

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



AMENDED ORDINANCE NO. 05-042

RELATING TO BOUNDARY LINE ADJUSTMENTS, AMENDING
CHAPTER 30.41E OF THE SNOHOMISH COUNTY CODE (SCC)
BOUNDARY LINE ADJUSTMENT PROVISIONS AND SCC
30.70.050(3) NOTICE OF APPLICATION RELATING TO A
BOUNDARY LINE ADJUSTMENT

WHEREAS, property owners may find it necessary to make minor adjustments to property lines for various reasons such as correcting lot boundaries; and

WHEREAS, RCW 58.17.040(6) exempts boundary line adjustments which do not create additional or substandard lots from state and local subdivision requirements; and

WHEREAS, Chapter 30.41E SCC contains regulations and the process for obtaining boundary line adjustments; and

WHEREAS, the County's existing regulations governing boundary line adjustments are consistent with state law and provide for lot line adjustments while preventing the boundary line adjustment process from being used to circumvent subdivision laws and regulations; and

WHEREAS, the County desires to provide an efficient application process for property owners to make boundary line adjustments when no new lots are created; and

WHEREAS, it is in the best interests of citizens, property owners, and the development community of Snohomish County to have regulations relating to the adjustments to property lines; and

WHEREAS, the Planning Commission held a public hearing on April 26, 2005, and forwarded a recommendation to the County Council recommending approval of the ordinance with certain revisions.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts and incorporates the foregoing recitals as if set forth fully herein.

Section 2. The County Council makes the following additional findings and conclusions.

- A. The Ordinance is consistent with the Growth Management Act (GMA) and the County's Growth Management Act Comprehensive Plan (GMACP).
- B. Pursuant to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and Chapter 30.61 SCC, the Snohomish County Environmental Review Ordinance, the County issued a Determination of Non-Significance on March 17, 2005. The comment period ended April 4, 2005, and no comments were received.
- C. The requirements of SEPA and Chapter 30.61 SCC have been satisfied with respect to this proposed action.
- D. The County published legal notices in The (Everett) Herald on March 22, April 13 and June 25, 2005, and sent notices to interested parties, notifying the public of public hearings held by the Planning Commission and County Council.
- E. The County Council held a public hearing on July 6, 2005, which meets state and local public participation requirements for the adoption of an ordinance under the GMA.
- F. The County Council considered the entire hearing record, including the Planning Commission's recommendation, written testimony during the public comment period, and oral testimony given during public hearings before the Planning Commission and County Council.

Section 3. Snohomish County Code Section 30.41E.010, last amended by Ordinance 02-064 on December 9, 2002, is amended to read:

30.41E.010 Purpose and applicability.

The purpose of this chapter is to allow for ((minor)) adjustment to boundary lines of existing lots where no new lot is created pursuant to SCC 30.91B.180. This chapter applies to all boundary line adjustment (BLA) applications.

Section 4. Snohomish County Code Section 30.41E.020, last amended by Ordinance 02-064 on December 9, 2002, is amended to read:

30.41E.020 Procedure and special timing requirements.

(1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

- (a) The department shall process the BLA as a Type 1 decision; or
- (b) If accompanied by a concurrent Type 2 application, the BLA application may, at the applicant's request, be processed as a Type 2 permit application pursuant to the provisions of SCC 30.41E.100(6) ((SCG)). In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the BLA application and involve the same property or adjacent property.

(c) The BLA is exempt from notice provisions set forth in SCC 30.70.050 and 30.70.060(2) except that the BLA shall comply with 30.70.045(3)(d) when applicable.

(2) The department shall decide upon a BLA application within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(3) The department or hearing examiner may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

(4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(a) the adjustments involve contiguous parcels;

(b) the application includes the signatures of every parcel owner involved in the adjustment; and

(c) the application is accompanied by a record of survey.

(5) The legal descriptions of the revised lots, tracts, or parcels, shall be certified by a licensed surveyor or title company.

(6) A boundary line adjustment shall not be approved for any property for which an exemption to the subdivision provisions set forth in SCC 30.41A.020(6) or 30.41A.020(7) or an exemption to the short subdivision provisions set forth in SCC 30.41B.020(6) or 30.41B.020(7) has been exercised within the past 5 years.

Section 5. Snohomish County Code Section 30.41E.100, last amended by Ordinance 02-064, on December 9, 2002, is amended to read:

30.41E.100 Decision criteria.

In reviewing a proposed boundary line adjustment, the department or hearing examiner shall use the following criteria for approval:

(1) The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of subtitle 30.2 SCC and any conditions deriving from prior subdivision or short subdivision actions;

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

~~((3))~~(2) The proposed BLA will not cause boundary lines to cross a UGA boundary, ((bisect)) cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

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

(4) 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. The BLA shall comply with the access provision set forth in SCC 30.41E.200;

(5) When a BLA application is submitted concurrently with a type 2 application pursuant to SCC 30.41E.020(1)(b), and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA:

~~((5)) (6) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision; ((6) The proposed BLA will not result in any lot expanding in size by more than 100 percent and will not result in any lot that does not retain at least 50 percent of its original lot footprint (area). These percentage limits shall not apply to BLAs that are approved simultaneously with a concurrent application requiring a decision by the hearing examiner, or approved simultaneously with a building permit for a multifamily residential project. These percentage limits shall not apply to commercial or industrial zones. 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;~~

~~(7) Criterion (6) shall be applied to all BLAs filed after November 7, 1998. 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 commencing from the recording of the initial BLA;~~

~~(8) 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);~~

~~(9) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;~~

~~((10)) (8) The proposed BLA 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 of this chapter and the nonconforming condition is not increased by more than 50 percent ; and~~

~~(11) (9) The proposed BLA will not result in lots ((without)) with less than 1000 square feet of an accessible area ((of at least 1000 square feet)) suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial zones identified in SCC 30.21.025(1)(c), 30.21.025(1)(d), and 30.21.025(2)(d) through 30.21.025(2)(g).~~

Section 6. Snohomish County Code Section 30.41E.200, last amended by Ordinance 02-064 on December 9, 2002, is amended to read:

30.41E.200 Design standards - access.

If ~~((the BLA))~~ propose ~~((s))~~ d lots within a BLA ~~((that))~~ result in reduced public road frontage and/or changes in access, ~~((a review by))~~ the department of public works ~~((to verify))~~ may require verification 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 public road frontage within five days of ~~((a complete BLA application))~~ receipt of a request by the department of public works to do so.

Section 7. Snohomish County Code Section 30.70.050(3), last amended by Ordinance 02-064 on December 9, 2002, is amended to read:

**SCC Table 30.70.050(3)
Notice of Application Requirements**

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
((Boundary Line Adjustment))	((X))		
Building and grading permits subject to SEPA	X	X	X
Code interpretation processed as Type 1		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 - 30.41A.665]		
Flood Hazard Permit – except no notice required for SF or duplex development	X	X	X
Flood Hazard Variance	X	X	X
Freeway service zone official site plan in existing zone	X	X	X
Free-standing sign in FS and RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit decision	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, FS, T, RB, CRC, RFS, and RI)	X	X	X
Rezone – site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Preapplication Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application <u>except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)</u>	X	X	X

ORDINANCE NO. 05-042 as amended and adopted by Council on July 6, 2005
RELATING TO BOUNDARY LINE ADJUSTMENTS, AMENDING CH. 30.41E OF THE SCC BOUNDARY LINE
ADJUSTMENT PROVISIONS NAD SCC 30.70.050(3) NOTICE OF APPLICATION RELATING TO A BOUNDARY
LINE ADJUSTMENT

Section 8. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

Section 9. This ordinance shall take effect on August 8, 2005.

PASSED this 6th day of July, 2005.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chair

ATTEST:

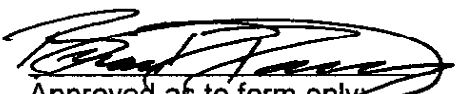

Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 7/15/05


County Executive

ATTEST:


Approved as to form only

Deputy Prosecuting Attorney

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