

## REQUEST FOR PLANNING COMMISSION REVIEW

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**Meeting Date:** April 19, 2025

**Subject:** Boundary Line Adjustments

**Attachments:** Proposed Code Language

**Presented by:** Andrew Hattori, CED Director

**Approved For Agenda By:** Andrew Hattori, CED Director

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### **Background:**

Boundary line adjustments (BLAs) are a somewhat common way of adjusting property lines between two properties for a multitude of reasons such as adjusting a nonconforming lot to conform with the zoning code, sale of a portion of property between land owners, providing adequate access to a property, etc. Jurisdictions generally have a base set of parameters stating what “is” and “is not” allowed, Toppenish is lacking this code language.

### **Discussion:**

Currently, staff and applicants are in a tough place in determining how to go about accomplishing a BLA. Should an applicant wish to conduct a BLA there is usually a back and forth about what items are needed by the City to approve and what the City is going to require for the application. Since these materials and approval requirements are not set out and easily obtainable this can cause delays and revisions to surveys and legal descriptions. In recent years the lead time on surveys is in the range of months and costs in the thousands of dollars. To provide direction to staff, legal framework, and clear instruction to applicants, the attached code language is presented as a possible addition to the Toppenish Municipal Code.

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**Recommendation:** Not Applicable

**Alternatives:** Not Applicable

## **Chapter 16.22**

### **BOUNDARY LINE ADJUSTMENT**

Sections:

#### **16.22.010 Purpose**

#### **16.22.020 Applicability**

#### **16.22.030 Application**

#### **16.22.040 Review process**

#### **16.22.050 Approval criteria**

#### **16.22.060 Time limitation to record approved lot/boundary line adjustment**

#### **16.22.070 Recording**

#### **16.22.010 Purpose**

The purpose of this chapter is to establish a process for the adjustment of existing or proposed boundary lines of properties. A lot/boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, and to remedy property use constraints caused by adverse topographical features.

#### **16.22.020 Applicability**

The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter; provided, that such adjustment:

- A. Will not result in the creation of an additional lot, tract, parcel, site or division.
- B. Will not create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet all of the requirements of the zoning code.
- C. Will not adversely affect access, easement, drainfields, or public utilities.
- D. Will be consistent with any applicable health, building, or similar regulations.
- E. Will not increase the nonconformity of an existing nonconforming lot or structure.

#### **16.22.030 Application**

Applications for a boundary line adjustment shall be made on forms provided by the City and shall be submitted to the City together with the applicable fee contained within the fee schedule and either three paper copies or an electronic copy of the proposed adjustment, drawn to scale and accurately dimensioned, showing the following information:

- A. The proposed lot lines for all affected lots, indicated by heavy solid lines.
- B. The existing lot lines proposed to be changed, indicated by heavy broken lines.

C. The location of all structures existing upon the affected lots, including dimensions to existing and proposed lot lines.

D. The location and dimensions of any drainfield, wellhead protection area, easement or right-of-way existing within or adjacent to any affected lot.

E. The area and dimensions of each lot following the proposed adjustment.

F. Parcel numbers for all affected lots.

G. Legal description of the existing lots and a legal description of the area involved in the boundary line adjustment.

H. The existing and, if applicable, proposed future method of sewage disposal for each affected lot.

I. The location of all existing and proposed water, sewer, irrigation and storm drainage facilities.

J. The location, right-of-way widths, pavement widths and names of all existing or platted streets whether public or private within or adjacent to the affected lots.

#### **16.22.040 Review Process**

A. Upon receipt of a submitted application and required documents the Building Official shall issue a determination on the completeness of the application within 20 working days. The Building Official shall determine whether the application is complete for review or if there is missing/incomplete documents and information. Should the application be deemed incomplete and the applicant does not respond within 10 working days the application shall be determined null and void.

B. An application, once determined complete by the Building Official, shall be approved, approved with conditions, returned to the applicant for modifications, or denied within 20 working days from the date the application was determined complete. The review process shall be as follows:

1. The Building Official shall transmit the application materials to applicable City departments, utility companies, and other interested parties as determined by the Building Official. The agencies receiving the application materials shall return comments related to the application within 10 working days.

2. Following receipt of the comments the Building Official shall either approve, deny, or return for revision to the applicant. Should the application be denied, the Building Official shall make appropriate findings of fact in writing and shall be transmitted to the applicant. Should the application be returned for revision the applicant shall have 10 working days to make the necessary revisions and resubmit to the City. In instances outside of the control of the applicant occur and a resubmittal within 10 working days is not possible, the applicant may file for an extension with the Building Official, the Building Official shall have sole discretion in extending this timeframe. Should revisions not be received within 10 working days, and the applicant has either not requested an extension or an extension been denied, the application shall be deemed null and void.

3. Appeals to the Building Officials approval, denial, or approval with conditions shall be made to the Hearing Examiner. Such an appeal must be made in writing and filed together with the appeal

fee contained within the fee schedule within 10 working days of the determination. If an appeal is not received within 10 days the determination by the Building Official shall be final and no further appeal may be made.

4. The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the Hearing Examiner shall be the final action.

#### **16.22.050 Approval Criteria**

The Building Official shall make findings when issuing an approval that the proposal shall not:

A. Create any additional lot, tract, parcel, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the city's zoning and land use and state and local health codes and regulations. This provision shall not be construed to require correction or remedy of preexisting nonconformities or substandard conditions; however, existing nonconformity shall not be increased or create any new nonconformity;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and/or access or easement for vehicles or pedestrians, utilities, and/or fire protection for any lot, tract, parcel, site, or division;

D. Diminish or impair any public or private utility or irrigation easement or deprive any parcel of access or utilities or irrigation facilities;

E. Create unreasonably restrictive or hazardous access to the property;

F. Increase the nonconforming aspects of an existing nonconforming lot relative to the city's zoning and land use regulations;

G. Replat or vacate a plat or short subdivision, or revise or amend the conditions of approval of any full or short subdivision;

H. Amend the conditions of approval for previously platted property.

#### **16.22.060 Time limitation to record approved lot/boundary line adjustment**

If the final documents are not recorded within 90 days of approval with the County Auditor's offices, the lot line adjustment or parcel combination shall automatically become null and void.

#### **16.22.070 Recording**

A. The applicant shall record with the Yakima County auditor the approval document issued by the building official indicating approval of the lot/boundary line adjustment, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. A lot/boundary line adjustment does not become effective until the applicant has recorded the documents required by the Yakima County auditor. The applicant shall return one copy of each

recorded document to the department which copy must bear the Yakima County auditor's stamp to verify recording.