



Town Planning Commission Regular Meeting

Tuesday, June 20, 2023 – 7:00PM

Town Hall/Virtual

4030 95th Ave NE, Yarrow Point, WA. 98004

Commission Chairperson: Carl Hellings

Commissioners: Chuck Hirsch, David Feller, Jeffrey Shiu, and Lee Sims

Town Planner: SBN Planning

Town Attorney: Emily Romanenko

Clerk: Bonnie Ritter

Deputy Clerk: Austen Wilcox

Meeting Participation

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 7:00 PM on the day of the 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 if you wish.) You will be asked to stop when you reach the 3-minute limit.

Join on computer, mobile app, or phone

1-253-215-8782

<https://us02web.zoom.us/j/87351079492>

Meeting ID: 873 5107 9492

- 1. CALL TO ORDER:** Commission Chairperson, Carl Hellings
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL:** Commissioners, Chuck Hirsch, David Feller, Jeffrey Shiu, Lee Sims
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF THE MINUTES**

May 16, 2023 regular Planning Commission Meeting

- 6. STAFF REPORTS**
 - 6.1 Updated Planning Commission Work Plan**
- 7. PUBLIC COMMENT**

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 if you wish) 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.

- 8. REGULAR BUSINESS**

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|---|---|-----------------|
| 8.1 AB Eagle Protection | – | (65 min) |
| 8.2 AB Comprehensive Plan Update | – | (10 min) |
| 8.3 AB Short Term Rentals | – | (40 min) |

- 9. PUBLIC COMMENT**
- 10. ADJOURNMENT**

**TOWN OF YARROW POINT
PLANNING COMMISSION REGULAR MEETING MINUTES
May 16, 2023**

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

1. CALL TO ORDER:

Chairman Carl Hellings called the meeting to order at 7:00 p.m.

PRESENT:

Chairman: Carl Hellings

Commissioners: Chuck Hirsch – Excused absence
Jeffrey Shiu – Attended virtually
David Feller
Lee Sims

Staff: Austen Wilcox – Deputy Clerk
Aleksandr Romanenko – Town Planner

Guests: Councilmember Kathy Smith

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL/AMENDMENTS TO AGENDA

MOTION: Motion by Chairman Hellings, seconded by Commissioner Feller to approve the agenda as presented and to permanently move the approval of the minutes prior to approval of the agenda for future Planning Commission meetings.
VOTE: 3 for, 0 against. Motion carried.

5. STAFF REPORTS:

Town Planner Aleksandr Romanenko provided staff reports.

Commissioner Jeffrey Shiu joined virtually at 7:20 PM.

6. PUBLIC COMMENT

None.

7. MINUTES:

- April 18, 2023 Regular Meeting

MOTION: Motion by Commissioner Sims, seconded by Chairman Hellings to approve the April 18, 2023 regular meeting minutes as presented.
VOTE: 3 for, 0 against. 0 Motion carried.

8. REGULAR BUSINESS:

8.1 Comprehensive Plan Update

Council has directed planning staff to further detail how the Comprehensive Plan will integrate the International Wildland Urban Interface code, and how the Tribal element will be addressed. In the month to come, staff will be updating the Town website to include a summary of the update process and timeline, along with sending out a mailer to Town residents which will inform them of the update process and prompt them to participate in a survey. While these engagement materials will disseminate information and create opportunities for public involvement, the development of a Comprehensive Plan which is fully compliant with Department of Commerce, Puget Sound Regional Council, and King County requirements will continue.

The Planning Commission reviewed draft survey questions the Town Planner has identified as most useful for informing the Comprehensive Plan. The survey, as drafted, incorporates notes from previous Planning Commission meetings, Comprehensive Plan requirements, and best practices to ensure that the result can be an effective piece of the Comprehensive Plan process.

The Planning Commission discussed and provided feedback on the survey as drafted. The Planning Commission directed staff to amend the survey as discussed.

8.2 – Short Term Rentals

The Town has the ability to regulate short-term rentals. Currently no such regulations, taxes, or codes are in place. With changes to development regulations as a result of HB1110 and HB1337 coming from the State legislature, and the demand for high-quality short-term rentals for business professionals visiting the area, the Town may see an increase in the number of STRs. With this increase comes an increase in public facilities and infrastructure usage.

Staff has done a preliminary look at possible pathways for the Town which fall generally into three categories; first is to do nothing relating to STRs, second would be to create a system for basic tracking of STRs and perhaps a permit system, third would be the creation of a permitting process along with instituting fees or taxes which are in line with what the state and county allow the Town to collect. The third option may also include the creation of a business license program, or other business-related regulatory actions which are not currently undertaken by the Town.

Commissioner Jeffrey Shiu left the meeting at 7:54 PM.

The Commission discussed the following:

- Potential restriction of short term rentals. The Town Planner will request input from the Town Attorney.

- The Commission would like to review regulations from surrounding jurisdictions regarding short term rentals.

MOTION: Motion by Commissioner Feller, seconded by Chairman Hellings to direct staff to research short term rentals further as discussed during the meeting.

VOTE: 3 for, 0 against. Motion carried.

8.3 – Eagle Protection

The Town is home to several known eagle nests and other eagle habitats. While Federal protections exist for eagles, the Town could do more in the way of protecting specific sites and making explicit the existing Federal protections for future development projects in the Town. The Town may also adopt code and guidelines which are as restrictive or more restrictive than federal and state regulations for the protection of eagles.

The Commission discussed:

- Protecting character of the Town;
- Locating trees containing eagles' nests;
- Involving the Town's legal staff to create a summary of regulations;
- Penalties for violating regulations;
- Notification for property owners of federal eagle protections and to include these regulations in an upcoming Town newsletter.
- Invite an expert to speak on the matter of eagle protection at next meeting.

MOTION: Motion by Commissioner Feller, seconded by Chairman Hellings to direct staff to research eagle protection further as discussed during the meeting, develop a framework for the Town's approach to eagle protection and to invite experts and advisors to speak on the matter.

VOTE: 3 for, 0 against. Motion carried.

Councilmember Smith discussed federal guidelines for eagle protections.

8.4 – Preferred and Prohibited Plants List

During the May Town Council meeting, the Council voted to add the creation of a preferred and prohibited plants list for the Town. The goal of such a list and associated code would be to regulate plantings in setbacks to prevent future planting of various plants which may constitute a nuisance. This list may include plants which are considered or classified as invasive, noxious, destructive to infrastructure, as well as plants which are difficult to maintain and may result in nuisance complaints. Examples of such plants include but are not limited to Leyland cypress (*Cupressus leylandii*), Himalayan blackberry (*Rubus armeniacus*), and Scotch broom (*Cytisus scoparius*). The State also maintains a list of noxious and invasive weeds which may be pertinent to reference or incorporate as part of the Town's list. Preferred plants may be incorporated to include native plants, those which encourage biodiversity and overall ecological health, and plants which help to maintain the aesthetic of the Town.

The Commission discussed:

- Regulations for private and public property;
- Setbacks and right of way;
- Enforcement;
- Requesting a list from the Town Arborist to provide a preferred and prohibited plants list.

MOTION: Motion by Commissioner Feller, seconded by Commissioner Sims to direct to staff to research a preferred and prohibited plants lists for further discussion at the next meeting including input from the Town Arborist.

VOTE: 3 for, 0 against. Motion carried.

9. PUBLIC COMMENT:

None.

10. ADJOURNMENT:

MOTION: Motion by Chairman Hellings, seconded by Commissioner Feller to adjourn the meeting at 9:14 p.m.

VOTE: 3 for, 0 against. Motion carried.

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

Eagle Protection	Proposed Planning Commission Action: Discussion
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Presented by:	Town Planner
Exhibits:	Eagle Nest Buffer Area Map Eagle Roost Buffer Area Map

Summary:

The Town is home to several known eagle nests and other eagle habitat. While Federal protections exist for eagles, the Town could do more in the way of protecting specific sites and making explicit the existing Federal protections for future development projects in the Town. The Town may also adopt code and guidelines which are as restrictive or more restrictive than federal and state regulations for the protection of eagles.

During the May meeting, Planning commission discussed the need to have experts on enforcement present on the matter. Staff has Invited Special Agent Alec Crook with the US Fish and Wildlife Service Office of Law Enforcement to come present on the enforcement elements. Staff met on site with commissioner Sims and documented the locations of one known nest and two known roosting trees. Two maps have been prepared which shows their locations, along with the 330' and 660' radiuses, and highlight properties which are affected.

Additional Resources:

- [Washington Department of Fish and Wildlife](#)
- [Bald and Golden Eagle Protection Act](#)
- [Migratory Bird Treaty Act](#)
- [USFWS Eagle Management Program](#)

Action Items:

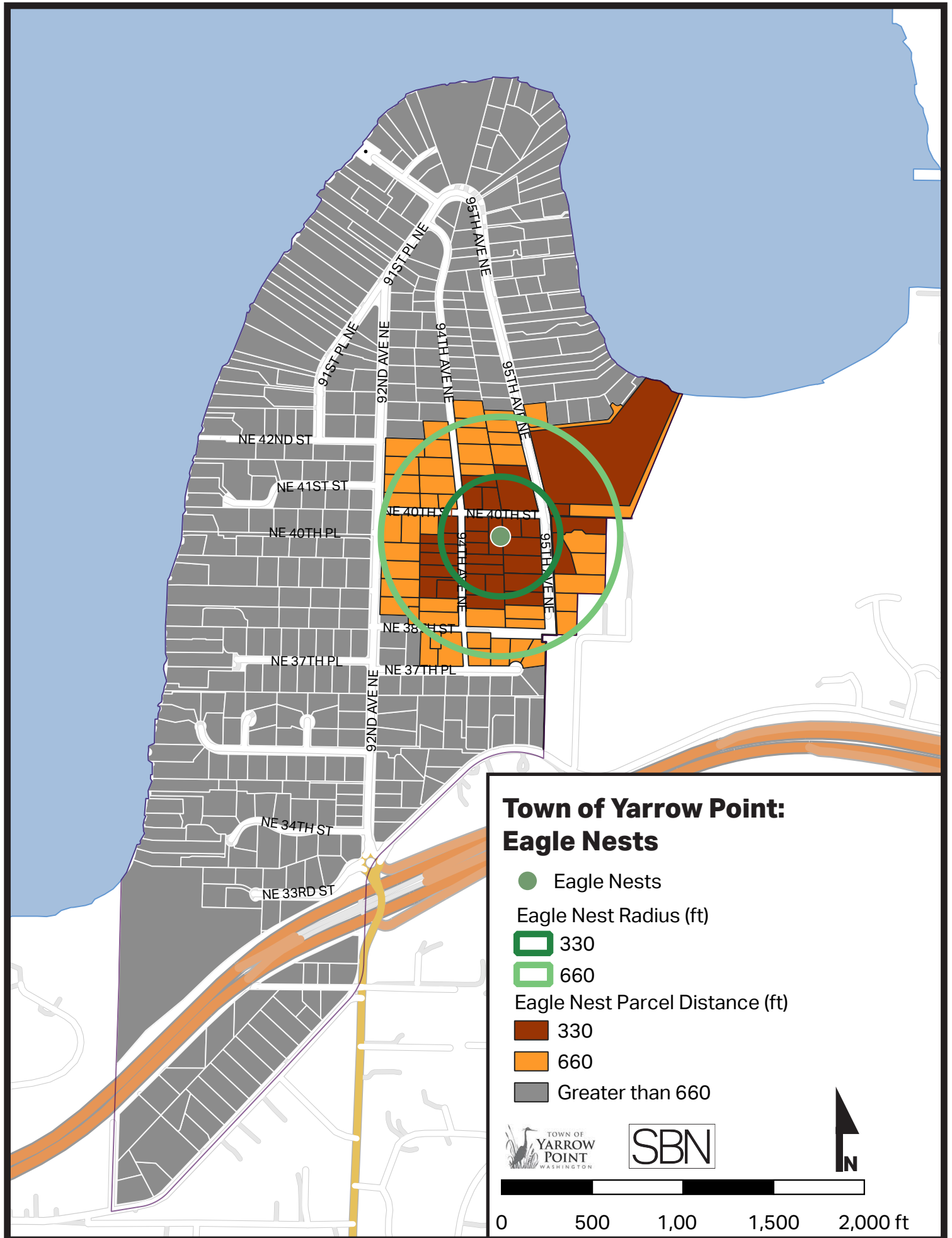
- Staff Presentation (10min)
- Presentation by US Fish and Wildlife (20min)
- Discussion (30min)
- Vote (5min)

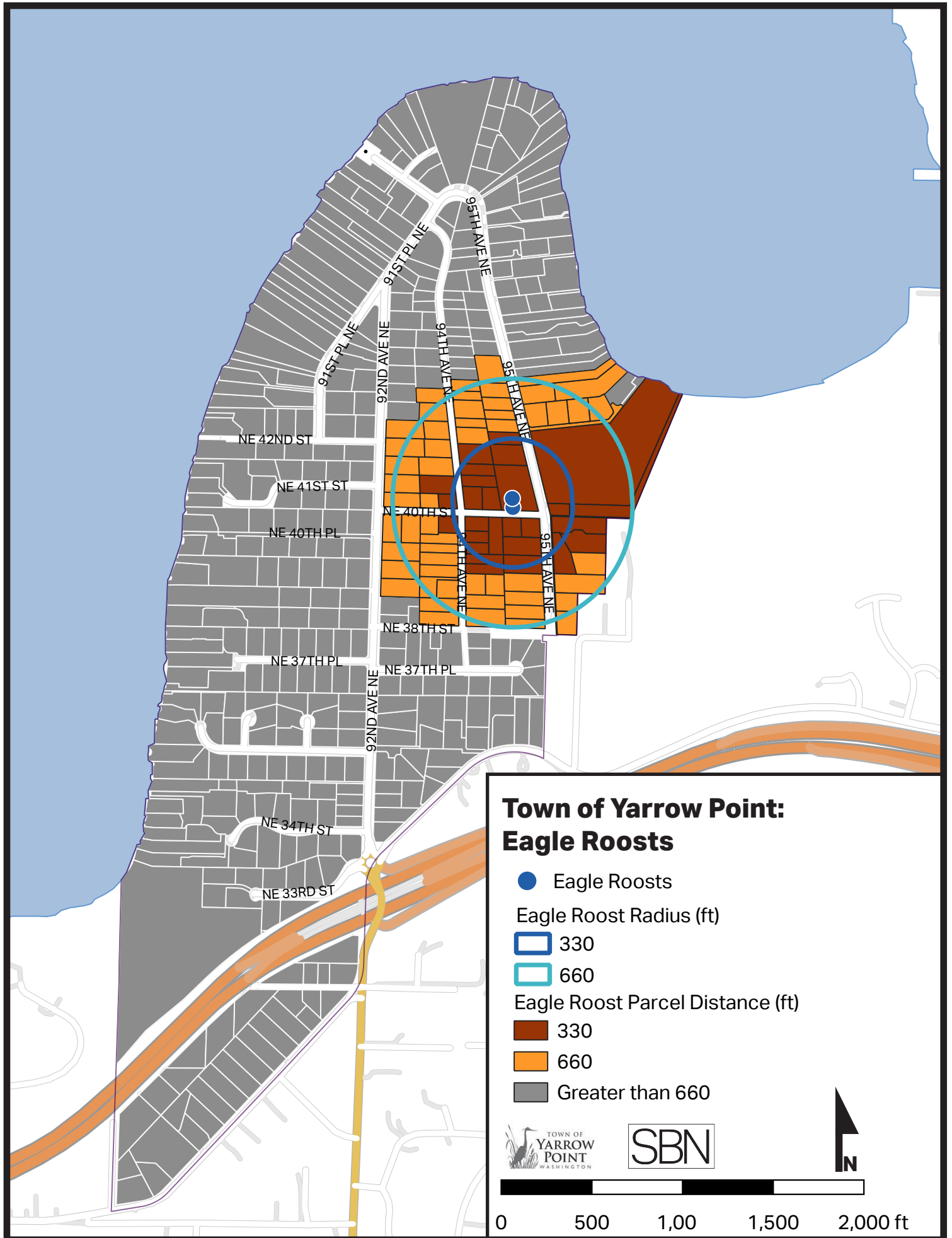
Commission Options:

- Direct staff to do further research and develop a draft code
- Direct staff to invite more experts and advisors to speak on the matter
- Continue discussion with no staff action

Recommended Motion:

- I move to continue discussion at our next meeting without any additional staff action or research.
- I move to direct staff to research eagle protection further as discussed during the meeting and to develop a draft code for the Town's approach to eagle protection.
- I move to direct staff to invite experts and/or advisors to speak on the matter of Eagle protection as discussed during the meeting.





Town of Yarrow Point: Eagle Roosts

● Eagle Roosts

Eagle Roost Radius (ft)

□ 330

□ 660

Eagle Roost Parcel Distance (ft)

■ 330

■ 660

■ Greater than 660



0 500 1,000 1,500 2,000 ft

Comprehensive Plan Update	Proposed Planning Commission Action: Discussion
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Presented by:	Town Planner
Exhibits:	NA

Summary:

The survey has been written and is ready to issue. The flyers are currently at the printer for mailing and will likely arrive in mailboxes this week (June 19th through the 24th). A final invoice and deliverable package is under final review before a submittal to the Department of Commerce (COM) in advance of the June 30th deadline for all FY23 materials. The Town’s website has been updated with answers to some FAQs about the Comprehensive Planning process and town resident involvement along with a new top level link to the update process page.

In the month to come, aside from the last FY23 deliverable package, the town planner will work with COM to outline a scope and set of deliverables for FY24. As part of this funding package, chapter drafts, development regulation updates, adoption, and implementation of the Comprehensive Plan will occur ahead of the December 2024 deadline. The town planner will also begin reviewing public feedback with possible Points 4th coordination to ensure opportunities for public input are communicated to as many residents as possible. Following the August break, the town planner will also be presenting chapter drafts for Planning Commission review, followed by Town Council review.

Action Items

- Staff Presentation on the Comprehensive Plan Status (10 min)

Commission Options:

- Take no action
- Continue Discussion

Recommended Motion:

- NA

Short Term Rentals	Proposed Planning Commission Action: Discussion Only
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Presented by:	Town Planner
Exhibits:	Short term rental market overview June 2023

Summary:

The Town has the ability to regulate short-term rentals. Currently no such regulations, taxes, or codes are in place. The Town council placed the topic of short-term rentals (STR) on the 2023 Planning Commission work plan. STRs can be regulated by creating a permit system along with various fees, and taxes. The commissions goal is to decide on the direction which the Town would like to take with regards to the regulation of STRs.

With changes to development regulations as a result of HB1110 and HB1337 coming from the state legislature, and the demand for high-quality short-term rentals for business professionals visiting the area, the Town may see an increase in the number of STRs. With this increase comes an increase in public facilities and infrastructure usage.

Staff has done a preliminary look at possible pathways for the Town which fall generally into three categories; first is to do nothing relating to STRs, second would be to create a system for basic tracking of STRs and perhaps a permit system, third would be the creation of a permitting process along with instituting fees or taxes which are in line with what the state and county allow the Town to collect. The third option may also include the creation of a business license program, or other business-related regulatory actions which are not currently undertaken by the Town.

At the May meeting, the commission discussed the need for a preliminary overview of the current state of STRs in the area. Staff has done a preliminary review of the current STRs which are available in the Town and some adjacent jurisdictions. The report is included as an exhibit to this agenda bill.

Action Items:

- Staff Presentation (15min)
- Discussion (20min)
- Vote (5min)

Commission Options:

- Continue Discussion at next meeting
- Direct Staff to do further research

Recommended Motion:

- I move to continue discussion of this topic at the next meeting without any additional staff action or research
- I move to direct to staff to research short term rentals further as discussed during the meeting.

Short term rental market overview June 2023.

A preliminary review of Yarrow Point and surrounding community short term vacation rental markets was conducted by staff. Searches were conducted on Airbnb, VRBO, Vacasa, and Wander. Some rentals may not have been located because of seasonal listings or availability. The broadest and most flexible search parameters were used with no filters, stay durations, or times of stay, in order to find all available listings for the area.

Information gathered includes the type of space being rented, price per night, and number of reviews. The price may indicate the viability of rentals in similarly positioned properties on Yarrow Point, while the number of reviews may indicate the market demand for such rentals, along with frequency of use which can be correlated to increased traffic and use of services.

Yarrow Point

- Guesthouse for rent \$195/night 202 reviews (Airbnb)

Hunts Point

- House \$479/night no reviews (VRBO)

Clyde Hill

- Guest Suite \$146/night 70 reviews (Airbnb)
- House \$433/night 31 reviews (Airbnb)
- House \$895/night 8 reviews (VRBO)
- House \$332/night 2 reviews (VRBO)
- House \$215/night no reviews (VRBO)

Medina (North of 520)

- Room in Villa \$600/night 1 review (Airbnb)
- Lakefront Duplex \$929/night 2 reviews (Airbnb)
- Waterfront House \$799/night no reviews (Airbnb)
- Main house (Owner occupied ADU) \$435/night 52 reviews (Airbnb)
- Lakefront House \$739/night (VRBO)
- Waterfront house \$812/night 2 reviews (VRBO)

Medina (South of 520)

- House \$299/night 70 total reviews (Cross listed on Airbnb, VRBO, Vacasa)
- House \$1479/night no reviews (Airbnb)
- Lakefront Room \$237/night 96 reviews (Airbnb)
- Room \$98/night 3 reviews (Airbnb)
- Room \$166/night 1 review
- House \$119/night 4 reviews (VRBO)
- House waterfront \$619/night 1 review (VRBO)