

**Chapter 14.16C**  
**LAND USE ACTIONS, PERMITS AND DETERMINATIONS - DECISION CRITERIA AND**  
**STANDARDS**

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## 14.08 Definitions

"Lot of record" means: (1) Lots created through a subdivision or short subdivision and recorded with Snohomish County after 1969 (not all short plats were required to be recorded before 1974); (2) land for which a deed or other instrument describing the land was recorded with Snohomish County prior to 1969; (3) lots created per RCW 58.17.040 or (4) land that receives a lot status determination by the city or previous lot status determination from Snohomish County.

"Lot Status Determination" means an administrative review process to determine if a lot was legally created and is eligible for conveyance and/or whether the lot is eligible to be considered for development permits.

### 14.16C.078 Lot Status Determination

#### (a) Purpose

- (1) The purpose of this section is to provide a process and criteria for determining whether a lot, tract, or parcel (parcels) is a lot of record consistent with applicable state and local law, and to provide alternate criteria for determining lot status for a parcel that may not qualify outright as a lot of record.

#### (b) Applicability and burden of proof.

- (1) The standards of this section apply to all requests for lot status determinations or for any applications relating to land development, building permits, property division, boundary line adjustment or any other land use actions when a lot status determination is necessary pursuant to RCW 58.17.210.
- (2) The applicant shall bear the burden of proving that a parcel of land is a lot of record.

#### (c) Determination Process

- (1) Lot status determinations as part of a building permit or other land use and development request.
  - (i) Building permit or land use and other development applications on parcels not part of a platted land division prior to 1969 shall be reviewed for compliance with the criteria in this section.
  - (ii) Concurrent review with an underlying application shall follow the process for the underlying building permit or land use permit.
  - (iii) A separate written approval of a lot status determination will not be issued unless requested by the applicant.
- (2) Lot status determinations without a building permit or other land use and development request.
  - (i) Lot status determinations not involving any other concurrent city reviews shall submit all materials set forth in LSMC section 14.16C.078(d), a complete Type I application and current fee.
  - (ii) The lot status determination shall be reviewed for compliance with the criteria in this section.
  - (iii) The city will issue a written determination of lot status.

#### (d) Submittal Requirements

The following materials shall be provided by all applicants for a lot status determination:

- (1) Complete application (if not a concurrent review);
- (2) Written narrative explaining the purpose of the request;
- (3) Title Report (prepared within 30 days of submittal to the City);

- (4) Scaled site plan to include property lines, dimensions, structures, site improvements, easements and utility locations;
- (5) Any existing evidence of legal lot status such as:
  - (i) Prior approved and recorded short subdivision or subdivision approval showing formal lot creation;
  - (ii) Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
  - (iii) Historic tax records or other similar evidence, describing the parcel as an individual lot.
- (e) Decision Criteria. The Planning Director or designee shall determine that a parcel is a legal lot of record when the parcel meets one or more of the following criteria:
  - (1) The parcel was created through a subdivision or short subdivision in the city after June 17, 1970.
  - (2) The parcel was created through a subdivision or short subdivision recorded with Snohomish County or approved by Snohomish County prior to annexation and after August 9, 1969.
  - (3) The parcel was created through a subdivision or short subdivision with written approval by Snohomish County between 1937 and 1969 and has been subsequently developed, sold through deed transfer and meets the requirement of 14.16C.078(f)(3).
  - (4) The lot was created by a process defined in RCW 58.17.040 RCW.
- (f) Alternate decision criteria for determining lot status. The Planning Director or designee may determine that a parcel is a legal lot of record when the parcel meets one or more of the following criteria:
  - (1) The parcel was created through territorial platting prior to 1937 and not subsequently developed, altered or improved but the applicant can demonstrate that the parcel meets the requirement of LSCM section 14.16C.078(f)(3).
  - (2) The parcel is a tax parcels created for tax segregation purposes by the County Assessor and the applicant can demonstrate (i) that the parcel meets the requirement of LSMC section 14.16C.078(f)(3) and (ii) the following:
    - a. The parcel was created by a tax segregation process defined in Chapter 84.56 RCW prior to March 4, 1972; and
    - b. The parcel was defined by metes and bounds legal description or fractional section description and conveyed by notarized deed prior to August 9, 1969; and
    - c. The parcel was conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase.
  - (3) For consideration for an alternative determination of lot status, the applicant shall demonstrate that:
    - a. The parcel meets the zoning regulations in effect at the time the lot was created; or
    - b. The parcel substantially meets or can meet current zoning standards per Title 14 including but not limited to access to public utilities, site access, road, sidewalk, stormwater, lot size, setbacks, etc.; and
    - c. The parcel does not adversely impact public health or safety; and
    - d. The parcel does not adversely affect or interfere with the implementation of the comprehensive plan.

- e. For purposes of reviewing the status of pre-existing parcels, parcels within 10 percent of lot size standards shall be considered to substantially meet the current standards unless the Director or designee determines that public health or safety impacts are present.

(g) Prior Determination.

- (1) Lots which have been recognized through a previous lot status determination, including approvals from Snohomish County before annexation, or other planning approval in which lot recognition is made, are lots of record. Such parcels shall remain lots of record unless the property owner consolidates or merges the lot with another lot or alters the lot or portions of a lot subject to a court decision. Any such change shall necessitate a new legal lot determination through the processes outlined in this LSMC section 14.16C.078.
- (2) The city shall have the authority to review lots that have been altered through the boundary line agreement process identified in RCW 58.04.007. If the city determines that the limited parameters of RCW 58.04.007 do not apply to a recorded boundary line agreement, the city's determination of lot status shall be based on the recorded boundaries prior to the agreement, unless a boundary line adjustment is approved through the process outlined in LSMC section 14.18.200.