



Town Planning Commission Regular Meeting

Tuesday, November 21, 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: Aleksandr Romanenko - 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/81963039810>

Meeting ID: 819 6303 9810#

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**
 - September 19, 2023, Regular Planning Commission Meeting
 - October 26, 2023, Joint Council and Planning Commission Special Meeting
6. **STAFF REPORTS**
 - 6.1 SR 2024 Planning Commission Work Plan - (5 min)
 - 6.2 SR Middle Housing (HB1110 Integration) - (10 min)
 - 6.3 SR Climate Planning (HB1181) - (5 min)
 - 6.4 SR Comprehensive Plan Update - (10 min)
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 Private Property Tree Code - (50 min)
 - 8.2 AB Eagle Protections - (35 min)
 - 8.3 AB Short Term Rentals - (20 min)
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

**TOWN OF YARROW POINT
PLANNING COMMISSION REGULAR MEETING MINUTES
September 19, 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
Jeffrey Shiu
David Feller – Excused absence
Lee Sims – Excused absence

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

Guests: Kathy Smith – Resident
Dicker Cahill – Resident
Leslie Schofield – Resident
George Simons – Resident
Lisa Syme – Resident
Melanie Hassler – Resident

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL/AMENDMENTS TO AGENDA

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

VOTE: 3 for, 0 against. Motion carried.

5. MINUTES:

- August 29, 2023 Regular Meeting

MOTION: Motion by Commissioner Hirsch, seconded by Chairman Hellings to approve the August 29, 2023 special meeting minutes as presented.

VOTE: 3 for, 0 against. Motion carried.

6. STAFF REPORTS:

Deputy Clerk Austen Wilcox gave a report of the September Council meeting.

Town Planner Romanenko provided a staff report on Comprehensive Plan and the Council discussion on eagle code. An open house will occur at the next Planning Commission meeting for public involvement regarding the updates to Comprehensive Plan.

7. PUBLIC COMMENT

Resident George Simons asked for the names of the Planning Commissioners.

8. REGULAR BUSINESS:

8.1 – Eagle Protection

Town Planner Romanenko gave an update on the Planning Discussion research and discussion for eagle protection. For the September meeting staff have updated the draft code and have provided a copy of the National bald eagle management guidelines for review and discussion. Because the August special meeting and regular September meeting are only two weeks apart, the final FAQs are still being worked on and input from USFWS on applicable Town permits has not yet been received.

- Planning staff is researching costs to hire a consultant to conduct a town-wide survey/habitat analysis for eagle locations;
- Resident input received for eagle sites;
- Draft Town code to layer onto existing federal and state eagle protection regulations;
- Planning staff has reached out to Fish & Wildlife to determine methods to identify eagle habitats;
- Discussion of existing map of known eagle habitats locations; and
- Permit process.

MOTION: Motion by Chairman Helling, seconded by Commissioner Hirsch to take no further action and wait to get information from Fish & Wildlife regarding the determination of methods to identify eagle habitats for discussion at the next regular meeting.

VOTE: 3 for, 0 against. Motion carried.

9. PUBLIC COMMENT:

Resident Leslie Schofield asked how roosting trees are identified. Planner Romanenko responded stating that the Planning staff has asked Fish & Wildlife to provide guidance.

Resident Dicker Cahill discussed a concern of unnecessary burden of time and expense relating to things that don't change an outcome. He discussed an article regarding inefficiencies and delays relating to permit processing. He discussed the process, cost of requesting a permit through Fish & Wildlife, and related penalties. He shared a limited timeframe requirement through Fish & Wildlife for construction activity. He suggests not requiring things that do not necessarily require a permit as it would not serve the public or be universal.

Resident Lisa Syme wondered if any other town requires a process for applicants to go through Fish & Wildlife before a permit is applied through the jurisdiction. She stated that this process seems like bureaucratic nightmare.

Resident George Simons questioned if the “habitat area” is defined. He questions a process of residents reporting each other. The Town has begun work in Sally’s Alley and eagles have left the area. He said eagles should not control what is done.

Resident Melanie Hassler discussed concerns regarding clear cutting of trees and potential hazards for the eagle habitat. She thanked the Commission for their research into eagle protection. She strongly supports incorporating federal regulations into the Yarrow Point code.

Resident Kathy Smith responded to Mr. Simons stating that every permit is unique to the circumstances, and she is in full favor of requiring a permit. She discussed a nearby eagles’ nest to her property the value eagles provide.

Resident Melanie Hassler would like to see the Council and Planning Commission take leadership, and race to the top and do what’s right for the entire community.

The Planning Commission discussed clear cutting. The Planning Commission would like to see a requirement to send applicants to Fish & Wildlife to check to see if a permit is required through them because eagles are important to the town. The Planning Commission’s next step is to review further input from Fish & Wildlife regarding the process to identify eagle habitats.

10. ADJOURNMENT:

MOTION: Motion by Chairman Hellings, seconded by Commissioner Hirsch to adjourn the meeting at 8:35 p.m.

VOTE: 3 for, 0 against. Motion carried.

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

TOWN OF YARROW POINT
SPECIAL JOINT TOWN COUNCIL AND PLANNING COMMISSION MEETING
October 26, 2023
7:00 p.m.

The Town Council and the Planning Commission of the Town of Yarrow Point, Washington met in special joint session on Tuesday, October 26, 2023, at 7:00 p.m. in the Council Chambers of Town Hall.

COUNCIL PRESENT: Mayor Katy Harris; Councilmembers Stephan Lagerholm, Carl Scandella, Chuck Porter, Kathy Smith, and Andy Valaas.

PLANNING COMMISSION PRESENT: Chair Carl Hellings, David Feller, Chuck Hirsch, Jeffrey Shiu (remotely), and Lee Sims.

STAFF PRESENT: Clerk-Treasurer Bonnie Ritter (remotely), Planner Aleksandr Romanenko, Town Attorney Emily Romanenko, and Deputy Clerk Austen Wilcox

1. CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

2. ROLL CALL

3.1 – PRIVATE PROPERTY TREE CODE DISCUSSION

Planner Romanenko reviewed the background of the tree code and the options as he sees them. Discussion revolved around the current tree code, and when adopted was done so with the belief that this was a starting point, and the code would probably have to be amended as issues come to light. Property rights versus maintaining a tree canopy seems to be the main issue, among other discussed items.

MOTION by Valaas, seconded by Smith to add the private property tree code to the Planning Commission work plan with the expectation that a report would come back to Council by May of 2024. All voted in favor. Motion carried.

3.2 – EAGLE PROTECTION DISCUSSION

Planner Romanenko reviewed the background of the eagle protection project since the Council added it to the Planning Commission's work plan in May. The Planning Commission has received feedback from experts as well as the public, which resulted in the draft ordinance included in the agenda packet.

The Planning Commission will continue their research on eagle habitat locations in the Town and continue to develop the draft ordinance. The Mayor will put this item on the November Council agenda for further discussion.

4. ADJOURNMENT:

Motion by Commissioner Sims, seconded by Commissioner Hirsch to adjourn the meeting at 8:32 p.m. All voted in favor. Motion carried.

Attest: Austen Wilcox, Deputy Clerk

Carl Hellings, Chairman

2024 Planning Commission Work Plan	STAFF REPORT
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Presented by:	Town Planner
Exhibits:	2024 Planning Commission Work Plan

Summary:

The work plan is an outline of the major work items which the Planning Commission will endeavor to address during the 2024 calendar year. Additional work may be added to the work plan by Council vote. The work plan items fall into two general categories. Community initiatives which will be addressed serially as voted on by council and mandatory projects tied to state legislative actions which are grant funded through the department of commerce and will continue based on their respective grant schedules.

Action Items

- Staff Presentation on 2024 Planning Commission Work Plan (5 min)



Town of Yarrow Point

2024 Planning Commission Work Plan

The Planning Commission's mission is to serve as advisor to the Town Council in the review, recommendation, and development of Town land-use and policy issues. To accomplish this, the Planning Commission reviews current land-use issues facing the Town, the region, and the nation and then develops and/or reviews land-use and zoning ordinances in response to those issues. After holding public hearings to review these draft ordinances with citizens of the Town and obtain their comments on the proposed legislation, the Planning Commission forwards their draft and recommendation for action to the Town Council for discussion and possible adoption.

2024 Work plan items:

Community Initiatives: (To be completed serially)

- Private Property Tree Code
- Eagle Protections

Mandatory Work Items:

- Periodic Comprehensive Plan Update - Mandatory & Grant Funded
- Middle Housing - Mandatory & Grant Funded
- Climate Planning - Mandatory & Grant Funded

2024 Planning Commission regular meeting dates:

January 16th
February 20th
March 19th
April 16th
May 21st
June 18th
July 16th
August 20th
September 17th
October 15th
November 19th
December 17th

Middle Housing (HB1110 Integration)	STAFF REPORT
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Presented by:	Town Planner
Exhibits:	NA

Summary:

The State Legislature passed multiple housing bills, all designed to increase the range of allowable housing types within cities along with historic housing appropriations. Read together, all of these bills require cities to allow a broader variety of housing types in residential areas. They also require cities to transition from discretionary design review to a more predictable administrative process.

[HB 1110](#) - For Yarrow Point: allow at least five of nine middle housing types in predominantly single-family zones; allow only administrative design review of objective standards; require two middle housing units on each lot; provide process and criteria for extensions of implementation; and the bill directs Commerce to provide technical assistance including rulemaking and certification authority. It also amends RCW 43.21C to exempt certain actions from environmental review.

[HB 1337](#) - Requires that counties and cities allow two accessory dwelling units (ADU) on every lot in predominantly single-family zones within urban growth areas. For Yarrow Point we only need to allow 2 units per lot, including the primary. It also limits parking requirements based on distance from transit and lot size and removes barriers to separate sale and ownership of ADUs.

The Town planner at the direction of council at the June 2023 regular meeting, has applied for the middle housing grant and started reviewing relevant documentation for conducting the gap analysis. The jurisdiction has been awarded a \$35,000 grant to implement the requirements of HB1110 and HB1337. The final contract, budget, and scope will be provided to the council when they are received from COM. The grant funding can be used to cover any efforts associated with the work starting in July of 2023. The work must be completed, and ordinances adopted by June 2025.

Staff has begun work on the public engagement plan and gap analysis and will bring those to the planning commission for review at their December meeting. Once commerce has finalized their model ordinances, staff will review, summarize, and conduct a regional comparative analysis before starting to draft new development regulations for the Town.

Resources

- [WA Department of Commerce Middle Housing Website](#)

Action Items

- Staff Presentation on Middle Housing (10 min)

Climate Planning	STAFF REPORT
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Presented by:	Town Planner
Exhibits:	NA

Summary:

The State Legislature passed house bill 1181, the so-called Climate bill. Yarrow Point is required by RCW 36.70A.130(5) to revise its comprehensive plan and development regulations by June 30, 2029, to ensure they comply with the Growth Management Act (GMA) as revised by House Bill 1181 (Chapter 228, Laws of 2023).

The Department of commerce is administering a grant program to aid jurisdictions in planning for and adopting the requirements of HB1181. The available grant funding for the Town is \$100,000. While the deadline for full integration is June 30, 2029, the Town may begin its planning process as early as July 1, 2023. The proposed scope of work and budget are included for the council to review. The timeline and scope may be revised prior to the final grant contract, and subsequently amended as needed to accommodate shifts in timelines and goals during the subsequent 6 years prior to the required adoption date.

At the November council meeting, council voted to authorize the mayor to sign the letter of commitment for the grant.

Resources

- [WA Department of Commerce: HB1181 FAQ](#)
- [WA Department of Commerce: Climate Change Website](#)
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Action Items

- Staff Presentation on climate planning (5 min)

Comprehensive Plan Update	STAFF REPORT
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Presented by:	Town Planner
Exhibits:	Draft Chapter: Introduction Draft Chapter: Essential Public Facilities

Background:

The Comprehensive Plan of Yarrow Point is a strategic policy framework that sets out the community's vision for future growth and development. It serves as a collective vision for the type of town that Yarrow Point residents and visitors aspire to create. The plan outlines how the town will handle population growth, environmental factors, and ensure essential services and facilities are provided to meet the community's needs for the next 20 years. The update is a mandatory process which occurs every 10 years.

For a more detailed overview please visit: <https://yarrowpointwa.gov/comprehensive-plan/>

Summary:

The Town Planner has received and submitted the SFY24 GMA Grant paperwork from the Department of Commerce (COM) and is awaiting final execution of the grant.

Draft chapters for Essential Public Facilities and the Introduction have been included for the Commission to review. The chapter drafts have been annotated with highlights to facilitate review and commenting. 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.

Resources

- WA Department of Commerce: [Short Course on Local Planning](#)
- TYP: [Comprehensive Plan Page](#)

Action Items

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

Chapter XX: Essential Public Facilities

Green Highlights: Washington State, King County, or Puget Sound Regional Council Requirements

Orange Highlights: Additional goals or policies that may support requirements but are not explicitly required or part of any formal “best practice” or recommendation.

Blue Highlights: Best practices or recommendations from COM, PSRC, or other planning resources that are not explicitly required.

1. Introduction

The purpose of this element is to establish goals and policies which aid in establishing a set of standards for identifying and siting of essential public facilities (EPF) as mandated by the Growth Management Act (GMA)(RCW 35.70A.200). As per the GMA, no provisions in the local comprehensive plan may preclude the establishment of essential public facilities.

The GMA defines EPFs as “that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.”¹ These facilities are characterized by their challenging siting requirements and are often intended to serve regional or state-wide needs or form a critical part of a comprehensive county-wide service system.

¹ <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.200>

The list of EPFs provided in WAC 365-196-550 includes the following:

- Airports;
- State education facilities;
- State or regional transportation facilities;
- Transportation facilities of statewide significance as defined in RCW [47.06.140](#).
These include:
 - The interstate highway system;
 - Interregional state principal arterials including ferry connections that serve statewide travel;
 - Intercity passenger rail services;
 - Intercity high-speed ground transportation;
 - Major passenger intermodal terminals excluding all airport facilities and services;
 - The freight railroad system;
 - The Columbia/Snake navigable river system;
 - Marine port facilities and services that are related solely to marine activities affecting international and interstate trade;
- High-capacity transportation systems.
- Regional transit authority facilities as defined under RCW [81.112.020](#);
- State and local correctional facilities;
- Solid waste handling facilities;
- In-patient facilities, including substance abuse facilities;
- Mental health facilities;
- Group homes;
- Secure community transition facilities;
- Any facility on the state 10-year capital plan maintained by the office of financial management.

[Photo of the Town Hall]

Yarrow Point is an inelastic jurisdiction in terms of geography and annexation potential. The Jurisdiction has not UGA beyond its current jurisdictional boundary or unincorporated land in its vicinity which could be annexed in the future.. Yarrow Point has limited opportunities for siting Essential Public Facilities. In light of the jurisdictions constraints, Yarrow Point will align itself with the Countywide Planning Policies (CPPs) prescribed by King County for siting new essential public facilities, as defined in RCW 36.70A.200.

Key Definitions

Countywide Planning Policies (CCP): a shared framework for growth management planning for all jurisdictions in King County.²

Essential Public Facilities (EPF): Include those facilities that are typically difficult to site, such as airports; state education facilities; state or regional transportation facilities; state and local correctional facilities; and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and other facilities.³

2. Goals & Policies

Goal 1: Encourage equitable and responsible siting of essential public facilities

Policy 1.1: Prohibit the Comprehensive Plan and implement regulations from impeding the siting of essential public facilities.

Policy 1.2: Support the siting, design, and operation of essential public facilities in a manner that helps protect public health, safety, and welfare.

Policy 1.3: Aim to minimize the negative impacts of essential public facilities on surrounding land uses and the natural environment.

Policy 1.4: Consider disaster resiliency and public service recovery in determining new or expanded public facility sites.

Policy 1.5: Support an inclusive and participatory siting process for essential public facilities involving broad public participation through noticing, public meetings, and regional collaboration.

² "King County Countywide Planning Policies - King County". 2023. *Kingcounty.Gov*. <https://kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.asp>

³ " RCW 36.70A.200: Siting Of Essential Public Facilities—Limitation On Liability. ". 2023. *App.Leg.Wa.Gov*. <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.200>.

Goal 2: Ensure compliance with regulations, the Comprehensive Plan, and regional partners.

Policy 2.1: Work to develop regulations for essential public facilities that specify construction timelines, property acquisition, on-site and off-site impact controls, and streamlined government approvals, provided all other elements of County policies are met.

Policy 2.2: Ensure that essential public facility siting adheres to all applicable Town ordinances and the adopted Town comprehensive plan.

Policy 2.3: Ensure that Yarrow Point's essential public facility siting policies and regulations are consistent with and promote other planning goals.

Policy 2.4: Explore potential infrastructure improvements needed to support essential public facilities in the Town of Yarrow Point.

Policy 2.5: Maintain an inventory of existing essential public facilities within the Town of Yarrow Point.

Policy 2.6: Collaborate with King County and other planning organizations and partners, as needed, to support effective siting in line with Town, County, and State regulations.

3. Inventory List of Essential Public Facilities

[Photo and Map of SR520 through TYP]

State Route 520 is currently the only essential public facility in the Town of Yarrow Point.

Preface

Upon its incorporation in 1959, Yarrow Point adopted its initial Comprehensive Plan, which governed the Town's development. Subsequent updates were made in 1994, 2004, and 2015. This 2024 Comprehensive Plan aims to provide guidance for the Town's future over the next decades.

The Mayor, Town Council, Planning Commission, and Staff play a role in ensuring active citizen participation in the updates of the Comprehensive Plan for Yarrow Point. As part of the Comprehensive Plan's commitment to public engagement, the Planning Commission has served as advisors to council and have worked with the planning team to define the Town's vision.

Following their discussions, the Planning Commission presents their recommendations to the Town Council for review and adoption. The Comprehensive Plan is supported by a range of accompanying documents that provide detailed information on specific issues. For more in-depth understanding, it is advisable to refer to the relevant supporting documents, including the Yarrow Point Municipal Code (YPMC), the Shoreline Master Program (SMP), the Trails Master Plan (TMP), the Capital Improvement Plan (CIP), and Stormwater Management Comprehensive Plan (SMCP). These documents implement and enhance the policies and guidelines outlined in the Comprehensive Plan, ensuring a compendious and well-rounded approach to town planning and development.

Introduction

The Yarrow Point 2024 Comprehensive Plan serves as a roadmap for the future development and growth of the Town. As a vibrant community nestled on the shores of Lake Washington, Yarrow Point holds a unique charm that attracts residents to live and raise families. Yarrow Point values its small-town atmosphere and close-knit community spirit. The residents take pride in the scenic beauty that surrounds them, from the majestic lakefront views to the lush greenery that graces Yarrow Point's parks and open spaces. It is the shared responsibility of the Town and its residents to protect and enhance these treasured assets while ensuring a sustainable and thriving future for generations to come.

This Comprehensive Plan represents the collective effort of Yarrow Point's Town Council officials, Planning Commission, Town staff, and engaged community members. It is a reflection of the shared values, aspirations, and priorities which these groups hold. Through extensive research, data analysis, public input, and collaboration, the planning team has developed a comprehensive framework that addresses the unique needs and challenges of this evolving town.

Recent updates to state laws and administrative regulations necessitated the Town's significant revision of its Comprehensive Plan to align with evolving state goals. Updating the Comprehensive Plan involves public engagement, reviewing the 2015 Comprehensive Plan, considering guidance from other state and local agencies, and adoption of the plan by Town Council.

This Plan takes into account the changing dynamics of the local and regional community, including demographic shifts, technological advancements, and environmental considerations. It recognizes the need to balance growth, development, and regional guidance with the preservation of a small-town character and natural resources. With thoughtful land use strategies, transportation considerations, and environmental stewardship, the Plan strives to create a sustainable and inclusive community that meets the needs of current and future residents.

While Yarrow Point's overall character has largely remained unchanged since the last update, the Town has experienced some growth. The population has grown about 12% in the past 20 years, per the State's Office of Financial Management. This growth is projected to continue, averaging between 6 and 10 new residents per year, or just under 1% annual growth. The changes in housing characteristics reflect this growth as both household size and the number of housing units have grown in conjunction. [plots: [population](#), [housing unit size](#), [number of units](#)]

The goals and policies outlined in this plan cover a wide range of areas, including land use, transportation, housing, parks and recreation, environmental protection, economic development, and community services. They provide a framework for decision-making and guide future actions and investments. It is the Town's commitment to implement these strategies in a manner that promotes equity, resilience, and long-term sustainability.

1. Town Character

Yarrow Point, Washington is a picturesque residential community with significant stretches of Lake Washington shoreline. A portion of Points Drive NE creates a part of the southern edge of town and State Highway 520 separates a small southern portion of the Town from the majority of the Point's peninsula. Spanning approximately 231 acres, the Town boasts a network of streets stretching 4.32 miles, and is home to around 430 residences. With an estimated population of 1,125 residents, Yarrow Point offers a close-knit community experience.

Town History

With roots in the late 1880s, Yarrow Point holds a rich history as one of the earliest homesteaded areas in the region. The first land speculator in Yarrow Point was Leigh S. J. Hunt, proprietor of the Seattle Post-Intelligencer, who acquired a majority of the land in 1888. On the northern shoreline, Hunt erected an expansive estate named "Yarrow." It was in 1907 that George F. Meacham, a Scotsman, laid out the initial development plan for Yarrow Point. Meacham's efforts included lot sales and a street naming contest, emphasizing Scottish nomenclature. In 1913, Meacham donated two acres of land, which eventually became George F. Meacham-Morningside Park and, later, the Yarrow Point Town Hall site, dedicated in 1990.

[HISTORICAL PHOTO OF YARROW POINT]

The year 1916 marked a significant turning point for Yarrow Point when the construction of the Hiram M. Chittenden Locks and the Lake Washington Ship Canal lowered the water level of Lake Washington by nine feet. This transformation created additional shoreline along Yarrow Bay, forming a natural wetlands area that became a sanctuary for local wildlife.

[HISTORICAL PHOTO OF MONTLAKE CUT]

Throughout much of the twentieth century, small-scale farming ventures continued to dominate Yarrow Point, cultivating strawberries, vegetables, and holly across its 231 acres. Generations of settlers were drawn to the rustic charm of the peninsula.

As the 1950s unfolded, suburbanization began reshaping the Eastside region, giving rise to new communities. Neighboring Bellevue incorporated in 1953 and promptly expanded its boundaries through annexation. Yarrow Point incorporated as a town in 1959. Since then, the preservation of the Town's Character and the peninsula's wetlands and woodlands has remained a central focus.

The journey of Yarrow Point as a community mirrors the broader transformation from rural to suburban life that has unfolded across the Northwest over the past century. Its history is a testament to the values of its residents, their deep connection to the land, and their commitment to preserving its natural beauty and character.

Present Day

Yarrow Point is renowned for its stunning waterfront properties and access to the waters of Lake Washington. Approximately a quarter of the Town's homes enjoy waterfront locations or direct water access, allowing residents to indulge in the lake's tranquil beauty. The remaining three-quarters of residences boast a range of views, from expansive vistas to picturesque territorial scenery with public and club access to the waterfront in several locations.

The town's charming residential neighborhood is characterized by an array of elegant homes. Yarrow Point's commitment to preserving its unique character is central to its regulations and zoning codes that ensure thoughtful and harmonious development within the Town.

Residents of Yarrow Point enjoy a serene and peaceful environment enhanced by the Town's green spaces, landscaping, and parks. These natural areas provide opportunities for outdoor activities, leisurely walks, and a deep connection with nature. The town's dedication to preserving open spaces and protecting the environment adds to its allure and contributes to its residents' high quality of life.

While Yarrow Point is a residential community, it benefits from its proximity to neighboring towns and cities, including Bellevue and Seattle, offering easy access to a wide range of amenities, regional employment, and services. Residents' access and proximity to shopping districts, entertainment venues, healthcare services, schools, universities, and recreational facilities, further enrich and facilitate their daily lives.

2. Community Vision

Yarrow Point's geographic positioning provides residents access to housing, essential services, job opportunities, a well-connected transportation network, and a diverse array of cultural and recreational offerings that can be found by visiting surrounding communities. Yarrow Point maintains local control over significant policy decisions, ensuring the preservation of its distinct identity.

Yarrow Point is a residential community, enriched by access to educational institutions, recreational clubs, and regional organizations, creating an inviting environment conducive to the well-being of families and individuals. Safety, the preservation of physical and environmental characteristics, and the provision of cultural and recreational opportunities that enhance the overall quality of life in Yarrow Point are a high priority for residents.

Community surveys show that residents see themselves as stewards of the land, prioritizing tree preservation and enhancement, open spaces, clean water and air, neighborhood tranquility, and safety. Yarrow Point is committed to remaining a livable community. This commitment prioritizes addressing current needs while safeguarding the ability of future generations to meet their own. It involves a comprehensive evaluation of the economic, environmental, and social impacts of decisions through an open and transparent decision-making process.

Community engagement and leadership are essential in safeguarding and enhancing the qualities that define Yarrow Point's exceptional quality of life. Yarrow Point's vision is grounded in a set of fundamental principles that deeply influence the community's identity and steer the decision-making process.

3. Updating the Comprehensive Plan

In 1990 and 1991, the state legislature enacted two Acts that had a significant impact on growth management in Yarrow Point. The first Act, SHB 2929, mandated that all communities within King County, including Yarrow Point, undertake an inventory of critical areas. It further required updating comprehensive plans to incorporate specific elements and adopting regulations to implement these plans. The second Act, HB 1025, necessitated the development and adoption of countywide planning policies (CPPs) by King County to address regional issues. In response, each city and town within the county had to incorporate these regional concerns into their respective comprehensive plans.

[Image of Regional Planning Jurisdictional Nesting currently on YP Website]

Since the implementation of these Acts, Yarrow Point's Comprehensive Plan has undergone several updates to ensure compliance and alignment with the evolving growth management regulations. The plan was revised and updated in 1994, 2004, and 2015. These periodic updates reflect the commitment of Yarrow Point to adapt to changing circumstances, integrate critical and sensitive area inventories, and address regional concerns within the framework of the Comprehensive Plan. By adhering to these legislative requirements and keeping the plan current, Yarrow Point strives to effectively manage growth and plan for a sustainable future.

The realization of this Comprehensive Plan will involve the entire town organization working in collaboration with the Yarrow Point community and regional partners. This plan offers jurisdictional policy guidance on a wide spectrum of matters, including the Town's growth strategy, environmental preservation, and the provision of utilities, parks, and various other services.

The Comprehensive Plan serves these key purposes:

- Establishing a blueprint for guiding the Yarrow Point community towards a sustainable future that addresses environmental, economic, and social considerations. This ensures the well-being of the present generation while safeguarding the prospects of future generations.
- Enhancing public health, safety, and welfare in alignment with community values.
- Setting the foundation for municipal land use and development policies. It outlines guiding principles and goals for the creation of regulations and initiatives. These aim to foster sustainable growth within the Town while prioritizing preserving and enhancing the community's assets and natural environment.
- Strategically guiding the systematic and coordinated development of the town's land and buildings, emphasizing conservation and rejuvenation of its natural beauty and resources.
- Advocating for coordinated development patterns while cautioning against disjointed zoning or inconsistent subdividing.
- Ensuring the effective delivery of essential public services, encompassing transportation, police and fire protection, water sourcing, sewage treatment, and park facilities.

- Streamlining the introduction of sustainable public services that resonate with the community's values and requirements.

[Image of Timeline currently on YP Website]

State Planning Goals

The Growth Management Act (GMA) establishes thirteen goals that serve as the guiding principles for comprehensive planning. By adhering to these state planning goals, communities like Yarrow Point can effectively manage growth, protect natural resources, foster citizen engagement, and maintain a high quality of life for their residents. To comply with the GMA, communities must include five basic plan elements and associated information that align with these goals. A legally valid comprehensive plan must be consistent with the GMA, meaning it should not contradict the state statutory goals or countywide policies. The thirteen statutory state goals outlined by the GMA are as follows:

1. Guide urban growth to areas that can adequately provide urban services.
2. Reduce urban sprawl by promoting compact development.
3. Encourage the development of efficient multimodal transportation systems.
4. Promote the availability of affordable housing for all economic segments of the population.
5. Foster economic development throughout the state.
6. Ensure that private property is not taken for public use without just compensation.
7. Facilitate predictable and timely permit processing.
8. Preserve and enhance natural resource-based industries.
9. Promote the retention of open space and the development of recreational opportunities.
10. Protect the environment and enhance the quality of life for residents of Washington State.
11. Encourage citizen participation in the land use planning process.
12. Ensure the provision of adequate public facilities and services to support development.
13. Identify and preserve lands and sites of historic and archaeological significance.

Yarrow Point is a compact and well-established residential community. The town's land area cannot be expanded, and any population growth will primarily occur through the utilization of remaining vacant or redevelopable lots, changes in family sizes, or the inclusion of accessory dwelling units (ADUs).

It is important to note that Yarrow Point does not have a designated business district, and there is no currently available land for its development. Moreover, the residents prefer to maintain the current character of the community and are not inclined toward establishing such commercial developments at this time

County Planning Goals

Yarrow Point, as a part of King County, adheres to the countywide planning policies (CPP) established in accordance with the Growth Management Act. The Countywide Planning Policies serve as a unified framework for growth management planning across all jurisdictions within King County. This coordinated effort aligns with RCW 36.70A.210, which mandates that a county's legislative authority collaboratively establish countywide planning policies with the cities within its boundaries. These CPPs are overseen by the Growth Management Planning Council (GMPC), which convenes elected officials from King County and its constituent cities. The GMPC is responsible for developing and recommending these policies to the King County Council. These policies are instrumental in implementing the Washington State Growth Management Act and the VISION 2050 Multicounty Planning Policies adopted by the Puget Sound Regional Council (PSRC) in 2020. The PSRC is a coalition comprised of cities, towns, four counties (King, Kitsap, Pierce, and Snohomish), ports, tribes, and state agencies. The overarching goal of the CPPs is to align with VISION 2050; a regional growth plan developed through a collaborative process led by the PSRC.

The comprehensive plans for King County and the individual cities and towns within the county are subsequently crafted within the framework established by the CPPs. These policies aim to promote efficient use of existing land by establishing higher-density centers within the county and encouraging infill development. The goal is to accommodate new growth while preserving the remaining rural and resource lands.

The CPPs and their recent updates are designed to achieve six overarching goals:

- Restoration and protection of the natural environment for future generations
- Direct growth in a compact and centers-focused pattern to use land and infrastructure efficiently while safeguarding rural resource lands
- Meet the housing needs of all economic and demographic groups
- Foster economic growth and job creation for residents
- Develop an integrated and sustainable multi-modal transportation system
- Ensure access to essential public services for the well-being of all communities

4. Public Engagement Process

Yarrow Point is firmly committed to facilitating effective public participation in its decision-making processes. The Town strives to enhance the transparency and inclusivity of municipal decisions by engaging a diverse range of residents.

Public Engagement Framework

In pursuit of an improved public participation framework, the following specific objectives have been outlined:

- Elevate the transparency and responsiveness of town government.
- Enhance decision-making by considering expert insights alongside citizen perspectives.
- Expand the reach of engagement materials by offering remote and in-person engagement opportunities.
- Support informed feedback by keeping residents apprised of key legislative and planning contexts relevant to the periodic update process.

Clear and well-defined principles for public participation in government decisions are essential. They create a structured and fair framework, ensuring inclusivity and trust among stakeholders and enhancing transparency in government actions. These principles guide the Town government in deciding how and when to involve the public in decision-making, ensuring that public participation is deliberate and impactful.

These principles also promote accountability and legitimacy in government actions. They show a dedication to democratic values and ensure that government decisions align with the communities' needs, strengthening the connection between citizens and their government.

Outreach and Events

In alignment with these principles and compliance with relevant state regulations, the Comprehensive Plan Update applied several strategies to connect with residents and better reflect their vision in this periodic update. The plan aims to facilitate diverse feedback channels, connect residents with the update's purpose, and ensure transparent progress communication.

A diverse engagement strategy will be utilized, as outlined by the Public Participation Plan. Key initiatives include using digital and print newsletters for regular updates and feedback opportunities and conducting an online community-wide survey to gather opinions on local

infrastructure and resources. The town's pagodas will periodically display information about the update, providing an additional medium for community engagement.

An important aspect of the plan involves in-person interactions. Tabling events at community gatherings, such as the July 4th celebrations, promoted survey participation and acknowledge community contributions. A public open house at the Town Hall, had a large turnout. At that event staff displayed the comprehensive plan's updates, survey results, and provided residents with an opportunity to talk with town planners and elected officials.

The timeline for these activities began in May 2023, with introductory announcements in the Yarrow Point Newsletter, a detailed mailer to all residents, and informative pagoda posts. Increased engagement through tabling events occurred in July, followed by the survey's conclusion and publication of the results and analysis in September. This approach is designed to engage Yarrow Point's residents actively and effectively in shaping their community's future.

[\[Photo of Open House Event\]](#)

Public Survey

The comprehensive plan update process for Yarrow Point included a community survey that focused on actionable elements of the plan such as housing policy, infrastructure preferences, and demographic indicators. To ensure accessibility and engagement, the survey was distributed through mailers and notices at local pagodas. Additionally, a tabling event at the Point's 4th of July Pickleball tournament was used to further promote the survey and explain its purpose. Over a three-month period, the survey received 156 responses, representing 11.4% of Yarrow Point's 1,365 residents.

Survey respondents provided demographic information and opinions on various planning issues pertinent to the comprehensive plan update. Key focus areas included park and green space access, vehicle and pedestrian safety, future housing development, transportation needs, and broader issues such as climate change preparedness and environmental objectives. The survey also included an open-ended section for respondents to express their views on any relevant topic. This survey was part of Yarrow Point's mandated community engagement effort under RCW 36.70A.130. It aimed to gather community insights on vital aspects of the comprehensive plan. These responses provided a broader perspective on issues important to residents, aiding in shaping the comprehensive plan update and setting implementation strategies.

Open House

An open house, held on October 17th, 2023, served as an essential platform for presenting the early findings, assumptions, and implications of the update process to the Yarrow Point community. For those unable to attend in person, the materials were made available on the Yarrow Point comprehensive plan website, ensuring broader accessibility.

The primary goals of the open house included presenting the results and analysis from the Yarrow Point community survey, informing the public about the comprehensive plan update process and its requirements, and discussing both policy-driven and community-centric approaches to planning. These objectives aimed to foster a deeper understanding and involvement of the community in the planning process.

The event featured printed boards displaying outcomes of the community survey and planning requirements that impact the comprehensive plan update. Town planners were on hand to engage with attendees, answering questions and providing insights on various elements of the comprehensive plan. A roadmap outlining the required changes for the comprehensive plan to achieve compliance was available for review, offering a clear and concise guide for future developments. The open house was open to the general public and elected officials, ensuring a wide range of perspectives and inputs. A formal public meeting notice and a notice in the Town newsletter were issued to maximize attendance and to ensure compliance with the open public meetings act.

Engagement Outcomes

Yarrow Point residents are deeply engaged and interested in the planning of their community. The Open House was well attended and the survey received a considerable number of responses, indicating strong community interest in shaping the town's future. Discussions at the event were characterized by engaging exchanges offering insightful comments, with residents actively participating in conversations about the town's planning and development. Open house discussions served as a platform to inform residents about the update's progress, timelines, and legal requirements, ensuring clarity and transparency in the planning process.

Alongside the open house, the community survey reached a broad demographic, yielding diverse and representative feedback on key planning issues. This dual approach of events and survey provided a well-rounded perspective on the community's views and needs, crucial for the Comprehensive Plan Update. Overall, these initiatives successfully engaged the community in Yarrow Point's planning endeavors, contributing significantly to the town's comprehensive planning strategy.

Public Survey Outcomes

Survey results from Yarrow Point reveal a community deeply invested in preserving its character. Residents expressed a strong commitment to maintaining high-quality parks and valuing the town's historic tree canopy. This emphasis on environmental stewardship highlights a collective desire to protect and enhance local green spaces and natural assets.

While the theme of maintaining the town's residential nature and environmental beauty was at the forefront – safety and infrastructure also emerged as concerns. There was a general consensus on the need for improved road and pedestrian safety alongside updated infrastructure. These were largely seen as complementary to the primary goal of preserving the town's unique charm and tranquil environment.

The survey responses collectively paint a picture of a community actively engaged in shaping a future that honors Yarrow Point's legacy as a serene, residential haven, with a continued focus on single-family residences and well-maintained, accessible parks.

[Plot for "What Impact Does the Following Type of Residential Development Have in YP?"]

Outreach Outcomes

The open house facilitated an informed discussion of the evolving planning and legislative environment of Yarrow Point, with a focus on the Comprehensive Plan Update. The event showcased findings from the recent community survey and provided a platform for discussing how Yarrow Point aims to achieve the targets established by King County and the Washington State Department of Commerce. The event highlighted ongoing planning efforts within the update, emphasizing their alignment with the community's vision of Yarrow Point's unique character,

[Photo #2 of Open House Event]

Private Property Tree Code	Proposed Action: Discussion and Direction to Staff
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Presented by:	Town Planner
Exhibits:	Discussion Outline TYP Existing Private Property Tree Code

Background:

As a result of recent development activities in the Town a number of community members have brought to the attention of staff and elected officials that our current tree code does not protect trees in a manner which those residents would like to see. A petition created by residents to revise the current tree code in a manner which would protect trees in the Town has collected 75 signatures so far. The Town council and planning commission held a meeting to discuss the tree code.

At the October special joint meeting of the council and planning commission it was decided that the private property tree code should be reviewed and updated to better protect the trees, and to address technical and administrative issues in the code.

In November the Planning Commission will review the existing Tree Code and discuss approaches for updating the code.

Action Items

- Staff Presentation (15min)
- Discussion (30min)
- Vote (5min)

Options:

- Take no action
- Continue Discussion at a later meeting
- Direct Staff to research and/or revise private property tree code

Recommended Motion:

- I move to continue discussion of this topic at our next meeting without any additional staff action or research.
- I move to direct staff to research and provide a report as discussed at this meeting.
- I move to direct staff to revise the draft code as discussed at this meeting.



Town of Yarrow Point

Discussion Outline for:

Private Property Tree Code

Tree Code

At the October Special Meeting of council and planning commission, the council voted to have the tree code be updated. The approaches which were not inline with this have been struck through and the remainder are presented for discussion by the planning commission.

Possible Approaches

1. ~~Leave the Tree code as is.~~
 - ~~Staff recommendation: See approach #3.~~
2. ~~Remove the Tree code.~~
 - ~~Remove the tree code as it creates an administrative burden for the Town without providing for actual tree protections.~~
3. Update the code language for clarity and administration.
 - Revise the code, FAQ, and forms so that the code is clear, and so that the administration of the code is more streamlined.
4. Add Permit fees to cover administrative costs. May be paired with other approaches.
 - Staff recommendation: Updating the code per approach #3, add fees, and update the forms. Fees should be based on cost recovery for the Town:
 - Administrative Staff Time
 - Planner Time
 - Town Arborist Time

5. Update the tree code to incorporate additional tree protections. A list of elements which may be used and incorporated in this approach is detailed below. The list is drawn from typical strategies for protecting trees, codes from regional jurisdictions, and recommendations from concerned residents.
- Required tree retention (Life, health, and safety exclusions would apply)
 - “X” trunk diameter inches per “Y” square feet of lot minimum
 - “X” percent of lot canopy cover (Bonus percent could be given to larger trees to incentivize retention)
 - “X” number of trees per “Y” square feet (iteration on what is already in the code)
 - No removal of trees with “X” classification
 - No removal of trees with DHB above “X” inches
 - Trees in the setback to have more protections
 - Additional Tree Classification
 - Significant tree (Current classification: 18” DBH)
 - It has been proposed to lower this number to include more trees
 - Heritage tree
 - Landmark tree
 - Historic tree
 - Mitigation Trees
 - Larger size trees (Currently 10’ high, 3” caliper at base)
 - Defined species to plant
 - Define restricted species
 - Incentives for Tree Retention
 - Building Setbacks
 - Lot coverage
 - Height limits
 - Accessory uses
 - Parking requirements
 - Cash
 - Increased penalties for violations
 - Increase fines
 - Staff recommendation: Incorporate elements from all the above categories to create a holistic approach to protecting the Town’s trees, while allowing for reasonable development practices to occur.

Community Outreach and Engagement

Consideration of public engagement and outreach beyond the typical noticing of Council and Planning Commission meetings may need to be considered as this topic has both broad implications and complex community feedback. Open house events and discussion forums may be appropriate given the community context for this topic. Additional noticing including mailers may be considered as part of the process to insure that the process is inclusive of all stakeholders.

Interaction with Other Codes

The tree code interacts with our hedge code, and if an eagle protection code is passed it will have overlapping elements with that as well. Staff recommends that trees are addressed in the code as a standalone topic as much as possible. Eagles and associated eagle habitat being regulated by the eagle protection code, and hedges as part of the hedge code. If the town proposes a change to the private property tree code, relevant cross references and revisions will be incorporated during the update process.

**Chapter 20.22
PRIVATE PROPERTY TREE CODE**

Sections:

[20.22.010 Title, purpose, and intent.](#)

[20.22.020 Definitions.](#)

[20.22.030 Tree removal and minimum significant tree density.](#)

[20.22.040 Exemptions.](#)

[20.22.050 Tree removal permit – Application process.](#)

[20.22.060 Tree removal permit – Notification.](#)

[20.22.070 Tree removal permit – Expiration.](#)

[20.22.080 Tree mitigation.](#)

[20.22.085 Verification required.](#)

[20.22.090 Construction site tree protection.](#)

[20.22.100 Appeals.](#)

[20.22.110 Violation – Penalty for unpermitted tree removal.](#)

20.22.010 Title, purpose, and intent.

A. Title. This chapter shall be known as the private property tree code of the town of Yarrow Point.

B. Purpose and Intent. The general purpose of the private property tree code is to protect, preserve, and replenish significant trees on private property in Yarrow Point in order to promote the public health, safety, and general welfare of the residents of the town. The private property tree code is intended to:

1. Retain the town's existing character;
2. Maintain an equitable distribution of significant trees on properties throughout the town;
3. Mitigate the consequences of significant tree removal through tree replacement;
4. Implement the goals and objectives of the town's comprehensive plan, the town's shoreline master

program, and the State Environmental Policy Act. (Ord. 715 § 2 (Exh. A), 2021)

20.22.020 Definitions.

A. "Caliper" means the American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

B. "Crown" means the area of a tree containing leaf- or needle-bearing branches.

C. "Diameter at breast height (DBH)" means the diameter or thickness of a tree trunk measured at four and one-half feet from the ground.

D. Hazardous Tree. Any significant tree is considered hazardous when it has been assessed by a qualified professional and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption.

E. Mitigation Tree Species. Mitigation trees shall comply with the following: any evergreen tree species that has the potential to grow to the size of a significant tree or any deciduous tree species that has the potential to grow to the size of a significant tree. Species considered unsuitable for mitigation are identified in a document entitled "Yarrow Point Mitigation Vegetation," on file with the town clerk.

F. "Pruning" means the act of trimming or lopping off what is superfluous; specifically, the act of cutting off branches or parts of trees with a view to strengthening those that remain or to bringing the tree into a desired shape. Pruning that results in the removal of at least half of the live crown shall be considered tree removal.

G. "Qualified professional" means an individual with relevant education and training in arboriculture or urban forestry. The individual shall be an arborist certified by the International Society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists (ASCA). A qualified professional shall possess the ability to perform tree risk assessments, as well as experience working directly with the protection of trees during construction.

H. "Significant tree" means any tree that is at least 18 inches in diameter at DBH, as measured at four and one-half feet from the ground or any tree planted as mitigation. (Ord. 715 § 2 (Exh. A), 2021)

20.22.030 Tree removal and minimum significant tree density.

A. Removal. A tree removal permit shall be required for the removal of any significant tree.

B. Density. A minimum of one significant tree per 5,000 square feet of property shall be required and maintained following the removal of any significant tree.

C. The required tree density may be accomplished through the preservation and maintenance of existing stock, or through the planting of mitigation trees. When calculating the required number of trees per property, fractional

tree portions shall be rounded up or down to the nearest whole number.

D. Significant tree trunks that straddle a private property line shall be assigned a tree density value of 0.49 for each property. (Ord. 715 § 2 (Exh. A), 2021)

20.22.040 Exemptions.

A. Emergency Tree Removal. Any hazardous tree that poses an imminent threat to life or property may be removed prior to the issuance of a tree removal permit. The town shall be notified within seven days of the emergency tree removal with evidence of the threat or status justifying the removal of the significant tree. The notification of emergency removal shall contain a site plan showing remaining significant trees on the lot with a calculation demonstrating compliance with the minimum significant tree density. The standard of one significant tree per 5,000 square feet of property, i.e., tree density, shall be documented and may be fulfilled through the remaining trees on site or through planting of mitigation trees.

B. Utility Maintenance. Trees may be removed by the town or utility provider in situations involving actual interruption of services provided by a utility only if pruning cannot solve utility service issues. Mitigation shall be required by the underlying property owner pursuant to YPMC [20.22.080](#) (Mitigation). Utility maintenance within the right-of-way shall conform to the town's public property tree code (Chapter 12.26 YPMC). (Ord. 715 § 2 (Exh. A), 2021)

20.22.050 Tree removal permit – Application process.

A. Any property owner intending to remove a significant tree shall submit a tree removal permit application on a form provided by the town. The application shall include:

1. The name, address, and contact information of the property owner and/or agent.
2. A site plan showing the location, size, and species of all significant trees, including those proposed for removal, on the property. For applications associated with construction or site development, the site plan must also label and identify all trees within 20 feet of the proposed construction and/or site development activity.
3. A tree protection plan per YPMC [20.22.090](#) (Construction site tree protection) for applications associated with construction or site development.
4. A mitigation plan, if required per YPMC [20.22.080](#) (Mitigation), indicating the location and species for all trees to be planted.
5. The current permit fee, as established by the town council.

B. Identification on Site. Concurrent with submittal of the tree removal permit application, the owner shall identify every significant tree proposed for removal by placing a yellow tape around the circumference of the tree at the

DBH.

C. Shoreline Jurisdiction. Properties located within the town's shoreline jurisdiction (200 feet landward of Lake Washington) are subject to additional tree removal and replacement standards per the town of Yarrow Point Shoreline Master Program Section 5.6 – Vegetation Management.

D. Review by Staff and/or Town Arborist. Except in cases of emergency tree removal, the tree removal application shall be reviewed within 28 days in the case of permits not associated with development activity or shall be reviewed and issued concurrently with the site development or building permit, as applicable. (Ord. 715 § 2 (Exh. A), 2021)

20.22.060 Tree removal permit – Notification.

A notice of the proposed removal of one or more significant trees shall be posted within five business days of receipt of a complete application. The notice shall be posted by the town on site, on the appropriate mailbox pagoda, and on the town's website. The town shall send a letter via U.S. mail to all property owners abutting the site. The letter shall include a site plan with all trees identified for removal. A minimum two-week notification period shall be required prior to issuance of any tree removal permit. (Ord. 715 § 2 (Exh. A), 2021)

20.22.070 Tree removal permit – Expiration.

A tree removal permit shall expire six months from the date of issue, requiring reissuance of a new permit. (Ord. 715 § 2 (Exh. A), 2021)

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 mitigation requirements shall be met within six months of removing any significant tree. 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. Prior to planting a mitigation tree, the applicant 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. (Ord. 723 § 2, 2022; Ord. 715 § 2 (Exh. A), 2021)

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. (Ord. 723 § 3, 2022)

20.22.090 Construction site tree protection.

A. All significant trees to be retained on a construction site, and all trees on the adjacent and otherwise affected town rights-of-way, and all trees on adjacent private properties impacted by site development as regulated under YPMC Title 20, or construction as regulated under YPMC Title 15, shall be protected during such activity.

B. The property owner shall submit a report prepared by a qualified professional that evaluates the significant trees on site, as well as all trees in the adjacent areas impacted by the proposed construction. Tree protection measures shall be clearly described and illustrated on a site plan. Best management practices shall be employed as referenced in "Tree Protection on Construction and Development Sites: A Best Management Guidebook for the Pacific Northwest," or other such guidance as approved by the town arborist.

C. The town may waive the requirement for a report when it is determined by the town staff that the scope of the project will not impact the significant tree(s) on site or any trees on adjacent properties.

D. A stop work order may be issued by the building official if site tree protection guidelines are not followed. (Ord. 715 § 2 (Exh. A), 2021)

20.22.100 Appeals.

Any tree permit applicant aggrieved by any action of the town relating to a tree removal permit may, within 10 days of such action, file a notice of appeal to the town council, setting forth the reasons for such appeal and the relief requested. The town council shall hear and determine the matter and may affirm, modify, or disaffirm the administrative decision within 60 days of timely appeal. (Ord. 715 § 2 (Exh. A), 2021)

20.22.110 Violation – Penalty for unpermitted tree removal.

A. A violation of any of the provisions of this chapter shall be a civil violation and any person, corporation or other entity that violates this chapter shall receive a fine of \$10,000 per violation, plus \$1,000 per inch of diameter (DBH) for each significant tree over 18 inches DBH that is removed without a permit; provided, that the maximum fine for the removal of each significant tree shall not exceed \$25,000. It shall be a separate offense for each and every significant tree removed in violation of this chapter.

B. In addition to the penalty set forth in subsection A of this section, significant trees that were unlawfully removed or damaged shall be replaced in accordance with YPMC [20.22.080](#) (Tree mitigation).

C. Fines levied under this chapter shall be deposited into a tree mitigation account and shall be used by the town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintenance of trees within the town's public places and rights-of-way. (Ord. 715 § 2 (Exh. A), 2021)

Eagle Protection	Proposed Planning Commission Action: Discussion
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Presented by:	Town Planner
Exhibits:	Draft Eagle Protection Code

Background:

The Town is home to several known eagle nests and other eagle habitat. While Federal protections are in place for eagles, the Town has the ability to do more in the way of protecting specific sites. The goal in developing Town regulations to protect eagles is two fold. First it is to inform and facilitate compliance for property owners and persons doing work in the Town, with the existing federal regulations. This is done through the development of Maps of Eagle habitat and FAQs. Second is to create code which incorporates the federal permitting process into the Town’s permitting process. If desired the Town may adopt code and guidelines which are as restrictive or more restrictive than federal and state regulations for the protection of eagles. Even with no action taken, the federal and state protections, their enforcement, and permitting still applies.

Summary:

In April, the subject of Eagle protections was brought to the Planning Commission by commissioner Sims and Council member Smith. General background materials were presented. The commission voted to ask the council to consider adding Eagle Protection to the commission’s work plan.

At the May council meeting, the topic of Eagle Protection was considered. Council voted to add the topic to the Planning Commissions 2023 work plan, with work commencing at the next meeting.

During the May meeting, the planning commission discussed, and then directed staff to have experts on enforcement present on the matter. Staff Invited Special Agent Alec Crook with the U.S. Fish and Wildlife Service Office of Law Enforcement to 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 show their locations, along with the 330’ and 660’ radiuses, and highlight properties which are

affected. This document has been consolidated into one map which shows which properties are within the two radiuses of the known habitat.

At the June meeting, a thorough presentation on enforcement was given by Special Agent Alec Crook, Commission directed staff to prepare questions with input from them for the U.S. Fish and Wildlife Service.

Following the responses and discussion with a biologist from the regional USFWS Migratory Bird Permit Office, the commission directed staff at the July meeting to draft two letters. One to the residents of Yarrow Point, and one to the real estate agents working in the Town. The letter details the Town's position on eagle and migratory bird protections, resources with further detail, and includes the map developed by staff which shows affected properties. Commission also directed staff to draft a preliminary code outline and accompanying FAQ document. The Town's website was updated to include the contact information of the local Migratory Bird Permit Office and the map of affected parcels.

At the August special meeting, staff presented the FAQ, draft code, and public comment was heard. The commission discussed the continued need to develop better guidance for the residents of the Town. Staff was directed to develop the draft code further, finish the FAQs, confirm with USFWS which Town permits should be considered as being associated with work which may adversely impact Eagle habitat, and to contact environmental consultants for eagle habitat identification and documentation quotes and.

At the September meeting staff has updated the draft code, and have provided a copy of the National bald eagle management guidelines for review and discussion. Because the August special meeting and regular September meeting are only two weeks apart, the final FAQs are still being worked on and input from USFWS on applicable Town permits has not yet been received.

Staff has received more guidance from USFWS and researched questions regarding the permitting process, timelines, and costs associated with surveying the Town for eagle habitat and will present on this at the meeting. Staff contacted 18 environmental consulting firms to determine if there is interest in performing a Town wide eagle habitat survey and to establish rough cost estimates for this work. 4 firms indicated they would be interested in the projects, with estimated costs ranging from \$18-35,000. Developing a detailed scope and specific methodology would allow contractors to provide specific estimates which can be directly compared.

At a special joint meeting in October council and planning commission discussed the topic briefly and council decided to continue discussion at their regular November meeting. At the regular November council meeting no actions were taken by council. Eagle Protections were moved to second position on the PC work plan for 2024.

Action Items:

- Staff Presentation (5min)
- Discussion (25min)
- Vote (5min)

Commission Options:

- Continue discussion with no staff action
- Table discussion until direction is given by council
- Direct staff to revise the draft code

Recommended Motion:

- I move to continue discussion of this topic at our next meeting without any additional staff action or research.
- I move to table discussion of this topic until action has been taken by council or the tree code is complete and Eagle Protections becomes top priority.
- I move to direct staff to revise the draft code as discussed at this meeting.

Yarrow Point Municipal Code
Title 19 Draft Amendments

New: Chapter 19.06 Eagle Protection

19.06.010 Purpose, and intent

The purpose of this chapter is to protect eagles within the Town of Yarrow Point, which are seen as a community resource by requiring property owners to comply with the U.S. Bald & Golden Eagle Protection Act and the U.S. Migratory Bird Treaty Act.

19.06.020 Definitions

“Applicant” means a person who applies for any permit or approval to do anything governed by Yarrow Point Municipal Code chapter [insert development chapter codes] and who is the owner of the subject property, the authorized agent of the owner, or the Town.

“Development” shall be defined as in YPMC 17.08.010

“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, one or more of the following to occur:

- (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 Habitat” 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. .

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

“Highlighted Parcel” means a parcel which has been highlighted on the Eagle Habitat Map as being within 660 feet of Eagle Habitat.

“Known Eagle Habitat” means Eagle Habitat which is open and notorious in the community

“Qualified professional” means an individual with relevant education and training in biology and ecology. The individual shall be a biologist or ecologist with formal training in habitat surveys for birds. A qualified professional shall possess the ability to perform eagle habitat assessment, as well as experience working directly with the USFWS migratory bird office in association with Eagle Take Permits.

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

19.06.030 Statutes Incorporated by Reference

The following federal statutes are incorporated by reference:

[Legal review for definition continuity is still in progress]

50 CFR Part 21

50 CFR Part 22

19.06.040 Applicability

- A. This Chapter applies to all parcels within the Town of Yarrow Point.
- B. Parcels highlighted on the Eagle Habitat Map are those which have been confirmed as being within the 660 foot radius of known or verified Eagle Habitat and shall comply with YPMC Section 19.06.060 of this chapter.

19.06.050 Location of Eagle Habitat

- A. The Town shall prepare an Eagle Habitat Map.
 - 1. The Eagle Habitat Map shall include the entire Town and contain the following information: jurisdictional boundaries of the Town, roads, parcels, waterways, locations of known or verified eagle habitat, highlighted parcels.
 - 2. The Eagle Habitat Map may be maintained and updated by the Town on an annual basis to modify or update known or verified Eagle Habitat Locations.
- B. Eagle habitat locations not included on the Eagle Habitat Map may be reported to the Town by residents and members of the public. Reports may be submitted to the Town in writing. Reports shall include sufficient detail for the Town to verify the Eagle Habitat from a vantage point located within the public right of way or from private land if permission is granted.
- C. Upon receipt of the report, the Town may verify the Eagle Habitat by conducting a visual inspection of the reported site to confirm whether the site is an Eagle Habitat. If the Town determines that the site is an Eagle Habitat, the Town shall update the Eagle Habitat Map in accordance with YPMC 19.06.050(A).
- D. Prior to undertaking any development, the applicant shall review the Eagle Habitat Map to determine if the property includes an Eagle Habitat within 660' of anywhere on the property. If the property is not shown to have Eagle Habitat within 660', the applicant shall contact the Town to determine if there are known or verified Eagle Habitats not yet added to the Eagle Habitat Map.
- E. The Town may choose to further survey and define specific eagle habitat in proximity to an eagle nest by employing a qualified professional to conduct field work in the form of observation and documentation of eagle activity. The specific survey process would be defined by the Town based on site specific conditions. Such a report would contain at least the following information.
 - 1. The culmination of the field work would yield a report that the Town may use for eagle protection.
 - 2. The report would identify habitat based on USFWS and industry standard guidelines.
 - 3. written and photo documentation would be included to provide a basis for the habitat determinations
 - 4. GPS coordinates of habitat locations would be provided and overlaid onto aerial photographs to inform the town's eagle habitat maps
 - 5.
- F. Eagle Habitat as identified by a survey conducted by a qualified professional shall at the Towns discretion be protected from development or the impacts of development so that it may be maintained as habitat for as long as eagles frequent the habitat.

19.06.060 Exemptions

- A. Eagle habitat which is found to be in a hazardous tree as defined in YPMC 20.22.020 shall be eligible for removal under the tree permit process, in conjunction with USFWS eagle take permit process.

19.06.070 Permit requirements

- A. Any development which may disturb Eagle Habitat, including but not limited to work which requires a building permit, site development permit, ROW permit, shoreline permit, or tree permit, and is within the 660 foot radius of an Eagle Habitat shall consult the regional U.S. Fish and Wildlife Service Migratory Bird Permit Office to determine if an Incidental Take permit is necessary.
 - 1. If an Incidental Take permit is deemed necessary, the applicant shall provide the approved Incidental take permit to the Town before the Town issues any required permits.
 - 2. If an Incidental Take permit is not deemed necessary by the USFWS, the applicant shall submit to the Town such a determination from the USFWS prior to the Town issuing any Town permits.
- B. Pursuant to 50 CFR § 22.80 (c), USFWS permit holders shall comply with all avoidance, minimization, or other mitigation measures specified in the terms of the Incidental Take permit to mitigate detrimental effects on eagles, including indirect and cumulative effects, of the permitted take. Annual reports and mitigation plans, if required by USFWS, will also be sent to the Town for its records.

19.06.080 Enforcement

- A. It shall be unlawful for any person to build, erect, construct, alter, rebuild, renovate, enlarge or expand any building, structure or use within the 660 foot radius of Eagle Habitat in violation of the provisions of this chapter. Any violation of this chapter may result in a fine not to exceed \$1,000.00 and may be subject to enforcement actions set forth in YPMC chapter 1.08.

Short Term Rentals	Proposed Planning Commission Action: Discussion
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Presented by:	Town Planner
Exhibits:	Short Term Rental Draft Code

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 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 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. At the June meeting, the Town Planner presented a market analysis of existing STRs in Yarrow Point, as well as active STRs in the nearby Point Communities.

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.

At the August meeting staff presented two processes 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.

At the direction of the commission, staff have prepared a draft code which includes optional elements for review and discussion. No action was taken at the October Meeting. Town council removed short term rentals from the PC work plan for 2024.

Action Items:

- Staff Presentation (5min)
- Discussion (10min)
- Vote (5min)

Commission Options:

- Continue discussion with no staff action
- Direct staff to revise the draft code

Recommended Motion:

- I move to continue discussion of this topic at our next meeting without any additional staff action or research.
- I move to direct staff to revise the draft code as discussed at this meeting.

Yarrow Point Municipal Code
Title XX Draft Amendments

New: Chapter XX Short Term Rentals

Chapter XX.20

SHORT-TERM RENTALS

Sections:

XX.XX.010	Purpose and Intent
XX.XX.020	Definitions
XX.XX.030	Applicability
XX.XX.040	Permit requirements
XX.XX.050	Permit conditions
XX.XX.060	Suspension or revocation procedure.
XX.XX.070	Penalties.

XX.XX.010 Purpose and Intent

To provide regulation for short term rentals in the Town for the purpose of distribution, density, public health, and safety.

XX.XX.020 Definitions

“Property Representative” means any person who is named as a responsible party by the “owner” to respond to and resolve complaints made against the rental property.

"Operator" or "short-term rental operator" means any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit. **[Definition from RCW 64.37.010]**

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner. **[Definition from RCW 64.37.010]**

"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights. **[Definition from RCW 64.37.010]**

XX.XX.030 Applicability

This Chapter applies to all parcels within the Town of Yarrow Point

XX.XX.040 Permit requirements.

Any owner desiring to rent their home on a short-term basis shall make an application for a short term rental permit.

XX.XX.050 Permit Conditions.

A. The following conditions of approval shall apply to permit applications for short-term rentals:

1. **Property Representative.** The property owner must designate a property representative who shall be available 24 hours per day, seven days per week, for the purpose of:
 - a. responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and
 - b. taking remedial action to resolve any such complaints. The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file at the Town. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of approval and/or civil or criminal penalties.
2. **Occupancy.** Maximum occupancy of the rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy.
3. **Restrictions on Use.** A renter may not use a short-term rental for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.
4. **Parking.** There will be no demand for parking beyond that which is normal to a residential area and no unusual or excessive traffic to and from the premises.
5. **Signage.** No outdoor advertising signs related to the rental dwelling shall be allowed on the site.
6. **Informational Packet.** A packet of information shall be provided to renters and posted conspicuously in the common area of the short-term rental summarizing guidelines and restrictions applicable to the short-term rental use, including:
 - a. Information on maximum occupancy;
 - b. Applicable noise and use restrictions;
 - c. Location of off-street parking;
 - d. Direction that trash shall not be stored within public view, except within proper containers for the purpose of collection, and provision of the trash collection schedule;
 - e. Contact information for the local property representative;
 - f. Evacuation routes;
 - g. The renter's responsibility not to trespass on private property or to create disturbances; and
 - h. Notification that the renter is responsible for complying with this chapter and that the renter may be cited or fined by the Town for violating any provisions of this chapter.
7. **Insurance.** The property owner shall maintain on file at the Town an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.

8. Inspection. The property owner or his/her designee shall maintain on file at the Town an up-to-date certificate of inspection documenting that the dwelling complies with the provisions for transient accommodations in the International Building Code as adopted by the Town and shall obtain an appropriate certificate of occupancy. It shall be the responsibility of the property owner to schedule and pass an annual safety inspection.

9. Compliance with Town Ordinances. All short-term rentals must comply with all Town codes and ordinances

B. A short term rental permit shall be effective for one year, and shall expire one year after the date it was issued.

XX.XX.060 Suspension or revocation procedure.

If the Town has reasonable cause to believe that any of the conditions imposed upon a short-term rental permit under this chapter have been violated, the town shall have the authority to revoke the short term rental permit.

XX.XX.070 Penalties.

Any person violating any provision of this chapter shall be subject to the enforcement procedures, remedies, and the civil and criminal penalties.