

**TOWN OF YARROW POINT
COUNCIL SPECIAL MEETING MINUTES
April 27, 2017
12:00 PM**

The following is a summary of the proceedings and is *not* a verbatim transcript.

CALL TO ORDER:

Mayor Dicker Cahill called the meeting to order at 12:06 PM

PRESENT:

Mayor: Dicker Cahill

Councilmembers: Mary Elmore
David Feller
Steve Bush
Andy Valaas
Carl Scandella

Staff: Anastasiya Warhol – Town Clerk Treasurer
Mona Green – Town Planner
Stacia Schroeder – Town Engineer
Wayne Stewart – Town Attorney
Mike Walter – Town Legal Representative

Guests: David and Kathleen Teo – Residents at 9114 NE 32nd
Elizabeth and Len Newstrum – Residents at 4428 92nd

REGULAR BUSINESS:

The Mayor proposed to address regular business item AB 17-18 first; there were no objections.

AB 17 – 18 Moratorium Ordinance, for discussion and/or amendment

Mayor Cahill noted that the Council had given staff and legal counsel direction to propose amendments to the standing moratorium ordinance (*Ordinance No. 675*). The Council would like to see that the proposed amendments meet two objectives:

- 1) Protect the Town from legal risk such as the one posed by the most current litigation.
- 2) Narrow the scope of the moratorium to only include the necessary applications, thereby limiting disruption to property owners.

Town Attorney Wayne Stewart addressed the Council. He explained that a moratorium is currently in place due to the realization that certain provisions in the Town's zoning code must be updated. The ambiguity in the current code has led to confusion regarding how the Town defines a *legal buildable lot*. A moratorium places a temporary hold on

building permit applications which are reliant on the ambiguous code language, thereby giving the Town Planning Commission and the Council time to examine the code and make necessary amendments before any new applications are accepted. The moratorium is in place for six months but may be extended if necessary.

Town legal representative, Attorney Mike Walter, addressed the Council. He reiterated that a moratorium is a commonly used, and lawfully authorized tool at the disposal of the Council. Moratoria are not unusual and they give breathing room to revise the Town Code. Mr. Walter explained that he was tasked with crafting the original moratorium ordinance presented to Council on April 29th. The presented ordinance was fully lawful, defensible, and would stand up to any judicial challenge. Under the law, the Council has broad authority to craft moratoria to achieve policy goals and the Council did move to amend the presented ordinance. Based on further direction from the Council since the adoption of the ordinance, the Council has asked Staff to present some amendments to the standing moratorium ordinance. It is the opinion of the Town Staff and legal counsel that the current amendments being presented to the Council today are also fully lawful, defensible, and meet the objectives the Council has conveyed. Mr. Walter stated that the Council has the following three options:

- 1) Keep existing *Ordinance No. 675* with no amendments
- 2) Adopt new amended moratorium ordinance thereby repealing and replacing *Ordinance No. 675*
- 3) Repeal Moratorium *Ordinance No. 675*.

The Town Council discussed the proposed amendments to the Ordinance. Councilman Valaas asked how the moratorium deals with annexed lots. Attorney Stewart noted that annexed lots do not fall under the scope of the current moratorium; however, they are reviewed under separate provisions in the Town code. Mr. Valaas also asked about lots which were in existence prior to 1959. Wayne Stewart reminded the Council that these nuances will be openly discussed with the Planning Commission as part of the zoning update process.

MOTION: Councilmember Valaas moved to adopt the presented amended moratorium ordinance, with the removal of the word “and” in the last sentence of Section 1. Findings of Fact, on page 4. Councilmember Scandella seconded the motion.

Council discussed the motion.

MOTION: Councilmember Valaas moved to amend the motion to add a new subsection under Section 3. Moratorium Established. Councilmember Feller seconded the motion.

Council discussed the proposed amendment to the motion.

The Mayor called a ten-minute recess to allow time for making copies of the new proposal. Meeting resumed at 1:45pm.

Councilman Valaas explained that as part of his proposal, he is suggesting that the following language be added under Section 3. Moratorium Established:

3.4 Any land use application for a proposed lot that is less than a complete tax parcel as identified on the King County Assessor quarter-section map as of February, 2017. The maps that are applicable to the Town of Yarrow Point and effective dates of the maps are shown in the table below (copies are available at the Yarrow Point Town Hall).

Approximate Lot Location	Quarter Section Map	Dated
West of 92 nd Ave NE & North of NE 40 th Street	SW 18-25-05	Feb. 15, 2017
East of 92 nd Ave NE & North of NE 40 th Street	SE 18-25-05	Feb. 14, 2017
West of 92 nd Ave NE, South of NE 40 th Street & North of 520	NW 19-25-05	Feb. 14, 2017
East of 92 nd Ave NE, South of NE 40 th Street & North of 520	NE 19-25-05	Feb. 14, 2017
West of 92 nd Ave NE, & South of 520	SW 19-25-05	Feb. 15, 2017

Councilman Valaas also proposed that King County Assessor quarter-section maps be included with the Ordinance.

The Council briefly discussed the content of the new proposal. The consensus of the Council was that more time was needed to properly evaluate the new proposal.

MOTION: Councilmember Valaas moved to table the discussion on the amended motion, as presented. Councilmember Scandella seconded the motion.

VOTE: 4 For, 1 Against, 0 Abstain. Motion carried.

The Council agreed to continue the discussion at the May 9th regular meeting. The Council also moved to cancel the public hearing scheduled for that date; a public hearing on the moratorium will be scheduled for a future date.

AB 17-16 Purchasing Policy, for Adoption

MOTION: Councilmember Valaas moved to adopt the Purchasing and Bidding Policy, outlining state purchasing and bidding requirements and internal policies, as presented. Councilmember Bush seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion carried.

AB 17-07 Development Fees, Resolution No. 332, for Approval

MOTION: Councilmember Valaas moved to approve development Resolution No. 332, setting forth fees for various permits, services, and applications within the Town, and repealing and replacing previous fee Resolution No. 306. Councilmember Elmore seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion carried.

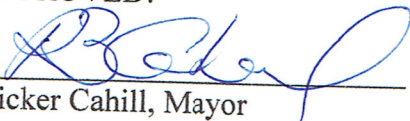
MAYOR & COUNCIL REPORTS:

ADJOURNMENT:

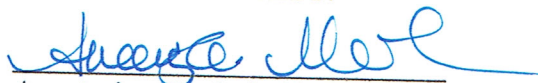
MOTION: Councilmember Valaas moved to adjourn the meeting at 2:21pm. Councilmember Feller seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:


Dicker Cahill, Mayor

ATTEST:


Anastasiya Warhol, Clerk-Treasurer

