



Snohomish County

**Planning and
Development Services**

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MEMORANDUM

To: Debbie Eco, Clerk of the Council
From: Mike McCrary, Director
Subject: Notice of Proposed Rule Making Action
Date: July 10, 2024

Dave Somers
County Executive

Proposed Rulemaking Action

Planning & Development Service proposes and is soliciting comments on:

Draft Rule 24-03 – Lot Status Determination

Background

Under SCC 30.91L.120, a "lot" is defined as "a tract or parcel of land created in its present configuration by subdivision, short subdivision, or large tract segregation (recorded and/or approved by the County), a segregation exempt from subdivision requirements, or transfer of ownership prior to September 12, 1972. To be considered a 'lot,' each tract or parcel must be of sufficient area and dimension to meet minimum zoning requirements that were in effect at the time the tract or parcel was created, and must meet the access requirements of Title 30 of the Snohomish County Code. Some legal lots in unincorporated Snohomish County were created outside of normal subdivision processes and are smaller than would otherwise be permitted under today's development regulations. It is important to determine how a parcel of land was created as part of the investigation to determine its legal status. This requires first researching whether the lot was created by a legal instrument of land division, like a subdivision or County-recognized segregation. If not, a parcel of land may still qualify as a legal lot by investigating the date of its origin and method of creation as allowed under this rule.

Rule Summary

The purpose of this rule is to clearly define the criteria and required documentation for a lot to be acknowledged as a legally created lot. The term shall not include descriptions, divisions, parcels, easements, exceptions, or reservations created solely to describe access, road, railroad, or utility right of way purposes or drainage courses, resolve an encroachment problem, or describe survey gaps, parcels divided by non-navigable water courses, mortgage deed or other financial contract releases and tax title parcels." Under this definition, a lot (also referred to as a legal lot, building lot or, a parcel of land) "having lot status," is a parcel of real property established in conformance with zoning, access, and subdivision laws in place at the time of creation While Snohomish County code provides a detailed definition for "lot," the sheer number of existing lots and methods by which lots have been created in

Snohomish County's history have led to issues with establishing consistent criteria for determining what constitutes a legal lot.

Process

Pursuant to SCC 30.82.030, the notice of proposed rulemaking action will be published in *The Herald* on July 10, 2024, commencing the 21-day public comment period. Comments regarding the proposed rule must be submitted in writing by 5:00 p.m. on or before July 31, 2024.

Decision

After reviewing and considering the comments submitted in response to the notice of proposed rulemaking action, pursuant to SCC 30.82.040(1), the PDS Director may approve proposed Rule 24-03, with or without changes.

Council Review

Interested persons may request a review of an amended or repealed rule by the County Council upon request within 120 days of final rulemaking action. Pursuant to SCC 30.82.065, Council review shall determine whether the final rulemaking action is consistent with the scope of the department's rulemaking authority. No other formal appeal opportunity is available.

Staff Contact

Please contact Henry Jennings, Planner at extension 2179 or henry.jennings@snoco.org if you have any questions.

Attachments:

Notice of Proposed Rulemaking Action
Proposed Rule 24-03S