

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



**AMENDED ORDINANCE NO. 98-107**

AMENDING SNOHOMISH COUNTY CODE  
TITLE 29  
RELATING TO BOUNDARY LINE ADJUSTMENTS

BE IT ORDAINED:

**Section 1.** Snohomish County Code Section 29.04.010, added by Ordinance no. 85-059 on July 10, 1985, is amended to read:

**29.04.010 General.**

~~((As used in this chapter unless))~~ Unless the context ~~((or subject matter))~~ clearly requires otherwise, ~~((the following words or phrases shall have the following meanings))~~ definitions in this chapter will apply throughout this title.

**Section 2.** Snohomish County Code Section 29.04.020, added by Ordinance no. 85-059 on July 10, 1985, is amended to read:

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

"Boundary line adjustment" (BLA) means the adjustment of boundary lines between lots, tracts or parcels, which creates no additional lot, tract, parcel, or site ~~((or division;))~~ and ~~((creates))~~ results in no lot, tract, parcel, or site ~~((or division))~~ that contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

**Section 3.** **New** Snohomish County Code Section 29.04.025, is hereby added as follows:

**29.04.025 Building area.**

"Building area" means a fixed location, within the boundaries of a lot, at least 2,000 square feet in size, suitable for building construction, located outside of any unbuildable easement, required buffer or critical area as defined in SCC 32.10.110.

**Section 4.** Snohomish County Code Section 29.04.030, last amended by Ordinance no. 95-004 on Feb. 15, 1995, is hereby **repealed**.

**Section 5.** Snohomish County Code Section 29.04.040, last amended by Ordinance no. 95-004 on Feb. 15, 1995, is hereby **repealed**.

**Section 6.** Snohomish County Code Section 29.04.050, added by Ordinance no. 85-059 on July 10, 1985, is amended to read:

**29.04.050 Hearing examiner.**

"Hearing examiner" is the Snohomish county (~~(land-use)~~) hearing examiner (~~(created by)~~) established pursuant to chapter 2.02 SCC.

**Section 7.** Snohomish County Code Section 29.04.060, added by Ordinance no. 85-059 on July 10, 1985, is amended to read:

**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 when created. The term shall include tracts and parcels. The term shall not include divisions or descriptions created solely for road access purposes.

**Section 8.** New Snohomish County Code Section 29.04.070, is hereby added as follows:

**29.04.070 Lot footprint.**

"Lot footprint" means the fixed location of the area within the boundaries of a lot prior to any adjustment of boundary lines.

**Section 9.** New Snohomish County Code Section 29.04.080, is hereby added as follows:

**29.04.080 Site.**

"Site" means the area within the lot boundaries prior to any adjustment of boundary lines or the area within the lot boundaries after the adjustment of boundary lines.

**Section 10.** Snohomish County Code Section 29.12.010, last amended by Ordinance no. 93-127 on Nov. 23, 1993, is amended to read:

**29.12.010 Application and Process.**

(1) A boundary line adjustment (BLA) application shall be on forms supplied by the department of planning and development services (PDS), shall be signed by the owner(s) of (~~(all interests in)~~) the property, and shall be accompanied by a complete application that consists of:

~~((4))~~ (a) An 8 1/2 (~~(x)~~) 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;

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

~~((3))~~ (d) A filing fee of \$250.00 paid to the department of PDS; ~~((for approval of a boundary line adjustment application; and))~~

~~((4))~~ A signed form, supplied by the department, identifying what lot or lots, if any, may be developed with a duplex structure. Failure to disclose the intent to develop a lot or lots with duplexes is subject to the provisions of SCC 29.20.030.)

(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 approval may not be grounds for approval of subsequent modification or variance requests;

(2) The director of PDS 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) If the application is determined to be incomplete, the department 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 10A.** New Snohomish County Code Section 29.12.015, is hereby added as follows:

**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.

**Section 11.** Snohomish County Code Section 29.12.020, last amended by Ordinance no. 96-003 on Feb. 21, 1996, is amended to read:

**29.12.020 Criteria for approval.**

In reviewing the proposed boundary line adjustment, the director of PDS shall ~~((make the following determinations))~~ use the following criteria for approval:

(1) ~~((That the))~~ The proposed ~~((boundary line adjustment))~~ BLA ~~((will not violate))~~ is consistent with applicable development restrictions or ~~((zoning))~~ code requirements including but not limited to restrictions and requirements within Titles 18, 19, 20 and 32 SCC;

(2) ~~((That the))~~ The proposed ~~((boundary line adjustment))~~ 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 ~~((a formal))~~ an approved subdivision or short subdivision, ~~((that))~~ the proposed ~~((boundary line adjustment))~~ BLA will not violate ~~((the))~~ conditions of ~~((preliminary))~~ approval;

(4) ~~((That the))~~ The proposed BLA meets the consistency ~~((determination provisions))~~ requirements of SCC 32.50.100 ~~((have been met))~~;

(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 shall not apply to BLAs that are reviewed concurrently with a permit or land use action requiring a decision by the hearing examiner, or reviewed concurrently with a building permit for a multiple-family residential project. 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 criterion (5) over a 5-year period preceding the BLA application. 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);

(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 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 increase the nonconformity of substandard lots, except that adjustments between two or more 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 12.** Snohomish County Code Section 29.16.010, added by Ordinance no. 85-059 on July 10, 1985, is amended to read:

**29.16.010 Decision.**

The director of planning and development services (PDS) shall approve, approve with conditions or deny the application ~~((make a decision on the proposed boundary line adjustment))~~ based on the criteria set forth in SCC 29.12.020 ~~((as expeditiously as possible))~~ within 45 days following submittal of a complete application or revision, ~~((therefor))~~ 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.

**Section 13.** Snohomish County Code Section 29.16.020, last amended by Ordinance no. 96-003 on Feb. 21, 1996, is amended to read:

**29.16.020 Appeals - Procedure.**

(1) Appeals ~~((may be taken))~~ to the hearing examiner may be filed within 14 calendar days of the decision by any person aggrieved, or by any ~~((officer, department, board or bureau of the))~~ county department affected by any ~~((order, requirement, permit,))~~ decision ~~((or determination))~~ made by the director 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) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) 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 2.02 SCC ~~((except as may be limited by chapters 43.21C RCW, 497-11 WAC and 23.40 SCC)).~~

**Section 14.** Snohomish County Code Section 29.20.020, last amended by Ordinance no. 89-161 on Dec. 20, 1989, is hereby **repealed**.

**Section 15.** Snohomish County Code Section 29.20.030, last amended by Ordinance no. 95-004 on Feb. 15, 1995, is hereby **repealed**.

**Section 16.** New Snohomish County Code Section 29.20.040, is hereby added as follows:

**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) 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 17.** New Snohomish County Code Chapter 29.22, "Corrections to Recorded Boundary Line Adjustments" is hereby added.

**Section 18.** New Snohomish County Code Section 29.22.010, is hereby added as follows:

**29.22.010 Purpose**

The purpose of this chapter is to provide a process for correcting errors on approved BLAs. A correction shall not make substantive changes to a recorded BLA.

**Section 19.** New Snohomish County Code Section 29.22.020, is hereby added as follows:

**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). The affidavit shall be on a form supplied by the department. The director of PDS shall review the affidavit for compliance with applicable code provisions. If approved by the director, 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.

**Section 20.** Applicability. This ordinance applies to all boundary line adjustments where an application is filed on or after the effective date of this ordinance.

PASSED this 21st day of October, 1998

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*Kevin Siems*  
Chair

ATTEST:

*Shula McCallister*  
Clerk of the Council, *asst.*

- APPROVED  
 VETOED  
 EMERGENCY

DATE: 10-28-98

*Joan M. Earl*  
County Executive **JOAN M. EARL**  
Deputy Executive

ATTEST:

*Constance Merrin*

Approved as to form only:

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Deputy Prosecuting Attorney