



King County

Permitting Division

Department of Local Services

35030 SE Douglas St., Ste. 210

Snoqualmie, WA 98065-9266

206-296-6600 TTY Relay: 711

www.kingcounty.gov

**FINAL CODE INTERPRETATION
CINT21-0001 (Boundary Line Adjustment)**

Background

On January 4, 2021, Vicki Orrico, on behalf of Ms. Jenny Bell, filed a code interpretation request with the Permitting Division of the Department of Local Services (“the Department”). The request asks for interpretation of King County Code¹ (K.C.C.) 19A.28.020 and 21A.12.030 in relation to Ms. Bell’s intention to seek permitting for a boundary line adjustment (BLA) via BLAD20-2020.

As outlined in the supporting information submitted with the code interpretation request, Ms. Bell owns two adjacent parcels, Parcel 2423029234 and 2423029039. Both parcels are zoned RA-5 (rural area, one dwelling unit per five acres). K.C.C. 21A.12.030 states that the minimum lot area for the RA-5 zone is 3.75 acres. Both parcels are 2.45 acres in size and, thus, do not conform with the minimum lot area requirement.

The requested BLA proposes to change the boundary line between the two lots to result in one lot being 3.75 acres in size and one lot being 1.2 acres in size. This would result in one lot that meets the minimum lot area requirements and one that does not.

The Permitting Division’s Regulatory Committee (RRC) previously reviewed Ms. Bell’s proposal on January 23, 2020, and concluded that “the Division cannot approve a boundary line adjustment of a lot if the resulting lot does not meet the minimum lot area dimensional standard.”² On October 16, 2020, Division staff sent a letter to Ms. Bell instructing her to amend the proposed BLA to conform with this determination. In response, Ms. Bell submitted this code interpretation request.

Code Sections Subject to Interpretation

K.C.C. 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:

¹ https://www.kingcounty.gov/council/legislation/kc_code.aspx

² <https://www.kingcounty.gov/~media/depts/permitting-environmental-review/dper/documents/codes/rrc/RRC-Minutes-2020-01-23>

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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.”

(Ord. 17841 § 4, 2014: Ord. 17191 § 15, 2011: Ord. 16950 § 6, 2010: Ord. 13694 § 80, 1999).

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K.C.C. 21A.12.030 (Densities and dimensions - residential and rural zones)

“A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/a c	8 du/a c	12 du/a c	18 du/a c	24 du/a c	48 du/a c
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ac (22)	9 du/a c (27)	12 du/a c (27)	18 du/a c (27)	27 du/a c (27)	36 du/a c (27)	72 du/a c (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where

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the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten

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thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(1) a floodplain;

(2) a critical aquifer recharge area;

(3) a regionally or locally significant resource area;

(4) existing or planned public parks or trails, or connections to such facilities;

(5) a category type S or F aquatic area or category I or II wetland;

(6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

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19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 zoned parcels receiving density from rural forest focus areas through a transfer of density credit pursuant to K.C.C. chapter 21A.37.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence that predates 1959.

22. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.

23. The minimum density requirement does not apply to properties located within the Rural Town of Fall City.

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808 on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

25. For cottage housing developments only:

- a. The base height is twenty-five feet.
- b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to thirty feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27. Only in accordance with K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2.

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.”

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(Ord. 19146 § 48, 2020: Ord. 18791 § 168, 2018: Ord. 18671 § 4, 2018: Ord. 17841 § 31, 2014: Ord. 17539 § 33, 2013: Ord. 17420 § 99, 2012: Ord. 16267 § 25, 2008: Ord. 15245 § 6, 2005: Ord. 15051 § 126, 2004: Ord. 15032 § 17, 2004: Ord. 14808 § 4, 2003: Ord. 14807 § 7, 2003: Ord. 14429 § 2, 2002: Ord. 14190 § 33, 2001: Ord. 14045 § 18, 2001: Ord. 13881 § 1, 2000: Ord. 13571 § 1, 1999: Ord. 13527 § 1, 1999: Ord. 13274 § 10, 1998: Ord. 13086 § 1, 1998: Ord. 13022 § 16, 1998: Ord. 12822 § 6, 1997: Ord. 12549 § 1, 1996: Ord. 12523 § 3, 1996: Ord. 12320 § 2, 1996: Ord. 11978 § 4, 1995: Ord. 11886 § 5, 1995: Ord. 11821 § 2, 1995: Ord. 11802 § 3, 1995: Ord. 11798 § 1, 1995: Ord. 11621 § 41, 1994: Ord. 11555 § 5, 1994: Ord. 11157 § 15, 1993: Ord. 10870 § 340, 1993).

Discussion & Analysis

Consistent with the 2020 RRC analysis, BLAs may be approved if they are in conformance with applicable regulations in K.C.C. Titles 19 and 21A. The allowance for BLAs in K.C.C. 19A.28.020 (one of the code sections subject to this interpretation request) needs to be reviewed in the context of all applicable code sections, including K.C.C. 19A.04.060 and 21A.02.040.

K.C.C. 19A.28.020 states that “a boundary line adjustment proposal shall not:... a. Result in a lot that does not qualify as a building site pursuant to this title.” K.C.C. Title 19 defines a “building site” as an area of land that can be developed under current laws, including conformance with dimensional standards and minimum lot area requirements.

K.C.C. 19A.04.060 (Building site)

“Building site: an area of land, consisting of one or more lots or portions of lots, that is:

A. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or

B. Currently legally developed.”

(Ord. 15031 § 4, 2004: Ord. 13694 § 8, 1999). *Emphasis added*

K.C.C. 21A.02.040.B requires creation of lots and changes to lot lines to conform with K.C.C. Titles 19 and 21A, including dimensional standards.

K.C.C. 21A.02.040 (Conformity with this title required)

“A. No development, use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and Title 19, Subdivisions.

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C. All land uses and development authorized by this title shall comply with all other regulations and or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other county regulations, the more restrictive requirements shall apply.

D. Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

E. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title.”

Ord. 16985 § 126, 2010: Ord. 11621 § 8, 1994: 10870 § 14, 1993).
Emphasis added

Among other requirements, both of these code sections mandate lot line adjustments to be consistent with dimensional standards and minimum lot area requirements. These standards are adopted in K.C.C. Chapter 21A.12. As a result, the requirements of K.C.C. 21A.12.030 (the other code section subject to this interpretation request) apply to BLAs.


In this case, the new lot dimensions of one of the resulting parcels would not comply with the minimum lot area dimensional standards in K.C.C. 21A.12.030. This would be inconsistent with the aforementioned requirements of K.C.C. Title 19 and 21A.02.040.B. Given this, the Division would not be able to approve the BLA as currently proposed.

Decision

Consistent with the January 23, 2020, RRC discussion, K.C.C. 19A.28.020 and 21A.12.030 does not allow for a boundary line adjustment if any of the resulting lots do not meet the minimum lot area dimensional standards.

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 issues 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).

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Jim Chan	Date
Director, Permitting Division Department of Local Services	