

**TOWN OF YARROW POINT
PLANNING COMMISSION SPECIAL MEETING MINUTES
August 29, 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 7:03 p.m.

PRESENT:

Chairman: Carl Hellings

Commissioners: Chuck Hirsch
Jeffrey Shiu
David Feller
Lee Sims

Staff: Austen Wilcox – Deputy Clerk
James Eager – Town Planner
Stacia Schroeder – Town Engineer

Guests: Katy Harris – Mayor
Darryl Carver – Resident
Pamela Pearce Carver – Resident
Dicker Cahill – Resident
Marian Bergey – Resident
Jan Buchanan – Resident

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL/AMENDMENTS TO AGENDA

MOTION: Motion by Chairman Feller seconded by Commissioner Hirsch to approve the agenda as presented.

VOTE: 5 for, 0 against. Motion carried.

5. MINUTES:

- July 18, 2023 Regular Meeting

MOTION: Motion by Chairman Hellings, seconded by Commissioner Shiu to approve the July 18, 2023 regular meeting minutes as presented.

VOTE: 5 for, 0 against. Motion carried.

6. STAFF REPORTS:

Deputy Clerk Austen Wilcox noted that the Council did meet in the month of August.

7. PUBLIC COMMENT

Resident Pamela Pearce Carver discussed a decrease of trees due to climate and construction. She encourages the tree code to be revisited and recommends a building moratorium until the tree code is further addressed for better tree protection.

Resident Darryl Carver discussed clear cutting in the town. The tree code should be revisited due to the continuation of tree cutting during land development.

Commission Chair Carl Hellings responded stating that Planning Commission direction comes from the Town Council and recommends they bring the issue up with them as well. Planning staff noted that a bond requirement was recently added to the private property tree permit application.

Resident Dicker Cahill discussed the zone identified for eagle locations within Yarrow Point. He discussed 4-month window restriction of construction activity from Fish & Wildlife Service (FWS.) He recommends that the Planning Commission review the federal eagle protection permitting restrictions in a holistic approach.

8. REGULAR BUSINESS:

8.1 – Comprehensive Plan Update

Planner James Eager shared that the survey received 144 responses, as of August 9, 2023. Following the close of the survey on August 11th, the Town Planner will develop a report on the survey and how the results coincide with specific policy decisions in the Comprehensive Plan. The Town Planner has received the SFY24 GMA Grant paperwork from the Department of Commerce (COM) and will submit the final adjustments to the deliverables and schedule to COM shortly.

Beginning in the fall, the Town Planner will begin presenting draft chapters to the Commission for review, alongside an explanation of required elements and those ideal for discussion and potential adjustment. These chapter reviews will set up a smooth adoption process in the Spring of 2024, ahead of the December 2024 deadline for the Comprehensive Plan. In addition to these draft chapters, the Town Planner will present analyses required as part of the Comp Plan, including the aforementioned public engagement analysis and a Housing Needs Analysis.

The Town Planner will continue work on the Comprehensive Plan as reviewed by the Planning Commission.

8.2 Eagle Protection

Following a discussion with a biologist from the local DFW office, two letters were drafted for the residents of Yarrow Point and real estate agents working in the Town. The letter details the Town's position on eagle and migratory bird protections and points relevant parties in the direction of the Town's resources, including a map of the most high-risk parcels for eagle disturbances.

The Town Planner has also developed a draft code following these discussions. The purpose of the code is to give explicit notice of existing federal regulations to residents, their contractors, and developers. The code may warrant an accompanying FAQ document for the Town to detail the permit process further. The Towns' website has already been updated to include the contact information of the local Migratory Bird Permit Office and a map of affected parcels. As an accompaniment to the draft code, the Town Planner also presents a flowchart from the US FWS Pacific Office outlining when certain development actions may trigger FWS outreach.

The Commission discussed:

- Eagle permit FAQs drafted by the Town Planner; and
- Letter sent from the Mayor to two sellers putting them on notice regarding activity of eagles on their property; and
- Not singling out particular properties regarding eagle protection; and
- Creating a letter or survey to residents about what the Town is doing with eagle protection; and
- Process of requirements for eagle protection permitting; and
- Measures in which the Town will know if a particular project will impact an eagle. Planning staff will get a sample of mitigation process, and list of particular project triggers from FWS that would disrupt eagles.
- 660' radius requirement for FWS eagle permitting; and
- Residents Jan Buchanan and Dicker Cahill noted that a FWS permit cost is \$500, and review can take at least 60-days, or up to 90+ days.
- Tiers/categories of FWS permitting process; and
- Create survey to get resident feedback on location of known eagle nests in the town; and
- Explore the cost and receive Council approval for funding to hire an independent wildlife expert to identify the location of eagle nests in Yarrow Point.

Engineer Schroeder shared that the code should not be unduly hard on applicants, and to review eagle protection regulations from neighboring jurisdictions.

Mayor Harris noted that she will discuss eagle protection regulations with the mayors of neighboring jurisdictions;

Public Comment:

Resident Darryl Carver discussed the need to establish a permitting process for eagle protection.

Resident Dicker Cahill said to consider the review of process from FWS.

Resident Marian Bergey discussed current eagle activity on Yarrow Point. She shared that trees are still being taken out despite the private property tree code.

Resident Pamela Carver discussed the need for a better private property tree code.

MOTION: Motion by Chairman Hellings, seconded by Commissioner Sims direct the Town Planner to work with the Mayor to create a letter to the citizens outlining the steps the Town is taking for eagle protection, identify the location of known eagle nests in the Town, research the cost and timing to hire a wildlife expert to identify eagle nest locations, research mitigation guidelines from FWS, and include in the draft code a requirement that an applicant must go through FWS to determine if an Incidental Take Permit is required prior to approval of their Yarrow Point permitting.

VOTE: 5 for, 0 against. 0 Motion carried.

8.3 – Short Term Rentals

At the July meeting, the Town Planner presented an outline of existing regulations for STRs in predominantly residential jurisdictions as well as regulations for low-density residential neighborhoods in larger cities. The commission discussed possible considerations, regulations, limits on the number or intensity of STRs, and whether steps such as requiring a business license were necessary. The planning team further reviewed existing permitting processes in comparable jurisdictions and outlined a process for the commission's August meeting.

Two processes are outlined based on the two predominant methods for permitting STRs. One approach, employed by Clyde Hill, is to review the permits as part of a business license application.

The second, employed by Chelan County, is to review applications as a land use permit, meeting the requirements of the standards outlines by their STR code. The latter approach appears more flexible if the Town does not intend to employ a business license requirement. Requirements imposed by both jurisdictions include occupancy limits, parking requirements, limits on specific activities, submission of a property management plan, and specific contact information for someone who is able to quickly respond to concerns as they may arise.

Planner James Eager stated that background checks cannot be made a requirement.

- Notification process for notifying Town of a rental property for 30-day rentals; and
- Define "short term"; and
- Identify locations of short term rentals; and
- Enforcement; and
- Contact short term rental companies to inform them of new Town regulations.

MOTION: Motion by Chairman Hellings, seconded by Commissioner Hirsch direct staff to create a draft code for a 30-day short term rental policy to review at their next meeting.

VOTE: 5 for, 0 against. 0 Motion carried.

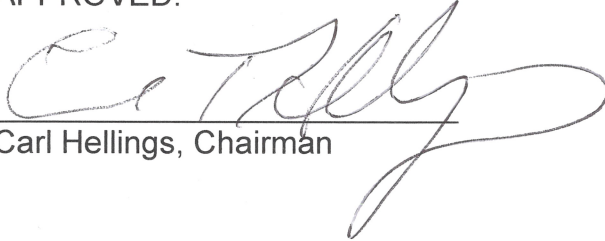
9. PUBLIC COMMENT:

10. ADJOURNMENT:


MOTION: Motion by Chairman Hellings, seconded by Commissioner Feller to adjourn the meeting at 9:06 p.m.

VOTE: 5 for, 0 against. Motion carried.

APPROVED:


Carl Hellings, Chairman

ATTEST:


Austen Wilcox, Deputy Clerk