



Skagit County Planning & Development Services

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Lot of Record Certification Process

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, 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.