ORDINANCE #550

AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF LOTS CREATED BY AND REGULATED AS 'SHORT SUBDIVISIONS' TO NINE, AND PROVIDING FOR RETROACTIVE EFFECT.

Whereas, cities and towns are authorized pursuant to RCW 58.17.060 to adopt regulations and procedures for the summary approval of short plats and short subdivisions or the alteration or vacation thereof;

Whereas, RCW 58.17.020(6) authorizes cities and towns to allow short subdivisions of up to nine (9) lots;

Whereas, the Town of Yacolt is currently developing regulations and procedures with respect to subdivisions, short subdivisions and short plats, but has not yet finalized and adopted said regulations and procedures;

Whereas, the Town desires to reasonably accommodate its citizens and customers in the processing and regulation of development activities in the interim;

Whereas, the Town Council desires to confirm its intent to consider and allow short subdivision applications of up to nine (9) lots, and further confirms its intent to provide retroactive effect of this Ordinance from and after January 1, 2016;

Whereas, the Town Council of Yacolt, Washington, is in regular session this 19th day of September, 2016; and,

Whereas, each member of the Town Council has had notice of the time, place and purpose of said meeting;

NOW THEREFORE, be it ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 - Increasing the Maximum Number of Lots Regulated by a Short Subdivision Process: Pursuant to the authority granted by RCW 58.17.060 and RCW 58.17.020(6), the authorized maximum number of lots that may be created through the short subdivision process in the Town of Yacolt shall be nine (9) lots.

Section 2 - Definition of "Short Subdivision": "Short Subdivision" shall be defined as follows:

> "Short Subdivision" means the division or re-division of land into nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership in the present or future.

Section 3 - Effect of Ordinance:

a). **Current Effect**: This Ordinance shall be applicable to the definition of "Short Subdivision" as that term may be used in the Town's procedures and ordinances for the regulation of subdivisions and short subdivisions. All applications, procedures and

determinations with respect to short plats and short subdivisions shall be applied in a manner consistent with such definition.

b). **Retroactive Effect**: This Ordinance shall further be applicable to the definition of "Short Subdivision" as that term has been used by the Town for all relevant development applications, procedures and determinations from and after January 1, 2016. Without limitation, this Ordinance shall specifically apply to the Avery Meadows Short Subdivision, approved by the Town Council with conditions at its public meeting held on March 7, 2016, following a public hearing on the subject.

Section 4 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 5 - Effective Date: This Ordinance shall take effect on September 28, 2016, following publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #550

The Town Council of the Town of Yacolt adopted Ordinance #550 at its regularly scheduled Town Council meeting held on September 19, 2016. The content of the Ordinance is summarized in its title as follows: AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF LOTS CREATED BY AND REGULATED AS 'SHORT SUBDIVISIONS' TO NINE, AND PROVIDING FOR RETROACTIVE EFFECT. The effective date of the Ordinance is September 28, 2016.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 28th day of September, 2016.
Cindy Marbut, Town Clerk/Treasurer

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19th day of September, 2016.

TOWN OF YACOLT

Jeff Carothers, Mayor

Attest:

Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

_____
David W. Ridenour, Town Attorney

Ayes: Tester, Lister, Hancock, Myers, Walkway
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #550 of the Town of Yacolt, Washington, entitled "AN ORDINANCE INCREASING THE MAXIMUM NUMBER OF LOTS CREATED BY AND REGULATED AS 'SHORT SUBDIVISIONS' TO NINE, AND PROVIDING FOR RETROACTIVE EFFECT", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Cindy Marbut
Cindy Marbut, Town Clerk/Treasurer

Published: 9-28-16
Effective Date: 9-28-16
Ordinance Number: 550