TOWN OF YARROW POINT

ORDINANCE NO. 688

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YARROW POINT
AMENDING YARROW POINT MUNICIPAL CODE SECTION 16.16.020
REGARDING PRIVATE LANE MAINTENANCE REQUIREMENTS;
AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, various lots within the Town of Yarrow Point (Town) are accessible by
private lanes; and

WHEREAS, such private lanes are typically created by private easement among the
landowners having use thereof for the purpose of access, ingress, egress and utilities to/from public
streets and rights-of-way; and

WHEREAS, private lanes may be required pursuant to the Town’s police power
regulations related to approval of short plat and short subdivision applications, including YPMC
16.16.020, to ensure adequate police, fire and life safety access; and

WHEREAS, private lanes are located on and comprise private property for which the
Town cannot provide repair or maintenance using public funds; and

WHEREAS, maintenance and repair of private lanes are the responsibility of the adjacent
owners entitled to ownership and use of the private lanes; and

WHEREAS, the Town finds it necessary and in the public interest to clarify the respective
obligations of the private owners abutting and using private lanes to maintain and repair such lanes,
and the obligation of the Town to ensure adequate access for police, fire and life safety purposes;

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

Section 1. Section 16.16.020 of the Yarrow Point Municipal Code is hereby amended in
full to read as follows:

16.16.020 Private Lanes

The following requirements and limitations apply when the planning commission
determines that the subdivision or short subdivision cannot reasonably provide a
public right-of-way because of the unique characteristics, small size or dimensions
of the property to be divided. A private lane is not a public right-of-way and shall
serve no more than seven building sites.

A. Easement for Private Lanes. Perpetual and reciprocal easements for the
private lane shall be granted between the several lots of the subdivision or short
subdivision in a form approved by the town attorney and consistent with this chapter, and shall be and recorded with the King County department of records and elections concurrently with recording of the subdivision or short subdivision. Such easements shall be for ingress and egress of vehicular and pedestrian traffic and underground utilities, and shall grant to the town the perpetual right of ingress and egress over and upon the private lane and easement for the exercise of police power of the town, including the conduct of all municipal responsibility and the protection of life and property. Such easements shall at minimum perpetually burden the lots within the subdivision and the owners thereof, jointly and severally, with the obligation and full cost of upkeep, maintenance and repair of the private lane in accordance with minimum standards for such work established by the town, if any, to ensure the continuing exercise by the town of its police power in the subdivision.

B. Maintenance and Repair. The owner and/or owners of lots which utilize a private lane for access to a public right-of-way are required to maintain the condition and accessibility of such private lane. Maintenance and repair shall be performed in accordance with the terms of the easements recorded pursuant to YPMC 16.16.020(A) or such other agreements as may exist between the owners. In the absence of timely and appropriate maintenance and repair of a private lane, the town shall have the right, but not the obligation, to institute legal action against the owner or owners thereof to compel such action, and/or may make necessary repairs, the costs of which shall be assessed, jointly or severally, against the owners of the lots which are serviced by the private lane.

C. Width. Private lanes shall have a minimum accessible easement width of 20 feet for their entire length for purposes of municipal, police, fire and safety access.

D. Turn-Around Area. A turn-around area shall be located adjacent to or within the most distant lot from the public street which is accessed by the private lane. The turn-around shall be of a reasonable and sufficient shape to provide for the turning around of motor vehicles and safety vehicles, as approved by the town staff.

E. Approval. The location of all private lanes and turn-around areas shall be subject to the approval of the town council.

F. The area of the private lane shall not be included as a portion of any lot. Setbacks shall be measured from the near edge of the private lane easement.

G. Exception. Private lanes are prohibited where adequate lot size and proportions can be obtained through the dedication of full width streets, in spite of the fact that the number of potential lots within the subdivision or short subdivision may be less than would be possible if the subdivision or short subdivision utilized a private lane in lieu of a dedicated street.

Section 2. The Town Clerk is directed to take steps as required to implement and effectuate this Ordinance. The Clerk is authorized to correct scrivener's errors, internal references, and the like.
Section 3. This Ordinance shall be in full force and effect five days after publication of a summary hereof consisting of the title of this Ordinance, in accordance with RCW 35A.13.200.

ADOPTED by the Town Council of the Town of Yarrow Point this 10th day of July, 2018.

Richard Cahill, Mayor

ATTEST:

Anastasiya Warhol, Clerk-Treasurer

APPROVED AS TO FORM:

Scott M. Missall, Town Attorney