

**TOWN OF YARROW POINT  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
June 26, 2017**

The following is a condensation of the proceedings and is not a verbatim transcript.

**CALL TO ORDER:**

Amy Pellegrini, Planning Commission Chairwoman called the meeting to order at 7:02 p.m.

**PRESENT:**

**Chairwoman:** Amy Pellegrini

**Commissioners:** Trevor Dash  
Chuck Hirsch- Excused absence  
Carl Hellings

**Staff:** Town Clerk Anastasiya Warhol  
Town Planner Mona Green

**Guests:** Attorney Michael C. Walter  
Resident Elizabeth Newstrum

**APPEARANCES:**

Elizabeth Newstrum, resident at address 4428 92<sup>nd</sup> Ave NE, asked if and when the Planning Commission is going to discuss the topic of trees in Yarrow Point. Clerk Treasurer Warhol explained that this topic has been routed through the Mayor and the Council. Clerk Treasurer Warhol also noted that the earliest the Council will have time to discuss this will be in September and October. The Commissioners acknowledged the complexities and the nuances of tree regulations and conflicting private property rights, but committed to addressing the issue if delegated by the Town Council.

Separately, Ms. Newstrum explained that she is against the clear-cutting of trees and the potential destruction of eagle nests and their habitats. Planner Green noted that that the Department of Fish and Wildlife has protections outlined for eagle's nests. Attorney Walters encouraged Ms. Newstrum to contact the Department of Fish and Wildlife to help confirm an identified eagles nest as well as to report the destruction of habitat such as cutting down a tree in which an eagle is nesting.

**MINUTES:**

**MOTION:** Commissioner Hellings moved to approve the minutes of the Regular Meeting Minutes of June 19, 2017. Commissioner Dash seconded the motion.

**VOTE:** 2 For, 0 Against. 0 Abstain. Motion carried.

**STAFF REPORTS:**

Nothing new to report since the June 19<sup>th</sup> meeting.

**REGULAR BUSINESS:**

**PCAB 17-11                      Zoning Code Revision, Second Draft Review, *for Discussion***

Before addressing the code amendment at hand, Attorney Mike Walter summarized a ruling on a recent Supreme Court decision that is applicable to the Town of Yarrow Point. On June 23<sup>rd</sup>, the U.S. Supreme court ruled on *Murr v. State of Wisconsin* – a case involving a lot consolidation issue. The 5-3 decision was issued to affirm the lower courts and uphold the right of government (*State of Wisconsin*) to require lot consolidation where one party owns two adjoining non-conforming lots and wants to develop them. This decision reinforces the validity of lot consolidation requirements as a zoning tool, and confirms the authority of the governments to utilize the tool.

Mona Green explained that the Planning Commission met last week to discuss the first draft of a new proposed language to YPMC 17.16.050- Building Site Requirements. The result of the discussion was a new, second draft of the proposed language that reads as follows:

**17.16.050 - Legal Building site requirements.**

- A. A legal building site must meet all of the following requirements:
  - 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 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 at any time 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 the following be deemed a legal building site, and no land use permits, authorizations or approvals shall be granted for the following:
- 1. A lot that does not comply with the requirements of subsection A above and is solely created or recognized as a tax parcel or given a tax number by the County Assessor's Office.
- 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.

Regarding additional public input, Mona Green noted that she received input of concern from Mayor Cahill about a scenario where there was a home that a building site was held in separate ownership prior to the date of incorporation of August 4, 1959, and had two small underlying lots but one home developed on them. The concern that the property owner will lose the ability to utilize both lots under the draft language. The commission confirmed that the draft language is consistent with new zoning regulations which came into existence at the date of incorporation and is consistent with the Town's goal to bring lots into conformity whenever possible.

Mike Walter explained that the language is clear, constitutional, and lawful. After further discussion, and with recommendations provided by Council liaison Valaas, the Planning Commission made the following changes to the second draft (underlined):

**17.16.050 - Legal Building Site Requirements.**

- A. A legal building site must meet the requirements in subparts 1 and 2 below.
- 1. Abut a public street or have access to a public street by means of a private lane or panhandle driveway; and
  - 2. Meet at least one of the following criteria:
    - a. Fully comply with the minimum area requirements of YPMC 17.16.010; or
    - b. Any building site that does not meet the minimum area requirements of YPMC 17.16.010 must meet all of the following conditions:
      - i. The building site was lawfully created and came into existence before the date of the Town's incorporation of August 4, 1959; and

- ii. The building site was held in separate ownership as of the date of incorporation of August 4, 1959; and
- iii. The building site has not been consolidated with a contiguous lot since the date of incorporation of August 4, 1959; and
- iv. The building site has not been developed in conjunction with a contiguous lot since the date of incorporation of August 4, 1959; or
  - c. Lots which came into the Town through a valid annexation process and which were legal building lots or sites in the zone of the prior jurisdiction, but which do not meet the minimum area requirements of YPMC 17.16.010.

- B. Under no circumstances shall a lot that does not comply with the requirements of subsection A above and is solely created or recognized as a tax parcel or given a tax number by the County Assessor's Office be deemed a legal building site, and no land use permits, authorizations or approvals shall be granted.
- C. Legal Building Sites must conform to all applicable Town, State, and Federal building setback, environmental, critical areas and other applicable building and development regulations.
- D. The owner or applicant has the burden of establishing compliance with YPMC 17.16.050.

The consensus of the Commission was to schedule a public hearing on the proposed amendments for Monday, July 17<sup>th</sup>.

**ADJOURNMENT:**

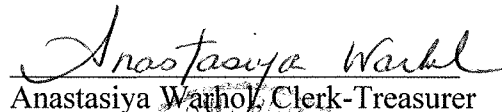
**MOTION:** Commissioner Hellings moved to adjourn the meeting at 8:41 pm. Commissioner Dash seconded the motion.

**VOTE:** 2 For, 0 Against. Motion carried.

**APPROVED:**

  
Amy Pellegrini, Chair

**ATTEST:**

  
Anastasiya Warhol, Clerk-Treasurer

