

ORDINANCE NO. 1565
AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON
AMENDING SECTION 18.04.040 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, from time to time, certain sections of the Lynden Municipal Code need updating in order to accurately reflect the intent of the code and state law; and

WHEREAS, state courts may order the partition of land under Chapter 7.52 RCW; and

WHEREAS, the City of Lynden finds it prudent to accept court-ordered land partitions and exempt them from its subdivision application process, so long as the partition is consistent with all other requirements of Title 18 of the Lynden Municipal Code; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Section 18.04.040 of the Lynden Municipal Code is hereby amended to read as follows (underlines indicate additions and strikethroughs indicate deletions):

18.04.040 - Applicability.

This title shall regulate all divisions of land, except as provided below:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land made by testamentary provision or the law of descent;
- C. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum zoning requirements.
- D. Divisions of land created by a court order that result in not more than four (4) lots.
- ~~D.~~ E. Divisions of land into four or fewer lots, tracts, or parcels by the City of Lynden for public purposes such as parks, trails, open space, drainage, flood control, street, and utility purposes; provided that, a mylar depicting the division shall be recorded with the county auditor. Development on the remaining lot(s) shall comply with all applicable city ordinances. Non-residential structures constructed for public purposes shall be allowed on lots created for the City of Lynden.

Land divided pursuant to this section shall be subject to all other provisions of the Lynden Municipal Code.

(Ord. 1194 §§ 1, 2, 2004).

(Ord. No. 1546, § 2, 12-4-2017)

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.


Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this 5 day of November, 2018 and signed by the Mayor on the 5 day of November, 2018.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney