



CODE INTERPRETATION—KCC 16.04.010, 16.04.020(1) and 16.08.055

Boundary Line Adjustments to Nonconforming Lots

Background

KCCs 16.04.010, 16.04.020(1) and 16.08.055 provide the parameters for the processing of boundary line adjustments in Kittitas County. 16.08.055 specifically stipulates that:

“... No lot or parcel resulting from a boundary line adjustment may be smaller than the minimum size allowed in that zone; provided, however, if the lot or parcel was already a nonconforming lot size that did not meet the minimum lot size for that zone, a boundary line adjustment may adjust boundaries so that nonconforming lot is larger even if it still continues to be less than the minimum lot size for that zone.”

While this language does not explicitly state that a legal non-conforming lot may not be made more non-conforming in any way, the implications and intent seem to decidedly point in that direction. The above assertion was given affirmation in a memo from the Kittitas County Prosecuting Attorney’s Office in a 2010 legal analysis and opinion which in part stated that:

“Our County code allows lots to become more conforming, even if still nonconforming (too small), but this cannot be at the expense of allowing another lot to become less conforming.”

Discussion

In a rural county such as Kittitas many development actions and divisions occurred prior to the adoption or implementation of modern zoning and parcel configuration procedures. Surveys and legal descriptions can date back to the original GLO records of the late 19th century. Existing roads, streams, canals, fences and/or past activities in general have led to a variety of illogical, inefficient, or legally ambiguous land use practices. It must also be acknowledged that for a variety of reasons, there exists in Kittitas County a substantial quantity of legal nonconforming lots in all types of zoning classifications. It should be acknowledged that there are times when a BLA request involving a minor net loss in acreage to a nonconforming legal lot is not only in the interest of the applicant, but may be in the interest of the general health, safety, and welfare, of the County as a whole.

Decision

In an effort to facilitate logical and beneficial changes to nonconforming parcels in Kittitas County the Community Development Services Planning Official provides the following criteria which must be met in order for said boundary line adjustments to be made. All elements of Kittitas County Code remain in effect, and the proposal must conform to the following:

1. Only one nonconforming parcel may be reduced in size on any given application.
2. Said reduction shall not exceed 10% of the current nonconforming parcel size.
3. All conforming parcels involved in the boundary line adjustment must remain conforming.

All Boundary Line Adjustment decisions are subject to appeal under the provisions of Title 15A.

Attachments:

KCC Title 16
Caulkins Memo

Indexing Subject:

1. Boundary Line Adjustment
2. BLA
3. Nonconforming Lot