



SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 00-034

AMENDING SNOHOMISH COUNTY CODE  
CHAPTERS 29.04, 29.08, 29.12, 29.16, 29.20, AND 29.22  
RELATING TO BOUNDARY LINE ADJUSTMENTS

WHEREAS, the county executive and county council have identified regulatory reform of land use regulations as a high priority for county government; and

WHEREAS, with the assistance of the county council, the county executive and prosecuting attorney have established a regulatory reform process to make land use regulations more understandable to the public and more easily implemented by the county; and

WHEREAS, this ordinance is a result of that process;

THEREFORE, BE IT ORDAINED:

**Section 1.** Snohomish County Code Section 29.04.020, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.04.020 Boundary line adjustment (BLA).**

"Boundary line adjustment" (BLA) means the adjustment of boundary lines between two abutting lots, tracts or parcels, which creates no additional lot, tract, parcel, or site, and which results in no lot, tract, parcel, or site that contains insufficient area and dimension unless authorized under SCC 29.12.020(9) to meet minimum requirements for width and area for a building site.

**Section 2.** Snohomish County Code Section 29.04.050, last amended by Ordinance No. 85-059 on July 10, 1985, is **REPEALED**.

~~**29.04.050 Hearing examiner.**~~

~~"Hearing examiner" is the Snohomish county hearing examiner established pursuant to chapter 2.02 SCC.~~

**Section 3.** Snohomish County Code Section 29.08.010, last amended by Ordinance No. 95-004 on Feb. 15, 1995, is **AMENDED** to read:

**29.08.010 Authority to act.**

The hearing examiner and the director of the department of planning and development services (PDS) or his designee ~~((is))~~ are authorized as set forth in SCC 29.16.010 to grant or deny a proposed ~~((boundary line adjustment))~~ BLA under criteria set forth in SCC 29.12.020.

**Section 4.** Snohomish County Code Section 29.12.010, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.12.010 Application and process.**

- (1) A complete boundary line adjustment (BLA) application shall be filed with the director of PDS on forms supplied by ~~((the department of planning and development services-))~~ PDS(~~(())~~), shall be signed by the owner(s) of the property, and shall be accompanied by ~~((a complete application that consists of))~~ the following:
  - (a) An 8 1/2 by 11 inch or 8 1/2 by 14 inch BLA map/plot plan depicting both existing boundary lines and proposed boundary line changes drawn at a scale not to exceed 1 inch = 50 feet, or at a scale agreed upon by the applicant and the director of PDS;
  - (b) A vicinity map that depicts the location of the property at a scale not to exceed 1 inch = 2,000 feet, or at a scale agreed upon by the applicant and the director of PDS;
  - (c) Legal descriptions of the revised lots, tracts, or parcels, certified by a licensed surveyor or title company;
  - (d) A filing fee of \$250.00 ~~((paid to))~~ made payable to ~~((the department of))~~ PDS;
  - (e) The applicant shall certify by signature on the application form that each resulting lot affected by the BLA has an accessible building area as defined by SCC 29.04.025, unless a building area does not exist on the original lot(s). This requirement shall not apply to lots that are zoned commercial or industrial. Further certification requirements shall be implemented only by legislative action;
  - (f) The applicant shall acknowledge by signature on the application form that county approval of a BLA proposal does not guarantee or imply that the subject property may be developed or subdivided, and that ~~((boundary line adjustment))~~ BLA approval may not be grounds for approval of subsequent modification or variance requests;
- (2) The director of PDS or his designee may establish more specific submittal standards (such as detailed plot plan specifications and number of copies required) provided such standards only constitute refinement of the items required by this section;
- (3) If the BLA proposes lots that result in reduced county road frontage and/or changes in access, a review by the department of public works to verify that all lots have safe access points may be required. In such cases, the applicant shall stake approximate proposed access points and property lines along the road frontage within 5 days of BLA application; and
- (4) The completeness date of the application shall be the date the complete application was filed. If the application is determined to be incomplete, ~~((the department))~~ PDS shall notify the applicant in writing within 30 days of submittal. Failure to submit all requested materials within 1 year shall void the application.

**Section 5.** Snohomish County Code Section 29.12.015, added by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.12.015 Notice.**

At application submittal, PDS shall provide the applicant with a notice sign(s) and instructions for posting. Within 5 days of filing the BLA application, the applicant shall post the notice in a conspicuous location on the subject property's frontage and provide verification of posting pursuant to SCC 32.50.060(4)(a). At a minimum, the notice shall contain the information required in SCC 32.50.060(3)(b). The property shall remain posted until all appeal periods have expired. For BLAs processed simultaneously with a concurrent application, as provided for in SCC 29.16.010(2), all notice requirements shall be governed by the notice provisions applicable to the most lengthy time limitation applicable to any of the required permits or approvals.

**Section 6.** Snohomish County Code Section 29.12.020, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.12.020 Criteria for approval.**

~~((In reviewing the proposed boundary line adjustment, the director of PDS shall use the~~  
)The following criteria for approval shall govern consideration of BLAs:

(1) The proposed BLA is consistent with applicable development restrictions or code requirements including but not limited to restrictions and requirements within Titles 18, 19, 20 and 32 SCC;

(2) The proposed BLA will not detrimentally affect access, design or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the health district, the department of public works, or any other agency or department with expertise;

(a) The proposed BLA will not cause boundary lines to bisect on-site sewage disposal systems, prevent adequate access to water supplies or obstruct fire lanes;

(b) The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry or other safety concerns, as determined by the department of public works;

(3) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

(4) The proposed BLA meets the consistency requirements of SCC 32.50.100;

(5) The proposed BLA will not result in any lot expanding in size by more than 100% and will not result in any lot that does not retain at least 50% of its original lot footprint. ~~((This subsection))~~ These percentage limits shall not apply to BLAs that are ((reviewed concurrently)) approved simultaneously with a ((permit or land use action)) concurrent application requiring a decision by the hearing examiner, or approved ((reviewed concurrently)) simultaneously with a building permit for a multiple-family

residential, ~~commercial or industrial~~ project. These percentage limits shall not apply to ~~commercial or industrial projects in commercial or industrial zones. ((The BLA application shall not be considered complete until the concurrent application is complete. The hearing examiner shall act as the BLA decision maker when the BLA is in conjunction with a concurrent application requiring a decision by the examiner. The examiner shall only apply the review criteria in this section in determining if a BLA may be approved.))~~ Frontage improvements may be required for the area subject to the BLA and the concurrent application. If frontage improvements are required for the area subject to the BLA they must be voluntarily agreed to in order to qualify for this BLA exemption;

(6) ~~((The director shall apply c))~~ Criterion (5) ~~((over ))~~ shall be applied to all BLAs filed after November 7, 1998. ~~((The)) aggregate affect (of previous BLA actions shall be considered in order to verify that the percentage limitations of criterion (5) are satisfied. This subsection shall not be applied retroactively to BLAs approved prior to the effective date of this ordinance or to BLAs exempted from subsection (5)).~~ Approval of subsequent BLAs on a given lot footprint created by BLA will be based on the cumulative changes to the initial lot footprint over a five-year period ((preceding the BLA application,)) commencing from the recording of the initial BLA;

(7) The proposed BLA will not create narrow strips of land less than the minimum lot width of the underlying zone~~((,))~~ that connect the original lot footprint with new area added by the BLA. This subsection shall not preclude approval of BLAs that create or modify access panhandles;

(8) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(9) The proposed BLA ~~((will not))~~ may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements provided that the proposed BLA satisfies the other requirements substandard lots of this chapter. ((, except that adjustments between two or more abutting legally substandard lots may increase nonconformity as long as the cumulative reduction in lot area or lot width is 10% or less)); and

(10) The proposed BLA will not result in lots without building areas when building areas existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial.

**Section 7.** Snohomish County Code Section 29.16.010, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.16.010 Decision.**

(1) The director of ~~((planning and development services-))~~ PDS~~((,))~~ or his designee shall approve, approve with conditions or deny the application based on the criteria set forth in SCC 29.12.020 within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period. ~~((The completeness date of the application shall be the date the complete application was filed. The county may deny a BLA application, or void a BLA approval, due to incorrect or incomplete submittal information.))~~

(2) The hearing examiner shall act as the BLA decision maker for a proposed BLA that is reviewed simultaneously with a concurrent application requiring a decision by the hearing examiner. In order to be considered concurrent, a permit or land use application must be submitted to the county at the same time as the BLA application and involve the same property or adjacent property. Proposed BLAs that are reviewed by the hearing examiner shall be processed in accordance with the time frames of the concurrent application.

**Section 8** Snohomish County Code Section 29.16.020, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.16.020 Appeals - Procedure.**

- (1) Appeals to the hearing examiner from a decision of the director of PDS or his designee rendered under SCC 29.16.010(1) may be filed within 14 calendar days of the decision by any person aggrieved, or by any county department affected by any decision made by the director of PDS or his designee in the administration and enforcement of the provisions of this title. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.
- ~~((2))~~ (a) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.
- ~~((3))~~ (b) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by filing a land use petition in Snohomish County superior court as provided in chapter SCC 2.02.195 SCC or to the state shoreline hearings board pursuant to SCC 2.02.120.
- (2) Appeals from a decision of the hearing examiner to grant or deny a BLA under SCC 29.16.010(2) shall be made together with the appeal of the concurrent application and shall be governed by the procedures that apply to appeal of the concurrent application.

**Section 9.** Snohomish County Code Section 29.20.040, last amended by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.20.040 Recording.**

To finalize an approved BLA, the applicant must record with the county auditor the BLA application, certified legal descriptions and the BLA map within 1 year of approval or the application and approval shall be void. The director of (~~the department of planning and development services~~)PDS((~~h~~)) may grant up to one 1 year extension for good cause. If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries. When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to PDS by the applicant.

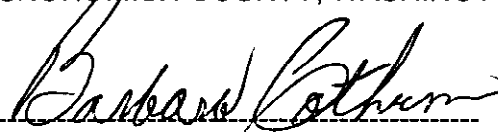
**Section 10.** Snohomish County Code Section 29.22.020, added by Ordinance No. 98-107 on Oct. 21, 1998, is **AMENDED** to read:

**29.22.020 Application and Procedure.**

Typographical errors in recorded legal descriptions or minor discrepancies on recorded BLA maps may be corrected by filing an Affidavit of Correction of Boundary Line Adjustment with ~~((the department of planning and development services-))~~ PDS(~~(t)~~). The affidavit shall be on a form supplied by ~~((the department))~~ PDS. The director of PDS or his designee shall review the affidavit for compliance with applicable code provisions. If approved by the director of PDS or his designee, the applicant shall record the affidavit with the county auditor within 45 days. Immediately after recording, copies of the recorded Affidavit of Correction shall be provided to PDS by the applicant.

PASSED this 21<sup>st</sup> day of June, 2000

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

  
Chairperson

ATTEST:

  
Clerk of the Council

APPROVED  
 VETOED  
 EMERGENCY

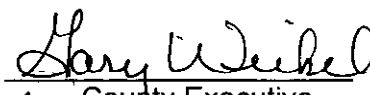
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DATE 6/23/00

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

  
County Executive  
**GARY WEIKEL**  
Executive Director

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