

**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 (\_\_\_\_\_)

**1 TOPIC**

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

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

**12 BACKGROUND:**

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

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

### 3 4 **Court Cases**

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

11  
12 The Thurston County Code defines lot size requirements in 18.04.040(H)(2)(a)(i) by including a  
13 size limitation for a lot. However, BLA procedures are limited under state law to what RCW  
14 58.17.040(6) defines as the county’s review requirements, which is limited to the review of BLAs  
15 by the definition of “building site” as noted in the RCW. The County must ensure that zoning and  
16 environmental references are outlined clearly in the definitions to ensure that all applicable  
17 regulations are considered when reviewing a BLA.

### 18 19 **DEPARTMENT ANALYSIS:**

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

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

33  
34 **Amendment to Building Site Definition (TCC 18.08.080) for Boundary Line Adjustment**  
35 **(BLA)**. Amendments to Section 18.08.080 – ‘Building Site’ revise an existing definition to ensure  
36 compliance with Growth Management Hearings Board decisions by adding references to zoning  
37 and land use regulations.

### 38 39 **CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES**

#### 40 41 **Consistency with the Comprehensive Plan**

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

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

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

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

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

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13 **PLANNING COMMISSION REVIEW:**

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

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

19  
20 **SEPA**

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

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25 **NOTIFICATION**

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

28  
29 **PUBLIC COMMENT**

30 No public comment has been received at this time.

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32 **ATTACHMENTS:**

33 ATTACHMENT A: Boundary Line Adjustment (BLA) Ordinance