Department of Community Development – Rafe Wysham, Director
619 Division Street
Port Orchard, WA 98366

PLANNING COMMISSION STAFF REPORT
Boundary Line Adjustment Code

DATE: March 3, 2026

TO: Kitsap County Planning Commission

FROM: Garrett Ballew, Long Range Planner

SUBJECT: Proposed Boundary Line Adjustment Code

Attachments:

A. Draft BLA Code, KCC 16.04.xx

B. Revisions to Existing Code, KCC Titles 16, 17 and 21

C. Public Comments Received October 7, 2025 – December 15, 2025

D. Additional Public Comments Received December 15, 2025 – February 6, 2026

OVERVIEW

The Department of Community Development has prepared a new code section in KCC Title 16 *Land Division and Development* to address new requirements and process for boundary line adjustments (BLAs) between properties. Corresponding revisions to existing code in KCC Titles 16, 17 *Zoning*, and 21 *Land Use and Development Procedures* have also been made for consistency.

SEPA

The DNS SEPA Determination of Non-Significance (DNS) was issued on December 29, 2025. The DNS Comment period ended January 13, 2026. No comments were received on the DNS.

PUBLIC COMMENT

Two public comment periods were provided for the draft BLA code, from October 7-27 and from December 2-15, 2025. The comment form was provided on the project website and was promoted through GovDelivery and by direct email to interested parties. Revisions were made to the draft BLA code based on public comments. Public comments are provided in Attachments C and D.

PUBLIC OUTREACH/PARTICIPATION

Public participation is an essential and required component for updating development regulations. The list below outlines the outreach and participation that has occurred to date.

- **Community Consultations and Stakeholder Engagement.** In summer and fall 2025, County staff consulted members of the local land surveying community for suggestions on development of BLA code. The surveyors were also asked to provide comment on the draft code. The draft code and a request for comment was also sent to the Kitsap Building Association and the Kitsap Association of Realtors. A number of revisions to the October draft code were made in response to comments received, as presented in the final draft (December 2, 2025).
- **Internal Review.** To ensure internal consistency and correct implementation procedures, DCD Long Range Planning staff consulted with the Current Planning division, the County Surveyor, and the County Attorney's office.
- **Project Webpage.** Kitsap County created a dedicated webpage for the BLA code. The webpage provided an opportunity for the public to stay current with the code development and review process, as well as submit comments, sign up for notifications, and review all draft documents related to the update.
- **Planning Commission.** Staff briefed the Planning Commission on the draft code on November 18, 2025. Planning Commission work-studies were held January 6, 2026, and February 3, 2026. At these meetings staff received feedback from the Commissioners and from the public in attendance. The March 3 public hearing will be followed by Planning Commission deliberations on March 17, 2026.
- **Board of Commissioners.** Staff briefed the Board of County Commissioners on the draft code on November 15, 2025. A Board work-study was held January 26, 2026. An additional Board work-study will be held in March 2026 to be followed by a public hearing in April 2026.

BACKGROUND

The Department of Community Development has prepared a new code section in KCC Title 16 *Land Division and Development* to address boundary line adjustments (BLAs) between properties. Corresponding revisions to existing code in KCC Titles 16, 17 *Zoning*, and 21 *Land Use and Development Procedures* have also been made for consistency.

Unlike all other Washington counties, Kitsap County has no code or process that specifically regulate BLAs. This lack of code has resulted in creation of nonconforming lots, using BLAs to avoid subdivision requirements, lack of proper access to adjusted parcels, adjustments made across public rights-of-way or jurisdictional boundaries, clouded title, loss of income and opportunity when illegal lots are discovered, and complicated remediation of illegal lots. These outcomes

create problems for (often not inexpensive) and delay of land purchases and subsequent development. In short, these issues create inconsistent outcomes, conflict with existing regulations and plans, and cause difficulty and expense for current and future property owners.

A dedicated BLA code will ensure a consistent and equitable process for parcel adjustments, require adjusted properties to remain compliant with zoning and access requirements, and will align with state law. It will give property owners a predictable, fair, and authorized way to adjust property lines, while protecting the public interest. Importantly, it will reduce the introduction of additional and illegal lots to the rural land supply.

SUMMARY

The purpose of the BLA code is to provide an administrative process for reviewing and approving BLAs. A BLA will be a ministerial Type I permit, with the Department Director and their designee as the approval authority under KCC Chapter 21.04. The code's primary purpose is to allow minor reconfiguration of existing properties (including mergers) without creating new lots, while ensuring consistency with state law and county development regulations.

The draft code expressly excludes true boundary agreements used solely to resolve boundary disputes under state law. Certain types of adjustments are prohibited outright, including adjustments involving tracts, easements, vacated rights-of-way, or tax title strips, as well as adjustments across roads or rights-of-way. Additionally, adjustments may not result in parcels that cross zoning district boundaries, urban growth area boundaries, overlay districts, tidelands, or jurisdictional boundaries.

More specifically, a BLA may not create any additional parcels, tracts, or building sites. All resulting properties must comply with applicable zoning standards for size, dimensions, and buildable area, with limited allowance for existing nonconforming properties so long as nonconformity is not increased or transferred. BLAs may not require new public roads or infrastructure that require public expenditure, interfere with an existing plat or permit conditions, or create adverse impacts to drainage, water supply, septic systems, access, or utilities. Under the County's current development codes, resulting parcels must be buildable and accessible without the need for future variances or code exceptions, and applicants must record a statement acknowledging this limitation (and the statement will be on the face of the BLA for buyers to clearly see). The code also prohibits using a series of adjustments to circumvent subdivision regulations or alter recorded plats, except where adjustments within a recorded plat do not affect dedications or recorded conditions. Once approved, properties included in a BLA are restricted from further adjustment for five years unless a formal subdivision application is submitted; this is to prevent 'daisy-chain' land development that sets aside land division requirements based in code.

The code also allows BLAs to be used for permanent property combinations or mergers, provided the properties are not separated by a right-of-way. Mergers may be used to combine nonconforming lots into a conforming parcel, but any merged property may only be subdivided in the future in accordance with Title 16. Approved mergers require recording of revised legal descriptions and

survey documents, and applicants are encouraged to consider the County's Declaration of Aggregation program offered through the Auditors Office.

The code does not require critical areas review, which is to occur during future review of development permits where needed. Therefore, BLA approval will not guarantee or imply that the subject property may be developed or subdivided or involved in further BLAs, as noted below.

The applicant shall acknowledge by signature on the application that approval is subject to the following limitations:

1. A BLA approval does not guarantee or imply that the subject property may be developed or subdivided or involved in further BLAs;
2. Critical area and shoreline review has not been performed for the subject properties as part of the BLA review;
3. Additional information and approvals may be required during review of a subsequent development or land use permit application(s); and
4. Property configurations or topography resulting from a BLA approval cannot be used to justify a future variance, buffer reduction, or other exception from County code.

The face of the BLA shall also conspicuously state the above requirements.

Final approval of a BLA requires recording of all documents within six months, including signed survey maps, revised legal descriptions, and deeds, with all required county signatures.

NEXT STEPS

March 17, 2026: The Planning Commission is scheduled to hold deliberations. If voted unanimously, findings of fact may occur within the same meeting, otherwise findings of fact will be considered April 7, 2026.

Attachment A

DRAFT

Boundary Line Adjustment Code
NEW KCC Chapter 16.04.xxx

Revised: 2/6/2026

A. Purpose.

The purpose of this section is to provide an administrative process for reviewing and approving adjustments to property lines between abutting properties.

B. Applicability and Exemptions.

This chapter applies to boundary line adjustments between existing properties, including those involving mergers or aggregations. For the purposes of this section, "property" is a generic term that applies to all original or resulting lots, tracts, parcels, sites, or divisions; when a more specific term is used, the definition of that term in Chapter 16.10 shall apply. Boundary line agreements used solely to resolve boundary disputes consistent with RCW 58.04.007 are exempt from the provisions of this chapter.

C. Adjustments Prohibited.

1. Alteration of the area, dimensions, or location of tracts, easements, vacated rights-of-way, and tax title strips are not permitted through a boundary line adjustment. However, vacated rights-of-way and tax title strips may be combined with one or more abutting properties through a property combination as provided in subsection F. For the purposes of this section, "tax title strip" is a narrow, often unusable strip of land associated with a tax-foreclosed property.
2. Adjustment of a property shall not be permitted where separate properties are on either side of a road or street as respectively defined in KCC chapters 16.10.290 and 17.110.698.
3. No boundary line adjustment shall result in a property that crosses a zoning district, urban growth area, overlay district, tidelands, or jurisdictional boundaries.

D. Permit Type and Review Authority.

Applications for boundary line adjustments shall be processed as a ministerial Type I application under Chapter 21.04. The Department Director or their designee (hereinafter Director) is authorized to review and approve, approve with conditions, or deny the application based on compliance with this chapter and other applicable county codes.

E. Review Criteria.

The Director shall approve a boundary line adjustment only if the following criteria are met:

1. No additional property, tract, parcel, or division results from the adjustment.
2. All resulting properties must comply with applicable zoning standards for total area, density, and dimensions, except ~~that~~ as provided below:
    a. T~~t~~he Director may allow a boundary line adjustment that adjusts ~~or creates~~ a nonconforming property or properties, provided that the total number of nonconforming lots is not increased, and no resulting lot becomes smaller than the smallest existing nonconforming lot. For the purposes of this section, "nonconforming lot" has the meaning provided in KCC 17.110.508~~.~~; or
    b. The Director may allow a minor deviation for each resulting lot of up to ten percent of the required lot size, area, and width not to exceed required by the zone, or up to ten thousand eight hundred ninety square feet, whichever is smaller.
3. A conforming structure shall not become nonconforming to the standards required by the applicable zoning, and a nonconforming structure shall not be increased in its degree of nonconformity to the standards required by applicable zoning, ~~standards~~ through a boundary line adjustment. For the purposes of this section, "nonconforming structure" has the meaning provided in KCC 17.11~~0~~0.510. For the purposes of this section only, a structure means anything that meets the definition in KCC 17.110.705 and would require a development permit from the Department of Community Development.
4. No new public roads or extensions of public infrastructure would be required solely to serve the adjusted properties.
5. No conflicts with existing plat or permit conditions are created, and no existing plat or permit conditions are diminished, reduced, or eliminated.
6. All easements, access, and utilities are kept or properly modified.
7. No adverse impacts on water supply, septic systems, or access will result.
8. All resultant properties must have a building site and suitable access.
9. The adjustment is not part of a concurrent or sequential series of adjustments which would result in the creation of additional lots, tracts, or building sites, or otherwise circumvent the subdivision regulations in Chapter 16.40.
10. Boundary line adjustments within a recorded plat are permissible provided they do not modify dedications, roads, easements, notes, or other features shown on the face of the plat, or its recorded conditions, which would require a formal plat alteration.
11. The adjustment will not create a building site from or on tracts or easements.
12. Properties proposed to be served by onsite sewage disposal systems must be reviewed and approved by the Kitsap Public Health District prior to Director approval.

Applicants must demonstrate compliance with applicable health and sanitation standards, including resultant properties' suitability for septic and primary and reserve areas, minimum separation distances between structures and wells or between structures and septic primary or reserve areas, located both on the subject properties and nearby properties.

13. None of the properties included in an approved boundary line adjustment may be further adjusted or altered within a period of five years, unless a short plat or preliminary plat application is made for such property or properties.

F. Property Combinations (Mergers).

Boundary line adjustments may be used to permanently merge or aggregate abutting properties under the following conditions:

1. Properties, before or after adjustments, may not be separated by a dedicated right-of-way.
2. Properties that do not individually meet current development standards may be combined to create a conforming lot.
3. Vacated rights-of-way, and tax title strips, may be combined with one or more abutting properties.
4. Mergers result in new permanently-established properties, which may only be subdivided in the future according to the requirements of Title 16.

Applicants are encouraged to be aware of the 'Declaration of Aggregation' program the County Auditor provides.

G. Legal Lot Determination.

When a boundary line adjustment is proposed under this chapter, requirements for legal lot determination may be deemed satisfied if the lots to be adjusted were previously determined legal under Chapter 16.62, or if the adjustment resolves discrepancies discovered in the determination process.

H. Hourly-Rate Conference

Prior to submittal of an application for a boundary line adjustment, applicants are encouraged, but are not required, to schedule an hourly-rate meeting as provided in Section 21.04.120.

I. Submittal Requirements

Submittal requirements shall be specified in the BLA application guide and the submittal checklist and forms prepared by the Department.

J. Application Acknowledgements and Signatures.

The applicant shall acknowledge by signature on the BLA application form that County approval of a BLA proposal is subject to the following limitations:

1. A BLA approval does not guarantee or imply that the subject property may be developed or subdivided or involved in further BLAs;
2. Critical area and shoreline review has not been performed for the subject properties as part of the BLA review;
3. Additional information and approvals may be required during review of a subsequent development or land use permit application; and
4. Property configurations or topography resulting from a BLA approval cannot be used to justify a future variance, buffer reduction, or other exception from County code.

K. Final Documents - Recording and Signatures.

Within six months of approval of the application for a boundary line adjustment or a property combination (merger), the applicant is required to record all final documents with the County Auditor, including the survey map signed and stamped by the Surveyor, revised legal descriptions, notice to title, and any deeds conveying property. The face of the BLA shall also conspicuously state the requirements in J.1. through J.4 in this section. All recording of documents shall be at the expense of the applicant. The applicant shall obtain all required signatures prior to recording, including those of the Director, County Auditor, and County Treasurer ~~Department Director~~.

ATTACHMENT B

PUBLIC REVIEW DRAFT
Boundary Line Adjustment Code

Proposed Revisions to Existing Code – KCC Chapters 16, 17 and 21

10/6/2025

Section 16.62.050 Approval Standards.

Parcels that meet the following platting standards will be considered legal lots of record:

A. The parcel was created through a plat, short plat, large lot plat, or binding site plan approved by Kitsap County and recorded with the Kitsap County auditor;

B. The parcel is five acres or larger, or 1/128th of a section or larger, and was created by record of survey before January 13, 1986, the date of Kitsap County's first large lot subdivision ordinance;

C. The parcel was lawfully created through testamentary provisions, or the laws of descent. However, development of said parcel is subject to the zoning regulations set forth at Title 17;

D. The parcel was created through an exemption listed in RCW 58.17.035 or 58.17.040 or other statutory exemptions available at the time it was created;

E. The parcel is twenty acres (or one-thirty-second of a section) or larger in size; or

F. The parcel deed description shown in a sales or transfer deed dated prior to July 1, 1974, is the same as the current parcel description.

~~G. The parcel is a resultant parcel of a BLA that utilized parcels legally created through a tax segregation and said resultant parcel conforms to area and dimensional requirements at the time it was created.~~

Section 16.10.070 Boundary Line Adjustment - Definitions.

"Boundary Line Adjustment" means an adjustment of boundary lines between two but not more than five abutting platted or unplatted properties or both, which does not ~~create~~

result in any individual ~~lot~~ property, tract, parcel, site, or division, nor create any ~~lot~~ property, tract, parcel, site, or division which contains insufficient area and dimension to ~~that does not~~ meet minimum requirements for width and area for a building site, except as provided herein.

17.110.010 Abutting.

"Abutting" means adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures ten feet or greater in a single direction. ~~Where two or more lots are separated by a street or other public right-of-way, they shall be considered "abutting" if their boundary lines would be considered abutting if not for the separation provided by the street or right-of-way.~~

Section 21.04.100 Review Authority Table.

The Review Authority Table shows permits regulated by this chapter, how they are classified and who the review authority is.

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
	DEVELOPMENT ENGINEERING PERMITS – See also Title 12, Stormwater Drainage					
1	Site Development Activity Permit – Subject to SEPA	D		X		
2	Site Development Activity Permit – SEPA Exempt	D	X			
	ENVIRONMENTAL PERMITS – See also Titles 18, Environment, 19, Critical Areas Ordinance, and 22, Shoreline Master Program					
3	Conditional Waiver, View Blockage Requirement	D		X		
4	Critical Area Buffer Reduction	D	X	X		
5	Critical Area Variance	HE			X	
6	Current Use Open Space	BC				X
7	Shoreline Administrative Conditional Use Permit	D		X		
8	Shoreline Buffer Reduction	D	X	X		
9	Shoreline Conditional Use Permit	HE			X	
10	Shoreline Permit Exemption	D	X			
11	Shoreline Revision	D		X		
12	Shoreline Substantial Development Permits	D		X		

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
13	Shoreline Variance (any variance for which an administrative variance is not applicable)	HE			X	
14	Administrative Shoreline Variance (development or expansion requiring < 25% reduction of the reduced standard buffer or any amount of buffer reduction within the shoreline residential designation per Section 22.400.120(C))	D		X		
15	Timber Harvest Permit	D	X			
	LAND USE PERMITS – See also Title 17, Zoning					
16	Administrative Conditional Use Permit	D		X		
17	Administrative Conditional Use Permit Major Amendment – Proposed After Approval	D		X		
18	Administrative Conditional Use Permit Minor Amendment – Proposed After Approval	D	X			
19	Conditional Use Permit	HE			X	
20	Conditional Use Permit Major Amendment – Proposed After Approval	HE			X	
21	Conditional Use Permit Minor Amendment – Proposed After Approval	D	X			
22	Development Agreement	BC				X
23	Home Business	D	X			
24	Master Plan	HE			X	
25	Master Plan – Amendments	D		X		
26	Performance Based Development	HE			X	
27	Performance Based Development Major Amendment – Proposed After Approval	HE			X	
28	Performance Based Development Minor Amendment – Proposed After Approval	D	X			
29	Rezone[1]	PC/BC			X	
30	Sign	D	X			
31	Zoning Variance – Director's (≤ 10%)	D	X			
32	Zoning Variance – Administrative (> 10% to ≤ 25%)	D		X		
33	Zoning Variance – Hearing Examiner (> 25%)	HE			X	
	LAND DIVISION PERMITS – See also Title 16, Land Division and Development					
34	Binding Site Plan	D		X		

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
35	Binding Site Plan Alteration	D		X		
36	Boundary Line Adjustment	D	X			
37	Final Large Lot Plat	D	X			
38	Final Large Lot Plat Alteration	D		X		
39	Final Plat	D	X			
40	Final Plat Alteration	HE[2]		X		
41	Final Short Plat	D	X			
42	Final Short Plat Alteration	D		X		
43	Land Segregation Vacation	D/HE		X	X	
44	Legal Lot Determination	D	X			
45	Preliminary Large Lot Subdivision	D		X		
46	Preliminary Large Lot Subdivision – Major Amendment	D		X		
47	Preliminary Large Lot Subdivision – Minor Amendment	D	X			
48	Preliminary Short Subdivision	D		X		
49	Preliminary Short Subdivision – Major Amendment	D		X		
50	Preliminary Short Subdivision – Minor Amendment	D	X			
51	Preliminary Subdivision	HE			X	
52	Preliminary Subdivision – Major Amendment	HE			X	
53	Preliminary Subdivision – Minor Amendment	D		X		
	MISCELLANEOUS PERMITS					
54	Building Code Interpretation	BO	See Chapter 14.04	See Chapter 14.04	See Chapter 14.04	See Chapter 14.04
55	Building Permit	BO	Exempt	Exempt	Exempt	Exempt
56	Change of Use	BO	X			
57	Code Compliance	D	X			
58	Concurrency Certificate	CE	X			
59	Director's Interpretation	D	X			
60	Reasonable Use Exception	HE			X	
61	Road Vacation	CE				X
62	Temporary Use	D	X			
632	Transfer of Development Right Program	D/HE/BC	X	X	X	X

	Permit/Activity/Decision	Review Authority	Type I	Type II	Type III	Type IV
	D = Director BC = Board of County Commissioners BO = Building Official CE = County Engineer HE = Hearing Examiner PC = Planning Commission					

1 Hearing examiner recommendation subject to board of county commissioners approval.

2 Hearing at request of noticed party, RCW 58.17.215.

Section 21.02.080 Boundary Line Adjustment.

"Boundary Line Adjustment" means an adjustment of boundary lines between two but not more than five abutting platted or unplatted properties or both, which does not ~~create~~ result in any individual ~~lot~~ property, tract, parcel, site, or division, nor create any ~~lot~~ property, tract, parcel, site, or division which contains insufficient area and dimension to ~~that does not~~ meet minimum requirements for width and area for a building site, except as provided herein.

ATTACHMENT C

PUBLIC COMMENTS ON DRAFT BLA CODE

Boundary Line Adjustment (BLA) Draft Code - Proposed Changes from Public Comments

PC Briefing 11/18/2025, PC Work Study 1/6/2026

Commenter	Draft Code Section	Comment	Staff Recommendation	Planning Commission Recommendation
William McCoy	Section E.8.	I support adding a clear BLA process; however, I'm concerned one part of the proposed code re: decision criteria - "The adjustment is not part of a concurrent or sequential series of multiple proposed adjustments which would circumvent the subdivision regulations in Chapter 16.40, including but not limited to having the effect of altering a recorded plat." - reads so broadly that any BLA within a recorded plat could be viewed as "having the effect of altering a recorded plat," even where no dedications, roads, or easements are changed. That outcome would be inconsistent with state law distinguishing BLAs from plat alterations and could chill routine, lawful BLAs between platted lots. I urge that this language be tightened up so it's clear that BLAs that alter platted lots are permissible. For example it could be worded as: **"The adjustment shall not be part of a concurrent or sequential series of adjustments that would result in the creation of additional lots, tracts, or building sites, or otherwise circumvent the subdivision requirements of Chapter 16.40. Boundary line adjustments within a recorded plat are permissible provided they do not modify dedications, roads, easements, notes, or other features shown on the face of the plat that would require a formal plat alteration"**.	The draft code section was based on similar language in the City of Poulsbo's BLA code. DCD staff and Legal support revising this section to correspond to Mr. McCoy's suggested language. Additionally, the state limits short plats to no more than one every five years involving the same lots, to avoid "daisy chaining" of short plats to avoid the regular subdivision process. Legal suggests a similar time frame limitation for BLAs involving the same lot or lots.	
Kitsap Public Health District	Sections E.6. and E.10.	For criteria #6, there are no standards listed to determine "adverse impacts" on water supply or septic systems. We would suggest that the standards that should be applied for that determination would be the requirements of the applicable Kitsap Public Health Board ordinance(s)... For criteria #10 the language "proposed to be served by onsite sewage disposal systems" should be removed...**it would be more consistent and provide a more thorough review to simply require that every BLA receive Health District approval prior to director approval."**	DCD staff concurs with KPHD's recommendation, as highlighted.	
Kevin Biggs	Sections F.3. and J.	Mr. Biggs believes that Section F.3. could be read to only require property combinations (mergers) to have their revised legal descriptions and survey maps recorded with the Auditor.	As Mr. Biggs notes, both property combinations and BLAs are required to record their revised legal descriptions and survey maps with the Auditor. Staff recommends that F.3. be deleted, and J. be revised to state: "Within one year of approval of the application for a boundary line adjustment or a property merger, the applicant is required to record all final documents with the County Auditor, including the survey map signed and stamped by the Surveyor, revised legal descriptions, and any deeds conveying property. ..."	
Gary Chapman (December 2025)	Sections C.1. and F.	"1. Adjustments of tracts, easements, vacated rights-of-way, and tax title strips are not permitted." This statement isn't necessary, it's overly restrictive to regular property owners trying to clean up these strips and should be struck from the code. **The problem with adding this to the BLA code is it restricts all remedies to clean up these old strips of land.** Most of the time property owners on both sides of these strips work together to either vacate or purchase these. And almost 100% of the time Kitsap County can only transfer the ownership to one property owner not both. Usually the owners want to split the land, sometimes equally, sometimes not, and absorb these into their current parcel. **By prohibiting these from the BLA there is no remedy to absorb or split the strips.**	Sections C.1. and F. have been revised in response to Mr. Chapman's concerns, in accordance with legal advice. The revised sections now allow property combinations or mergers that include vacated ROW or tax title strips. However, the area or dimensions of a vacated ROW or tax title strip cannot be adjusted outside of a combination. As an example, this prohibition would not allow an abutting property to adjust its boundary with one-half of a tax title strip, while leaving one-half of the strip still extant.	

Name_First	Name_Last	Comment	Entry_DateSubmitted
Bruce	MacLearnsberry	Our firm has been preparing boundary line adjustments in both regulated and unregulated environments for the last 50 years. Please see my attached correspondence regarding my opposition to this proposal to enable your informed action. Links to cases cited are available upon request. Thank you for your consideration.	10/26/2025 10:50 PM
Steve	Ottmar	E2: Currently there are thousands of legal non-conforming lots due to zoning changes. So, unless 2 of these lots swap equal areas, the BLA between them will create an increased nonconformance in lot area for one of the lots. The vast majority of BLA's don't involve equal land swaps. Somehow property size needs to be exempt from nonconformance. F3: "Survey maps". I don't want that to be interpreted as requiring a survey for a property combination. Property Combinations are fairly simple documents and usually include an 8.5 by 11 Exhibit Map. Maybe changing "survey maps" to "exhibit map". I don't think a survey should be required for a Property Combination. H. Sounds like a BLA will have to be prepared by a licensed Land Surveyor and require a survey.	10/25/2025 9:45 AM
John	Kiess	Please see attached comment letter from the Kitsap Public Health District, thank you.	10/24/2025 3:52 PM
Michael	Gustavson	Boundary line adjustments are best left to the adjoining neighbors, bet understand the problems being faced by both. This has been the practice in Kitsap county for the past 150 years and has worked well. Under State law, 7 or 10 year existing fence lines determine property lines. Judges orders trump DCD decisions. I have experienced both situations in Jefferson and Kitsap Counties. Being the only remaining County in Washington to have a different ordinance than the remaining 38 counties is no justification to follow the herd. Recall, GMA and all of the fall-out regulation originated ot in the US, but came from the United Nations. The results are housing prices 2 1/2 times affordability homelessness and a low birth rate. This has created a death spiral for our country.	10/20/2025 6:08 PM
Thomas	Garrett	Seasonal and Fish streams make up many of the property lines between abutting properties in Kitsap County. Streams are not referenced in Boundary Line Adjustments (BLAs) rules and regulations. Streams may need BLAs due to erosion, mudslides, earthquakes, flooding, road washouts, man-made modifications, etc. Some streams are also indicated on Kitsap County charts and maps in their "wrong" location causing mistakes with buffers and storm water pollution entering downstream fish streams. All of these stream modifications, whether on seasonal or fish streams, need to go through a permit process except where there are no boundary or location conflicts exist.	10/17/2025 3:11 PM
Kathy	Cloninger	If an existing parcel is granted property from a Right of Way Vacation, the BLA would be the ideal template used to change the property legal description and ensure all the mentioned procedural approvals are met. This would need to be included as an exception in the Section #3 Adjustments Prohibited. The process would include compliance with Public Works, DCD, Treasurers, Assessors etc...	10/17/2025 9:05 AM
Edward	Mullaney	Provide a provision for public comments of a proposed BLA that would result in removal of trails on the subject property. Include a provision for public comments for proposed BLA request other than only a ministerial review approval. As an example, when Kitsap County approved the BLA for lots 212602-1-004 and 212602-1-005 in Suquamish, the Kitsap County approval eliminated the existing public trail use on Lot 212602-1-005 resulting in no pedestrian access between NE Union Street and Angeline NE. Once this was approved by Kitsap County, the owner of the newly oriented LOT 212602-1-005 had no obligation to keep the trail open for public use. Sadly, Suquamish lost a trail by this action.	10/12/2025 8:50 AM
William	McCoy	I support adding a clear BLA process; however, I'm concerned one part of the proposed code re: decision criteria - "The adjustment is not part of a concurrent or sequential series of multiple proposed adjustments which would circumvent the subdivision regulations in Chapter 16.40, including but not limited to having the effect of altering a recorded plat." - reads so broadly that any BLA within a recorded plat could be viewed as "having the effect of altering a recorded plat," even where no dedications, roads, or easements are changed. That outcome would be inconsistent with state law distinguishing BLAs from plat alterations and could chill routine, lawful BLAs between platted lots. I urge that this language be tightened up so it's clear that BLAs that alter platted lots are permissible. For example it could be worded as: "The adjustment shall not be part of a concurrent or sequential series of adjustments that would result in the creation of additional lots, tracts, or building sites, or otherwise circumvent the subdivision requirements of Chapter 16.40. Boundary line adjustments within a recorded plat are permissible provided they do not modify dedications, roads, easements, notes, or other features shown on the face of the plat that would require a formal plat alteration".	10/10/2025 8:23 AM

Name_First	Name_Last	Comment	Entry_DateSubmitted
A Random Independent :)		Kitsap County DCD doesn't even have a Licensed Surveyor on staff. How is Kitsap County going to even be able to review BLAs? * BLAs are not the principal cause of non-conforming or improperly sized lots. * BLAs do not subdivide anything, and are therefore not "avoiding" subdivision requirements. * BLAs could potentially create access issues, which can admittedly be problematic. This is an area where property owners need to take care not to create these situations, which are detrimental to the properties and parties involved. DCD review is not what is needed. Individual property owners involved in land disputes etc. and professional surveyors can easily prepare for these situations and remedy as needed at the time of recording or anytime after the fact. NOTE: Truly "land-locked" properties were not created by BLA. This issue is a red herring. * BLAs can impact properties crossing ROW, or other jurisdictional boundaries, so what? It is clear that DCD just wants more control. In this case, DCD wants control where they have no business being. Leave the BLA tool to Professional Surveyors. If enacted; A BLA ordinance will add additional layers of review (TIME AND EXPENSE), affecting property owners rights and ability to utilize what is currently a simple remedy. I see no real added benefit. While your at it; Quit flagging all properties that are non-conforming. Building Permits are getting pushed aside, while desperate property owners are forced to demonstrate that they have a right to build???? WTF?? Per Kitsap County Code 16.62.020.C: A lot is presumed to be a legal lot of record, but may be investigated by the department upon submittal of a building or other development permit. YOU GUYS NEED TO FIGURE OUT HOW TO START HELPING RESIDENTS GET BUILDING PERMITS. STOP LOOKING FOR WAYS TO HOLD PEOPLE BACK FROM PROGRESS.	10/9/2025 9:21 AM
Ron	THOMAS	As a Kitsap housebuilder, we have filed 3 BLA plots in the past following these suggested rules. Although, not coded, the surveyors provided interpretations of the state code. However, at this time I can see no reason to enact a code that does not include Kitsap code for recently enacted state legislation allowing UNIT LOT SUBDIVISION. I recommend defer this code update.	10/8/2025 1:42 PM
Berni	Kenworthy	In response to Draft KCC Chapter 16.04.xxx, Section C.2: While I recognize the importance of avoiding the creation of split-zoned parcels, there may be circumstances where such a configuration is both practical and appropriate. I recommend that this not be an outright prohibited adjustment but rather one that requires Director discretion.	

Name_First	Name_Last	Comment	Entry_DateSubmitted
David	Myhill	Keri, The biggest issue with adding review and costs to the Boundary Line Adjustment is resulting increase in cost and time involved. Currently, the vast majority of the BLA's performed by our office are for single family homeowners. The costs of recording two quit claim deeds, and the declaration often exceed the costs of survey work on a project. Many of these projects are undertaken to address title issues to facilitate sales or financing. Any additional delays will create real hardships for many of the citizens of our county. Homeowners are often shocked by how little rights that they have regarding their own property, and being told by their surveyor that resolving a boundary issue will take months and many thousands of dollars is difficult for them to hear. Once review is added, there are no limits to what improvements and concessions can be extracted by a reviewer, no limit to the costs that may be incurred and there is no known timeline. The costs and delays will encourage many to seek other remedies (quiet title actions, ignoring issues, etc). Currently, the BLA process tends to strengthen the cadaster. In my decades of experience in King, Pierce, and Snohomish Counties, BLA ordinances have increased costs and extended timelines while weakening the cadaster. As for developers, increased timelines resulting from review processes will increase housing costs and are antithetical to affordable housing. Many of my clients feel that Kitsap County already seems overwhelmed at times with the current review workload. Timelines matter because every delay means that the resulting homes are more expensive for the eventual buyer because there are direct costs. Even more significant is the impact of delays on the supply of housing. It is my opinion that any code changes should be carefully worded and implemented to reduce costs and not increase them. And perhaps even more critically, the code should be constructed to reduce or eliminate delays, or, at the least, provide a known timeline. For full disclosure, I believe that this code is unnecessary, and is fixing issues that are extremely rare, while creating new issues. If it must occur, then please consider the individual homeowner and the person looking for a home. These are the people most affected. Best regards, David Myhill, PLS	
Anthony	Augello	The current code should remain unchanged, because this is the way the RESIDENTS want it.	10/7/2025 4:05 PM
Rebecca	Stansbury	Will the government attempt to shrink my boundaries? Will Olalla maintain low density zone and protect that status?	10/7/2025 2:45 PM
Brett	Caswell	I don't think the DCD needs any additional work, the goal is to streamline the current workload, not add additional tasks which will further slow the current work throughput. Let's not introduce additional red tape to an already over burdened system. Tell me I'm wrong and why?	10/7/2025 2:34 PM

Name_First	Name_Last	Comment	Entry_DateSubmitted
Kevin	Biggs	As to section 16.04.xxx Section C.1 There should be no restriction on using tracts in BLA's, so long as it does not (a), create a new buildable lot from a tract, or (b), remove or alter the purpose and the tracts ability to provide that purpose. Prohibiting BLAs with vacated rights-of-way removes the ability of two parcels that are adjacent due to the vacation, from doing a BLA, this is unacceptable. It should say parcels comprised solely of vacated right of way to remove any confusion of the intent. E2. should read, All resulting properties comply with applicable zoning standards for total area, buildable site, and dimensions, except that the Director SHALL NOT deny a boundary line adjustment for an existing nonconforming property so long as its degree of nonconformance to applicable zoning standards is not increased and no nonconformace is create or increased on other properties. Nonconfomities apply to, but are not limited to, property size, setbacks, and dimensions. E7 should be struck entirely, the prohibition in sequential BLAs is based on the need to prevent having a process that avoids dealing with necessary infrastructure issues, sections E3, E6, E8, and E9 at a minimum, deal with this issue. This provision removes the state law provision that explicitly allows BLAs for owner convenience. If there is a situation where multiple BLAs and Segregations allow creating lots that meet all the zoning requirements, and meet all the provisions here, but allows the owner to do it over a multi year period, then it should be allowed. Otherwise it continues the trend of regulation that makes it only cost effective for companies or rich land owners. This would only be usable in areas with existing infrastructure and access, due to restrictions E3 and others. Additionally, a BLA cannot alter a plat, and having this portion in here erroneously implies that it does. When you do a BLA that moves a lot line over to include 5 feet of the neighboring lot, it does not change the underlying lot. F3. Why is this provision only required for property combinations? It should be applied to BLAs as well, or not at all. F4. Should state, "Mergers of unplatted lots result in new permanently-established properties...". As stated before, BLAs (including combinations or "lot line eliminations") cannot alter the underlying lot. By including this, you not only imply, but specifically state that BLAs can alter plats. If a lot is to be combined with another lot, if it is in a plat, it must be a plat alteration. If it is an aliquot part description, then the property combination should be fall under this provision. As to section 16.62.050 Section G MUST remain, otherwise the county would throw into doubt the legal status of every lot created by BLA prior to this? This sounds like a lot of potential lawsuits. Section 16.10.070 and section 21.02.080 Is there a reason someone that owns 6 or more abutting lots should not have the same legal rights as someone who only owns 5 or less? You would leave no outlet for anyone to do a BLA if they did own more than 5 if you leave in the prohibition to doing a series of BLAs. There is no rational for this prohibition. State law allows the adjustment of parcel boundaries as the owner desires, for their convenience, why remove this from owners of 6 or more lots?	10/7/2025 2:02 PM
Mark	Scott	Resultant boundary line adjustments should be reflected on the Kitsap Parcel Viewer within one year. My own lot had a boundary line adjustment recorded on 2008 -- 17 years ago -- which is not reflected on the Kitsap Parcel Viewer. In my case that added 1 review cycle for a Shoreline Exemption permit.	10/7/2025 1:33 PM

Attachments

Referenced in comment form – submitted via email

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Kitsap County Commissioners
614 Division St. MS - 4
Port Orchard, WA 98366

October 24, 2025

Re. Draft Boundary Line Adjustment Code

Dear Commissioners:

I am writing as a professional land surveyor, licenced in two states and federally certified by the Bureau of Land Management, to express my opposition to the proposed boundary line adjustment (BLA) code. Our firm has been preparing BLAs in both regulated and unregulated environments for the last 50 years. We have a longstanding reputation for being meticulous in our work and conducting it with utmost integrity.

Though many counties and municipalities have indeed assumed regulatory control of BLAs, they are doing so in flagrant disregard for our State's law regarding them. The statement on Community Development's web page notice, "State subdivision law does not apply to BLAs [RCW 58.17.040(6)], and counties regulate BLAs through their local codes" is technically correct, but it is also quite misleading.

RCW 58.17 is the core of our State's Platting and Subdivision law. Its opening Section (010) states its purpose:

> The legislature finds that the process by which land is divided is a matter of state concern and should be administered in a uniform manner by cities, towns, and counties throughout the state. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land . . .

Since its enactment in 1969, it has overwhelming had a positive impact on residential land development in our State. One of its central features was to assign the review and approval of higher density residential land subdivision to local jurisdictions.

When delegating that responsiblity to the counties and municipalities, it imposed various standards and limitations to which all local jurisdictions were obligated to comply. These included both process steps such as preliminary and final plat reviews and outcome stipulations, including public road dedications, surveying of the lot boundaries, etc.

When assigning subdivision review and approval to local jurisdictions, the legislature

also specifically exempted certain boundary mechanisms. In other words, they explicitly *excluded* them from local jurisdiction purview.

Among these exemptions is RCW 58.17.040 §6, which excludes BLAs from local review. It covers the following:

> A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

In the first twenty years following the Platting and Subdivision Act, local jurisdictions generally complied with the exemptions. Then, in the 1990s, a trend arose in the public planning sector, not to modify the State exemption, but to defy it–to unilaterally assume control of a process never delegated to them by the State. Their disdain of the rule of law was transparent when a number of jurisdictions began issuing BLA application forms and setting up rogue processes without even first getting local codes enacted to cover them. Bainbridge Island and Jefferson County were among them. Kitsap County DCD also created its own BLA forms during that period, and the effect was to mislead the public into thinking they were obligated to undergo a public review process.

During that period, we apprised our clients of the fact that local community development agencies were merely and falsely asserting jurisdiction where they had none, and we assisted them in completing the process autonomous of the feigned constraints. However, once a jurisdiction duly updates their development code, there is little practical recourse.

Thus, we've had the last thirty years to assist our clients through BLAs both in jurisdictions regulating them and those which do not. The contrast is a disgrace.

As a private process, to say a BLA might take a week, from commencement to recording with the Auditor, is generous. Unless involving a particularly challenging case with inherent complexity or defects, BLAs can be turned around in days, depending on the surveyor's schedule. With public agencies, they take months–and not two or three months.

For example, on September 13, 2024, our firm submitted an extremely simple and straightforward BLA to the City of Bainbridge Island. The approval was issued on January 21, 2025. What is the problem with a four-month public review turnaround?

First, like many BLAs, one of the properties in this case was up for sale. While the application languished in purgatory, the interest rates climbed substantially, nearly scuttling the transaction. And, had the BLA been ready to record in December, the parties' property taxes would have been paid up. Instead, at the time of recording, the Treasurer charges the full property taxes for both parties through the current year's end, so everyone was on the hook for the full 2025 property taxes.

What was the City's fee for this protracted review to make BLA's safe for Americans? $2,100.

Another example is a BLA we submitted to Jefferson County on May 27, 2022, again, a

very simple case. It was finally approved on March 8, 2023. Again, the new year arrived, tripping the additional property tax burden. It took so long, our elderly client died before seeing the approval. The County's fee for their application "services" was $1,450.58.

Both of the above cases are typical, the public review period of the first being on the relatively short side and the second being on the longer side. As is also typical, neither our clients nor the public gained anything with these public reviews. We could have easily completed either of these cases competently within weeks on our own rather than months, and our fees would have been significantly lower without public agency entanglement.

The above is strictly about cases that went smoothly–aside from the significant collateral problems the sluggish public sector pace precipitated. However, another reason for terminating this ill-conceived effort to regulate BLAs is the fact that public planning agencies are also botching them. Again, I offer you two examples.

The first involves Tax Lots 4143-000-004-0006 and 4143-000-005-0005, again, on Bainbridge Island.

Because this case involved a defective and ambiguous boundary, its resolution fit the criteria of RCW 58.04.001 covering boundary *agreements*. Even those jurisdictions having assumed authority to regulate BLAs generally acknowledge boundary agreements as remaining outside their purview (though rogue Jefferson County regulates both). We therefore planned to resolve this particular case with an agreement rather than an adjustment. However, one of the property owners had an active building permit application, and City staff interpretively and inappropriately imposed their adjustment process on the parties.

The application was submitted on April 26, 2012 and, remarkably, approved a "mere" two months later, on June 29. Yet here is where the alleged wisdom of public review falls apart.

The other party to this boundary was an estate, which had retained an attorney to represent it. Unbeknownst me, the attorney had replaced me as the application agent, so when the BLA was approved, I never heard about it.

It was only when I reinvestigated the case that I found the BLA had been recorded without my knowledge, under Auditor's File No. 201303270270. I don't expect anyone reading this to be able to follow a legal description in a BLA, but if you check this BLA against the Kitsap County Assessor's parcel map online, you will find that, though it was recorded over twelve years ago, the map does not reflect it.

The reason is not an oversight on the Assessor's part, but a gross blunder on the part of City of Bainbridge Island staff and the incompetent attorney who meddled in the case. Due to collective ignorance, no deeds were exchanged.

You see, the properly-crafted cover sheet of a BLA declaration bears a line reading, "*Please Note! This Document Does Not Convey Title!*" If a party owns both parcels involved in a BLA, no deeds are necessary, but if the adjoining properties have different owners, deeds must supplement the BLA declaration to transfer title. Instead, by a most elementary omission, the supposed shepherds of this case imposed a cloud on the

titles of both properties. The estate sold its property, inadvertently saddling the purchaser with the cloud, which remains to this day.

At least one similar case occurred in 2013 in Jefferson County. This one involved Tax Lots 970200001 and 970200002 in Shine, south of Port Ludlow. A BLA declaration was recorded under Jefferson County Auditor's File No. 579447. As with the Bainbridge case, no corresponding deeds were recorded, so the involved properties remain as though the BLA had never been recorded. When the defect came to light a couple years ago, a dispute ensued involving at least five attorneys which has yet to be fully resolved.

So, at best, public agency reviews of BLAs take far, far too long and, at worst, are thoroughly botched by the public agency staff members. Why is this?

Fundamentally it's because, not only are planners lacking the necessary training and expertise to navigate BLAs, but they are not even vaguely acquainted with the fundamental mechanisms and processes. Not only can most of them not read a legal description, many can barely read a map, unable to differentiate, for example, between what is approximated versus what is precise.

The application requirements are unnecessarily laden with an abundance of impertinent requirements. This seems designed merely to lend to planners an inflated sense of involvement and purpose, when all the extra forms and documentation are largely just a superfluous distraction.

By making the application and review process unnecessarily cumbersome, planning agencies are making much more work, not only for private consultants, but for their own staff members as well. The property owners and their consultants get frustrated, take it out on planning staff, and the result on the public side is very high staff turnover. This turnover is rapid enough and the processes slow enough that one planner often won't be available to complete a given application's full review. Instead of working with seasoned, well-informed planners, we too often end up shackled to a novice who can do nothing but slavishly follow a process that wasn't properly designed in the first place–likely by some almost equally clueless zealot.

The only professional equipped to properly craft and to review a boundary line adjustment is a licensed land surveyor. If State law did not already exclude BLAs from local review, then the only public agency staff member who should be reviewing them would be a a licensed land surveyor–and no one else other than the Assessor's segregation office. An agency or department having no a licensed land surveyor has no business meddling with what they don't understand.

Another issue is the overreach that inevitably occurs after a BLA ordinance takes effect.

For example, in many jurisdictions where BLAs come to be regulated, aggregations–the consolidation of adjoining parcels–come to be regulated as BLAs. Aggregations are not BLAs; they do not involve moving boundaries, but eliminating them. Assessors already have longstanding and legitimate mechanisms by which property owners can combine adjoining parcels, and no public agency review is necessary nor does it serve the public or the property owner.

Another example of overreach is confusion amongst public planners in differentiating boundary line *adjustments* from boundary *agreements*. Fundamentally, boundary line

adjustments entail moving a boundary or boundaries from one *known* location to another. Boundary *agreements* involve cases where a boundary ". . . cannot be identified from the existing public record, monuments, and landmarks, or is in dispute . . ." Boundaries can be obscured by ambiguous legal descriptions, conflicting legal descriptions, longstanding improvements not matching descriptions of record, etc. Planners are hardly equipped to differentiate, yet they will sometimes impose the adjustment process inappropriately–and, when they do, the property owners have little recourse.

Yet another iteration of this has become codified in Jefferson County, where their Planning & Community Development office has, without any authorization from the State, formally assumed regulatory control over boundary *agreements* as well as *adjustments*. Even if a boundary dispute is litigated, the court somehow has lost its authority to arbitrate without the blessing of Community Development.

This is not the first time a BLA regulatory ordinance has been proposed by Kitsap County Community Development. The last attempt failed for good reason–as should this ill-conceived effort. The reason so many local jurisdictions have enacted ordinances placing BLAs under the regulatory authority of the inept is due to lack of respect for State law and for the profession that understands the process. That hardly commends replicating such folly in our county.

Have abuses with BLA exploitation occurred under the present arrangement? Undoubtedly. However, Washington remains a caveat emptor state with regard to real property purchases. The sad reality is that considerable abuse with regard to real property has been at the hand of the public sector. One of its unintended consequences is the exodus of competent private sector land use professionals–architects, engineers and land surveyors.

Please consider the applicable expertise and limited tenure of those promoting this proposal and give it the disapproval it resoundingly deserves.

Thank you.

Sincerely,

Bruce MacLearnsberry, PLS, CFS

KITSAP PUBLIC
HEALTH DISTRICT

345 6th Street, Suite 300
Bremerton, WA 98337
360-728-2235

EMAILED TO CODEUPDATES@KITSAP.GOV

Ms. Keri Sallee
Senior Planner
Kitsap County Department of Community Development

RE: KITSAP COUNTY DRAFT BOUNDARY LINE ADJUSTMENT CODE

The Kitsap Public Health District (Health District) appreciates the opportunity to comment on the County's proposed boundary line adjustment (BLA) code. We offer the following comments based on the current draft:

- The draft code states that the director will review and approve a BLA if the application meets the listed criteria. For criteria #6, there are no standards listed to determine "adverse impacts" on water supply or septic systems. We would suggest that the standards that should be applied for that determination would be the requirements of the applicable Kitsap Public Health Board ordinance, either Kitsap Public Health Board Ordinance 2025-01 Onsite Sewage Systems and General Sewage Sanitation Regulations or Kitsap Public Health Board Ordinance 2018-01 Drinking Water Supply Regulations, both as amended.

- For criteria #10 the language "proposed to be served by onsite sewage disposal systems" should be removed. The Health District should review any BLA affecting a property that is already served by an onsite sewage system, private water supply, or Group B public water system. Additionally, the Health District should review any BLA for an undeveloped property that may be served by an onsite sewage system, private water supply, or Group B public water system. Due to a lack of clear locational criteria associated with either the existing infrastructure or potential future development that would utilize this infrastructure, it would be more consistent and provide a more thorough

review to simply require that every BLA receive Health District approval prior to director approval. This would address the concern related to criteria #6 as well.

Thank you for the opportunity to comment on the draft code, if you have any questions, I can be reached at (360) 728-2290 or john.kiess@kitsappublichealth.org.

Sincerely,

John Kiess
Environmental Health Director
Kitsap Public Health District

Draft BLA Comments
From Gary Chapman
12-5-25

A. Adjustments Prohibited.

1. Adjustments of tracts, easements, vacated rights-of-way, and tax title strips are not permitted. For the purposes of this section, "tax title strip" is a narrow, often unusable strip of land associated with a tax-foreclosed property, which may have been created by surveying or platting errors.

   This statement isn't necessary, it's overly restrictive to regular property owners trying to clean up these strips and should be struck from the code. I understand the purpose is to prevent the one time common practice of taking these strips of land and creating new building parcels. However, K.C. Code 16.62 Legal Lot Determination already specifically prohibits the use of these strips to create new building lots. Thus, any BLA reviewed by K.C. would reject a proposal based on 16.62. The problem with adding this to the BLA code is it restricts all remedies to clean up these old strips of land. Most of the time property owners on both sides of these strips work together to either vacate or purchase these. And almost 100% of the time Kitsap County can only transfer the ownership to one property owner not both. Usually the owners want to split the land, sometimes equally, sometimes not, and absorb these into their current parcel. By prohibiting these from the BLA there is no remedy to absorb or split the strips.

2. Adjustment of a property shall not be permitted where separate properties are on either side of a road or right of way as respectively defined in KCC chapters 16.10.290 and 17.110.

   I don't understand why this is in the code and what it could possibly be protecting or preventing. My only guess is the intent is to prevent the idea of roads or right of ways which split a parcel from being used two create separate parcels. It's important to understand the history here. There are hundreds of parcels which a road cut through the owner's property and from the time of statehood in 1889 to around 1990's these parcels were commonly considered split into two separate lots and were sold and built upon as separate. You can see it throughout the county's Assessor's maps. For those considered one parcel the owners simply never asked the Assessor's office for a separate parcel prior to the 1990's. Since around 1990 Kitsap County hasn't recognized a road as creating two parcels.

   The issue is there are a lot of parcels which have land on both sides of a road or right of way. Sometimes these are very small strips and other times these are pretty large areas. Either way if Kitsap County recognizes these as whole parcels, they are then contiguous, and the road cutting through these shouldn't restrict the ability to prepare a boundary line adjustment. In fact there are a number of times the owner lives on one side of the road and the neighbor on the opposite side of the road wants to purchase the unused portion so they can use the

otherwise useless land. If you include this in the ordinance the owners have now solution to allow one to absorb the unused land into the others parcel. It makes no sense. If you want to prevent the idea of roads creating two parcels, define it in the legal lot determination so it is clear to everyone, but don't create a situation where people have no remedy to adjust their boundaries.

E.2 2. All resulting properties comply with applicable zoning standards for total area, buildable site, and dimensions, except that the Director may allow a boundary line adjustment for an existing nonconforming property if its degree of nonconformance to applicable zoning standards is not increased and no nonconformance is created or increased on other properties. Nonconformities apply to, but are not limited to, property size, setbacks, and dimensions.

I can't figure out what this means and I have 34 years of surveying. Since this is so confusing it is open to misinterpretation. I suggest this be more clearly defined.

E.3 No new public roads or extensions of public infrastructure would be required solely to serve the adjusted properties.

Why is this in here? Kitsap County would require the cost of extension of any road or public infrastructure to be constructed at the owner's expense. This seems extremely limiting. If our project is in an urban zone and the owners need to do a BLA to facilitate future platting and part of this would involve extending the sewer or water system to their property, this statement prohibits this. What is this protecting? Let people extend the roads or facilities if needed.

7. Resultant parcels must have a building site and suitable access. No resultant property may be created that causes the need for, during subsequent development as defined in Chapter 17.110, an exception or variance to County development codes, including but not limited to Title 17 Zoning, Title 19 Critical Areas Ordinance, or Title 22 Shoreline Master Program. For protection of future buyers, the department will require recordation of a statement to this effect.

I am very concerned about the final sentence of this. Who is going to record the statement and what is the statement expected to say? After being in this industry for over 30 years I have seen DCD consistently change their minds or new staff re-interpret the code. There is no way I will ever record a statement essentially guaranteeing property owners DCD will accept the BLA in the future. I don't know anybody who will and I would seriously advise this not to happen. If DCD is volunteering to record a guarantee for future owners on the legality of the lot after the BLA I commend them. They certainly have never stood behind their own decisions in the past. If you leave this in the code I guarantee no surveyor will prepare a BLA in Kitsap County until it is removed.

9. Boundary line adjustments within a recorded plat are permissible provided that they do not modify dedications, roads, Access easements, notes, or other features shown on the face of the plat, or its recorded conditions, that would require a formal plat alteration.

I suggest adding the word Access to stay consistent with plat alterations. Kitsap County allows utility easements to be created or altered without a plat alteration, but access easements require an alteration.

12. None of the properties included in an approved boundary line adjustment may be further adjusted or altered within a period of five years unless a short plat or preliminary plat application is made for such property or properties.

I absolutely hate this requirement and feel it is unnecessary. I believe the intention of this is to limit the use of BLA's to circumvent the subdivision process. However, item 8 previously stated the BLA cannot be used to circumvent the subdivision process. Adding this statement severely limits real reasons for multiple BLA's within 5 years. I recently had a client who's property was long and had two neighbors along his border. There was a fence 10 feet south of his property line which had been maintained and document for over 50 years and they wanted to adjust the line to the existing fence. When we started the process we discovered one of the neighbors who were in their 80's hadn't paid their property taxes for 3 years totally over $15,000. They were shock realizing their mistake and as you can imagine due to their age had limited income to pay these. So the owner proceeded with a BLA with the other neighbor, the theory being he was willing to clean up the property and it's better to clean it up while they both agree then to wait and have this linger on and possibly never get resolved. The first neighbor eventually was able to pay the taxes owned and we were able to clean up that parcel with a second BLA.

There is no reason to keep this in the ordinance. If your fearful of developers using BLA's to circumvent the subdivision ordinance consider this: Item 8 already prohibits this from happening and the BLA review is going to take so much time and extensive money that it will be cheaper and faster to complete a formal subdivision than to do multiple BLA's reviewed by DCD. Simple economics will preclude this from happening.

F. The statement at the end. "Applicants are encouraged to be aware of the 'Declaration of Aggregation' program that the County Auditor provides."

What is the intention of this statement? Are you saying DCD will recognize a Declaration of Aggregation recorded in the Auditor's office?

I. Submittal Requirements Submittal requirements shall be specified in the BLA application guide and the submittal checklist and forms prepared by the Department.

This is extremely troublesome and deceptive. Why are the submittal requirements not listed? DCD is seeking to gain public input and support without revealing what the requirements for submittal will be. We don't know if there will be a $3,000 application fee, if title reports will be require, if wetland studies, geotechnical reports or even stormwater reports will be required. Will a surveyor be required to prepare the documents? Will a full survey be required? What will be required to be shown on the survey? Will the new lines be required to be staked on the ground? Will a Boundary Line Adjustment document need to be submitted for review? How about deeds? Will mortgage companies be required to approve and record partial re-conveyances?

DCD likes to spin affordable housing and protecting the public, but this code creates the opposite for both. We typically prepare a simple BLA for around $900. This code will easily push the cost for a simple BLA to $4-5,000. If additional consultants and reports are required the cost will balloon to $15-20,000 for their work and the additional survey and review times.

Also you have to consider each ordinance takes away the freedom of property owners. This ordinance is full of punishing and ridiculous restrictions which punish everyday real issues so DCD can collect revenue and control what people do with their property. DCD's real problem is they don't have a licensed land surveyor who is knowledgeable in property rights, land boundaries and property laws to review and support staff. The current staff are all young and inexperienced and don't understand anything about legal descriptions or property boundaries. Who is going to review these? I keep getting questions from DCD about our subdivision boundaries which state our work doesn't match the Assessor or our description doesn't match the Assessor. I have title guarantees of ownership and they don't understand the Assessor's work is for taxing purpose only and are not at the same level as a survey or title guarantees. Ignorance is rampant.

From: Ed Mullaney
To: Keri Sallee
Cc: Christine Rolfes
Subject: Proposed BLA code revision
Date: Wednesday, December 10, 2025 6:13:05 AM

Dear Keri

Thank you for the copy of the proposed BLA code modifications (dated 12/2/025)

Recommend that the add to Section E Review Criteria Item 9 - dealing with modifications that would alter, change or delete recorded plat conditions such as easement, roads or **other features.** be included in the adopted code revision currently under review.

Thank You for your efforts on update this code provision.

Ed Mullaney

Attachment D

Kitsap County Department of Community Development
619 Division St., 2nd Floor
Port Orchard, WA 98366

January 21, 2026

RE: Draft Boundary Line Adjustment Code

To: Mr. Scott Diener, Planning Manager

In review of the Draft Boundary Line Adjustment Code, I note a couple areas that should be modified to improve the requirements and language. Ultimately, these modifications would benefit the current and future citizens of Kitsap County.

First, the main reason to change your existing code is to come into compliance with court orders relating to buildable areas here in Washington State. City of Seattle v. Crispin and Hollywood Hill Neighbors v. King County are Washington lawsuits that have created legal obligations for all counties in Washington State, including Kitsap County, all to deal with adequate buildable area.

That said, there should a second category, not identified, with the allowance for developed parcels to perform Boundary Line Adjustments. This would be where the buildable area is already occupied on both properties (supposedly by a single home or building upon each property), potentially even non-conforming parcels should be allowed to adjust their property boundary to: better fit with the topography, site access or existing structure locations. Just because their buildable area has already been filled, should not restrict those property owners from adjusting their boundaries. Notes or certifications could be added to ensure code compliance regarding existing buildable area, access or zoning, should anything ever change. But the citizens should not be restricted, strictly because the property they own is already developed.

For Boundary Line Adjustment requirements, it should be required that property corners be set. Property corners should be set at all angle points of any new boundary location created as part of a Boundary Line Adjustment. This will eliminate future questions of location by the land owners, their neighbors and future surveyors. By setting property corners, a surveyor will need to comply with RCW 58.09 & WAC 332-130, thereby leaving

publicly documented evidence of the new boundary's actual location. Not just a legal description, which does not mean anything to 95% of the population. A string line between property corners, makes it hard for anyone to argue about the boundary line location.

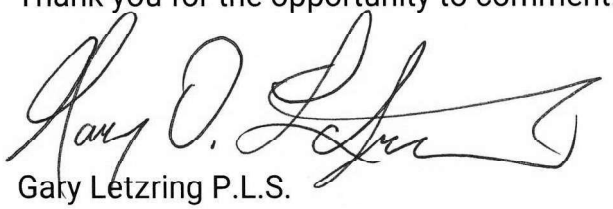
Also, it should be noted that property deeds will need to be exchanged between differing property owners. This is to place the Boundary Line Adjustment into the Title Records, which will be notice to future purchasers.

Additionally, Lot combinations should be separated entirely. Lot aggregation should be allowed on a reduced format, reduced review and fee. These should not be reviewed under the same criteria and cost of a Boundary Line Adjustment. A very simple Lot Combination is removing a separate tax parcel and buildable area. everything about them is different and not as demanding. Nor should a survey be required

Non-buildable tax title strips or tracts, and vacated right-of-way should be included as part of a parcel, where the land is able to be adjusted, just not to create a buildable property or new lot. Again, notes can be added to ensure compliance.

Zoning, urban growth area, overlays or jurisdictional boundaries, should not be a factor in performing a Boundary Line Adjustment. These lines were often created well after property settlement, and at times do not even follow property boundaries. The county should allow this somehow, and not create a strict prohibition.

Thank you for the opportunity to comment.



Gary Letzring P.L.S.
Urban Member of the Washington State Survey Advisory Board

Bob Morse, PLS
morsebob360@gmail.com
360-739-8189

January 21, 2026

Scott Diener
Planning Manager
Kitsap County
SDiener@kitsap.gov

Scott,

Up until recently I have been the Professional Land Surveyor for the City of Bellingham and am a current member of the DNR Survey Advisory Board. It has been drawn to my attention of the Kitsap County draft of their Boundary Line Adjustment Code dated 12/02/2025, currently open for public comments.

Upon reviewing the draft Boundary Line Adjustment Code, I have the following comments.

J. Recording and Signature Requirements

May I suggest, even though this is not a unified recognized requirement, that not only the survey exhibit be prepared by a licensed surveyor but also the newly prepared legal descriptions. The professional surveyor is by far the most qualified person to create legal descriptions. Not only would this ensure the legal descriptions correlate with the survey exhibit, but their expert knowledge would minimize any in-depth review by County staff, who might not have the necessary background to fully interpret the various terms and protocols used in legal descriptions.

As far as the one-year period is concerned to record all final documents with the County Auditor, I would recommend the time limit be greatly reduced. Too many negative factors could occur in the meantime. For example, change of ownership or addition of encumbrances. These examples would create a title defect, place a cloud on the title, and could result in costly legal action or document amendments.

Finally, not mentioned in your code is any requirement to have boundary corners set for the newly created adjusted line(s). Many jurisdictions, including the City of Bellingham, require this. This puts not only the owners, but the public on notice of the location of the new boundary(s). Upon a licensed surveyor setting the corners a required public record would be created with the Auditor's Office in the form of a Record of Survey.

Please take my comments into consideration as you finalize your code and protect the public.

Thank you,

Bob Morse

Bob Morse, PLS

Outlook

Boundary Line Adjustment Code - Comment Form - Concerned Citizen

From Kitsap County <notifications@cognitoforms.com>
Date Mon 12/15/2025 9:29 AM
To CodeUpdates <CodeUpdates@kitsap.gov>

Kitsap County

Boundary Line Adjustment Code - Comment Form

View full entry at CognitoForms.com.

Open Form

Entry Details

NAME	Concerned Citizen
ADDRESS	
PHONE	
EMAIL	
COMMENT	I am writing my opposition to the boundary line adjustment code, updated 12/02/2025, as it clearly harms future generations and residents and property owners. It will add significant government expense and review authority with zero public benefits.

Currently, private property owners in Kitsap County can, for their own convenience and at their own risk, adjust their boundaries per state law, such as by the following codes:
WAC 458-61A-109 (2)(a)(iv) Moving a property line to adjust property size and/or shape for owner convenience; and
WAC 458-61A-109 (2)(a)(v) Selling a small section of property to an adjacent property owner.

As proposed in the proposed Kitsap BLA code update, these currently convenient property rights afforded by state law will become prohibited privileges in Kitsap County. These new privileges would be reviewed by DCD under subjective and strict standards, which is costly and harmful to the Kitsap County residents at large.

I urge the commissioners to reject this proposed BLA code in its entirety.

Over the past decade, Kitsap County has purchased thousands and thousands of acres of rural private land, removing thousands of potential family homesites from potentially being built responsibly in our County, putting extreme economic pressure on the balance of rural private land, contributing to the homeless crisis, and limiting opportunities for future generations. Creating new subjective barriers to what would otherwise be developable private lots seems to be a misguided priority in the department.

FILE ATTACHMENTS

KITSAP ALLIANCE OF PROPERTY OWNERS

January 29, 2026

KITSAP COUNTY PLANNING COMMISION
619 Division Street MS – 38
Port Orchard, Washington 98366

SUBJECT: Opposition To The Proposed Ordinance To Regulate Boundary Line Adjustments

Honorable Commissioners:

Three times now in the last 35-38- years the Department of Community Development has proposed an ordinance to regulate Boundary Line Adjustments (BLAs). Those prior attempts (two) and now this one here in 2026 were and are now met with opposition. The primary reason being, the ordinance is unnecessary and just as important promulgates an application process having an associated cost with indefinite time frames for DCD staff to perform their application review. Aside from these two issues, there are several other problems with the proposed BLA ordinance (December 2nd, 2025 draft) that are discussed herein.

Specifically, KITSAP ALLIANCE OF PROPERTY OWNERS (KAPO) objects to the effort of Kitsap County to impose local regulations on Boundary Line Adjustments (BLAs). Our reasons are summarized as follows with more commentary following:

1. State law regulations are adequate to stipulate when and how a BLA can be created. These same regulations have been used in Kitsap County for more than 45-years.
2. The proposed ordinance fails to distinguish the alteration of a boundary to fix a problem such as a building discovered to cross a neighbor's property line and other related problems from the alteration of a boundary that might make better provisions for buildable lot area.
3. Time frames for how long it might take for DCD (or other involved departments) to process a BLA application are not specified in the proposed ordinance, in Kitsap County Code (KCC) Chapter 21.04.250.A or elsewhere in the Procedures Ordinance. Also, of concern is the lack of staff qualified to review BLAs.

4. Kitsap County assumes no responsibility for its role in the Zoning process which, failed to recognize or account for the thousands of prior divisions of land that have parcel sizes less than the minimum area requirement of the zone established. Consequently, with this proposed BLA ordinance the County is taking a dictatorial position that abridges the rights of land owners.
5. Kitsap County has failed to recognize that the objective of any proposed regulation is "to protect and maintain individual rights." Such mandate is derived from the Washington State's Constitution at Article I, Section I. Further, DCD staff has provided no evidence that land owners and citizens of the County played any role in the evaluation of the need for a BLA ordinance or in its construction.
6. Proliferation of regulatory measures has an adverse impact on land owners and the citizens of the County. The cost of housing affordable to all and possibly even posing barriers to population growth accommodation are concerns with new and expanded regulations.
7. Neither DCD or other Kitsap County officials have prepared any analysis of whether or not the County can afford to implement this new BLA ordinance regulation. There is most certainly a cost involved redounding to Kitsap County, but also there is a cost to the general public as well. Without a cost/benefit analysis, there are too many unknowns, not the least of which is the time delay required to approve a BLA application, which should be enough to void this proposed ordinance.
8. Lack of any evidence that DCD staff consulted with the Kitsap Association of Realtors, surveyors (several of which have long opposed a County ordinance providing for application review) and local attorney's who deal with boundary disputes and related issues in and outside of Superior Court.

The balance of this letter details the reasons why the KITSAP ALLIANCE OF PROPERTY OWNERS opposes adoption of a County Ordinance regulating BLAs is found in the following discussion of each of the eight points:

1. Washington State Revised Code of Washington (RCW) has provisions in 53.17.040(6) regulating BLAs. This section of law pertains to exemptions from platting requirements and reads as follows: *"6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;"*

Thus, pertinent to any assertions that BLAs create lots, that is simply not true.

2. There are many instances when a BLA is necessary to fix a problem created in a time when a property may not have been surveyed. For example, a house or garage may have encroached beyond a property line, this may be also problem affecting the location of a fence or even an access road. The simple way to resolve these situations is to adjust the common boundary. If the issue surfaces in a real estate sale transaction, the issue can be resolved within a week to two weeks with the aide of a licensed land surveyor. If there were to be an adopted BLA ordinance the on-two- week time frame would escalate into 6-9 – months or to over a year as is the case with such reviews in Pierce County. Clearly, either such wait times would kill a real estate transaction.
3. DCD staff has testified that BLA reviews would be processed as a Type I application. Type I applications require only DCD staff review and approval. According to the County's Procedures Ordinance KCC 21.04 and Subsection 250.A, any permit application whether Type I, Type II or Type III is to be processed within 120-days. Experience with DCD permit processing since May of 1998, shows that only building permit approvals (a Type I permit) have been issued in within this time frame. Keep in mind there is a whole division of DCD with qualified staff to review building permits. There are no qualified people in the balance of DCD to review BLAs. The person or persons with the required qualifications would be those with either a surveyor's licensed certification or perhaps someone who has worked for a surveyor's firm performing their duties but working under the license of the chief surveyor.
4. What Kitsap County cannot seem to reconcile with their claims that BLA's have been recorded that may have made nonconforming or unbuildable lots or parcels is that it is the County that adopted zoning lot sizes that completely ignore previous lot creation (under far less restrictive regulations). For example, there are literally thousands of lots in Rural – 5 Acre, Rural Protection 10-Acre and Rural Wooded Zoned areas that cannot meet the minimum lot size requirements of the zone applied by the County. Couple that fact with environmental regulations, which in some instances seem to make existing parcels so encumbered such that there are limited or no area for home sites. Thus, in many instances there is a need to adjust property lines to provide for buildable areas on the lots or parcels they own. The point is, property owners use BLAs as a way to mitigate the adverse effects of ill-conceived County zoning practices.

5. According to the Washington State Constitution Article I, Section 1 POLITICAL POWER. *All political power is inherent in the people and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights.* Unfortunately, Kitsap County has adopted the position that "government knows best" and the opinions of people and even critical critique of planned government activities get only a few lines in a public comment matrix. The fact is DCD staff is sole author of this proposed ordinance ordinance and not the people of Kitsap County, which goes along with the concept "government knows best," and the people are only consulted for comment. Sadly, there is abundant evidence the citizen commentary, especially those with opposition opinions, is/are ignored.

   What evidence has DCD staff brought forward showing that citizens from all parts of Kitsap County were part of a process to address this perceived need for new regulations for BLAs? The fact is there was no such group of citizens and there was no prior discussion (prior to the Planning Commission's Work Study) with the citizens of Kitsap County on the proposed ordinance. So, how is it that this ordinance and/or the ordinance development process "protects and maintains individual rights?

   Perhaps DCD staff might argue that the proposed ordinance has been posted on the Department of Community Development's portion of the County's website for several months last year (2025). As a result, citizens could have commented on its provisions there and all such comments received would be therefore summarized in a comment matrix. That response, if proffered, is witness to the fact that citizens only get to comment on proposed plans or legislation they do not get to have an involved role whereby the product is "derived from the consent of the governed.

6. Proliferation of regulations has an adverse impact on what citizens can do with their property. The proliferation of regulatory measures seldom bears any relationship with what works to build community or enable the people of Kitsap County to pursue their desired future land use structure. Since the advent of the Growth Management Act, the whole objective coming down from the State of Washington is the enforcement of "controls" to prevent property owners and the citizens of Kitsap County from creating the community they want.

What that has meant is a vast expansion of regulations, which enforce controls on what people can do, not just in the planning for the future, but how the citizens can use their property. While there are many examples that could be cited, the fact is that prior to 1998, Kitsap County's regulatory ordinances could have been printed in a one volume with about 300 – 400 pages (in total). That would account for 78-pages of zoning regulations, 120- pages of storm water regulations, a similar sized subdivision and short plat ordinance and 100-pages +/- of Shoreline Master Program. Between the early 1980s and 1998 with just these much less restrictive ordinances Kitsap County accommodated about 100,000 new people.

Since 1998, Kitsap's regulations have expanded to 1,500 – 2,000 pages (and counting) in those same four ordinances plus the Critical Areas Ordinance. Note, just the storm water regulations now fill two volumes with over 800-pages of control measures. * Correspondingly, the population increase over the last 28-years has added a little over half that 100,000 (about 59,000 new people). One could rightly question the fact that too many regulations thwart Kitsap County's Growth Management Act requirement to accept and provide for its share of the State's population increase.

Along with all of these new (and arguably unnecessary) regulations has come many adverse impacts on the landowner and potential home owners, among them is very high housing costs. Prices beyond what the median income household can afford. Part of the cost of a new home is the price paid for the land and that component of the home's value has increased 20x what building sites sold for in the 1980-1998 time period. Also, land development and building costs have risen substantially since 1998 and most, if not all of the price increases are attributable to regulation compliance.

- *There were no significant storm water design problems with the ordinance in effect prior to 2010. But the State Department of Ecology and Kitsap County decided that there was a need for triple the amount of design regulations and with that came a like cost increase for the end facility and the extension of the rules to be applicable to rural areas, where no significant problems existed.*

So, here we are with this proposed BLA ordinance seemingly adding only three-pages of new regulations. Noticeably, absent in these proposed relations is any discussion regarding the impact on property owners, the general citizenry, the future of Kitsap County's community or even the added cost to the price of a new home.

Also significant is the lack of a proportionality analysis. What is meant by that is an assessment of the instances over a 40-50 - year period wherein BLAs that were prepared and recorded in that time frame that proved to be noncompliant with State law. DCD staff has presented no such analysis. The point of such analysis is to show that while there may be some BLAs prepared and recorded outside the requirements of State Law (58.17.040(6) the instances of such are statically insignificant (the expected conclusion(s)).

7. DCD has not provided any information regarding the cost of ordinance implementation. In Point 3 above, the issue of time of application approval was address as being indeterminate despite the provisions of KCC 21.04.250.A. Also mentioned in that discussion is the lack of qualified staff to review and approve proposed BLAs. Not addressed is the question of whether Kitsap County could afford to "staff up" or "gear up" to implement BLA reviews in the Department.

   What is needed is a cost/benefit analysis to analyze whether or not Kitap County could afford to implement this ordinance. Reportedly, the County has indicated there is a short fall in revenues, one result of which is a hiring freeze that affects the Department of Community Development as well as other County departments. Aside from the direct costs Kitsap County might incur, there is the cost to the land owner, not just in application fees that would have to be paid, but the land owner's time involved is a cost to be reconciled and all such costs have to include the surveyor firm expenses preparing the application material. All of the cost data has to be weighed against any benefits there might be from this proposed ordinance.

   As is true for so many of the regulations Kitsap County has adopted or might be contemplating now or in the future, the County has no clue about what impact new regulations will have on the County's ability to implement a new ordinance. Until and unless Kitsap County is willing to take the time to address the fiscal impacts of ordinance implementation, it has no business adopting any new regulations.

8. Lack of involvement of the Real Estate Community, attorneys who represent clients in boundary disputes and surveyors who prepare the BLA documentation which is recorded for record in the Auditor's Office. While it may be true that DCD staff consulted with a surveyor in the draft of the proposed ordinance, there are several firms, in Kitsap County who have long opposed a County review process for BLAs for many of the reasons cited in this letter of opposition.

   Point No. 2 addressed above indicates that a Realtor's purchase and sale agreement could be voided by a protracted BLA application and review approval process. Where is the evidence the Kitsap Association of Realtors were contacted or involved in the construction of the proposed ordinance? Since attorneys undertake boundary conflict resolution cases, some of which are adjudicated in court, where is there documentation of the issues they face or what is concluded by a judge's decision?

For the foregoing reasons, KITSAP ALLIANCE OF PROPERTY OWNERS objects to any attempt of the County to adopt regulatory measures affecting how Boundary Line Adjustments are now prepared and recorded in the County Auditor's Office.

Respectfully submitted.

William M. Palmer, President
KITSAP ALLIANCE OF PROPERTY OWNERS

Encl: Proposed BLA Ordinance – December 2, 2025 Draft

PLANNING COMMISSION DRAFT

Boundary Line Adjustment Code
KCC Chapter 16.04.xxx

Revised: 12/02/2025

A. Purpose.

The purpose of this section is to provide an administrative process for reviewing and approving adjustments to property lines between abutting properties. Boundary line adjustments are intended to be used in accordance with the provisions of WAC 458-061A.109.

B. Applicability and Exemptions.

This chapter applies to boundary line adjustments between existing properties, including those involving mergers or aggregations. For the purposes of this section, "property" is a generic term that applies to all original or resulting lots, tracts, parcels, sites, or divisions; when a more specific term is used, the definition of that term in Chapter 16.10 shall apply. Boundary line agreements used solely to resolve boundary disputes consistent with RCW 58.04.007 are exempt from the provisions of this chapter.

C. Adjustments Prohibited.

1. Adjustments of tracts, easements, vacated rights-of-way, and tax title strips are not permitted. For the purposes of this section, "tax title strip" is a narrow, often unusable strip of land associated with a tax-foreclosed property, which may have been created by surveying or platting errors.
2. Adjustment of a property shall not be permitted where separate properties are on either side of a road or right of way as respectively defined in KCC chapters 16.10.290 and 17.110.
3. No boundary line adjustment shall result in a property that crosses a zoning district boundary, urban growth area boundary, overlay district, tidelands, or jurisdictional boundary.

D. Permit Type and Review Authority.

Applications for boundary line adjustments shall be processed as a ministerial Type I application under Chapter 21.04. The department director is authorized to review and approve, approve with conditions, or deny the application based on compliance with this chapter and other applicable county codes.

E. Review Criteria.

The Director shall approve a boundary line adjustment only if the following criteria are met:

1. No additional property, tract, parcel, or division results from the adjustment.
2. All resulting properties comply with applicable zoning standards for total area, buildable site, and dimensions, except that the Director may allow a boundary line adjustment for an existing nonconforming property if its degree of nonconformance to applicable zoning standards is not increased and no nonconformance is created or increased on other properties. Nonconformities apply to, but are not limited to, property size, setbacks, and dimensions.
3. No new public roads or extensions of public infrastructure would be required solely to serve the adjusted properties.
4. No conflicts with existing plat or permit conditions are created, and no existing plat or permit conditions are diminished, reduced, or eliminated.
5. All easements, access, and utilities are maintained or properly modified.
6. No adverse impacts on drainage, critical areas, water supply, septic systems, access, or utilities will result.
7. Resultant parcels must have a building site and suitable access. No resultant property may be created that causes the need for, during subsequent development as defined in Chapter 17.110, an exception or variance to County development codes, including but not limited to Title 17 Zoning, Title 19 Critical Areas Ordinance, or Title 22 Shoreline Master Program. For protection of future buyers, the department will require recordation of a statement to this effect.
8. The adjustment is not part of a concurrent or sequential series of ~~multiple proposed~~ adjustments which would result in the creation of additional lots, tracts, or building sites, or otherwise circumvent the subdivision regulations in Chapter 16.40~~, including but not limited to having the effect of altering a recorded plat~~.
9. Boundary line adjustments within a recorded plat are permissible provided that they do not modify dedications, roads, easements, notes, or other features shown on the face of the plat, or its recorded conditions, that would require a formal plat alteration.
10. The adjustment will not create a building site from or on tracts or easements.
11. Properties ~~proposed to be served by onsite sewage disposal systems~~ must be reviewed and approved by the Kitsap Public ~~County~~ Health District prior to director approval. Applicants must demonstrate compliance with applicable health and sanitation standards, including minimum separation distances between structures and wells, or between structures and septic primary or reserve areas, located both on the subject properties and nearby properties.
12. None of the properties included in an approved boundary line adjustment may be further adjusted or altered within a period of five years unless a short plat or preliminary plat application is made for such property or properties.

F. Property Combinations (Mergers).

Boundary line adjustments may be used to permanently merge or aggregate abutting properties under the following conditions:

1. Properties, before or after adjustments, may not be separated by a dedicated right-of-way.
2. Properties that do not individually meet current development standards may be combined to create a conforming lot.
3. ~~Following approval, revised legal descriptions and survey maps, prepared in accordance with state law, must be recorded with the County Auditor.~~
4. Mergers result in new permanently-established properties, which may only be subdivided in the future according to the requirements of Title 16.

Applicants are encouraged to be aware of the 'Declaration of Aggregation' program that the County Auditor provides.

G. Legal Lot Determination.

When a boundary line adjustment is proposed under this chapter, requirements for legal lot determination may be deemed satisfied if the lots to be adjusted were previously determined legal under Chapter 16.62, or if the adjustment resolves discrepancies discovered in the determination process.

H. Pre-Application Conference

Prior to submittal of an application for a boundary line adjustment, applicants are encouraged, but are not required, to schedule an hourly-rate meeting as provided in Section 21.04.120.

I. Submittal Requirements

Submittal requirements shall be specified in the BLA application guide and the submittal checklist and forms prepared by the Department.

J. Recording and Signature Requirements.

Within one year of approval of the application for a boundary line adjustment or a property combination (merger), the applicant is required to record all final documents with the County Auditor, including the survey map signed and stamped by the Surveyor, revised legal descriptions, and any deeds conveying property. Recording shall be at the expense of the applicant. The applicant shall obtain all required signatures prior to recording, including those of the County Auditor, County Treasurer, and Department director.

From: Anthony and Rebecca Augello <chipaugel77@gmail.com>
Sent: Friday, January 30, 2026 9:58 PM
To: Clara Jewell <CJewell@kitsap.gov>
Subject: Boundary Line Adjustment (BLA) Code Comments

To Whom It May Concern,

Regarding the upcoming meeting for the Boundary Line Adjustment Code, this email is for anyone in the decision making process to consider that all applicants for any BLA should have to pay nonrefundable fees. This would encourage any applicant to ensure due diligence is being performed in the research of any proposed boundary line adjustment and also because this is standard practice in Washington. Also, any neighbors adjacent to any proposed BLA (no matter how "small") should be notified so they have sufficient time to provide input regarding any such proposal. This is just common sense.

Sincerely,
Anthony C Augello
Port Orchard, WA

Comments on Kitap County Proposed
Boundary Line Adjustment Ordinance

I object to Kitsap Conty drafting a boundary line adjustment ordinance.

Which RCW takes precedence, when a survey does not coincide with existing fence lines and the contiguous existing parcels are already less than 5 acres in a rural area?

- RCW 7.28 RCW Fence lines existing 7 or 10 years define parcel lines or,
- RCW 36.70a Requirement to not make a parcel "more non-conforming."

Note: the average rural parcel in Kitsap County is 2 acres, while minimum rural parcel zoning is 5, 10 or 20 acres. Effectively, the average rural parcel is already "non-conforming."

I was faced with above issue in Jefferson County, WA, which had adopted an ordinance similar to the proposed Kitsap ordinance. I inherited a developed parcel in which the property line dissected the inherited house. Fence lines had been in existence for many years. Jefferson County prohibited my recording sale of the house with a mutually agreed boundary line adjustment between myself and the adjacent property owner using fence lines on the basis that changing the legal descriptions would make one of the contiguous non-conforming parcels more non-conforming. Resolution required my hiring an attorney so the Jefferson County Superior Court Judge could overrule Jefferson County's DCD.

Parcel lines are now commonly defined using GPS, which is based on magnetic north. The location of magnetic north is constantly changing Thus, all parcel lines are technically in a state of constant relocation, presenting opportunity for bureaucratic meddling.

I suggest the existing practice in Kitsap County offers no significant problem to be solved. Merely drafting an ordinance similar to other counties is not only of no perceived benefit, but it creates problems where none currently exist.

Adding just one more rule accomplishes nothing except to delay agreeing property owners, while showing no proven harm. No new parcels are created

Sincerely,

Michael Gustavson
(360) 271-8726
P.O. Box 1
Southworth, WA 98386
3379 Olympiad DR SE, Port Orchard. WA 98366