

Exhibit 1

164

Frank M Pickering Est. Road No 1950.

30275

In the Superior Court of the State of Washington
For Snohomish County.

Petition

In the Matter of the petition of
Frank M Pickering and others
for the New Location & Establishment
of a Public Road in Snohomish County

Road Petition
No 1950.

We the undersigned are freeholders of Snohomish County
State of Washington and do petition and pray that a
public county road and highway be established in said county
forty five feet in width having its points of beginning
and termination course and intermediate points and
general route as follows:

Commencing at intersection of North Fork County
Road and sec line between Secs 7 & 8 Twp 32 NR 7 E N.M. thence
North about 40 rods thence westerly about 80 rods close
to grave yard to a point near S E cor of S E 1/4 Sec 7 same
Twp and range thence North on 40 line to foot of hill near
H R Whartenby's house thence following foot of hill in
a westerly direction to canyon near James Murray's
place thence following up said canyon by the most
practicable route to top of bench thence following said
bench in a westerly direction by the most practicable route
to a point near North and South line through center of
Section 7 Twp 32 NR 6 E N.M. thence down from said bench
by easy grade to North Fork Valley to said line running thro
center of sec 7 Twp 32 R 6 thence south to North bank of Clear
Creek thence following down bank of said Clear Creek to
sec line bet Secs 11 & 12 thence west along sec line to N.W.
cor of sec 14 thence south a short distance thence S.W. to
County bridge now located over North Fork of Stillquamish
River near Residence of D.L. Hildebrand thence crossing
said Bridge over river thence following close to foot of hill
along the S.E. edge of said valley to connect with and end
at 60 road near residence of Thor Jefferson your petitioners
also pray that three short spurs be also surveyed viz:

1st com at 60 road near Residence of R H Dixon thence North
about 10 rods crossing Bear Creek at a maple tree marked
xxx thence west to connect with main line above
described.

2nd Commencing near residence of D J Baker thence in

Exhibit 2 Page 1

Frank M Pickering Etal Road No 1950

In the Superior Court of the State of Washington
For Snohomish County.

Order for

Establishment
of County

Road

In the matter of the petition of
Frank M Pickering and others
for the view location & establishment
of a public road in Snohomish County

} Order for Establishment of County Road
No 1950.

The petition of Frank M Pickering and others for the establishment of a county road coming before the Court for hearing and to consider the award of damages as returned by the viewers heretofore appointed and the Court being fully advised in the premises and being satisfied that due publication thereof has been fully made as provided by law and that said proposed road is practicable and that the same is a public necessity and will be of general use and public benefit it is therefore ordered that said road be and the same is hereby established as surveyed and the same may be opened as provided by law for the opening of public roads and the County Auditor is hereby directed to draw his warrants on the County Treasurer for the respective amounts awarded to each person for damages by reason of the said road being laid out and surveyed across the premises of such person or persons said amounts being as follows:

L B Prather	Ten (\$10.00)	Dollars
H House	One (\$1.00)	"
N Jewett	Twenty five (\$25.00)	"
C M Braselton	One (\$1.00)	"
Charles Barr	Twenty five (\$25.00)	"
Thomas Jefferson	Ten (\$10.00)	"

And it is further ordered that the map of the Surveyor and the order of the Court be filed in the office of the County Auditor. It is further ordered that the description of the road here established shall be as follows:

Commencing at intersection of North Fork Co Road and section line between 7 and 8 Twp 32 N Range 7 E 7th W and ending at intersection with North Fork Co Road in the NE 1/4 of the SW 1/4 of Sec 20 T 32 N R 6 E near residence of Thomas Jefferson said road being more

Exhibit 3 Page 1

Frank M Prekering Etal Road No 1950

particularly set out and described in the Surveyors notes and plat filed herein

Done in open Court this 28th day of March AD 1894
John C Denney Judge.

Filed Mar 29-1894

Robt A Hulbert Clerk
By Oliver C Thornton Deputy

In the Superior Court of the State of Washington
For the County of Snohomish

In the matter of the petition of
Frank M Prekering Etal
For Viewing laying out surveying
and establishing a County Road

No 1950
Certificate

Certificate

State of Washington } s.d.
County of Snohomish }

I Robt A Hulbert County Clerk and Clerk of the Superior Court of the State of Washington for the County of Snohomish holding terms at Snohomish in said County do hereby certify that the annexed is a complete transcript of all the proceedings had in the above entitled matter up to and including the final establishment of said road

Witness my hand and the seal of the said Superior Court this 29th day of March 1894

Robt A Hulbert Clerk
By Oliver C Thornton Deputy

see
Superior Court
Snohomish
Co Wash

Filed and recorded at request of Snohomish Co
April 3rd 1894 at 4:55 PM

D. Seward Jeger,
County Auditor

Exhibit 3 Page 2



Snohomish County – Planning and Development Services

2nd Floor, Robert J. Drewel Building

3000 Rockefeller • Everett, WA • (425) 388-3311 • www.snoco.org

PRINT

Application for Lot Status Determination

DATE STAMP

FILE NO. _____

SEC	10	TWP	32	RNG	6	QTR	SE
SEC	_____	TWP	_____	RNG	_____	QTR	_____
SEC	_____	TWP	_____	RNG	_____	QTR	_____
Zoning	AG -10						

Name of Applicant Mark Belles

Address 10016 Edmonds Way, Suite C-161 Edmonds WA 98020

Contact Telephone 206-432-2833 e-mail: mark.belles@me.com

NUMBER OF LOTS REQUESTING LOT STATUS 1 (2 after deeding of R/W)

NUMBER OF TAX PARCELS TO BE RESEARCHED 1

Property Tax Account Number(s)
~~3206100401000~~ 32061000401000

Please list additional tax parcel numbers on a separate sheet of paper and attach to application. (if applicable)

Name of Owner (if different) _____

Address _____

Contact Telephone _____ e-mail: _____

Contact Person Wendell Johnson/ Cascade Surveying & Engineering

Address P.O. Box 325, 105 East Division Arlington WA 98223

Contact Telephone (425-238-2832 Email: Wendell@cascadesurveying.com

Exhibit 4 Page 1



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This document should not be construed as authorizing any further division of said lot; any such division is subject to any and all rules and regulations relating to land divisions in effect at the time such division is proposed

I, Mark Bellas do hereby certify, from personal knowledge, the following:

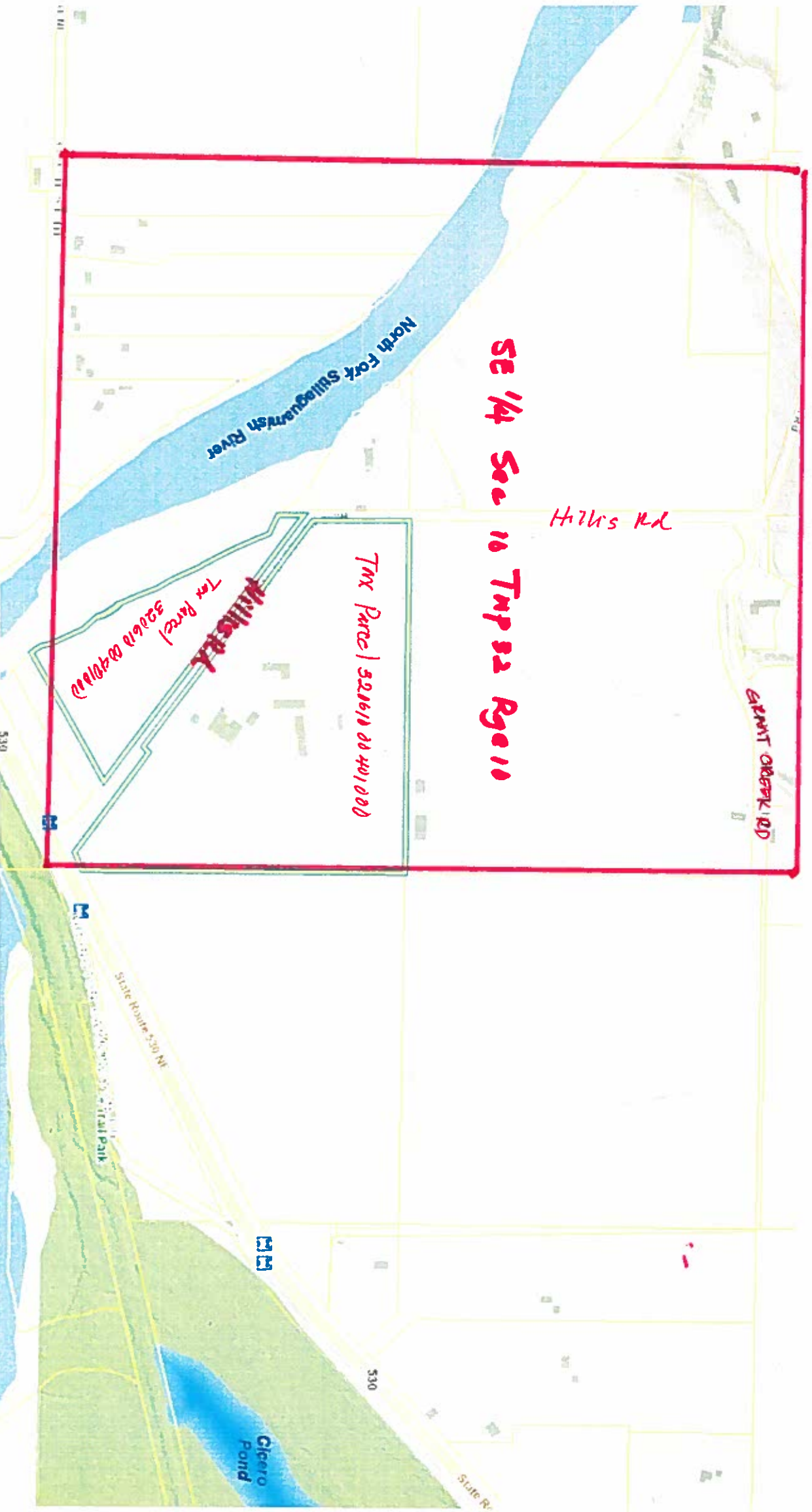
- A. That I am an owner of that certain parcel of real property known as tax parcel number: 3206-1004-01000, the legal description(s) of which is attached; 32061000401000
- B. That I have had said interest since 11-6-2017 (date).
(If this interest date is after January 1, 1965 a copy of your deed must be attached.)

I understand that any division by sale or lease of this property on or after September 12, 1972, may prevent the issuance of a building or other development permit if such division was, or is not, done in conformance with all County laws relating to land divisions effective at the time of such division.

Mark Bellas
Signature

4-10-20
Date

Exhibit 4 Page 2



SE 1/4 Sec 16 Twp 52 Rg 10

Mills Rd
Tax Parcel | 320610 00491000

Tax Parcel | 320610 00491000

Hills Rd

CANTON CREEK RD

North Fork Silliguanish River

Cicero Pond

State Route 530 NE

Trail Park

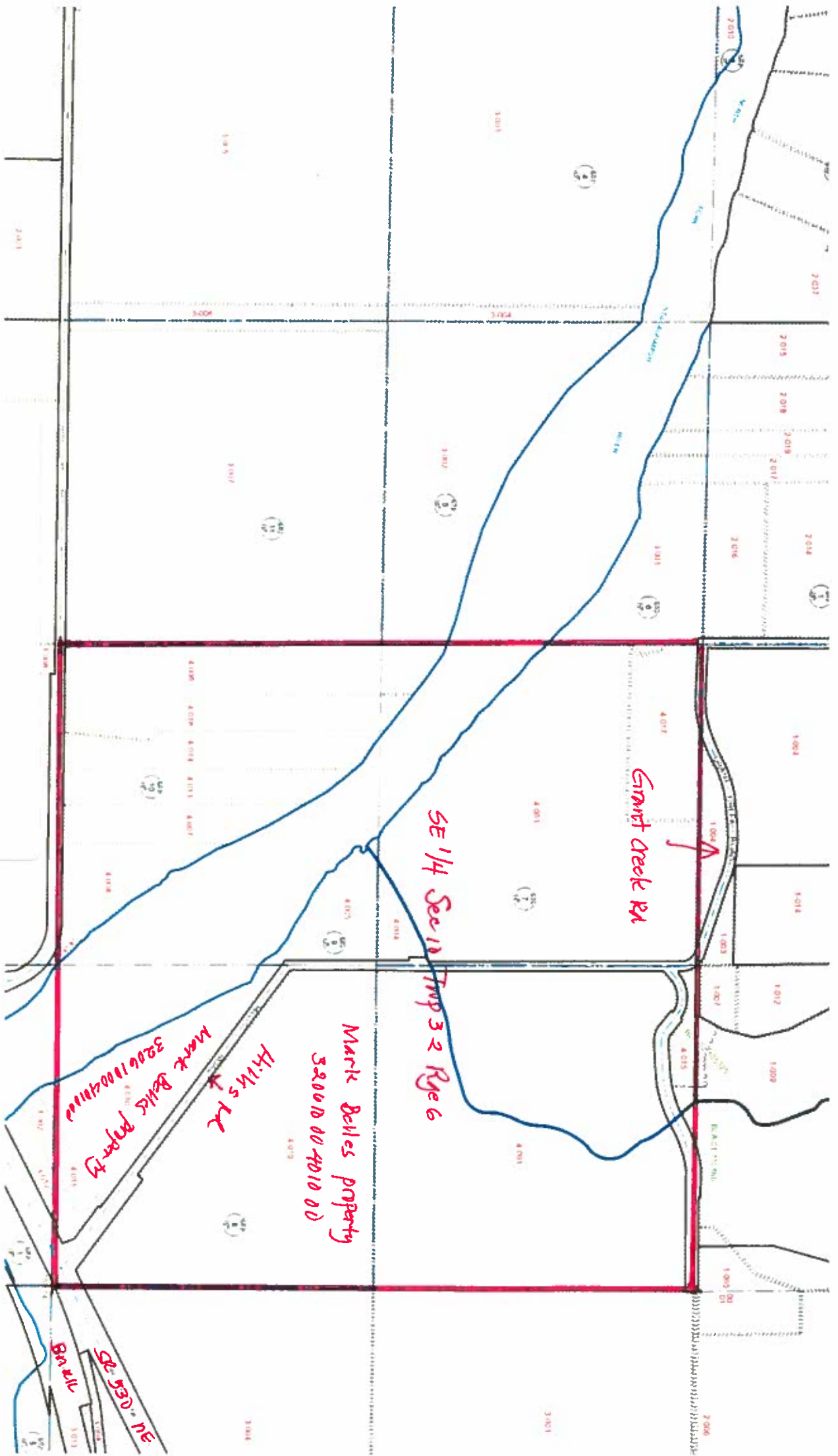
State Rd

530

530



Exhibit 4 Page 5



11-32-06



Snohomish County
Planning and Development
Services

Visit us at :

2nd Floor Robert J. Drewel Bldg
3000 Rockefeller Avenue
Everett, WA 98201

425-388-3311
1-800-562-4367, ext. 3311



ONLINE INFORMATION

www.snohomishcountywa.gov/1190



This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Assistance Bulletin

#24

Revised October 2021

WWW.SNOCO.ORG

Keyword: Assistance Bulletins

What is a "legal" lot?

A legal lot is a parcel of land that was established in conformance with zoning, access, and subdivision laws in place at the time of creation. Many parcels of land in Snohomish County are legal lots, including lots that are smaller than would otherwise be permitted under today's development regulations. Property owners of legal lots are eligible to apply for building permits or development applications, except when preempted by a standing court order or restricted by specific development regulations.

With this in mind, it's important to determine how a parcel of land was created in order to confirm its legal status. This can often be achieved by researching whether or not it was established by a legal instrument of land division (see section on Recognized Legal Lots by Approved Land Division Instruments) 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 (see section on Criteria for Determining Legal Lot Status).

Not All Taxed Parcels Are Legal Lots

The Snohomish County Assessor's Office is responsible for creating and tracking individual property tax accounts. One way that the County Assessor's Office does this is through the segregation of parcels. A common instance of this is when a property is legally subdivided. Each lot becomes segregated and issued an individual tax account number and parcel. But the County Assessor's Office has a range of other purposes for segregating tax parcels regardless of any land use controls in effect.

For instance, the County Assessor's Office may segregate tax parcels to provide tax relief to property owners on certain portions of land. Often, these tax relief schemes are geared towards senior residents and disabled persons, preservation of open space, and forestry lands. In other cases, properties may straddle different taxing districts necessitating segregation of a tax parcel to appropriately assess the property. Segregations of tax parcels in these instances may not constitute legal lots despite their individual taxing status.

Recognized Legal Lots by Approved Land Division Instruments

Lots established by any of the following land division instruments are recognized as legal lots by the County:

- **Long plat or short plat** (subdivision) recorded with the County Auditor's Office;
- County-approved **short plats** created between August 9, 1969 and September 12, 1972, but not recorded with the County Auditor's Office;
- **Large Tract Segregation** approved by PDS and recorded with the County Auditor's Office between July 30, 1979 and September 9, 1986;
- **Five-Acre Segregation** where all lots are 5 acres in size or greater and consisting of a map filed with PDS prior to September 16, 1986;

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.

- **Twenty-Acre Segregation** where all lots are 20 acres in size or greater and consisting of a map filed with Planning and Development Services prior to May 16, 1991; and
- **Eighty-Acre Segregation** where all lots are 80 acres in size or greater and consisting of a map filed with Planning and Development Services at any time.

How to Determine Legal Lot Status

Property owners seeking legal lot status on parcels created outside of the bounds of approved land division instruments noted in the previous section are required to substantiate this through the Lot Status Certification process with Snohomish County. To do this, property owners must submit a package of documentation to provide evidence of legal lot status, including:

- A Lot Status Application;
- Lot Status Certification for each lot;
- Supporting evidence;
- A project narrative; and
- A map of the existing parcel(s) and proposed configuration of legal lots.

The County uses specific criteria and documentation to identify if property constitutes a legal lot, which consists of three pieces: the size, zoning regulations, and access requirements in effect at the time of creation or currently in effect. For instance, a 3-acre lot established in 1950 would need to meet access requirements in effect at the time of creation or currently in effect, but it would not need to meet zoning requirements since none had yet been adopted by the County; a recorded deed from 1950, along with proof that access requirements are met, would be sufficient to prove lot status.

The following three criteria are used to determine lot status:

Criterion 1: Time, Lot Size, and Documentation

- **Parcels of sizes less than 5 acres.** Evidence must show that they were created prior to September 12, 1972 using the following document type:
 - **Recorded conveyance documents declaring a transfer of ownership (e.g. deed or real estate contract).**
- **Parcels of sizes greater than or equal to 5 acres, but less than 20 acres.** Evidence must show that they were created prior to September 16, 1986 using any of the following document types:
 - Recorded conveyance documents declaring a transfer of ownership (e.g., deed or real estate contract);
 - Record of Survey; or
 - Tax Statement.
- **Parcels of sizes greater than or equal to 20 acres, but less than 80 acres.** Evidence must show that they were created prior to May 16, 1991 using any of the following document types:
 - Recorded conveyance documents declaring a transfer of ownership (e.g. deed or real estate contract);
 - Record of Survey; or
 - Tax Statement.

Criterion 2: Zoning Regulations

The County first enacted zoning regulations between July 7, 1952 and April 15, 1957 in specific unincorporated areas, largely in proximity to Lake Goodwin, Lynnwood, and Edmonds. **On April 15, 1957, all areas of unincorporated Snohomish County became subject to zoning regulations** by the adoption of Zoning Resolution No. 7. This resulted in county-wide requirements for properties to meet minimum lot size and lot width standards. County zoning regulations have changed since this time and properties in the county sometimes have been the subject of rezones. Any parcel must have been established in conformance with zoning regulations in effect at the time of creation in order to meet the second criterion for legal lot status.

Criterion 3: Access Requirements

While the County's access regulations have changed from time to time, the County has always had some measure of access required for lots. The following are key dates and requirements for access for any parcel of land seeking lot status:

- Where access for a lot was created prior to April 15, 1957, access to the lot shall be by direct access to a pub-

- lic road, private road, or access easement of any width;
- Where access to a lot was **created on or after April 15, 1957, but prior to August 9, 1969**, access to the lot shall be by direct access to a public road, private road, or access easement that is at least 15 feet in width;
- Where access of a lot was **created on or after August 9, 1969** and the lot is **less than 5 acres in size**, access to the lot shall be by direct access to an open, constructed, and maintained public road, private road, or an exclusive, unshared, unobstructed, permanent access easement of at least 20 feet in width;
- Where access of a lot was **created on or after August 9, 1969** and the lot is **5 acres in size or greater**, access to the lot shall be by direct access to an open, constructed, and maintained public road, private road, or an exclusive, unshared, unobstructed, and permanent access easement of at least 60 feet in width;
- Access may be certified by a title company confirming that access **existed prior to April 15, 1957**; or
- For access that cannot comply with the any of the above, refer to Section 30.24.040 of the Snohomish County Code.

Building Permit Eligibility

County recognition of properties as legal lots does not imply or guarantee that a particular property is readily buildable nor does such status entitle a property owner to obtain development permits. Building and development permits are only issued if a project proposal is consistent with all County regulations and policies in effect at the time of application.

For instance, a project for a newly proposed single-family residence: The County would require that the lot meet legal access and public health (e.g., access to water supply and wastewater disposal) standards before a building permit could be issued. If the site had legal access, but could not gain access to a water supply system, a building permit would not be issued by the County.

Note: Three or more contiguous lots created prior to April 15, 1957 and under single ownership on December 31, 1989 that do not meet current zoning lot area requirements, may need to be combined in groups to satisfy zoning code restrictions regarding development of substandard lots. Please refer to Snohomish County Code (SCC) 30.23.235 and 30.23.240..

Q: How do I apply for a lot status determination and is there a fee?

A: An application for lot status determination shall be submitted online at MyBuildingPermit.com. For information on using our online permitting system, please see the following web page: https://www.snohomishcountywa.gov/3920/Online-Permitting. If you need additional assistance with the online process, please call our office at 425-388-3311.

When applying on MyBuildingPermit.com, please use the following path:

- Application Type: Land Use
- Project Type: New
- Activity Type: Lot Status
- Scope of Work: Lot Status

Please refer to Snohomish County Code (SCC) Table 30.86.400(10) for application fees. After your application has been accepted by PDS, an invoice will be uploaded to MyBuildingPermit.com. Once the fee have been paid, your application will be deemed complete and will be routed for review.

Q: Who should I contact if I have questions?

A: You may contact us if you have any questions via:

- Online: Ask A Permit Tech
- Telephone: 425-388-3311
- Visit us at: 2nd Floor, Administration East, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett

RULE 3510

March 9, 2005

Approved By:



DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Rule: 3510	Lot Status, as Effected by Public Road Right of Way which Bisects the Property, may be the Request Granted upon the Request of the Property Owner
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LEGISLATIVE HISTORY: Adopted August 21, 1995 as POL 3510, repromulgated pursuant to SCC 30.82 Rulemaking on March 9, 2005.

SEE ALSO: N/A

SCC APPLICABILITY: Chapter 30 41B SCC

PURPOSE: This policy rule outlines the requirements to be met in obtaining Lot Status for properties separated by a public right-of-way. The acquisition of a public right-of-way, by the County, which physically bisects a parcel of property, is not a subdivision of the property under County or State subdivision law.

RULE SUMMARY:

1. Lot Status may be Granted to the Property on Either Side of a Public Right-of-Way Upon Request of the Property Owner, if the Public Road Right-of-Way was Established by Dedication or Grant of a Fee Simple Title, Subject to all of the Following Conditions:
 - a) The public road right-of-way must physically bisect the property;
 - b) The public right-of-way was established prior to September 12, 1972, and fee simple title is dedicated or deeded to the public;
 - c) The resulting lots on either side of the public right-of-way shall:
 - (i) meet all current applicable zoning code requirements, or
 - (ii) have met the zoning code requirements in effect on the date of the establishment, and have not been divided or altered in violation of applicable County subdivision and zoning ordinances since such establishment.

2. The County does not Grant Lot Status where the Right-of-Way is Merely an Easement.

When the public right-of-way is an easement only, the underlying property owners own the underlying fee interest. The easement does not create an intervening strip of property in separate ownership, and does not defeat lot contiguity, since the ownership of the underlying fee estate is continuous. A right-of-way, held for road purposes, which was acquired by seven or more years of public maintenance under RCW 36.75.070 or ten or more years of public use under RCW 36.75.080, is clearly an easement only. Easements may also be created by dedication or deed.

3. For the Purposes of this Policy, Establishment of Public Road Right-of-Way and Transfer of Title (Item 1.b. above) may be Accomplished by any of the Following:
 - a) The public right-of-way was established by dedication or deed of fee simple title prior to September 12, 1972, (Irrespective of whether the right-of-way was open and maintained); or
 - b) The road was established as an open and maintained public right-of-way prior to September 12, 1972, and, at some time subsequent to establishment, fee simple title was dedicated or deeded to the public and was accepted by the county; or

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RULE 3510

- c) The road was established as an open and maintained public right-of-way prior to September 12, 1972, and the current owner of the fee simple estate offers and conveys fee simple dedication of the road right-of-way to the county and said dedication is accepted by the county.



Snohomish County
Planning and Development Services

Dave Somers
County Executive

Mike McCrary, Planning Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

October 7, 2021

Mark Belles
10016 EDMONDS WAY C-161
EDMONDS, WA, 98020

Project File Number: 20-105955 LS
Project Description: Request for Lot Status Determination

Dear Mark Belles:

This letter serves as the Department of Planning and Development Services' (PDS) formal response to your Application for Lot Status Determination submitted on April 15th, 2020.

After reviewing your application and supporting documentation, PDS has determined the following: Assessor documents show that parcel 320610-004-010-00 existed as a lot as early as 1949. It also appears that Hillis Road existed at this time, splitting the lot in two, although it was never deeded to the county. Therefore, as a condition of approval of this lot status determination, the owner of the property being reviewed shall be required to dedicate, establish or deed this right-of-way to the County for road purposes and shall further comply with the stipulations laid out in the *Traffic Review Memorandum for Final Transportation Impact, Right-of-way width requirements for Lot Status project 20-105955 LS* (Exhibit 1). This lot status determination also supersedes the original lot status determination that was dated April 28, 2020.

PDS hereby finds that the parcel(s) bearing the following Assessor's Tax Account Numbers are legal lots for purposes of obtaining a building permit under the county zoning and subdivision codes under the condition that the lot status determination is not effective until the "Hillis Road right-of-way" noted above is dedicated, established or deeded under the stipulations laid out in *Traffic Review Memorandum for Final Transportation Impact, Right-of-way width requirements for Lot Status project 20-105955 LS*:

Parcel 'A' (320610-004-010-00 north of Hillis Road)
Parcel 'B' (320610-004-010-00 south of Hillis Road)

Furthermore; this determination is subject to revocation if it is determine that the information upon which it is based is erroneous.

Sincerely,

Brian Farrell
Planner
Brian.Farrell@snoco.org
cc: 19 104619 LS

Exhibit 7

MEMORANDUM

October 7, 2021

TO: Maria Palma-De Guzman, ROW Investigator III
Planning and Development Services

FROM: David Irwin, Engineer III, Transportation Development Reviewer
Planning and Development Services, Transportation Engineering Section

SUBJECT: File No. 20-105955 LS, Belles Lot Status
Final Transportation Impact, Right-of-way width requirements

The Transportation Engineering Review Section of Planning and Development Services (PDS) has reviewed the subject development proposal for compliance with Chapter 30.24 SCC (Snohomish County's Access and Road Network Ordinance), Chapter 30.66B SCC (Concurrency and Road Impact Mitigation), Snohomish County Engineering Design and Development Standards (EDDS) and the appropriate County Rules and procedures and has summarized that review below.

Right-of-Way Requirements [SCC 30.66B.510, SCC 30.66B.520]

A development shall be required to dedicate, establish or deed right-of-way to the county for road purposes as a condition of approval of the development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

The road serving this development, Hillis Road, is designated as a non-arterial and requires a right-of-way width of 30 feet on each side of the right-of-way centerline for a total of 60 feet. Currently, the required width does not exist. In addition, it appears the existing roadway may not be constructed within the existing right-of-way width so a survey (to the satisfaction of Snohomish County) may be required to address where the constructed roadway of Hillis Road is located with respect to the right-of-way.

Also, additional right-of-way may be required for any horizontal curves along Hillis Road adjoining the site so the horizontal centerline curve radii complies with EDDS Table 3-4 for the design speed of the roadway. This may result in the right-of-way exceeding 60 feet in some locations.

Exhibit 8
