

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2009-177

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	AHL	3/19/09	<b>RECEIVED</b>  <b>MAR 24 2009</b>  <b>WHATCOM COUNTY COUNCIL</b>	3/31/09	Introduction
Division Head:				4/14/09	Hearing
Dept. Head:	DS	3-19-09		4/28/09	Introduced/ Hearing
Prosecutor:	KE	3-20-09		5/12/09	Hearing
Purchasing/Budget:					
Executive:	OK	3-24-09			

**TITLE OF DOCUMENT:** Ordinance amending the Whatcom County Code Title 21, Section 21.03.060.

**ATTACHMENTS:** Staff memo and ordinance with amended Title 21 section.

SEPA review required?	( ) Yes	( x ) NO	Should Clerk schedule a hearing?	( x ) Yes	( ) NO
SEPA review completed?	( ) Yes	( ) NO	Requested Date:		

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Ordinance amending the Whatcom County Code Title 21, Section 21.03.060 to include criteria for approval of boundary line adjustments

**COMMITTEE ACTION:**  
 4/28/2009: Introduce substitute ordinance tonight & have public hearing 5/12/09. Schedule in committee again.

**COUNCIL ACTION:**  
 3/31/2009: Introduced  
 4/14/2009: Council held to 4/28/2009  
 4/28/2009: Council held. Hearing to be scheduled on revised version 5/12/09.  
 4/28/2009: Introduced revised version  
 5/12/2009: Council Adopted 7-0  
 Ord. 2009-030

\*4/28/2009: Second Hearing-Bellingham Herald did not run Public Notices on this item

<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b> Ord. 2009-030
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

**SPONSORED BY: CONSENT**  
**PROPOSED BY: PDS**  
**INTRODUCTION DATE: MARCH 31, 2009**  
Reintroduced: April 28, 2009

**ORDINANCE NO. 2009-030**

**AMENDING TITLE 21, LAND DIVISION REGULATIONS REGARDING GENERAL PROVISIONS, EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS, SHORT SUBDIVISIONS, PRELIMINARY LONG SUBDIVISIONS, FINAL LONG SUBDIVISIONS, SURVEYS AND DEDICATIONS, AND DEFINITIONS**

**WHEREAS**, the Whatcom County Council requested review of Title 21 with the adoption of the 2007-2008 budget; and

**WHEREAS**, Planning and Development Services staff have undertaken a review of land division procedures conducted in Whatcom County; and

**WHEREAS**, the amendments to the land division ordinance are procedural amendments that do not change development standards applicable to any land division in Whatcom County; and

**WHEREAS**, the County Council has adopted the following Findings and Conclusions:

**FINDINGS OF FACT AND CONCLUSIONS**

1. The amendments are exempt from review under the State Environmental Policy Act pursuant to WAC 197-11-800(19)
2. Notice of the proposed amendments was circulated to those expressing an interest in the proposed amendments prior to public hearing. Several opportunities were provided to review a preliminary draft of the proposed amendments prior to consideration by the Whatcom County Planning Commission.
3. Notice of the public hearing was provided in the Bellingham Herald at least ten days prior to the hearing.
4. The Whatcom County Planning Commission conducted a public hearing to consider the proposed amendments on November 13, 2008 and recommended approval to the Whatcom County Council regarding the proposed amendments.
5. Notice of the proposed amendments was provided to Washington State Department of Community, Trade and Economic Development (CTED). CTED acknowledged receipt of the proposed amendments on February 29, 2008.
6. A copy of the proposed amendments was provided to all cities within Whatcom County. No comments were received from cities regarding the amendments.
7. The amendments are consistent with RCW 58.17, Plats – subdivisions – dedications.
8. A public hearing on the proposed amendments was held by the Whatcom County Council on December 9, 2008.

9. After considering public testimony, the Whatcom County Council adopted Ordinance 2009-007 which removed criteria for review of boundary line adjustments pending legal counsel review.

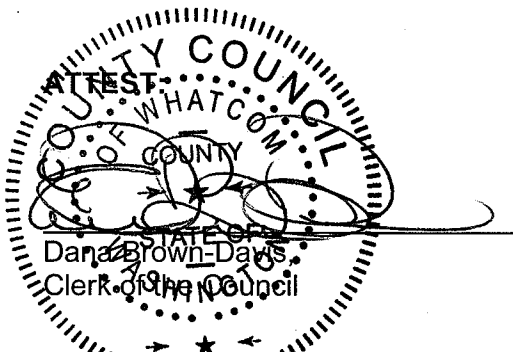
10. The Whatcom County Council re-introduced proposed changes to boundary line adjustment criteria on March 17, 2009 and a public hearing was scheduled to consider the proposed changes.

11. After review of testimony, it has been found that the proposed amendments regarding boundary line adjustments are consistent with RCW 58.17, Plats – subdivisions – dedications.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1: Title 21 is amended as indicated in Exhibit 1 of this ordinance.

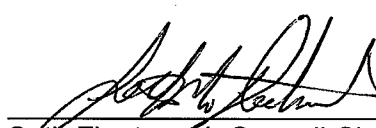
**ADOPTED** this 12th day of May, 2009.



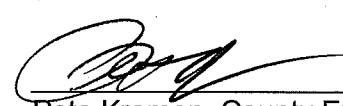
**APPROVED** as to form

  
Clerk of the Council

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

  
Seth Fleetwood, Council Chair

Approved       Denied

  
Pete Kremen, County Executive

Date: 5-14-09

**EXHIBIT 1**  
**Amendments to Title 21 –**  
**Whatcom County Land Division Ordinance**

***21.03.060 Boundary line adjustments.***

The purpose of this section is to provide procedures for the review and approval of adjustments or alterations to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

- (1) Procedures. Boundary line adjustments shall be approved, approved with conditions, or denied as follows:
  - a. Applications shall include information required by WCC 21.03.085.
  - b. Any adjustment of boundary lines must be approved by the Subdivision Administrator prior to the transfer of property ownership between adjacent lots.
  - c. The Subdivision Administrator shall make a preliminary decision on boundary line applications within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.
  - d. A title insurance certificate updated not more than sixty (60) days prior to application, which includes all parcels within the adjustment, must be submitted to the Subdivision Administrator with boundary line adjustment applications.
  - e. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- (2) Decision Criteria. In reviewing a proposed boundary line adjustment, the Subdivision Administrator or Hearing Examiner shall use the following criteria for approval:
  - a. The boundary line adjustment shall not result in the creation of an additional lot.
  - b. With the exception of those boundary line adjustments located within the Agricultural zone, the boundary line adjustment shall result in lots which contain sufficient area and dimensions to meet minimum requirements for width and area for a building site pursuant to this Title.
  - c. The boundary line adjustment shall be consistent with any restrictions, depictions or conditions regarding the overall area in a plat or short plat devoted to open space, environmental mitigation or conservation.
  - d. The boundary line adjustment shall be consistent with any restrictions or conditions of approval for a recorded plat, short plat, zoning permit, or development permit.
  - e. The boundary line adjustment shall not cause boundary lines to cross on-site sewage disposal systems or their reserve areas, prevent suitable area for on-site sewage disposal systems, or prevent adequate access to water supplies unless suitable mitigation including, but not limited to the granting of utility easements is provided to the satisfaction of Whatcom

- County; Provided, however, in the Agricultural Zone only those lots with existing on-site sewage disposal systems or potable water supplies are subject to this provision.
- f. The boundary line adjustment will not create a new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry or other safety concerns, as specified in adopted Whatcom County Road Development Standards.
- (3) Final approval and recording required. To finalize an approved boundary line adjustment, the applicant must submit to the Subdivision Administrator within one year of preliminary approval final review documents meeting the requirements of approval.
- a. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
  - b. Certified legal descriptions of the lots after the boundary line adjustment, together with conveyance document(s) and language clearly binding the property which is conveyed to the remainder portion of the property, shall be prepared by a title company or licensed surveyor for all lots affected by the boundary line adjustment.
  - c. A title insurance certificate updated not more than sixty days prior to recording of the adjustment, which includes all parcels within the adjustment, submitted to the Subdivision Administrator with boundary line adjustment final review documents.
  - d. A final boundary line map, prepared by a licensed surveyor, along with legal descriptions shall be prepared and submitted for review and approval. Two map copies shall be provided for review demonstrating compliance with the preliminary boundary line adjustment approval.
  - e. A boundary line adjustment is not considered approved until the conveyance documents have been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC 21.03.045 within twelve months of approval of final documents. Failure to record within twelve months of approval means the boundary line adjustment application is expired and must be resubmitted for review and approval.

### **21.10.020 Definitions.**

- (5) "Building site" means an area of land, consisting of one or more lots or portions of lots, that is:
- a. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or
  - b. Currently legally developed.