Comprehensive Plan Final Draft Documents
Public Comments Received Through 9/24/2024

Date	Name	Email	Category	Sub Category	Comment	Attachment
8/8/2024	Ron Cleaver Jr.	ron@rdcjrengineering.com	Code	Tree Code	To whom it may concern, My two cents on trees in urban areas; We don't need any codes covering trees in urban areas. Tree protection policies directly impact housing and general development costs. And because they are spatially oriented, they affect costs directly and proportionately. If we were in the middle of a housing crisis, tree protection policies would be the first thing government agencies should dump to promote lower cost development.	
8/8/2024	Frances Sholl	fuguefran@hotmail.com	Code	Tree Code	Finally. Please be as aggressive as possible to keep trees already participating in our ecosystem. And lately construction areas appear to be retaining the site's soil. I hope what I've been seeing is a recognition of the value in this dirt.	
8/5/2024	Skokomish Tribe (Susan Devine)	sdevine@parametrix.com	Land Use Reclassification	Change of Request	Please see attached the revised property rezone request for Skokomish County parcels in South Kitsap County, WA, for consideration during the Comprehensive Plan Update.	LINK TO ATTACHMENT
8/23/2024	City of Port Orchard (Nicholas Bond)	nbond@portorchardwa.gov	Land Use Reclassification	Letter of Support	Eric, Please see the attached letter to supplement my previous letter concerning proposed UGA amendment #79. The previous letter is also attached for reference. I have copied Mark Goldberg on this email as he requested that I clarify Port Orchard's support for an alternate UM designation.	LINK TO ATTACHMENT
8/24/2024	Micah Stephenson	N/A (written comment)	General		See Attached	LINK TO ATTACHMENT
9/1/2024	J. Conrad Lampan	pastor@thehighway.us	Code	Exception to Min. Density	Dear Ms. Rolfes, Mr. Poff et al, We received the information below regarding the final draft for the Comprehensive Plan. Thank you. We check the information, draft/s, etc., however, although we see many changes related to the policies the County wishes to apply, we failed to see any modification or update with regard with title 17.105.010 Director authority to issue administrative decisions, which has been the roadblock to our church needs. In fact the above mentioned title/section does not even appear in the drafts or final drafts, which make us think that the modification/update to the exceptions might actually have not been considered at all. I would like to request if you could respond and tell us if we can expect said title to be modified, as we suggested and requested, simply because without that, any other update modification will not even apply to our situation, as explained repeatedly in writing and in person. In reality, the update to density requirements further complicate our church situation, and needs. We then request that you please tell us, in no uncertain terms if the wording "except density" remains unchanged in Title 17.105.010 Director authority to issue administrative decisions, or if it will be changed to reflect flexibility in special cases like the one we presented to the Board of Commissioners.	

9/5/2024	Cagdas Dirik	cagdasdirik@protonmail.com	General		Hi, I am a resident from Indianola WA and I have been going through the Comprehensive Draft Plan. I would like to get access to population estimates since the plan is calling for accommodating growth through increased multifamily and attached housing in new and existing urban neighborhoods and promotion of dense multifamily housing in Silverdale, Kingston, and the McWilliams areas. Could you please point me data which justifies the growth estimates? Population estimates have been discussed within North Kitsap School District - both for 2023 Bond and 2024 Levy. Surprisingly North Kitsap School District's population studies estimates reduced student population - opposite of what the comprehensive plan is projecting. Also I cannot find projected impact on schools, police force, fire department needs, and public health services. Could you please guide me to the relevant section of the report addressing community impact of this projected growth? Thank you.	
9/6/2024	Clinton Bergeron	goldleaf2005@gmail.com	Code	Tree Code	I am upset that this Tree Canopy Requirement (Zoning #17.495) was adopted by Kitsap County. I own 2.5 acres off of Illahee Road and have been working for five years to get an SDAP. My plan was to build 14 houses there, but it's been so long without approval to move forward that my financial situation has changed. Between this project and another one, that is on year 3 with no SDAP, the county has basically put me out of business. Now I am learning that after five years and hundreds of thousands of dollars spent that the county has devalued my property with this ordnance. I am trying to sell the property to a larger builder and they are baulking at the Tree Canopy Requirements. I have heard that the KBA (who I used to be a member of) has also voiced their objection to this ordnance. Please, Please, Please vote to remove this Tree Canopy Requirements. Please email me back so I know all three of the commissioners got my email. Thanks	

9/12/2024	David Smith	smithhouse4@comcast.net	Code	Open Space / PBD	Ian and all, The open space requirements in the attached comp. plan draft need further revision as follows: GENERAL OPEN SPACE: Current County code requires 15% open space of the gross area of the property to be developed, not including critical areas and their buffers. However, the attached draft states that open space can include critical areas and their buffers. I suggest the following revisions to clarify the 15% open space requirement. 1. 15% open space should be based upon only the net "buildable area" of the property and the remaining property can be required to be in a dedicated conservation easement. This is a necessary requirement for properties that have substantial critical areas and associated buffers as 15% of the gross area for open space will substantially reduce the buildable area if all of the 15% open space must be located in the buildable area. 2. 5% required "recreational" area of the open space should also be based upon the net buildable area and not 5% of the gross area of the property for the same reasons as stated above.	
9/12/2024	Beverly Parsons	beverlyaparsons@gmail.com	General	Vision Statement	See Attached	LINK TO ATTACHMENT
9/16/2024	Ed Mullaney	edmullaney@ymail.com	Code	Tree Code	I am writing this as a public member. In the last Comp Plan update released last month include a draft of tree canopy regulations tos Chapter 17.495 of Title 17 - Zoning. I take take exception to the proposed revisions to Section 17.495.050 "Replacement Tree Specifications" which article C.3.b is deleted . This article as was written, identified acceptable native species tree to be used as replacement trees. Article C.3.b as revised, provides for non-native replacement trees up to 35% of the total replacement trees UNLESS approved by the Director. This places the review process as an administrative decision without any public review or comments. This should not be the case for such critical decision affecting our environment. The effort of replacement trees should include the native species trees as was identified as Section 17.495.000 "Tree Species Selections" and this Section be included in the final draft.	
9/17/2024	Jered DelPalacio	thegenxpro@yahoo.com	General		Dear county officials, Please stop allowing development without building futured infrastructure first. We do not have wide enough roads, not enough gas stations, not enough grocery stores, and a shortage of high schools in port orchard. Additionally I am against the tax payer fitting the bill for infrastructure, that is the responsibility of builder for all the apartments and houses being developed. Rezoning will be detrimental to the health of the city of Port Orchard.	

9/19/2024	Rhonda Peacock	shorelinelinesolutions@gmail.com	Code	Shoreline Master Program - Cable Lifts	Hello Planners! We are experiencing a complete road block in obtaining a permit to construct a cable lift for our client in Kitsap County. Currently, the SMP does not include cable lifts. DCD has been applying the code for permitting trams to cable lifts: 22.400.120 Vegetation conservation buffers. D. Other Uses and Modifications in Vegetation Conservation Buffers. d. Trams. Trams may be permitted, subject to the permitting requirements of Chapter 22.500. Trams are not considered appurtenances under this section. They are prohibited in the aquatic and natural shoreline environment designations. The following development standards apply: i. Tram landings may not exceed one hundred square feet each. ii. The width of a clearing for a tram shall be a maximum of five feet on either side of the tram, with a maximum clearing corridor of fifteen feet. iii. The installation of a tram shall be limited only to geologically hazardous areas as defined in Chapter 19.400 and subject to “special studies” as outlined in Section 22.700.120. iv. Mitigation sequencing must be used to avoid, minimize, and compensate for any impacts; enhancement of shoreline buffer vegetation will be required. See Section 22.700.140, Shoreline mitigation plan, for guidance on minimum submittal requirements. This code has sufficed when the cable lift platforms have met the 100 square feet requirement. However, not all cable lift platforms can be designed safely to fall within these parameters. Our applicant, James & Judy Childs (parcel 32701-2-025-202; 21-05341 SSDP) has a high bluff property and engineered safety parameters require the upper anchor structure be larger than 100 square feet. After meetings with Kitsap County planners the determination was the only way to move forward with cable lift projects where the structure is larger than 100 square feet is to change the code to allow cable lifts to be categorized as an exemption. After careful consideration, we believe the only way through this dilemma is to have cable lifts classified in the code independently from trams. Currently, there is no classification for cable lifts in the SMP. There is a distinction between track trams and cable lifts: Track trams are supported on rails which have many intermediate supports along the slope. The landings for a track tram are typically free standing and don't provide foundation to the tracks, and therefore can be much smaller. Cable lifts are supported on steel wire ropes suspended above the slope, and only have two foundation points, one at the top and one at the bottom. At the upper end, cantilevered beams are required for clearance over the slope and the structure required to support that cantilever ends up being about 31' long. While the upper landing can end up being bigger than the currently allowed 100sq ft, a cable lift is much less impactful on the slope than a track lift or a stairway in that there is no impact on the slope. This being said, we would like to propose a new classification be created defining cable lifts, and suggest the parameters for the upper landing platform be allowed up to 200 sq ft within the vegetation conservation buffer.	
9/19/2024	Kelly Roberts	kdroberts17@gmail.com	Code	Lighting Code	Hello, Commissioners. I know it's coming down to the end days of the Comprehensive Plan, and for over 2 1/2 years I have been trying to get the lighting standards updated. I have been keeping tabs on the drafted revisions, and when I went to the Open House last week they were still as they have been for weeks, which is fine. However, to make the new language measurable, there needs to be an addition of numerical value by which to actually measure illumination. While the newer language is better, please consider having the DCD add a measurement of "no more than 2700K" to the revisions. Another part of the language uses the word "adjoining" when mentioning where light should NOT shine, but technically, in our communities, we are not flat and grid-like, and as such light will go where it can stray which is far beyond two properties that share a common boundary line. Please also consider having the DCD change the word "adjoining" to the word "surrounding" in the language. I appreciate your time and consideration, and thank you for all you do to serve our county.	

9/23/2024	Anthony and Rebecca Augello	chipaugel77@gmail.com	General	Concern with growth	Hopefully, you are listening to the residents who have been urging you to not allow yourselves to be influenced by a handful of developers, whose self interests do not have Kitsap County as a whole in mind with their development intentions. It is also clear that the overwhelming majority of residents do not support the ongoing urban sprawl that has already contributed to the deterioration of Kitsap, including the wildlife habitats, adequate buffer zones, and road infrastructure. In your final decision for the comprehensive plan, it is important to primarily take into account what has made Kitsap County unique in the first place, and the main reason why residents (and tourists alike) are drawn to the area. Once the wildlife and natural beauty of the area are removed, you cannot reverse it. The push for added development and growth have occurred mostly from poor government decision making and lack of true leadership rather than from actual demand for housing, and the residents are painfully aware of this. SEPA and the GMA were implemented to prevent irresponsible development, and Kitsap County leaders have allowed codes and regulations to be compromised and manipulated. This needs to come to an end, or Kitsap County will suffer the same negative consequences that other counties around Puget Sound (ie. King and Snohomish County) have suffered from subsidized development which will only eventually lead to poorly maintained neighborhoods and dangerous pockets of high crime. Hopefully, the leadership of Kitsap County has insight from mistakes that have been made over and over again by local governments when they allow such corruption to happen. Again, let's not forget what makes Kitsap County unique, that is its natural beauty and wildlife. What is better, tourism or subsidized projects that cannot be sustained long-term due to no true economic support for the development in the first place? As residents have pointed out in public meetings, the population forecast for Kitsap appears to be significantly exaggerated. This is supported by the fact that Kitsap County does not even have people applying for vacant job postings. The infrastructure has already been pushed to its limits. Eric Baker had stated that Kitsap County needs to have the additional apartments due to Governor Inslee's orders. This statement is not true, as exceptions definitely can be made when they have an adverse environmental impact on the area and even potentially violate current laws and regulations, including SEPA and GMA. Online, it's plain to see tourism is a major economic factor for Kitsap County, from sites such as Discover Kitsap, Visit Kitsap, and the Kitsap Economic Development Alliance. What has taken place over the past decade here has been appalling. The proposed mushrooming of more urban sprawl needs to come to an end. Enough is enough.	
9/24/2024	Kevin Biggs	kevin@nxnwsurveying.com	Code	BLA	I would like to request that todays changes to Title 16 section G be tabled for a seperate process to allow local surveyors to weigh in on the subject. As it stands, the proposed changes would likely prohibit many otherwise legal BLAs. The public should be allowed to benefit from the input of surveyors in our community that deal with BLAs on a regular basis. The county staff could benefit as well, the input from such a diverse group can help highlight pitfalls that otherwise are not so obvious.	

					As a licensed professional Land Surveyor we are imploring you to strike the draft change to the definition of a boundary line adjustment from the comprehensive plan. This draft was thrown into the latest rendition without the opportunity for peer review or public comment. The draft is extremely poorly written and fraught with misuse and misinterpretation of terminology and principles of property boundaries which will only cause complete shutdown of any person's ability to change a property line for a large number of legitimate reasons. This language was clearly written by someone who has no knowledge of how to determine property boundaries, property ownership and no knowledge of the difference between fee title and easements or right of ways. The State of Washington only recognizes our court systems and land surveyors licensed by the state to make boundary determinations. The language in this definition fails to understand the basic 101 principles of property boundaries and clearly has not been written by either. I am imploring you to strike this from the changes to the compressive plan until this can be fully vetted by professionals who are licensed to make boundary determinations. Clearly the author of this definition is trying to prevent small strips of land, typically tax title, from creating larger building lots. Decades ago this was a common practice, however this was stopped long ago and was codified in Title 16.62, Legal Lot Determination. In fact most of the items listed in this change have already been codified under title 16.62 and there is no need to amend the current definition. The author further thinks it's possible to do the same with right of ways, vacated right of ways and easements. This is where the author shows they have zero understanding of the basic principles of land boundaries, ownershfee title and permissive use. The author fails to understand these items are not property boundaries, they are permissive use over another person's land. The land within these is still owned by the adjoining property owners. Changing an easement does not change a boundary. Changing a boundary does not change an easement. There is no possible way to take any of these items to create new lots. Yet, there are hundreds of real life scenarios where people want to BLA legally created land involving these. Here are some examples. Two neighbors agree to vacate an old county right of way between them but one land owner needs all of the right of way area. Kitsap County vacates the right of way and they both get the clear title of the land to the centerline. Afterwards they need to do a BLA to move the property line so one neighbor gets all of the right of way. This definition would prevent this. Similar to a tax title strip, two adjoining property owners, both legal lots, go together to buy a tax title strip. Afterwards they want to add the land to their lots, this prevents this from happening. The same goes on and on for land such as open space. We prepared a boundary line adjustment to private open space and the adjoining lot owners because they had cleared and encroached into the open space. They set aside other land which was undisturbed to compensate for the change. This definition would prevent this. These definitions flat out tells people no to any BLA with no solution to amending these for the public good. Adding this language at the very last minute is completely shady and is an attempt at DCD to subvert the opportunity for public comment and review by those who are authorized by the state to make these decisions. This is clearly an money grab situation for DCD to require a permit review process to further fund their budget. It's completely outrageous for DCD to even think they are qualified to make these determinations when they do not have a licenses surveyor on staff. If they did a surveyor that person would have corrected falsehoods which the code is clearly based.	

Tim Trohimovich (futurewise)	9/24/2024	Tim@futurewise.org	General		We understand that the Planning Commission is holding a public hearing today on the 2024 Comprehensive Plan Update Preliminary Alternatives Development. Futurewise continues to support Alternative 2, the Planning Commission recommendation, without the proposed urban growth area expansions and with some additional features. This alternative is more likely to reduce greenhouse gas pollution, allow more affordable and middle-income housing, and to be affordable to taxpayers and ratepayers. The additional features include incorporate additional upzones within the existing urban growth areas to eliminate the need for UGA expansions and to provide for more affordable low- and mid-rise wood frame housing types. This will provide for more affordable housing and save taxpayers and ratepayers money. The comprehensive plan alternative needs to reduce rural growth rates over time to achieve the Regional Growth Strategy rural population growth target of eight percent of the county's total population growth. This will save taxpayers and ratepayers money, reduce adverse effects on the environment, and reduce the adverse impacts of natural hazards. The comprehensive plan alternative must reduce greenhouse gas pollution consistent with VISION 2050. This will reduce adverse impacts on water supplies, fish and wildlife habitat, flooding, and the environment.	
Berni Kenworthy	9/24/2024	berni.kenworthy@axislandconsulting.com	Code	BLA	See Attached	LINK TO ATTACHMENT
Berni Kenworthy	9/24/2024	berni.kenworthy@axislandconsulting.com	Code	Various Code	See Attached	LINK TO ATTACHMENT
Gary Letzring	9/24/2024	Garyl@sittshill.com	Code	BLA	In review of the proposed changes to Title 16 – regarding a Boundary Line Adjustment, I would encourage you to review the attached Boundary Line Adjustment Model Ordinance. This document was created by the Washington State DNR Survey Advisory Board, and they have been recommending this Model Ordinance for several years now to municipalities and communities that do not have an ordinance already (or need to modify an existing). This BLA Model Ordinance has been reviewed by numerus Planning departments, Auditor's, Attorneys and Professional Land Surveyors and provides what the SAB feels as the minimum basic items needed for a Boundary Line Adjustment and compliance with state law. I would encourage your review of the attached BLA Model Ordinance prior to making any decision, as the document was created specifically for this purpose. Literally, hundreds and hundreds of hours have gone into the making of the document. Having recorded a few Boundary Line Adjustments in Kitsap County myself, a change is definitely needed. But the current proposed language seems haphazard and I don't think this will do what is actually needed or desired for County Planning and the Public. If you have any questions, please do not hesitate to reach out to the DNR Public Land Survey Office, your county surveyor Ken Swindaman, the Washington State Survey Advisory Board or myself.	LINK TO ATTACHMENT

David Myhill	9/24/2024	dmyhill@nlolson.com	Code	BLA	I have been made aware of the attached proposed changes to Title 16.04.050(G) and am offering the following as a comment on that draft: I have extensive experience with Boundary Line Adjustments in Kitsap, King, Snohomish, and Pierce Counties. I have both prepared them and followed along in their footsteps years after they have been recorded. I can state with authority that there is no crisis in the quality and nature of Boundary Line Adjustments in Kitsap County. With that statement in mind, I do recognize that there are occasional circumstances where it might benefit the county to have a mechanism for review and comment on a boundary line adjustment. I am concerned that the proposed response to a very rare scenario, as written, will adversely affect the people of this county with undue regulations, greatly increased costs, and less access to affordable housing. Please consider this email as my comment. I request that the council pause the implementation of this draft until the proposed change can benefit from a thorough comment period. I would offer my own time and services on an advisory committee if that would be helpful. I believe that we could greatly improve the quality of the proposed rule, and thereby benefit the people of the county. Please consider my comments and my request for an extension of the comment period.	
Ed Coviello (Kitsap Transit)	9/24/2024	edwardc@kitsaptransit.com	General	Park and RideImpact Fee	I would like to comment about the $2,542.76 per stall impact for park and ride lots. Kitsap Transit would like the County to consider reducing the amount or eliminating the fee. We fee this fee is not supportive of smart growth principles and may impact our ability to improve transit access in both urban and rural zones.	
Linda Fischer	9/24/2024	LLpetunia14@wavecable.com	General	Concern with growth	Kitsap County's Comprehensive Plan includes a 20-year blueprint for local policies, planning and capital facility investment. However, The Kitsap County Comprehensive plan does not consider the a cause and effect analysis and financial impacts on existing tax payers. But most importantly is does not support an environmental stewardship of our surrounding living systems of trees, plants, soils, ponds, lakes, birds and fish. KITSAP COUNTY IS WHERE OTHERS COME TO VACATION The comprehensive plan completely focuses solely on population and economic growth targets. There is no environmental advocacy efforts defined to protect our surrounding living systems. The Kitsap County Comprehensive plan does not address the three key elements of sustainability as it relates to existing landowners, economy and the environment. Economic sustainability is about making decisions that are in the long-term interest of the existing cities and towns. However, the plan does not establish sustainability goals and restrictions to maintain a more livable future protecting our environment within those cities and towns. This is critical if the 2024 Comprehensive Plan is for the next 20 years of population and economic growth. That said, I submit to the Planning Commission Public Hearing the following: The comprehensive plan mandates increases in population and economic growth that will have long lasting impacts. These targets most likely will be met with zoning changes. Here are some concerns I would like to submit: 1. Changes to zoning means further impacts to an already poor ferry service 2. Changes to zoning means increased traffic & costs in roadway & bridge infrastructure 3. Changes to zoning means increased costs for new sewer/infrastructure & utilities. 4. Changes to zoning means increased need for water and depletion of the aquifer. 5. Changes to zoning means the overall costs of living will rise for those currently living here. And at the same time will increase HOUSING COSTS! 6. Finally to entice Developers & Builders to build low cost affordable housing in Kitsap County, what the county has previously done was to waive impact fees. This means the costs for road improvements have been borne by the current landowners in higher taxes. This needs to be addressed specifically within the plan for each proposed zoning change.	

					7. The comprehensive plan does not include CAUSE and EFFECT. - meaning there is NO direct relationship between an action or event or plan and its consequence or result or outcome. When the State Planning Commission is planning 20 years ahead, consequences are conveniently left to chance - as in the case of the aquifer on Bainbridge Island and other areas within Kitsap County. The availability of fresh water is vital to the basic needs of the people who live here in Kitsap County. The Comprehensive plan DOES NOT quantify the ground water recharge rate of the Kitsap aquifer. I would guess in recent years, the pumping of groundwater through wells combined with the drought, has caused underground aquifer to permanently lose essential storage capacity throughout the Kitsap peninsula. But I don't know that for sure, but I would think that would be a critical component within any comprehensive plan that is focused on population growth. 8. Finally, simply tell us where the water will be coming from and how much will be required in the 20 year plan.	
Beverly Parson (submitted at Planning Commission Hearing)	9/24/2024		General		See Attached	LINK TO ATTACHMENT
Martha Burke (submitted at Planning Commission Hearing)	9/24/2024		General		See Attached	LINK TO ATTACHMENT
Gary Chapman (submitted at Planning Commission Hearing)	9/24/2024		Code	BLA	See Attached	LINK TO ATTACHMENT

Skokomish Indian Tribe
Tribal Center (360) 426-4232
N. 80 Tribal Center Road FAX (360) 877-5943 Skokomish Nation, WA 98584

August 5, 2024

Kitsap County Commissioners
614 Division St. MS-4
Port Orchard, WA 98366
Emailed request to: kitsapcommissioners@kitsap.gov; compplan@kitsap.gov

Re: Kitsap County Comprehensive Plan Update –Revised Request for Property Reclassification & Urban Growth Area Designation for Skokomish Indian Tribe Properties

Dear Kitsap County Commissioners,

The Skokomish Tribe is submitting a revised rezone request for parcels **152301-4-014-1009** and **152301-4-013-1000,** from their current designation as "Rural Reserve" to "Industrial." This request is consistent with surrounding and adjacent parcels, as well as the Kitsap County staff recommendation to reclassify Rural Reserve properties to the north of the Skokomish parcels. The Skokomish parcels front onto SR 3, adjacent to planned growth within the Puget Sound Industrial Center, the City of Bremerton Urban Growth Area (UGA), and the Port of Bremerton. As part of the rezone, and consistent with staff recommendations for the parcels immediately north of the Skokomish parcels, the Tribe is requesting inclusion within the City of Bremerton UGA.

1. Land use compatibility

- Subject parcels are located at the node where the existing SR 3 mainline will divert to become the SR 3 Freight Corridor, with a WDSOT-approved roundabout intersection serving both to provide access to the parcels but also as a key element of future regional travel.
- Adjacent parcels, also north of SR 3 and currently zoned Rural Reserve, are proposed for Industrial zoning with the Comprehensive Plan Update, as recommended by staff and Planning Commission. Although this adjacent area is zoned Rural Reserve, it is actively being used for industrial type purposes (see inset photo). Rezoning of the subject properties and inclusion with the Urban Growth Area would be compatible with the future adjacent industrial zone and would create a more cohesive boundary for the amended UGA.
- The subject parcels are contiguous to the UGA and the PSIC in the current Comp Plan.

2. Planned infrastructure investment and expansion

- This request is consistent with the Kitsap County capital facilities planning being done in conjunction with the Comprehensive Plan update.
- The City of Bremerton, Mason County, and WSDOT are all actively planning for development in this area, with intent to build additional infrastructure to support increased demand resulting from the development of PSIC.
- Immediately in front of the subject parcels, there will be access to all urban services, including roads, water, and sewer. Forcing the properties to stay in Rural Reserve is out of alignment with the planned and funded improvements already coming to this area.

3. Compatibility with Kitsap County Comprehensive Plan Environmental Review

- The Tribe has protected these lands within their usual and accustomed areas since time immemorial and takes the role of stewardship very seriously.
- All high value wetlands on property will be protected beyond what is required by federal law, resulting in preservation of nearly 1/3 the total acreage, meaning the "Rural Protection" intent of the parcel stays intact while developable areas are pushed toward the existing highway and existing infrastructure availability.
- The reclassification of the property to Industrial would not result in any new unique or substantially more severe environmental effects beyond those currently addressed by the Draft Environmental Impact Statement (DEIS) for the Comprehensive Plan Update. Alternative 3 of the DEIS assumes the reclassification of the site to Commercial Use. The proposed change from "Commercial" to "Industrial" would result in a similar potential for environmental effects, and certain impacts associated with traffic generation may be less under the Industrial designation.

4. Jurisdictional Support/Awareness

Through meetings and opportunities for consultation, the Tribe has actively worked with the following agencies:

- WSDOT – approved access break and intersection PFA
- City of Bremerton – Presentations to staff and elected officials
- Port of Bremerton – Presentations to staff and elected officials
- Mason County

We appreciate the County's careful consideration of the Skokomish Tribe's request for redesignation of the subject properties as "Industrial," and inclusion within the Urban Growth Area. Please do not hesitate to contact us should you require additional information. I may be called at 360.490.8959 during regular business hours to discuss the Tribe's request. I may also be contacted by email at elees@skokomish.org.

Very Truly Yours,

Charles Miller, Chairman
Skokomish Indian Tribe and S.I.T.E., Inc.

August 22, 2024

Kitsap County Administrator
Attn: Eric Baker
614 Division Street MS-4
Port Orchard, WA 98366

RE: Kitsap County Comprehensive Plan 2024 Periodic Update – Tax Parcel 052301-1-030-2005

Mr. Baker,

We recently met with Mark Goldberg of MBG Co. about Tax Parcel 052301-1-030-2005 which abuts Port Orchard to the South and Bremerton to the east. This property was previously identified as UGA Amendment #79 as part of the 2024 Kitsap County Comprehensive Plan Periodic Update. While the City of Port Orchard previously offered its support of this proposed amendment on the basis of the proposed UL designation, we now understand that Mr. Goldberg is seeking a UM residential designation so that he could construct middle housing types in this location. The City of Port Orchard believes that either a UL or UM designation would be appropriate at this location and that this inclusion of this property in the UGA would create a logical and regular boundary with regard to the topography and critical areas in that location. A UM designation would provide opportunities for more affordable housing types in an area that generally lacks these housing types. Port Orchard remains willing to have this parcel associated with its UGA to allow for future annexation.

Thank you for the opportunity to comment.

Sincerely,

Nicholas Bond

Nicholas Bond, AICP
City Development Director

February 23, 2024

Kitsap County Administrator
Attn: Eric Baker
614 Division Street MS-4
Port Orchard, WA 98366

RE: Kitsap County Comprehensive Plan 2024 Periodic Update

Mr. Baker,

Thank you for the opportunity to provide comments on the proposed alternatives for the Kitsap County 2024 Periodic Update. I am writing on behalf of the City Council and the Mayor to express Port Orchard's support for proposed Alternative 2. While Alternative 3 is also palatable, we believe that Alternative 2 is most consistent with the legal requirements to plan for affordable housing across all income levels. In addition to expressing support for Alternative 2, we would like to offer comments on some other policy proposals in the proposed plan.

1. UGA Amendment #60. The City is neutral on the expansion of the UGA in this area. Port Orchard has concerns about the critical areas impacting these properties but is supportive of the expansion if the County believes that the critical areas that are present do not preclude urban development. Port Orchard is concerned about the proposed industrial designation and would prefer to see a commercial or residential designation in this location.
2. UGA Amendment #79. Port Orchard supports amendment #79 as proposed. This property is bordered on two sides by urban development and the third side is a stream. The proposed urban boundary is both logical and regular. Port Orchard is willing to have this parcel added to its UGA.
3. Phillips Road UGA Contraction: The City understands that the County must size their UGA appropriately and supports the proposed reduction of the UGA east of Phillips Road and North of Sedgwick.
4. Commercial Redesignations: The County has proposed several Commercial redesignations within the Port Orchard UGA. Port Orchard does not object to these redesignations.
5. Increasing SEPA Thresholds: Port Orchard has serious concerns about the County's proposed changes to SEPA thresholds. These concerns could be addressed if the County were to enter an ILA with Port Orchard to ensure that impacts on Port Orchard (especially transportation impacts) from development in

the Port Orchard UGA, are mitigated. We want to ensure that development in the Port Orchard UGA pays its fair and proportionate share toward city transportation projects including but not limited to Bethel Ave, Lund Ave, Tremont Street, and Sedgwick. Perhaps a policy could be added to the County's comprehensive plan that states that the County will enter interlocal agreements with cities adjacent to affiliated UGAs to ensure that transportation impacts caused by development in UGAs are mitigated through the payment of mitigation fees based on trip generation and that the County will not approve development that causes a level of service failure on a city facility. Ultimately, Port Orchard would like to see payment of transportation mitigation fees via an ILA to help fund Port Orchard transportation projects that benefit new development in the Port Orchard UGA. We have successfully conditioned projects outside of the City through SEPA review to ensure that impacts to Port Orchard are mitigated. This opportunity to seek mitigation will be lost if the County increases SEPA thresholds without a framework to mitigate transportation impacts.

6. Transportation Level of Service: Kitsap County should include transportation levels of service for County roads that include segments, intersections, and non-motorized facilities. The current LOS standard in the Comprehensive Plan only adopted a road segment LOS.
7. South Kitsap Fire and Rescue. SKFR has acquired a property just outside of the Port Orchard UGA for a new fire station. This property, parcel 052301-3-014-2001 should be added to the UGA with a public facility designation to allow for the construction of a fire station connection to public sewer.
8. UGA Amendment #66: The City objects to the proposed addition of rural commercial lands at the intersection of SR-16 and Mullenix Road. The site of this proposed change in land use designation is encumbered by a type F stream, wetlands, and has indications for geologic hazards. The proposal is inconsistent with the countywide planning policies and Vision 2050 concerning rural development and the protection of critical areas. The proposal is also inconsistent with the goals of the growth management act concerning reducing sprawl, protecting the environment, and for rural development. The proposed redesignation is not supported by rural employment growth targets as found in the countywide planning policies and should be denied. Additional employment growth in rural areas should be prioritized in rural centers, not on lands encumbered by critical area resources. There is ample commercial land capacity proposed in the Port Orchard UGA along Bethel Avenue South, near this location. An expansion of rural commercial land in this location is not warranted.

Thank you for the opportunity to comment.

Sincerely,

Nicholas Bond

Nicholas Bond, AICP
City Development Director

Modern Age Dinosaurs

By: Micah Stephenson

How bulldozers are like dinosaurs and are causing another seismic event and eventually another grand canyon.

See sources cited at bottom of the page.

Geology

DURATION: 4 minutes, 10 seconds

Have you ever wondered how the Grand Canyon was formed and why it is found here in Northern Arizona? To understand the formation of the canyon, there is a simple way to remember how it was shaped over time. All you have to remember are the letters D U D E or dude. The letters stand for: Deposition, Uplift, Down cutting and Erosion.

A distinct and ordered combination of geologic events.

The story begins almost two billion years ago with the formation of the igneous and metamorphic rocks of the inner gorge. Above these old rocks lie layer upon layer of sedimentary rock, each telling a unique part of the environmental history of the Grand Canyon region.

Then, between 70 and 30 million years ago, through the action of plate tectonics, the whole region was uplifted, resulting in the high and relatively flat Colorado Plateau.

Finally, beginning just 5-6 million years ago, the Colorado River began to carve its way downward. Further erosion by tributary streams led to the canyon's widening.

Still today these forces of nature are at work slowly deepening and widening the Grand Canyon.

Horizontal striations can be found in the walls of the majority of the canyon.

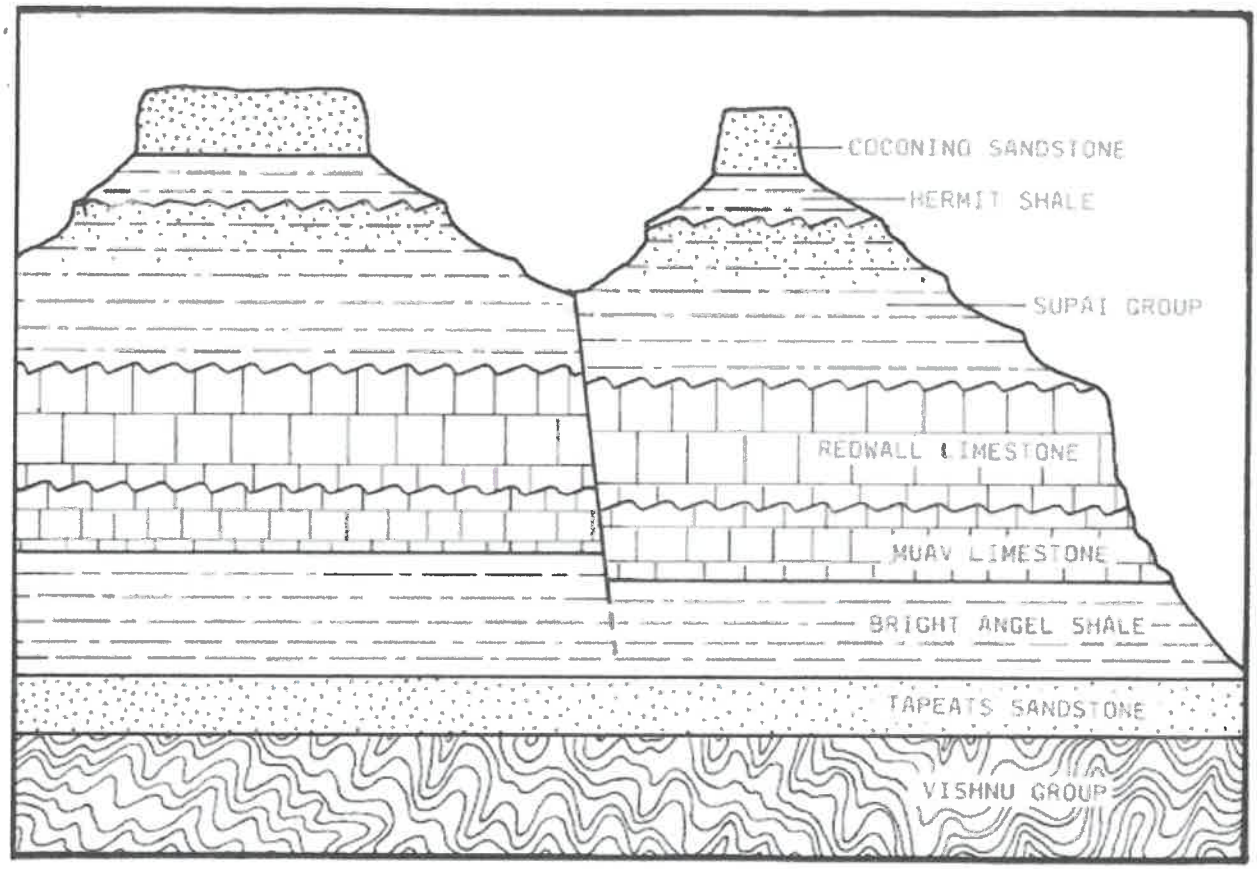
Rock deposition

The story of how Grand Canyon came to be begins with the formation of the layers and layers of rock that the canyon winds through. The story begins about 2 billion years ago when igneous and metamorphic rocks were formed. Then, layer upon layer of sedimentary rocks were laid on top of these basement rocks.

To look at rock layers, geologists use a diagram called a stratigraphic column. It shows the rock layers with the oldest on the bottom, and the youngest on the top. That means that the bottom layer was formed first, and every subsequent layer was formed later, with the youngest rocks on the top.

In geology, this is referred to as the principle of superposition, meaning rocks on the top are generally younger than rocks below them.

Another important principle is the principle of original horizontality. This means that all the rock layers were laid horizontally. If rock layers appear tilted, that is due to some geologic event that occurred after the rocks were originally deposited.



Grand Canyon striations.

Colorado Plateau uplift

The start of the South Kaibab trail shows an abundant display of Kaibab stone.

The Kaibab Limestone, the uppermost layer of rock at Grand Canyon, was formed at the bottom of the ocean. Yet today, at the top of the Colorado Plateau, the Kaibab Limestone is found at elevations up to 9,000 feet. How did these sea floor rocks attain such high elevations?

Uplift of the Colorado Plateau was a key step in the eventual formation of Grand Canyon. The action of plate tectonics lifted the rocks high and flat, creating a plateau through which the Colorado River could cut down.

The way in which the uplift of the Colorado Plateau occurred is puzzling. With uplift, geologists generally expect to see deformation of rocks. The rocks that comprise the Rocky Mountains, for example, were dramatically crunched and deformed during their uplift. On the Colorado Plateau, the rocks weren't altered significantly; they were instead lifted high and flat.

Just how and why uplift occurred this way is under investigation. While scientists don't know exactly how the uplift of

the Colorado Plateau occurred, a few hypotheses have been proposed. The two currently favored hypotheses call for something called shallow-angle subduction or continued uplift through isostacy.

Subduction

Continued Uplift

What is a Valley? What is a Canyon?

A valley is a landform characterized by a low-lying area of land surrounded by high areas, such as mountains or hills. Valleys can be a wide variety of shapes and sizes. They are either erosional features, carved by water or glacial ice, or structural features, caused by rifting.

A canyon is a type of erosional valley with extremely steep sides, frequently forming vertical or nearly vertical cliff faces.The term "gorge" is often used interchangeably with "canyon" and generally implies a smaller, particularly narrow feature.

Water-carved Canyons

Glacial Valleys

Rift Valleys

How did the Colorado River carve such a big canyon?

The Colorado River has been carving away rock for the past five to six million years. Remember, the oldest rocks in Grand Canyon are 1.8 billion years old.

The canyon is much younger than the rocks through which it winds. Even the youngest rock layer, the Kaibab Formation, is 270 million years old, many years older than the canyon itself.

Geologists call the process of canyon formation downcutting. Downcutting occurs as a river carves out a canyon or valley, cutting down into the earth and eroding away rock.

Downcutting happens during flooding. When large amounts of water are moved through a river channel, large rocks and boulders are carried too. These rocks act like chisels, chipping off pieces of the riverbed as they bounce along.

Several factors increase the amount of downcutting that happens in Grand Canyon: the Colorado River has a steep slope, a large volume, and flows through an arid climate.

The Colorado River has a Steep Slope

The Colorado River has a Large Volume

The Colorado River flows through an Arid Climate

A dynamic place

Weathering and erosion are ongoing processes. If we were to visit Grand Canyon in another couple million years, how might it look?

For one, it would be wider; we may not even be able to see across it anymore. Much of Grand Canyon's width has been gained through the erosive action of water flowing down into the Colorado River via tributaries. As long as water from snow melt and rain continues to flow in these side drainages, erosion will continue.

In a few million years, Grand Canyon also may be a bit deeper, though the canyon isn't getting deeper nearly as fast as it is getting wider. The rocks through which the river is currently downcutting are hard, crystalline igneous and metamorphic rocks, which are much stronger than the sedimentary rocks resting above them. More importantly, the river's gradient has decreased, such that it has less power to battle with the hard rocks.

Finally, the river's elevation near Phantom Ranch, a popular hiking destination in the canyon, is just 2,400 feet above sea level. Because sea level (0 ft.) is the ultimate base level for all rivers and streams, upon reaching sea level, the Colorado River will be done downcutting.

How has the Glen Canyon Dam changed the Colorado River's flow?

Volcanism

Faulting

How old is Grand Canyon and the Colorado River?

Landscapes are more difficult to date than rock formations. Still, by looking at relationships between rock formations, scientists are able to determine ages of landscapes with some precision. Scientists have used this type of relative dating technique to narrow the age of the Colorado River and Grand Canyon.

Scientists know that the Colorado River carved Grand Canyon. The river is thus slightly older than the canyon, though the two are certainly close in age.

Scientists have studied rock deposits along course of the present day Colorado River. By looking at the type of sediments the deposits contain, scientists determine whether or not the rocks were deposited by the river.

Rocks deposited by the river are younger than the river, as the river needed to be around to deposit them. Rocks not deposited by the river are older than the river because the river was not yet there to drop them.

When possible the scientists then date these rock deposits. The age of the river falls between the rocks determined to be older than the river and those determined to be younger. Through this method, scientists have estimated an age for the river, and thus the canyon through which it flows, of 5-6 million years.

Hualapai Limestone (6 - 11 million years ago)

Sandy Point Basalt (4.4 million years ago)

Bouse Formation (~ 5 million years ago)

Imperial Formation (4.3 - 5 million years ago)

Opening of the Gulf of California (~ 5.5 million years ago)

How did the Colorado River and the canyon come to be?

It is fairly easy to explain the formation of Grand Canyon through downcutting, weathering, and erosion. It is more difficult to explain just how the Colorado River came to be in its current location.

We can think of the development of the Colorado River as a history book with many chapters. The most recent chapter is familiar, because it is the chapter that is visible today. But, there are a number of chapters missing. The plotlines of some of those missing chapters are heavily debated.

There are a few chapters in the story that the majority of geologists agree upon. For one, evidence collected thus far suggests that the upper and lower reaches of the Colorado River are different ages.

The lower section in California, Nevada, and Arizona is younger than the upper portion in Utah and Colorado. The age of the younger portion of the river is estimated to be between 5 and 6 million years based on the various constraints listed in the Ages section.

The older portion, or "ancestral Colorado River," is at least 7 million years old and may even be 10 million years old, based on the presence of river gravels found near Grand Junction, Colorado. When the upper and lower portions combined, an event called drainage integration, the Colorado River became what it is today.

In other words, the river that we know today as the Colorado River, was actually once either two different rivers that

J Theor Biol. 2018 Dec 14:459:154-161. doi: 10.1016/j.jtbi.2018.10.010. Epub 2018 Oct 5.

The seismic wave motion camouflage of large carnivorous dinosaurs

R Ernesto Blanco [1], Washington W Jones [2], Nicolás Benech [3]

Affiliations

PMID: 30296449 DOI: 10.1016/j.jtbi.2018.10.010

Abstract

Living elephants produce seismic waves during vocalizations and locomotion that are potentially detectable at large distances. In the Mesozoic world, seismic waves were probably a very relevant source of information about the behavior of large dinosaurs. In this work, we study the relationship between foot shape and the directivity pattern of seismic waves generated during locomotion. For enlarged foot morphologies (based on a morphological index) of theropod dinosaurs, there is a marked effect of seismic wave directivity at 20 m. This effect is not important in the foot morphologies of other dinosaurs, including the foot shapes of herbivores and theropods such as therizinosaurids. This directivity produces a lower intensity in the forward direction that would slightly reduce the probability of detection of an ambush predator. Even more relevant is the fact that during the approach of a predator, the intensity of seismic waves detected by potential prey remains constant in the mentioned distance range. This effect hides the predator's approach, and we call this "seismic wave camouflage". We also discuss the potential relationship of this effect with enlarged fossil footprints assigned to metatarsal support.

Keywords: Dinosaurs; Fossil footprints; Prey flight distance; Redator-prey interactions; Seismic waves.

Related information

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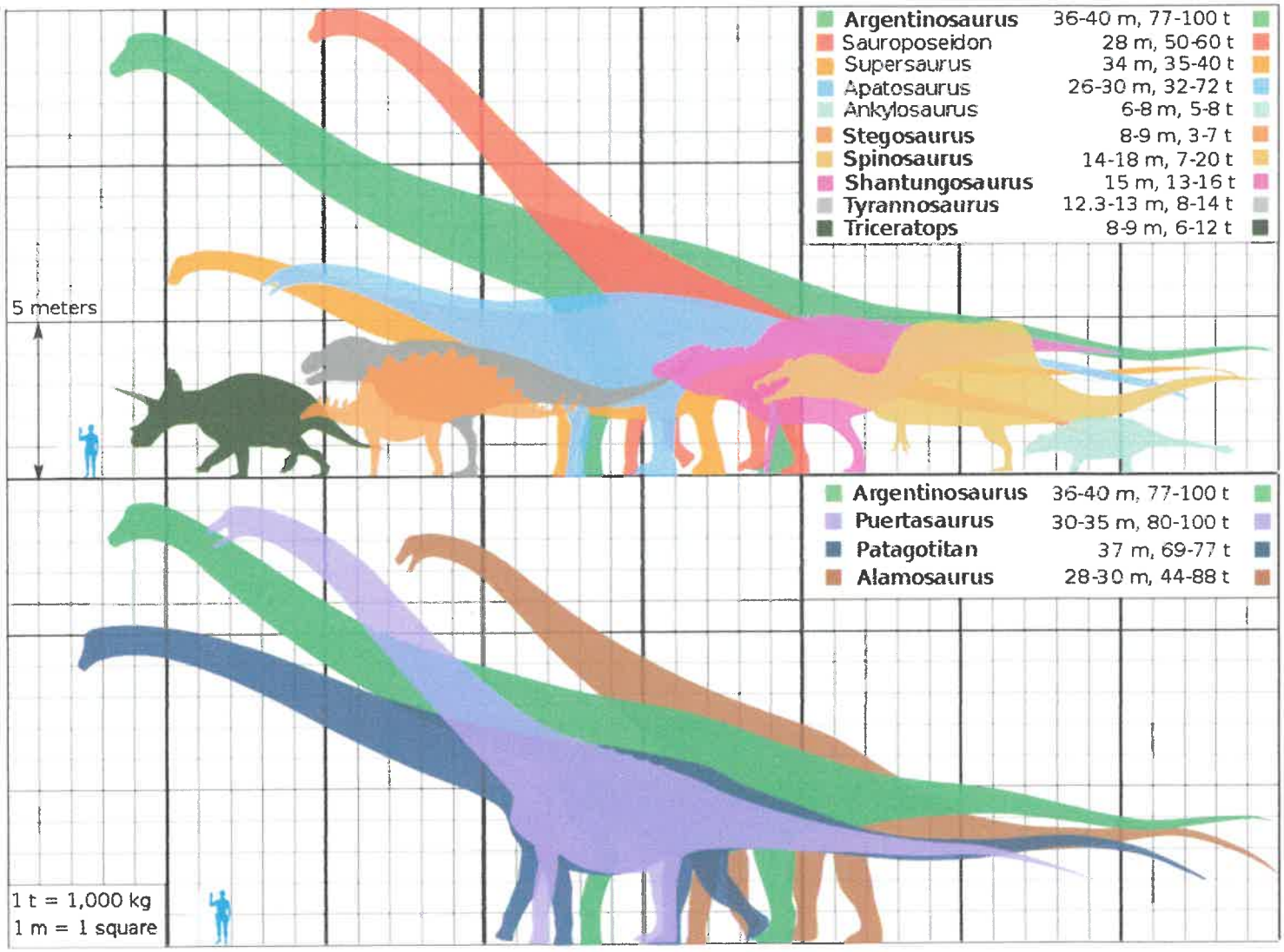
Argentinosaurus 36-40 m, 77-100 t
Sauroposeidon 28 m, 50-60 t
Supersaurus 34 m, 35-40 t
Apatosaurus 26-30 m, 32-72 t
Ankylosaurus 6-8 m, 5-8 t
Stegosaurus 8-9 m, 3-7 t
Spinosaurus 14-18 m, 7-20 t
Shantungosaurus 15 m, 13-16 t
Tyrannosaurus 12.3-13 m, 8-14 t
Triceratops 8-9 m, 6-12 t
5 meters
Argentinosaurus 36-40 m, 77-100 t
Puertasaurus 30-35 m, 80-100 t
Patagotitan 37 m, 69-77 t
Alamosaurus 28-30 m, 44-88 t
1 t = 1,000 kg
1 m = 1 square

When you think about construction equipment, a bulldozer is likely one of the first machines that comes to mind. But have you ever wondered **how much a bulldozer weighs**? Understanding the weight of a bulldozer can help you appreciate the power and capabilities of these impressive machines.

The weight of a bulldozer depends on its size and features. It can be influenced by factors such as attachments and additional equipment, which can add to the overall mass. Knowing the weight of the bulldozer you're working with is crucial in terms of safety, transport options, and the types of projects it can tackle effectively.

Read: [How Much Do Saddles Weigh? (Quick Guide for Horse Riders)]

Smaller bulldozers can weigh around 7 to 8 tons, while larger ones can weigh up to 150 tons or more. The weight of crawler bulldozers can

range from 8 tons for smaller models to over 120 tons for the largest ones. Wheel bulldozer weights can vary from around 15 tons for smaller models to 40 tons for larger ones. Mini bulldozer weights usually range between 7 and 10 tons.

Measuringly.com

Table of contents

Understanding Bulldozers

cascadia fault line

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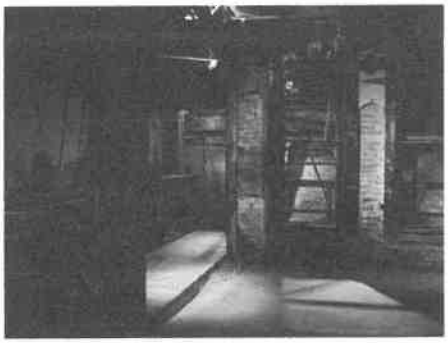
Seattle Underground

The **Seattle Underground** is a network of underground passageways and basements in the Pioneer Square neighborhood of Seattle, Washington, United States. They were located at ground level when the city was built in the mid-19th century but fell into disuse after the streets were elevated. In recent decades, they have become a tourist attraction, with guided tours taking place around the area.



The Seattle Underground. The facade seen here was at street level in the mid-1800s.

History

At approximately 2:20 p.m. on June 6, 1889, an accidentally overturned glue pot in a carpentry shop started the most destructive fire in the history of Seattle. After this Great Seattle Fire,[1][2] new construction was required to be of masonry, and the town's streets were regraded one to two stories higher. Pioneer Square had originally been built mostly on filled-in tidelands and often flooded. The new street level also kept sewers draining into Elliott Bay from backing up at high tide.

Start of the Great Seattle Fire, looking south on 1st Avenue near Madison Street

For the regrade, the streets were lined with concrete walls that formed narrow alleyways between the walls and the buildings on both sides of the street, with a wide "alley" where the street was. The naturally steep hillsides were used and, through a series of sluices, material was washed into the wide "alleys", by raising the streets to the desired new level, generally 12 feet (3.7 m) higher than before, in some places nearly 30 feet (9.1 m).

At first, pedestrians climbed ladders to go between street level and the sidewalks in front of the building entrances. Brick archways were constructed next to the road surface, above the submerged sidewalks. Vault lights (a form of walk-on skylight with small panes of clear glass which later became amethyst-colored) were installed over the gap from the raised street and the building, creating the area now called the Seattle Underground.

When they reconstructed their buildings, merchants and landlords knew that the ground floor would eventually be underground and the next floor up would be the new ground floor, so there is very little decoration on the doors and windows of the original ground floor, but extensive decoration on the new ground floor.

Once the new sidewalks were complete, building owners moved their businesses to the new ground floor, although merchants carried on business in the lowest floors of buildings that survived the fire, and pedestrians continued to use the underground sidewalks lit by the vault lights (still seen on some streets) embedded in the grade-level vaulted sidewalk above.

In 1907, the city condemned the Underground for fear of bubonic plague, two years before the 1909 World Fair in Seattle (Alaska-Yukon-Pacific Exposition). The basements were left to deteriorate or were used as storage. Some became illegal flophouses for the homeless, gambling halls, speakeasies, and opium dens.

A view looking upwards at the vault lights (glass skywalks). The roof of a building at previous street level; now the top of the glass is walked upon and forms the current sidewalk.

Tours

Only a small portion of the Seattle Underground has been restored and made safe and accessible to the public on guided tours. In 1965, local citizen Bill Speidel formally created "Bill Speidel's Underground Tour", which continues to operate from the Pioneer Building and adjacent buildings.[3] The tour route passes disused storefronts, artifacts, and multiple tunnel entrances.[4]

A second tour, Beneath the Streets, was created in 2013 and uses other sections of the Underground network.[5]

The concrete floor of the former meat market was originally at the level of the wooden platform on the left but sank over time because of decomposing sawdust fill.

See also

- Catacombs of Paris
- Catacombs of Rome
- Edinburgh Vaults
- Mary King's Close
- Manchester Cathedral Steps
- Raising of Chicago
- Shanghai tunnels (less commonly known as the Portland Underground, in Portland, Oregon)
- Underground Atlanta
- Underground City, Montreal, modern construction of interconnected office buildings, hotels, shopping centers and other venues in Montreal's CBD
- Underground City (underground features in cities around the world)

References

1. "Seattle in Ashes" (http://chroniclingamerica.loc.gov/lccn/sn85042460/1889-06-07/ed-1/seq-5/). *Los Angeles Daily Herald*. June 7, 1889. p. 5.
2. "The P-I error that changed Seattle history" (http://www.seattlepi.com/local/article/The-P-I-error-that-changed-Seattle-history-1531131.php#page-2). *Seattle Post-Intelligencer*. July 22, 2011.

3. Coppard, Patricia (July 1, 2019). "Fascinating tales below: Touring the tunnels under Seattle's Pioneer Square" (https://www.timescolonist.com/life/travel/fascinating-tales-below-touring-the-tunnels-under-seattles-pioneer-square-4674021). *Times Colonist*. Retrieved February 14, 2022.
4. Lyke, M.L. (January 7, 2001). "The Inside Story: Going Underground in Seattle" (https://www.washingtonpost.com/archive/lifestyle/travel/2001/01/07/the-inside-story-going-underground-in-seattle/bc9e2f78-1f73-46e0-b313-cab1fc691d70/). *The Washington Post*. p. 3. Retrieved January 26, 2022.
5. McKenzie, Madeline (June 3, 2015). "Remembering the Great Fire that forged Seattle's resilience" (https://www.seattletimes.com/entertainment/remembering-the-great-fire-that-forged-seattles-resilience/). *The Seattle Times*. Retrieved February 14, 2022.

Further reading

- Speidel, Bill (1978). *Doc Maynard, The Man Who Invented Seattle* (https://archive.org/details/docmaynardmanwho00spei). Nettle Creek. ISBN 0-914890-02-6.
- Speidel, Bill (1990). *Sons of the Profits* (https://archive.org/details/sonsofprofits00will). Nettle Creek. ISBN 0-914890-06-9.

External links

- Media related to Seattle Underground at Wikimedia Commons
- Mashable: 1905-1930 The Seattle Regrade (http://mashable.com/2015/08/18/building-seattle/#wIzJtxL0Okqt)

Comments at KCAC meeting 9-11-24

I'm Beverly Parsons from Hansville.

Thank you, commissioners and staff for the incredible amount of work you have done on the Comprehensive Plan draft.

I would like to call attention to what I consider the most significant change from the December version—the change in the vision. The vision is no longer a set of individual elements such as land use, transportation, housing, and so on.

You have changed that. You now say that vision is for the county to be a *community*. The document still has those elements but now you have provided a vision of what the interconnected **result** is to be. It's a community of a particular type— an engaged, connected, safe, healthy and livable, resilient, vibrant, and well-governed community.

Over the last couple years that I've been reviewing and commenting on the Comp Plan drafts, I have observed that the focus has not been on a desired type of community but rather on continually attempting to balance the interests of one group with another, balance one element with another. The result is multiple well-meaning people making attempts at balancing interests around specific issues rather than attending to what our County as a whole is gradually becoming.

Now you have stated a vision of what the county is to become—a particular type of overall community. A community is a dynamic living *system* not a collection of separate elements. It is very different to use a systems thinking approach to planning than one focused on separate elements.

For example, here are a few habits of a systems thinker:

1. you do not seek to maximize any one part but rather optimize the whole.
2. you identify the circular nature of complex cause and effect relationships.
3. Widely representative groups in the community come together to seek to understand and strategize for the big picture. It's not a few groups here and there pushing their own agenda.

Thank you for setting this new course. I hope there will be opportunities to play out what this means in practice.

From:	Berni Kenworthy
To:	Amanda Walston; Comp Plan
Cc:	Eric Baker; Colin Poff
Subject:	Comprehensive Plan Update - Comments to Draft Development Code Regulations
Date:	Tuesday, September 24, 2024 1:18:54 PM
Attachments:	image001.png

Dear Kitsap County Planning Commission,

Please find the following general comments to the development code updates being proposed as part of the county's comprehensive plan update.

KCC 16.040.050(G) – SENT UNDER SEPARATE COVER

KCC 16.040.050(J)

Consider adding language that allows the division of land for public purposes to create non-conforming lots. For example, what if one acre is needed out of five acres in a rural residential zone for a sewer pump station or five acres is needed in an rural protection zone for a park? Does this section preclude this since non-conforming lots would be created as part of the subdivision?

KCC 16.10.XX Boundary line adjustment.

This definition is inconsistent with proposed language in KCC 16.040.050(G.2.b).

KCC 16.24.040(I.3.c)

What is the problem that's trying to be addressed by adding "centrally." Many considerations including topography, parcel shape etc. can impact the placement of the recreational space. The language "in a manner that affords good visibility" helps mitigate the potential of recreational area from being placed out of sight. If the "central" part of the project is a steep area, will the applicant be required to grade/place walls etc. to create an area adequate for a rec space?

KCC 16.40.040(B.2.e)

comment regarding existing code language

I just had a situation where the applicant for a plat needed an offsite easement from a neighboring property for a storm outfall. That property owner was willing to give an easement, but preferred to do a BLA to give ownership of the area to the applicant. Even though it was preferable for the applicant to own that land, a BLA would have triggered a major amendment (i.e., plat boundary would have expanded). I understand this language if the perimeter boundary change is done to increase density, but this is an example of an unintended consequence that should be considered.

KCC 16.40.040(B.2.i)

comment regarding existing code language

What if the access change, whether it be moving the location of access or adding a new location, results in safer vehicular and/or pedestrian safety? Would that trigger a major amendment? What if the access change is the result of a hearing examiner condition of approval?

KCC 17.490.030(A.2)

comment regarding existing code language

It is not common for applicants to request an increase to the required parking standard. However, speaking from a recent experience, this increase provision is tough when popularity of a business warrants more parking yet a variance can't be supported because variance criteria does not include the success of a business as a factor. Consider allowing a 25% increase to avoid unnecessary process.

KCC 17.495.030(E)

The first sentence is not a complete sentence.

KCC TABLE 17.495.030-2

Why are deciduous replacement trees provided half of the credits of a conifer?

KCC 17.495.050

Street trees planted along newly designed ROW internal to a new plat should count as replacement trees.

KCC 17.495.060

“Critical root zone” is not defined in the proposed code.

KCC 18.04.090(B)

Curious why the following exempt levels were removed from the draft for Title 18:

B. The county establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(d):
1. Up to fifteen (15) units for single family attached residential projects or subdivisions where the total square footage of individual units does not exceed 1,500 square feet in regional or countywide centers.
2. Up to twenty (20) units for single family attached residential projects or subdivisions where the total square footage of individual units does not exceed 1,500 square feet in all UGA areas outside of regional or countywide centers
3. Up to thirty (30) units for multifamily projects or subdivisions in regional or countywide centers.
4. Up to twenty (20) units for multifamily projects or subdivisions in all UGA area outside of regional or countywide centers.

Thank you for your consideration,
Berni

AXIS
LAND CONSULTING

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From: Berni Kenworthy
To: Amanda Walston; Eric Baker; Colin Poff; Comp Plan
Subject: RE: Comprehensive Plan Update - Comments to Proposed Development Regulation Amendments
Date: Tuesday, September 24, 2024 12:16:36 PM
Attachments: image001.png

Correction to the citation below: 16.04.050(G)

From: Berni Kenworthy
Sent: Tuesday, September 24, 2024 12:00 PM
To: awalston@kitsap.gov; Eric Baker <Ebaker@kitsap.gov>; Colin Poff <CPoff@kitsap.gov>; compplan@kitsap.gov
Subject: Comprehensive Plan Update - Comments to Proposed Development Regulation Amendments

Eric and Colin,

Thank you for meeting on September 4th regarding the final draft comprehensive plan documents. I have the following comments on KCC 16.05.050(G) for consideration by staff, the Planning Commission, and Board of County Commissioners:

TITLE 16 – LAND DIVISION

16.05.050(G)

New language related to boundary line adjustments (BLA) has been included in the most recent update. It is unclear what problem these changes are trying to address, and I am certain that more problems will be created than solved by this proposed change. Since this language has not appeared in previous development regulation draft updates, please consider holding off on changes to this portion of the code in order to engage local licensed surveyors and other members of the public who may not be closely following the comprehensive plan update.

For perspective, in the past decade an average of 9.5 BLAs are recorded each month which amounts to a very small fraction of monthly or even weekly recordings (also a very small fraction of development permits submitted annually). I reviewed all (79) BLAs recorded in 2023 and the purpose of the BLAs fell into one of the following categories:

61% BLA adjusted lot lines to resolve actual lines of occupation/use between neighbors (i.e., adjust the lot line to follow a building, yard, or use)
10% BLA adjusted lots to provide improved access
9% BLA adjusted a lot line by a nominal amount (5' or less)
8% Purpose of the BLA was unclear to me from recorded documentation
6% BLA was used to aggregate lots
4% BLA adjusted lot lines to avoid critical areas
3% BLA was re-recorded to correct an error

The proposed code language is italicized and my comments are below each section:

The provisions of Chapters 16.40, Subdivisions; 16.48, Short Subdivisions; and 16.52, Large Lot Subdivisions, shall apply to all divisions and redivisions of land for the purposes of sale, lease or other transfer of ownership except:

A boundary line adjustment, provided that it complies with the following:

1. *The BLA is applied only to lots that were legally created and not to unbuildable tracts, such as common area or open space tracts, vacated rights of way, utility easements, or tax title strips.*

   Many situations exist where a BLA is a viable mechanism to address lines of occupation adjacent to an open space or common area tract (for example, see AFN 201811300232).

2. *The BLA does not result in:*
   a. *Any new lots; the same number of lots must exist both before and after unless the BLA proposes to combine lots.*

      No issues. By definition, BLAs cannot create additional lots.

   b. *Any lots that do not meet the lot width or depth of the zone or result in a lot with greater density than allowed by code.*

      This language would prohibit two neighboring lots from resolving lines of occupation. What if the original lots were non-conforming and didn't meet the lot width or depth of the current zone? This would also prohibit public utilities from performing BLAs to create a needed land configuration for things like substations, reservoirs, wells, pump stations, and fiber optic nodes. Public utilities do not always require parcel sizes required by zoning or they may need a configuration that is different than required dimensional standards.

   c. *Any lots that do not have sufficient area for adequate utilities, including stormwater, sewage disposal and water, or adequate vehicle access, including emergency access.*

      This language does not consider that these items could be addressed by offsite easements on a neighboring parcel. Will you require a stormwater, septic, utility and access design be performed in order to prove out proposed lot configurations? If you consider that the majority of BLAs are to resolve lines of occupation, this language creates unnecessary work and costs that will be borne by a property owner as well as unnecessary additional review by county auditor staff.

   d. *Any conforming lot becoming nonconforming.*

      Note that of the 79 BLAs recorded in 2023, **NONE** resulted in a new non-conforming lot. What if a BLA is needed between a conforming and non-conforming lot to resolve lines of occupation and the conforming lot becomes non-conforming and the non-conforming becomes conforming? Strict application of this language would preclude a BLA in this instance. The creation of non-conforming lots is not a rampant issue (at least not in 2023), but this language precludes many legitimate BLAs that are commonly proposed.

   e. *Any lot having more than one zoning, land use, or overlay designation.*

      Again, this precludes situations where a BLA is needed to address lines of occupation, access, or critical areas. In 2023, five BLAs resulted in split-zone parcels. ***It is important to note that one of the split zones was recorded by Kitsap County Public Works for the Norwegian Point Restoration Project. Public Works BLA would not be allowed pursuant to this language.***

   f. *Any lot with a configuration that is consistent with applicable plat conditions.*

This is extremely ambiguous language that is subject to a myriad of interpretations. I honestly don't know what it means or what is trying to be addressed.

3. *The BLA does not create or contribute to the need for a variance or other reduction or exemption from Kitsap County development code standards.*

   It is unreasonable to expect the auditor's office to make this determination at the time of recording. This is not their job nor area of expertise.

4. *The BLA must occur with contiguous lots.*

   This language precludes a BLA across a right-of-way when it is common that lots technically extend to center of ROW or across a ROW. It is unclear what this language is attempting to address.

5. *The BLA must not circumvent platting procedures.*

   This is also extremely ambiguous language that is subject to a myriad of interpretations. If the BLA is not creating any new lots (i.e., a subdivision), it is unclear how a BLA could possibly circumvent platting procedures . If this is trying to prevent instances where lots are reconfigured to make them more easily buildable and the new lot configuration has the appearance of a plat, then there should be further discussion to address the county's actual concerns. As written, this language is far too ambiguous to implement.

It is VERY disappointing that this language was inserted this late in the code update process without engaging local surveyors and other stakeholders. The unintended consequences of the language as written will absolutely lead to the prohibition of many viable, legitimate BLAs. I have only highlighted a few examples, but many more exist. Please consider pulling this revised language from the proposed code update and creating a separate process that engages experts in boundary law, real estate transactions, and engineering. It is clear that this language is attempting to solve a perceived problem by the county. The questions that should be asked and vetted with stakeholders are:

1. What precisely is/are the problem(s) trying to be solved by changing this section of code?
2. What is the frequency of said problem?
3. Is it necessary from a time, cost, and resources perspective to implement code changes to address said problem?

Please do not rush the public process by adopting this language as written. There are far too many unintended consequences to members of the public.

Thank you for your consideration,
Berni

AXIS LAND CONSULTING

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From:	Gary Letzring
To:	Amanda Walston; Eric Baker; Colin Poff; Comp Plan
Cc:	Gunnar Fridriksson; Kenneth Swindaman; wodale@gps-surveyor.com; Horton, Kristina (BRPELS); Icenhower, David (DNR) (David.Icenhower@dnr.wa.gov); Beehler, Pat (DNR)
Subject:	Boundary Line Adjustment - Comments
Date:	Tuesday, September 24, 2024 12:54:52 PM
Attachments:	BLA Model Ordinance v1.4.pdf

Hi Kitsap County:

In review of the proposed changes to Title 16 – regarding a Boundary Line Adjustment, I would encourage you to review the attached Boundary Line Adjustment Model Ordinance. This document was created by the Washington State DNR Survey Advisory Board, and they have been recommending this Model Ordinance for several years now to municipalities and communities that do not have an ordinance already (or need to modify an existing). This BLA Model Ordinance has been reviewed by numerus Planning departments, Auditor's, Attorneys and Professional Land Surveyors and provides what the SAB feels as the minimum basic items needed for a Boundary Line Adjustment and compliance with state law.

I would encourage your review of the attached BLA Model Ordinance prior to making any decision, as the document was created specifically for this purpose. Literally, hundreds and hundreds of hours have gone into the making of the document.

Having recorded a few Boundary Line Adjustments in Kitsap County myself, a change is definitely needed. But the current proposed language seems haphazard and I don't think this will do what is actually needed or desired for County Planning and the Public.

If you have any questions, please do not hesitate to reach out to the DNR Public Land Survey Office, your county surveyor Ken Swindaman, the Washington State Survey Advisory Board or myself.

Thank you.
Gary Letzring, P.L.S.
Urban Member of the Survey Advisory Board,

Explanatory Paper for
Boundary Line Adjustment Model Ordinance
and Affidavit
Version 1.0

Purpose: Identify issues with current practices. Reveal Chain of Title issues. Create better protection for the public. Current statutes are problematic with no clear guidance. Provide a model ordinance for all jurisdictions in Washington to adopt.

Current requirement in statute is:

WAC 458-61A-109 (4) **Documentation.** In all cases, an affidavit is required to record the new property line.

Applicable Statutes and Opinions (See Appendix A)

RCW 58.17.04 Chapter inapplicable when (6)

RCW 58.04.007 Affected landowners may resolve dispute over location of a point or line—Procedures.

RCW 65.04.045 Recorded instruments—Requirements—Content restrictions—Form.

RCW 84.56.345 Alteration of property lines—Payment of taxes and assessments.

WAC 332-130-050 Survey map requirements.

WAC 458-61A-109 Trading/exchanging property and boundary line adjustments.

AGO 1986 No. 6 - Mar 21 1986 -- REDIVISION -- SHORT SUBDIVISION -- ADJUSTING BOUNDARY LINES

AGO 2005 No. 2 Authority of county to impose procedural requirements on recording of property boundary disputes resolved by agreement.

Issues that exist:

1. No consistency throughout the state for boundary line adjustment process.
    a. Each jurisdiction has its own procedures.
2. No public record as a result of the process in numerous jurisdictions.
    a. Jurisdictions may or may not file anything of importance.
3. No ability for Title Companies to pick up written/ recorded boundary changes.
    a. Boundary line adjustments with descriptions are not typically in public record.
4. Protection of the public is not in place.
    a. Land ownership is a paramount part of our freedoms.
    b. Paper title should not have color of title due to poor land use actions.
    c. Correct legal descriptions are not in title record.
    d. The Assessor is not the place for public record of legal descriptions.

5. Lenders are generally not involved.
    a. Boundaries are changed without Deeds of Trust being modified.
    b. Foreclosures become a title and ownership nightmare.
6. Surveys and or surveyors are not part of the standard process for BLA procedures.
    a. Sketches may only be rough, performed by the public or planning department and kept in house.
    b. Records of Surveys are not typically required.
    c. No recorded maps for title identification or understanding of legal descriptions.

Solution:

1. Create a minimum consistency requirement for the boundary line adjustment process through a model ordinance for all of the jurisdictions in Washington State.
2. Require Professional Land Surveyors as part of the process in creating new land descriptions and maps at a minimum.
3. Assure vested parties of parcels are included in the process for approvals or releases of interest.
4. Create a minimum set of approved and completed Boundary Line Adjustment documents, recorded with the County Auditor as the public record to establish a more clear chain of title. This could be all part of the Affidavit currently required by WAC 458-61A-109.

Examples of Adjustments:

Same ownerships or entities with same owner (Grantor/Grantee issues):

- ***Joe Smith owns Lot 4 and Smith Living Estate owns Lot 5 with Joe as the Executive***
    - *Will there be at least a deed? Not in my experience.*
- ***123 LLC owns Lot 4 and ABC LLC owns Lot 5, both are owned by Mr. Johns.***
    - *There may never be a deed!*
- ***Jean Block owns Lot 4 and Lot 5***
    - *There will not be a deed*

Different ownerships: Obvious for owners or is it?
Examples:

- ***Joe Smith owns Lot 4 and Jean Block owns Lot 5***
    - *Should have a deed recorded.*
- ***456 LLC owns Lot 4 and XYZ LLC owns Lot 5, 456 LLC ownership is 3- 33% owners and XYZ LLC ownership is 3-33% owners with one owner different than 456 LLC***
    - *Confusion will persist without legal descriptions being recorded. Good luck with the Assessor and tax assessment.*
- ***Joe Smith owns Lot 4 individually and Joe Smith and wife Mary Smith owns Lot 5***
    - *Will a deed or anything get recorded for this BLA?*

There is no mention of lenders in these examples which could complicate future deeds.

Solution:

Create a Model Boundary Line Adjustment Ordinance to provide consistency throughout the state for jurisdictions to adopt and provide an example affidavit sufficient to correct the issues that exist as required to be filed in WAC 458-61A-109 (4) .

Appendix A

RCW 58.04.007 Affected landowners may resolve dispute over location of a point or line—Procedures.

Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by one of the following procedures:

(1) If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located;

RCW 58.17.04 Chapter inapplicable when

(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;

RCW 65.04.045 Recorded instruments—Requirements—Content restrictions—Form.

(1) When any instrument is presented to a county auditor or recording officer for recording, the first page of the instrument shall contain:

(a) A top margin of at least three inches and a one-inch margin on the bottom and sides, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins;

(b) The top left-hand side of the page shall contain the name and address to whom the instrument will be returned;

(c) The title or titles, or type or types, of the instrument to be recorded indicating the kind or kinds of documents or transactions contained therein immediately below the three-inch margin at the top of the page. The auditor or recording officer shall be required to index only the title or titles captioned on the document;

(d) Reference numbers of documents assigned or released with reference to the document page number where additional references can be found, if applicable;

(e) The names of the grantor(s) and grantee(s), as defined under RCW 65.04.015, with reference to the document page number where additional names are located, if applicable;

(f) An abbreviated legal description of the property, and for purposes of this subsection, "abbreviated legal description of the property" means lot, block, plat, or

section, township, range, and quarter/quarter section, and reference to the document page number where the full legal description is included, if applicable;

(g) The assessor's property tax parcel or account number set forth separately from the legal description or other text.

(2) All pages of the document shall be on sheets of paper of a weight and color capable of producing a legible image that are not larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight point type or larger. All text within the document must be of sufficient color and clarity to ensure that when the text is imaged all text is readable. Further, all pages presented for recording must have at minimum a one-inch margin on the top, bottom, and sides for all pages except page one, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins, be prepared in ink color capable of being imaged, and have all seals legible and capable of being imaged. No attachments, except firmly attached bar code or address labels, may be affixed to the pages.

(3) When any instrument, except those generated by governmental agencies, is presented to a county auditor or recording officer for recording, the document may not contain the following information: (a) A social security number; (b) a date of birth identified with a particular person; or (c) the maiden name of a person's parent so as to be identified with a particular person.

The information provided on the instrument must be in substantially the following form:

This Space Provided for Recorder's Use

When Recorded Return to:

. . . .

Document Title(s)

Grantor(s)
Grantee(s)
Legal Description
Assessor's Property Tax Parcel or Account Number
Reference Numbers of Documents Assigned or Released

RCW 84.56.345 Alteration of property lines—Payment of taxes and assessments.

Every person who offers a document to the auditor of the proper county for recording that results in any division, alteration, or adjustment of real property boundary lines, except as provided for in RCW 58.04.007(1) and 84.40.042(1)(c), must present a certificate of payment from the proper officer who is in charge of the collection of taxes and assessments for the affected property or properties. All taxes and assessments, both current and delinquent must be paid. For purposes of chapter 502, Laws of 2005, liability begins on January 1st.

WAC 332-130-050 Survey map requirements.

The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

(1) All such documents filed or recorded shall conform to the following:

WAC 458-61A-109 Trading/exchanging property and boundary line adjustments.

(1) **Trading/exchanging property.** The real estate excise tax applies when real property is conveyed in exchange for other real property or any other valuable property. The real estate excise tax is due on the true and fair value for each individual property.

(2) **Boundary line adjustments.**

(a) **Introduction.** A boundary line adjustment is a legal method to make minor changes to existing property lines between two or more contiguous parcels. Real estate excise tax may apply depending upon the specific circumstances of the transaction. Boundary line adjustments include, but are not limited to, the following:

(i) Moving a property line to follow an existing fence line;

(ii) Moving a property line around a structure to meet required setbacks;

(iii) Moving a property line to remedy a boundary line dispute;

(iv) Moving a property line to adjust property size and/or shape for owner convenience; and

(v) Selling a small section of property to an adjacent property owner.

(b) **Boundary line adjustments in settlement of dispute.** Boundary line adjustments made solely to settle a boundary line dispute are not subject to real estate excise tax if no other consideration is present.

(c) **Taxable boundary line adjustments.** In all cases, real estate excise tax applies to boundary line adjustments if there is consideration (other than resolution of the dispute), such as in the case of a sale or trade of property.

(3) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples are provided as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) Mr. Jehnsen and Mr. Smith own adjoining parcels of land separated by a fence. During a survey to confirm the property boundary of Mr. Smith's parcel, the parties discover that the true property line actually extends five feet over on Mr. Jehnsen's side of the fence. Mr. Jehnsen does not want to move the fence. He has paved, landscaped and maintained this section of land and if he gave it up he would lose his parking area. After numerous discussions regarding the property line, Mr. Smith agrees to quitclaim the five-foot section of land to Mr. Jehnsen. Real estate excise tax does not apply since there is no consideration other than resolution of the dispute.

(b) Mr. Smith will only agree to transfer the five-foot section of land to Mr. Jehnsen if he is paid $1,000. Mr. Smith owes real estate excise tax on $1,000.

(c) Mr. Smith will cede the five-foot parcel only if Mr. Jehnsen gives him a narrow strip of land in exchange. Mr. Jehnsen agrees to exchange a ten-foot section of his parcel for the five-foot section of Mr. Smith's parcel solely to resolve the boundary line dispute. Real estate excise tax does not apply. It is irrelevant that the property involved in the transfer is not equal since the sole purpose of the transfer is to settle a boundary line dispute.

(d) Mr. Smith and Mr. Jehnsen are unable to resolve their dispute over the five-foot parcel. Mr. Jehnsen agrees to trade his lake front cabin for Mr. Smith's entire parcel.

Mr. Jehnsen will owe real estate excise tax on the fair market value of the lake front cabin. Mr. Smith owes real estate excise tax on the fair market value of his parcel.

(e) Mr. Smith wants something in exchange for giving the five-foot parcel to Mr. Jehnsen. Mr. Jehnsen agrees to give Mr. Smith his tractor in exchange for the five-foot section of land. Mr. Smith will owe real estate excise tax on the fair market value of the five-foot section of his parcel and use tax on the value of the tractor (see WAC 458-20-178).

(f) Mr. Robbins owns 18 acres of land adjacent to Ms. Pemberton's 22-acre parcel. Mr. Robbins would like to develop his 18 acres, but he needs two more acres to develop the land. Ms. Pemberton agrees to give Mr. Robbins two acres of land. In exchange Mr. Robbins agrees to pave Ms. Pemberton's driveway as part of the land development. The real estate excise tax is due on the true and fair value of the two acres conveyed to Mr. Robbins. In addition, sales or use tax may be due on the value of the paving.

(4) **Documentation.** In all cases, an affidavit is required to record the new property line.

AGO 1986 No. 6 - Mar 21 1986

Attorney General Ken Eikenberry

COUNTIES -- REDIVISION -- SHORT SUBDIVISION -- ADJUSTING BOUNDARY LINES

The dividing of a lot in a previously approved subdivision into two halves with the intent that one-half be sold and attached to an adjoining parcel outside the subdivision does not create a boundary line adjustment.

- - - - - - - - - - - - -

March 21, 1986

Honorable David F. Thiele
Island County Prosecuting Attorney
P.O. Box 430
Coupeville, Washington 98239

Cite as: AGO 1986 No. 6

Dear Sir:

By letter previously acknowledged, you have requested the opinion of this office on two questions which we have paraphrased as follows:

(1) If a lot in a previously approved subdivision is divided in half, with the intent that one-half be sold and attached to another adjoining parcel outside the subdivision (which will then become part of the existing subdivision) (lot 1A) and with the other one-half remaining (lot 1B) containing sufficient area to meet minimum requirements for width and area for a building site, is this a boundary line adjustment under RCW 58.17.040 and therefore not subject to the provisions of chapter 58.17 RCW?

(2) If the same lot were divided in half with the intent that one-half be removed from the subdivision, sold, and attached to another adjoining parcel outside the subdivision with the other one-half remaining in the subdivision containing sufficient area to meet minimum requirements for width and area for a building site, is this a boundary line adjustment under RCW 58.17.040 and therefore not subject to the provisions of chapter 58.17 RCW?

We answer both your questions in the negative for the reasons set forth in our analysis.

ANALYSIS

Turning to your first question, initially, it is important to note the purpose of chapter 58.17 RCW. RCW 58.17.010 provides as follows:

"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; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description." (Emphasis supplied)

Additionally, RCW 58.17.020 defines a short subdivision as ". . . the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership. . . ."1/

Redivision is an additional separation into parts. As the facts you posed indicate, a lot, in a previously approved subdivision, is divided in half. It is our opinion that this action constitutes a redivision. Inasmuch as four or fewer lots are created, this would be a short subdivision rather than a subdivision (RCW 58.17.020--five or more lots). If this is a short subdivision it is subject to the provisions of chapter 58.17 RCW. RCW 58.17.060 requires cities, towns and counties to adopt regulations and procedures for the approval of short subdivisions. Therefore, the action you described would be subject to approval under your local regulations unless it falls under the exception enumerated in RCW 58.17.040(6).2/

RCW 58.17.040 lists a number of exceptions to the application of chapter 58.17 RCW. Your question specifically relates to RCW 58.17.040(6) which states as follows:

"A division made for the purpose of adjusting boundary lines 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; . . ."

The facts presented in your question indicate that a lot within an existing subdivision will be divided in half with both halves remaining within the existing subdivision. Clearly, in this situation, an additional lot is created. (Where the subdivision originally had a lot 1, it will now have a lot 1A and a lot 1B.) This creation of an additional lot removes this action from the exemption provided in RCW 58.17.040(6). Accordingly, it is our conclusion that the action described in question (1) is a redivision

subject to the provisions of chapter RCW 58.17 [chapter 58.17 RCW] and we therefore answer your first question in the negative.

Regarding your second question, the facts are similar except that the lot in question is to be removed from the existing subdivision and attached to an adjoining parcel outside the subdivision. Unlike your first question, in this situation no additional lot is created. We therefore turn to a further analysis of RCW 58.17.040(6).

The essence of your question is whether the division of a lot with each parcel containing sufficient area and dimension to meet minimum requirements for width and area for a building site constitutes a boundary line adjustment making it exempt from coverage under chapter 58.17 RCW. Unfortunately, when the legislature enacted chapter 293 in 19813/ it did not provide a definition of "adjusting boundary lines." The statute does not itself further describe what a boundary line adjustment is nor is there any legislative history available which clarifies the meaning of "adjusting boundary lines." Further, this issue has never been addressed by any appellate court in this state. Thus, it is necessary for us to glean the legislature's intent from what it did say.

Black's Law Dictionary defines "adjustment" as an arrangement or settlement (citingHenry D. Davis Lumber Co. v. Pacific Lumber Agency, 127 Wash. 198, 220 Pac. 804, 805 (1923)). "Adjust" is defined as "[t]o settle or arrange; to free from differences or discrepancies; . . ." (Black's Law Dictionary). Webster's Third New International Dictionary defines "adjust" as ". . . settle, resolve . . . rectify . . ." and, "adjustment" as "the bringing into proper, exact, or conforming position or condition . . . harmonizing or settling (the adjustment of variant views) . . ."

Words in statutes must be given their ordinary meaning where no statutory definition is provided. State v. Roadhs, 71 Wn.2d 705, 708, 430 P.2d 586 (1967). Pringle v. State, 77 Wn.2d 569, 571, 464 P.2d 425 (1970). Thus, "adjusting" means settling or arranging; freeing from differences or discrepancies; rectifying. Adjusting may be necessary where some controversy exists regarding the boundary line or where arranging or rectifying is required.

The legislature recognized that boundary line disputes do occur when it enacted RCW 58.04.020 which reads as follows:

"Whenever the boundaries of lands between to [two] or more adjoining proprietors shall have been lost, or by time, accident or any other cause, shall have become obscure, or uncertain,and the adjoining proprietors cannot agree to establish the same, one or more of said adjoining proprietors may bring his civil action in equity, in the superior court, for the county in which such lands, or [[Orig. Op. Page 5]] part of them are situated, and such superior court, as a court of equity, may upon such complaint, order such lost or uncertain boundaries to be erected and established and properly marked." (Emphasis supplied)

If the parties can agree on the location of the boundary line, pursuant to RCW 58.17.040(6), then they would not be required to resort to civil action under RCW 58.04.020 to obtain a determination of the proper location of the boundary line.

An adjustment may be necessary where, for example, a boundary in an approved plat may need to be changed by a developer for proper installation of utilities to two lots. Assuming no additional lot was created and no lot was left containing insufficient area to constitute a building site, such a change in boundary line would be a rectifying or arranging pursuant to the usual and ordinary meaning of the term "adjusting." Therefore, this division would be an adjusting of boundary lines under RCW 58.17.040(6).

"In placing a judicial construction upon a legislative enactment, the entire sequence of all statutes relating to the same subject matter should be considered. . . ." Brewster Public Schools v. PUD No. 1, 82 Wn.2d 839, 843, 514 P.2d 913 (1973) citingAmburn v. Daly, 81 Wn.2d 241, 245-46, 501 P.2d 178 (1972). Legislative intent, will, or purpose, is to be ascertained from the statutory test as a whole, interpreted in terms of the general object and purpose of the act. Brewster, 82 Wn.2d at 843. As previously cited, the purpose of chapter 58.17 RCW is to assure uniformity in the process by which land is divided and to regulate the subdivision of land.

In the facts presented, the parties intend to establish a boundary line (cutting a lot in half) where none existed before. Although there is no additional lot, tract, parcel, site or division, a new plat boundary line is created. We do not believe this is in keeping with the purpose of the statute nor with our interpretation of "adjusting boundary lines."4/

It should also be noted that the definition of "short subdivision" speaks of redivision of land for the purpose of sale. Here, the lot in question is being divided so that one-half may be purchased by an adjoining landowner. For the reasons discussed herein it is our opinion that the anticipated property alteration is the creation of a short subdivision under RCW 58.17.020(6) and not an adjusting of boundary lines under RCW 58.17.040(6). Accordingly, we answer your second question in the negative.5/ We trust that the foregoing will be of some assistance to you.

Very truly yours,
KENNETH O. EIKENBERRY
Attorney General

MEREDITH WRIGHT MORTON
Assistant Attorney General

***** FOOTNOTES *****

1/AGO 1980 No. 5 dealt with the provisions of chapter 58.17 RCW. In 1980 a "short subdivision" was defined as ". . . the division of land into four or less lots, tracts, parcels, sites or subdivisions for the

purpose of sale or lease." AGO 1980 No. 5 discussed an earlier recommendation to the State Legislature that the word "resubdivision" be expressly defined. In 1981 the legislature amended chapter 58.17 RCW adding the word "redivision" to the definition of "short subdivision." "Resubdivision" was stricken from the definition of "subdivision" and substituted for "redivision."

2/There are also six other exceptions enumerated under RCW 58.17.040, however, clearly, none of them are applicable to your fact situation. So we will not provide an analysis of them.

3/Codified in part as RCW 58.17.040(6).

4/There may be counties which have adopted ordinances which would exempt this factual situation from county approval. Inasmuch as you have asked for our opinion regarding this situation, we assume no such ordinance exists in Island County.

5/In so concluding we recognize that, as we did in AGO 1980 No. 5, there is a lack of uniformity among the various local jurisdictions in actual practice throughout the state. The state legislature remains free to clarify its own intent, if we have not sufficiently done so, by expressly defining the phrase "adjusting boundary lines."

AGO 2005 No. 2 - Mar 7 2005

Attorney General Rob McKenna

PROPERTY – REAL ESTATE – COUNTIES – Authority of county to impose procedural requirements on recording of property boundary disputes resolved by agreement.

1. RCW 58.04.007 permits property owners to resolve uncertain or disputed property boundaries when the boundary line cannot be ascertained through a reference to public records or physical landmarks, or where there is an actual dispute between landowners about the location of the boundary line.

2. A charter county has authority to implement and facilitate the operation of RCW 58.04.007 by prescribing procedures to be followed in recording written agreements concerning the resolution of unknown or disputed boundary lines, including requirements for county review of documents presented for recording where the county provisions are not in conflict with statutory law.

****

March 7, 2005

The Honorable Bill Finkbeiner
State Senator, 45th District
P. O. Box 40445
Olympia, WA 98504-0445

Cite As:

AGO 2005 No. 2

Dear Senator Finkbeiner:

By letter previously acknowledged, you have asked for an opinion on the following questions, which we have slightly paraphrased for clarity:

> **1. May RCW 58.04.007 be used to resolve any type of boundary dispute, or is the statute only meant to resolve a certain type of boundary dispute?**
>
> **2. RCW 58.04.007 permits property owners to resolve a dispute about property boundary lines by a written document showing their agreement about the location of the boundary line, recorded as a real estate record. Does a charter county have authority to require county review before the written instrument can be recorded?**

BRIEF ANSWERS

RCW 58.04.007 is available to resolve disputes about property boundary lines where (1) the boundary line cannot be ascertained through a review of public records, monuments, or landmarks, or (2) there is an actual dispute between the property owners as to the location of the boundary line. A charter county has authority to facilitate the administration of RCW 58.04.007 *(original page 2)* and related statutes by imposing reasonable procedural requirements relating to the recording of written instruments establishing property boundaries.

ANALYSIS

Your questions relate to interpretation of RCW 58.04.007, a statute setting forth optional procedures for resolving questions about the boundary lines separating adjoining parcels of land. This section provides:

> Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by one of the following procedures[.]

The statute then describes two procedures for resolving boundary disputes: (1) a written agreement signed by the affected property owners documenting the location of the point or line separating the parcels, signed and acknowledged in the manner required for a conveyance of real property and recorded with the real estate records of the county where the property is located; or (2) a court action to determine the boundary, filed under RCW 58.04.020. RCW 58.04.007 (1), (2). Your questions concern the circumstances under which the first of the two alternatives may be used.

1. May RCW 58.04.007 be used to resolve any type of boundary dispute, or is the statute only meant to resolve a certain type of boundary dispute?

It does not appear that the appellate courts have construed RCW 58.04.007, and our examination of the legislative history of its enactment (Laws of 1996, ch. 160, § 3) did not provide insight beyond what can be gleaned from examining the text of the statute.

Where statutory language is unambiguous, the courts derive legislative intent from the text of the statute alone, construing it as a whole and giving effect to every provision. *Schromv. Bd for Volunteer Fire Fighters,* 153 Wn.2d 19, 100 P.3d 814 (2004) (construing statutes defining eligibility of fire district employees for pension benefits). The text of RCW 58.04.007 provides a clear indication of the circumstances where this statute was intended to apply. First, the statute may be used when a "point or line" determining the boundary between two or more parcels of property cannot be identified based on existing records, monuments, and landmarks. Thus, the statute would not apply (for instance), where the boundaries of a parcel are established but the ownership of the parcel is in doubt.

Second, the statute applies when a point or line determining the boundary between two parcels is in dispute. The statute presupposes, then, an actual controversy between adjoining property owners as to the boundary line between their parcels. This point is underscored by the fact that before the enactment of RCW 58.04.007, litigation was the only way to resolve property line disputes.

(original page 3) In asking whether RCW 58.04.007 may be used to resolve any type of boundary dispute or is meant to resolve only certain kinds of disputes, your letter does not posit particular types of disputes that you may have in mind, and we can think of none other than those addressed by the statute, as discussed above. It seems apparent from the statutory language, however, that RCW 58.04.007 is limited to circumstances where a boundary line or point between parcels is objectively uncertain or where there is an actual dispute over the point or line that determines the boundary. The statute does not speak more broadly to address other circumstances that may give rise to changes in boundaries, such as subdivision of parcels, or other matters dealt with by different laws.

To illustrate these general principles, the following hypothetical cases might be considered:

Case 1: A and B are the owners of adjoining tracts of land. The deeds establishing the line between their property (recorded in territorial days) refer to certain monuments (an old cedar tree, a certain rock) that either no longer exist or cannot be identified.

Case 2: C and D own adjoining lots in a subdivision. C contends that a survey monument placed many years ago accurately marks the boundary between the lots. D contends that the monument has been moved and that a fence built by a previous owner is on the true boundary.

Case 3: E and F, sisters, have jointly inherited a parcel of land from their parents. Rather than continuing in joint ownership of the whole parcel, they hire a surveyor to divide the parcel into two equal portions.

Case 4: G is the owner of a 10-acre parcel of land. G proposes to divide the parcel into 10 one-acre lots and to convey six of these lots to H for a residential development. G and H, by walking the land and using a map of the property, reach agreement concerning the boundaries separating the lots.

It would appear that RCW 58.04.007 was designed for the situations illustrated in Case 1 and Case 2 above. In Case 1, the recorded property description cannot be understood without reference to the landmarks, and the landmarks can no longer be identified. A and B cannot determine where the line separating their property is located. Perhaps, with the help of a surveyor or with research concerning old records, they will be able to establish a line they can agree on without going to court. Similarly, C and D might find that a new survey will establish whether the survey monument or the fence is on the line between their lots, and they could record the results of the survey instead of resorting to litigation.

By contrast, RCW 58.04.007 does not cover Case 3 or Case 4 above. In Case 3, there is no uncertain boundary between adjoining parcels, nor is a boundary line in "dispute" between two landowners. Rather, the question is where to draw a new boundary line dividing a single *(original page 4)* existing parcel. Likewise, in Case 4, there is no "dispute" between existing landowners but rather an agreement concerning the subdivision of an existing parcel. Furthermore, in Case 4 at least, a subdivision into several lots implicates the platting and subdivision laws.

The hypothetical cases cited above are not intended to address any actual situations. They merely illustrate our view of the scope of RCW 58.04.007.

2. RCW 58.04.007 permits property owners to resolve a dispute about property boundary lines by written document showing their agreement about the location of the boundary line, recorded as a real estate record. Does a charter county have authority to require county review before the written instrument can be recorded?

Your opinion request states that King County requires review of boundary line agreements before they are recorded under RCW 58.04.007, and your second question asks whether a county may enact such a requirement.

The function of an Attorney General Opinion is to provide legal analysis of questions relating to statutory interpretation but is not to provide legal comment on specific existing disputes. Accordingly, we will address the general matter of the authority of charter counties to adopt local laws on this subject, but we do not intend our analysis as a comment on any particular dispute.[1]

A charter county has broad legislative authority, except that its action may not contravene any constitutional provision or legislative enactment. Const. art.XI, § 4. *KingCy. Coun. v. DisclosureComm'n*, 93 Wn.2d 559, 611 P.2d 1227 (1980). We could discover no constitutional provision limiting the authority of counties to legislate concerning recording boundary line agreements, so the question becomes: Is such an ordinance precluded by state statute? Since the state statute here is RCW 58.04.007 itself, the question becomes: Does this statute preempt county legislation on the subject?

County legislation is preempted if it directly contravenes some provision of RCW 58.04.007 or some other statute. As one of the cases explains it, a local regulation conflicts with a statute when it permits what is forbidden by state law or prohibits what state law permits. *Parkland Light & Water Co. v. Tacoma-Pierce Cy.Bd.Of Health*, 151 Wn.2d 420, 70 P.3d 37, (2004). Thus, for instance, a county ordinance requiring that all boundary line disputes be resolved by the courts (and prohibiting the county real estate recording office from recording written agreements under any circumstances) would contravene the language of RCW 58.04.007 and would therefore be void. Courts are reluctant to interpret a state statute to preclude local legislation unless that is clearly the legislative intent. *Wedenv. SanJuanCy.*, 135 Wn.2d 678, 958 P.2d 273 (1998).[2]

(original page 5) In our view, RCW 58.04.007 leaves room for local legislation, particularly legislation designed to implement the statute and facilitate its administration. Since RCW 58.04.007 specifies only that the agreement be in written form, for instance, a charter county could enact

requirements concerning the form of the written agreement (size of the document, what information it should contain, and where on the document each item should be located, etc.). Insofar as an ordinance providing for pre-recording county review may be concerned, we simply note that counties would appear to have considerable leeway in this area so long as the local legislation does not contravene the statute itself. For instance, an ordinance providing for review to determine whether a document presented for recording meets the requirements set forth in the statute (see discussion above) (or whether accepting a document for recording would be in conflict with some other state statute or state or local regulatory requirement[3]) would not necessarily be inconsistent with the statute. At least where a county can show that its ordinance serves a legitimate purpose and does not frustrate or negate the application of RCW 58.04.007 or other statutes, we believe the ordinance would be upheld.

We trust the foregoing will be of assistance to you.

Sincerely,

JAMES K. PHARRIS
Senior Assistant Attorney General

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[1] Because King County is a charter county, we will analyze the law relating to charter counties and do not reach the question whether a noncharter county would have authority to adopt an ordinance of this type.

[2] We also conclude that the State, by enacting RCW 58.04.007, did not intend to "occupy the field" of legislation on boundary disputes, thus precluding local legislation on the subject. Compare this case with *Cherry v. Mun. of Metro. Seattle*, 116 Wn.2d 794, 808 P.2d 746 (1991), where the court noted that the state had expressly preempted the field of regulation of firearms possession (RCW 9.41.290) but still found that an employer could prohibit employees from carrying firearms on the job. *See also City of Tacoma v. Naubert*, 5 Wash. App. 856, 491 P.2d 652 (1971), holding that a state statute regulating sale of erotic material to minors preempted local regulations on the same subject. Local procedural regulations on boundary disputes are neither expressly preempted, as is the case with firearms, nor inherently inconsistent with the state statutes on the subject.

[3] For instance, suppose G and H, the property owners in hypothetical Case 4 above, presented for filing a written agreement resolving their "dispute" concerning boundaries of the lots created to further their development plans. Such a document (1) would be beyond the scope of RCW 58.04.007 itself, (2) would also violate the platting and subdivision laws, and (3) might be inconsistent with local zoning or state growth management laws. Allowing such a document to be recorded could lead to confusion, at the very least, as to the status of the property in question. Thus, a county might require review to head off such potential problems.

From: Beverly Parsons
To: Amanda Walston
Subject: Comment for Planning Commission Hearing on Comp Plan Draft
Date: Tuesday, September 24, 2024 1:55:08 PM
Attachments: 9-24PCHearing.CompPlanComment.bparsons.9-24-24.docx

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Hi Amanda,

I'm submitting the attached comment for the Planning Commission's public hearing this evening. I'll make a verbal comment as well but since the attached is longer than the time limit, I'm submitting it in writing.

Thanks and see you tonight!

B

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Beverly A. Parsons
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Comments for Planning Commission on Comp Plan Update Public Hearing 9-24-24

I'm Beverly Parsons from Hansville.

Thank you for this opportunity to provide input about the Final Draft of the Comp Plan Update and related documents. I submitted a comment to you on September 17th during your deliberations of the draft plan that spoke of the need to focus on the County's new vision as given in the draft plan.

I would like to take my earlier comment a step further and request that you add two brief sections to the Introduction that are related to the future use of the Comp Plan. Plans such as this one too easily end up on a shelf and not used in important decision-making. One suggested new section is *Use of Revised Mission and Vision.* It would likely follow the section, *Preferred Alternative* (p.16). The second suggested new section is *Continued Public Participation.* It would follow the section, *The Planning Process and Public Participation* (p. 17)

1. New Section: *Use of Revised Mission and Vision*

   Based on past experience working with planning processes, I want to call attention to the fact that the change in mission and vision is a profound change. The significance of the change may not be recognized by those who are to use this Comp Plan in the future. Here is a suggested wording of this proposed new section.

   Use of Revised Mission and Vision

   It is the responsibility of all Kitsap County government officials, staff, and advisors to make decisions based on the Comprehensive Plan's revised Kitsap County Mission and Vision. The revised mission now includes responsiveness as a key responsibility of Kitsap County Government. The vision is of the county becoming a community —an engaged, connected, safe, healthy and livable, resilient, vibrant, and well-governed community—as a result of enacting the Comprehensive Plan. Thus, when County government officials, staff, and advisors make decisions, the focus is not on simply balancing the interests of one group or element with another. Rather, it is on focusing all parties on the County becoming a true community that is an engaged, connected, safe, healthy and livable, resilient, vibrant, and well-governed community. Subareas within the County would mirror this same type of community. The approach involves systems thinking—seeing the whole—rather than a focus on separate elements.

2. New Section: *Continued Public Participation*

   Again, based on past planning experience, I have found that often active public participation is forgotten when it comes to implementation. It is essential to continue public participation throughout implementation. That participation needs to focus on the type of community that the County wants to become— an engaged, connected, safe, healthy and livable, resilient, vibrant, and well-governed community. Such participation processes need to bring the full range of voices together representing the diversity of the County to jointly determine how to build the desired community. It is not limited to sequential meetings with different interest

groups. It involves sitting down together to create the desired community recognizing and respecting the full diversity of perspectives that create the desired type of community. Different engagement processes are needed from those used in the development of the plan. A suggested paragraph to add to the Introduction is:

Continued Public Participation

To help the County become an engaged, connected, safe, healthy and livable, resilient, vibrant, and well-governed community as stated in the County Vision, continued vision-focused public participation is needed during implementation of the Comprehensive Plan. County government officials, staff, and advisors are expected to gain and use the skills and knowledge necessary to implement the Comprehensive Plan in a way that wholistically supports the vision. They bring widely representative groups in the community together to seek to understand and strategize for the big picture. It's not a few groups here and there pushing their own agenda. An example would be a focus on affordable, livable communities in an area of the county rather than focusing narrowly on affordable housing and environmental protection. It would involve respectful facilitation of diverse residents who work together to create the desired type of community.

Thank you for considering these suggestions.

From: Martha Burke
To: Amanda Walston
Subject: Comment on Hearing on Comprehensive Plan Preliminary Alternative
Date: Tuesday, September 24, 2024 12:08:11 PM

Dear Commissioners:
My name is Martha Burke and I live in Suquamish. I have the following comment regarding the Hearing this evening on the Comprehensive Plan Preliminary Alternatives.

I want to complement the County on their direction towards building communities where people can live and work within their neighborhood, with access to schools, stores, cultural centers and nature without the need to drive everywhere. This doesn't currently exist most places and it will take active work on the part of County staff and programs to create it. This is especially true if we want to create diverse communities that include affordable housing. The Silverdale Regional Center Subarea Plan is laudable in that it is fairly specific and lays out some incentives and requirements to be included. However, I think the County is going to need to take the lead in making the kind of development happen, not just rely on what is essentially a passive approach of waiting for "opportunities". Some of our larger sister cities have had more experience with this. In Seattle, the Seattle Housing Authority has worked to redevelop areas such as High Point to provide a thriving community for nearly 1,600 families. Its community amenities, services and parks are a magnet for both locals and visitors from the greater neighborhood, and it is renowned for its environmentally responsible design and healthy living initiatives. This kind of project will require the involvement of responsible developers interested in good design, the support of nonprofits as well as state and federal funds, but also the active direction of the County. Without that participation the County might yes, be able to meet its goal for more dense, lower cost housing, but it will have sacrificed that goal of developing a community, not just a place to live.

From: Gary Chapman
To: Amanda Walston; Eric Baker; Colin Poff; Comp Plan
Subject: Comments Regarding the 2024 Comprehensive Plan Update
Date: Tuesday, September 24, 2024 11:49:06 AM
Importance: High

To the Planning Commission of Kitsap County,

As a licensed professional Land Surveyor we are imploring you to strike the draft change to the definition of a boundary line adjustment from the comprehensive plan. This draft was thrown into the latest rendition without the opportunity for peer review or public comment. The draft is extremely poorly written and fraught with misuse and misinterpretation of terminology and principles of property boundaries which will only cause complete shutdown of any person's ability to change a property line for a large number of legitimate reasons. This language was clearly written by someone who has no knowledge of how to determine property boundaries, property ownership and no knowledge of the difference between fee title and easements or right of ways. The State of Washington only recognizes our court systems and land surveyors licensed by the state to make boundary determinations. The language in this definition fails to understand the basic 101 principles of property boundaries and clearly has not been written by either. I am imploring you to strike this from the changes to the compressive plan until this can be fully vetted by professionals who are licensed to make boundary determinations.

Clearly the author of this definition is trying to prevent small strips of land, typically tax title, from creating larger building lots. Decades ago this was a common practice, however this was stopped long ago and was codified in Title 16.62, Legal Lot Determination. In fact most of the items listed in this change have already been codified under title 16.62 and there is no need to amend the current definition.

The author further thinks it's possible to do the same with right of ways, vacated right of ways and easements. This is where the author shows they have zero understanding of the basic principles of land boundaries, ownershfee title and permissive use. The author fails to understand these items are not property boundaries, they are permissive use over another person's land. The land within these is still owned by the adjoining property owners. Changing an easement does not change a boundary. Changing a boundary does not change an easement. There is no possible way to take any of these items to create new lots. Yet, there are hundreds of real life scenarios where people want to BLA legally created land involving these. Here are some examples.

Two neighbors agree to vacate an old county right of way between them but one land owner needs

all of the right of way area. Kitsap County vacates the right of way and they both get the clear title of the land to the centerline. Afterwards they need to do a BLA to move the property line so one neighbor gets all of the right of way. This definition would prevent this.

Similar to a tax title strip, two adjoining property owners, both legal lots, go together to buy a tax title strip. Afterwards they want to add the land to their lots, this prevents this from happening.

The same goes on and on for land such as open space. We prepared a boundary line adjustment to private open space and the adjoining lot owners because they had cleared and encroached into the open space. They set aside other land which was undisturbed to compensate for the change. This definition would prevent this. These definitions flat out tells people no to any BLA with no solution to amending these for the public good.

Adding this language at the very last minute is completely shady and is an attempt at DCD to subvert the opportunity for public comment and review by those who are authorized by the state to make these decisions. This is clearly an money grab situation for DCD to require a permit review process to further fund their budget. It's completely outrageous for DCD to even think they are qualified to make these determinations when they do not have a licenses surveyor on staff. If they did a surveyor that person would have corrected falsehoods which the code is clearly based.

DCD does not have licensed professional to review these and most of the staff are fairly junior in their careers and do not have the knowledge or experience to make determinations of property boundaries. A BLA permit is breaking state law by granting authority of unlicensed persons to make boundary determinations.

The permit process is going to add many months and likely years for the approval process. It currently takes several years to go through the simplest subdivisions. A BLA permit will require the same review and add to the burdens of an already overwhelmed staff. Most boundary line adjustments are made during real estate transactions which time is critical. This will destroy any ability to close real estate transactions in any reasonable timeline.

The permit process will severely increase the cost of any BLA between DCD permit fees and adding other professional consultants to provide data. We are in the middle of an affordable housing crises and this will only add to the problem.

Gary Chapman, PLS

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