

**TOWN OF YARROW POINT**

**ORDINANCE NO. 681**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, RELATING TO THE DEFINITION AND APPLICATION OF BUILDABLE LOTS AND/OR LEGAL BUILDING LOTS, AND AMENDING YARROW POINT MUNICIPAL CODE 17.16.050 – LEGAL BUILDING SITE REQUIREMENTS.**

**WHEREAS**, pursuant to RCW 35.27.370 specifically and Ch. 35.27 generally, the Town is granted broad powers to make all such laws, ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the Town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of RCW Ch. 35.27, and these broad powers include among other things adopting zoning, building and land development regulations; and

**WHEREAS**, on June 13, 2017, the Yarrow Point Town Council passed Ordinance No. 677, adopting Findings and Conclusions to support Ordinance No. 676 that established a six-month moratorium on the acceptance of applications for certain building permits, subdivisions and short plats in order to provide the Town time to review and make revisions to certain parts of the Town Code relating to buildable lots and/or legal building lots and to address lot consolidation and/or aggregation for sub-standard, non-conforming lots; and

**WHEREAS**, the facts supporting this Ordinance include the “Recitals” to Ordinance No. 676 and Ordinance No. 677, which are hereby adopted by reference, along with the findings and conclusions of those Ordinances which support adoption of this Ordinance and are incorporated herein by this reference as if fully set forth; and

**WHEREAS**, the Town Planning Commission studied various approaches to the definition

of buildable lots and/or legal building lots that would be most appropriate to continue the pattern of land development, the density and lot sizes within the Town of Yarrow Point. As part of its review process, the Town Planning Commission did the following:

1. Reviewed and considered language from a number of different city, town and county codes from Washington and other States concerning buildable lots and legal building lots;
2. Received and considered information, advice and documents from the Town's Planner;
3. Received and considered information, advice and documents from the Town's Attorney;
4. Received and considered information, advice and documents from an outside land use and municipal litigation attorney;
5. Held regular public meetings on March 27, 2017, April 24, 2017, May 1, 2017, May 22, 2017, June 19, 2017, and a special meeting on June 26, 2017, all at Town Hall, to receive and consider information and documents concerning possible changes to YPMC 17.16.050, other jurisdictions' definitions of buildable lots and/or legal building lots, and other issues concerning the issues underlying the need for and ultimate language of this Ordinance; and

**WHEREAS**, the Town Planning Commission conducted a Public Hearing on July 17, 2017 in order to solicit formal public comments on the proposed language; and

**WHEREAS**, on July 17, 2017, the Town Planning Commission recommended to the Town Council that the language in Section 1 below amending Yarrow Point Municipal Code 17.16.050 be adopted; and

**WHEREAS**, the Town Council conducted a Public Hearing on September 14, 2017 to hear additional testimony regarding the proposed amendment to Yarrow Point Municipal Code 17.16.050;

and

**WHEREAS**, the Town Council finds and concludes that it is in the best interests of the Town of Yarrow Point and its citizens, and in the interests of the public health, safety, welfare and economic viability of the citizens of the Town to adopt this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:**

**SECTION 1.** Yarrow Point Municipal Code 17.16.050 is amended to read as follows:

17.16.050 - Legal Building Site Requirements.

- A. A legal building site must meet the requirements in subparts 1 and 2 below.
1. Abut a public street or have access to a public street by means of a private lane or panhandle driveway; and
  2. Meet at least one of the following criteria:
    - a. Fully comply with the minimum area requirements of YPMC 17.16.010; or
    - b. Any building site that does not meet the minimum area requirements of YPMC 17.16.010 must meet all of the following conditions:
      - i. The building site was lawfully created and came into existence before the date of the Town's incorporation of August 4, 1959; and
      - ii. The building site was held in separate ownership as of the date of incorporation of August 4, 1959; and
      - iii. The building site has not been consolidated with a contiguous lot since the date of incorporation of August 4, 1959; and
      - iv. The building site has not been developed in conjunction with a contiguous lot since the date of incorporation of August 4, 1959; or
    - c. Lots which came into the Town through a valid annexation process and which were legal building lots or sites in the zone of the prior jurisdiction, but which do not meet the minimum area requirements of YPMC 17.16.010.
- B. Under no circumstances shall a lot that does not comply with the requirements of subsection A above and is solely created or recognized as a tax parcel or given a tax

number by the County Assessor's Office be deemed a legal building site, and no land use permits, authorizations or approvals shall be granted.

- C. Legal Building Sites must conform to all applicable Town, State, and Federal building setback, environmental, critical areas and other applicable building and development regulations.
- D. The owner or applicant has the burden of establishing compliance with YPMC 17.16.050.

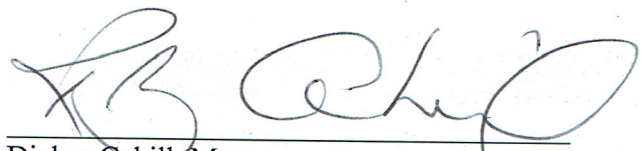
**SECTION 2.** Validity. If any section, paragraph, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that they would have passed this Ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases may subsequently be found by competent authority to be unconstitutional, invalid or unenforceable.

**SECTION 3.** Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force five (5) days after the date of publication.

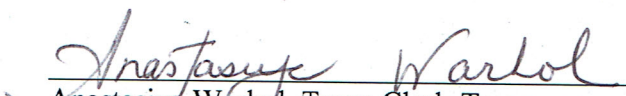
PASSED BY THE TOWN COUNCIL AT A REGULAR MEETING THEREOF ON THE 14<sup>th</sup> DAY OF SEPTEMBER, 2017.



TOWN OF YARROW POINT

  
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Dicker Cahill, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Anastasiya Warhol, Town Clerk-Treasurer

APPROVED AS TO FORM:

Wayne Stewart

Wayne Stewart, Town Attorney

FILED WITH THE TOWN CLERK: October 9, 2017  
PASSED BY THE TOWN COUNCIL: September 14, 2017  
PUBLISHED: October 4, 2017  
EFFECTIVE DATE: October 9, 2017  
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