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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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

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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