner chooses to aggregate contiguous, substandard lots to meet these requirements, the County shall complete the boundary line adjustment review and approval as part of the Lot Certification process, without requiring a separate application or fee.
 - (iii) If an owner of contiguous substandard lots in any of the rural residential zones (Rural Reserve, Rural Village Residential, Rural Intermediate) chooses to aggregate them pursuant to this subsection in order to meet these requirements and the resulting aggregated lot still does not meet the minimum lot size for development, the lot must meet an exemption in subsection (c) below, or apply for and receive a Reasonable Use exception to be eligible for development.
- (b) Lots created through testamentary provisions or the laws of descent shall be governed by the following provisions:
 - (i) Lots that meet the current lot size requirements of the zoning district in which they are located shall be treated the same as a legally subdivided lot;
 - (ii) Lots that do not meet the current lot size requirements of the zoning district in which they are located, but which did meet these requirements in effect at the time they were created will be treated the same as substandard Lots of Record under Section 14.16.850(4)(c);

(iii) Lots that do not meet the current lot size standards of the zoning district in which they are located, and did not meet those standards in effect at the time they were created shall be treated as Lots of Record for purposes of conveyance, but shall not be eligible to apply for building or development permits.

(c) ~~Developments may~~ shall only occur on ~~substandard~~ Lots of Record that do not meet the minimum dimensional requirements of the zoning district if one of the following exemptions apply in this subsection applies.:

- (a) ~~A lot that has been previously certified as a legal lot of record; or~~
- (b) ~~A lot upon which there is, or was a legally placed residence; or~~
- (c) ~~A lot of record upon which a previous development permit has been issued pursuant to Skagit County Code; or~~
- (d) ~~A lot of record that meets the following requirements~~
 - (i) ~~Compliance with all other requirements for a development permit pursuant to any provision of the Skagit County Code including the requirements of Chapter 12.05 SCC (On Site Sewage Code), except for SCC 12.05.210(4)(e); and~~
 - (ii) ~~Compliance with Chapter 14.28 SCC, Concurrency, even if otherwise exempt; or~~
 - (iii) ~~A development permit is required as part of a compliance order to protect the public's health, life, safety and the environment.~~

(i) The substandard 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 eligible to apply for development pursuant to this subsection.

(ii) The Lot of Record is recognized in Ordinance No. 16177 as one of the 82 participating parcels paying assessments to the Edison Subarea (Sub-District) of the Skagit County Clean Water District.

(iii) The Lot of Record is recognized as part of an adopted "Limited Area of More Intense Rural Development" (LAMIRD) pursuant to Skagit County Code 14.16.920.

(iv) 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.
- (v) 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 from the County for its construction; or
 - (B) has an approved permit for an onsite sewage system pursuant to Chapter 12.05, Skagit County Code 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 Chapter 12.48, Skagit County Code, (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 permit for an accessory structure which vests a primary structure pursuant to SCC 14.02.050 (Vesting).
- (vi) 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;

(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) In the rural residential zones, the proposed use for the substandard lot of record is one of the following non-residential uses and otherwise meets all requirements for the use in the zone:

(i) Rural Village Residential

Administrative Special Uses: Minor utility developments, Parks - specialized recreation facilities, Trails and primary and secondary trailheads.

Hearing Examiner Special Uses: Cemetery, Community club/grange hall, Expansion of existing major public uses up to 3,000 square feet, Historic sites open to the public, Minor public uses, Parks—community, Personal wireless services towers, subject to SCC 14.16.720.

(ii) Rural Intermediate

Permitted Uses: Agriculture, Agricultural accessory uses.

Administrative Special Uses: Minor utility developments, Parks - specialized recreational facilities, Trails and primary and secondary trailheads.

Hearing Examiner Special Uses: Cemetery, Community club/grange hall, Expansion of existing major public uses up to 3,000 square feet, Historic sites open to the public, Impoundments greater than 1-acre feet in size, Minor public uses, Outdoor recreational facilities, Parks – community, Personal wireless services towers, subject to SCC 14.16.720.

(iii) Rural Reserve

Permitted Uses: Agriculture, Agricultural accessory uses, Agricultural processing facilities, Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.

Administrative Special Uses: Minor utility developments, Parks - specialized recreational facility, Trails and primary and secondary trailheads.

Hearing Examiner Special Uses: Animal preserve, Cemetery, Community club/grange hall, Expansion of existing major public uses up to 3,000 square feet, Historic sites open to the public, Impoundments greater than 1-acre feet in volume, Manure lagoon, Minor public uses, Natural resources training/research facility, Outdoor outfitters enterprises, Outdoor recreational facilities, Parks - community, Personal wireless services towers, subject to SCC 14.16.720.

(E) In the natural resource lands zones, the proposed use for the substandard lot of record is any of the uses permitted in the respective natural resource land zone other than the following residential uses:

(i) Agricultural-NRL

Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330, Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees, Family day care provider as defined in Chapter 14.04 SCC, Home Based Business 1, Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use, Temporary manufactured homes as permitted in SCC 14.16.900(3)(b), Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.

(ii) Secondary Forest-NRL

Accessory residential structures, Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330, Detached single-family residential dwellings, Family day care provider, Home Based Business 1.

(iii) Rural Resource-NRL

Detached single-family residential dwelling, Family day care provider, Home Based Business 1, Family day care provider, Residential accessory structures.

(iv) Industrial Forest-NRL

Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330, Single-family residential dwellings, Home Based Business 1.

(F) the Lot of Record meets the requirements of SCC 14.16.410(c) for residential development in the Industrial Forest-Natural Resource Lands designation

(vii) The Lot of Record is located in an Urban Growth Area, provided that these lots shall be subject to the requirements for development within the urban growth area as provided in Ordinance No. O20040005.

(d) Reasonable Use.

(i) Variances from the requirements of this section shall not be considered pursuant to SCC 14.10. However, if a substandard Lot of Record in the Rural Reserve (SCC 14.16.320) Rural Intermediate (SCC 14.16.300) and Rural Village Residential (SCC 14.16.310) zone does not meet any of the exceptions in subsection (c) of this Section, the County shall further evaluate the lot for a Reasonable Use exception pursuant to this subsection. The Owner may be eligible to apply for a residential development permit on the lot if the Owner can demonstrate the following:

(A) the lot has not been owned with any other contiguous lots at any time from July 1, 1990 to the present. The owner may elect to aggregate all contiguous, substandard lots held in common ownership, thereby creating a single parcel, to then qualify under this subsection; and

(B) the proposed use can otherwise satisfy all other requirements of Skagit County Code; and

(C) the proposed use does not require extension of, or installation of urban levels of service outside of an urban growth area;

(ii) The County evaluation of a Reasonable Use exception to the requirements of this Section shall be reviewed as a Level I Administrative Decision, pursuant to SCC 14.06.110 including all of the public notice and comment requirements of.

(iii) In the Natural Resource Land zoning Districts, (Ag-NRL; RRc-NRL; SF-NRL and IF-NRL), natural resource production is deemed a reasonable use of the property and, therefore, substandard Lots of Record in these zones shall not be eligible for a Reasonable Use Exception pursuant to this subsection.

(5) – (8) No Change

ATTACHMENT 3

Skagit County Code 14.18.000 shall be amended to read as follows:

SCC 14.18.000 General

(1) – (8) No Change

(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, and 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.
- (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. Owners of parcels with a recorded Lot Certification indicating the lot is not a Lot of Record will not be granted Innocent Purchaser under this subsection.
- (d) An innocent purchaser of a lot created in violation of this Chapter Skagit County Code who files a notarized affidavit of innocent purchase with the Planning and Permit Center on forms satisfactory to the Administrative Official and Prosecuting Attorney shall be entitled to have the lot treated as follows a Lot of Record for purposes of conveyance according to the provisions of this code pertaining to Lot Certification, Skagit County Code 14.06.045(1)(A). The lot must meet one or more of the requirements of SCC 14.16.850(4)(B) through (D) to be eligible to apply for development permits, determining zoning compliance, and for establishing eligibility for building permits and future subdivisions:
 - (i) ~~A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area, lot width, and has the ability to meet SCC 12.05 for septic requirements;~~
 - (ii) ~~Innocent purchaser lots which do not meet current zoning requirements, but which did meet development requirements in effect at the time that they were created, will be treated the same as legally created lots subject to SCC 14.16; and~~
 - (iii) ~~Innocent purchaser lots which do not meet current zoning requirements and which did not meet the development requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits.~~

~~(iv)~~(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) No Change

ATTACHMENT 4

Skagit County Code 14.18.700 shall be amended to read as follows:

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 legal lots 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) – (b) No change.
 - (c) A boundary line adjustment proposal shall not:
 - (i) Result in the creation of an additional or substandard lot, unless the boundary line adjustment proposal is pursuant to SCC 14.16.850(4)(A), in which case the substandard lots can be combined through a boundary line adjustment, even if the resulting lot remains substandard in size.
 - (ii) – (iv) No Change.
- (3) No Change.