



JEFFERSON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street
Port Townsend, WA 98368

Al Scalf, Director
CODE INTERPRETATION

Summary

The following Code Interpretation is to clarify conflicting or ambiguous wording and interpret the intent of said regulation under the Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98.

Findings of Fact

1. RCW 58.17 regulates the subdivision of land; and
2. RCW 58.17.040 defines exemptions to the platting requirements of RCW 58.17, specifically, RCW 58.17.040(6) that states "A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lots, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site"; and
3. Jefferson County Subdivision Ordinance No. 04-0526-92 Subsection 3.40 states "The following are exempt from the provisions of this ordinance", specifically 3.40.4 which states "A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division which contains insufficient area and dimension to meet the County's minimum requirements for width and area for a building site"; and
4. Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98, Section 5.B.1 exempts Boundary Line Adjustments from the procedures of said ordinance; and
5. Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98, Section 6.A.9 identifies Subdivision Exemptions as a Type A (Administrative Decision) application that requires a decision by the Director; and
6. Upon adoption of the Land Use Application Procedures Ordinance No. 04-0828-98, the Director of the Department of Community Development determined that Boundary Line Adjustments be processed as a Type A permit under said ordinance; and
7. Processing Boundary Line Adjustments as a Type A permit allowed notification to adjacent property owners within 300 feet of the parcel(s) being adjusted and an opportunity to comment on said application; and

8. Exempting Boundary Line Adjustments will discontinue the noticing procedures of Section 13 of the Jefferson County Land Use Procedures Ordinance No. 04-0828-98 which involves (a) mailing written notice to adjoining property owners of which the list is prepared by a Land Title Company doing business in Jefferson County, (b) mailing written notice to those individuals who requested in writing to be placed on a mailing list to receive notice of land use applications and decisions, (c) posting notice in the official posting place of the County, and (d) publishing notices in the official newspaper of the County. The Notice of Application includes a public comment period of thirty (30) calendar days commencing on the day the notice is issued; and
9. Exempting Boundary Line Adjustments will allow a timely approval process; and
10. The Boundary Line Adjustment notification process results in a small number of responses and which are typically not comments that can be used in the determination to move a boundary line; and
11. Exempting Boundary Line Adjustments will save the public from paying a Notice of Application Fee of \$113 and from purchasing an Adjacent Property Owners List from a Title Company; and
12. The Department has developed a Boundary Line Adjustment Checklist for implementation of County review for Boundary Line Adjustments as a means to ensure adequate review and protection of the public's interest; and
13. Final clarification to the interpretation and application of Boundary Line Adjustments shall be addressed through drafting final development regulations for the County.

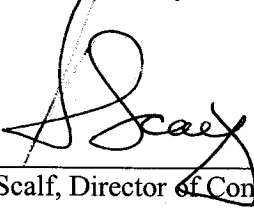
Criteria for Review

Section 5.B.1 of the Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98 provides for an exemption from the procedures of said ordinance specifically stating Boundary Line Adjustments.

Decision

Based on the above Findings, the Director and Planning Manager of the Department of Community Development have determined that under Section 5.B.1 of the Jefferson County Land Use Procedures Ordinance No. 04-0828-98, exempting Boundary Line Adjustments is consistent with said section and in the best interest of the public.

Dated this 22nd Day of March 2000



Al Scalf, Director of Community Development



Warren Hart, AICP, Planning Manager

Please publish one time: **PUBLISH DATE: April 19, 2000**

BILL: Jefferson County Department of Community Development
621 Sheridan Street, Port Townsend, WA 98368

**JEFFERSON COUNTY
PUBLIC NOTICE OF
CODE INTERPRETATION**

NOTICE IS HEREBY GIVEN that on March 22, 2000 the Director of the Jefferson County Department of Community Development issued a code interpretation to clarify conflicting or ambiguous wording and interpret the intent of said regulation under the Jefferson County Application Procedures Ordinance No. 04-0828-98I.

Findings of Fact

1. RCW 58.17 regulates the subdivision of land; and
2. RCW 58.17.040 defines exemptions to the platting requirements of RCW 58.17, specifically, RCW 58.17.040(6) that states "A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lots, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site"; and
3. Jefferson County Subdivision Ordinance No. 04-0526-92 Subsection 3.40 states "The following are exempt from the provisions of this ordinance", specifically 3.40.4 which states "A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division which contains insufficient area and dimension to meet the County's minimum requirements for width and area for a building site"; and
4. Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98, Section 5.B.1 exempts Boundary Line Adjustments from the procedures of said ordinance; and
5. Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98, Section 6.A.9 identifies Subdivision Exemptions as a Type A (Administrative Decision) application that requires a decision by the Director; and
6. Upon adoption of the Land Use Application Procedures Ordinance No. 04-0828-98, the Director of the Department of Community Development determined that Boundary Line Adjustments be processed as a Type A permit under said ordinance; and
7. Processing Boundary Line Adjustments as a Type A permit allowed notification to adjacent property owners within 300 feet of the parcel(s) being adjusted and an opportunity to comment on said application; and

8. Exempting Boundary Line Adjustments will discontinue the noticing procedures of Section 13 of the Jefferson County Land Use Procedures Ordinance No. 04-0828-98 which involves (a) mailing written notice to adjoining property owners of which the list is prepared by a Land Title Company doing business in Jefferson County, (b) mailing written notice to those individuals who requested in writing to be placed on a mailing list to receive notice of land use applications and decisions, (c) posting notice in the official posting place of the County, and (d) publishing notices in the official newspaper of the County. The Notice of Application includes a public comment period of thirty (30) calendar days commencing on the day the notice is issued; and
9. Exempting Boundary Line Adjustments will allow a timely approval process; and
10. The Boundary Line Adjustment notification process results in a small number of responses and which are typically not comments that can be used in the determination to move a boundary line; and
11. Exempting Boundary Line Adjustments will save the public from paying a Notice of Application Fee of \$113 and from purchasing an Adjacent Property Owners List from a Title Company; and
12. The Department has developed a Boundary Line Adjustment Checklist for implementation of County review for Boundary Line Adjustments as a means to ensure adequate review and protection of the public's interest; and
13. Final clarification to the interpretation and application of Boundary Line Adjustments shall be addressed through drafting final development regulations for the County.

Criteria for Review

Section 5.B.1 of the Jefferson County Land Use Application Procedures Ordinance No. 04-0828-98 provides for an exemption from the procedures of said ordinance specifically stating Boundary Line Adjustments.

Decision

Based on the above Findings, the Director and Planning Manager of the Department of Community Development have determined that under Section 5.B.1 of the Jefferson County Land Use Procedures Ordinance No. 04-0828-98, exempting Boundary Line Adjustments is consistent with said section and in the best interest of the public.

Dated this 22nd Day of March 2000

Any appeal of this Code Interpretation must be filed within ten (10) working days of its publication. Requirements for the content of an appeal can be obtained at the Jefferson County Department of Community Development, Development Review Division, 621 Sheridan Street, Port Townsend, WA 98368, (360) 379-4450. Appeals must be properly filed before **4:30 P.M. on April 29, 2000.**