



Town Planning Commission Regular Meeting

Tuesday, July 18, 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/81709549795>

Meeting ID: 817 0954 9795#

- 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**
June 20, 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**

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
June 20, 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 7:04 p.m.

PRESENT:

Chairman: Carl Hellings

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

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

Guests: Alec Crook – Special Agent, U.S. Fish and Wildlife
Debbie Prudden – Resident

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL/AMENDMENTS TO AGENDA

MOTION: Motion by Chairman Hellings, seconded by Commissioner Sims to approve the agenda as presented.

VOTE: 3 for, 0 against. 0 Motion carried.

5. MINUTES:

- May 16, 2023 Regular Meeting

MOTION: Motion by Chairman Hellings, seconded by Commissioner Shiu to approve the June 20, 2023 regular meeting minutes as presented.

VOTE: 3 for, 0 against. 0 Motion carried.

6. STAFF REPORTS:

Deputy Clerk Austen Wilcox Town Planner Aleksandr Romanenko provided staff reports.

7. PUBLIC COMMENT

Resident Debbie Prudden requested info regarding the process of draft private property hedge code amendments. She also requested updates regarding house

bills relating to regulations for transitional housing code. Planner Romanenko responded noting that she can review the draft code online and there will be future opportunities for public comment regarding the transitional housing code.

8. REGULAR BUSINESS:

8.1 Eagle Protection

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.

Alec Crook, Special Agent of U.S. Fish and Wildlife, provided a presentation on protection of Eagles and the Migratory Bird treaty Act.

He discussed misdemeanors, penalties and prohibitions relating to the treaty regulations.

The Planning Commission wants to protect eagles and intends to educate the community relating to their protection. They discussed potential permitting procedures and ways to create public education and notification of known eagles' nests.

MOTION: Motion by Chairman Hellings, seconded by Commissioner Sims direct staff to do further research and develop a draft code.

VOTE: 3 for, 0 against. 0 Motion carried.

8.2 – Comprehensive Plan Update

Planner James provided up an update on the comprehensive update. Fliers with a survey have been mailed out and 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.

8.3 – Short Term Rentals

Planner Romanenko discussed the Town's 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 commission's 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.

The Planning Commission discussed options and the direction that other jurisdictions are taking on STRs.

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

VOTE: 3 for, 0 against. 0 Motion carried.

9. PUBLIC COMMENT:

None.

10. ADJOURNMENT:

MOTION: Motion by Chairman Hellings, seconded by Commissioner Sims to adjourn the meeting at 8:58 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
-------------------------	---

Presented by:	Town Planner
Exhibits:	Eagle Protection Draft Code

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 at the June meeting. Staff met on site with commissioner Sims and documented the locations of one known nest and two known roosting trees. Two maps were prepared which shows their locations, along with the 330' and 660' radiuses, and highlight properties which are affected.

Following Special Agent Alec Crook's presentation to the planning commission, staff followed up with the Commission to submit any lingering questions to the Department of Fish and Wildlife. While no response has been received at the time of writing (July 13, 2023), pending some of the answers, the Town Planner developed an outline of draft code for the Town to review. The purpose of the code is to give explicit notice of existing federal regulations to residents, their contractors, and to developers. The code may warrant an accompanying FAQ document for the Town to further detail the permit process including the contact information of the local Migrator Bird Permit Office, a map of affected parcels, and further information about the long-term permit impacts such as mitigation and annual reporting.

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)
- Discussion (20min)
- Vote (5min)

Commission Options:

- Direct staff to do further research and develop draft code further
- 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.

Yarrow Point Municipal Code
Title XX Draft Amendments

XX.XX.010 Title, purpose, and intent

The regulations in this chapter require development occurring within the proximities detailed in XX.XX.040 to comply with the U.S. Bald & Golden Eagle Protection Act.

XX.XX.020 Definitions

“Communal roost site” means an area where eagles gather repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.

“Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available,

- (1) injury to an eagle,
- (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or
- (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

“Eagle nest” means any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction.

“Important eagle-use area” means an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles.

“In-use nest” means a bald or golden eagle nest characterized by the presence of one or more eggs, dependent young, or adult eagles on the nest in the past 10 days during the breeding season.

“Take” means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.

XX.XX.030 Statutes Incorporated by Reference

The following state statutes are incorporated by reference:

50 CFR Part 22

- § 22.2 Purpose of this part.
- § 22.4 Scope of this part.
- § 22.6 Definitions.
- § 22.8 Information collection requirements.
- § 22.10 Relationship to other permit requirements.
- § 22.12 Illegal activities.
- § 22.50 Eagle scientific and eagle exhibition permits.
- § 22.60 Eagle Indian religious permits.
- § 22.70 Eagle falconry permits.
- § 22.75 What are the requirements concerning permits to take golden eagle nests?
- § 22.80 Permits for eagle take that is associated with, but not the purpose of, an activity.
- § 22.85 Removal of eagle nests.
- § 22.90 Permits for bald eagle take exempted under the Endangered Species Act.
- § 22.100 Eagle depredation permits.
- § 22.120 Golden eagle depredations control order on request of Governor of a State.

The Yarrow Point Municipal Code is current through Ordinance 724, passed November 8, 2022.

Commented [1]: These are all incorporated by reference below, but I wanted to call a few out that may be more relevant or important to the regulations we are outlining here

Commented [2]: Need to verify this process with legal

§ 22.122 Conditions and limitations on taking under depredation control order

XX.XX.040 Applicable proximity of provisions

The permit process required by this chapter apply to sites within 660 feet of an Eagle nest or Communal roost site.

XX.XX.050 Building permit requirements

Any building permit applicant in the radius defined in XX.XX.040 must obtain an Incidental Eagle Take Permit from the U.S. Department of Fish and Wildlife. This process requires providing the local Migratory Bird Permit Office with information about the location of the Eagle nest or Communal roost site, project location, project timeline, including long-term plans, and the distance between the Nest or roost site and the project site.

As detailed in 50 CFR § 22.80 (c), permit holders must comply with all avoidance, minimization, or other mitigation measures specified in the terms of the permit to mitigate for the detrimental effects on eagles, including indirect and cumulative effects, of the permitted take. Annual reports and mitigation plans, if required, should also be communicated to the Town.

Commented [3]: We could expand this to match the distinctions between 330 and 660 feet radii more closely as with DFW regulations, or keep it broad and let DFW make that distinction upon permit processing.

Commented [4]: Need to verify with DFW that this is the correct wording for the roost site

Commented [5]: We could require it regardless, although DFW only requires it in some cases and recommends in others

Commented [6]: Check with legal about citation



Comprehensive Plan Update	Proposed Planning Commission Action: Discussion
----------------------------------	--

Presented by:	Town Planner
Exhibits:	NA

Summary:

The survey is out and has received 64 responses, as of July 13, 2023. Mailers should have arrived at every active residence in the Town’s records. The Town Planner tabled at the Points 4th pickleball semi-finals to remind residents of the survey and Comprehensive Plan process. A final invoice and deliverable package for State Fiscal Year 2023 was submitted to the Department of Commerce (COM) in advance of June 30th and has fully reimbursed the first \$50,000 of work. The Town’s website has been updated with answers to some FAQs about the Comprehensive Planning process and town resident involvement.

In the weeks to come, aside from the last SFY23 deliverable package, the town planner will work with COM to outline a scope and set of deliverables for SFY24. 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. Following the August break, the town planner will also begin presenting chapter drafts and any requested analysis for Planning Commission review, followed by possible Town Council review at their request.

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
---------------------------	---

Presented by:	Town Planner
Exhibits:	Short Term Rental regulations considerations and examples

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 a possible increase or change to 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 presented a preliminary review of the current STRs which are available in the Town and some adjacent jurisdictions. The commission requested further research, including determining a possible cap to the number of STRs in Yarrow Point. The planning team presents an outline of the considerations and permitting process based on comparable local examples as an exhibit to this agenda bill.

Additional Resources:

- [Municipal Research and Services Center of Washington Examples](#)
- [Normandy Park STR Regulations Public Assistance Memo](#)
- [Chelan County Short Term Rentals Information Page & FAQs](#)

Action Items:

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

Commission Options:

- Continue Discussion at next meeting
- Direct Staff to do further research and/or draft code

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.
- I move to direct to staff to develop draft short term rental code as discussed during the meeting.

Short Term Rental Considerations and Examples

Considerations:

- Chelan County limits STR's to 6% of housing units in non-tourist locations
 - ~ 26 units
- Yarrow Point will likely depend on ADUs to satisfy some of the housing affordability requirements laid out in the Comprehensive Plan, so limiting STRs in ADUs is worth further analysis following completion of the Housing Needs Analysis
 - At this time, it is unclear just how many ADUs will be needed to meet affordable and middle-housing growth targets
 - Housing Needs Analysis can be presented at September meeting to further examine the balance of short and long term rentals in the context of King County housing targets
- Traffic impacts of STRs are lower when one housing unit is used as one STR unit, but the impacts become harder to define when one housing unit becomes several ADUs (i.e. a 4 bedroom becomes 4 STRs).
 - Check in times usually occur in the mid-afternoon (1:00-3:00 P.M.) and check out times typically occur in the mid-morning period (10:00-12:00 A.M.); reducing the peak-commute impact

Permitting Process (outline based on Clyde Hill):

- Require a local representative to file with the Town, who is available 24 hours a day to handle complaints and remedies with the short term rental
- Require a maximum occupancy: can be in line with International Building Code
- Restrict uses aside from short term rentals: weddings, fundraisers, concerts, etc.
- Restrict any outdoor signage advertising the STR
- Require short-term or vacation rental insurance
- Require some type of reporting and information from short term rental including information on occupancy, parking, contact information, insurance, etc.
- Require inspections at regular intervals – onus on owner to schedule and comply with regular inspections

Local Examples:

- **Clyde Hill:**
 - Requires permits, business license, insurance, and inspections to ensure rentals meet minimum standards
 - Limits event-space uses for rentals
 - Limits occupancy pursuant to the International Building Code
- **Normandy Park:**
 - Requires permits, business license, insurance, and
 - Limits occupancy by number of bedrooms (2) allowed to be rented out per housing unit
 - Restricts use of ADUs along with guest houses, trailers, and recreational vehicles as short term rental unit options
 - Requires primary owner of housing unit to occupy the residence at the time of any STR stay
- **Bellingham:**
 - Requires permits, business license, insurance, and inspections to ensure rentals meet minimum standards
 - Limitations are different by zone, but in single-family neighborhoods there are limits on the number of days an STR can be rented out (95/year given residence 270 days/year by primary owner), the number of rental units an operator can hold (1), and do not allow ADUs to be used
 - Limitations are less strict in higher-density housing zones and further relaxed in urban village zones
 - No cap on total number in jurisdiction