

**TOWN OF YARROW POINT  
ORDINANCE NO. 723**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON,  
AMENDING YARROW POINT MUNICIPAL CODE SECTION 20.22.080  
AND ADOPTING NEW YARROW POINT MUNICIPAL CODE SECTION  
20.22.085 REGARDING MITIGATION TREE REQUIREMENTS;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, on December 14, 2021, the Yarrow Point Town Council adopted Ordinance No. 715 establishing regulations in Yarrow Point Municipal Code ("YPMC") Chapter 20.22 regarding management of trees on private property; and

**WHEREAS**, YPMC Section 20.22.080 requires planting of mitigation trees as needed to meet the Town's minimum tree density requirement; and

**WHEREAS**, Chapter 20.22 YPMC contains no tracking or noticing requirement regarding the need for future property owners to be aware of, protect and obtain a permit for removal of trees planted as mitigation; and

**WHEREAS**, to ensure the intent and purpose of YPMC 20.22.080 is met, the Town desires to adopt a notice requirement to ensure that future property owners are aware of the need to protect trees planted as mitigation and to obtain a permit for removal of trees planted as mitigation; and

**WHEREAS**, the Town Council finds that the amendments set forth herein are in the public's best interest, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:**

**SECTION 1.** Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

**SECTION 2.** Amendment to YPMC Section 20.22.080. Yarrow Point Municipal Code Section 20.22.080 is hereby amended to read as follows:

**20.22.080      Tree Mitigation.**

A. Whenever a significant tree is planned for removal pursuant to an issued tree removal permit, the applicant shall first demonstrate to the Town that, after the removal of the significant tree(s), the property will meet the requirements of YPMC 20.22.030 (Tree removal and minimum significant tree density). Should the property fail to meet this requirement, the applicant shall provide a tree mitigation plan that

satisfies the requirements of YPMC 20.22.030 (Tree removal and minimum significant tree density). When approved by the Town, the tree mitigation plan shall be kept on file as a town record.

B. Mitigation trees shall be a minimum of 10 feet tall or have a three-inch caliper, and shall have a full and well-developed crown.

C. Tree M-mitigation requirements shall be met within six months of removing any significant tree removal. In the case of concurrent new construction, mitigation requirements shall be met prior to final inspection.

D. Trees planted as mitigation trees shall be maintained with adequate water and care to survive a minimum three-year warranty period or be replaced. Prior to planting a mitigation tree, the applicants shall post a warranty bond in a form and amount acceptable to the town to ensure all trees planted as mitigation survive the warranty period. Mitigation trees that fail to survive the warranty period shall be replaced by the property owner with new mitigation trees within 90 days in accordance with the YPMC. Mitigation trees shall be maintained in a healthy condition for their lifetime.

**SECTION 3.** Amendment to Chapter 20.22 YPMC. Yarrow Point Municipal Code Chapter 20.22 is hereby amended by the addition of the following new section:

**20.22.085 Verification Required.**

Within 90 days of purchasing a property, and also prior to removing any trees on the property, the property owner shall contact the Town and verify with the Town whether an approved mitigation planting plan for the property is on file with the Town. Failure of the property owner to do so is a code violation and shall not relieve a property owner of compliance with the provisions of this chapter, nor shall such failure serve as a defense to enforcement of this chapter.

**SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

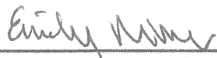
**SECTION 5.** Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 6.** Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

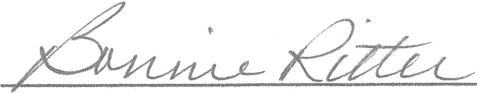
APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THE 8th  
DAY OF November, 2022 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 9th  
DAY OF November 2022.

  
Katy Kinney Harris, Mayor

Approved as to form:  
Town Attorney

  
Ogden Murphy Wallace, PLLC

Attest/Authenticated:

  
Bonnie Ritter, Town Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL: November 8, 2022  
PUBLISHED: November 14, 2022  
EFFECTIVE DATE: November 15, 2022  
ORDINANCE NO.: 723





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NOV 22 2022

TOWN OF YARROW POINT  
Clerk's Office

**The Seattle Times**

**AFFIDAVIT OF PUBLICATION**

Bonnie Ritter  
Town Of Yarrow Point  
4030 95th Ave NE  
Yarrow Point WA 98004

**YARROW POINT, WASHINGTON  
ORDINANCE NO. 723**

On the 8th day of November, 2022, the Town Council of the Town of Yarrow Point, Washington passed Ordinance No. 723. A summary of the content of said ordinance, consisting of the title is as follows:

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 20.22.080 AND ADOPTING NEW YARROW POINT MUNICIPAL CODE SECTION 20.22.085 REGARDING MITIGATION TREE REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

The full text of this ordinance will be mailed upon request

Bonnie Ritter, Clerk-Treasurer

**STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH**

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

11/14/2022

Agent

Hanh Bui

Signature

Hanh Bui

Subscribed and sworn to before me on

11/17/2022

Debbie Collantes

Debbie Collantes

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$55.75  
Order No: 43891  
Customer No: 466  
PO #:

