

**YARROW POINT  
PLANNING COMMISSION MEETING AGENDA**

**June 14, 2021**

**7:00 p.m. via conference call at:  
206-485-3849 Conference ID: 465 168 602#**

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](mailto:depclerk@yarrowpointwa.gov) and leave a message before 4:30pm on the day of the June 14 Planning Commission meeting. Please reference Public Comments for June 14 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,,465168602# United States, Seattle

Phone Conference ID: 465 168 602#

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](mailto:depclerk@yarrowpointwa.gov) to be included in the record.
  
4. **MINUTES:**  
May 17, 2021 Regular Meeting
  
5. **STAFF REPORTS**
  
6. **REGULAR BUSINESS**
  
7. **PCAB 21-06 - Review comments from Town Arborist regarding draft tree code**
  
8. **ADJOURNMENT**

**TOWN OF YARROW POINT  
PLANNING COMMISSION (TELECONFERENCE) MEETING MINUTES  
May 17, 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 Scott Missall – Town Attorney
Guests:	Debbie Prudden – Resident

**APPEARANCES:**

None.

**MINUTES:**

March 15, 2021 Regular Meeting.

**MOTION:** Commissioner Hirsch moved to approve the minutes of the March 15, 2021 regular meeting as presented. Commissioner Feller seconded the motion.

**VOTE:** 5 For, 0 Against. Motion carried.

**STAFF REPORTS:**

Town Planner Mona Green and Deputy Clerk Austen Wilcox provided a report on the May Council meeting:

- The Park Board voted to reclassify Sally's Alley from a road into a park. The Town's Attorney and Town staff are gathering more information to formulate a plan to move forward. There was a petition presented to Council in support of preserving Sally's Alley. The Planning Commission will likely review the request at an upcoming meeting and need to provide a recommendation to Council.
- Council passed Ordinance No. 711 covering zoning and subdivision codes describing driveway widths and correcting discrepancies.

- Updates on NE 42<sup>nd</sup> St UGC project. There was a large transformer placed in the ROW at the bottom of NE 42<sup>nd</sup> St that was supposed to be underground. There are plans to camouflage it with a fence and landscaping. City of Bellevue plans to underground the transformer in the future.
- Review of the 2022-2027 CIP/TIP. A public hearing will be held at the regular June 8 Council meeting.

**REGULAR BUSINESS:**

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

Town Planner Mona Green reviewed a draft tree code that has incorporated the agreements the Planning Commission has made to date on private property tree regulations. She covered the following chapters:

- Purpose.
- Definitions.
- Tree removal & minimum significant tree density.
- Exemptions.
- Tree Removal permit – Application process.
- Tree Removal permit – Expiration.
- Mitigation.
- Construction Site Tree Protection.
- Appeals.
- Enforcement and Penalties.

The Commission discussed need for a good notification process to adjacent neighbors who could be affected by tree removal. The Commission would like the Town to be responsible for providing the notification.

The following additional topics were discussed:

- Tree canopy.
- Significant trees.
- Penalties- cost needs to be significant.
- Credits for trees bordering private property and Town ROW.
- Credits for trees bordering two private properties. In this scenario, the Commission discussed allowing each adjoining property owner the right to .5 credits.
- Spacing of trees.
- Location of areas for mitigation trees.

Debbie Prudden resident at 3805 94<sup>th</sup> Ave NE discussed tree ratio replacement based on square footage of her lot. The cost to remove a tree should be burdened towards those who own the tree causing issues.

Town Planner Green responded stating that best management practices should be followed.

Town Planner Mona Green will consult with the Town Arborist on the following questions the Planning Commission created:

1. If the Town would like to cite a document that describes Best Management Practices for tree protection during construction, what should the citation be, and what are those practices?
2. What is the current definition of a hazardous tree, and what is the source of this definition?
3. A regulation was suggested that would restrict mitigation trees (defined as trees that have the potential to grow to a DBH of 18" at some future time) from being planted closer than 20 - 30 feet apart. It was also suggested that there be property line setback requirements to prevent trees from interfering with neighboring properties. Are there any such regulations being in place in other jurisdictions?
4. What is the suggested penalty for the removal of a significant tree (over 18" DBH) without a permit?
5. What species should be avoided as mitigation trees?

The Town Arborist and Town Attorney will need to review the draft code to provide further input.

**MOTION:** Commissioner Hirsch moved to forward the draft code with the edits as outlined in tonight's meeting to the Town's Arborist and Attorney to provide further input and guidance. Commissioner Feller seconded the motion.

**VOTE:** 4 For, 1 Against, 0 Abstain. Motion carried.

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

1.) 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;

**MOTION:** Chairman Hellings moved 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. Commissioner Hirsch seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. Motion carried.

2.) Town Attorney Scott Missall explained that the current Planning Commission chapter (YPMC 2.28) is inadequate and should be expanded. He referenced City of Mill Creek's Planning Commission chapter to use as an example.

The Planning Commission requested to have Attorney Missall and Planner Green provide an updated draft Planning Commission code chapter for them to review at an upcoming meeting.

**ADJOURNMENT:**

**MOTION:** Chairman Hellings moved to adjourn the meeting at 9:02pm. Commissioner Feller seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

ATTEST:

\_\_\_\_\_  
Carl Hellings, Chairman

\_\_\_\_\_  
Austen Wilcox, Deputy Clerk

DRAFT

TO: Town of Yarrow Point Planning Commission  
FROM: Mona Green, Town Planner  
RE: Public Property Tree Code  
DATE: June 14, 2021

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The draft Municipal Code Chapter entitled "Private Property Tree Code" has been revised per your discussion at last month's meeting. I posed your questions to Sean Dugan, our Town Arborist at Tree Solutions, and his detailed e-mailed response is attached as well. He included a number of links that are informative for more depth on these topics.

Following our meeting on 6/14, the Code should be ready for review by the Town Attorney and a final review by the Arborist, and then on to the Town Council for their review. The final steps will be a Public Hearing before the Planning Commission, and then a Public Hearing at the Council level.

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

Thanks,  
Mona

## Re: Yarrow Point Tree Code

Mona Green <mhgreen@yarrowpointwa.gov>

Thu 5/27/2021 6:32 PM

To: Sean Dugan <sean@treesolutions.net>

Cc: Yarrow Point Deputy Clerk <depclerk@yarrowpointwa.gov>

Bcc: Mona Green <mhgreen@yarrowpointwa.gov>

Thanks so much Sean!

Sent from my iPhone

On May 27, 2021, at 6:05 PM, Sean Dugan <sean@treesolutions.net> wrote:

Hello Mona,

Please see my response below. Let me know if you need anything additional.

- If the Town would like to cite a document that describes Best Management Practices for tree protection during construction, what should the citation be, and what are those practices?
  - Best Management Practices encompass a significant amount of information from protecting stands and individual trees to maintenance and planting. The link to the guide below covers most of the relevant topics.
  - <https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf>
- What is the current definition of a hazardous tree, and what is the source of this definition?
  - This is from the Tree Risk Assessment BMP – a companion publication to the ANSI A300 Part 9: Tree, Shrub, and other woody plant management – standard practices (tree risk assessment a. Tree Structure Assessment)
    - “A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption— that is, the tree poses a high or extreme risk.”
  - The following provides a summary of the terms – [https://www.isa-arbor.com/events/conference/proceedings/2013/SMILEY\\_Risk\\_Assessment\\_Foundation\\_AN\\_Dec\\_2011.pdf](https://www.isa-arbor.com/events/conference/proceedings/2013/SMILEY_Risk_Assessment_Foundation_AN_Dec_2011.pdf)
- A Planning Commissioner suggested a regulation that would restrict mitigation trees (defined as trees that have the potential to grow to a DBH of 18" at some future time) from being planted closer than 20 - 30 feet apart. He also suggested that there be property line setback requirements to prevent trees from interfering with neighboring properties. Are you familiar with any such regulations being in place in other jurisdictions?
  - I am not familiar with any other jurisdictions addressing these restrictions regarding mitigation trees.
- What do you suggest as a penalty for the removal of a significant tree (over 18" DBH) without a permit?
  - This is one of those questions that requires an understanding of the community and how trees are valued. Each community is different. For instance, I don't know of any community that has a significant tree of 18" DSH.

- The amount must be enough to discourage people but not so much that people revolt. In my opinion an amount between \$5,000 and \$10,000 is appropriate for a tree of this size. I would advocate for \$6K to \$7.5K.
- Will the fine increase as the size of the tree increases? We addressed this in Hunt's Point by adding an additional \$1,000 per inch up to \$25,000.
- This is just interesting so I thought I would include:  
<https://www.portlandoregon.gov/bes/article/267031>

What species should be avoided as mitigation trees?

BOTANICAL NAME	COMMON NAME
<i>Acer negundo</i>	Boxelder maple
<i>Acer saccharinum</i>	Silver maple
<i>Ailanthus altissima</i>	Tree of Heaven or Ailanthus
<i>Alnus rubra</i>	Red alder
<i>Betula spp</i>	Birch, European or white bark varieties
<i>Chamaecyparis lawsoniana</i>	Port Orford cedar
<i>Crataegus lavecigata or oxycantha</i>	Hawthorn, English
<i>Crataegus monogyna</i>	Hawthorn, European
<i>Ilex aquifolium</i>	Holly, English or Common or Christmas
<i>Populus nigra</i>	Lombardy poplar
<i>Populus trichocarpa</i>	Black cottonwood
<i>Prunus padus</i>	Bird cherry
<i>Robinia pseudoacacia</i>	Locust, Black or Common
<i>Sorbus spp</i>	Mountain Ash

On Wed, May 19, 2021 at 11:47 AM Mona Green <[mhgreen@yarrowpointwa.gov](mailto:mhgreen@yarrowpointwa.gov)> wrote:  
I'd say ASAP, as we want to get this finalized .... But please don't cancel your vacation on account of this !!!! 🤔

Sent from my iPhone

On May 19, 2021, at 11:44 AM, Sean Dugan <[sean@treesolutions.net](mailto:sean@treesolutions.net)> wrote:

Hello Mona,

Things are crazy over here as usual. I am heading out of town for a week starting in about a 1/2 hr. These are not too difficult to provide an opinion on. What is your timeframe to receive a response?



On Tue, May 18, 2021 at 2:37 PM Mona Green

<[mhgreen@yarrowpointwa.gov](mailto:mhgreen@yarrowpointwa.gov)> wrote:

Hi Sean,

Hope all is well in your corner of the world.

The Yarrow Point Planning Commission has continued its work on a private property tree code and is close to finalizing its recommendations. At the last meeting, a few things came up that I thought you could help clarify:

1. If the Town would like to cite a document that describes Best Management Practices for tree protection during construction, what should the citation be, and what are those practices?
2. What is the current definition of a hazardous tree, and what is the source of this definition?
3. A Planning Commissioner suggested a regulation that would restrict mitigation trees (defined as trees that have the potential to grow to a DBH of 18" at some future time) from being planted closer than 20 - 30 feet apart. He also suggested that there be property line setback requirements to prevent trees from interfering with neighboring properties. Are you familiar with any such regulations being in place in other jurisdictions?
4. What do you suggest as a penalty for the removal of a significant tree (over 18" DBH) without a permit?
5. What species should be avoided as mitigation trees?

Once I plug in the final details, I would like to send you the document to review in its entirety.

Thanks for your help!

Mona

*Mona Green*  
*Yarrow Point Town Planner*  
*425.890.2197*

NOTICE OF PUBLIC DISCLOSURE: This email account is public domain. Any correspondence from or to this email account in most instances is considered a public record. Accordingly this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

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Respectfully,

Sean

**Sean Dugan | Tree Solutions Inc.**

Registered Consulting Arborist #457

ISA Board Certified Master Arborist PN-5459B, ISA Qualified Tree Risk Assesor

WSDA Commercial Applicator #66733

w. 206.528.4670 | [sean@treesolutions.net](mailto:sean@treesolutions.net) | [www.treesolutions.net](http://www.treesolutions.net) | 2940 Westlake Ave N  
#200 Seattle, WA 98109

*Our company is following Governor Inslee's COVID-19 Job Site Requirements and currently providing non-contact services for select projects. We assume that all companies and individuals with whom we do business are also following these guidelines, and we reserve the right to cancel any contract if we discover non-compliant conditions.*

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**

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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**

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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 is considered hazardous when it has been assessed by a Qualified Professional and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption.~~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 \_\_\_\_\_  
SEE TOWN ARBORIST'S LIST 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. A tree removal permit shall be required for the removal of any significant tree.

B. A minimum of one significant tree per 5,000 square feet of property shall be required and maintained following the removal of any tree.

C. 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 tree portions shall be rounded up or down to the nearest whole number.

D. Significant trees that straddle a private property line shall be assigned a tree density value of 0.5 for each property.

#### **XX.XX.040 Exemptions**

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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 the removal of one or more 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. The Town shall send a letter via US mail to all property owners adjacent to the site. The letter shall include a site plan with all trees identified for removal. 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. Best management practices shall be employed as referenced in “Tree Protection on Construction and Development Sites: A Best Management Guidebook for the Pacific Northwest,” or other such guidance as approved by the Town Arborist.

B. The Town may waive the requirement for a report when it is determined by the Town staff 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. (NOTE: The Planning Commission recommends a penalty in the amount

of \$ \_\_\_\_\_ for the removal of each significant tree – SEE TOWN ARBORIST'S COMMENT ON THIS TOPIC)