



King County

**Department of Permitting
and Environmental Review**

35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266

206-296-6600 TTY Relay: 711

www.kingcounty.gov

**FINAL CODE INTERPRETATION
CINT 14-0003 (Michelman)**

Background

Mr. J. Richard Aramburu filed a code interpretation request on October 13, 2014. The request is for clarification of King County Code (K.C.C.) Sections 19A.04.210 and 19A.04.330 and Chapter 19A.28.

Mr. Aramburu's client, Gail Michelman, owns Tract A of King County Short Plat S90S0213 recorded under number 9305269008 (tax parcel 262506-9103) and Lot 4 of King County Short Plat 875020 recorded under number 7602200353 (tax parcel 262506-9063). This property is located at 1201 250th Avenue NE in King County. Tract A and Lot 4 abut each other.

On behalf of Ms. Michelman, Mr. Aramburu inquired about obtaining a Boundary Line Adjustment between these two tax parcels and was informed by letter dated September 11, 2014 and signed by Steve Roberge, Product Line Manager – Single Family, that Tract A is a "tract" and not a building lot; it may not be considered a "lot" for residential building and Boundary Line Adjustment purposes until the "tract" designation is removed.

In his July 17, 2014 letter to Ray Florent, DPER review engineer, Mr. Aramburu indicated that Ms. Michelman has owned and lived on this property since the 1980's. "In 1998, the King County Treasury Division approached Ms. Michelman and inquired if she wished to purchase Parcel 9103. After investigation, Ms. Michelman agreed to the sale. She paid King County \$255 for the parcel and the Tax Title Property Deed for the property was delivered to her. This deed was recorded under King County Recording Number 99042614466."

Discussion

King County Code Title 19A defines Lots and Tracts as follows:

19A.04.210 Lot. Lot: a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous state or local laws governing the subdivision, short subdivision or segregation of land.

19A.04.330 Tract. Tract: land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction.

King County Code Chapter 19A.28 deals with the boundary line adjustment process as follows:

19A.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 a Type 1 permit as provided in K.C.C. chapter 20.20. The review shall include examination for consistency with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C. chapter 21A.25, applicable board of health regulations and, for developed lots, fire and building codes;

B. A lot created through a large lot segregation shall be consistent with the underlying zoning and shall not be reduced to less than twenty acres within ten years of the large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter 19A.12;

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

D. **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; or

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;

E. The elimination of lines between two or more lots shall in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and requirements of a minor adjustment under this subsection shall be specified by the department;

F. Recognized lots in an approved site plan for a conditional use permit, special use permit, urban planned development, or commercial site development 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; and

G. 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. (Emphasis added.)

King County Short Plat S90S0213 clearly labels Tract A as a tract. Pursuant to the short plat documents, Tract A was created for the specific purpose of settling a fence encroachment issue.

Tracts, by definition above, are "not considered lots or building sites for purposes of residential dwelling construction." A boundary line adjustment (BLA) adjusts the boundaries between

adjacent lots. A BLA, as proposed by Mr. Aramburu on behalf of Ms. Michelman, may be used for adjustments to the boundary lines of Ms. Michelman's properties but such an adjustment does not remove the tract designation.

A BLA may not result in a lot that does not qualify as a building site pursuant to KCC Title 19. Tracts do not qualify as building sites. Additionally, a BLA must not be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat. The proposed BLA can not be used to turn a tract into a residential building lot.

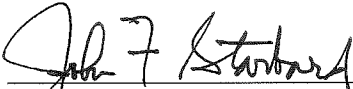
To remove restrictions associated with a Tract designation under the King County Code the applicant may revise the boundaries of the properties through the formal subdivision process (either short plat or long plat).

Decision

A Tract designated as such through a short plat is not a buildable residential lot. Adjusting the boundary between Ms. Michelman's Tract A and her residential lot through a BLA may increase the size of Tract A but it would not remove the tract designation or allow it to become a buildable residential lot. Such a BLA could not be granted unless the tract designation was removed through the process set forth in K.C.C. Title 19A.

Finality of Code Interpretations

Under K.C.C. 2.100.050.A, the director's decision on a code interpretation is final. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County hearing examiner, King County council, or an adjudicatory body (K.C.C.2.100.040.H).



John F. Starbard, Director
Department of Permitting and Environmental Review

12/08/2014
Date