

**2022-2023 Development Code Docket
Boundary Line Adjustment (BLA) Code Amendment
Public Hearing Staff Report**

Date: September 21, 2022

Prepared by: Andrew Boughan, Associate Planner

Proponent/Applicant: Thurston County
Community Planning and Economic Development

Proposal Description: Amend Thurston County’s Title 18 Platting and Subdivision to amend development regulations related to boundary line adjustments.

Action Requested: Amend Thurston County’s Title 18 ‘Platting and Subdivision’ to bring code language into compliance with state law and clarify application review processes.

Location: Thurston County

☐ Comprehensive Plan Changes: ☐ Map Changes ☐ Text Changes ☐ Both
☒ Development Code Amendments (Titles 18)
☐ Affected Jurisdictions (_____)

TOPIC

Item (#A-22) on the “2022-23 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS” Boundary Line Adjustment (BLA) Code Amendment brings the current code language into compliance with [RCW 58.17.040\(6\)](#) and addresses programmatic issues. The proposed amendment will clarify the application review process by defining review procedures and required application materials, as well as other regulatory requirements. This proposal will apply to all unincorporated Thurston County.

Amendments to Title 18 include changes that revise the definition to bring into compliance in Section 18.08.080 – Building Site, and improve the existing organization of the content and clearly outline expectations in Section 18.04.040(H) – Boundary Line Adjustment.

BACKGROUND:

Thurston County’s Boundary Line Adjustment (BLA) code language is not in compliance with RCW 58.17.040(6) which defines the county’s BLA review requirements, due to case law regarding Boundary Line Adjustments. The project was initially started in April 2008 and has been worked on over the past 10+ years but has not been completed due to staffing and the Board of County Commissioner’s prioritization. In addition to the compliance issues with the code, current planning staff identified additional changes throughout TCC 18.04.040(H) to improve the

organization of the code and identified additional text to clearly outline the expectations for an applicant.

Court Cases

Seattle v. Crispin, 2003, and Mason v. King County, 2005 are the primary drivers of the amendment because they resulted in additional clarity around Boundary Line Adjustment definitions and procedures. Both cases challenged the BLA process based on the definition of building lot size, either by the creation of a developable lot through the BLA process without creating a new lot, or by resizing a lot through a BLA that results in a lot that does not conform to the definition of “building site” as noted in the RCW.

The Thurston County Code defines lot size requirements in 18.04.040(H)(2)(a)(i) by including a size limitation for a lot. However, BLA procedures are limited under state law to what RCW 58.17.040(6) defines as the county’s review requirements, which is limited to the review of BLAs by the definition of “building site” as noted in the RCW. The County must ensure that zoning and environmental references are outlined clearly in the definitions to ensure that all applicable regulations are considered when reviewing a BLA.

DEPARTMENT ANALYSIS:

Amendment to Review Standards (TCC 18.04.040(H)) for Boundary Line Adjustments (BLA). Amendments to Section 18.04.040(H) streamline existing code language to clarify review procedures and required application materials. In addition to the changes to the definition of building site to meet legal requirements, several other changes are included to clarify procedures around BLAs, as identified by the Building Development Center. These include:

1. Standards for application materials
2. Standards for review processes
3. Standards for BLAs impacting easements
4. Situational limitations for BLAs, like conflict with previously approved conditions, expansion/creation of nonconforming situations, or circumventing existing regulations
5. Procedures to finalize BLA plats
6. Conflict Resolution Exemption

Amendment to Building Site Definition (TCC 18.08.080) for Boundary Line Adjustment (BLA). Amendments to Section 18.08.080 – ‘Building Site’ revise an existing definition to ensure compliance with Growth Management Hearings Board decisions by adding references to zoning and land use regulations.

CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES

Consistency with the Comprehensive Plan

Within the **Comprehensive Plan Chapter 4—Housing**, this goal supports the continued effort to improve the process for applicants to better utilize their existing parcels:

- (Goal 1, Objective C, Policy 1(b)) Make regulations and permit processing more predictable, to remove some uncertainty for both builders and lenders.

Within the **Comprehensive Plan Chapter 8—Economic Development**, policies support the continued effort to provide consistent expectations for applications:

- (Goal 1, Objective B) Land use permits and procedures should expand existing businesses, establish new businesses which diversify the economy, and support home occupations and small scale home-based industries.
- (Goal 1, Objective B, Policy 3) The county should provide for certainty, consistency, and timely processing of land use permits.

This amendment will improve the legality of the code and provide the opportunity to provide clear and concise expectations through organizational changes to the code and clearly define each step in the Boundary Line Adjustment application process.

PLANNING COMMISSION REVIEW:

The Planning Commission has held one (1) work sessions on August 17, 2022 to discuss the amendment to Title 18 to address existing compliance and programmatic issues.

Attachments and other supporting materials for these meetings can be viewed at: <https://www.thurstoncountywa.gov/planning/Pages/pc-meetings.aspx>

SEPA

An environmental determination for the proposed code amendment in unincorporated Thurston County is required pursuant to WAC 197-11-704; and, will be completed prior to a public hearing on the amendments before the Board of County Commissioners.

NOTIFICATION

Notification for this public hearing was posted online and published in *the Olympian* and sent to webmail subscribers on August 26, 2022 and a press release was issued on September 9, 2022.

PUBLIC COMMENT

No public comment has been received at this time.

ATTACHMENTS:

ATTACHMENT A: Boundary Line Adjustment (BLA) Ordinance



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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.



THURSTON COUNTY
Community Planning and Economic Development
ENVIRONMENTAL CHECKLIST

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

* * * * OFFICIAL USE ONLY * * * *

Folder Sequence # _____

Project # : _____

Related Cases: _____

Date Received: _____ By: _____

* * * * OFFICIAL USE ONLY * * * *

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.



THURSTON COUNTY
Community Planning & Economic Development
ENVIRONMENTAL ELEMENTS

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site: (check one):

Flat

Rolling

Hilly

Steep Slopes

Mountainous

Other:

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

e. List any invasive animal species known to be on or near the site.

6. *Energy and Natural Resources* [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

- 1) Describe any known or possible contamination at the site from present or past uses.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
- 4) Describe special emergency services that might be required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated,

how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

9. **Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- b. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would

be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

h. Proposed measures to reduce or control transportation impacts, if any:

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities [\[help\]](#)

a. Check utilities currently available at the site:

electricity natural gas water refuse service telephone sanitary sewer
septic system Other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**Thurston County Community Planning and Economic Development
Department
Community Planning Division**

**THURSTON COUNTY
PLANNING COMMISSION
DRAFT**

August 17, 2022

**Boundary Line Adjustment (BLA)
Code Amendment**

Section I: Title 18, Chapter 18.04 – General Provisions
Section II: Title 18, Chapter 18.08 - Definitions

Deleted Text: ~~Strikethrough~~
Staff Comments: *Italics*

Proposed Changes: Underlined
Unaffected Omitted Text: ...

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I. Thurston County Code Chapter 18.04 TCC (GENERAL PROVISIONS) shall be amended to read as follows:

...

18.04.040 – Specific exemptions.

...

H. Boundary Line Adjustments (BLA). A division made for the purpose of adjusting boundary lines which does not create any additional building lot, tract, parcel, building site or division nor create any building lot, tract, parcel, building site or division which contains insufficient area and dimension to meet minimum requirements for a building site, ~~except as described in subsection (H)(3) of this section,~~ provided:

1. The proponent ~~has~~ shall file an complete application which includes with the Building Development Center (BDC). Application requirements are outlined in the application and include, but are not limited to, the following:
 - a. Original and An adjusted legal description(s) of the lots affected by the adjustment prepared for each lot involved in the BLA. Adjusted legal descriptions must be prepared and certified by a registered land surveyor or title company,
 - b. A scaled drawing of the lots affected by the adjustment of the adjusted boundaries shall be prepared by a registered land surveyor and meet the map requirements outlined in the application,
 - c. Notarized declaration that the transferor consents to the proposed adjustment A complete Declaration of Boundary Line Adjustment and Covenants form that includes notarized signatures of all persons having ownership interests in the property. Where a company is listed as owner, documentation shall be submitted that demonstrates the person signing has the authority to do so, and
 - d. Any additional information requested on and within the application provided by the BDC.
2. Review Process. The BLA application shall be reviewed to ensure minimum requirements are met for building sites on resulting lots. Such review includes an evaluation of the following:
 - a. Zoning regulations,
 - b. Critical areas and associated buffers (wetlands, streams, high groundwater, lakes, marine waters, etc.),
 - c. Areas regulated under the Shoreline Master Program,
 - d. On-site water and sanitary systems,
 - e. Property, lot, and permitting history,

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- f. Access or easement for vehicles, utilities, or other as determined,
 - g. Accuracy of legal description, ownership, lot dimensions, improvements on the lots, and
 - h. Any other applicable County development standards and land use regulations that applies to the subject property.
 - 3. A BLA shall not create easements or alter recorded easements.
- 24. The proposed boundary line adjustment shall meet the following criteria:
 - a. No conforming lot shall be made nonconforming, with the following exceptions
 - ~~i. One or more adjustments may be made in a conforming lot so long as the cumulative reduction in lot size is the lesser of ten percent or ten thousand square feet below the minimum lot size requirement for the applicable zone, with the exception that a lot may be reduced further if each lot involved in the BLA is averaged to a substantially similar size, provided that reduction of lot size would not result in the need for a variance from other county ordinance requirements. After reaching the reduction limit, any subsequent boundary line adjustment (BLA) shall be prohibited on the subject lot for a period of five years after the subject BLA recording, or~~
 - ~~ii. If the land conveyance is made to an adjacent existing nonconforming lot, the conforming lot may be reduced so long as it is not reduced below eighty percent of the minimum size requirements for the applicable zone, with the exception that a lot may be reduced further if each lot involved in the BLA is averaged to a substantially similar size, provided that reduction of lot size would not result in the need for a variance from other county ordinance requirements. After reaching the reduction limit, any subsequent boundary line adjustment (BLA) shall be prohibited on the subject parcels for a period of five years after the subject BLA recording, or~~
 - ~~ii. If, prior to the July 31, 1990 county-wide rezone, parcels were zoned at a higher density and had residential structures onsite, the conforming lot may be reduced to the minimum size allowed under the zoning in effect on July 30, 1990. After reaching the reduction limit, any subsequent Boundary Line Adjustment (BLA) shall be prohibited on the subject parcels for a period of five years after the subject BLA recording,~~
 - ba. An existing nonconforming lot may be reduced in size through one or more adjustments so long as the cumulative reduction is limited to the lesser of ten thousand square feet or ten percent of the existing lot size, with the exception that a lot may be reduced further if each lot involved in the BLA is averaged to a substantially similar size, provided that reduction of lot size would not result in the need for a variance from

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~~other county ordinance requirements. The reduced lots must still meet the building site criteria. After reaching the reduction limit any subsequent boundary line adjustment (BLA) shall be prohibited on the subject lot for a period of five years after the subject BLA recording.~~
Prior to final plat and final inspection of any ongoing development, a BLA cannot be approved if it materially alters, modifies or conflicts with conditions or requirements under previously approved permit(s) or division of land that remain unexpired at the time of a BLA application. Prior to final plat, modifications to any lots that are subject to unexpired preliminary plat approval shall be accomplished pursuant to procedures in TCC 18.04.060, unless special circumstances exist as determined by the sole discretion of the director.

- ~~eb.~~ Only parcels that are legal lots and also qualify as building sites shall be allowed to complete the BLA process. Legally established existing lots, structures, or uses shall not be required to correct existing nonconforming feature(s) to meet current regulations as a condition of a BLA approval. BLAs shall not apply to road and utility vacations.
 - ~~dc.~~ Pursuant to the shoreline master program for the Thurston region, no shoreline lot shall be made nonconforming or more nonconforming without an approved shoreline variance; A boundary line adjustment shall not result in a conforming lot or use becoming nonconforming to the requirements of the applicable zone and development standards or result in an increase in the number of nonconforming lots or uses.
 - ~~ed.~~ All newly configured lots must comply with applicable standards for sewage disposal and provision of water contained in Articles III and IV of the Thurston County Sanitary Code. Proof of such compliance may be required in the form of a conditional site approval or other similar approval. The adjustment of lot lines between two or more nonconforming lots shall be allowed only when the adjustment is necessary to correct a controversy regarding the location of a boundary line, to remedy adverse topographical features, or to provide access to an otherwise inaccessible parcel.
 - e. A BLA shall not serve to circumvent or eliminate requirements related to building height, setbacks, or landscaping, nor shall it serve to eliminate requirements related to frontage improvements or other design requirements imposed pursuant to Thurston County Code provisions.
 - f. An application for a BLA shall not involve more than five contiguous lots, unless a greater number is allowed by the Director.
- F5. A BLA shall not detrimentally affect access, design, or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the environmental health department, public works department, or any other applicable agency or department.

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- ~~h. Except as provided in this subsection, the proposed BLA shall not make any land use nonconforming or more nonconforming as set forth in the Thurston County Code,~~
- ~~i. Lots created through the forty-acre exemption provided in subsection I of this section may only be adjusted once through the BLA process every five years.~~
- 36. Unbuildable lots used for purposes of habitat conservation, ~~or critical area preservation, or any other public purpose,~~ shall be allowed to use the BLA process. BLAs involving such lots may not result in a modification that makes an adjacent lot building site unbuildable, nonconforming, or further nonconforming.
- 47. Upon approval of a BLA application, the following requirements shall be met:
 - a. All applicable property taxes must be paid prior to recording.
- 4. ~~b. The final map, legal description(s), scale drawing (map), and notarized Declaration of Boundary Line Adjustment and Covenant form, Tax Certification form, any other applicable documents, and recording fee shall be recorded with the county auditor by the department submitted to the Building Development Center. County staff will record the BLA with the Thurston County Auditor's Office. The county auditor shall furnish copies to other county agencies as required. The fee for these copies shall be in addition to all other recording fees. All required copies shall bear contain the auditor's recording data.~~
- ~~I. Defining of Land. Where a subdivider owns not less than one-eighth of a section or, if the land is not capable of subdivisional description, eighty acres, the subdivision may define the boundaries of the subdivider's short subdivision to include not less than one-sixteenth of a section or, if the land is not capable of subdivisional description, forty acres; provided, that no increment of land containing less than one-sixteenth of a section or, if the land is not capable of subdivisional description, forty acres, remain; and provided further, that the subdivider's definition of boundary leaves proper provision for access to the remaining parcel and is approved by the approving authority.~~
- 8. Landowners may resolve the location of a point or line between two or more parcels of real property as set forth in RCW 58.04.007 without need for applying for a BLA under this section.
- 9. A Boundary Line Adjustment is not considered final until the applicant has recorded a Conveyance Deed with the Thurston County Auditor, and pursuant to RCW 64.04.010.

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II. Thurston County Code Chapter 18.08 TCC (DEFINITIONS) shall be amended to read as follows:

...

18.08.080 – Building Site

"Building site" means ~~a parcel of land occupied or possible to be occupied by one main building and its accessory buildings, in a way that meets the requirements for setbacks and open space in the Thurston County Zoning Ordinance, and meets the requirements of the Thurston County Sanitary Code, and, if applicable, meets the setback and lot coverage requirements of the shoreline master program for the Thurston region~~ an area of land, that is currently developed or has the potential to be developed in a way that meets applicable zoning code and land use provisions, including but not limited to setbacks and lot size, lot coverage limitations, minimum lot area for construction, shoreline master program provisions, critical area provisions, and applicable health and safety provisions, including requirements of the Thurston County Sanitary Code.

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