

**YARROW POINT
PLANNING COMMISSION MEETING AGENDA**

May 17, 2021

**7:00 p.m. via conference call at:
206-485-3849 Conference ID: 308 320 599#**

With the passage of the Town's Proclamation of Local Emergency, Town Hall is closed to the public. Planning Commission participation in this meeting will be by teleconference/online only. Members of the public may also participate by phone/online. Individuals wishing to speak live during the Virtual Town Planning Commission meeting should register their request with the Deputy Clerk at 425-454-6994 or email depclerk@yarrowpointwa.gov and leave a message before 4:30pm on the day of the May 17 Planning Commission meeting. Please reference Public Comments for May 17 Planning Commission Meeting on your correspondence. The Deputy Clerk will call on you by name or telephone number when it is your turn to speak. If you call in via telephone, please unmute yourself by dialing *6 when it is your turn to speak. If you have not registered, wait for the Deputy Clerk to ask for non-registered public comments, unmute your phone, and state your name and comment topic. Wait for the Deputy Clerk to call on you before making your comment. Speakers will be allotted 3-minutes for your comment and will be asked to stop when you reach the 3-minute limit.

[Click here to join the meeting](#)

Or call in (audio only)

[+1 206-485-3849](tel:+12064853849),,[308320599#](tel:+12064853849) United States, Seattle

Phone Conference ID: 308 320 599#

1. **CALL TO ORDER:** Commission Chairperson, Carl Hellings

2. **ROLL CALL:** Commissioners Trevor Dash, Chuck Hirsch, David Feller, Jennifer Whittier

3. **APPEARANCES:**
Members of the public may speak concerning items that either are or are not on the agenda. The Commission takes these matters under advisement. Please state your name and address and limit comments to 3 minutes. If you call in via telephone, please unmute yourself by dialing *6. Comments via email or regular mail may also be submitted to depclerk@yarrowpointwa.gov to be included in the record.

4. **MINUTES:**
March 15, 2021 Regular Meeting

5. **STAFF REPORTS**

6. **REGULAR BUSINESS**

7. **PCAB 21-04 Continued tree code discussion/ Review draft tree code**

8. **PCAB 21-05 Adopt Roberts Rules of Order & review current YPMC Planning Commission Code**

9. **ADJOURNMENT**

**TOWN OF YARROW POINT
PLANNING COMMISSION (TELECONFERENCE) MEETING MINUTES
March 15, 2021**

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

CALL TO ORDER:

Carl Hellings Planning Commission Chairman called the meeting to order at 7:02pm

PRESENT:

| | |
|----------------|------------------------------------------------------------------|
| Chairman: | Carl Hellings |
| Commissioners: | Trevor Dash Chuck Hirsch Jennifer Whittier David Feller |
| Staff: | Austen Wilcox – Town Deputy Clerk Mona Green – Town Planner |
| Guests: | Debbie Prudden - Resident |

APPEARANCES:

The Commission discussed an email from resident Jennifer Crowell at 3624 92nd Ave NE who sent a link to the Town on 2-26-2021 regarding 5G cell tower information and requested to have it forwarded to the Council and Planning Commission.

MINUTES:

Minutes of February 16, 2021 Special Meeting.

MOTION: Commissioner Hirsch moved to approve the minutes of the February 16, 2021 special meeting as presented. Commissioner Dash seconded the motion.

VOTE: 4 For, 0 Against, 1 Abstained. Motion carried.

Planning Commissioner Feller abstained as he was not present at the February special meeting.

STAFF REPORTS:

Town staff gave a report of the March 9 Council meeting. Construction related ROW construction parking was the primary topic.

- A petition was submitted to the town for “immediate action” for enforcement of existing code for ROW construction parking.
- Resident testimony was heard.
- The Council reviewed and discussed proposed solutions such as requiring workers to be shuttled to and from job sites from an offsite location. Mayor Cahill is exploring the option utilizing a local church parking lot option.
- The Council received updates on various Town related ROW projects.

- The Council discussed the storage of materials for Town related ROW projects. The Council requested that materials be stored offsite until they are needed.
- A proclamation was read for former Planning Commissioner Amy Pellegrini honoring her longtime role on the Planning Commission.

REGULAR BUSINESS:

PCAB 21-03 Continued tree code discussion

Chairman Hellings recapped the discussion from the February special Planning Commission meeting noting they left off on the topic of tree replacement ratios based on lot size.

The Commission discussed:

- Tree density.
- Replacement tree strategy.
- Property rights.
- Informal private property tree survey done in February to gain a basic understanding of trees on private properties.
- Views.

They discussed the requirement of replacement trees per lot square footages. The Commission debated different formulas and also if a tree code is really needed in the Town. The Planning Commission was not unanimous in this discussion, however, the general consensus was that 1 replacement tree per 5000sqft is a fair balance.

They discussed presenting an update to Council on their research and discussions. Staff will put the Planning Commission on an upcoming Council meeting agenda. Chairman Hellings will write a memo to the Council and provide it to the Planning Commission for review prior to the Council meeting.

Resident Debbie Prudden at 3805 94th Ave NE thanked the Commission for their efforts researching a tree code.

Commissioner Whittier left the meeting at 8:54pm.

ADJOURNMENT:

MOTION: Commissioner Feller moved to adjourn the meeting at 8:55pm. Commissioner Dash seconded the motion.

VOTE: 4 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

TO: Town of Yarrow Point Planning Commission
FROM: Mona Green, Town Planner
RE: Public Property Tree Code
DATE: May 17, 2021

Hello Commissioners,

Attached to this memo you will find a draft Municipal Code Chapter entitled “Private Property Tree Code” that captures the decisions you’ve made regarding regulating trees on private property. During our upcoming meeting, there will be an opportunity to fine-tune the regulation.

Please note that the draft has been circulated to neither the Town Arborist nor the Town Attorney. We will definitely want their reviews prior to bringing the matter forward to the Town Council; however, I thought it best to make sure it accurately reflected your intent before incurring any additional expense.

Should you have any questions prior to our remote meeting on Monday evening, please let me know.

Thanks,
Mona

Chapter XX.XX
Yarrow Point Private Property Tree Code

- XX.XX.010 Title, Purpose, and Intent
- XX.XX.020 Definitions
- XX.XX.030 Tree Removal and Minimum Significant Tree Density
- XX.XX.040 Exemptions
- XX.XX.050 Tree Removal Permit – Application Process
- XX.XX.060 Tree Removal Permit - Notification
- XX.XX.070 Tree Removal Permit - Expiration
- XX.XX.080 Mitigation
- XX.XX.090 Construction Site Tree Protection
- XX.XX.100 Appeals
- XX.XX.110 Enforcement and Penalties

XX.XX.010 Title, Purpose, and Intent

A. Title. This chapter shall be known as the Private Property Tree Code of the Town of Yarrow Point.

B. Purpose and Intent. The general purpose of the private property tree code is to protect, preserve, and replenish significant trees in Yarrow Point in order to promote the public health, safety, and general welfare of the residents of the Town. The private property tree code is intended to:

1. Retain the Town’s existing character;
2. Maintain an equitable distribution of trees on properties throughout the Town;
3. Mitigate the consequences of tree removal through tree replacement;
4. Implement the goals and objectives of the Town’s Comprehensive Plan, the Town’s Shoreline Master Program, and the State Environmental Policy Act.

XX.XX.020 Definitions

A. Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six (6) inches

above the ground for up to and including 4-inch caliper size and 12 inches above the ground for larger sizes.

B. Crown. The area of a tree containing leaf or needle-bearing branches.

C. Diameter at Breast Height (DBH). The diameter or thickness of a tree trunk measured at 4.5 feet from the ground.

D. Hazardous Tree. Any significant tree that is deemed to be a high or extreme risk according to the most current Tree Risk Assessment Qualification.

E. Mitigation Species. The following trees are permissible as trees to be planted as mitigation: any evergreen or deciduous tree species that has the potential to grow to the size of a significant tree. Holly, Leyland cypress, laurel, and _____ are not considered as suitable for mitigation.

F. Qualified Professional. An individual with relevant education and training in arboriculture or urban forestry. The individual shall be an arborist certified by the International society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists (ASCA). A qualified professional shall possess the ability to perform tree risk assessments, as well as experience working directly with the protection of trees during construction.

G. Significant Tree - Any tree that is at least eighteen (18) inches in diameter at DBH, as measured at 4.5 feet from the ground OR any tree planted as mitigation.

XX.XX.030 Tree removal and Minimum Significant Tree Density

A tree removal permit shall be required for the removal of any significant tree. A minimum of one significant tree per 5,000 square feet of property shall be required and maintained following the removal of any tree. The required tree density may be accomplished through the preservation and maintenance of existing stock, or through the planting of mitigation trees. When calculating the required number of trees per property, fractional portions shall be rounded up or down to the nearest whole number.

XX.XX.040 Exemptions

A. Emergency Tree Removal. Any hazardous tree that poses an imminent threat to life or property may be removed prior to the issuance of a tree removal permit. The Town must be notified within seven (7) days of the emergency tree removal with evidence of the threat for removing the tree. The notification of emergency removal shall contain a

site plan showing remaining trees on the lot with a calculation demonstrating compliance with the minimum significant tree density. The standard of one significant tree per 5,000 square feet of property shall be documented and may be fulfilled through either the remaining trees on site or through the planting of mitigation trees.

B. Utility Maintenance. Trees may be removed by the Town or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Mitigation shall be required. Utility maintenance along the right of way shall conform to the Town's Public Property Tree Code (YPMC 12.26).

C. A permit is not required to prune trees on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal.

XX.XX.050 Tree removal permit – Application process

A. Any property owner intending to remove a significant tree shall submit a tree removal permit on a form provided by the Town. The application shall include:

1. The name, address, and contact information of the property owner and/or agent;

2. A site plan showing the location, size, and species of all significant trees, including those proposed for removal, on the property. For applications associated with construction or site development, the site plan must show all trees within 20' of the property boundary in the vicinity of the proposed construction and/or site development activity.

3. A tree protection plan per XX.XX.090 for applications associated with construction or site development.

4. A mitigation plan, if required per XX.XX.080, indicating the location and species for all trees to be planted.

5. The permit fee, as established by the Town Council.

B. Identification on Site. Concurrent with submitting the tree removal permit application, the owner shall identify every significant tree proposed for removal by placing a yellow tape around the circumference of the tree at DBH.

C. Shoreline Jurisdiction. Properties located within the Town's shoreline jurisdiction (200' landward of Lake Washington) are subject to additional tree removal and replacement standards per the Town of Yarrow Point Shoreline Master Program Section 5.6 - Vegetation Management.

D. Review by Staff and/or Town Arborist. Except in cases of emergency tree removal, the tree removal application shall be reviewed within twenty business days in the case of permits not associated with development activity OR shall be reviewed and issued concurrently with the site development or building permit, as applicable.

XX.XX.060 Tree Removal Permit - Notification

A Notice for removal of significant tree(s) shall be posted within five business days of receipt of a complete application. The notice shall be posted on site, on the appropriate mailbox pagoda, and on the Town’s website. A minimum two-week notification period shall be required prior to issuance of any tree removal permit.

XX.XX.070 Tree Removal Permit – Expiration

Any tree removal permit shall expire six months from the date of issuance.

XX.XX.080 Mitigation

A. Whenever a significant tree is planned for removal pursuant to a valid tree removal permit, the applicant shall demonstrate that, after the removal of the tree(s), the property will meet the requirement of YPMC XX.XX.030. Should the lot fail to meet this requirement, the applicant must provide a tree mitigation plan that satisfies the requirements of YPMC XX.XX.030.

B. Mitigation trees shall be a minimum of ten feet tall OR have a 3” caliper, and have a full well-developed crown of foliage.

C. Mitigation requirements shall be met within six months of tree removal. In the case of concurrent new construction, mitigation requirements must be met prior to final inspection. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced.

D. At the sole discretion of the Town Arborist, and upon request by the property owner, the dollar value of replacement trees may be substituted for on-site planting, with funds designated for tree planting and maintenance on a public site.

XX.XX.090 Construction Site Tree Protection

A. All significant trees on a construction site, and all trees on the adjacent and otherwise affected Town rights-of-way and on adjacent private properties impacted by site

development or construction shall be protected during such activity. The property owner shall submit a report prepared by a qualified professional that evaluates the significant trees on site, as well as all trees in the adjacent areas impacted by the proposed construction. Tree protection measures shall be clearly described and illustrated on a site plan.

B. The Town may waive the requirement for a report when it is determined by the Town that the scope of the project will not impact the significant tree(s) on site or on adjacent properties.

C. A stop work order shall be issued by the Building Official if site tree protection guidelines are not followed.

XX.XX.100 Appeals

Any tree permit applicant aggrieved by any action of the Town relating to a tree removal permit may, within ten days of such action, file a notice of appeal to the Town Council, setting forth the reasons for such appeal. The Town Council shall hear and determine the matter and may affirm, modify, or disaffirm the administrative decision at their next regularly scheduled meeting.

XX.XX.110 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the Town may pursue penalties in accordance with the provisions of YPMC 1.08, Code Enforcement.

DEPUTY CLERK'S MEMO: MAY 2021

TO: TOWN PLANNING COMMISSION
FROM: DEPUTY CLERK, AUSTEN WILCOX
SUBJECT: PROCEDURAL RECOMMENDATIONS FROM TOWN ATTORNEY TO PLANNING COMMISSION
DATE: MAY 17, 2021

1. Planning Commission Procedural Rules

The Town does not have a historic record of the adoption of Roberts Rules of Order for the conduct of its meetings. The Planning Commission must adopt its own Procedural Rules per RCW 35.63.040 Commissions—Organization—Meeting—Rules; *“The commission shall elect its own chair and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations which record shall be a public record.”*

The Town Attorney suggests adopting Roberts Rules of Order to be in accordance with RCW 35.63.040.

He provided the following suggested language to the Planning Commission that can be used in making a motion:

Statement. It has come to the Planning Commission’s attention that the Town does not have a record of the Planning Commission’s historic adoption of Roberts Rules of Order for the conduct of its meetings. The PC is required to do so by statute and the Town Clerk should maintain a record of that.

Motion. For the foregoing reasons, I move that the Planning Commission adopt Roberts Rules of Order, in their current version and as may be revised from time to time, for the conduct of the Commission’s meetings and actions.

2. Review & Consider Expansion of YPMC 2.28 PLANNING COMMISSION

Our Town Attorney also thinks that the Planning Commission chapter (YPMC 2.28) is inadequate and should be expanded. He recommends using the City of Mill Creek’s Planning Commission chapter with some changes. If the Planning Commission would like to go forward, the Attorney can adjust comments and Town needs, bring it back to the PC for approval, then to the Council for adoption into the YPMC. Attached is a referenced copy of YPMC 2.28 and Mill Creek’s Planning Commission code for comparison.

Yarrow Point PC code:

2.28.010 Established.

A planning commission is hereby established for the town in accordance with the provisions of Chapter 35.63 RCW consisting of five members who shall be appointed by the mayor and confirmed by the town council. (Ord. 599 § 1, 2009; Ord. 416 § 1, 1993)

2.28.020 Term of office.

The term of office for members of the planning commission shall be six years. (Ord. 599 § 1, 2009; Ord. 416 § 1, 1993)

Mill Creek PC code:

4.10.010 Planning commission created pursuant to Chapter 35A.63 RCW.

There is hereby established a planning commission for the city of Mill Creek which shall consist of seven members appointed by the city council.

4.10.020 Term expiration.

The term of each position shall expire on April 30th in the final year of each term.

4.10.030 Powers and duties.

A. Generally. The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63 RCW, except those powers granted to the hearing examiner, together with any other duties or authority which may hereafter be conferred upon it by the laws of the state of Washington or the municipal code.

B. Comprehensive Plan. The planning commission shall prepare a comprehensive plan and periodic amendments for anticipating and influencing the orderly and coordinated development of land and building uses of the city of Mill Creek and its environs. After holding a properly advertised public hearing, such comprehensive plan, in a form recommended by the planning commission, shall be filed with the city manager who shall acknowledge receipt as certified by the city clerk for transmittal to the city council for final action.

C. Zoning. The planning commission shall conduct public hearings on all proposed substantive regulations of general applicability concerning the use of land in the city of Mill Creek or amendments thereto and shall make recommendations for appropriate action on such proposed land use regulations to the city council.

D. Rules of Procedure. The planning commission may adopt rules of procedure and rules governing election and duties of officers of the commission; provided, however, said rules shall pertain only to the internal procedures of the members and said rules and procedures may be questioned only by members of the commission and do not give standing to question said procedures to nonmembers or other parties.

4.10.040 Regular meetings.

The planning commission shall hold regular meetings on the third Thursday of each month at 7:00 p.m. All meetings shall comply with the applicable requirements of Chapter 44.22 RCW.