

### What is an Unregulated Segregation?

It is a relatively simple procedure that you may be able to use to divide large parcel(s) or to change boundaries between large parcels. This process is exempt from the Subdivision and Short Subdivision provisions of Chapter 16.06 of the Island County Code. The resulting parcels are considered **new** parcels. Land in a Current Use Program for tax purposes (Designated Forest, Open Agriculture, Open Timber, Open Space, PBRs) may be affected by a change in use like an unregulated segregation. Please check with the Assessor's Office or the Planning Department to determine the effect of the change to avoid possible penalties.

### When Can You Use This Procedure?

This procedure may apply to the division of your parcel if one of the following criteria is met:

1. The legal descriptions of your resulting parcels will be described as equal, fractional divisions (aliquot) of a Section of land, **and** one of the following:
  - a) The resulting parcels would not be smaller than 1/64 of a section (*considered to be ten acres*), **or**
  - b) The minimum lot size is met in a zone district that requires more than 10 acres (e.g. the Commercial Agriculture zone requires 20 acres).

An example of a legal description that is an equal fractional division is:

*“The NW ¼ of the SW ¼ of the SW ¼ of Section 1 of Township 28 North, Range 3 East, Willamette Meridian”.*

This example of a legal description is 1/64<sup>th</sup> of a Section (one square mile) and is **considered** to be 10 acres. It is the smallest size that could be created by an unregulated segregation in most of the zone districts. When a land division would create a parcel that is smaller than 10 acres, the formal subdivision provisions of Chapter 16.06 may apply.

2. The legal description can not be described as an equal, fractional division of a section of land, as described in number 1 above, **and** your resulting parcels are **at least ten acres or greater**. If your parcel borders a public road, the size of your parcel may be expanded to include the area out to the center-line of that road.

**Exception:** In a zone district that requires a minimum parcel size that is greater than ten acres, each resulting parcel must comply with the minimum lot area requirements of that zone classification. For example, in the Commercial Agriculture zone district, the minimum parcel size is 20 acres and an unregulated segregation can not be used to establish a smaller parcel.

### The Process

1. Check with Island County Planning and Community Development about the zoning of your parcel. Determine the zone classification and the minimum lot size required in that zone district. This will help you learn if your parcel is eligible for segregation. It is your responsibility as the landowner to ensure that the newly created lot will meet all appropriate setbacks to property lines, wetlands and any critical areas. Under no circumstance will the County approve setback and/or buffer reductions when a parcel is created through the unregulated segregation process. Therefore, in order to ensure that you are not creating an unbuildable parcel it is essential that you identify all setbacks and buffers on the property and configure your new lot lines in such a manner that you will have ample area to build a

house, driveway, septic system, etc. Please also note that setbacks in the RA and RF zones will increase to 50 feet with a new unregulated segregation.

2. Per RCW 84.40.042, ensure that all current year and delinquent taxes and assessments on the entire tract are paid in full in accordance with RCW 58.17.160 and 58.08.030. They must be paid before the county may process your proposed unregulated segregation.
3. Provide the following to the Land Segregations Deputy in the Island County Assessor's Office:
  - \* A written request for the segregation, signed by all owners of the parcel(s),
  - \* The legal description(s) of the existing and the proposed parcels;
  - \* A map of the parcel that is drawn to scale is very helpful. Show existing boundary lines as a solid line and the proposed boundary lines as dotted lines. Indicate where all buildings and extra features are located on the parcel(s); and
  - \* Provide a telephone number for your point of contact – in case there are any questions.

### **For More Information**

- \* Specifically about the **segregation process** - please contact Shirley Sorrows in the Island County Assessor's Office at extension 7862.
- \* About Current Use Programs please contact Gary Bur at the Island County Assessor's Office at extension 7851.
- \* About the **zoning, allowed uses, and standards for future development** of the parcel, contact Island County Planning and Community Development at 679-7339.

***If you use this procedure, please remember that the county does not check your resulting parcels to ensure that they meet county standards for development. Before you will be able to build on a parcel created through this process, you will need to show that you meet all land development regulations. These include standards for access, water availability, sewage disposal, zoning uses and setbacks, and preservation of critical areas and buffers.***

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*IMPORTANT NOTE - "Development Information Bulletins" (DIBs) are intended to assist the general public in understanding the effect of codes and regulations. DIBs are not complete statements of the laws and rules and should not be used as a substitute for them. If conflicts and questions arise, the code and regulations are the final authority. Because these regulations may be revised or amended at any time, consult Island County staff to be sure you understand all current requirements before beginning any work. It is the responsibility of the applicant to ensure that the project meets requirements of all current codes and regulations.*

### **ISLAND COUNTY PLANNING AND COMMUNITY DEVELOPMENT**

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