



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

Assistance Bulletin

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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](https://www.snohomishcountywa.gov/3920/Online-Permitting). 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