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Ordinance 937

An ordinance amending Clallam County Code 29.43, Boundary Line Adjustments and Lot Combination for lot or parcel combination

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 29.43.100, Boundary line adjustment application to read as follows:

Any person desiring approval of a boundary line adjustment shall submit an application to the Administrator. The application shall include the following information:

- (1) A legal description of both properties subject to the boundary line adjustment application;
- (2) The date of preparation of the maps, an identified north arrow, and the scale of the map;
- (3) The total area of each lot before and after the proposed boundary line adjustment;
- (4) The location and dimensions of all structures, driveways, sewage disposal systems, wells, and other improvements on both lots subject to the proposed boundary line adjustment;
- (5) The names, addresses and telephone numbers of all property owners involved in the proposed boundary line adjustment;
- (6) A signed and notarized authorization from all property owners.

Section 2. Section 29.43.200, Criteria for approval to read as follows:

All boundary line adjustments shall be consistent with the following standards:

- (1) The boundary line adjustment does not create any new lots.
- (2) The boundary line adjustment does not create a parcel not meeting all dimension and area requirements of all applicable land use and environmental health regulations, including, but not limited to those found in the Zoning Code, Shoreline Master Program, Floodplain Management Code, and the Critical Areas Code; provided, that no unplatted lot which is greater than five (5) acres in area shall be made less than five (5) acres or 1/128th of a section in area through a boundary line adjustment.
- (3) The boundary line adjustment does not increase the nonconformity of any lot or structure which does not currently meet the requirements of any applicable land use or environmental health regulation, including, but not limited to, setbacks to structures from property lines, the area outside a flood hazard area, and the minimum area of parcel.
- (4) The adjustment does not realign lot lines that create directional changes in the orientation of lot(s), such as changing front yards into side yards or rear yards which result in nonconforming setbacks.

Section 3. Section 29.43.300, Administrator's action for approval to read as follows:

Based on review of the proposed boundary line adjustment, the Administrator shall determine if the proposed boundary line adjustment is consistent the criteria for approval for a boundary line adjustment set forth in CCC [29.43.600](#). If the Administrator finds that the proposed boundary line adjustment complies with all of the above requirements, the adjustment shall be approved. If the Administrator finds that the proposed boundary line adjustment does not comply with the above requirements, the adjustment shall be denied. The decision by the Administrator is appealable in accordance with Chapter [26.10](#) CCC.

Section 4. Section 29.43.400, Final approval and authorization for property owners to read as follows:

Approval of the boundary line adjustment shall constitute authorization for the applicant to prepare appropriate documents to transfer the property being adjusted. A boundary line adjustment shall be completed according to one of the following:

(1) For adjustments in which neither lot has ever been surveyed, the owners shall prepare a quit claim deed transferring the property to be adjusted. The deed shall contain a space for the Administrator's signature, along with the following language: "This conveyance is for the purpose of accomplishing a boundary line adjustment pursuant to RCW [58.17.040\(6\)](#) and CCC Title [29](#). It shall not create any additional lots, tracts, parcels, or division and the land described herein shall merge or be integrated into abutting property presently owned by the grantee." No deed prepared pursuant to this section shall be filed with the County Auditor's Office without the Administrator's signature.

(2) For adjustments in which one or both lots have at some time been surveyed, the owners shall have prepared the appropriate quit claim deeds for the transfer of ownership and an accurate map of the lots, along with the new property lines, prepared by a licensed surveyor and done in full compliance with the Survey Recording Act, Chapters [58.09](#) RCW, and RCW [58.17.160\(3\)](#) and [58.24.040](#). The deed and map shall contain the following language: "This conveyance (or survey) is for the purpose of accomplishing a boundary line adjustment pursuant to RCW [58.17.040\(6\)](#) and CCC Title [29](#). It shall not create any additional lots, tracts, parcels, or division." The map shall contain a signed statement of approval by the Administrator. The map shall contain a note which references the recording information for the quit claim deeds for the actual property transfer.

(3) For adjustments in which both lots are owned by a single individual, the owner shall have prepared an accurate map of the lots, along with the new property lines, prepared by a licensed surveyor and done in full compliance with the Survey Recording Act, Chapter [58.09](#) RCW, and RCW [58.17.160\(3\)](#) and [58.24.040](#). The map shall contain the following language "This survey is for the purpose of accomplishing a boundary line adjustment pursuant to RCW [58.17.040\(6\)](#) and CCC Title [29](#). It shall not create any additional lots, tracts, parcels, or division." The map shall contain a signed statement of approval by the Administrator.

Section 5. Section 29.43.500, Lot (or parcel) combination – Applicability, is amended to read as follows:

Adjustments in conformity with Section 29.43.600 which results in the combination of lots or parcels into one parcel to be utilized as one buildable parcel shall be authorized by the Administrator. ~~may be allowed which result in the combination of lots or parcels into one parcel to be utilized as one buildable parcel. provided, that it does not result in the adjustment of platted property which should be reviewed for compliance with the land division alteration process set forth by this title.~~

The purpose of a lot combination is to provide an economical way of combining two (2) or more properties into one buildable lot. Lot combinations are legally binding and will reflect in the title history of the lot or parcel, and are similar to zoning lot covenants which are utilized by other jurisdictions. The lot combination does not result in a change of legal description(s).

Section 6. Section 29.43.600, Application process and criteria for a lot combination to read as follows:

(1) Applications for a lot combination shall be submitted to the Administrator.

(2) ~~Criteria for approval of a lot combination requires compliance with the following: No lot combination may be approved unless the Administrator finds compliance with the following:~~

~~(a) The proposed lot combination does not create or generate greater nonconformity of an existing use or structure on the lot or parcel that prior to lot combination was already nonconforming with respect to any applicable land use or environmental health development regulations; and a parcel which results in the increase of a nonconformity of any lot or structure which does not currently meet the requirements of any applicable land use or environmental health regulation;~~

~~(b) The proposed lot combination does not conflict with or violate any other section or text of this Chapter of the Clallam County Code. the land division alteration process set forth by this title.~~

Section 7. Section 29.43.700, Final approval for lot combination to read as follows:

A lot combination form shall be completed, submitted to the Administrator for approval, and recorded with the County Auditor.

ADOPTED this 30th day of January 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias, Chair



Randy Johnson



Bill Peach

ATTEST:



Loni Gores, Clerk of the Board