

Date: March 9, 2005

Approved By: 

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

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| <b>Rule: 3501</b> | <b>Innocent Purchaser Provisions for Lots Created in Violation of SCC 30.41A &amp; 30.41B, Short Plat and Platting Codes</b> |
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**LEGISLATIVE HISTORY:** Cancels POL-3501 adopted on May 30, 1995; Repromulgated pursuant to SCC 30.82 Rulemaking on March \_\_\_\_\_, 2005

**SEE ALSO:**F-3500

**SCC APPLICABILITY:** 30.41A.830; 30.41B.830

**PURPOSE:** The purpose of this rule is to establish development standards for lots recognized under the provisions of the innocent purchaser clause.

**RULE SUMMARY:**

1. The rule specifies what the development potential would be for a lot recognized through the Innocent Purchaser Affidavit procedure.
2. The title "innocent purchaser" shall describe an individual who has purchased real property for value, has not received notice that the lot has not been legally created as provided in S.C.C. Section 30.41A.830 or Section 30.41B.830, and has not previously been granted innocent purchaser status by Snohomish County. All contiguous lots created in violation of S.C.C. 30.41A or 30.41B which are under the same ownership at the time of application for "innocent purchaser" status, shall be recognized only as a single lot.
3. An applicant for innocent purchaser status must file a notarized "Affidavit of Innocent Purchaser" with the division on the attached departmental form. The director will evaluate the request and determine whether the property owner qualifies as an innocent purchaser in accordance with the eligibility criteria stated on the department form.
4. A lot recognized pursuant to this innocent purchaser provision shall be treated as follows for the purposes of determining zoning compliance, and for establishing eligibility for building permits, and other development permits:
  - a) Innocent purchaser lots shall be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area and lot width;
  - b) Innocent purchaser lots which do not meet current zoning requirements, but which did meet zoning requirements in effect at the time that they were created, shall be treated the same as legally created substandard lots, as provided in SCC 30.23.240; and
  - c) Innocent purchaser lots, which do not meet current zoning requirements and which did not meet the zoning requirements in effect at the time of their creation shall be treated the same as legally created lots for purpose of conveyance, but shall not be eligible for building or other development permits. However, for structures that exist

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at the time the innocent purchaser status is granted, building and/or other development permits may be issued for repair and/or maintenance of such structures if damaged or destroyed by fire, explosion, act of God, or act of public enemy. The exterior dimensions of the structure shall not be increased. This policy does not supersede or preclude the provisions of SCC 30.28.075 pertaining to expansion or replacement of nonconforming structures.