

RECEIVED
SNOHOMISH CO
EXECUTIVE



CO00028373

JUL 16 1985 526

COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 85-059

SNOHOMISH COUNTY CODE,
RELATING TO BOUNDARY LINE ADJUSTMENTS

BE IT ORDAINED:

Section 1. That Chapter 19.46, Title 19, SCC, is hereby repealed in its entirety.

NEW SECTION. Section 2. That a new Title 29 be added to Snohomish County Code, as follows:

Title 29

Boundary Line Adjustment

Chapters:

- 29.02 Purpose
- 29.04 Definitions
- 29.08 Authorization
- 29.12 Boundary Line Adjustment Procedures
- 29.16 Decision-Effective Date
- 29.20 Final Action

Chapter 29.02

Purpose

29.02.010 Purpose. The purpose of this title is to allow for minor adjustment to boundary lines among property owners.

Chapter 29.04

Definitions

29.04.010 General. As used in this ordinance unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

29.04.020 Boundary line adjustment. "Boundary line adjustment" means the adjustment of boundary lines which creates no additional lot, tract, parcel, site or division, and creates no lot, tract, parcel, site or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

29.04.030 Department. "Department" shall mean the Department of Planning and Community Development.

29.04.040 Director. "Director" shall mean the director of Planning and Community Development, or his designee.

29.04.050 Hearing Examiner. "Hearing examiner" is the Snohomish County land use hearing examiner created by Chapter 2.02 Snohomish County Code.

29.04.060 Lot. "Lot" is a fractional part of subdivided land having fixed boundaries, being sufficient in area and dimension to meet minimum zoning requirements. The term shall include tracts and parcels.

Chapter 29.08

Authorization

29.08.010 Authority to act. The director of the Department of Planning and Community Development is authorized to grant or deny a proposed boundary line adjustment under criteria set forth in Chapter 29.12.020.

Chapter 29.12

Boundary Line Adjustment Procedures

29.12.010 Application. A boundary line adjustment application shall be on forms supplied by the Department, shall be signed by the owners of all interests in the property, and shall be accompanied by:

(1) An 8 1/2 x 11 inch or 8 1/2 x 14 inch 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 director;

(2) Legal descriptions of the revised lots, tracts, parcels, sites or divisions certified by a licensed surveyor or title company.

(3) A processing fee in the amount of twenty-five dollars (\$25.00). In addition, the applicant shall pay recording fees.

29.12.020 Criteria for approval. In reviewing the proposed boundary line adjustment, the director shall make the following determinations:

(1) That the proposed boundary line adjustment will not violate applicable zoning code requirements;

(2) That the proposed boundary line adjustment 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; and

(3) If within a formal subdivision, that the proposed boundary line adjustment will not violate the conditions of preliminary approval.

Chapter 29.16

Decision and Appeal

29.16.010 Decision. The director shall make a decision on the proposed boundary line adjustment as expeditiously as possible following submittal of a complete application therefor.

29.16.020 Appeal of the director's decision.

(1) The examiner shall have the authority to hear and decide appeals from any decision or determination made by the director or his designee in the administration and enforcement of provisions of this title.

(2) Appeals may be taken to the examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of the director or his designee. The appeals shall be filed in writing, in duplicate, with the community development division within fifteen (15) days of the date of the action being appealed. Upon filing an appeal, a place and time for the hearing not more than thirty (30) days from such notice of appeal shall be set by the community development division.

(3) The examiner may, in conformity with this title or other applicable ordinances, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and may rule on the order, requirement, decision or determination as necessary. To that end, the examiner shall have all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

(4) The decision of the examiner on an appeal shall be final and conclusive. The examiner's decision shall be reviewable for unlawful or arbitrary and capricious action or non-action by writ of review before the Superior Court of Snohomish County. An action for writ of review may be brought by any person aggrieved by the examiner's decision by making application to the court for such writ within fifteen (15) days of the date of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the applicant for the writ of review.

Chapter 29.20

Final Action

29.20.010 Final action. After the proposed boundary line adjustment has been approved by either the director or the hearing examiner, and the appeal period provided by Section 29.16.020 has expired, the Department shall keep on file a record of the proposed boundary line adjustment, including certified legal descriptions, and indicate proposed adjustment on the appropriate maps. Prior to issuance of any permit on either affected parcel, a recorded document

must be presented showing that the boundary line adjustment was recorded as proposed.

PASSED this 10th day of July, 1985.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Bruce Cannon
Chairperson

Approved as to Form:

Deputy Prosecuting Attorney

ATTEST:

Kathryn J. Norton
Clerk of Council

() APPROVED

() VETOED

() EMERGENCY

DATE: 7-19-85

ATTEST:

Kathryn J. Norton

[Signature]
County Executive

PUBLISHED _____ and _____