

EXHIBIT 9
APPLICANT RESPONSE TO KCC 16.10
BLUE JAY LAND COMPANY, LLC
BOUNDARY LINE ADJUSTMENT

Chapter 16.10
Boundary Line Adjustments and Parcel Combinations

Sections

- [16.10.010](#) Applicability
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- 16.10.010 Applicability.**

A boundary line adjustment is an acceptable means of transferring land between abutting legally created parcels, provided:

1. No additional lots, parcels or tracts are created as part of the transfer;

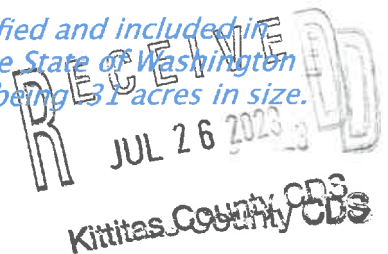
There will be no new or additional lots, parcels, or tracts created as part of this BLA.

2. No lot that currently conforms to minimum area and dimension regulations shall be adjusted so as to become nonconforming, except that existing lots within an existing planned unit development (PUD) may be adjusted through the PUD review and approval process contained in [KCC 17.36](#), provided that the overall density of the PUD shall not be exceeded; and

The zone where this BLA is occurring is Rural Recreation 5. No split zoning will be created with this BLA. All parcels, except for Parcel 20202, are non-conforming parcels as each is too small for the zone in which they are located, and each will be increased in size to make them more conforming as follows:

Exhibit 1 – Old Railway Right of Way – Section 1 as identified and included in that default judgment issued by the Superior Court of The State of Washington in and for Kittitas County case number 23-2-00084-19 being .20 acres in size. This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately 1.07 acres in size which makes it more compliant with the zone.

Exhibit 2 – Old Railway Right of Way – Section 2 as identified and included in that default judgment issued by the Superior Court of The State of Washington in and for Kittitas County case number 23-2-00084-19 being .31 acres in size.



This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately .94 acre in size which makes it more compliant with the zone.

Exhibit 3 – Double O Road – Section 1 as identified and included in that default judgment issued by the Superior Court of The State of Washington in and for Kittitas County case number 23-2-00084-19 being 1.02 acres in size. This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately 1.45 acres in size which makes it more compliant with the zone.

Exhibit 4 – Double O Road – Section 2 as identified and included in that default judgment issued by the Superior Court of The State of Washington in and for Kittitas County case number 23-2-00084-19 being .13 acres in size. This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately 1.06 acre in size which makes it more compliant with the zone.

Exhibit 5 – Triangle Parcel as identified and included in that default judgment issued by the Superior Court of The State of Washington in and for Kittitas County case number 23-2-00084-19 being .67 acres in size. (Parcel Number 962758) This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately 1.02 acres in size which makes it more compliant with the zone.

Parcel 20202 being 26.39 acres in size. Through the BLA process this parcel will be reduced in size approximately 20.77 acres still complying with the underlying zone density requirements.

Parcel 201934 being .63 acres in size. This parcel is non-conforming due to its size. Through the BLA process this parcel will be increased to approximately .68 acre in size which makes it more compliant with the zone.

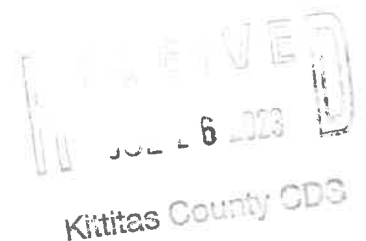
3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity, except that existing lots within an existing planned unit development (PUD) may be adjusted through the PUD review and approval process contained in [KCC 17.36](#), provided that the overall density of the PUD shall not be exceeded.

None of the parcels being adjusted through this process will be adjusted in such a manner that increases their nonconformity.

4. No parcels with split zoning are created as a part of the transfer per KCC Chapter [16.04.025](#).

No parcels with split zoning will be created.

([Ord. 2021-015](#), 2021; [Ord. 2014-015](#), 2014;)
16.10.020 Application requirements.



Applicants for a boundary line adjustment or parcel combination shall submit the following for review and approval:

1. A brief narrative description of the proposed boundary line adjustment or parcel combination;

See Exhibit 2 - Project Narrative

2. Existing and proposed legal descriptions of the affected lots;

See Exhibit 3A and 3B - Existing and proposed legal descriptions of the affected lots

3. Scaled drawings of both existing and proposed site plans as described in KCC Title [15A.03.030](#);

*See Exhibit 1A - Site Plan Showing both existing and proposed configurations
See Exhibit 1B - Site Plan showing existing configurations
See Exhibit 1C - Site Plan showing proposed configurations*

4. A certificate of title issued within the preceding one hundred twenty (120) days.

*See Exhibit 4A - Amerititle Subdivision Guarantee
See Exhibit 4B - Next Title*

([Ord. 2022-005](#), 2022; [Ord. 2014-015](#), 2014;)

16.10.030 Review criteria.

In addition to the requirements in KCC [16.10.010](#) above, the Director shall consider, and base his/her decision to approve or deny a boundary line adjustment on the following:

1. Compliance with KCC Title 17 Zoning;

The proposed use meets the zoning code. The BLA makes each of the adjusted parcels more conforming to the zone.

2. Compliance with KCC Title 12 Roads and Bridges;

The new road, as shown on Exhibit 1A, will meet the Kittitas County Road Standards for a private road with a hammerhead as required in the International Fire Code Appendix D.

3. Compliance with KCC Title 13 Water and Sewers;

Domestic Water will be provided by Evergreen Valley Water System, Inc. which has adequate water rights and a distribution system to provide service to this area.

Domestic sewer/septic will be provided by Evergreen Valley Sewer System, Inc.

4. Compliance with KCC Title 14 Buildings and Construction;

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There will be no building construction in this area.

5. Compliance with KCC Chapter 16.18 Irrigation and Sprinkling and RCW 58.17.310 and;

There will be no irrigation or sprinklers in this area.

6. Compliance with KCC Title 20 Fire and Life Safety

The construction of the new road accessing the lots will meet the International Fire Code including a new hammerhead that meets the requirements of Appendix D.

([Ord. 2014-015](#), 2014;)

16.10.040 Review procedures.

The Director, County Engineer and County Surveyor shall review the boundary line adjustment or parcel combination for compliance with this chapter and all other land use regulations in effect at the time the application was deemed complete. If all requirements for approval are met, the Director shall provide written findings of fact supporting the approval of the boundary line adjustment.

([Ord. 2022-005](#), 2022; [Ord. 2014-015](#), 2014;)

16.10.050 Recording.

Prior to recording, a final Preliminary Survey along with legal descriptions and final acreages for all lots involved shall be submitted to Community Development Services for review and approval. The Director shall verify that the final survey and any attachments are accurate and complete and that they comply with all of the requirements in KCC [16.10.030](#), KCC [16.24](#), and WAC [332-130](#). Additionally, as a minimum, all corners of the new division lines shall be set, weather dependent, and positions noted on face of survey. Boundary line adjustments do not become effective until recorded with the Kittitas County Auditor. Parcel Combinations do not require a final survey.

([Ord. 2022-005](#), 2022; [Ord. 2014-015](#), 2014;)

16.10.060 Transfer of title.

The recording of a boundary line adjustment does not constitute a transfer of title. Separate deeds to this effect must be recorded with the Kittitas County Auditor and are not subject to the provisions of this Chapter.

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