

A-22 - Boundary Line Adjustment Code Amendment Public Comments (Written)

Thurston County
Public Comment Matrix[illegible]

RE: Thurston County Boundary Line Adjustment Code Amendment

To: Thurston County Planning Commission
C/O Andrew Boughan, Associate Planner
Community Planning and Economic Development
Building 1, 2nd Floor
2000 Lakeridge Drive SW
Olympia, WA 98502

Date: 19 September 2022

Dear Commission:

My name is Gary Letzring, PLS. I am the Urban Member of the Washington State Survey Advisory Board. The Survey Advisory Board was created by the legislature (RCW 58.24.020) to advise state agencies, counties, municipalities, the public and professional Land Surveyors on proper survey practice, and to help develop WAC's and RCW's on survey practice. Therefore, the SAB is interested in and would like to contribute to the Boundary Line Adjustment Code Amendment process. I am also a Thurston County resident and practice throughout western Washington, so this code amendment affects me, both professionally and personally.

Several years ago, the Survey Advisory Board, set out to create a Model Ordinance on Boundary Line Adjustments specifically for the benefit of Counties and Municipalities, on what they should include in their Boundary Line Adjustment process. The Boundary Line Adjustment Model Ordinance v. 1.4 attached to this email is the current version and has been reviewed by real estate professionals, attorneys, county surveyors, auditors and the SAB. This is soon to be published on our website under our "Did You Know Articles". The elements included in the Model Ordinance represent the minimum requirements that we see needed to accomplish a Boundary Line Adjustment.


The Model Ordinance does not address *Seattle v. Crispin* or *Mason v. King County*, but if the code amendment is to address these issues, The SAB feels that a Record of Survey is absolutely required. A Record of Survey, will provide the information needed to ensure compliance with these court cases. There is nobody better suited to accomplish this task than a Professional Land Surveyor.

Regarding *Mason v. King County*, I do think that there should be some allowance that if "Building Sites" have already been established and constructed upon, that a boundary line adjustment should be allowed if both parcels were legally created, but now non-conforming due to the County up-sizing the minimum lot size. *Mason v. King County* does not note if the "Building Site" were constructed upon.

I just began a Thurston County Boundary Line Adjustment project, and right off the bat, I think that Thurston County should, at a minimum, be following what your surrounding counties/municipalities require. *Mason*, *Grays Harbor*, *Pierce*, and even the City of *Olympia* all require a Record of Survey be prepared by a Professional Land Surveyor for Boundary Line Adjustments. By requiring a Professional Land Surveyor to set the revised property corners, write the revised legal descriptions, and record a Record of Survey Map, Thurston County will be protecting itself and its citizens.

If you have any questions, please feel free to email me, Gary Letzring @ TheUrbanSurveyor@gmail.com or to the Washington State Department of Natural Resources Survey Advisory Board via email at: sab@dnr.wa.gov or by phone at 360-902-1191.

Thank you.



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Boundary Line Adjustment Model Ordinance

Version 1.4

1-21-2021

This Washington State Department of Natural Resources model is developed by the DNR Survey Advisory Board, a task force and our staff for all jurisdiction's consideration. The Model should be customized as appropriate for an individual jurisdiction's circumstances in consultation with their attorney. Our intent is to create consistency for recording Boundary Line Adjustment documents which will protect the public through proper procedures, appropriate legal descriptions, grantor/grantee documents and recording of the complete set of documents. Section 6 of this document is the imperative portion to meet the goals of the model ordinance.



This icon marks places where the jurisdiction must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, should be deleted from this model before use. Make other changes, as needed, to customize the model for your jurisdiction.

ORDINANCE NO. _____

AN ORDINANCE FOR BOUNDARY LINE ADJUSTMENTS AND AGREEMENTS

This ordinance will provide appropriate steps and procedures to complete a boundary line adjustment or boundary line agreement with consistency throughout the State of Washington.

Findings and Purpose:

The Boundary Line Adjustment/Agreement process without appropriate recorded documentation is harmful to the public through real estate transactions, title insurance policies, lenders, and county Assessor's. In order to protect the public through provisions of [RCW 58.17.040](#), [RCW 58.04.007](#) and [WAC 458-61A](#) the following provisions are adopted.



The _____ Council of _____, Washington ordains:

Section 1. Definitions

Affidavit: The real estate excise tax affidavit provided by the department for use by taxpayers in reporting transfers of real property. Both the seller/grantor and the buyer/grantee, or their agents, sign the affidavit under penalty of perjury. The term also includes the form used to report to the department transfers and acquisitions of a controlling interest in an entity owning real property in this state under [WAC 458-61A-101](#).

Aggregation: Combine two or more parcels with same exact owner to create one parcel.

Boundary Line Adjustment: [RCW 58.17.040\(6\)](#) 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 lot, tract, parcel, site, or division

which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

Also defined in [WAC 458-61A-109](#)

Boundary Line Agreement: [RCW 58.04.007](#) Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by one of the following procedures: If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with [RCW 58.09](#). The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located.

Exhibit Map: An 8 ½” x 11” or 8 ½” x 14” exhibit map of boundary line adjustment, prepared by a professional land surveyor which is in compliance with font size, legibility and margin requirements for recording with the County Auditor.

Land Description: A description of real property or of rights associated with real property also commonly known as Legal Description.

Lender: Any party holding a deed of trust or lien on the parcels being adjusted.

Professional Land Surveyor: Any person authorized to practice the profession of land surveying under the provisions of [RCW 18.43](#).

Recorded Documents: All supporting documents to establish a complete record of the Boundary Line Adjustment. Such as but not limited to: Approval Forms, Before and After Legal Descriptions, Exhibit Map and or Survey Map; Lender Release, Modified Deed of Trust, and Deeds which meet the format required by the County Auditor to be filed in compliance with [RCW 65.04.045](#); Recorded Instruments - Requirements

Survey: Per [RCW 58.09.020 \(3\)](#) shall mean the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a professional land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.

Survey Map: Any land boundary survey map and plan, record of survey, plat, short plat, boundary line adjustment, and binding site plan required by law to be filed or recorded with the county auditor prepared by a Professional Land Surveyor.

Section 2. Aggregation or lot consolidation of two or more parcels with exact same owner's or entity's name in title

Aggregation of two parcels is performed by the following:


1. Items included for Aggregation application
 - a. Name of Applicant
 - b. Mailing Address of Applicant
 - c. Phone Number for contact
 - d. Site Address for Each Parcel if exists
 - e. Tax Parcel Number for Each Parcel
 - f. Signature of owner(s) acknowledging aggregation
 - g. Notary acknowledgement of owner signature(s)
 - h. Provide the current recorded deed for each parcel
 - i. Copy of Assessor Map showing existing parcels
 - j. Copy of Assessor Map showing approximate new parcel (red line)
 - k. Copy of Plat Map if applicable
 - l. Provide proof of Lender acknowledgement or permission if necessary
2. Provide new legal description after aggregation:
 - a. Professional Land Surveyor may combine descriptions from deeds
 - b. Applicant or non-surveyor may create the description by using exact verbiage from each deed and adding "TOGETHER WITH" between each original description.
3. Fees for Aggregation if any.
4. _____ will perform items in **Section 5**



Section 3. Boundary Line Adjustment between parcels with same owner(s) or entity(ies) in title

Boundary Line Adjustment between the same ownership of two parcels is performed by the following:

1. Items included for Boundary Line Adjustment application
 - a. Name of Applicant
 - b. Mailing Address of Applicant
 - c. Phone Number for contact
 - d. Site Address for Each Parcel if exists
 - e. Tax Parcel Number for Each Parcel
 - f. Signature of each owner to acknowledge line adjustment
 - g. Notary acknowledgement of owner(s) signatures
 - h. Provide the current recorded deed for each parcel
 - i. Copy of Assessor Map showing existing parcels
 - j. Copy of Assessor Map showing approximate new parcels (red line)
 - k. Copy of Plat Map if applicable
 - l. Copy of Exhibit Map or Record of Survey if applicable
 - m. Copy of existing recorded Ingress/Egress Easement if applicable
 - n. Provide proof of Lender acknowledgement or permission if necessary
2. Provide new legal descriptions after boundary line adjustment:

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- a. Professional Land Surveyor will create descriptions from deeds
 - i. Provide new legal description for each parcel after adjustment
 - ii. Provide new legal description for Declaration of new ingress/egress Easement(s) if applicable.
 - 3. Record of Survey or Exhibit Map
 - a. Requirement for the Record of Survey will be determined by _____
 - b. Exhibit Map Requirements if no Record of Survey
 - i. An 8 1/2" x 11" or 8 1/2" x 14" Exhibit Map prepared by a Professional Land Surveyor including:
 - 1. Company information title block
 - 2. Seal and Signature of Professional Land Surveyor
 - 3. Date of Exhibit Map
 - 4. Scale and North Arrow
 - 5. Indexing information quarter-quarter, Section, Township, Range, Meridian, City-County
 - 6. Plat Name, Block and Lot numbers if applicable
 - 7. After BLA boundaries with bold solid line
 - 8. Before BLA boundaries with dashed line
 - 9. Area in square feet or acres of before and after parcels
 - ii. Exhibit Map must meet font size, legibility and margin requirements of County Auditor
 - 4. Record of Survey Contents
 - a. Record of Survey will show at a minimum in addition to statutory and administrative code requirements
 - i. The old boundary and new boundary of the line being adjusted
 - ii. Area in square feet or acres of before and after parcels
 - iii. Any improvement located within the setback area defined in the zoning code.
 - iv. Access Easement or Road Frontage for each parcel.
 - v. A reference to record documents or original parcel legal descriptions
 - vi. Legal descriptions of parcels after adjustment
 - vii. Boundary Line Adjustment Survey Disclaimer
 - 1. Parcels as shown are not created by this survey by aggregation, segregation or line adjustment unless local ordinances are followed through the planning department, deeds are filed with the county auditor, and county treasurer and or assessor requirements are completed.
 - 2. _____(Company name) is not responsible for notification of any other parties with vested interest, (mortgage holders, lien holders etc..), who may have additional requirements or restrictive authority for completion.
 - 5. Fees for Boundary Line Adjustment
 - 6. _____ will perform items in **Section 5**



Section 4. Boundary Line Adjustment between parcels with different owners or entities in title

The following section **must not be confused with** Boundary Line Agreements Per [RCW 58.04.007](#)

Boundary Line Adjustment between different ownerships of two or more parcels is performed by the following:

1. Items included for Boundary Line Adjustment application
 - a. Name of Applicants
 - b. Mailing Address of Applicants
 - c. Phone Numbers for contact
 - d. Site Address for Each Parcel if exists
 - e. Tax Parcel Number for Each Parcel
 - f. Signature of each owner to acknowledge boundary line adjustment
 - g. Notary acknowledgement of owner(s) signatures
 - h. Provide the current recorded deed for each parcel
 - i. Copy of Assessor Map showing existing parcels
 - j. Copy of Assessor Map showing approximate new parcels (red line)
 - k. Copy of Plat Map if applicable
 - l. Copy of Exhibit Map or Record of Survey if applicable
 - m. Copy of existing recorded Ingress/Egress Easement(s) if applicable
 - n. Provide proof of Lender acknowledgement or permission if necessary
2. Provide new legal descriptions after boundary line adjustment:
 - a. Professional Land Surveyor will create descriptions from deeds
 - i. Provide new legal description for each parcel after adjustment
 - ii. Provide new legal description for each piece that will require a deed of conveyance.
 - iii. Provide new legal description for new ingress/egress Easement(s) if applicable.
3. Record of Survey or Exhibit Map
 - a. Determination for the Record of Survey will be determined by _____
 - b. Exhibit Map is Required if no Record of Survey
 - a. Exhibit Map Requirements
 - i. An 8 1/2" x 11" or 8 1/2" x 14" Exhibit Map prepared by a Professional Land Surveyor including:
 1. Company information title block
 2. Seal and Signature of Professional Land Surveyor
 3. Date of Exhibit Map
 4. Scale and North Arrow
 5. Indexing information quarter-quarter, Section, Township, Range, Meridian, City-County
 6. Plat Name, Block and Lot numbers if applicable
 7. After BLA boundaries with bold solid line
 8. Before BLA boundaries with dashed line
 9. Area in square feet or acres of before and after parcels



- ii. Exhibit Map must meet font size, legibility and margin requirements for recording with County Auditor
- 4. Record of Survey Contents
 - a. Record of Survey will show at a minimum in addition to statutory and administrative code requirements
 - i. The old boundary and new boundary of the line being adjusted
 - ii. Area in square feet or acres of before and after parcels
 - iii. Any improvement located within the setback area defined in the zoning code.
 - iv. Access Easement or Road Frontage for each parcel.
 - v. A reference to record documents or original parcel legal descriptions
 - vi. Legal descriptions of parcels after adjustment
 - vii. Boundary Line Adjustment Survey Map or Exhibit Map Disclaimer
 - 1. Parcels as shown are not created by this survey by aggregation, segregation or line adjustment unless local ordinances are followed through the planning department, deeds are filed with the county auditor, and county treasurer and or assessor requirements are completed.
 - 2. _____(Company name) is not responsible for notification of any other parties with vested interest, (mortgage holders, lien holders etc..), who may have additional requirements or restrictive authority for completion.
- 5. Fees for Boundary Line Adjustment
- 6. _____ will perform items in **Section 5**
- 7. Upon preliminary approval by _____ appropriate deeds will be submitted.

Section 5. Boundary Line Adjustment Approval

Boundary Line Adjustment approval process is as follows:

- 1. Application submittal is determined complete by _____
- 2. Boundary Line Adjustment is reviewed and approved by _____
- 3. _____ will send a Final Letter of Approval to Applicant with instructions for completion
- 4. _____ determines who will record the documents required to be filed in **Section 6**

Section 6. Boundary Line Adjustment Completion

Boundary Line Adjustment completion process is as follows:

- 1. Provide proof that property taxes have been paid in full on each parcel as required by [RCW 84.56.345](#) prior to recording.
- 2. Simultaneous Recording of documents with the county auditor according to [RCW 65.04.045](#): Recorded Instruments - Requirements
 - a. Documents required for recording.
 - i. Signed Final Approval by Jurisdiction (May be on Exhibit Map or Record of Survey)

- ii. Original and New Legal descriptions
- iii. Deeds if applicable
- iv. Lender Release if applicable
- v. Modified Deed of Trust if applicable
- vi. Record of Survey or Exhibit Map



Section ____ Other Considerations (may be inserted before Section 5)

Shorelines, Tidelands, Harbor Lines, Wetlands, etc.

Section ____ Repeal. (It is customary to repeal any prior inconsistent ordinance by referring to its number, title, and adoption date.)

Section ____ Penalty. (Where a penalty is appropriate, it is customary to state it in either of the following ways.)

Alternate 1. Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or both, plus, in either case, the costs of prosecution. (This is the standard penalty clause and provides for the maximum penalty authorized by law for a misdemeanor violation of a city ordinance.)

Alternate 2. Any person who violates any provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$300. (This is the maximum penalty for a petty misdemeanor.)

Section ____ Effective date. The effective date is usually stated in the following manner: “This ordinance becomes effective from and after its passage and publication”; or “This ordinance becomes effective on ____.” (Pick any date after passage and publication of the ordinance.)

Passed by the _____ Council of _____, Washington this _____ day of Month, Year.

Attested: _____
