

YARROW POINT
PLANNING COMMISSION REGULAR MEETING AGENDA
April 18, 2022
7:00 p.m.
Town Hall 4030 95th Ave NE. Yarrow Point, WA. 98004
1-253-215-8782 Meeting ID: 848 0196 8677#

Members of the public may participate in person at Town Hall or by phone/online. Town Hall has limited seating available up to 15 public members. Individuals who call in remotely who wish to speak live 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 April 18, 2022 Planning Commission meeting. Wait for the Deputy Clerk to call on you before making your comment. If you dial in via telephone, please unmute yourself by dialing *6 when it is your turn to speak. Speakers will be allotted 3-minutes for comments. Please state your name and address and you will be asked to stop when you reach the 3-minute limit.

Join Zoom Meeting

<https://us02web.zoom.us/j/84801968677>

Or call in (audio only)

1-253-215-8782

Meeting ID: 848 0196 8677#

1. **CALL TO ORDER:** Commission Chairperson, Carl Hellings
2. **COMMISSION ROLL CALL:** Commissioners Chuck Hirsch, David Feller, Jeffrey Shiu and Lee Sims

3. APPEARANCES:

Members of the public may speak concerning items that either are or are not on the agenda. The Planning 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 when it is your turn to speak. Comments via email may be submitted to depclerk@yarrowpointwa.gov or regular mail to: Town of Yarrow Point 4030 95th Ave NE Yarrow Point, WA. 98004.

4. MINUTES

- February 15, 2022 Special Meeting
- March 8, 2022 Joint Town Council and Planning Commission Special Meeting

5. STAFF REPORTS

6. REGULAR BUSINESS:

7. PCAB 22-04 – Discuss 2022 Planning Commission Work Plan

8. ADJOURNMENT

*To subscribe to our email list, email Town Hall at: townhall@yarrowpointwa.gov
Town of Yarrow Point, 4030 95th Ave. NE, Yarrow Point, WA 98004
425-454-6994, townhall@yarrowpointwa.gov*

**TOWN OF YARROW POINT
PLANNING COMMISSION SPECIAL MEETING (TELECONFERENCE)
MINUTES
February 15, 2022**

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 7:10 p.m.

PRESENT:

Chairman:	Carl Hellings – Excused absence
Commissioners:	Chuck Hirsch Jeffrey Shiu David Feller Lee Sims
Staff:	Austen Wilcox – Deputy Clerk Mona Green – Town Planner
Guests:	Vadim Bondarev – Resident Debbie Prudden – Resident

APPEARANCES:

Vadim Bondarev resident at 4029 95th Ave NE thanked the Planning Commission for their efforts creating a private property tree code. He discussed a petition requesting issues to be addressed in the current code.

MINUTES:

January 18, 2022 Regular Meeting

MOTION: Motion by Commissioner Shiu seconded by Commissioner Hirsch to approve the minutes of the January 18, 2022 regular meeting as presented.

VOTE: 4 For, 0 Against. Motion carried.

STAFF REPORTS:

Town Planner Mona Green gave a report of the February 8 Council meeting. She discussed the upcoming March 8 joint Planning Commission/Council meeting.

REGULAR BUSINESS:

PCAB 22-02 – Preparation for March 8 joint Planning/Council meeting

The following topics are potential research items the Council will assign to the Planning Commission.

- Hedge Code: Not clear. Needs review and to be re-deciphered.
- Short term rentals (Airbnb.)

- Consider amendments to private property tree ordinance.
- Public tree code needs to be in line with the private property tree code.
- Right of way parking: Consider separating ROW parking from construction parking discussion.
- Encroachment agreements & paving in the right of way.

The Planning Commission directed staff to inform Mayor and Council that they heard from resident Bondarev who presented information regarding the petition and his issues regarding the tree code. The Planning Commission is willing to revisit issues around the tree code as the Council directs.

The Planning Commission welcomed newly appointed Commissioner Lee Sims to the Planning Commission.

Town Planner Mona Green informed the Commission that she will be retiring in March. The Planning Commission thanked Mona for her long tenure of service to Yarrow Point.

ADJOURNMENT:

MOTION: Motion by Commissioner Feller seconded by Commissioner Shiu to adjourn the meeting at 7:56 p.m.

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

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

**TOWN OF YARROW POINT
JOINT TOWN COUNCIL AND PLANNING COMMISSION SPECIAL MINUTES
March 8, 2022**

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 6:01 p.m.

PRESENT:

Chairman: Carl Hellings
Commissioners: Chuck Hirsch
Jeffrey Shiu
David Feller – Excused absence
Lee Sims

Mayor & Council: Katy Kinney Harris – Mayor
Stephan Lagerholm – Councilmember
Carl Scandella – Councilmember
Chuck Porter – Councilmember
Andy Valaas – Councilmember
Kathy Smith – Councilmember

Staff: Bonnie Ritter – Clerk-Treasurer
Austen Wilcox – Deputy Clerk
Mona Green – Town Planner
Emily Miner – Town Attorney

Guests:

REGULAR BUSINESS:

PCAB 22-03 – Planning Commission 2022 Workplan discussion with Council

Attorney Emily Miner discussed with Council and Planning Commission the following topics:

Tree code

- Amendments for town initiated incentive program to help preserve existing trees on lots.
- Funding and sources if required for incentive program. The Planning Commission will research options.
- Enforcement & penalties.
- Transplanting/donating trees.

Hedge code

- Clarifying the town’s hedge code to make it less ambiguous and more easily enforced.

Short Term Rentals / HB 1220

- Short term rentals and transitional housing were discussed. Recently passed HB 1220 prohibits jurisdictions from preventing transitional housing and a definition needs to be found for what this this means for Yarrow Point.

ADJOURNMENT:

MOTION: Motion by Chairman Hellings seconded by Commissioner Hirsch to adjourn the meeting at 7:02 p.m.

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

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

APPROVED:

Katy Kinney Harris, Mayor

Tree Code Amendments	Proposed Planning Commission Action: Discussion Only
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Presented by:	Deputy Town Attorney – Emily Miner
Exhibits:	December 14, 2021 Memo to Council

Summary:

At the March 8th, 2022, Joint Planning Commission/Council meeting, the Town Council directed the Planning Commission to conduct a narrowly tailored review of amendments to the tree code to consider adding incentives to preserve significant trees. Additionally, Town Council requested review of the options regarding enforcement of the tree code. This staff report summarizes both items.

I. Incentives for Preservation of Significant Trees

At the Joint Meeting, Councilmember Valaas proposed two incentive options: (1) reduced setbacks and (2) increased lot coverage.

The idea behind these incentives is that if a property owner wanted to develop their property that had a significant tree on it, they could apply for a variance to receive reduced setbacks or increased lot coverage, so long as the significant tree was preserved.

The proposed code amendment would include adding the following “Significant Tree Variance” process to YPMC 17.28.070:

D. Variance for the Preservation of a Significant Tree – “Significant Tree Variance”

1. A “significant tree,” as defined in YPMC 20.22.020.H, means “any tree that is at least 18 inches in diameter at DBH, as measured at four and one-half feet from the ground or any tree planted as mitigation.”

2. A significant tree may be considered a special circumstance as listed in YPMC 17.28.070.C.1.

3. In order to preserve a significant tree, the Hearing Examiner is authorized to allow a reduction in any setback area of up to 5 (five) feet or an increase in the lot

coverage by 5%. The maximum relief granted by the Hearing Examiner shall be the minimum necessary to preserve the significant tree(s) and shall correlate with the area within the buildable area of the lot that is not being utilized for construction of the addition of a new structure.

4. The application materials for a “Significant Tree Variance” shall include, in addition to the materials required to satisfy YPMC 17.28.070.C, a report by a “Qualified Professional” as defined in YPMC 20.22.020.G detailing the health of the significant tree(s) to be preserved, the likely impacts of construction, and the recommended tree protection measures to be followed.

Staff believes this proposal would incentivize applicants who owned property with significant trees to think creatively about building layouts and site plans in order to achieve an increased building footprint while also still retaining significant trees.

II. Enforcement Mechanisms

During the December 14, 2021 Council meeting, the Town Planner and the Town Attorney provided the attached memorandum regarding enforcement mechanisms and procedures related to the tree code. As can be seen from the memorandum, two options were initially suggested: (1) an “as-built” site plan held by the Town and (2) recording the “as-built” site plan on title to the property.

A third option that has been discussed is requiring that the seller provide the Town with an affidavit signed and notarized by the buyer stating that they have seen the site plan containing the location of the significant tree(s) and that they agree to comply with the code requirement related to the preservation of significant tree(s).

Recommended Action:

Direct staff to prepare an ordinance incorporating code changes discussed tonight.

M E M O R A N D U M

DATE: December 14, 2021
TO: Yarrow Point Town Council
FROM: The Town Attorney and the Town Planner
RE: Tree Code Enforcement

This memorandum is in response to the Town's request for a summary of the enforcement mechanisms and procedures related to the proposed tree code ordinance. The proposed tree code ordinance would, among other things, require obtaining a permit to remove a significant tree and planting of supplemental trees to replace the removed tree.

Significant trees are defined by the proposed code as any tree that is at least 18 inches in diameter at breast height. A tree removal permit is required for the removal of any significant tree and a minimum of one significant tree per 5,00 square feet of property shall be required to be maintained following the removal of any significant tree.

All trees planted as mitigation are also considered significant trees, even if they are not yet 18 inches. This means that a tree removal permit is required in order to remove supplement trees that are not yet 18 inches. Additionally, trees planted as mitigation trees must be maintained with adequate care to survive a three-year warranty period or be replaced.

The Town is exploring ways to ensure that the replacement trees survive and that future property owners are on notice of the need to obtain a tree removal permit prior to removing replacement trees. One option would be to require the submission of an "as-built" site plan upon the completion of the required mitigation planting. The site plan would identify the type and location of the replacement trees and would be recorded on file with the Town. Additionally, to be sure that future property owners are on notice of the need to retain the replacement tree(s), the Town could require that the site plan to be recorded on title along with a notice that states that in conformance with the Town code, a tree removal permit is required before removing the replacement trees.

If the Town Council chooses to proceed with requiring that a notice be recorded on title, staff suggests adding a section to YPMC 20.22.080 as follows:

"An as-built site plan identifying the location and type of replacement trees planted on the subject property, along with a notice that in conformance with this chapter, a tree removal permit is required before removing the replacement trees on the site plan, shall be recorded on title at the expense of the property owner. A copy of the record notice shall be provided to the Town prior to the Town's final inspection of the tree removal permit."

Separately, the Town is developing a tree removal permit, and inspection procedures, which will be reviewed and adopted administratively in conformance with the tree code.