



## **BOUNDARY LINE ADJUSTMENT (BLA) / LOT CONSOLIDATION (LC) PROCESS**

### **Chapter 16.08 - BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS**

#### **16.08.010 - Purpose**

It is the intent of this chapter to provide an efficient and timely process that allows consistent review; to ensure such action do not create nonconformities with zoning and other city regulations; to provide a permanent record of Boundary Line Adjustments and Lot Consolidations; and to ensure appropriate provisions are made for access and utility easements; in a manner consistent with RCW 53.17.040(6).

(Ord. 542 § 1 (part), 1999)

#### **16.08.020 - Scope**

This chapter applies to all Boundary Line Adjustments and Lot Consolidations which are otherwise exempt from subdivision regulations 58.17.040(6) RCW.

(Ord. 542 § 1 (part), 1999)

#### **Procedure**

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

Within twenty-eight (28) days of receiving your application, Town staff shall determine if it is complete. If additional information and/or materials is needed to meet the approval criteria for a particular application, the Town will contact you and outline what is needed to complete the application. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall mail or provide in person written notice to the applicant, within fourteen (14) days following the receipt of the additional information.

The department shall cancel an incomplete application if the applicant fails to submit the additional information required by DMC Sections 17.104.070(A) or (C) within ninety (90) days following notification from the department that the application is incomplete. The department may extend this cancellation date up to one hundred twenty (120) additional days if the applicant submits a written request for an extension prior to cancellation. The request must

clearly demonstrate that the delay is due to circumstances beyond the applicant's control (such as the need for seasonal wetland data) or unusual circumstances not typically faced by other applicants, and that a good faith effort has been made to provide the requested materials.

After the determination of a completed application, a decision from Town staff on a permit application is required within one hundred and twenty days (120).

The fact that an application is deemed complete pursuant to this section shall not, under any circumstances, prevent the town from subsequently requesting additional information or studies regarding any aspect of a proposed project, which is deemed necessary to a complete review of the proposed project.

### **17.104.010 Classification of Project Permit Applications**

Type 1 decisions are made by Town administrators who have technical expertise as designated by ordinance. Type 1 decisions are administrative decisions not subject to administrative appeal. The only appeal for Type 1 decisions is to Superior Court. Public notice is not required for Type 1 decisions.

**A Boundary Line Adjustment is a Type 1 Approval Process** – Planning review is to be completed by a contracted professional planner and the final decision will be made by the Town of Darrington Subdivision Committee.

A public “Notice of Application” must be posted on-site, within 14 days of completed application having been received. If the BLA contains wetlands, streams, or their buffers, then a SEPA Environmental review may apply. These additional approvals may increase review time. The Department of Ecology website contains SEPA information, forms and checklists needed.

**[www.ecy.wa.gov/programs/sea/sepa/forms.htm](http://www.ecy.wa.gov/programs/sea/sepa/forms.htm)**

A. A single notice board shall be posted for a project. This notice board shall also be used for the posting of the notice of decision and any notice of hearing, and shall be placed by the applicant as follows:

1. The notice board shall be located at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility.
2. The notice board shall be five feet inside the property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the department.
3. Notice boards shall be at least four feet by four feet in size and shall be designed, constructed and installed in accordance with specifications promulgated by the department.
4. The top of the notice board shall be between seven to nine feet above grade.
5. The notice board shall be placed so that it is completely visible to pedestrians.

B. A mailed notice shall be issued to all owners/residents within five hundred (500) feet of any portion of the project boundary by first class mail by the department within fourteen (14) days following the department's determination of completeness and at least ten (10) days prior to the

public hearing. Applicant will provide to the Town of Darrington staff, a complete mailing list and envelopes that must be size #10 (regular business size) **with** first class postage and with a Town of Darrington return address.

An approved BLA or Lot Consolidation must be recorded with Snohomish County Records and Elections within six (6) months or the approval will become null and void. The Subdivision Committee's decision shall be final unless appealed to the Board of Adjustment.

## **Criteria**

The Planning/Short Plat Committee will administratively review the application based on the following criteria:

- Create legal building sites with respect to zoning and health regulations;
- Establish access to a public road for each segregated parcel;
- If adjacent to another municipality or Snohomish County, take into consideration the subdivision standards of that jurisdiction, as well as the requirements of this code.
- Make adequate provision for drainage-ways, streets, alleys, other public-ways, water supplies and sanitary wastes, as deemed necessary;
- Comply with Darrington Municipal Code design standards for the subdivision of land, minimum standards for residential subdivision design, and minimum standards for commercial/industrial subdivision design, respectively;
- Actions by the applicant to get a BLA or Lot Consolidation shall not result in the inability to derive reasonable economic use of the property or create an undevelopable lot, unless that lot is to be dedicated for exclusive use as open space or common tract.

## **16.10.050 & 16.12.040 - Preliminary Review Procedures**

A. Referral to Other Departments. Upon receipt of a complete and satisfactory application for a boundary line adjustment, the planning department shall transmit one copy of the application to each member of the short subdivision committee, and one copy to any department or agency deemed necessary.

B. Planning Division Action. The Planning Department may determine that a meeting be conducted to resolve major issues identified as a result of departmental recommendations. Such a meeting shall be attended by those offices or agencies responsible for the recommendations, and must include the applicant. The proceedings and results of the meeting shall be documented.

C. The proposed subdivision is in conformance with the Darrington Comprehensive Plan and any other adopted plans

D. The subdivision complies with the relevant requirements of the Darrington subdivision and zoning ordinances, and all other relevant state and local regulations

D. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision, which are consistent with current standards and plans

E. Appropriate provisions have been made for dedications, easements and reservations

F. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located

G. Short Subdivision Committee. The short subdivision committee shall consist of the Town Planner who shall be chairman, the Public Works Director, Town Clerk, Town Council member and a planning commission member or their designated representatives.

H. Subdivision Committee Decision. The Short Subdivision Committee may approve, approve with modifications, or deny the application for a Boundary Line Adjustment pursuant to Type 1 permit procedures. No formal meeting of the committee is required so long as the Planning Department obtains the recommendations and consent of the other members of the committee before issuing a decision.

(Ord. 542 § 1 (part), 1999)

### **16.08.030 - Preliminary Approval**

In order to receive preliminary approval, the applicant must submit to the Darrington Planning Department a complete application, in quantities specified by the Department, and meet the criteria for approval.

**A. Application.** A complete application consists of the following:

1. A completed application on a form provided by the Planning Department and fee as identified in Chapter 17.88 DMC;

***FEE: \$ 200.00 Non-Refundable***

**17.88.10 - Application fees.**

Any applicant shall pay the following fees for a land use permit at the same time that said application is filed with the town

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:

a. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line,

b. Dimensions of all property lines and area of the lots, before and after the adjustment,

c. Location and floor area of all structures on the site and their setbacks from existing and new property lines,

d. Location and purpose of all easements on the site,

e. Location, purpose and legal description of any new or extended easements proposed,

f. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided,

g. Location of existing utilities and utility easements,

h. Calculations which demonstrate that required yard setbacks of the Uniform Building Code are met;

3. Before and after legal description of the affected lots.

**B. Review Criteria.** In order to approve a Boundary Line Adjustment or Lot Consolidation, the Short Subdivision Committee shall determine the project complies with the following criteria:

1. No additional lots, sites, parcels, tracts or divisions are created;

2. The adjustment will not create nonconforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards;

3. The degree of nonconformance on existing nonconforming lots with respect to zoning, dimensions and area standards, zoning setbacks and floor area ratio are not increased;

4. All lots have legal access to a public road. Existing required private access road improvements and easements are not diminished below subdivision ordinance standards for lots that are served by a private access road;

5. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location;

6. The adjustment does not create any nonconformity with respect to the Uniform Building Code or any other locally administered regulation.

(Ord. 542 § 1 (part), 1999)

### **16.08.040 - Final Approval and Recording**

After preliminary approval has been granted, an application for final approval shall be submitted to the planning department for final review.

**A. Application.** A complete final application shall consist of the documents required for recording including:

1. Drawing or survey of the boundary line adjustment;

2. Before and after legal description of the affected lots;

3. Affidavit of ownership;

4. Application on a form provided by the planning department;

5. Other documentation necessary to demonstrate the conditions of the approval have been met.

**B. Recording.** Upon receiving approval from the Town, the applicant will be responsible for picking up the documents from the department and recording them with the Snohomish County office of records. A copy of the recorded documents must be returned to the Planning Department to finalize the approval process. The adjustment shall not be deemed complete until the Town receives these documents.

(Ord. 542 § 1 (part), 1999)

### **16.08.050 - Expiration**

The Boundary Line Adjustment application shall expire if it has not been recorded within one year from the date of approval. Upon written request from the applicant prior to the expiration date, the Planning/Short Plat/Subdivision Committee is authorized to grant one extension, not to exceed six months.

(Ord. 542 § 1 (part), 1999)