

EXHIBIT A

Chapter 17.28 BOUNDARY LINE ADJUSTMENTS¹

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17.28.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

17.28.015 Requirements for boundary line adjustment applications.

Prior to proceeding through the boundary line adjustment process, an applicant is required to request a preapplication meeting consistent with Chapter 20.02.001. At that time the department will perform a conceptual review based upon the information provided by the applicant. Fees for the preapplication meeting are outlined in Chapter 20.09.050C and adopted in the Taxes, Rates and Fees Schedule.

Applications for boundary line adjustments shall include:

A. A completed land use application on a form provided by the Department of Community and Economic Development and an application deposit and Memorandum of Understanding (MOU) fee as identified in Chapter 20.09 for time and materials spent; and

B. A survey map that complies with the requirements of Chapter 58.09 RCW and WAC 332-130-050, as amended. The survey shall be provided on 18 x 24 inch sheets of paper, on a scale of at least 1" = 100'. The survey shall contain the following:

1. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved show existing as a dashed line with the new line solid and clearly identified as a moved line, and those that are being removed as faded and noted. ~~and those that are proposed to be relocated shown as a solid line and clearly identified as a relocated line;~~

2. Tax parcel numbers;

3. Dimensions of all property lines and area of the lots, before and after the adjustment in table format;

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

5. Location and purpose of all easements on the site;

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

7. 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;

8. Location of existing utilities and utility easements; and

9. Calculations which demonstrate that required yards of the International Building Code and North Bend Municipal Code, as adopted, are met.

10. Proposed property corners must be shown on the map. The adjusted boundary line must be accurately and suitably monumented and tied to at least two existing points of record.

17.28.020 Procedures and limitations of the boundary line adjustment process.

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as an administrative decision as provided in NBMC 20.01.004. The review shall include examination for consistency with the North Bend zoning code (NBMC Title 18), shoreline management (Chapter 14.20 NBMC), and critical areas regulations (Chapters 14.05 through 14.12 NBMC), applicable board of health regulations and, for developed lots, International Fire and Building Codes;

B. Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;

C. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional lot or the creation of more than one additional building site;
2. Result in a lot that does not qualify as a building site pursuant to this title;
3. Relocate an entire lot from one parent parcel into another parent parcel;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
6. Involve lots which do not have a common boundary;
7. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment; or
8. Be inconsistent with applicable city code;

D. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site shall in all cases be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title;

E. Recognized lots in an approved site plan for a conditional use permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development;

F. Lots that have been subject to a boundary line adjustment process that resulted in the qualification of an additional building site shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional building site; and

G. All applicable processing fees and/or deposits specified by Chapter 20.09 NBMC and any civil penalty assessed pursuant to ~~Chapter 20.10~~ NBMC against a site being reviewed under this section shall be paid prior to recording.

17.28.030 Final approval and recording required.

A. A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. 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. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment. Property corners must be staked prior to recording. The adjusted boundary line must be accurately and suitably monumented and tied to at least two existing points of record.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate. The conveyance legal descriptions must appear on the face of the BLA with the recording number of the transfer deed.

D. The final map page shall contain the following approval blocks:

1. The King County department of assessments, to be signed by the King County assessor and deputy King County assessor; and

2. City of North Bend The department of community servicesCommunity and Economic (CED) approval, to be signed by the director.

17.28.040 Conceptual review.

Prior to proceeding through the boundary line adjustment process, an applicant may desire to pay for an optional preapplication meeting. At that time the department will perform a conceptual review based upon the information provided by the applicant.

17.28.050 Requirements for boundary line adjustment applications.

Applications for boundary line adjustments shall include:

A. A completed land use application on a form provided by the Department of Community and Economic Development and an application fee as identified in Chapter 20.09 NBMC and/or the City's taxes, rates, and fees schedule; and

B. A survey map that complies with the requirements of Chapter 58.09 RCW and WAC 332-130-050, as amended. The survey shall be provided on 18 x 24 inch sheets of paper, on a scale of at least 1" = 100'. The survey shall contain the following:

1. 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 are proposed to be relocated shown as a solid line and clearly identified as a relocated line;

2. Tax parcel numbers;

3. Dimensions of all property lines and area of the lots, before and after the adjustment in table format;

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

5. Location and purpose of all easements on the site;

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

7. 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;

8. Location of existing utilities and utility easements;

9. Calculations which demonstrate that required yards of the International Building Code, as adopted, are met;

10. Property corners staked prior to recording;

11. Conveyance legals on the face of the BLA with recording number for transfer deed;

12. The adjusted boundary line must be accurately and suitably monumented, and tied to at least two existing points of record; and

13. A current copy of the assessor's map(s) showing the property being adjusted, to verify the quarter/quarter section designation, as well as the tax lot numbers.

1 Prior legislation: Ords. 1188 and 1237.