



**Joint Town Council and Planning Commission Special Meeting**

Tuesday, March 18, 2025 - 6:00 PM

Town Hall/Virtual

4030 95<sup>th</sup> Ave NE, Yarrow Point, WA. 98004

---

**Mayor:** Katy Kinney Harris

**Councilmembers:** Stephan Lagerholm, Steve Bush, Chuck Porter, Michael Hyman, Kathy Smith

**Planning Commission Chair:** Carl Hellings

**Planning Commissioners:** Chuck Hirsch, David Feller, Debi Mishra, Lee Sims

**Town Attorney:** Emily Romanenko

**Clerk-Treasurer:** Bonnie Ritter

**Deputy Clerk:** Austen Wilcox

**Meeting Participation**

The Town of Yarrow Point has moved to hybrid meetings, offering both in-person at Town Hall and virtual meeting participation online or by phone. Individuals wishing to speak live should register their request with the Deputy Clerk at 425-454-6994 or email [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) before 2:00 PM the day of the meeting. Please reference *Public Comments for the Council Meeting* in your correspondence. Comments via email may be submitted to [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) or regular mail to: Town of Yarrow Point, 4030 95<sup>th</sup> Ave NE, Yarrow Point, WA 98004.

**Join on computer, mobile app, or phone**

1-253-215-8782

Meeting ID: 873 2062 1275#

Passcode: 491260

<https://us02web.zoom.us/j/87320621275?pwd=MLwpbUyv4JZBCW0zApa7jmTo0H2Jtt.1>

1. **CALL TO ORDER:** Mayor Katy Kinney Harris (Council) and Carl Hellings (Planning Commission)

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, Kathy Smith

Commissioners Carl Hellings, Chuck Hirsch, David Feller, Debi Mishra, Lee Sims

4. **APPROVAL OF/AMENDMENTS TO AGENDA**

5. **APPROVAL OF THE MINUTES**

February 18, 2025 Special Meeting

6. **APPEARANCES/PUBLIC COMMENT** **Speakers will be allotted 3 minutes**

Please wait for the Deputy Clerk to call on you to speak.

If you dial in via telephone, please unmute yourself by dialing \*6 when you are recognized. Please state your name and whether you are a Yarrow Point resident (and address if you wish). You will be asked to conclude your remarks when you reach the 3-minute limit. *Councilmembers and Planning Commissioners will not respond directly at the meeting or have a back-and-forth exchange, but they may ask staff to research and report back on an issue.*

7. **STAFF REPORTS**

8. **REGULAR BUSINESS**

8.1 Development Impact Fees

8.2 Development Regulation Updates

**9. ADJOURNMENT**

**TOWN OF YARROW POINT  
TOWN PLANNING COMMISSION SPECIAL MEETING  
February 18, 2025  
6:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in special session on Tuesday, February 18, 2025, at 6:00 p.m. in the Council Chambers of Town Hall.

**PLANNING COMMISSION PRESENT:** Chair Carl Hellings, Commissioners, Lee Sims, Chuck Hirsch, and David Feller

**PLANNING COMMISSION ABSENT:**

**STAFF PRESENT:** Deputy Clerk Austen Wilcox, Planner Aleksandr Romanenko

**1. CALL TO ORDER**

Chair Hellings called the Planning Commission meeting to order at 6:02 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**MOTION:** Motion by Commissioner Hirsch seconded by Commissioner Feller to approve the agenda as presented.

**VOTE:** 4 for, 0 against. Motion carried.

**5. APPROVAL OF THE MINUTES**

- January 21, 2025 Special Meeting

**MOTION:** Motion by Chairman Hellings, seconded by Commissioner Hirsch to approve the January 21, 2025 special meeting minutes as presented.

**VOTE:** 4 for, 0 against. Motion carried.

**6. STAFF REPORTS**

Planner Romanenko discussed supplemental documents related to fish & wildlife he provided the Commission for context related to Commissioner Sims' supplemental documents related to subdivisions and critical areas. Planner Romanenko shared that Planning Commission and Council may have some upcoming joint meetings.

**7. PUBLIC COMMENT**

Resident Steve Scalzo shared that he will hold his comments until after regular business.

**8. REGULAR BUSINESS**

**8.1 – Development Regulation Updates**

Planner Romanenko discussed Development Regulation updates for:

- Middle Housing (HB1110 Integration)
- Consolidated Permit Review (SB5290)
- Legislative and Administrative Updates.

**MOTION:** Motion by Chairman Sims, seconded by Commissioner Feller recommend that the Town Council run a join meeting with the Planning Commission at the next regular Planning Commission meeting date to

assess the viability of incorporating the impact or mitigation fees into the new revised code the Planning Commission is reviewing currently.

VOTE: 4 for, 0 against. Motion carried.

The Planning Commission discussed design elements of the draft code and provided feedback for public review of the draft code.

**9. PUBLIC COMMENT**

Resident Steve Scalzo complimented the Planning Commission on their work and requested assistance accessing Planning Commission packet materials. Staff responded.

MOTION: Motion by Chairman Hellings, seconded by Commissioner Hirsch direct the Town Planner to incorporate discussion, notes and feedback from the latest version of the draft code and incorporate or adjudicate any typos for an updated review at the next Planning Commission Meeting.

VOTE: 4 for, 0 against. Motion carried.

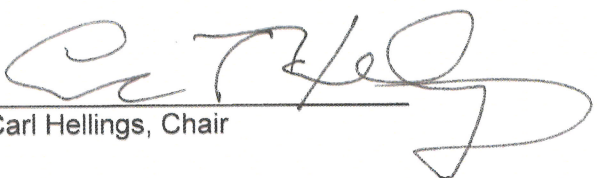
The Planning Commission will meet at 6:00pm on March 18, 2025.

**10. ADJOURNMENT:**

MOTION: Motion by Commissioner Hellings, seconded by Commissioner Sims to adjourn the meeting at 8:19 p.m.

VOTE: 4 for, 0 against. Motion carried.

  
\_\_\_\_\_  
Attest: Austen Wilcox, Deputy Clerk

  
\_\_\_\_\_  
Carl Hellings, Chair

<b>Impact Fees</b>	<b>Proposed Action: Discussion and Possible Vote</b>
--------------------	--

<b>Presented by:</b>	Town Attorney and Town Planner
<b>Exhibits:</b>	NA

**Summary:**

The Town Attorney has been asked to provide a presentation on impact fees given the potential impacts to public facilities and infrastructure from the expanded development stemming from middle housing.

This presentation will cover the legal rules of the road for impact fees, including what they can be used for, what they can't be used for, how they are assessed and how to adopt an impact fee ordinance.

**Action Items**

- Staff Presentation (15 min)
- Discussion (30 min)

**Recommended Motions:**

- I move to direct staff to further research impact fees as discussed at this meeting.

<b>Development Regulation Updates: Middle Housing (HB1110 Integration) Consolidated Permit Review (SB5290) Legislative and Administrative Updates</b>	<b>Proposed Action: Discussion and Possible Vote</b>
---	--

<b>Presented by:</b>	Town Planner
<b>Exhibits:</b>	<ul style="list-style-type: none"> <li>● Draft Development Regulation Updates</li> </ul>

**Summary:**

At the regular April Town Council meeting, staff presented the gap analysis and public engagement plan. Council approved the engagement plan with amendments to include two public engagement open house type meetings. One before administering the survey to help inform the public, and one after to discuss outcomes. Staff was also directed to develop a preliminary budget for the integration of the new middle housing legislative requirements. The preliminary budget estimate is \$160,000 on the high end, with a low end budget estimate of \$45,000. A portion of the budget is offset by a \$35,000 grant which was awarded to Yarrow Point for middle housing regulation update work.

The Town has published a middle housing webpage to help residents navigate the requirements and implications of the middle housing legislation. Additional information will be provided on the Town’s webpage as it is developed. The informational open house was held on May 29th from 6-8pm at Town Hall. The survey was launched during the open house and flyers with the Town’s middle housing webpage and survey were posted on all town mailbox pagodas, emailed to the Town mailing list, and posted on Town social media. 35 survey responses have been received as of 6-13-24. Town staff will continue to reach out to residents to encourage participation in the survey and public process.

Staff prepared several informational posters which were on display at the open house. These posters have been included with your packet in their digital form. Staff is continuing to compile a list of frequently asked questions which can be posted on the Town’s Middle Housing webpage to help inform residents.

At the June council meeting, staff presented an update following the open house, and was directed to create a work plan which outlines the next steps for the Town to address the requirements of Middle Housing.

At the September Meeting the Planning Commission directed staff to create a decision matrix to help guide the conversation and code update process. Staff prepared the decision matrix and has provided supporting background documents to help inform the decision making process.

At the November meeting the Planning Commission directed staff to begin drafting code, and to give more detail, for various decision making options for the December meeting.

At the December Planning Commission meeting middle housing was discussed, and additional decisions were made as the commission worked through the elements of middle housing. Questions were provided to the town planner to answer at the next meeting. Staff was directed to continue drafting code to incorporate previous discussions, and to present the code once the remaining decisions were finalized after subsequent meeting(s).

At the January meeting the planning commission further discussed middle housing and made decisions on how to address the various variables which are within the Town's authority to regulate. Staff was asked to provide a draft code incorporating all of the requisite elements into a combined document for the February meeting.

Staff compiled the various code amendments related to a range of legislative requirements and has included them in a combined development regulation code update draft document. This includes but is not limited to HB1110, SB5290, SB5258, and many others.

At the February Planning Commission meeting the draft code was reviewed and discussed. Several minor edits were suggested by commissioners and possible funding sources for impacts were discussed. The commission asked that staff make the edits in time for the joint council and planning commission meeting scheduled for the regular March Commission meeting. The draft sent along with the staff report to the March council is the same as the original draft sent to the planning commission at their February meeting.

At the March Council meeting a copy of the draft code was provided as part of the planning staff report.

The draft code has been updated to reflect the comments from the Planning Commission, incorporate staff recommendations, and administrative updates.

## **Resources**

- [Yarrow Point Middle Housing Website](https://yarrowpointwa.gov/middle-housing/) : <https://yarrowpointwa.gov/middle-housing/>
- [WA Department of Commerce Middle Housing Website](#)
- [User Guide for Middle Housing Model Ordinances \(PDF\)](#)
- [Final Model Ordinance for cities under 25,000 \(PDF\)](#)
- Local Project Review - Commerce Webpage:  
<https://www.commerce.wa.gov/program-index/local-project-review-program/>

## **Action Items**

- Staff Presentation (15 min)

## **Recommended Motions:**

- I move to direct staff to incorporate discussed elements into the draft code.

# TYP 2025 Development Regulation Updates

## Table of Contents

Chapter 14.04 PROJECT PERMIT PROCESS .....	2
Chapter 16.04 GENERAL PROVISIONS .....	11
Chapter 16.08 (Reserved) <u>Fee Simple Unit Lot Subdivisions.</u> .....	13
Chapter 16.12 PRELIMINARY PLAT REQUIREMENTS .....	15
Chapter 16.16 DESIGN REQUIREMENTS .....	16
Chapter 16.20 IMPROVEMENTS .....	19
Chapter 16.24 FINAL PLAT REQUIREMENTS .....	21
Chapter 16.28 SHORT SUBDIVISIONS .....	23
Chapter 16.32 BOUNDARY LINE ADJUSTMENTS .....	25
Chapter 17.08 DEFINITIONS .....	28
Chapter 17.12 USE AND CLASSIFICATIONS .....	33
Chapter 17.16 DEVELOPMENT STANDARDS .....	40
Chapter 17.24 NONCONFORMANCES .....	46
Chapter <del>17.28</del> HEARING EXAMINER (Moving CH2) .....	47
Chapter 17.28 <u>VARIANCES</u> .....	51
Chapter 19.02 SHORELINE MASTER PROGRAM .....	54

### Chapter 14.04



## PROJECT PERMIT PROCESS

### Sections:

- 14.04.005 General provisions.
- 14.04.010 Definitions.
- 14.04.014 Preliminary feasibility conference.
- 14.04.015 Preapplication conferences.
- 14.04.020 Applications requiring review at a public hearing.
- 14.04.025 Construction Activity notice.
- 14.04.030 Consolidation of application reviews.
- 14.04.040 Determination of completeness of application.
- 14.04.050 Designation of representative.
- 14.04.060 Public notice of application.
- 14.04.070 Environmental review.
- 14.04.080 Open record public hearings.
- 14.04.090 Deadline for final decision by the town.
- 14.04.100 Reconsideration.
- 14.04.110 Exclusions.
  
- 14.04.120 Substantial Revisions or Modifications to Proposal.

### **14.04.005 General provisions.**

A. The town is authorized to establish application forms to gather the necessary information required by the YPMC and to determine the completeness of an application as provided in the applicable YPMC provisions.

B. All applications shall be submitted with the appropriate fees as established by town council resolution which may be amended from time to time. The fees are necessary to reimburse the town for costs associated with processing the permits including, but not necessarily limited to, staff time, consultant time, postage, legal notices, construction activity notices, paper, duplicating costs, and mileage.

~~C. A construction activity notice sign shall be required for all permits issued under this chapter.~~

~~1. The sign shall include the following information:~~

- ~~a. The file number assigned to the project permit.~~
- ~~b. A description of the project.~~
- ~~c. The contact information of the project applicant.~~

~~2. The signs shall be placed by the applicant in the following manner:~~

- ~~a. No more than five feet inside the street property line.~~
- ~~b. Completely visible and accessible to both drivers and pedestrians.~~
- ~~c. In place for the entire duration of the permit effective date. (Ord. 699 § 1, 2019)~~

### **14.04.010 Definitions.**

A. “Application” means any application for a land use or development permit as required by the town for a project action, including but not limited to (1) variances, (2) boundary line revisions, subdivisions, short subdivisions, unit lot subdivisions, zero lot line subdivisions, and (3) shoreline substantial development permits, but excluding those matters listed in YPMC 14.04.110.

B. “Closed record appeal” means an administrative appeal on the record to the council following an open record

hearing on an application. The appeal must be on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

C. "Commission" means the planning commission of the town of Yarrow Point, Washington.

D. "Council" means the council of the town of Yarrow Point, Washington.

E. ~~"Open record hearing"~~ "Public Hearing" means a hearing conducted by the planning commission, the council, or the town hearing examiner, as appropriate, that creates the town hearing record through testimony and submission of evidence and information.

F. ~~"Public meeting" means a meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the town's decision. A public meeting may include, but is not limited to, a regular or special meeting of the planning commission or the council at which the application is discussed but no testimony is received nor action taken. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the town's application file.~~

G. "Town" means the town of Yarrow Point, Washington.

#### **14.04.014 Preliminary feasibility conference.**

Upon written request, and payment of a preliminary feasibility conference fee established by the town council which may be amended from time to time, town staff may provide a preliminary feasibility conference for members of the public. Consultant fees which exceed the base fee set forth herein shall be billed to the applicant at the hourly rates listed in the Town's fee schedule. Such a conference may be held with one or more of Town staff upon request, and may be conducted in person, by phone, email correspondence, virtual meeting, or any combination thereof at the Town's discretion. The purpose of this conference is to provide general information only regarding applicability of town code on a given parcel. The conference does not include a title review or review of private property restrictions such as but not limited to HOA covenants and restrictions. Members of the public and property owners are solely responsible for verifying all information provided as well as ascertaining the conditions and circumstances applicable to the property.

#### **14.04.015 Preapplication conferences.**

A. Prior to the submittal of any application for any of the following permits, an applicant shall submit a preapplication conference request, pay the required fee, and participate in the preapplication conference:

1. Shoreline substantial development permit required pursuant to Resolution No. 345, Appendix B, Subsection 3.1.
2. Any permit required pursuant to Chapter 12.04 YPMC, Street Excavations.
3. Any permit required pursuant to Chapter 12.30 YPMC, Construction Activities and Parking Plan.
4. Any permit required pursuant to Chapter 13.04 YPMC, Public Utility Franchises.
5. Building permit required pursuant to YPMC 15.04.010(A).
6. Preliminary plat applications required pursuant to Chapter 16.12 YPMC, Preliminary Plat Requirements.
7. Short subdivision applications required pursuant to Chapter 16.28 YPMC, Short Subdivisions.
8. Unit Lot Subdivision applications required pursuant to Chapter ###.### YPMC; Unit Lot Subdivisions
9. Zero Lot Line Subdivision applications required pursuant to Chapter ###.### YPMC; Zero Lot Line Subdivisions
108. Boundary line adjustment applications required by Chapter 16.32 YPMC, Boundary Line Adjustments.

~~119.~~ A macro wireless facility permit required by YPMC 17.30.070.

~~120.~~ Site development permit required pursuant to Chapter 20.12 YPMC, Site Development Permit.

~~131.~~ Any other permits as determined by the town.

B. A request for a preapplication conference shall be made on a form prescribed by the town, including the specific information requested on the form, and shall include payment of a nonrefundable fee as set forth in the fee resolution adopted by the town council and amended from time to time.

C. All preapplication conferences include required permit intake meeting.

D. A preapplication conference does not vest a proposed application.

E. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the town's future application or enforcement of all applicable law.

F. The town may waive the preapplication fee if the town determines that no preapplication review is necessary.

#### **14.04.020 Applications requiring review at a public hearing.**

A. The town hearing examiner reviews applications for variances and shoreline substantial development permits at a public hearing.

~~B. The planning commission reviews applications for boundary line revisions, subdivisions, and short subdivisions, and thereafter makes a recommendation to the council, which shall hold an open record hearing on the application. (Ord. 667 § 1, 2016; Ord. 496 § 2, 2000)~~

#### **14.04.025 Construction Activity Notice. [A1]**

A construction activity notice sign shall be required for all permits issued under this chapter.

1. The sign shall include the following information:

a. The file number assigned to the project permit.

b. A description of the project.

c. The contact information of the project applicant.

2. The signs shall be placed by the applicant in the following manner:

a. No more than five feet inside the street property line.

b. Completely visible and accessible to both drivers and pedestrians.

c. In place for the entire duration of the permit effective date.

#### **14.04.030 Consolidation of application reviews.**

Upon written request by the applicant or the town, any two or more applications that require review by the planning commission, council, or hearing examiner may be consolidated for review before the appropriate body.

#### **14.04.040 Determination of completeness of application.**

A. Within 28 days after receiving an application, the town shall ~~provide mail or provide in person~~ a written determination stating either:

1. That the application is complete; or

2. That the application is incomplete and that the procedural submission requirements of the local government have not been met. The determination shall outline what is necessary to make the application procedurally complete. ~~outlining what is necessary to make the application complete.~~

B. Unless otherwise specified, all time frames in this Chapter 14.04 are indicated as calendar days pursuant to RCW 36.70B.080(1)(g), as now exists and subsequently amended.

B. The determination shall, to the extent known to the town, identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application pursuant to RCW 36.70B.070(1)(c).

C. The application shall be considered complete for the purposes of this section when it meets the procedural submission requirements of the local government, as outlined on the project permit application, of the town ordinance governing the type of permit for which the application is made and shall be considered sufficient for continued processing even though a Additional information may be required or project modifications may be undertaken subsequently.

D. A determination of completeness shall not preclude the town from requesting additional information or studies if new information is required or if there are substantial changes in the proposed action.

E. The determination of completeness may include other information that the town has reason to include.

F. An application shall be deemed procedurally complete on the 29th day after receiving a project permit application under this section if the town does not provide a written determination to the applicant that the application is procedurally incomplete as provided in subsection A of this section. When the town does not provide a written determination, the town may still seek additional information or studies as provided for in subsection D of this section.

G. After a determination that the initial application is incomplete, the town shall issue a new determination of completeness within 14 days after an applicant has submitted the additional information requested.

~~G~~H. An application shall be deemed complete under this section if the town does not provide a written determination to the applicant that the application is incomplete.

~~H~~I. After receiving a notice of incomplete application, the applicant shall have 90 days in which to address the issue or the application shall be deemed void.

#### **14.04.050 Designation of representative.**

The town may require the applicant to designate a single person or entity to receive the determinations and notices required by this chapter.

#### **14.04.060 Public notice of application.**

A. The town shall provide a public notice of application within 14 days after the determination of completeness for any application that requires review at a public hearing by the council or town hearing examiner. This notice of application shall include:

1. The date of application, the date of the notice of the determination of completeness for the application, and the date of the public notice of application.
2. A description of the proposed action, a list of the project permits included in the application, and if applicable, a list of any studies requested by the town.
3. The identification of other permits known to the town to be needed, but not included in the application.
4. The identification of existing environmental documents that evaluate the proposed project and where the application and any studies can be reviewed.
5. A statement of the public comment period, which shall be not less than 14 days nor more than 30 days following the date of public notice of application, and a statement of the right of any person to comment on the application, to receive notice of and to participate in any hearings, to request a copy of the decision once made, and to appeal the decision. The town shall accept public comments at any time prior to the closing of any ~~open~~ record public hearing.
6. The date, time, place, and type of hearing, if applicable and scheduled at the time the public notice of application is prepared.
7. A statement of the preliminary determination, if one has been made at the time of public notice, of consistency with the town's development regulations and comprehensive plan.

8. Any other information determined appropriate by the town.

B. The town shall ~~post and publish~~[A2]h the public notice of application as required by town ordinance.

C. Copies of the public notice of application shall be forwarded to all local, state, or federal departments or agencies that have jurisdiction over any actions relating to an application.

D. A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C, unless an open record pre-decision hearing is required or an open record[A3] appeal hearing is allowed on the project permit decision.

**14.04.070 Environmental review**[A4].

A. Any necessary environmental review related to an application shall be consolidated with the review of the application. Actions that are categorically exempt under the rules adopted by the Washington State Department of Ecology do not require environmental review and may not be conditioned or denied under the State Environmental Policy Act.

B. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with both the jurisdiction and the environmental expertise with regard to a specific environmental impact, the town may consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the town shall base or condition its project approval on compliance with the existing rules or laws of that agency.

C. Nothing in this section limits the ability of the town in its review or mitigation of a project to adopt or rely otherwise on environmental analysis and requirements.

**14.04.080 ~~Open record public hearings~~Public Hearings.**

A. Before acting on one of the applications set forth in YPMC 14.04.020 and 14.04.030, the appropriate hearing body shall conduct an ~~open record~~ public hearing. The burden of proof shall be on the applicant. The application must be supported by proof that it conforms to the applicable elements of the town's development regulations, comprehensive plan and zoning code.

B. Prior to the ~~open record~~ public hearing, the hearing body shall cause to be prepared and submitted a single report describing all prior decisions or recommendations made that affect the permit under consideration. The report shall state any mitigation measures required or proposed and shall include or append any threshold environmental determination other than a determination of significance.

C. In addition to any rules adopted by the hearing body, the following rules of procedure shall apply:

1. A ~~member of the hearing body~~ [A5] who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified shall make full disclosure to the audience, abstain from expressing any opinion or voting on the proposal, and physically leave the hearing room.

2. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

3. Any member of the hearing body may view the site to which the application pertains, with or without notice to the parties; however, such visits and any ex parte communication pertaining to the application must be disclosed at the hearing.

4. The presiding officer shall describe, or cause to be described, for the record all written materials relating to the application that have been received by the hearing body.

5. When the presiding officer has closed the public portion of the hearing, the hearing body shall openly discuss the issue and may further question staff or a person submitting information, provided an opportunity for rebuttal is provided.

6. Following the hearing, the hearing body shall approve, approve with conditions, or deny the application. On appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal.

7. The decision of the hearing body shall be deemed to have been entered into the public record at the time a motion is passed that sets forth the decision.

8. The decision of the hearing body shall be substantiated in written findings and conclusions based on the testimony and written exhibits submitted at the public hearing. The date that such findings are approved shall be the date of action on the application. The time for appeal from the decision shall commence at such time.

9. The town shall provide a notice of decision, including the written findings and conclusions and a statement of any threshold determination made under SEPA. The notice of decision shall be provided to the applicant and to any person who requests notice of the decision. If the notice is delivered by mail, notification will be deemed complete three days after mailing by regular mail.

10. Any party of record may file a motion for reconsideration. Such request for reconsideration must be filed within 14 days of notification of the decision. The hearing body shall consider the request for reconsideration at its next regular meeting and may either grant or deny the request for reconsideration. If the hearing body grants the request for reconsideration, no action shall be taken upon the permit application until after a new open record public hearing has been scheduled with notice given as in the case of a new application, together with notice to all persons entitled to notice of the original decision. Requests for reconsideration shall only be granted if at least one of the following elements is established:

- a. An irregularity in the original open record public hearing prevented the applicant from receiving a fair hearing.
- b. New material evidence is discovered which the party applying for reconsideration could not have reasonably discovered and produced at the hearing.
- c. One or more errors in law were objected to at the time of the hearing by the party filing the request for reconsideration and the objection is found to have merit.

**14.04.090 Deadline for final decision by the town.**

A. The town shall issue a notice of final decision for each type of complete on a project permit application or project type within one hundred twenty days after the city has notified the applicant that the application is complete the following time periods following the determination of completeness:

1. 65 days, if no public notice is required as a result of an exemption to SEPA;
2. 100 days, if public notice is required as a result of SEPA; or
3. 170 days, if public notice and public hearing(s) are required as a result of SEPA.

In the event of a consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit periods identified above.

B. The number of days an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and excluding the following time periods:

1. Any period that the city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;
2. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application. The city may set conditions for the temporary suspension of a permit application; and
3. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

4.

The town shall not exclude any days an application is pending review by an outside agency. However, outside agency review should occur concurrent with the town's review of the application.

C. The time periods for the town to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the town.

D. If, at any time, an applicant informs the town, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the town has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for town action to issue a final decision for a project permit application. Any written notice from the town to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review.

E. The applicant and the town may extend the time for a deadline for issuance of a final decision for a specific project permit application upon mutual agreement.

F. The time limits set forth in this section shall not apply to any application that requires amendment to the comprehensive plan or town ordinances.

A. Except as otherwise provided in this section, the town shall issue its notice of final decision on an application within 120 days after the town has notified the applicant that the application is complete. In determining the number of days that have elapsed after the town has notified the applicant that the application is complete, the following periods shall be excluded:

1. Any period during which the town has requested that the applicant correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the town determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the town.

2. Any period during which an environmental impact statement is being prepared following a determination of significance.

3. Any extension of time mutually agreed upon by the applicant and the town.

B. The time limits set forth in this section shall not apply if an application requires an amendment to the town's comprehensive plan or the town ordinances or is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete as set forth in YPMC 14.04.020.

C. If the town is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

#### **14.04.100 Reconsideration Decision Shall be Final.**

A. The action of the hearing examiner on an application for a variance shall be final and conclusive unless, within 14 days from the date of the action, the original applicant or an adverse party makes application to the council for reconsideration. Decisions may be appealed to the King County Superior Court.

B. The action of the hearing examiner on an application for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be the final decision at the local level. Decisions may be appealed to the Washington State Shoreline Hearings Board.

C. The action of the council on an application shall be final and conclusive unless, within 14 days from the date of the action, the original applicant or an adverse party files a land use petition in a court of competent jurisdiction.

**14.04.110 Exclusions.**

The following matters are excluded from the requirements of this chapter:

- A. Building, mechanical, and street-opening permits.
- B. Street vacations.
- C. Approvals relating to the use of public areas or facilities.
- D. Landmark designations.
- E. Amendments to the comprehensive plan.
- F. The adoption or amendment of ordinances or regulations relating to land use and development.
- G. Interior alterations are excluded from site plan reviews, provided that the interior alterations do not result in the following:

1. Additional sleeping quarters or bedrooms;
2. Nonconformity with Federal Emergency Management Agency improvement thresholds; or
3. An increase to the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

This does not exempt interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

**14.04.120 Substantial Revisions or Modifications to Proposal.**

A. A revision or modification to the contents of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a significant increase in a project's impacts, as determined by the Town Planner. In reaching a decision on whether a revision is significant, the zoning administrator's consideration shall include, but not be limited to, the magnitude of the revision and the effect on the environment; the environmental sensitivity of the site; any changes in location of significant elements of the project and their relationships to public facilities; the impact of the revision on the review clock; and impacts to surrounding lands and land uses.

B. Written notice of such determination of substantial revision or modification shall be provided to the applicant and to all parties of record.

C. Any revision or modification deemed by the Town Planner to be substantial shall conform to the time periods set forth in YPMC 14.04.040. The review cycle for the revised project application shall begin with the date the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of a complete, revised project application.[A6]



## Chapter 16.04

### GENERAL PROVISIONS

#### Sections:

- 16.04.010 Title.
- 16.04.020 Relationship to comprehensive plan and Growth Management Act.
- 16.04.030 Purpose.
- 16.04.040 Definitions.
- 16.04.050 Regulation of land development.
- 16.04.060 Processing applications.
- 16.04.070 Fees.
- 16.04.080 Enforcing authority.
- 16.04.090 Violation – Penalty.

#### **16.04.010 Title.**

This title shall be known as the subdivision code for the town.

#### **16.04.020 Relationship to comprehensive plan and Growth Management Act.**

This title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW.

#### **16.04.030 Purpose.**

The purpose of this title is to implement the policy of state law pertaining to the subdivision and dedication of lands, including but not limited to Chapters 36.70A, 43.21 and 58.17 RCW and Chapter 197-11 WAC.

#### **16.04.040 Definitions.**

For the purposes of this title, the definitions in this section shall mean as follows:

- A. “Alteration” means the modification of a previously recorded plat or subdivision, or any portion thereof, which results in the revision of interior lot lines, the addition of new lots or more land, deletion of existing lots or the removal of plat or lot restrictions or dedications.
- B. “Applicant” means any person, firm or corporation proposing to make, or having made, an application for subdivision, short subdivision, or boundary line adjustment.
- C. “Boundary line adjustment” means a revision of lot boundary lines, which does not create an additional lot or reduce the area of any lot to less than the minimum zone area requirements to create any violation of building setback requirements of the zoning code.
- D. “Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no rights other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short subdivision plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat or short subdivision plat for filing by the town.
- E. “Easement” means a grant by the property owner of the use of land by a public corporation or persons for specific purposes.
- F. “Engineer” means an individual licensed as a professional engineer currently registered in the state.
- G. “Final plat” means the final drawing of the subdivision and dedication(s) prepared for filing for record with King County department of records and elections and containing all elements and requirements set forth in Chapter 57.18 RCW, et seq., and in town regulations adopted herein.

H. "Land surveyor" means an individual licensed as a land surveyor in the state of Washington pursuant to Chapter 18.43 RCW, Engineers and Land Surveyors.

I. "Official maps" means those official maps or map, or portions thereof, adopted by the town council.

J. "Parent Lot" means the initial lot from which unit lots are subdivided

~~K.~~ "Planning commission" means that commission established by the town council as provided by Chapter 35.63 RCW.

~~L.~~ "Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

~~M.~~ "Preliminary plat" or "preliminary short plat" means a neat and approximate drawing to scale of a proposed subdivision or short subdivision which shall furnish a basis for the approval or disapproval of the general layout.

~~N.~~ "Short plat" means the map or representation of a short subdivision.

N. "Short subdivision" means the division of land into four or less lots, tracts, parcels, sites or divisions for the purpose of sale or lease.

O. "Subdivision" means the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease.

P. "Unit Lot" means one of the individual lots created as a result of a unit lot subdivision. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

Q. "Zero Lot Line development[A7]" means residential units, shifted to one side of a lot. This means that the same side of each lot may have a zero or reduced setback.

#### **16.04.050 Regulation of land development.**

No person, firm or corporation may alter or revise the boundary lines of any property or partition or divide for separate ownership or offer to sell or enter into a contract for the sale of any land until the permitting process has been completed. ~~the town council has given final approval of the revised boundary lines or property division.~~

#### **16.04.060 Processing applications.**

Upon receipt of an application for preliminary plat, short subdivision, unit lot subdivision, zero lot line subdivision, or boundary line adjustment, town staff will review and notice the application in accordance with applicable requirements in YPMC chapter 14.04, regulatory reform. ~~Once the application is determined to be complete staff shall review for compliance with relevant municipal code chapters., the project proposal will be scheduled for a public meeting before the planning commission and a public hearing before the town council. At a public meeting, the planning commission will review the proposal and forward a recommendation of approval, conditional approval, or denial of the project to the town council. Upon receipt of a recommendation from the planning commission, the town council will hold an open record public hearing to hear public testimony and take one of the following actions: approve the application, conditionally approve the application, continue the hearing, or deny the application. (Ord. 603 § 1, 2009; Ord. 497 § 1, 2000)~~

#### **16.04.070 Permit Fees.**

A. Any application submitted pursuant to Title 16 YPMC shall be accompanied by a permit fee as set forth in the fee schedule adopted by the town council and amended from time to time. ~~A nonrefundable fee will be charged for making an application for approval of a subdivision, short subdivision or boundary line adjustment or for making an application for a revision of any of the above. All application fees will be as set by resolution of the town council.~~ In addition, the applicant shall deposit with the town an amount equal to all engineering, consulting, or other costs incurred or estimated to be incurred by the town in conjunction with the application. The cost estimate shall be made by the town staff. The difference between the estimated and the actual costs shall be reconciled after all actual

expenses are determined and before final issuance.

B. The applicant shall be responsible for payment of all recording fees charged by King County department of records and elections.

**16.04.080 Enforcing authority.**

The town ~~staff planning commission~~ is designated and assigned the administrative and coordinating responsibilities contained in this title for the recommendation for approval or disapproval of subdivisions, short subdivisions, dedications and boundary line adjustments to the town council for approval or disapproval.

**16.04.090 Violation – Penalty.**

Any violation of the provisions of this title constitutes a code violation under Chapter 1.08 YPMC and is subject to enforcement action, corrective action, fines and penalties described therein.

## Chapter 16.08

### Fee Simple Unit Lot Subdivisions.(Reserved)

#### **16.08.010 Purpose.**

A. The purpose of this chapter is to allow the unit lot subdivision process for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in YPMC Chapter 17 to the overall site, the “parent lot,” while allowing flexibility in the dimensional standards for the subordinate “unit lots.” This section is not intended to permit uses or densities that are not otherwise allowed in the zone in which a unit lot subdivision is proposed.

B. The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the zoning and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modifications to the structure(s) shall not create any nonconformity of the parent lot.

#### **16.08.020 Applicability.**

A. All primary uses can be developed or proposed to be developed may be subdivided into individual lots pursuant to this section.

B. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under YPMC Chapter 17.28.

#### **16.08.020 Dimensional Standards.**

##### 1. Unit lot subdivision

- a. A unit lot shall provide a minimum of 10 feet on all sides of a dwelling unit as measured from the outermost point of the structure.
- b. A unit lot shall provide a minimum of 20 feet between dwelling units
- c. A unit lot shall have no more than 30% structure area
- d. A unit lot shall have not more than 60% impervious surface.
- e. A unit lot shall be contiguous
- f. A unit lot shall be rectangular to the extent feasible
- g. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the underlying zoning.

##### 2. Zero lot line unit lot subdivision

- a. A zero lot line unit lot shall provide a minimum of 10 feet on all sides of a dwelling unit which are not shared with the other dwelling unit.
- b. A zero lot line unit lot shall have no more than 30% structure area
- c. A zero lot line unit lot shall have not more than 60% impervious surface.
- d. A zero lot line unit lot shall be contiguous
- e. A zero lot line unit lot shall be rectangular to the extent feasible
- f. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the underlying zoning.

#### **16.08.030 Requirements.**

1. Approval Process. Unit lot subdivisions shall be processed in the same manner as short subdivisions, pursuant to YPMC chapter 16.28.
2. Each unit lot shall meet the requirements of YPMC chapter 16.16
3. Each unit lot shall have individual sewer service, water service, power meter, and other utility connections specific to that unit and shall provide the requisite documentation as outlined in YPMC 16.12.

## Chapter 16.12

### PRELIMINARY PLAT REQUIREMENTS

Sections:

16.12.010 General policies.

~~16.12.020 Repealed.~~

16.12.0230 Requirements.

#### **16.12.010 General policies.**

A. Approval of a preliminary plat or dedication indicates merely the general acceptability of the layout as submitted. Subdivision of property is subject to the approval of the final plat as provided in this chapter.

B. Preliminary plats of any proposed subdivisions and dedications shall be approved, disapproved, or returned to the applicant for modification or correction within 120 days after the town has notified the applicant that the application is complete unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 120-day period shall not include the time spent preparing and circulating the environmental impact statement by the town.

#### ~~16.12.020 Preapplication conference.~~

~~Repealed by Ord. 730. (Ord. 603 § 1, 2009; Ord. 497 § 1, 2000)~~

#### **16.12.0230 Requirements.**

Preliminary plat applications must include the following:

- A. The proposed name and number of the subdivision;
- B. The name and address of the developer;
- C. The name, address, and seal of the land surveyor who prepared the plat drawings;
- D. Land use classification as established by zoning ordinances;
- E. Delineation of Existing Conditions. A map or maps drawn to scale showing the following information:
  1. A vicinity map drawn to scale showing:
    - a. The tract to be subdivided, the proposed streets and adjacent and connecting existing streets;
    - b. The relative location of all lots and tracts contiguous to the proposed subdivision and the names and addresses of the owners of these lots and tracts as shown by the records of King County department of assessments;
    - c. Existing monuments of record which will be used in the subdivision;
    - d. Existing easements within the tract; and
    - e. The outline of all existing buildings within the tract and their dimensional relationship to proposed lot lines;
  2. A topographical map prepared by a licensed surveyor showing contour elevations at two-foot intervals and showing the locations and species of all trees 4" DSH or greater, and any mitigation trees regardless of size;
- F. Delineation of Proposed Conditions. A map or maps drawn to scale showing the following information:
  1. The layout and dimensions of lots with each lot identified by number;

2. The outline of all existing buildings within the tract which are to remain;
3. The location of building setback lines, as specified by zoning ordinances;
4. An indication of all land areas to be used for purposes other than residential building sites, including the nature, conditions and limitations of such uses;
5. The location of permanent cased survey monuments as specified by the town staff;
6. The layout, dimensions and profiles of proposed streets, alleys, footpaths and easements;
7. The layout of the proposed storm water drainage system;
8. The layout of all proposed utilities;

G. Water System Service. Application for preliminary approval shall be accompanied by written evidence from the appropriate water district that water is available and will be furnished to serve the proposed water distribution system;

H. Sewer System Service. Application for preliminary approval shall be accompanied by written evidence from the city of Bellevue department of utilities that sewer service will be provided to the proposed subdivision or short subdivision;

I. A title report showing all ownership interest in the property to be subdivided. The title report shall not be older than 30 days prior to the time of submitting the application;

J. ~~A State Environmental Policy Act (SEPA) checklist. (Ord. 603 § 1, 2009; Ord. 497 § 1, 2000)~~

## Chapter 16.16

### DESIGN REQUIREMENTS

Sections:

- 16.16.005 Purpose – Applicability.
- 16.16.010 Street layout.
- 16.16.020 Private lanes.
- 16.16.030 Driveway easements or direct-ownership driveways.
- 16.16.040 Lot design.
- 16.16.050 Unit Lot Design
- 16.16.060 Zero Lot Line Design

**16.16.005 Purpose – Applicability.**

A. Purpose. The subdivision design standards are intended to provide predictability to developers while ensuring the citizens of Yarrow Point benefit from quality neighborhood design that promotes public health, safety and welfare.

B. Applicability. The standards established herein shall only apply to all new short subdivisions-plats, long plats and general binding site plans.

**16.16.010 Street layout.**

The following requirements apply when the subdivision or short subdivision is provided with dedicated public streets:

A. Street Layout. Street layout shall conform to a plan that provides the most advantageous development of the adjoining areas and the entire neighborhood, and shall provide for the continuity of existing streets and arterials.

B. Rights-of-Way.

1. Minimum Right-of-Way. Through streets and dead-end streets over 900 feet in length shall have a minimum right-of-way of 50 feet. Dead-end streets less than 900 feet in length shall have a minimum right-of-way of 40 feet.

2. Dead-End Streets. All dead-end streets shall terminate in a cul-de-sac having a minimum diameter of 70 feet, or other equivalent design as approved by the town council.

C. Grades. Grades of streets shall not exceed 12 percent unless conditions of topography require a steeper grade for practical reasons in the judgment of the town staff.

1. Curves. All changes in street grades shall be connected by vertical curves meeting the standards of the town staff;

2. Intersections. The property lines at street intersections shall be rounded with a minimum radius of 20 feet.

**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 recorded with the King County department of records and elections concurrently with the 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.

#### **16.16.030 Driveway easements or direct-ownership driveways.**

A. When a parcel can only be divided into two lots, an easement or direct-ownership panhandle driveway for ingress and egress may be allowed. Such driveway or easement shall have a minimum width of 15 feet for its entire length and shall abut on a public street. The area of this easement or driveway may be included as a portion of either parcel, provided the minimum lot size for each parcel is met. A turn-around is not required. Setbacks, in all instances, shall be measured from the near edge of the easement or property line adjacent to the panhandle driveway and shall be the same as those for private property. It is encouraged that such easements serve both parcels.

B. If an existing access easement is located on the property proposed in the subdivision or short subdivision, and the existing easement serves an adjacent parcel not part of the subdivision or short subdivision, the driveway easement proposed in the subdivision or short subdivision shall be considered a private lane and must meet the requirements of YPMC 16.16.020.

C. If a parcel is being divided into two lots but is capable of being divided into three or more lots, then the access easement shall be considered a private lane and must meet the requirements of YPMC 16.16.020. The area of the private lane easement shall not be included as a portion of any lot. Setbacks shall be measured from the near edge of the private lane easement and shall be as required for setbacks from private lanes.

#### **16.16.040 Lot design.**

A. Size. Minimum lot size shall be as specified in the zoning code. An area designated as a private lane for use as access shall not be included in lot area computations. The area designated as an easement or panhandle driveway for use as access shall be included in lot area computations.

B. Shape. Lots shall be of as simple a geometric shape as possible. In cases where existing lot lines present a condition in conflict with this requirement, boundary line adjustments should be encouraged in order to meet the intent of this requirement.



C. Access. Every lot shall abut on a public street, private lane or easement driveway by a minimum of 20 feet, except for easement or panhandle driveways as permitted under YPMC 16.16.030.

D. Existing Structures. New lot lines shall be drawn in such a manner as to require existing structures to meet requirements of the zoning code.

**16.16.050 Unit Lot Design**

A. Unit Lots, including zero lot line unit lots shall not be required to conform to the minimum lot size as specified in YPMC Title 17. The dimensional standards established in YPMC 16.08.020 shall govern unit lot subdivisions. All other provisions of this chapter shall apply.

B. The parent lot to the unit lots shall conform to the standards of the zoning code.

**16.16.060 Zero Lot Line Design**

A. Zero lot line subdivisions shall be permitted when an existing structure containing two legally established dwelling units is situated on a lot which can be divided into two lots as set forth in this section.

B. Each resulting lot shall meet the requirements of YPMC chapter 16.16

C. The zero lot line shall transect the structure in a manner which will result in each dwelling unit being entirely on one of the resulting lots

## Chapter 16.20

### **[IMPROVEMENTS][A8]**

#### Sections:

- 16.20.010 General policies.
- 16.20.020 Street surfaces.
- 16.20.030 Private lane surfaces.
- 16.20.040 Water system.
- 16.20.050 Sewer system.
- 16.20.060 Storm sewers.
- 16.20.070 Utilities.
- 16.20.080 Survey monuments.
- 16.20.090 Installation of improvements.

#### **16.20.010 General policies.**

Final street, private lane, storm sewer, water and underground services plans must be submitted to the town staff for approval prior to actual construction. If any changes are made during the installation, revised drawings showing the exact location of same must be provided to the town staff. All utilities or storm drains installed in the streets shall be constructed prior to the surfacing of such streets. Service connections for all utilities shall be laid to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.

#### **16.20.020 Street surfaces.**

Streets shall be constructed to full width and surfaced in accordance with the town's standard plans and subject to the inspection of the town staff.

#### **16.20.030 Private lane surfaces.**

Private lanes shall be constructed no less than 11 feet in width and surfaced in accordance with the town's standard plans and subject to the inspection of the town staff, including surfacing of the turn-around sufficient to accommodate the operation of emergency vehicles including fire vehicles.

#### **16.20.040 Water system.**

The water distribution system including the location of fire hydrants shall be designed and installed in accordance with the standards of the appropriate water district. Connections shall be provided for each lot.

#### **16.20.050 Sewer system.**

The subdivision and short subdivision shall have a complete sanitary sewer system which shall be designed and installed in accordance with the standards of the city of Bellevue department of utilities.

#### **16.20.060 Storm sewers.**

All subdivisions and short subdivisions shall provide storm sewers for the control and disposal of surface and ground water runoff, including but not limited to such water as may be collected from roof downspouts, drains, surface drains and foundation drains. Such sewers and appurtenances shall be so located and designed to meet the requirements specified by the town staff, so as to conform and be compatible with adjacent natural drainage ways and storm sewers and to meet the requirements of YPMC 17.20.040.

#### **16.20.070 Utilities.**

All new and upgraded utilities for subdivisions and short subdivisions shall be installed underground.

#### **16.20.080 Survey monuments.**

Permanent monuments and other markers shall be erected and located and each lot shall be staked in accordance with the standards and subject to the inspection of the town staff.

**16.20.090 Installation of improvements.**

When the preliminary subdivision or dedication has received preliminary approval by the town council, the subdivider may elect by a written statement to carry out minimum improvements (before requesting final approval in accordance with the provisions of this chapter) by one of the following methods or by a combination of these methods:

A. By furnishing the town with a subdivision bond, in which assurance is given to the town that the installation of minimum improvements will be made within one year from the date of preliminary approval. The amount of the subdivision bond shall be equal to 125 percent of the estimated cost of the improvements as approved by the town staff. All legal costs incurred by the town to enforce completion of the site improvements shall be borne by the subdivider and/or become a lien against the property.

B. By actually installing the minimum improvements within one year from the date of preliminary approval.

C. By providing a set-aside account in an amount equal to the installation cost of the improvements to be repaid upon the completion of the installation to the satisfaction of the town staff.

## Chapter 16.24

### FINAL PLAT REQUIREMENTS

Sections:

- 16.24.010 Form of final plat.
- 16.24.020 Intent of final plat.
- 16.24.030 Compliance with RCW and WAC.
- 16.24.040 Requirements.

#### **16.24.010 Form of final plat.**

The final plat shall be prepared by a land surveyor in a digital format compatible with the Town and King County's digital systems, on mylar, 18 inches by 24 inches. More than one sheet may be required.

#### **16.24.020 Intent of final plat.**

The final plat shall not deviate from the intent of the preliminary plat upon which tentative approval was granted.

#### **16.24.030 Compliance with RCW and WAC.**

All final plats submitted to the town shall meet the requirements set out in Chapter 58.09 RCW, Chapter 332-130 WAC, and the requirements set out in YPMC 16.24.040.

#### **16.24.040 Requirements.**

Each and every plat, or replat, of any property filed for record shall contain the following:

A. Statements, declarations, or dedications, and certifications of approval and recording as follows:

1. A declaration statement, or if there is to be a dedication of public right-of-way, a dedication statement, by the owner(s) of the property being subdivided declaring their intent to subdivide the property, including certification of the owner(s) signature by a notary public;
2. A statement of approval from the town staff;
3. A statement by the registered land surveyor certifying that the plat is based upon an actual survey;
4. If there is a dedication of public right-of-way, a statement by the town clerk/treasurer that there are no delinquent special assessments and all special assessments on any of the property to be dedicated are paid in full;
5. Certificates of approval by the planning commission, mayor, and council;
6. A recording certificate signed by the appropriate officials of the King County department of records and elections; and
7. A certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

Samples of these statements and certificates can be obtained from the town clerk/treasurer.

B. Identification and Description. The following data shall be shown on the plat:

1. Name of subdivision and plat file number;
2. Location by section, township, and range and the notation "Town of Yarrow Point, Washington";

3. The name, address, seal and signature of the land surveyor who prepared the plat drawing;
4. The name of the developer;
5. Scale, date, and the direction of north referenced to Washington Lambert Grid, north zone, or approved alternative;
6. The description of the property platted as shown on the plat certificate (see YPMC 16.12.030(I));
7. A complete survey of the plat and section, or sections, in which the plat is located, or as much as may be necessary to properly orient the plat within such section or sections;
8. True courses and distances to the nearest section corners which shall accurately establish the location of the subdivision;
9. The subdivision boundary lines with accurate distances and bearings referenced to Washington Lambert Grid, north zone, or approved alternative;
10. The name, location, width, bearings and distances of all easements within the subdivision;
11. Radii, internal angles, points of curvature, tangent bearings, and length of all arcs;
12. All lot numbers, and lot perimeter dimensions and bearings;
13. The location of survey monuments;
14. Accurate outlines of any areas to be dedicated or reserved for public use, with the purpose and the statement of dedication indicated thereon, and any area to be reserved by deed covenant for common uses of certain property owners.

## Chapter 16.28

### SHORT SUBDIVISIONS

Sections:

16.28.010 General policies.

~~16.28.020 Repealed.~~

16.28.030 Procedures.

16.28.040 Requirements.

16.28.040 Time limitation for final decision.

#### **16.28.010 General policies.**

~~A.~~ Approval of a preliminary short subdivision or dedication indicates merely the general acceptability of the layout as submitted. Short subdivision of property is subject to final approval as required by this chapter.

~~B. Preliminary short subdivisions and dedications shall be approved, disapproved, or returned to the applicant for modification or correction within 120 days after the town has notified the applicant that the application is complete unless the applicant consents to an extension of such time period.~~

#### ~~16.28.020 Preapplication conference.~~

~~Repealed by Ord. 730. (Ord. 603 § 1, 2009; Ord. 497 § 1, 2000)~~

#### ~~16.28.020~~**16.28.030 Procedures.**

A. The provisions of this chapter may be used by an applicant subdivider seeking approval of a short subdivision. An applicant subdivider utilizing the provisions of this chapter must meet the requirements of a final plat as specified in YPMC 16.24.040.

B. The application will be submitted to the town clerk/treasurer who will affix to the application a file number and the date it is received. The application will be transmitted to the town staff ~~and the planning commission~~ for review. ~~The planning commission shall, at its next regular meeting, make a recommendation for approval, disapproval or revision. Upon recommendation for approval or disapproval, the application will be transmitted to the town council. The town council town staff will approve, disapprove or recommend revisions to the short subdivision based on the criteria established in this chapter at a public hearing during the regular meeting of the town council which follows the planning commission meeting.~~

#### ~~16.28.030~~**16.28.040 Requirements.**

A. Filing. When town staff ~~the town council~~ finds that the public use and interest will be served by the proposed short subdivision and the short subdivision meets the requirements of this chapter and all local regulations, town staff ~~it shall authorize the mayor to~~ inscribe and execute his/her written approval on the face of the plat. Upon approval of the short subdivision, the applicant shall record the final short subdivision with the King County department of records and elections and provide a copy of the recorded final short subdivision to the town. The original of the final short plat shall be submitted by the developer to the town and thereafter the town will file for record with the King County department of records and elections. One copy shall be retained by the town. One copy shall be furnished to the town staff.

B. Short subdivisions shall comply with Chapters 16.16 and 16.20 YPMC.

C. No building permit will be issued on any lot created by the short subdivision plat approval until all required improvements are completed, bonded for completion, or a set-aside account equal to 100 percent of the actual cost of said improvements is created and approved by the town staff and the short subdivision plat has been recorded.

16.28.040 Time limitation for final decision.

A preliminary plat application shall be approved, approved with conditions or denied within 30 days after a [A9] complete application has been submitted, unless the applicant consents to an extension in writing of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day

| period shall not include the time spent preparing and circulating the environmental impact statement by the Town.

## Chapter 16.32

### BOUNDARY LINE ADJUSTMENTS

Sections:

- 16.32.010 General policies.
- ~~16.32.020 Repealed.~~
- 16.32.020030 Procedures.
- 16.32.030040 Filing.
- ~~16.32.040050 Compliance with zoning code.~~
- 16.32.050060 Nonconforming structures.

#### **16.32.010 General policies.**

In accordance with RCW 58.17.040(6), an exemption from platting requirements may be granted for boundary line adjustments if the division is made for the purpose of adjusting boundary lines and does not create any additional lot, tract, parcel, site, or division nor create any additional lot, tract, parcel, site or division which does not meet the applicable requirements of YPMC Title 17~~the Yarrow Point zoning code.~~

#### ~~16.32.020 Preapplication conference.~~

~~Repealed by Ord. 730. (Ord. 603 § 1, 2009; Ord. 585 § 2, 2008; Ord. 497 § 1, 2000)~~

#### ~~16.32.020~~**16.32.030 Procedures.**

A. The application will be submitted to the town clerk/treasurer who will affix to the application a file number and the date it was received. The application for a boundary line adjustment will be transmitted to the town staff ~~and the planning commission~~ for review. ~~Town staff may~~The planning commission shall make a recommendation for approval, disapproval or revision. Upon recommendation for approval or disapproval, the application will be transmitted to the town council. The town council will approve, disapprove or recommend revisions to the boundary line adjustment based on the criteria established herein at a public hearing.

B. Applications for boundary line adjustments shall include the following as applicable:

1. legible to-scale drawing showing:
  - a. Existing dimensions of all properties and proposed new boundary line adjustments;
  - b. Identification of adjacent streets;
  - c. Dimensions of existing and proposed easements, if any;
  - d. Existing structures and distance to property lines;
  - e. All significant trees, and mitigation trees, as defined YPMC 20.22.020;
  - f. Indication of north;
  - g. Identification of parcels as Lot A, Lot B, etc.;
  - h. Location of septic tank drainfield or sewer lines;
  - i. Section, township and range.
2. the signatures of all the owners involved in the adjustment, indicating approval of the proposal.
3. a copy of the existing legal description and proposed legal descriptions and a copy of a current title report or plat certificate or boundary line certificate dated within thirty days of the date of submittal.

~~Applicants shall provide the following:~~

- ~~1. The name, address and phone number of the applicant (owner);~~
- ~~2. The legal descriptions of the lots before and after the proposed boundary line adjustment;~~
- ~~3. A map drawn to scale by a licensed surveyor as required by YPMC 16.12.030(E) and (F). (Ord. 603 § 1, 2009; Ord. 497 § 1, 2000)~~



~~16.32.030~~**16.32.040**      **Filing.**

**Upon approval of the boundary line adjustment, the applicant shall record the boundary line adjustment with the King County department of records and elections and provide a copy of the recorded boundary line adjustment to the town.** ~~The original of the final boundary line adjustment drawing shall be submitted by the applicant to the town and thereafter the town will file for record with the King County department of records and elections. A digital~~ One copy shall be retained by the town. One copy shall be furnished to the town staff.

~~16.32.040~~**16.32.050**      **~~Compliance with zoning code.~~**

No boundary line adjustment will be allowed which results in a violation of YPMC Title 17 ~~the zoning code.~~

~~16.32.050~~**16.32.060**      **Nonconforming structures.**

No nonconforming structures shall be allowed to remain on a lot resulting from a proposed boundary line adjustment. All nonconforming structures shall be removed or renovated to conform prior to the final recording of any granted boundary line adjustment.

## GENERAL PROVISIONS

### Sections:

- 17.04.010 Title.
- 17.04.020 Interpretation.
- 17.04.030 Purpose.
- 17.04.040 Official map for zoning.
- 17.04.050 Administration.
- 17.04.060 Validity.

#### **17.04.010 Title.**

This title shall be known as the zoning code for the town of Yarrow Point.

#### **17.04.020 Interpretation.**

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements which are adopted for the promotion of the public health, safety, and welfare. This code is to be interpreted as a whole, in view of the purpose set out in this chapter. If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

#### **17.04.030 Purpose.**

The purpose of this title is to regulate the use of land; to limit land use density to be compatible with the street, local park, and infrastructure capabilities; to regulate the size and placement of buildings, structures, and vegetation so as to assure some preservation of views, light, air, and open space; and preserve the character of the neighborhood.

#### **17.04.040 Official map for zoning.**

The location, size, shape, area and boundaries of the zones to which the provisions of the text of this title are applicable shall be as indicated on the map which is entitled "Official Zoning Map of the Town of Yarrow Point," and such map, as adopted by the town council, shall be a part of this title, copy on file with the town clerk/treasurer.

#### **17.04.050 Administration.**

The position of ~~Planner/building official~~ is hereby created to administer the provisions of this and any YPMC provisions related to zoning and land use title. The ~~Planner/building official~~ shall be appointed by the mayor and serve at the mayor's discretion.

#### **17.04.060 Validity.**

If any section, paragraph, subsection, clause or phrase of this code is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this code. The town council hereby declares that they would have passed this code and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases were unconstitutional or invalid.

## Chapter 17.08

### DEFINITIONS [A10]

Sections:

17.08.010 Definitions.

#### **17.08.010 Definitions.**

Words used in the singular include the plural and the plural the singular.

“Accessory dwelling unit (ADU)” means a habitable dwelling unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation.

“Accessory use” means a use customarily incidental and accessory to the principal use of a site or a building or other structure located upon the same lot.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, special care, and room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

“Alteration” means any human-induced action which impacts the existing condition of the area, including, but not limited to:

1. Grading, filling, dredging, draining, channelizing, cutting, topping;
2. Clearing, relocating or removing vegetation;
3. Paving, construction, modifying for surface water management purposes;
4. Human activity that impacts the existing topography, vegetation, hydrology, or wildlife habitat.

~~“Alteration” does not include walking, passive recreation, fishing, or similar activities.~~

“Appeal, closed record” means an administrative appeal to the town council following an open record hearing on a project application. Evidence for the appeal is limited to the record of the open record hearing.

“Appeal, open record” means an administrative appeal to the planning commission or town council when there has not been an open record hearing on a project application. New evidence or information is allowed to be submitted in review of the decision.

“Boat house” means a structure with a roof and at least one wall designed for storage of vessels located

~~over water. structure erected over water, intended to provide shelter for a boat.~~

“Building” means any structure built for the support, shelter or enclosure of persons, animals, or chattels.

“Building site” means a lot meeting the requirements of YPMC 17.16.050, for the purpose of erecting a building or structure.

“Bulkhead” means a placement of rock, stone, concrete, timber, or similar materials at the shoreline for the purpose of protecting said shoreline from the wave action of the water.

“Catastrophic loss” means a loss which occurs as a result of accidental fire, storm, earthquake or any other natural disaster, or an act of vandalism, terrorism or war.

“Clearing” means the act of destroying or removing trees or groundcover from any lot, public lands, or public right-of-way.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court.

"Development" means:

1. A piece of land that contains buildings, structures, and other modifications to the natural environment; or
2. The alteration of the natural environment through:
  - a. The construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification.
  - b. The placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code.
  - c. The division of land into two or more parcels, and the adjustment of property lines between parcels.

"Dock, pier or wharf" means a structure which extends from the land into the water for recreational purposes.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

~~"Family" means one or more persons (but not more than six unrelated persons) living together in a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k), and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h), will not be counted as unrelated persons.~~

"Fence" means a barrier commonly composed of posts or piers connected by boards, rails, panels or wire, or a masonry[A11] wall.

"Gardening shed" means a structure erected for the storage of land gardening equipment, which equipment is used only for the purpose of maintaining the lot upon which the equipment is located.

"Grade, existing" means the surface level at any point on the lot prior to alteration of the ground surface.

"Grade, finished" means the surface of the ground which has been graded in site development to adapt the lot to the dwelling, driveways, streets and adjoining lots, but not to include raised areas such as berms which artificially increase the elevation of local areas.

"Grade, original" means the grade of undisturbed earth which existed at the time of incorporation of the town of Yarrow Point, June 30, 1959.

"Gross floor area" means the interior habitable area of a dwelling unit including basements and attics.

"Hedges" are defined pursuant to YPMC 20.23.020(D).

"Hot tub" means a hot tub as defined in the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted by the town of Yarrow Point.

"Impervious surface" includes without limitation the following:

1. Buildings: the footprint of the building and structures including all eaves;
2. Vehicular use: driveways, streets, parking areas and other areas, whether constructed of gravel, pavers,

pavement, concrete or other material, that can reasonably allow vehicular travel;

3. Sidewalks: paved pedestrian walkways, sidewalks and bike paths;

4. Recreation facilities: patios, porches, tennis courts, sport courts, pools, hot tubs, and other similar recreational facilities;

5. Landscaping: walls and rockeries are considered impervious surfaces; and

6. Miscellaneous: any other structure or hard surface which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or causes water to run off the surface in greater quantities or at an increased rate of flow from present flow rate under natural conditions prior to development.

“Inundated land” means any portion of a lot which is naturally or artificially submerged by the water of Lake Washington.

“Lift station (boat hoist)” means a structure or device attached or adjacent to a dock, wharf or pier used to raise a watercraft above the waterline for secure moorage purposes.

“Lot” means a physically separate and distinct parcel of property and on lakefront properties above ordinary high watermark, which has been created pursuant to YPMC Title 16, or state law, and meets the applicable requirements of YPMC 17.16.050. ~~means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.~~

“Lot area” means the total horizontal area included within the lot lines, which shall not include inundated land except where portions of the lot are inundated land created by excavation for the purpose of creating a cove. The lot area shall not include the area provided for private lanes.

“Lot line revision” means an adjustment of boundary lines between existing lots that does not create any additional lots and which does not reduce the area of any existing lot to the point that it fails to meet minimum development code requirements for area and dimensions.

“Low decks” means decks without roof covering having a height above finished grade not more than one foot higher than one-half the distance to the nearest property line but not exceeding three feet. The height does not include railings.

“Lowest adjacent finished grade” means the lowest point of the ground level immediately next to or abutting a building or structure.

“Nonconforming lot” means a lot that has less than the minimum area required by the current code for the zone in which the lot is located.

“Nonconforming structure” means a structure that does not comply with the existing code.

“Nonconforming use” means a use of land not permitted in the existing code.

“Open-work fence” means a fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area.

“Ordinary repairs and maintenance” means an activity in response to the effects of aging, ordinary use, or wear and tear that restores the character, scope, size, footprint or design of a serviceable area, structure, or land use to its previously existing, authorized or undamaged condition; however, this is not intended to allow total replacement, substitution or reconstruction of a nonconforming structure.

“Other Definitions”. When any word used in this title is not specifically defined herein, its definition shall be that in the Town’s adopted Shoreline Master Program (SMP) or if it is not defined the SMP, then its definition shall be that in the Webster’s New International Dictionary of the English Language, and where more than one definition is given, the most common nonprofessional usage shall govern.

“Panhandle driveway” means a means of access to and from a public street or private lane provided for a lot or lots and which is not required to be classified as a private lane per this section. Such a driveway may be an easement, a jointly owned, or privately owned area of land.

“Permanent supportive housing” means one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

“Private lane” means:

1. The primary means of access to and from a public street provided for more than two building sites with right of use provided by an easement or land ownership; or
2. A means of access which is required to be platted as a private lane per the requirements of YPMC Title 16, Subdivisions.

“Retaining wall/rockery” means a wall of masonry, wood, rock, metal, or other similar materials or combination of similar materials that bears against earth or other fill surface for purposes of resisting lateral or other forces in contact with the wall, and/or the prevention of erosion.

“Setbacks” means a term establishing a minimum distance from the line of ordinary high water, or from the near edge of a public right-of-way, or from the near edge of a private lane or panhandle driveway, or from the line separating adjacent private property to the vertical projections to the ground of the outermost parts of any structure, or the distance between dwelling units on a single lot.

“Shoreline” means: ~~the~~ the official shoreline, as shown on the town zoning map, shall be the shoreline of Lake Washington at the line of ordinary high water which shall be 22 feet above mean lower low water in Puget Sound.

“Single-family dwelling” means a building designed and/or used to house not more than one family, plus any live-in household employees of such family.

“Spa” means a spa as defined in the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted by the town of Yarrow Point.

“Storm sewers” means facilities for the control and disposal of rain water and ground water runoff.

“Structure” means anything constructed or erected which requires location on the ground, or attachment to something having a location on the ground.

“Structure area” means the total horizontal area covered by buildings and structures but not to include swimming pools, the portion of roof overhangs less than two and one-half feet, recreational facilities without roofs, piers, boat houses, and low decks.

“Structure height” means the height of any portion of a structure measured vertically from any point to the original grade, ~~but not to include chimneys, or conventional broadcast band TV or radio receiving antennas.~~

“Swimming pool” means a swimming pool as defined in the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted by the town of Yarrow Point.

“Transitional housing” means one or more dwelling units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly

homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

“Underground structure” means a structure principally underground, which does not exceed the height limitation for low decks.

“Variance” means a modification of standard development code provisions based on special circumstances and complying with the town’s variance criteria.

“Vehicles, Large” means ~~v~~ Vehicles such as trailers, recreational vehicles, motor homes, trucks, SUVs and portable equipment are to be classified as large if their height exceeds seven feet, and to include all vehicles less than seven feet in height having a load capacity exceeding 20,000 pounds gross weight.

“Waterfront structure” means docks, piers, wharves, floats, mooring piles, anchor buoys, bulkheads, submerged or overhead wires, pipes, cables, and any other object passing beneath, through or over the water beyond the line of ordinary high water.

“Waterward” means any point located in Lake Washington, lakeward from the ordinary high water mark.

“Wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include artificial wetlands, such as irrigation and drainage ditches, grass-lined swales, landscape amenities, and detention facilities unless the artificial wetlands were created to mitigate the alteration of a naturally occurring wetland.

## Chapter 17.12

### USE AND CLASSIFICATIONS

#### Sections:

- 17.12.010 Land use classifications.
- 17.12.020 Permitted uses.
- 17.12.025 Primary uses.
- 17.12.030 Accessory uses.
- 17.12.040 Commercial use of property.
- 17.12.050 Special property uses.

#### **17.12.010 Land use classifications.**

The land use classifications within the zones as shown on the zoning map of the town of Yarrow Point shall be:

- A. Zone R-12 Residential
- B. Zone R-15 Residential

#### **17.12.020 Permitted uses and density requirements:**

A. Permitted Uses. It is hereby established that the uses permitted in all zones are as set forth in this chapter. Any use not expressly permitted is prohibited.

B. Maximum Dwelling Unit Density. Not more than two dwelling units are permitted on any lot in any zone.

#### **17.12.025 Primary uses.**

##### A. Single Family dwellings:

1. Shall count as one dwelling unit
2. Consisting of a single detached dwelling unit. No more than one stand along single family dwelling may be constructed on a buildable lot.
3. May be converted to one of the other primary uses listed herein as long as the resulting combination does not exceed the density requirement as established under YPMC 17.12.020(B) and the provisions of the other primary use as established in this Chapter are met.
4. Shall contain at least a two car garage which:
  - a. May be attached or detached
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep
  - c. May be configured as two or more single garages where each has a minimum interior dimension of 8' wide by 20' deep
  - d. Shall have vehicular access to the Town right of way.
  - e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
5. A dwelling unit shall have a house number as established by the town building official.
6. The dwelling unit shall comply with the State Building Code and all other applicable regulations.

##### B. Duplexes:

1. Shall count as two dwelling units and shall not be more than two dwelling units in any combination.
2. Dwelling units shall share a wall which separates conditioned space on both sides.
3. May be converted to one of the other primary uses as long as the resulting combination does not exceed the density requirement as established under YPMC 17.12.020
4. Shall contain at least a two car garage per dwelling unit which:
  - a. May be attached or detached
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep
  - c. May be configured as two or more single garages where each has a minimum interior dimension



- of 8' wide by 20' deep
- d. Shall have vehicular access to the Town right of way.
- e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
- 5. Each dwelling unit shall have a separate house number as established by the town building official.
- 6. The accessory dwelling unit shall comply with the State Building Code and all other applicable regulations.

C. Cottage Housing:

- 1. Shall be a combination of two single family dwellings on a single buildable lot and shall not be more than two dwelling units in any combination.
- 2. Each Cottage shall be a standalone building and each shall count as a dwelling unit
- 3. 20% of the buildable lot shall be shared open space with the following criteria:
  - a. Shared open space shall be owned in common
  - b. Shared open space shall not include driveways, parking spaces, or structures enclosed on more than 2 sides.
  - c. Shared open space shall be contiguous and rectangular unless infeasible
  - d. Shared open space shall not be in the setbacks except those setbacks between two dwelling units on a single platted lot.
  - e. Shared open space shall be positioned between the two dwelling units so as to maximize the distance between units.
  - f. On irregular shaped lots staff may approve an open space which is not exactly rectangular.
- 4. Shall contain at least a two car garage per dwelling unit which:
  - a. May be attached or detached
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep
  - c. May be configured as two or more single garages where each has a minimum interior dimension of 8' wide by 20' deep
  - d. Shall have vehicular access to the Town right of way.
  - e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
- 5. Each dwelling unit shall have a separate house number as established by the town building official.
- 6. The dwelling unit shall comply with the State Building Code and all other applicable regulations.

D. Stacked Flats

- 1. Shall count as two dwelling units which are positioned one atop the other and shall not contain more than 2 dwelling units in any combination.
- 2. Dwelling units must share a floor/ceiling between conditioned space
- 3. Shall contain at least a two car garage per dwelling unit which:
  - a. May be attached or detached
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep
  - c. May be configured as two or more single garages where each has a minimum interior dimension of 8' wide by 20' deep
  - d. Shall have vehicular access to the Town right of way.
  - e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
- 4. Each dwelling unit shall have a separate house number as established by the town building official.
- 5. The dwelling units shall comply with the State Building Code and all other applicable regulations.

E. Courtyard Apartments

- 1. Shall count as two dwelling units and shall not contain more than 2 dwelling units in any combination.
- 2. Dwelling units shall share a wall which separates conditioned space on both sides.
- 3. 20% of the buildable lot shall be shared open space with the following criteria:
  - a. Shared open space shall be owned in common
  - b. Each dwelling unit shall have at least one wall with frontage to the shared open space.
  - c. Shared open space shall not include driveways, parking spaces, or structures enclosed on more than 2 sides.
  - d. Shared open space shall be contiguous and rectangular unless infeasible

- e. Shared open space shall not be in the setbacks except those setbacks between two dwelling units on a single platted lot.
- f. On irregular shaped lots staff may approve an open space which is not exactly rectangular.
- 4. Shall contain at least a two car garage per dwelling unit which:
  - a. May be attached or detached
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep
  - c. May be configured as two or more single garages where each has a minimum interior dimension of 8' wide by 20' deep
  - d. Shall have vehicular access to the Town right of way.
  - e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
- 5. Each dwelling unit shall have a separate house number as established by the town building official.
- 6. The dwelling units shall comply with the State Building Code and all other applicable regulations.

Primary uses include single family dwellings. One single family residence is permitted on each building site. (Ord. 549 § 1, 2005)

#### **17.12.030 Accessory uses.**

The only accessory uses permitted in all zones are listed in the following subsections. Specific limitations on accessory uses and structures are identified where such limitations have been established.

A. Paving. Impervious surfaces shall include provisions to direct rain water into a street storm drain or into a detention system or into a storm drain infiltration system in accordance with adopted stormwater standards.

B. Fences, Walls, Hedges. Fences, walls and hedges are permitted subject to the following criteria:

- 1. No fence, wall, hedge or vegetation shall be permitted which will impair the visibility for vehicular traffic as determined by the town engineer or his designee.
- 2. No fence, freestanding wall, retaining wall, rockery, or hedge in the setback area shall exceed six feet, six inches in height above the lowest adjacent finished grade, except as noted below.
- 3. Where a retaining wall protects a cut, such a wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed.
- 4. Where a retaining wall protects a fill, the height of the fill shall be considered as subtracting from the normally permitted height of a fence constructed in the setback area.
- 5. Whenever a fence is required as a protective guard rail for a retaining wall that protects a fill, the combined height of the wall and fence shall be permitted to exceed six feet, six inches in height; provided, that the fence shall not exceed 36 inches in height and any portion of such fence more than six feet, six inches above the foot of the wall shall be an open-work fence.

C. Garages. Garages used to store vehicles, maintenance materials and equipment associated with the primary use.

D. Underground structures.

E. Accessory Dwelling Units (ADU). An ADU is considered one dwelling unit for density calculations. One ADU accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided, that the following requirements are met:

- 1. Owner Occupancy. Either the principal dwelling unit or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner. "Owner occupancy" is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year.

1. Density. The lot is a legally established buildable lot and contains no more than one dwelling unit.
2. Size. The gross floor area of an ADU accessory dwelling unit shall not exceed six percent of the lot area and shall contain not less than 220 square feet and not more than 1000~~850~~ gross square feet, excluding any related garage area.
3. Location. The ADU accessory dwelling unit may be a part of the single family dwelling as established in this chapter~~principal residence~~ or located in a separate building.
4. Parking. Two 10-foot by 22-foot off street parking places are required in addition to off street parking required for the primary residence.
5. The ADU accessory dwelling unit shall have an external entry, thus not requiring entry into the primary residence. Where the primary residence has frontage on a public street, the accessory dwelling unit entry shall not face the public street.
6. Address. The ADU accessory dwelling unit shall have a separate house number as established by the town building official.
7. Code Compliance. The ADU accessory dwelling unit shall comply with the State Building Code and all other applicable regulations.
8. Garage. The accessory dwelling unit shall contain at least a two car garage which:
  - a. May be attached or detached.
  - b. Shall have a minimum interior floor area dimension of 16' wide by 20' deep.
  - c. May be configured as two or more single garages where each has a minimum interior dimension of 8' wide by 20' deep.
  - d. Shall have vehicular access to the Town right of way.
  - e. Vehicular lift shall not be used as a substitute for the dimensional standard of the garage as this is a design criteria and not a minimum parking requirement.
8. No more than two persons may reside in an accessory dwelling unit.

F. Garden sheds.

G. Hobby shops. Hobby shops shall be permitted as a use in any accessory or primary residential building and, to the extent that any activity in connection therewith is conducted out of doors, shall be so screened as to be substantially obscured from public view.

H. Inundated Land. The only uses permitted for inundated land are those uses related to recreation, such as swimming, boating, docks, piers and boathouses. Inundated land may not be filled with earth or any other material except as permitted by applicable federal and state regulations. The shoreline shall not be altered to reduce the water area. If altered, the shoreline shall be continuous at each property sideline boundary. The depth of the water may be increased but depth may not be reduced.

I. Bulkheads. A bulkhead consisting of rock, stone, concrete, timber or similar materials may be constructed, provided it does not materially reduce the water area. They may be placed at the shoreline, following its contour as defined in Chapter 17.08 YPMC, or the shoreline may be cut back to allow its placement. Bulkheads shall be continuous at each property sideline boundary where bulkheads exist.

J. Piers. One pier is permitted for each building site or each separately provided lot which may not be a building site when a minimum setback of 10 feet from the extended lot line is provided. Piers may be located so as to straddle a property line when a mutual reciprocal easement between the two affected properties which provides for the common use of such pier is filed with the county auditor. A property line pier is allowed only in lieu of any other pier. Piers may extend outward from the shoreline of ordinary high water for a distance not to exceed 150 feet.

K. Canopy/Moorage Covers. Are permitted as defined and regulated under the Town's Shoreline Master Program (SMP). Boat Houses. One covered structure located over the water and upon or as part of any pier is permitted for

~~each lakefront building site. The sides of the structure shall not be enclosed except that one storage locker may be constructed on the shoreward end which shall not exceed six feet in width and three feet in depth.~~

L. Piling for Piers and Moorage. Piling for moorage shall not extend higher than six feet above the line of ordinary high water. Piling for piers and boathouses shall not extend above the deck of the pier. A setback of 10 feet shall be provided from extended sidelines, except that piling may be located without respect to setbacks when mutual reciprocal easements are filed with the county auditor by the adjoining affected property owners.

M. Boats, Float Planes, Seaplanes and Helicopters.

1. Boats. Boats may be stored; provided, that such storage position, if not at a dock or boat house, is located so the vessel meets all setback requirements for buildings except as provided in YPMC 17.16.040(A)(2). Boats may not be lived in.
2. Seaplanes. Seaplanes may be moored or stored within the town; provided, that seaplanes must maintain a 10-foot setback from the side property lines of adjacent properties and no part of a seaplane may extend into the 10-foot setback. Seaplanes may not be anchored to shorelands adjacent to waterfront property or attached to such property without the permission of the owner of such property.
3. Helicopters. The storage, use or operation of helicopters is prohibited, except in cases of emergency.

N. Recreational Facilities.

1. Playgrounds, tennis courts, badminton courts, basketball courts, and similar facilities.
2. Swimming Pools, Hot Tubs, and Spas. Swimming pools, hot tubs and spas, including temporary and permanent covers, exceeding height of low decks are required to meet all restrictions applicable to structures. Pools must be enclosed by fencing at least five feet high, with no openings larger than four inches wide. Gates must be self-closing with self-latching devices that are at least four and one-half feet above the ground and located on the pool side of the fence. The fencing and gate shall be designed to prohibit climbing or penetration by small children. Other permanent barriers equal to or more effective than fencing in controlling access may be deemed acceptable. Application for approval of alternate barriers shall be made through the planning commission for approval by the town council.
3. Fencing surrounding tennis courts, paddle tennis courts, and similar recreational facilities shall be constructed of non-sight-obscuring material and shall not exceed 12 feet in height.
4. Lighting. Outdoor lighting of recreational facilities and for general yard illumination must point downwards. The beam of light must be no higher than three feet above grade at the property line of any adjoining property. Light poles or standards must comply with the height restrictions for structures set forth in this title, but are exempt from setback restrictions.

O. Large Vehicles. Large vehicles may be stored; provided, that the vehicle meets all setback requirements for buildings. Such vehicles may not be lived in.

P. Signs. Signs shall be permitted as provided in Chapter 15.08 YPMC.

**17.12.040 Commercial use of property.**

~~A.~~ No commercial activity shall be carried on within the corporate limits of the town of Yarrow Point except as provided herein., ~~unless the following conditions are met:~~

~~B.A.~~ Commercial activities consisting of home occupations consistent with the provisions of this section.

1. Home occupations are permitted within a dwelling unit provided it meets all standards and requirements of this section. The home occupation will be carried on within the confines of the resident's home.

~~B.2.~~ The home occupation shall be clearly incidental and secondary to the use and function of the dwelling unit as a residence.

~~3.~~ Only one employee who does not reside in the dwelling unit ~~is not a member of the resident's immediate family~~ may be employed in the home occupation.

~~C.4.~~ There shall be no visible exterior display, no exterior signs, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the premises.

~~5D.~~ Structural alterations to the interior or exterior of the dwelling unit building ~~building~~ which change its residential character are prohibited.

~~6E.~~ There shall be no noise, vibration, smoke, dust, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a dwelling unit ~~at a single family residence~~.

7. The home occupation shall not cause or result in material changes in neighborhood safety, traffic, number or frequency of vehicle trips, parking demand or parking requirements.

~~F.~~ There shall be no demand for parking beyond that which is normal to the neighborhood and no unusual or excessive traffic to and from the premises. ~~In no case shall the home occupation cause on-street parking.~~

~~G.~~ The proposed home occupation shall in no way disturb the tranquility of the neighborhood.

~~8H.~~ There shall be no more than two outside visitors/customers at the dwelling unit ~~single family residence~~ as a result of the home occupation at any one time.

~~Cf.~~ Exclusions. The following activities are not allowed as a home occupation:

1. Storage, receipt or transfer of equipment, materials, and commodities.
2. Stables, kennels, or husbandry of animals; any activities involving any exotic animal(s) or farm animal(s).
3. Agriculture farming and sales activities.
4. Vehicle repair, automobile detailing or automotive servicing activities.
5. Production or storage of any hazardous waste or substance.
6. Any nonconforming use, however or whenever established.
- ~~—Any activity that is prohibited by the Yarrow Point Municipal Code. There shall be no commercial kennels for dogs, cats and other animals.~~

7. \_\_\_

~~J.~~ A homeowner may accommodate roomers or boarders so long as it is not done in a commercial scale.

~~K.~~ Adult family homes are permitted subject to applicable state law and subject to subsections A through H of this section.

#### **17.12.050 Other Special property uses.** [A13]

The following ~~other special property~~ uses are permitted subject to the provisions noted for each such use:

A. Public buildings.

B. Public parks and playgrounds.

C. Churches. Off-street parking shall be provided for one automobile for each two units of individual seating therein.

D. Public utility facilities.

E. Adult family homes subject to applicable state law and YPMC 17.12.040.

G. Permanent Supportive Facilities subject to applicable state law and YPMC 17.16.110.

H. Transitional Supportive Facilities subject to applicable state law and YPMC 17.16.110.



## Chapter 17.16

### DEVELOPMENT STANDARDS

#### Sections:

- 17.16.010 Lot area.
- 17.16.020 Structure area.
- 17.16.030 Structure height.
- 17.16.040 Setback requirements.
- 17.16.045 Impervious surface requirements.
- 17.16.050 Legal building site requirements.
- 17.16.060 Off-street parking.
- 17.16.070 Excavations and fills.
- 17.16.080 Storm sewers.
- 17.16.090 Utility services.
- 17.16.100 Private lanes.
- 17.16.110 Permanent supportive housing and transitional housing facilities.

#### **17.16.010 Lot area.**

The area of lots formed by platting (subdivision) shall not be less than:

- A. Zone R-12 – 12,000 square feet.
- B. Zone R-15 – 15,000 square feet.

#### **17.16.020 Structure area.**

The total structure area shall not exceed 30 percent of the lot area.

#### **17.16.030 Structure height.**

A. Structure height shall not exceed 25 feet above original grade or 31 feet above finished grade, whichever is less.

B. The following may be built to exceed the allowable structure height by the number of feet listed for each.

1. Chimneys; 3' or as required to meet fire code [A14].
2. Conventional broadcast band TV or radio receiving antennas; 3' or as specified by the manufacturer.
3. Solar Panels; 3' [A15]
4. Skylights; 1'
5. Ventilation or Plumbing Vents; 2' or as required by associated utility code.

~~B. Boat houses shall not exceed a height of 16 feet above ordinary high water.~~

#### **17.16.040 Setback requirements.**

A. Applicability of Setback Restrictions.

1. Buildings, structures, garages, carports, eaves, gas meters, electrical meters [A16], gutters, large stored vehicles, and similar equipment may only be placed in the area enclosed by the setback lines.

2. The following things may be located without regard to setback restrictions:

- a. Fences and hedges;

- b. Plants and vegetation;
- c. Low decks;
- d. Boats less than six feet in height, including trailer height, regardless of length;
- e. Paved areas;
- f. Rockeries and retaining walls;
- g. Underground structures;
- h. Piers, pier houses and piling placed with reciprocal easement agreements;
- i. Actively used licensed vehicles;
- j. Swimming pools not exceeding the height of low decks;

k. Window wells

- i. The window well must be for egress of habitable space
- ii. Top of the window well shall not exceed 6" above finished grade
- iii. The structure height as measured from the bottom of the window well finished grade to the top of the structure shall not exceed 31'
- iv. Window wells in the setback shall not exceed the minimum size required for egress by current building codes adopted by the town

l. A trellis is permitted as part of the primary entrance to property within the setback area abutting a public right-of-way or a private lane provided the same does not impede traffic visibility or pedestrian movement.

ii. A trellis shall conform to the following dimensions:

- (A) Shall not exceed eight feet in height above finished grade;
- (B) Shall not exceed six feet in width;
- (C) Shall not exceed three feet in depth;
- (D) Shall not exceed a total of 18 square feet.

iii. The trellis may be placed over a gate, walkway, or entrance, but shall not be placed over a driveway.

iv. There shall be a maximum of one trellis structure within a setback area per building lot.

v. The top and sides of the trellis structure must be 50 percent open.

B. The setback from the shoreline of Lake Washington is 50 feet.

C. The setback from a public right-of-way is 25 feet.

D. The setback from a private lane provided to serve the lot or provided on the lot to serve other building sites is 25 feet.

E. The setback from a property line dividing private property is 10 feet.



F. The setback from a private lane on adjacent property which does not include rights of use by the lot in question is 10 feet.

G. The setback from a panhandle driveway is 10 feet.

H. The setback between detached dwelling units shall be 20 feet.

**17.16.045 Impervious surface requirements.**

A. The total percentage of a lot that can be covered by impervious surface, including buildings, is 60 percent.

B. Exemptions. The following improvements will be exempt to the extent allowed, from calculation of the maximum impervious surface limits:

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth of an inch or greater between boards which provide free drainage between the boards as determined by the code official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.

2. Pavers and gravel shall be calculated as 75 percent impervious, provided the area is not used for vehicular access or storage.

**17.16.050 Legal building site requirements.**

A. A legal building site must meet the requirements in subsections (A)(1) and (2) of this section.

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 of this section 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 this section.

**17.16.060** — ~~Off street parking.~~

~~Off street parking shall be provided for each primary dwelling unit to accommodate four automobiles[A17]. The space required for each vehicle shall be a minimum of 810 feet by 2022 feet and the area required may include the area of a garage, carport or driveway which may be provided on the lot. The parking spaces shall not have a slope exceeding 10 percent. (Ord. 549 § 1, 2005)~~

**17.16.070 Excavations and fills.**

Slopes for permanent excavations or fills without retaining walls shall not be steeper than two horizontal to one vertical.

**17.16.080 Storm sewers.**

During the development, improvement, use or construction within a lot, site, parcel, plat or area, all natural contours shall be maintained to the extent that natural drainage flow from or onto adjacent public or private property shall not be disrupted, blocked, increased, redirected or otherwise made detrimental to the use or maintenance of adjacent property; provided, that this restriction shall not prevent the installation and maintenance of a covered storm sewer under or across private property along a natural drainage course for the purpose of generally improving a particular property, in conformance with the specifications and plans meeting the approval of the town engineer. Collected water, including but not limited to such waters as may be collected from roof downspout drains, surface drains or foundation drains, shall be discharged into storm sewer facilities where such facilities are available.

**17.16.090 Utility services.**

All utility services including electrical, telephone and cable serving any new construction shall be placed underground.

**17.16.100 Private lanes.**

Grading, paving, and utility services are the only construction permitted in any area designated as a private lane or panhandle driveway.

**17.16.110 Permanent supportive housing and transitional housing facilities.**

Permanent supportive and transitional housing facilities are permitted uses in any zoning district allowing a single-family dwelling subject to the following criteria:

- A. Permanent supportive and transitional housing facilities are limited to a maximum of six residents at any one time, plus up to four resident staff.
- B. Permanent supportive and transitional housing facilities must be a 24-hour-per-day facility where rooms or units are assigned to specific residents for the duration of their stay. Transitional housing facilities shall require a minimum length stay of 72 hours.
- C. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the assigned residents and shall not be available for drop in or other use by nonresidents.
- D. No permanent supportive housing or transitional housing facility may be located within half a mile of another property that contains a permanent supportive housing or transitional housing facility in the town or an adjacent jurisdiction, calculated as a radius from the property lines of the site.
- E. Provision of quarterly reports to town staff on how permitted facilities are meeting performance metrics. Metrics can include but are not limited to placement of residents into permanent housing or other treatment programs, length of stay for residents, and employment status of residents.
- F. Permanent supportive and transitional housing facility operators shall obtain a state of Washington business license.
- G. All facilities shall comply with YPMC Title 8, Health and Safety.
- H. There shall be no demand for parking beyond that which is normal to the neighborhood and no unusual or

excessive traffic to and from the premises. In no case shall the facility cause on-street parking.

I. Prior to the start of operation for a permanent supportive housing or transitional housing facility, an occupancy agreement shall be submitted to the town meeting the following requirements. The town shall review and determine that the occupancy agreement meets the following requirements to the town's satisfaction before approving the occupancy agreement:

1. Property owners and/or facility operators shall use and enforce the occupancy agreement approved by the town.
2. The occupancy agreement shall include but is not limited to the following:
  - a. Names and contact information for on-site staff. The facility operator shall notify the town of each staff change(s) within 72 hours.
  - b. Description of the services to be provided on site.
  - c. Description of the staffing plan including the following:
    - i. Number, function, and general schedule of staff supporting residents and operations.
    - ii. Staff certification requirements.
    - iii. Staff training programs.
    - iv. Staff to resident ratios.
    - v. Roles and responsibilities of all staff.
    - vi. The name and contact information for at least one organization member located off site.
  - d. Rules and/or code of conduct describing resident expectations and consequences for failing to comply. At minimum, the code of conduct shall be consistent with state law prohibitions and restrictions concerning the following:
    - i. Possession and use of illegal drugs on site.
    - ii. Threatening or unsafe behavior.
    - iii. Possession and use of weapons.
  - e. A fire safety plan reviewed and approved by the Bellevue fire department confirming fire department access.
  - f. A safety and security plan reviewed and approved by the Clyde Hill police department including protocols for response to the facility and to facility residents throughout the town. The safety and security plan shall establish a maximum number of permitted Clyde Hill police department response calls to the facility. Any Clyde Hill police department call(s) to the facility exceeding the maximum threshold established in the safety and security plan shall be considered a violation of this chapter and the facility operator will be fined in accordance with YPMC 1.08.030.
  - g. A plan for avoiding potential impacts on nearby residences including a proposed mitigation approach (for example, a good neighbor agreement plan) that addresses items such as noise, smoking areas, parking, security procedures, and litter.
  - h. Description of eligibility for residency and resident referral process.

## Chapter 17.24

### NONCONFORMANCES

#### Sections:

- 17.24.010 Nonconformers.
- 17.24.020 Permitted when.
- 17.24.030 Enlargements.
- 17.24.040 Repairs, remodeling, additions.
- 17.24.045 Work limited to interior.
- 17.24.050 Replacements.

#### **17.24.010 Nonconformers.**

The regulations in this chapter require owners of nonconforming structures to take measures to correct nonconformity when undertaking certain remodeling and expansion projects. The regulations accommodate minor revisions and additions to nonconforming buildings and structures. The regulations discourage incremental changes to nonconforming buildings and structures that cumulatively circumvent the current zoning standards. Proposed activities that exceed the limits of this chapter are required to adhere to the zoning requirements for open space, protection of exterior views, air and light, and fire safety.

#### **17.24.020 Permitted when.**

Any structure lawfully established; that does not conform with subsequently adopted restrictions of the zoning in which it is situated, is permitted to continue and be maintained.

#### **17.24.030 Enlargements.**

A proposed enlargement of a nonconforming structure not covered by or in violation of the regulations listed herein may only be executed through the variance procedure of the hearing examiner.

#### **17.24.040 Repairs, remodeling, additions.**

Repairs, remodeling, structural modifications, additions, and enlargements are allowed to a nonconforming structure; provided, that all of the following conditions are met:

- A. The structure is permitted per Chapter 17.12 YPMC;
- B. The work does not increase the degree of nonconformity;
- C. The work does not involve the demolition of more than 25 percent of the structure's perimeter;
- D. The work does not add over 25 percent to the existing structure area;
- E. The work does not add over 100 percent to the existing habitable floor space.

Additions or enlargements that do not meet the requirements of this section require that the entire structure be brought into conformity with the zoning code.

#### **17.24.045 Work limited to interior.**

The repair, remodeling, and/or structural modification to a nonconforming structure that does not in any way alter the exterior of the structure is permitted, regardless of project size or cost.

#### **17.24.050 Replacements.**

A. Whenever a building or structure that is nonconforming is destroyed by catastrophic event, such nonconforming structure may thereafter be replaced within 18 months by a similarly nonconforming structure only if the replacement structure does not exceed a duplicate of the original in any external dimensions and location.

B. Replacement of a roof, windows, doors, garage doors, and/or siding on a nonconforming structure is permitted; provided, that the replacement does not increase any nonconformity.

## Chapter 17.28

### HEARING EXAMINER[A18][A19]

#### Sections:

- 17.28.010 Hearing examiner created.
- 17.28.020 Appointment and term.
- 17.28.030 Qualifications.
- 17.28.040 Undue influence.
- 17.28.050 Initiation of action.
- 17.28.060 Authority.
- 17.28.070 Jurisdiction.
- 17.28.080 Decision of hearing examiner.
- 17.28.090 Request for reconsideration.
- 17.28.100 Appeal of examiner's decision.

#### **17.28.010 Hearing examiner created.**

The office of the town of Yarrow Point hearing examiner, hereinafter referred to as the examiner, is hereby created. The examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term "examiner" as used in this chapter shall include deputy examiners and examiners pro tem.

#### **17.28.020 Appointment and term.**

The mayor shall appoint the hearing examiner, subject to confirmation by the council, for a maximum of one year. The mayor may also appoint deputy examiners or examiners pro tem in the event of the examiner's absence or inability to act. The town may terminate the agreement for hearing examiner services at any time with 30 days' notice.

#### **17.28.030 Qualifications.**

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. Examiners shall hold no other elective or appointive office or position with town government.

#### **17.28.040 Undue influence.**

No person, including town officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not prohibit the town attorney from rendering legal service to the examiner upon request.

#### **17.28.050 Initiation of action.**

The examiner shall hold public hearings in response to any person or corporation who has filed a request for a shoreline substantial development permit, variance, or an appeal in accordance with town ordinances including the payment of fees as determined by town resolution. Written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of 300 feet of the exterior boundaries of subject property. The written notice shall be mailed not less than 14 days prior to the hearing.

#### **17.28.060 Authority.**

The examiner shall have the authority to:

A. Receive and examine available information;

B. Conduct public hearings in accordance with Chapter 42.32 RCW and all other applicable laws, and to prepare a record thereof;

- C. Administer oaths and affirmations;
- D. Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
- E. Regulate the course of the hearing;
- F. Make and enter written findings of fact and conclusions to support his or her decisions;
- G. At the examiner's discretion, hold conferences for the settlement or simplification of the issues;
- H. Conduct discovery;
- I. Dispose of procedural requests or similar matters;
- J. Take official notice of matters of law or material facts;
- K. Issue summary orders in supplementary proceedings; and
- L. Take any other action authorized by or necessary to carry out this chapter.

The above authority may be exercised on all matters for which jurisdiction is assigned to the examiner by town ordinance, code or other legal action of the town council. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance or code that grants jurisdiction to the examiner.

**17.28.070 Jurisdiction.**

- A. The examiner is empowered to review any interpretation of the provisions of the zoning ordinance made by the building official, and any order, requirement, decision, or determination relating thereto, in the application for any specific provisions of the zoning ordinance to any parcel of land and/or structure. The examiner may affirm or reverse the interpretation of the provisions of the zoning ordinance made by the building official, any order, requirement, decision, or determination relating thereto, and the examiner's decision shall be based upon the record and the findings in each case, and to that end it shall have all of the powers of the building official.
- B. The examiner shall have authority to hear, consider, and decide all appeals of civil violations pursuant to Chapter 1.08 YPMC and civil infractions pursuant to Chapter 1.10 YPMC.
- C. The examiner shall have and exercise original jurisdiction in receiving, granting, or denying all requests for property uses not specified in the zoning ordinance, after public hearing, and a finding of the examiner that the spirit and general intent of the ordinance are met and that the special use will not be materially detrimental to others.

~~D. Variances. [A20]. Where there are undue hardships and practical difficulties which render it difficult to carry out the provisions of the zoning ordinance, the examiner shall have power, in passing upon request for special exemptions, to grant a variance in harmony with the general purpose and intent of the provisions herein contained, and such variances may vary any rules, regulations, or provisions of the zoning ordinance, so that the spirit of the ordinance will be observed, public safety secured and substantial justice done. However, the examiner shall not vary any of the rules, regulations, or provisions of the ordinance unless he or she shall find that all of the following conditions exist in each case:~~

- ~~1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classifications.~~
- ~~2. That the variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.~~
- ~~3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.~~

E. Shoreline Substantial Development Permits. The examiner shall approve, deny, or approve with conditions all applications for shoreline substantial development permits in accordance with procedures established by the town.

**17.28.080 Decision of hearing examiner.**

The examiner shall render a written decision within 10 working days of the conclusion of the hearing, unless, in the opinion of the examiner, additional testimony is warranted. In such case, the hearing examiner shall render a written decision within 10 working days from the conclusions of the reopened hearing and/or the receipt of any requested information. The decision shall include at least the following:

A. Findings of fact and conclusions of law based upon and supported by the record;

B. A decision on the application to grant, deny, or grant with conditions, modifications, and restrictions as the examiner finds reasonable to make the application compatible with the environment, the comprehensive plan, official policies and objectives, and land use regulations. Examples of the kinds of conditions, modifications, and restrictions that may be imposed include, but are not limited to, setbacks, screenings, easements, dedications or additional rights-of-way;

C. No application for a variance shall be granted unless the examiner finds that the requested variance meets all of the requirements of the town code;

D. A statement of the date when the decision will be final unless appealed, together with a description of the appeal procedure;

E. The hearing examiner shall stipulate in the decision, if applicable, any conditions associated with granting of the relief including the time limit after which said variance shall expire if not utilized;

F. The decision of the hearing examiner shall be filed with the town clerk/treasurer and copies shall be mailed to the applicant and to all other parties of record within three working days following the rendering of a written decision.

G. The town shall file all shoreline decisions with the appropriate agencies.

**17.28.090 Request for reconsideration.**

Any party to the proceeding who is aggrieved by the variance decision of the examiner may submit a written request for reconsideration of the examiner by filing a request with the town clerk/treasurer within 14 calendar days of the examiner's decision. Such request shall specify the error of law or fact, procedural error or new evidence that could not have been reasonably available at the time of the hearing conducted by the examiner upon which the request is based. Within 10 working days from the date the hearing examiner receives a request for reconsideration, a decision shall be issued on whether or not to reopen the hearing. Said decision shall be mailed to all parties of record within three working days after the examiner's decision is made.

**17.28.100 Appeal of examiner's decision.**

A. In the case of a variance, the decision of the examiner may be appealed by an aggrieved party to the council within 21 calendar days of the date of mailing of the examiner's decision. All matters of substance of procedure relating to such appeals shall be governed by applicable state statutes and town ordinances. The timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated or withdrawn.

B. In the case of a shoreline substantial development permit, an aggrieved party may appeal the decision to the State Shorelines

**Chapter 17.28**

**VARIANCES**

Sections:

17.28.010 Purpose.

17.28.020 Applicability.

17.28.030 General provisions.

17.28.040 Review process.

17.28.050 Enforcement.

17.28.010 Purpose.

A variance is a mechanism by which the town may grant relief from the provisions of the municipal code where practical difficulty renders compliance with the provisions of the municipal code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the intent of this chapter and of the Yarrow Point comprehensive plan can be fulfilled.

17.28.020 Applicability.

This chapter establishes the town's criteria to be used in making a decision upon an application for a variance from the provisions of this title, unless alternate variance criteria for a specific type of land use project are specified elsewhere in this title.

A. Limitation. The decision authority shall not grant a variance when any of the following circumstances are applicable to the proposal:

1. The variance would allow a permitted or conditional use in a zoning district in which such use is not specifically listed as a permitted or conditional use;

2. The variance would allow a use or uses expressly, or by implication, prohibited by the terms of this title specific to the zoning district(s) in which the subject site is located;

3. The variance application requests relief from the provisions of Chapter 14.04 YPMC, Project Permit Process, or any other procedural or administrative provision of this title;

4. The variance application requests relief from a provision of this title in which it states that such provision is not subject to a variance;

5. The variance would relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to a property-specific development standard;

6. The variance would allow the creation of a residential density beyond that which is allowed by this title;

7. The need for the variance is the result of deliberate actions of the applicant, property owner, or their predecessor in interest; or



8. The variance is primarily intended to alleviate a financial hardship.

17.28.030 General provisions.

A. Application and Contents. An application for a variance shall be made according to the submittal requirements in Chapter 14.04 YPMC on forms prescribed by the town, and shall include the fee established by the current fee resolution. All variance applications submitted in accordance with this title shall include the information set forth on the forms prescribed by the town. No application shall be deemed complete, nor accepted by the town, until all information set forth below has been submitted:

1. Completed application form;

2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

3. Existing zoning district(s) of the subject site;

4. Existing zoning district(s) within three hundred feet of the site;

5. Existing and proposed use(s) of the project site;

6. A site plan drawing at a scale of not less than one inch for each fifty feet, which shall include:

a. Locations of all existing and proposed buildings and structures;

b. The boundaries of the subject site;

c. All setback lines;

d. All critical areas and their associated buffers;

e. Existing lot area;

f. All existing and proposed easements;

g. The locations and size of all existing and proposed utility structures and lines;

h. The storm water drainage systems for existing and proposed structures;

i. Sizes and locations of driveways, streets, and roads;

7. Other information and materials may be required by the town to review the application.

17.28.040 Review process.

A. Public Notice. Variances shall be subject to all applicable noticing requirements in YPMC 14.04.060.

B. Public Hearing. Pursuant to YPMC 14.04.020, a public hearing is required for all variance applications.

D. Decision. Pursuant to YPMC 14.04.020, the Hearing Examiner shall approve, approve with conditions, or deny a variance.

E. Decision Criteria. A variance shall not be granted by the Hearing Examiner unless the applicant demonstrates that the proposal meets all of the following criteria:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the property is located;

2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated;

4. The variance is the minimum necessary to grant relief to the applicant;

5. The strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner;

6. The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property; and

7. The variance is consistent with the policies and provisions of the comprehensive plan and the development regulations.

F. Conditions of Approval. In approving a variance, the hearing examiner may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title.

G. Appeals. The action of the decision-making body in granting or denying an application for a variance is a final decision appealable to the King County superior court in accordance with Chapter 36.70C RCW.

H. Recording. The recipient of a variance shall file the Hearing Examiner's decision on title in accordance with this subsection. The variance shall not be effective until such decision has been filed with the King County auditor. If no appeal was filed on the variance decision, the Hearing Examiner decision shall be filed within thirty days of the expiration of all applicable appeal periods. The decision shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the variance, and as a notice to prospective purchasers of the existence of the variance.

I. Expiration. The length of time during which a variance is valid shall be as set forth in the Hearing Examiner's decision. The date that the variance expires shall be specified in the conditions of approval. Once a variance has been approved and issued by the town, the approved variance may continue as long as all conditions of variance approval are met.

J. Extensions. The Town Planner may grant an extension of the period of variance authorization when requested by the applicant at least sixty days prior to the expiration of the variance. Extension requests shall be submitted in writing and set forth the justification for the request, which shall not be based on financial hardship alone. Only one extension may be granted for the variance for a period not to exceed 365 days.

K. Modifications. Requested modifications to a variance shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal.

22.66.050 Enforcement.

A permit determined to be in violation of this title, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the town subject to YPMC Title 1.

Hearing Board.

Title 19

ENVIRONMENT

Chapters:

- 19.02 Shoreline Master Program**
- 19.04 Environmental Policy and Procedures**

**Chapter 19.02**

**SHORELINE MASTER PROGRAM**

- 19.02.010 Shoreline master program adopted.
- 19.02.020 Shoreline environment designations.
- 19.02.030 Compliance required.
- 19.02.040 Permitted uses and permitted modifications.
- 19.02.050 General provisions applicable to all development proposals.
- 19.02.060 Nonconforming uses and developments.
- 19.02.070 Developments not required to obtain shoreline permits or local reviews
- 19.02.080 Exemptions.
- 19.02.090 Permit - Fees.
- 19.02.100 Application - Form.
- 19.02.110 Review process.
- 19.02.120 Notice and hearing requirements.
- 19.02.130 Review process criteria for substantial development permits.
- 19.02.140 Review process and criteria for conditional uses and variances.
- 19.02.150 Appeals.
- 19.02.160 Commencement of construction - Time lapse.
- 19.02.170 time requirements of permit.
- 19.02.180 Revisions to permit.
- 19.02.190 Town Planner's authority.
- 19.02.200 Revocation or suspension of permit.
- 19.02.210 Violation - Penalties.

**19.02.010 Shoreline master program adopted.**

The town of Yarrow Point shoreline master program, dated August XXXX[A21] and amended through required periodic review in 2017, or as further amended, and attached to the ordinance codified in this chapter as Exhibit A and incorporated by this reference as if set forth in full, is hereby adopted as the shoreline master program for the town of Yarrow Point as required by Chapter 90.58 RCW. The town of Yarrow Point shoreline master program shall hereinafter be referred to as the Town SMP within this chapter.

**19.02.020 Shoreline environment designations.**

- A. Natural. The natural designation is assigned to shoreline areas that are ecologically intact; of particular

scientific and educational interest; unable to support new development or uses without significant ecological impacts or risk to human safety; important for conservation and recovery of priority species; provide habitat for Federal or State ESA listed species; and/or have unique recreational or scenic value that would be degraded by human development.

- B. Shoreline Residential. The shoreline residential designation is assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.
- C. Urban Conservancy. Urban Conservancy areas are publicly owned, and include the NE 47th Street Road
- D. End Beach and the NE 42nd Street Road End hand-held boat launch area.
- E. Aquatic. The aquatic designation encompasses Lake Washington contained within the Yarrow Point  
F. town limits, waterward of the ordinary high water mark (OHWM).

#### **19.02.030 Compliance required.**

No developments or uses shall be undertaken on the shorelines of the town of Yarrow Point except those that are consistent with the policies of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations, or the Town SMP. No substantial development or use shall be undertaken on the shorelines of the town of Yarrow Point without first obtaining a permit from the town. No exempt development activities or use as defined in YPMC 19.02.080 shall be undertaken without first acquiring a letter of exemption from the Town Planner or his/her designee. When development is proposed consistent with the limited exceptions in WAC 173-27-044, such development shall not require review or permit approval under this chapter and the Town SMP. Nothing in this chapter shall authorize the issuance of a permit contrary to the laws of Washington State.

#### **19.02.040 Permitted uses and permitted modifications.**

The Town SMP sets forth all permitted uses and permitted modifications.

#### **19.02.050 General provisions applicable to all development proposals.**

The Town SMP sets forth all general provisions applicable to all development proposals.

#### **19.02.060 Nonconforming uses and developments.**

A. “Nonconforming use or development” means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or this chapter, or amendments thereto, but which does not conform to present regulations or standards within the Town SMP.

B. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density, may be maintained and repaired and may be enlarged or expanded; provided, that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

C. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Town SMP may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family dwelling unit that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-240(2)(g) upon approval of a shoreline conditional use permit.

D. A use which is listed as a conditional use, but which existed prior to adoption of the Town SMP or any relevant amendment, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Town SMP to the site, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section and the Town SMP shall apply as they apply to preexisting nonconformities.

F. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

1. No reasonable alternative conforming use is practical; and
2. The proposed use will be at least as consistent with the policies and provisions of the Act and the Town SMP and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Town SMP and the Act, and to assure that the use will not become a nuisance or a hazard.

G. A nonconforming structure which is moved any distance must be brought into conformance with the Town SMP and the Act.

H. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged; provided, that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

I. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (F) of this section shall be considered a conforming use for purposes of this section.

J. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the Town SMP, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the town of Yarrow Point and so long as such development conforms to all other requirements of the Town SMP and the Act.

K. These standards are consistent with the nonconforming standards contained in Chapter B(13) of the Town SMP.

#### **19.02.070        Developments not required to obtain shoreline permits or local reviews.**

A. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Act do not apply to the following:

1. Remedial Actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW.
2. Boatyard Improvements to Meet NPDES Permit Requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet

requirements of a National Pollutant Discharge Elimination System storm water general permit.

3. WSDOT Facility Maintenance and Safety Improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

#### **19.02.080 Exemptions.**

##### **A. Application and Interpretation of Exemptions.**

1. The town shall narrowly construe exemptions. Only those developments that meet the precise terms of one or more of the listed exemptions in the definition for substantial development found in Appendix B(5) of the Town SMP, or those exemptions or exceptions listed in WAC 173-27-040, and/or Chapter 90.58 RCW may be granted exemption from the substantial development permit process.

2. An exemption from the substantial development permit process is not an exemption from compliance with the Act or the Town SMP, or from any other regulatory or municipal requirements. All uses and developments must be consistent with the policies and provisions of the Town SMP and the Act. A development or use, either listed as a conditional use in the Town SMP or an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a proposed development or use does not comply with the bulk, dimensional and performance standards of the Town SMP, such development or use shall require a variance.

3. The burden of proof that a development or use is exempt from the shoreline permit process is on the applicant; as such, a written request for exemption shall be submitted to the community development department, with the proposed development application, in conformance with this section.

4. If any part of a proposed development is not eligible for an exemption, then a substantial development permit is required for the entire proposed development project.

5. The town of Yarrow Point may attach conditions to the approval of exempted developments and/or uses, as necessary, to assure consistency of the project with the Act and the Town SMP.

#### **19.02.090 Permit - Fees.**

All persons desiring a shoreline permit or any other approval required by the Town SMP shall make application by paying a fee as set out in the town's fees resolution and filing an application with the town.

#### **19.02.100 Application - Form.**

Applications for permits and approvals shall be made on forms prescribed by the town, and shall contain the name and address of the applicant, a description of the development, the location of the development, and any other information deemed necessary.

#### **19.02.110 Review process.**

Requests for a shoreline substantial development permit, shoreline variance or a shoreline conditional use permit require review by the town Hearing Examiner. The Hearing Examiner's decision is final and may include conditions as necessary to meet Town SMP policies and standards. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline substantial development permits, shoreline conditional use permits and shoreline variances. The town shall submit all issued decisions to the Department of Ecology for its approval or disapproval. All applicants shall prove that a proposed development or use is consistent with the Town SMP as well as the requirements of this chapter

**19.02.120 Notice and hearing requirements.**

A. Upon receipt of an application for a shoreline substantial development permit, shoreline variance or shoreline conditional use permit, the town shall cause notice of the application to be published, at least once[A22], in a newspaper of general circulation within the city. The second notice shall be published not less than thirty days prior to action by the town. The town shall also cause notice of the application to be mailed to each property owner of record within five hundred feet of the proposed development. The date of the mailing shall not be less than seven days in advance of the department action.

B. Upon completion of review of the proposed shoreline permit by the town, the town shall schedule a public hearing at the next available hearing date, in front of the hearing examiner, to consider the shoreline substantial development, the shoreline variance or shoreline conditional use permit application.

**19.02.130 Review process criteria for substantial development permits.**

A. A substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Shoreline Management Act;
2. The provisions of this regulation; and
3. The approved master program.

B. The town of Yarrow Point may attach conditions to the approval of permits as necessary to assure consistency of the project with the Shoreline Management Act and the Town SMP.

C. The Hearing Examiner's decision shall become final and the permit shall be issued upon the terms and conditions prescribed, if no appeal is filed. The Hearing Examiner's decision shall be filed with the Department of Ecology. In the event the Hearing Examiner determines the use or development is inconsistent with the above criteria, the application shall be denied.

**19.02.140 Review process and criteria for conditional uses and variances.**

The town shall adopt provisions for conditional use and variance permits, consistent with Chapter 6 of the Town SMP, to ensure that the strict interpretation of the Town SMP will not create unnecessary hardships or thwart the policies of this title or the Shoreline Management Act.

A. Shoreline Conditional Use Permits. The hearing examiner shall have the authority to hear and make findings, conclusions, and decisions on shoreline conditional use permits. The hearing examiner shall have the authority to grant, in appropriate cases and subject to appropriate conditions and safeguards, shoreline conditional use permits. The town shall submit all issued conditional use permits to the Department of Ecology for its approval or disapproval. The criteria for granting conditional use permits are the following:

1. Uses classified in the Town SMP as conditional uses may be authorized, provided the applicant can demonstrate all of the following:
  - a. That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the Town SMP.
  - b. That the proposed use will not interfere with the normal public use of public shorelines.
  - c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
  - d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.
  - e. That the public interest suffers no substantial detrimental effect.

2. Other uses which are not classified or set forth in the Town SMP may be authorized as conditional uses; provided, that the applicant can demonstrate, in addition to the criteria set forth in subsections (A)(1) and (A)(3) of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Town SMP.
3. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
4. Uses specifically prohibited by the Town SMP may not be authorized pursuant to either subsection (A)(1) or (A)(3) of this section.

B. Shoreline Variances. The hearing examiner shall have the authority to hear and make findings, conclusions, and decisions on shoreline variances. The hearing examiner shall have authority to grant variances from the substantive requirements of the Town SMP. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Town SMP where there are extraordinary or unique circumstances relating to the properties, such that the strict implementation of the Town SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act. The city shall submit all issued variances to the Department of Ecology for final approval or disapproval. The criteria for granting variances shall be consistent with the Shoreline Management Act and include the following:

1. Variances should be granted in a circumstance where denial of the permit will not thwart the policy enumerated in the Shoreline Management Act or the Town SMP. In all instances, extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.
2. Variances for development that will be located landward of the ordinary high water mark may be authorized, provided the applicant can demonstrate all of the following:
  - a. That the strict application of the bulk, dimensional, or performance standards as set forth in the Town SMP precludes or significantly interferes with a reasonable permitted use of the property.
  - b. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Town SMP and not, for example, from deed restrictions or the applicant's own actions.
  - c. That the design of the project will be compatible with other permitted activities in the area and not cause adverse effects to adjacent properties or the shoreline environment designation.
  - d. That the variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.
  - e. That the public interest will suffer no substantial detrimental effect.
3. Variances for development that will be located waterward of the ordinary high water mark may be authorized, provided the applicant can demonstrate all of the criteria specified above; and provided, that the applicant can demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.
4. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
5. Variances from the use regulations of the Town SMP are prohibited.

#### **19.02.150 Appeals.**

Appeals of shoreline permit decisions and decisions on shoreline permit revisions, letters of exemption and other approvals required by the town SMP shall be heard in accordance with RCW 90.58.180.

#### **19.02.160 Commencement of construction - Time lapse.**

No one who is issued a permit hereunder shall be authorized to commence construction until twenty-one days have



elapsed from the date that the permit is filed with the Washington State Department of Ecology for substantial development permits. For shoreline conditional use and variance permits, construction shall not commence until twenty-one days after the Department of Ecology has made its decision regarding the permit or until all review proceedings are terminated, if such proceedings were initiated within said twenty-one-day period. All permits shall be submitted to the Department of Ecology for filing consistent with WAC 173-27-130

**19.02.170 Time requirements of permit.**

A. The time requirements of this section shall apply to all substantial development, variance or conditional use permits authorized by this chapter.

B. Construction activities shall commence, or, where no construction activities are involved, the use or activity shall commence, within two years of the effective date of a shoreline permit. The Hearing Examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record.

C. Authorization to conduct construction activities, pursuant to the approved shoreline permit, shall terminate five years after the effective date of a shoreline permit. The hearing examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

D. Consistent with RCW 90.58.140(6), the effective date of a shoreline permit shall be the date of filing with the Department of Ecology or the date of decision by the Department of Ecology for conditional use permits and variances. This excludes time for which a use or activity was not actually pursued due to appeals, legal actions or the need to obtain other permits and approvals for the development.

E. Revisions to permits lawfully extended under subsections (B) and (C) of this section and in accordance with the provisions of YPMC 19.02.180 (WAC 173-27-100) may be authorized after original permit authorization has expired; provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

F. The town of Yarrow Point shall notify the Department of Ecology of any change to the effective date of a permit, and explain the basis for approving the change in writing. Any change to the time limits of a permit, except an extension under subsections (B) and (C) of this section, and except as authorized by RCW 90.58.143, shall require a new permit application.

**19.02.180 Revisions to permit.**

A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, or compliance with the Town SMP. Changes which are not substantive in effect may not require approval of a revision; however, the community development department must be notified and review the proposed revision to determine if the revision is substantive or not.

A. When an applicant seeks to revise a substantial development, conditional use, or variance permit, town staff shall request from the applicant detailed plans and text describing the proposed changes in the permit.

1. If the Town Planner determines that the proposed changes are within the scope and intent of the original permit, the town may approve the revision, provided it is consistent with the Shoreline Management Act and the Town SMP.

2. “Within the scope and intent of the original permit” means the following:
  - a. No additional over- or in-water construction will be involved.
  - b. Lot coverage and height may be increased a maximum of ten percent from provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit.
  - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the Town SMP, except as authorized under a variance granted by the original permit or a part thereof.
  - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable Town SMP.
  - e. The use authorized pursuant to the original permit is not changed.
  - f. The project revision will cause no adverse environmental impact.
3. The Town Planner may authorize revisions to shoreline permits after the original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW and the Town SMP. If the proposed change constitutes substantial development, then a new permit is required; provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
4. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the city shall require the applicant to apply for a new substantial development, conditional use, or variance permit in the manner provided for herein.
5. The town shall file with the Department of Ecology the revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section. In addition, the town shall notify parties of record of their action.
6. If the revision to the original permit involves a conditional use or variance, the town shall submit the revision to the Department of Ecology for final approval, approval with conditions, or denial. The Department of Ecology shall render and transmit to the city and the applicant its final decision within fifteen days of receipt of the submittal from the town. The town shall notify parties of record of the Department of Ecology’s final decision.
7. The revised permit is effective immediately upon final decision by the town or, when appropriate under subsection (A)(6) of this section, upon final action by the Department of Ecology.
8. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the city’s action by the Department of Ecology or, when appropriate under subsection (A)(6) of this section, the date the Department of Ecology’s final decision is transmitted to the town and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (A)(2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

**19.02.190 Town Planner’s authority.**

The Town Planner shall have the authority to immediately stop any work under a permit, which the Town Planner believes, in good faith, is not in compliance with the permit or any other actions in violation of the Town SMP. Upon issuance of such a stop order, the permittee shall immediately cease and desist such portion of the development which is ordered stopped, but may continue working on the other portions of the development. As soon as it is practical thereafter, a hearing will be held before the hearing examiner to determine whether the conditions of

the permit were violated and, if so, whether to cancel the permit or determine what other action should be taken. Notice of hearing shall be in the form and manner prescribed in YPMC 14.04.060.

**19.02.200 Revocation or suspension of permit.**

A. Any permit issued hereunder may be revoked by the hearing examiner upon a finding that a permittee has not complied with the conditions of a permit, subject, however, to a hearing as hereinafter provided.

B. Before such permit is revoked by the hearing examiner, the city shall set a date for a public hearing following the public notice requirements of YPMC 14.04.060, to determine whether the permittee has violated the conditions of the permit.

**19.02.210 Violation - Penalties.**

Violations of the Shoreline Management Act or the Town SMP are subject to Chapter 1.10 YPMC.

Chapter 19.04

ENVIRONMENTAL POLICY AND PROCEDURES

**This chapter contains SEPA/Environmental Review adoption by reference and is under review for administrative and compliance updates.**

Chapter 19.06

Critical Areas

**A new chapter on Critical Areas will be added to Tile 19 under chapter 19.06**

**A draft of this chapter will be presented at the April Planning Commission Meeting**