

**TOWN OF YARROW POINT  
PLANNING COMMISSION MEETING MINUTES  
May 22, 2017**

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

**CALL TO ORDER:**

Amy Pellegrini, Planning Commission Chair called the meeting to order at 7:06 p.m.

**PRESENT:**

**Chairperson:** Amy Pellegrini

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

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

**Guests:** Attorney Michael C. Walter  
Resident Dicker Cahill  
Resident Elizabeth Newstrum  
Resident Jennifer Whittier  
Resident David Young

**APPEARANCES:**

**MINUTES:**

May 1, 2017 Meeting Minutes

**MOTION:** Commissioner Dash moved to approve the regular minutes of May 1, 2017. Commissioner Chuck seconded the motion.

**VOTE:** 3 For, 0 Against. Motion carried.

**STAFF REPORTS:**

Town Planner Mona Green provided a brief report of the previous Council meeting. The standing moratorium has been amended via *Ordinance No. 676* to narrow the impact to the number of properties affected. The Council also briefly discussed Clyde Hill's phased traffic improvement plan.

Clerk Warhol updated the Commission on the upcoming June 10<sup>th</sup> Emergency Preparedness Event. She explained that the current schedule includes the following components:

- First Aid & CPR Class/ 7:30am – Registration already full with 16 participants
- Lecture – Eric E Holdeman/12:30pm - to present a one-hour lecture series
- MYN – One-hour training/ 1:30p.m. for people who want to be cluster leaders

**REGULAR BUSINESS:**

**PCAB 17-06 YPMC 17.60.040 (Setback Requirements) Update, Public Hearing**

Town Planner Green explained that the Town would like to update the current section of the code to clearly articulate that eaves and gutters are to be enclosed entirely by setbacks. Specifically, the Town is proposing to add two words to the current language as follows:

17.16.040 Setback requirements.

A. Applicability of Setback Restrictions.

1. Buildings, structures, garages, carports, **eaves, gutters**, large stored vehicles, and similar equipment may only be placed in the area enclosed by setback lines.

Chairwoman Pellegrini Opened the Public Hearing

Resident Cahill requested that the proposed change be repeated for the audience. Planner Green obliged.

Chairwomen Pellegrini Closed the Public Hearing

**MOTION:** Commissioner Dash moved to approve amendments to YPMC 17.16.040 as presented in the draft Ordinance and forward the agenda bill to the Town Council. Commissioner Hirsch seconded the motion.

**VOTE:** 3 For, 0 Against. Motion carried.

**PCAB 17-07                      Annexations and the Zoning Code, Discussion**

Planner Green explained that it has come to the Town’s attention that properties annexed to Yarrow Point in the 1990s were incorporated into the Town without benefit of assigning them to “legal nonconforming status” for zoning purposes. Town Staff proposes a code amendment, to be reviewed in an upcoming public hearing, that addresses this issue.

If the Planning Commission is in agreement, an ordinance with proposed code changes will be provided for the next meeting.

**MOTION:** Commissioner Dash moved schedule a public hearing on the matter. Commissioner Hirsch seconded the motion.

**VOTE:** 3 For, 0 Against. Motion carried.

Town Planner Green provided a brief review of what the Planning Commission is tasked with. In short, the PC must clarify the Town's current meaning of a *building site* as defined in YPMC 17.16.050. The current code has proven to be ambiguous and problematic. It reads as follows:

**17.16.050 Building site requirements.**

A. A building site must abut a public street or have access to a public street by means of a private lane or panhandle driveway.

B. Lots meeting any of the following criteria, and including subsection A of this section, are legal building sites:

1. A lot meeting the area requirements of YPMC 17.16.010.

2. Any lot that came into existence before August 4, 1959, and is not held as a unit with a contiguous lot.

3. Land held as a unit as identified by a tax parcel number in the King County assessor's records as of May 22, 1992, copy on file with the town clerk/treasurer, which satisfies either or both of the following conditions:

a. Has an existing residential dwelling on it; or

b. Contains over 85 percent of the minimum lot area requirements of the zone in which it is located.

C. Sale or disposition of portions of land held as a unit is permitted only if:

1. Each resulting separately held portion complies with the building site requirements of subsections A and B of this section exclusive of the area exception permitted by subsection (B)(2) of this section; and

2. No new nonconformity of a structure is created in regard to setback or area coverage. (Ord. 549 § 1, 2005)

Two specific areas of confusion are: (1) the definition of "land held as a unit" and (2) the reference to a "King County assessor's records as of May 22, 1992, copy on file with the Town Clerk. Further confusion and problems arise when a tax parcel number by the County Assessor's Office is assigned in order to imply a "legal building site".

The Planning Commission discussed the consequences of the current code ambiguity. Attorney Mike Walter presented case law and other resources pertaining to lot consolidation to help inform the Planning Commission.

The Commissioners agree that there is wisdom historical and precedent in the setting of the current R12 and R15 zoning codes during Yarrow's incorporation in 1959, and that the zoning jurisdictions must be upheld.

In preparation for the following Planning Commission meeting, Attorney Walter suggested that the Commissioners begin to brainstorm practical scenarios which can be discussed in the context of any proposed zoning amendments. This exercise will help tease out both the practical implication of the written code and possible unintended consequences.

**ADJOURNMENT:**

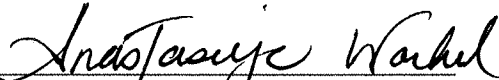
**MOTION:** Commissioner Dash moved to adjourn the meeting at 8:00pm. Commissioner Hirsch seconded the motion.

**VOTE:** 3 For, 0 Against. Motion carried.

**APPROVED:**

  
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Amy Pellegrini, Chair

**ATTEST:**

  
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Anastasiya Warhol, Clerk-Treasurer

