

**TOWN OF YARROW POINT  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
May 23, 2022**

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

**CALL TO ORDER:**

Commission Chairman Carl Hellings called the meeting to order at 7:06 p.m.

**PRESENT:**

Chairman:	Carl Hellings
Commissioners:	Chuck Hirsch Jeffrey Shiu David Feller Lee Sims
Staff:	Austen Wilcox – Deputy Clerk Emily Miner – Deputy Attorney Steve Wilcox – Building Official
Guests:	Carl Scandella – Councilmember Dicker Cahill – Resident Mary Jane Swindley – Resident Debbie Prudden – Resident

**APPEARANCES:**

**MOTION:** Motion by Chairman Hellings seconded by Commissioner Sims to add a second public appearance item to the agenda.

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

**MINUTES:**

- April 18, 2022 Regular Meeting

**MOTION:** Motion by Commissioner Feller seconded by Commissioner Sims to approve the minutes of the April 18, 2022 regular meeting as presented.

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

**STAFF REPORTS:**

Deputy Clerk Wilcox gave a recap of the May Council meeting:

- First review of 2023-2028 Capital Improvement and Transportation Improvement Plan. The Council will have a public hearing at the June Council meeting
- Town entered into a design agreement with Puget Sound Energy to provide an underground conversion design for the 4000 - 4700 block of 94th.
- Approved lowest bidder for the 2022 Stormwater annual clean & camera project.

- Approved a Resolution approving and authorizing ILA Disposition of property agreement with KCWD I.
- Approval of Honorary Payment adjustment increase to the Mayor.
- Approval of two additional little lending libraries- one at Town Hall and the other at Road End Beach.
- A 25th work anniversary celebration at Town Hall between 5-7 will take place Public Works Coordinator Istvan.

**REGULAR BUSINESS:**

Chairman Feller seconded by Commissioner Sims moved to switch PCAB 22-07 to the top of regular business. Commissioner Sims seconded.

**PCAB 22-07 – Review tree and hedge complaints**

Building Official Steve Wilcox discussed his enforcement experience and examples of hedge code complaints in Yarrow Point.

The Planning Commission further discussed:

- Neighbor communication.
- Leyland Cypress issues; rapid growth and loss of sunlight.
- Challenging to enforce current code between two private property owners.
- Agreements are to hard find.
- “Spite” hedges.
- Hedges when they’re not maintained can turn into trees.
- Code enforcement mediation services or use of a hearing examiner to resolve private property hedge code issues.

The Town Attorney recommends removing the town from the position of enforcing hedge code complaints between private properties.

The Planning Commission directed Town Legal Staff to present the following options at their next meeting.

- Definition of a hedge.
- Mitigation options for hedge code complaints.

**APPEARENCES:**

Debbie Prudden resident 3805 94<sup>th</sup> Ave NE discussed harm from hedge heights, sunlight loss, damage from non-bordering properties and code enforcement. She discussed right of way hedges that need maintenance, penalties, and mediation to provide resolution.

Mary Swindley resident at 3813 94<sup>th</sup> Ave NE discussed a current hedge complaint she is involved in. She recommends that Leyland Cypress hedges be outlawed in Yarrow Point.

*Commissioner Feller left the meeting at 8:05 p.m.*

**PCAB 22-05 – Discuss alternative incentives and funding options for tree mitigation from legal staff**

Attorney Emily Miner discussed Council direction to the Planning Commission to research additional incentive options to encourage residents to retain significant trees. She provided detail on the options and the Planning Commission discussed.

Incentives:

- The Planning Commission has thoroughly researched incentives and funding options. There are limited resources and they do not have any recommendations currently. Attorney Miner will report to Council.

Enforcement Options:

- Replanting of trees and ensuring permits are obtained.
- Penalties.
- Education to public on tree code.
- Option to conduct additional outreach to companies performing work in Yarrow Point informing them of the new tree code requirements.

Assurance Options That Mitigation Trees Are Preserved:

- Record significant trees on title report.
- Require property owners to provide affidavit to buyers informing them that significant trees are on private property.
- Requiring a bond or deposit to make sure that trees are preserved.
- Tree contribution fund to use for trees that fail.

**PCAB 22-06 – Discuss trees and hedges**

The Planning Commission directed legal staff to bring back the following options at the next Planning Commission meeting:

- Awareness options provided by town notifying residents of significant tree on their property when they purchase.
- Code amendment options for a 1:1 up to the density requirement.

**APPEARANCES:**

Debbie Prudden resident at 3805 94<sup>th</sup> Ave NE discussed security deposits to assure the preservation of significant trees.

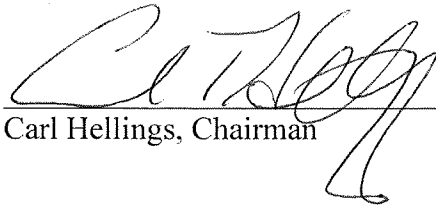
**ADJOURNMENT:**

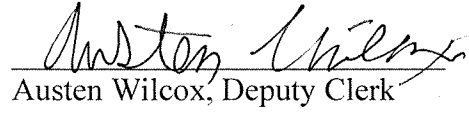
MOTION: Motion by Commissioner Shiu seconded by Commissioner Sims to adjourn the meeting at 8:36 p.m.

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

APPROVED:

ATTEST:

  
Carl Hellings, Chairman

  
Austen Wilcox, Deputy Clerk

