



Town Planning Commission Regular Meeting

Tuesday, April 16th, 2024 – 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 – OMW
Clerk - Treasurer: Bonnie Ritter
Deputy Clerk: Austen Wilcox

Meeting Participation

Members of the public may participate in person at Town Hall or by phone/online. Individuals wishing to 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 3:30 PM on the day of the 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 you are called on 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. Commission members will not respond directly at the meeting or have a back-and-forth exchange with the public, but they may ask staff to research and report back on an issue.

Join on computer, mobile app, or phone

1-253-215-8782

<https://us02web.zoom.us/j/81894773374>

Meeting ID: 818 9477 3374 #

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**

March 19, 2024, Regular Planning Commission Meeting

6. **STAFF REPORTS**

6.1 SR Comprehensive Plan Update - (15 min)

6.2 SR Middle Housing - (5 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 - (90 min)

9. **ADJOURNMENT**

**TOWN OF YARROW POINT
TOWN PLANNING COMMISSION REGULAR MEETING
March 19, 2024
7:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in regular session on Tuesday, March 19, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PLANNING COMMISSION PRESENT: Chair Carl Hellings, Commissioners, Jeffrey Shiu, David Feller, and Lee Sims

STAFF PRESENT: Deputy Clerk Austen Wilcox, and Planner Aleksandr Romanenko

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

MOTION: Motion by Chair Hellings, seconded by Commissioner Feller to approve the agenda as presented.

VOTE: 4 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES

- February 20, 2024 Regular Meeting

MOTION: Motion by Chairman Hellings, seconded by Commissioner Sims to approve the February 20, 2024 special meeting minutes as presented.

VOTE: 4 for, 0 against. Motion carried.

6. STAFF REPORTS

Comprehensive Plan:

Planner Romanenko discussed the Utilities and Capital Facilities draft chapters of the Comprehensive Plan
Commissioners discussed.

Middle Housing:

Planner Romanenko discussed the State's passing of HB1110 and HB1337. The new legislation requires that the jurisdiction allow at least two housing units per lot in a range of configurations on all areas previously zoned for single family. If the Town does not adopt its own development regulations the State's model ordinance shall be in effect. The Commission discussed creating new code prior to the deadline in June of 2025.

7. PUBLIC COMMENT

Resident Dicker Cahill discussed:

1. A tree petition delivered to Council; there is a vocal minority; and
2. Tree code comments at March Council meeting; and
3. The new tree code draft puts burden on homeowners by creating restrictive covenants to protect trees on their properties.

Resident Steve Scalzo provided comments on the draft tree code. He sees the current draft code as discriminatory and unfair.

8. REGULAR BUSINESS

8.1 – Private Property Tree Code

The Town Council held an Open House where residents gave a range of comments on the tree code. The Council after hearing this feedback gave direction to the Planning Commission and staff to consider additional elements and give feedback and recommendations to council on those topics.

The Planning Commission discussed public comment received.

The Planning Commission discussed the following aspects directed by the Council at their March meeting:

- What would the tree fund be used for? (Assumes creation of tree fund as well)
- Impose a charge paid into a tree fund as an enforcement mechanism if mitigation trees die.
- If significant development is proposed, required to pay into a tree fund: need to
- define what “significant development” is, this is meant to be beyond what a pre-app is.
- Tree age as a consideration for “heritage trees” rather than DBH.
- Create a list of trees which are exempt from being “significant” or “heritage”. Aimed at not protecting low quality, short lived, or low value trees.
- More research into incentives to “keep trees.”

Commissioner Jeffrey Shiu left the meeting at 8:59 p.m.

The Planning Commission discussed methods to do further review. They will plan to do a study session prior to their regular April meeting.

9. PUBLIC COMMENT

Resident Steve Scalzo discussed protecting property rights and creating a balance. He appreciates the work the Planning Commission is doing for the tree code. He discussed accountability for arborist’s responsibility.

10. ADJOURNMENT:

MOTION: Motion by Commissioner Feller, seconded by Chairman Sims to adjourn the meeting at 9:41 p.m.

VOTE: 3 for, 0 against. Motion carried.

Carl Hellings, Chair

Attest: Austen Wilcox, Deputy Clerk

Comprehensive Plan Update	STAFF REPORT
----------------------------------	---------------------

Presented by:	Town Planner
Exhibits:	<ul style="list-style-type: none"> ● Draft Designed Chapter: Land Use ● Draft Designed Chapter: Housing ● Draft Designed Chapter: Utilities ● Draft Designed Chapter: Capital Facilities

Background:

The Comprehensive Plan of Yarrow Point is a strategic policy framework that guides the community's future growth and development. 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:

For this April meeting draft chapters which include graphics and maps for Land Use, Housing, Utilities, and Capital Facilities have been included for the planning commission to review. The planning team is waiting for some additional information to complete a few of the maps and graphics for these chapters, placeholders have been included to show where those graphics will be inserted.

As directed by the town council, staff has compiled the entire comprehensive plan document text into a word document which has been distributed to the planning commission and council for feedback. This feedback will be incorporated into the subsequent full draft of the comprehensive plan which will be presented to the planning commission at the May meeting.

All chapters have been reviewed at past meetings as text, and subsequently with graphics and maps. The draft comprehensive plan which planning commission will receive in May will includes the following:

Front and End Matter	Body Chapters:
Cover Page Credits Page Table of Contents Table of Figures Preface <u>Appendices:</u> Community Survey Analysis Housing Needs and Land Capacity Analysis Technical Maps and Tables List of Acronyms and Definitions	Chapter 01: Introduction Chapter 02: Land Use Chapter 03: Housing Chapter 04: Transportation Chapter 05: Parks, Recreation, and Open Space Chapter 06: Climate Change: Resilience and Sustainability Chapter 07: Tribal Planning Chapter 08: Economic Development Chapter 09: Essential Public Facilities Chapter 10: Utilities Chapter 11: Capital Facilities

Action Items

- Staff Presentation on the Comprehensive Plan (10 min)
- Q&A (5 min)

2. Land Use

2.1 Introduction

Purpose

As a cornerstone of the planning framework, the land use element serves as a foundation of many Comprehensive Plan elements. It is the basis on which the housing and transportation elements are developed and supports the rest of the plan by outlining the Town's high-level intent and approach to managing growth.

Building upon the foundation of previous planning efforts and informed by community engagement, this updated Land Use Element articulates clear goals, objectives, and policies to guide land use in Yarrow Point. Within the context of state, regional, and county goals, this element aims to reconcile these multijurisdictional mandates with the Town's intended growth management approach. The goals and policies presented herein strive to comply with these requirements while reflecting the discussions, survey responses, and feedback received from the Town's administration, staff, and community.

Planning Context

State Planning Goals

Land use planning at state, county, and local levels is guided by the Growth Management Act (GMA). This act specifies the requirements for the land use element within a Comprehensive Plan, as it is one of the nine required elements. Other elements such as the housing, transportation, and capital facilities elements reference and follow from the goals and policies in this element, as dictated by their own requirements and mandates. The requirements for the land use element are the following, per RCW 36.70A.070(1).

Within the Land Use Element and associated analysis, the town must:

- Provide a future land use map;
- Consider approaches to promote physical activity;
- Provide a consistent population projection;
- Estimate population densities and building intensities based on future land uses;
- Provide a continuum of housing development opportunities, with an emphasis on affordable and middle housing;
- Include provisions for the protection of groundwater;
- Identify open space corridors;

- Consider review of drainage, flooding and stormwater run-off;
- Designate policies to protect critical areas;
- Mitigate climate impacts and adapt resilience strategies.

Puget Sound Regional Council

The Puget Sound Regional Council (PSRC) coordinates regional growth, transportation, and economic development planning in King, Pierce, Snohomish, and Kitsap Counties. "VISION 2050" provides a regional growth strategy for efficient and sustainable use of urban lands to accommodate population and employment growth in the central Puget Sound area. Land use concerns, such as housing and employment planning targets, align with those of the Growth Management Act (GMA).

Many 2050 provisions cross over into other elements such as Environment, Development Patterns, Housing, Economic Development, Public Services, and Transportation. While "VISION 2050" strongly emphasizes creating centers of more dense mixed-use economic centers, Yarrow Point stands somewhat unique as an entirely single-family residential community, with extremely limited opportunities for

development outside of that required by HB 1110. The Housing Element and Housing Needs Analysis (HNA) may include more detail regarding land capacity and housing development opportunities.

King County Planning Policies

King County has developed and adopted a wide range of policies, most recently amended in November 2023, for the purpose of aiding development within the county to create vibrant and welcoming cities, interconnected hubs, protected natural areas, and distinct rural areas. The County defines housing targets in its Countywide Planning Policies (CPPs), which require assessing the Town's land use to determine if the existing conditions support future growth requirements. These targets are discussed further in the Housing Element and even more in-depth in the Housing Needs Analysis.

Per the King County CPPs, Yarrow Point is designated as urban land, "where new growth is focused and accommodated" (CPP DP-1a). As part of the urban growth area, the CPPs designate growth targets to urban jurisdictions to manage the pattern of growth and development across King County.

2.2 Land Use & Growth in Yarrow Point

Based on current growth trends, Yarrow Point’s population may be expected to grow to 1,300 residents by 2044. The Town’s population has grown about 14% in the prior 20 years. Based on the findings of the HNA, significant changes to the Town’s land use code may be considered to accommodate that growth. Some changes will be required, such as middle housing and accessory dwelling unit changes imposed by recent state legislation. Others may be considered as the Town can assess and reflect on how those changes take shape over the near to medium-term future.

Land Use and Zoning

Yarrow Point has 439 individual lots, per the King County Assessor and Town records as of March 2024. The town primarily comprises single-family residential developments with limited public use areas. Yarrow Point has no commercial, mixed-use, or multi-family land uses. Notable public and open space areas include the Wetherill Nature Preserve and Morningside Park, which houses the Town Hall.

Zoning

Since its incorporation in 1959, the Town of Yarrow Point has maintained a straightforward zoning scheme primarily focused on residential areas. The town is divided into two residential zones, each distinguished by lot size. The zoning designation reflects the as-developed conditions prevalent at the time of incorporation.

The first zone, known as the R-12 Zone, encompasses the town's interior between 92nd Avenue NE and 95th Avenue NE, north of NE 36th Street. In this area, lots are designated at

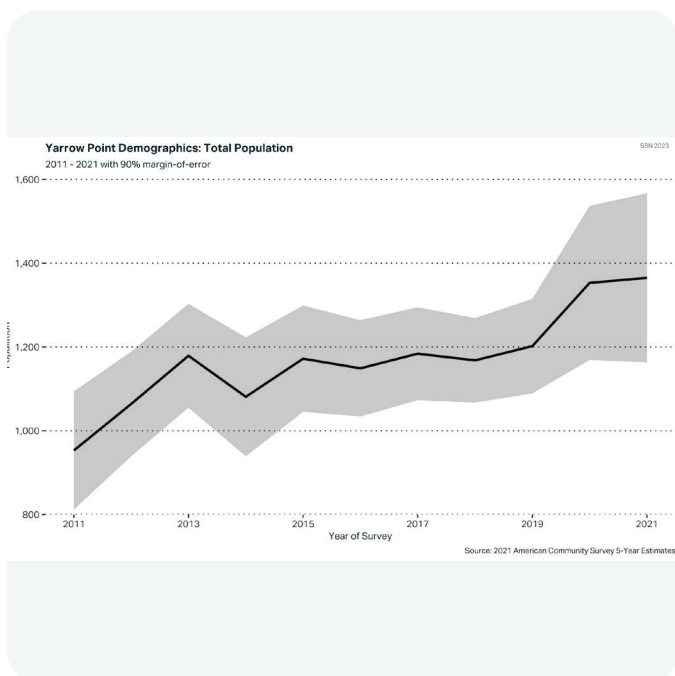


Figure 80. Total Population (SBN, 2024)

12,000 square feet each. This zoning choice aligns with the prevalent lot sizes in this region during the town's early development.

The remaining areas of the town fall under the R-15 Zone designation. Here, lots are designated at 15,000 square feet each, reflecting a slightly larger lot size than the R-12 Zone. This zoning decision likely accommodated varying development patterns and lot sizes present in these areas during the town's incorporation.

The zoning framework of Yarrow Point reflects a historical context rooted in the town's early development patterns. The delineation of residential zones based on lot size aims to maintain consistency with existing neighborhood character while providing a framework for future development and land use decisions. This framework for land use planning reflects the goals and aspirations of the Town over the 20-year planning horizon.

Land Use and Zoning Designations

Zoning and Land Use			Density in Units / Acre			
Zoning Designation	Comp Plan Land Use	Description	Currently Allowed	Achieved	Future Allowed	Planned
R-12	Residential	Single-family residential with a minimum lot size of 12,000 square feet	3.63	2.82	7.26	5.64
R-15	Residential	Single-family residential with a minimum lot size of 15,000 square feet	2.90	1.97	5.81	3.93
P	Parks and Open Space	Designated park lands and open spaces with opportunities for recreation and/or conservation	0	0	0	0

Figure 81. Table LU-1: Land Use and Zoning Designations and their Densities

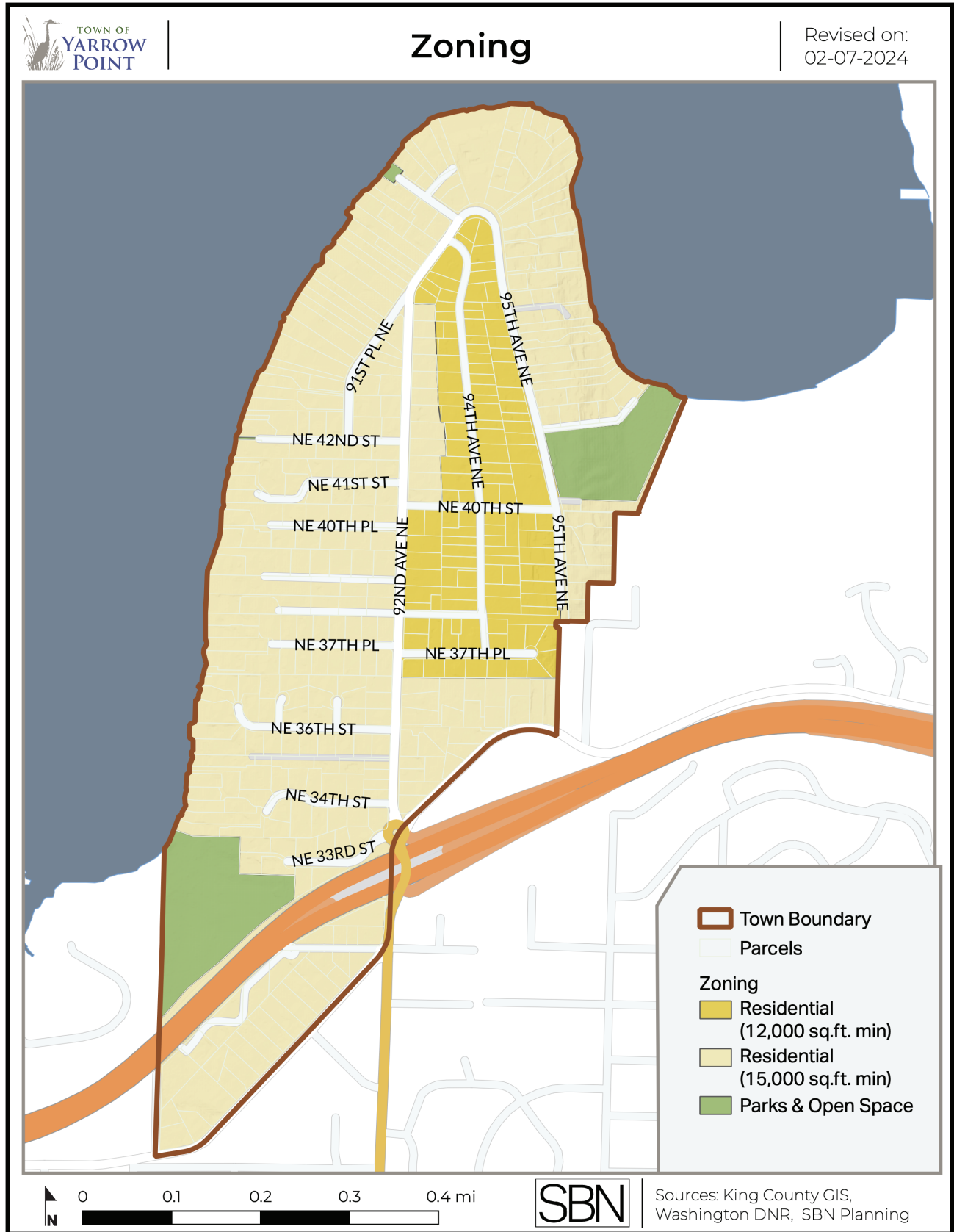


Figure 82. Map of Zoning Designations (SBN, 2024)

Residential Land Use

In both the R-12 and R-15 zones within the Town of Yarrow Point, single-family dwellings are the predominant and primary permitted use. This emphasis on single-family residences reflects the town's commitment to maintaining its residential character and preserving the quality of life for its residents. The currently allowed densities per zone are outlined in Table LU-1, where "Allowed" densities are the number of units per acre assuming maximum efficiency and "Planned" densities are the number of units per acre currently achieved on existing lots. Future densities assume 2 units per lot under middle housing implementation and a similar efficiency to the current conditions. These figures may change based on final implementation and the intensity and efficiency of development.

While single-family dwellings are the primary focus of residential development, the zoning code does permit particular accessory uses that complement and support the primary residential function. These accessory uses may include amenities such as detached garages, home offices, or guest cottages, which enhance the residential properties' functionality

and livability while maintaining the neighborhood's overall character.

It is worth noting that Yarrow Point has limited remaining lots suitable for further subdivision. This scarcity of available land for subdivision underscores the town's commitment to responsible land use practices and preserving its existing residential neighborhoods. By carefully managing and regulating development within these zones, the town seeks to ensure that any new construction or modifications are consistent with the established character and scale of the community.

Despite limited land available for subdivisions, the increase in allowed and planned density of the Town due to recent legislative requirements will increase the capacity for housing in the jurisdiction. This is detailed in the HNA, but the densities allowed will support the ability to redevelop lots suitable for increased capacities. Additionally, given the large lot sizes across the Town, there is a substantial amount of land suitable for the infill of different kinds of housing. Some larger lots are suitable for accommodating entirely new residential structures in addition to the existing structure. Others can accommodate an ADU

without any issue under current zoning regulations. Ultimately, residents will decide what they do with their land, but the Town has the capacity to meet the county's growth targets under the current zoning and land use policy.

Public Facilities

In the Town of Yarrow Point, critical public facilities serve as focal points for community gatherings, recreation, and administrative functions. The Town Hall, situated on the northwestern corner of Morningside Park and abutting 95th Avenue NE, is a central hub for municipal operations and civic engagement.

Following the completion of the Town Hall building, the adjacent land to the east underwent significant development to enhance its usability and aesthetic appeal. Approximately 600 cubic yards of fill were strategically placed to level and grade the area, transforming it into a sprawling lawn that now serves as a versatile space for various recreational activities and town functions. This expansive lawn area provides residents ample opportunities for leisurely strolls, picnics, and community events, fostering a sense of

connection and camaraderie among neighbors.

Adjacent to the Town Hall, a sports court was constructed in 2011, further expanding the recreational offerings within the town. This facility provides residents with opportunities for organized tournaments, recreational play, and social gatherings throughout the year. Whether engaging in a friendly pickleball game or taking a leisurely stroll through the park, residents of all ages can enjoy active and healthy lifestyles while fostering a sense of community spirit.

These public facilities not only contribute to the



Figure 83. Yarrow Point Town Hall (Smith, 2023)

overall quality of life for Yarrow Point residents but also serve as catalysts for community cohesion and engagement. By providing accessible and well-maintained spaces for recreation, social interaction, and municipal services, the Town of Yarrow Point continues to nurture a vibrant and inclusive community where residents can thrive and connect with one another.

Parks/Open Space

Morningside Park, Road's End Beach, and Wetherill Nature Preserve are crucial in shaping the town's residential landscape. These green spaces provide residents recreational opportunities and contribute to the town's overall character.

Morningside Park, located amidst residential neighborhoods, offers residents a quiet retreat for outdoor activities such as picnicking and walking. Its central location ensures accessibility for all residents, fostering a sense of community.

Road's End Beach, situated along Lake Washington, is a popular spot for waterfront relaxation and recreation. Its sandy shoreline provides residents



Figure 84. Wetherill Nature Preserve (Smith, 2023)

with opportunities for swimming and sunbathing, enhancing the town's recreational offerings.

Similarly, Wetherill Nature Preserve offers residents a natural retreat with hiking trails and opportunities for birdwatching. These parks contribute to the town's quality of life by providing accessible outdoor spaces for residents to enjoy and connect with nature.

Yarrow Point's parks, open space, and opportunities for recreation are more fully described in the Environment Element, and within the Trails Master Plan.

Land Use & The Environment

The Town of Yarrow Point prioritizes protecting and managing its natural resources through various regulatory frameworks and ordinances. Development along the shores of Lake Washington, within 200 feet, falls under the jurisdiction of the Town's Shoreline Master Program.

Critical areas, including wetlands, aquifer recharge areas, fish and wildlife habitats, flood-prone zones, and geologically hazardous areas, are addressed in accordance with the Growth Management Act. Wetlands identified through studies such as Shannon & Wilson's 2002 reconnaissance are considered under the town's Shoreline Master Program. A

critical areas ordinance is both required and crucial to protecting these sensitive areas and preserving Yarrow Point's distinct geography.

The Lake Washington shoreline, Morningside Park, and the Wetherill Nature Preserve provide essential habitats for various wildlife species, including fish, waterfowl, birds, raptors, and small animals. Erosion-prone areas, identified in the Shoreline Analysis report, are subject to engineering and construction requirements to ensure public safety. Soil types within the town primarily consist of Alderwood gravelly sandy loam, Bellingham silt loam, and Seattle muck.



Figure 85. Wetherill Nature Preserve Shoreline (Smith, 2023)

2.3 Essential Public Facilities Goals and Policies

Goal L-1: Preserve and enhance the quality of life within the Town through appropriate land use measures that provide for projected needs and are consistent with the comprehensive plan.

- **Policy L-1.1:** Accommodate mandated housing densities and typologies in harmony with the Town's existing character, as required by state and regional policy.
- **Policy L-1.2:** Ensure zoning and land use work in partnership to preserve the Town's character and support current and future residents.
- **Policy L-1.3:** Assess existing and future land use and zoning designations to identify whether they support the Town's ability to meet housing targets and other regional requirements.
- **Policy L-1.4:** Reassess land use measures following implementation at regular intervals to determine the impact on the Town's quality of life, population growth, and public facilities. Use findings to adjust or revise future land use and zoning designations as needed.
- **Policy L-1.5:** Follow regional and state updates to land uses in the region to maintain compliance and concurrency with broader regional land use patterns and developments.
- **Policy L-1.6:** Provide opportunities for inclusive engagement when making land use policy decisions, allowing residents to engage with the growth management and land use process.

Goal L-2: Promote an active and healthy community.

- **Policy L-2.1:** Ensure the preservation of open space and the orderly development of green belts, parks, and public spaces.
- **Policy L-2.2:** Preserve all existing parks for passive and active recreational use where possible.
- **Policy L-2.3:** Maintain existing public access points to Lake Washington.
- **Policy L-2.4:** Explore creative approaches and partnerships to expand public parks and open spaces for Town residents.
- **Policy L-2.5:** Assess possible improvements to the active transportation network.

Goals and policies continue on the next page

Goal L-3: Ensure public facilities and infrastructure are developed concurrently with current and future land use plans to maintain and improve the Town's high quality of life.

- **Policy L-3.1:** Maintain existing public facilities and evaluate the need for new facilities within the town following regular assessments of land use patterns in response to new policies, mandates, or regional trends.
- **Policy L-3.2:** Coordinate land use decisions with capital improvement needs for public facilities, including streets, sidewalks, lighting systems, traffic signals, water, storm and sanitary sewer, parks and recreational facilities, and cultural facilities.
- **Policy L-3.3:** Support the design and maintenance of a transportation network that reinforces community land use goals and policies.

Goal L-4: Protect critical areas, natural resources, and the environment of the Town.

- **Policy L-4.1:** Adopt a formal Critical Areas Ordinance that applies the Best Available Science to determine which portions of the Town are Critical Areas and how to best protect them.
- **Policy L-4.2:** Continue to coordinate with county, state, and federal agencies to support environmental protections relevant to the flora, fauna, land, and waters relevant to the Town.
- **Policy L-4.3:** Deepen understanding of existing species of flora and fauna in the Town and assess any possible protection measures through land use policies and development regulations for the safety and preservation of local ecology.
- **Policy L-4.4:** Protect and restore native vegetation, wetlands, and other key natural resources and encourage continued stewardship.

3. Housing

3.1 Introduction

Purpose

As an integral part of the Yarrow Point (YP) comprehensive plan, this housing chapter outlines the strategies, goals, and policies that will guide the development and management of housing within the community. Housing, as defined within the Growth Management Act (GMA) framework, encompasses a broad range of residential options that provide shelter and accommodation for individuals and families.

Key Definitions

Emergency Housing: Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that are intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

Emergency Shelters: A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelters may

not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Displacement: The process by which a household is forced to move from its community because of conditions beyond its control.

Displacement Risk: The likelihood that a household, business, or organization will be displaced from its community.

Exclusion of Housing: The act or effect of shutting or keeping certain populations out of housing within a specified area, in a manner that may be intentional or unintentional, but which nevertheless leads to non-inclusive impacts.

Racially Disparate Impacts: When policies, practices, rules, or other systems result in a disproportionate impact on one or more racial groups.

Permanent Support Housing (PSH): Subsidized, leased housing with no limit on length of stay that prioritizes

people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into the housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment or employment services.

Planning Context

State Planning Goals

The Washington State Growth Management Act (GMA) outlines specific goals and mandates concerning housing planning. As outlined in the GMA, comprehensive plans must include:

“A housing element ensuring the vitality and character

of established residential neighborhoods.” - RCW 36.70A.070(2)

RCW 36.70A.070(2) details comprehensive plan requirements for a housing element. This includes:

- An inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the Department of Commerce
- A statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes
- Identification of sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households
- Adequate provisions for existing and projected needs of all economic segments of the community
- Consideration, analysis, and policies which work to mitigate and undo racially disparate impacts and displacement

Regional Planning Goals

Beyond its obligations under the Growth Management Act (GMA), Yarrow Point must also adhere to the standards set by the Countywide Planning Policies (CPPs) for King County and the Multi-county

Planning Policies (MPPs) formulated by the Puget Sound Regional Council (PSRC), as documented in "VISION 2050". These policies reinforce the need for communities to identify sufficient capacity of land suitable for housing that serves a broad range of community members. The CPPs specifically urge cities within King County, such as Yarrow Point, to create and implement policies and programs dedicated to preserving and developing housing that serve all economic segments of the population. The CPPs also establish housing targets, which Yarrow Point must demonstrate it has the land capacity to accommodate. Recent legislation has mandated that the analysis of these targets not only considers the total capacity of housing units but also considers how housing in each zone may support each income bracket.

Emphasizing the importance of regional collaboration, "VISION 2050" directs local governments in the PSRC's four-county area to "Address affordable housing needs by developing a housing needs assessment and evaluating the effectiveness of existing housing policies, and documenting strategies to achieve housing targets and affordability goals. This includes documenting programs and actions needed to achieve housing availability, including gaps in local funding, barriers such as development regulations, and other limitations (H-Action-4)." This policy underscores the significance of a unified and data-driven approach in managing and enhancing housing access across the region. The housing shortage observed across much of Western Washington requires a significant collaborative effort across the region, supported by PSRC's policies.

Land Use and Zoning Designations

Year	Total	PSH	0-30%	30-50%	50-80%	80-100%	100-120%	>120%	EH*
Target: 2044	423	2	8	7	9	20	39	338	2
Baseline: 2019	413	0	4	4	8	20	39	338	0
Needed Growth	10	2	4	3	1	0	0	0	2

* Emergency Housing Units are temporary and not considered in the "needed growth" sum as they are an entirely separate type of housing. While they must still be accommodated, the units and analysis required differ significantly from permanent housing.

Figure 86. Table H-1: Yarrow Point Housing Targets and 2019 Baseline

3.2 Housing Characteristics

To preserve the unique character of Yarrow Point, it is crucial to understand the community's housing development history. By examining past trends, this plan can better gain insights into the evolution of the built environment and shape future housing decisions accordingly. This chapter will explore the historical context of YP's housing development, highlighting key factors influencing the community's character and architectural styles.

Through public engagement efforts, Yarrow Point has actively sought input from residents, gathering their opinions, concerns, and aspirations regarding housing. The findings from these engagement efforts will inform the goals and policies outlined in this chapter, ensuring that they reflect the community's needs and desires.

History of Development and Housing

The history of Yarrow Point traces back to the early settlement days of the Puget Sound region. In the early years of Yarrow Point's history, the area was primarily characterized by small farming enterprises. Spanning 231 acres, these farms cultivated strawberries, vegetables, and holly,

creating a picturesque landscape. One prominent figure in Yarrow Point's agricultural history was Edward Tremper, who acquired land in 1902. Tremper imported holly stock from England and planted it on his property, ultimately establishing the largest holly farm in the United States by the 1920s.

To support the farming operations, workers of Japanese descent came to Yarrow Point, finding employment with Tremper and leasing land for their own strawberry and vegetable cultivation. However, the onset of World War II brought about a dark period in Yarrow Point's history. The policy of Japanese-American internment forced the Japanese residents of Yarrow Point and other areas in the Northwest into internment camps. Families were uprooted from their homes and livelihoods, disrupting the agricultural community that had flourished in Yarrow Point. Few Japanese families returned to Yarrow Point after WWII. Yarrow Point, as well as the majority of Bellevue, continues to contend with this history.

Two individuals significantly influenced the history of Yarrow Point. Leigh S. J. Hunt, owner of the

Seattle Post-Intelligencer, purchased land in 1888 and named his estate "Yarrow," inspiring the town's name. George F. Meacham, a Scotsman, filed the first development plat in 1907 and named the streets with Scottish names. Meacham also donated land for a park, later becoming the Yarrow Point Town Hall site. Their contributions shaped Yarrow Point's identity and commitment to open space.

Town Character

Yarrow Point's history reflects a transition from rural farmland to suburban development in the late 19th and early 20th centuries. With the improvement of transportation infrastructure, Yarrow Point's scenic waterfront location became increasingly desirable for those seeking a serene and picturesque lifestyle. This shift in perception resulted in the establishment of early housing developments catering to residents drawn to the area's natural beauty and waterfront access.

Yarrow Point was incorporated in 1959 to preserve its community character and prevent commercial development near Yarrow Bay. While Yarrow Point is an incorporated jurisdiction, it functions more like

that of a mature residential neighborhood. The town consists of single-family dwellings, contributing to a highly stable housing market. After incorporation, there was a minor surge in land development, resulting in approximately 95 new building sites. However, due to limited available land, growth has been slower since then.

Housing Type and Variety

Promoting housing variety is essential in addressing affordability challenges in our region. Yarrow Point predominantly consists of single-family homes. In accordance with RCW 36.70A.070 and the 2021 WAC 365-196-300 update, Yarrow Point addresses the preservation, enhancement, and expansion of housing, encompassing single-family homes and introducing moderate-density housing options. The Town of Yarrow Point might consider incorporating missing-middle housing, which bridges the gap between single-family homes and mid-rise multi-family buildings. This housing category includes new constructions on small lots, duplexes, triplexes, fourplexes, townhouses, cottage housing, and courtyard housing while maintaining Yarrow Point's distinctive character and quality..

3.3 Housing Supply and Needs

While this element covers some existing housing stock and capacity analysis, a more in-depth report on these topics can be reviewed in the Housing Needs Analysis Report – located in the appendices of this plan. What follows intends to offer a high-level overview of the results of that analysis.

Demographics and Inventory

Although officially incorporated as a Town, Yarrow Point operates with the characteristics of a mature residential neighborhood. The town's landscape is entirely composed of single-family dwellings on large lots with high land and improvement values. While

some ADUs may exist on a few lots, the Town does not collect any formal data on the presence of ADUs at this time.

Housing tenure leans heavily towards ownership, with just 7% of units in the Town occupied by renters – per the 2022 American Community Survey 5-year estimates (ACS). Most units are occupied consistently, with a vacancy rate of around 8%. The lack of rentals and high cost of housing in Yarrow Point poses some affordability issues, as few homes exist in brackets affordable to those making less than 120% of the Area Median Income (AMI).

Housing Units by Housing Area HAMFI Brackets

AMI Bracket	AMI \$	Monthly Rent (30% of Income)	Number of Rental Units in Bracket	House Price*	ACS Home Values in this Bracket
0-30%	\$43,950	\$1,099	0	\$160,000	1
30-50%	\$73,250	\$1,831	1	\$270,000	1
50-80%	\$117,200	\$2,930	5	\$430,000	1
80-100%	\$146,500	\$3,663	24	\$540,000	3
100-120%	\$175,800	\$4,395		6	
120%+^	\$177,265	\$4,432		408	

* Assuming no additional debt and 20% Down Payment at a 29% Debt-to-Income Ratio
 ^Unlike previous rows, all price and income values in this row are the lowest, not highest, value
 Bolded values are significantly non-zero

Figure 87. Table H-2: Breakdown of Housing Units by HAMFI Brackets

Approaches to Affordable Housing

In compliance with RCW 36.70A.070, this Housing element addresses the importance of identifying houses for moderate, low, very low, and extremely low-income households. Yarrow Point already has a housing stock that sufficiently addresses the high-income bracket (>120% AMI). The Town just needs one unit in the middle-income (80-120% AMI) and nine in the low-income bracket (0-80% AMI). This does not preclude market-rate housing from new construction but does place the onus on the Town to accommodate housing types that support these lower income brackets more effectively than the Town currently does. In addition to housing types that support more affordable housing, successful incentives and/or programs could support lower-income housing development.

Recognizing the importance of addressing housing needs, the King County Comprehensive Plan emphasizes inter-jurisdictional cooperation and public/private partnerships. To assess these needs, King County designated ARCH (A Regional Coalition for Housing) to prepare the "East King County Housing Analysis" in accordance

What is Affordable Housing?

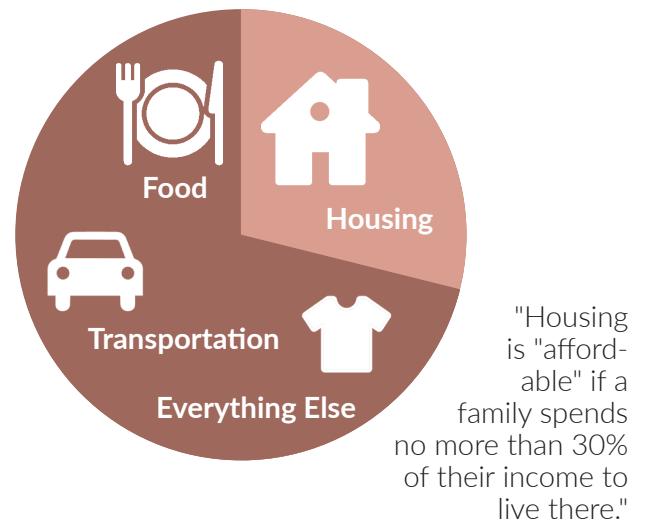


Figure 88. What is Affordable Housing? (Corn, 2024)

with RCW 36.70A.070(2). Yarrow Point actively participates in addressing affordable housing through various initiatives.

Yarrow Point's commitment to affordable housing is evident in its allowance for accessory building units and financial support for ARCH. As a member of ARCH, an Eastside consortium of cities pooling resources for affordable housing development, Yarrow Point reaffirmed its commitment in 2024 by endorsing the ARCH Work Program and Administrative Budget. The town contributed \$8,500 specifically allocated to projects including Spring District Transit-Oriented Development,

Larus Senior Housing, Overlake Transit-Oriented Development and administrative expenses. By engaging in ARCH, Yarrow Point contributes to a regional, action-oriented approach to addressing affordable housing needs in partnership with neighboring jurisdictions and regional agencies.

Racial Equity Analysis & Displacement Risk

Pursuant to the 2021 RCW 36.70A.070(e) update, the new plan must address how local policies and regulations result in racially disparate impacts, displacement, and exclusions. Given the

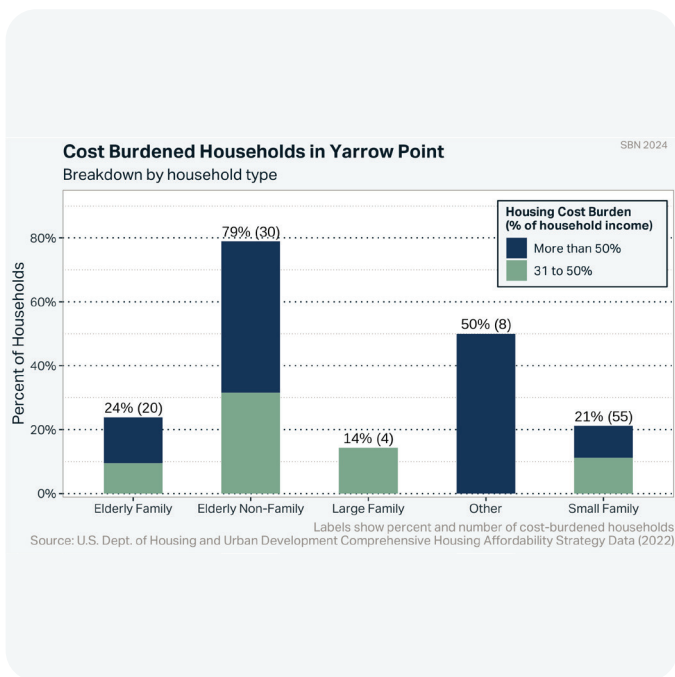


Figure 89. Housing Cost Burden By Type (SBN, 2024)

community's relatively high average income levels at a median income of \$250,001 per year in 2020, the likelihood of displacement is minimal. PSRC's Displacement Map identifies Yarrow Point as a "lower" displacement risk from a scale of "lower" to "higher" – indicating a lack of risk of traditional displacement in the Town.

Despite this, the housing cost burden among elderly households may present a distinct displacement and aging-in-place issue for the Town. Over a third (41%) of owned elderly family households pay over 30% of their income to housing costs. Among the middle and lower income brackets (under 80% HAMFI), that increases to 89%. These numbers present concerns for Yarrow Point as its population demographics include a slightly higher proportion of elderly people than the regional average.

As the majority of Yarrow Point is zoned for single-family housing, it is important to address how the legacy of similar zoning policies has historically been used to enforce racial and economic segregation, increasing disparities in

housing opportunities and wealth accumulation. Single-family zoning can exclude affordable housing options like duplexes or townhouses, limiting socioeconomic diversity. Recent legislation, including HB-1110 and 1337, have mandated middle housing and ADU provisions that expand the housing options available to Yarrow Point residents and mitigate some of the possible racially disparate impacts of the existing zoning. As development regulations considering these changes are incorporated, the Town may reassess the equity and impacts of these changes on the jurisdiction's population.

Additional Capacity

Based on the Housing Needs Analysis, Yarrow Point does have the overall capacity to meet its housing targets. Successfully reaching the income-based targets will depend on whether required middle housing and ADU provisions alone bridge the affordability gap in the Town over the next 20 years. In the meantime, the Town should continue to thoughtfully assess the impacts and possible progress these changes make on housing affordability in the jurisdiction.

Land Use Capacity Breakdown by Zone

Zoning	Existing Units	Vacant	Partially Used	Infill	Vacant	Partially Used	Infill	Market Capacity
12	97	14	10	10%	15%	30%	0-30%	19
15	284	70	76	10%	15%	30%	0-30%	132

Figure 90. Table H-3: Land Capacity Breakdown by Zone: Additional Unit Capacity and Market Factor

Additional Housing Capacity

Revised on:
02-15-2024

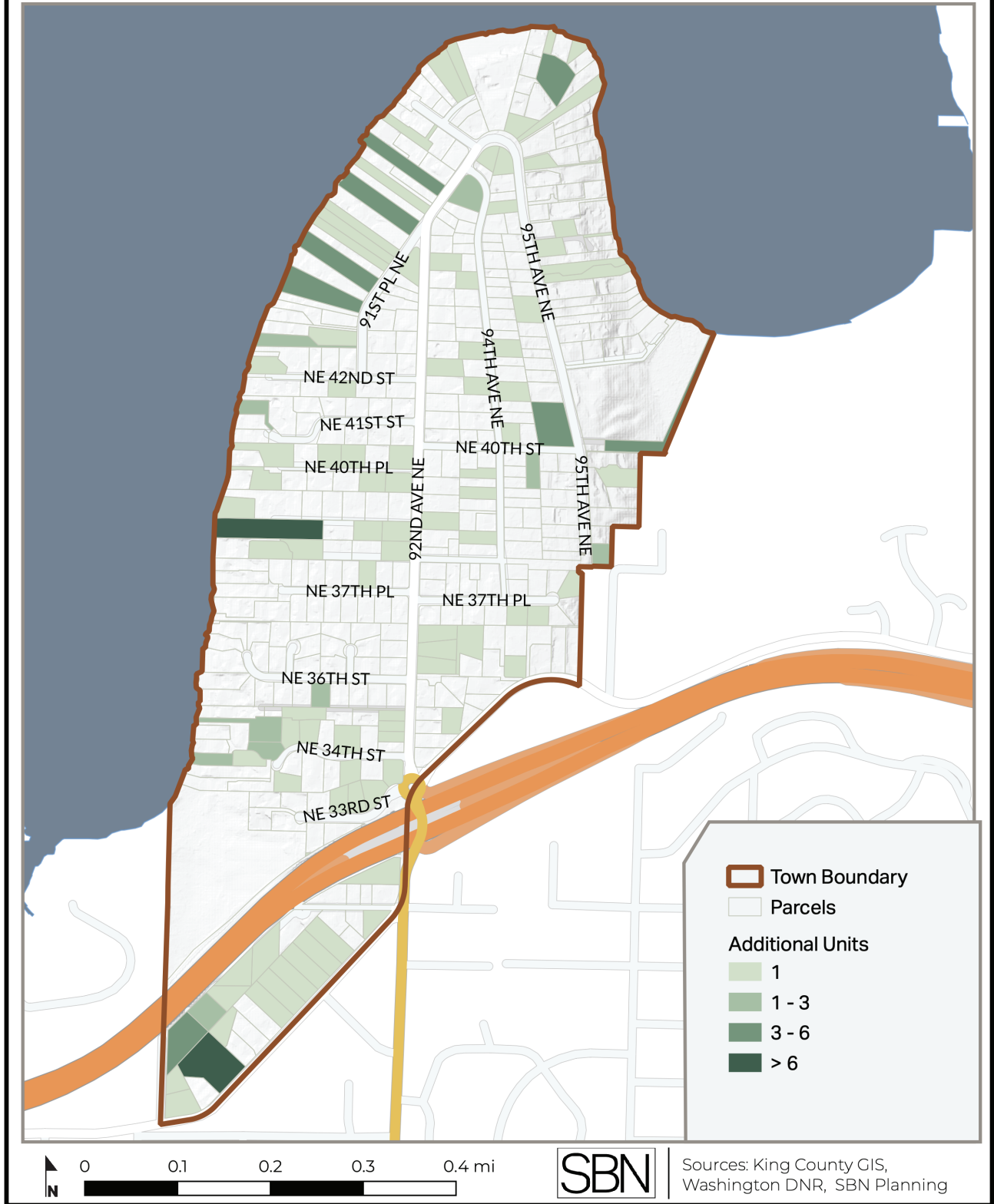


Figure 91. Map of Additional Capacity by Lot (SBN, 2024)

3.4 Housing Goals and Policies

Goal H-1: Preserve and foster housing development harmoniously with the existing high-quality neighborhood character.

- **Policy H-1.1:** Continue maintaining the existing housing typologies that define Yarrow Point's history and community.
- **Policy H-1.2:** Support the development of more affordable housing units that maintain the Town's character and approach to housing.
- **Policy H-1.3:** Develop regulations that ameliorate additional housing typologies within the context of Yarrow Point's existing character.
- **Policy H-1.4:** Adhere to state building code standards

Goal H-2: Expand housing choices in accordance with state regulations.

- **Policy H-2.1:** Develop middle housing regulations in line with public feedback and state requirements, ensuring that new typologies fit in with existing Yarrow Point housing.
- **Policy H-2.2:** Support changes to the Town's accessory dwelling unit regulations to maintain compliance with state regulations in support of increased housing options.
- **Policy H-2.3:** Periodically assess the success of these new and expanded housing typologies in addressing affordability gaps and consider other possible housing options in the Town.

Goal H-3: Achieve a mix of housing types that are attractive and affordable to a diversity of ages and abilities.

- **Policy H-3.1:** Encourage and support accessible design and housing strategies that allow seniors to remain in their own neighborhoods as their housing needs change.
- **Policy H-3.2:** Encourage a range of housing types that provide an affordable alternative to single-family ownership and options for aging-in-place.
- **Policy H-3.3:** Periodically assess zoning regulations to ensure they do not unfairly limit group homes or housing options for individuals with special needs. Reasonable accommodations will be considered in rules, policies, practices, and services to provide equal opportunity for individuals with disabilities to use or enjoy dwellings.

Goals and policies continue on the next page

Goal H-5: Foster housing strategies that meet the current needs of the community while safeguarding its future.

- **Policy H-5.1:** Encourage housing development in ways that protect the natural environment.
- **Policy H-5.2:** Support the adoption of a critical areas ordinance that balances development considerations with environmental impact.
- **Policy H-5.3:** Promote at-home energy conservation and renewable energy sources.
- **Policy H-5.4:** Maintain SEPA thresholds that allow for environmental reviews of projects that may substantially impact the local environment.

Goal H-4: The Town will continue to support affordable housing efforts in the Town and region.

- **Policy H-4.1:** Support the construction of housing types that are available to very low, low, and moderate-income households.
- **Policy H-4.2:** Encourage affordable housing options that are compatible with the City's high-quality residential setting including the preservation and rehabilitation of older housing stock to create affordable housing.
- **Policy H-4.3:** Continue participation in inter-jurisdictional organizations to assist in the provision of affordable housing on the Eastside.
- **Policy H-4.4:** Continue contributing to agencies that support affordable housing, including A Regional Coalition for Housing (ARCH).

10. Utilities

10.1 Introduction

Purpose

The Transportation Element within the Comprehensive Plan for the Town of Yarrow Point aims to outline a set of goals and policies that will direct the development of surface transportation. This directive aligns with the overarching aims of the Comprehensive Plan, ensuring a unified approach to urban development.

The Transportation Element is linked with several other components of the Comprehensive Plan. It covers a broad range of topics, including roadway classifications, level of service standards, and the incorporation of transit and non-motorized modes of travel.

This Element addresses existing and future land use and travel patterns, laying out a framework for future travel projections. It covers transportation system improvements, financing avenues, and concurrency management strategies. The foundation of the Element is its technical basis, which informs the development of the transportation system and guides the implementation of existing and future



Figure 92. SR-520 Roundabout (Smith, 2023)

transportation improvement projects and facilities. These are all steered by the transportation goals and policies outlined in the Comprehensive Plan.

Planning Context

State Planning Goals

This chapter covers a strategic approach for ensuring adequate utility services, which are necessary to accommodate the required growth targets outlined in the Land Use Element of this plan. In alignment with

the Growth Management Act (GMA), it emphasizes the necessity for essential facilities and services—such as wastewater management, water supply, solid waste handling, electrical services, and other critical urban utilities—to be developed concurrently with new growth (RCW 36.70A.070). The responsibilities of local jurisdictions are clearly outlined, with a focus on facilitating the availability of utility facilities as demand arises.

This comprehensive plan element is designed to operate in synergy with the Land Use and Capital Facilities elements. The objective is to guarantee that the Town of Yarrow Point possesses the necessary utility infrastructure to support current and future residents.

King County Planning Policies

In accordance with the King County Countywide Planning Policies, this chapter also underscores the importance of providing sufficient infrastructure for planned development within the King County Urban Growth Boundary.

King County's Countywide Planning Policies(CPPs)

emphasize the importance of sustainable management of natural and infrastructural resources to support regional growth and environmental sustainability. This includes the conservation and efficient use of water resources necessary for ensuring a reliable water supply for current and future residents and maintaining the environmental health of the system. Within the Urban Growth Area, the focus is on connecting to sanitary sewers to support urban densities and the Regional Growth Strategy, with an openness to cost-effective alternative technologies that perform on par with or better than traditional systems.

The CPPs encourage a commitment to effective waste management in recycling initiatives, aiming to continually reduce waste streams to extend the life of existing landfills and minimize the need for new facilities. King County identifies that the region faces challenges in securing reliable, long-term energy sources and improving energy efficiency, despite its reliance on hydropower. A comprehensive telecommunications network is also prioritized to bolster economic vitality and ensure equitable access to information, goods, services, and social connectivity opportunities across King County.

10.2 Inventory of Utilities

Water Utilities

In Yarrow Point, the water service is provided through the City of Bellevue (City) Water Utility. This utility is fully equipped to accommodate any potential residential growth within Yarrow Point's service area, ensuring a sustainable and responsive water supply framework.

Bellevue Utilities delivers drinking water to over 37,000 homes across its service area. This extensive network is supported by 600 miles of pressurized water main pipes. Sourced from the Tolt and Cedar Rivers' watersheds, Bellevue's drinking water consistently meets or surpasses state and federal standards as mandated by the federal Safe Drinking Water Act. As a participant in the Cascade Water Alliance, Bellevue procures its drinking water from Seattle Public Utilities.

The Utilities Department maintains Bellevue's water infrastructure, which encompasses an array of infrastructure components, including pipes, reservoirs, pump stations, pressure zones, and fire hydrants. Regular maintenance, repair, rehabilitation, and replacement activities are conducted to

ensure the system's optimal performance. The topographical complexity of Bellevue, ranging from 20 feet above sea level along Lake Washington to over 1,400 feet near Cougar Mountain, complicates the management of the water system. Bellevue's proactive water main replacement program sees approximately five miles of water pipeline replaced annually, reducing water main breaks and maintaining rates well below the national average.

The Water System Plan of Bellevue, adopted by the City Council in June 2016 and approved by the state Department of Health in January 2017, outlines the utility's policies, procedures, asset inventory, and a comprehensive analysis of system requirements. This plan reflects Bellevue's commitment to providing efficient and reliable water services, meeting the highest set standards of regulatory compliance and operations.

Pending updated map

Figure 93. Map of Water Utility (SBN, 2024)

Sanitary Sewer

Wastewater, comprising all water discharged from residential and commercial properties through sinks, toilets, washing machines, and similar facilities, is an integral part of Yarrow Point's infrastructure management. Operated by the City of Bellevue's Sewer Utility, the sewer system in Yarrow Point employs a gravity flow mechanism, enhanced by the support of pump stations in the Town.

This wastewater enters the City of Bellevue's wastewater collection system, which maintains environmental and public health standards. The system transports sewage across Cozy Cove and around the Hunts Point peninsula, ensuring treatment and eventual discharge into Puget Sound in compliance with federal and state water quality standards.

The City of Bellevue's Wastewater Division assumes responsibility for maintaining and repairing the main sewer lines, including service connections within the City's designated rights of way and dedicated easements. This division's operational area extends over 37 square miles, serving over 37,000 customers.

The system's infrastructure includes:

- Over 13,000 maintenance holes
- Approximately 520 miles of mainline pipes
- 46 pump and flush stations
- 34 major connections to the King County wastewater system
- 19 miles of specialized lake lines

For new connections to the sewer main, obtaining a right-of-way permit from the Town of Yarrow Point and a sewer connection permit from the City of Bellevue is mandatory. This dual-permitting process ensures adherence to the regulatory frameworks and maintains the integrity and efficiency of the wastewater management system. The Sewer Utility has the capacity to satisfy projected Yarrow Point residents over the planning period.

Pending updated map

Figure 94. Map of Sewer Utility (SBN, 2024)

Stormwater Management System

In the context of increasing concerns about surface water quality protection, Yarrow Point is aware of issues surrounding stormwater runoff pollution and its impact on water quality. This has been influenced by factors such as altered land use in drainage areas, elevated runoff rates and volumes, and the effectiveness of source and structural control measures. There is a growing focus on water quality control across the Puget Sound region and the State of Washington.

Stormwater Management Plan (2020)

In 2020, the Town developed a Stormwater Management Plan, setting forth priorities for the stormwater drainage program, identifying funding sources, and outlining recommended capital improvements. The purpose is to preserve and enhance the standard of living in Yarrow Point by protecting the natural environment and water quality of Lake Washington and the Puget Sound Basin. This plan includes a detailed analysis of the Town's 11 drainage basins, with individual recommendations and water quality assessments for each.

Yarrow Point, situated on a peninsula, slopes towards Lake Washington from its highest elevation in the south. The Town's planning accounts for a maximum onsite impervious area of 60% per lot. The right-of-way (ROW) and access tracts are estimated at 90% impervious. New developments that cannot directly discharge into Lake Washington, or those upstream of inadequate conveyance systems or outfalls, may require detention facilities or downstream improvements. Construction projects within Yarrow Point are subject to regulations by the U.S. Army Corps of Engineers and the State Department of Fish and Wildlife, particularly concerning Section 404 permits and Hydraulic Project Approvals (HPAs). These regulations focus on streams, habitat, water quality, and wetland protection.


The Town of Yarrow Point prioritizes collaboration with neighboring jurisdictions and utility providers to enhance efficiency, find balanced solutions, and maintain consistent standards in stormwater management.

Key projects include:

- 2009: Upgraded 500LF of stormwater infrastructure on NE 47th Street for increased capacity.
- 2014: Installed catch basins and additional piping on NE 33rd Street to improve stormwater handling.
- 2016: Placed a 50LF, 24-inch diameter pipe in Basin G at NE 42nd and 92nd Ave NE, enhancing the area's stormwater system.
- 2019: Coordinated with the City of Bellevue to relocate water meters and a fire hydrant on 95th Ave NE (3800-4000 block) in preparation for a stormwater project.
- 2020/2021: Upsized 600 LF of stormwater infrastructure on NE 42nd Street, including collaboration with Bellevue for water main upgrades.

Regulatory Exemptions and Guidelines

Due to its size and having fewer than 1,000 stormwater connections, Yarrow Point is exempt from the National Pollution Discharge Elimination Permit System (NPDES) Phase II Permit. This exemption, granted in August 2018, relieves the Town from adhering to current water quality treatment standards for existing development. The Town maintains comprehensive stormwater guidelines for construction activities to ensure environmental compliance and protection.



Pending updated data

Figure 95. Stormwater Systems Table

Pending updated map

Figure 96. Map of Stormwater Facilities (SBN, 2024)

Solid Waste and Recycling

Solid waste and recyclables collection is provided to Yarrow Point by Republic Services. Pickups occur on Mondays and Sundays and utilize the King County Transfer Station and King County Household Hazardous Waste Facility.

Natural Gas

Puget Sound Energy (PSE) provides Yarrow Point natural gas services. PSE is responsible for the distribution of natural gas and operates under the regulatory oversight of the Washington State Utilities and Transportation Commission (WUTC). PSE administers the largest natural gas distribution network in the state, catering to approximately 800,000 gas customers across six counties.

Natural gas is initially transported to service areas via interstate pipelines. Upon receipt, PSE redistributes the gas to its customers through a network of over 26,000 miles of gas mains and service lines owned and maintained by the company. This infrastructure ensures the distribution of natural gas throughout the service areas. PSE's supply of natural gas meets the current and foreseeable needs of the Town of Yarrow Point.

Telecommunications

Telecommunications services in the Town of Yarrow Point fall under the regulatory purview of various entities, notably the Federal Communications Commission (FCC) and the Washington Utilities and Transportation Commission (WUTC). The telecommunications sector is characterized by frequent mergers and overlaps in service offerings, which complicates the analysis of services provided by individual carriers.

Telephone

Centurylink Communications provides telephone services to the residents of Yarrow Point. In accordance with State law (WAC 480-120-086), CenturyLink Communications is obligated to maintain sufficient equipment and personnel to meet any reasonable demand. The existing telecommunications infrastructure is currently capable of servicing the entire town, even after the development of all buildable land. Minor modifications to the facilities may be necessary in specific neighborhoods to integrate advanced technologies, ensuring efficient accommodation of increased demand for services.

Wireless/Cellular Phone

Yarrow Point residents have access to multiple cellular phone service providers. Prominent among these are Verizon and AT&T Wireless, both of which operate cell tower facilities within the Town's right-of-way. These facilities are located north of Highway 520, at the intersection of 92nd Avenue NE and NE 33rd Street, ensuring reliable coverage and connectivity for the community.

Cable Television

Cable Television service is provided to Yarrow Point customers by Comcast Cable.

Internet

Centurylink Communications currently provides Internet service to Yarrow Point customers.

Electrical Utilities

Puget Sound Energy (PSE) is the designated electrical utility for the Town of Yarrow Point, ensuring a consistent and reliable power supply for the community.



Figure 97. telecommunication & electrical utilities table

PSE's operations and rate structures are subject to regulation by the Washington Utilities and Transportation Commission (WUTC). Additional oversight is provided by the Federal Energy Regulatory Commission (FERC), the National Electric Reliability Corporation (NERC), and the Western Electricity Coordinating Council (WECC). These agencies collectively ensure compliance with reliability and safety standards, monitoring PSE's adherence to federal and state regulations. Coordination between PSE and Yarrow Point is crucial for the adoption and enforcement of ordinances and codes that protect transmission and distribution line capacity, supporting

safe, reliable, and environmentally responsible operation of PSE's electric facilities. Routine maintenance, including vegetation management, is conducted in accordance with FERC, NERC, and WECC regulations to maintain these standards.

PSE actively offers a variety of energy conservation programs for customers. These programs, subject to annual changes, include technical assistance, informational resources, referrals, and financial aid. PSE maintains an "Energy Efficiency Hotline" to guide customers to appropriate conservation programs. Residential services include a free home energy audit, informational brochures, and weatherization assistance for low-income households.

PSE's existing electric distribution infrastructure consists of both above-ground and underground lines. YPMC 12.12 mandates that electrical power service be installed or converted to underground for any system modifications, even if street distribution lines are above-ground. This policy anticipates the eventual undergrounding of all distribution lines. Costs associated with underground installations are regulated by the WUTC, with rates and tariffs filed accordingly. Undergrounding can be significantly

more expensive than overhead installations, particularly when factoring in trenching and surface restoration costs. Environmental constraints and the need for easements, especially pad-mounted equipment like transformers and switches, pose challenges to undergrounding efforts.

As part of the recent update process, public feedback has highlighted a strong community interest in the continued undergrounding of utilities. This preference is incorporated into the Town of Yarrow Point Capital Improvement Plan (2023-2028), which includes approximately 3,300 linear feet of planned undergrounding conversion projects.

10.3 Utilities Goals and Policies

Goal U-1: Achieve coordinated utility growth in line with community needs and environmental standards.

- **Policy U-1.1:** Synchronize utility planning with land use strategies, ensuring utility expansion and capacities align with town planning.
- **Policy U-1.2:** Implement and periodically review service level standards for each utility, facilitating proactive performance assessment and planning.
- **Policy U-1.3:** Mandate adherence to water and sanitary standards in new developments for environmental integrity and public health.
- **Policy U-1.4:** Allow development in areas where utility services can adequately meet increasing demands.
- **Policy U-1.5:** Maintain strong partnerships with regional, state, and local entities for collaborative utility planning, accommodating both present needs and future expansion.

Goal U-2: Maintain high-quality utility services that support residents and integrate with the Town's character.

- **Policy U-2.1:** Consider the design of utility facilities that reduce environmental, visual, and auditory impacts and integrate into the town's aesthetic and ecological landscape.
- **Policy U-2.2:** Continue transitioning to underground utilities for new and existing infrastructures, where possible.
- **Policy U-2.3:** Support utility providers' public engagement and education on existing services, upcoming disruptions, and early notices for construction projects.
- **Policy U-2.4:** Encourage strategic utility co-location to minimize disruptions.
- **Policy U-2.5:** Encourage strategic utility co-location to minimize disruptions.
- **Policy U-2.6:** Consider and encourage existing and additional connectivity providers to improve resident connectivity through the Internet and emerging technologies.

Goals and policies continue on the next page

Goal U-3: Pursue environmentally conscious and resilient utility solutions aligned and integrated with community goals.

- **Policy U-3.1:** Promote resource conservation initiatives to prolong existing utility infrastructures and mitigate the need for expansion.
- **Policy U-3.2:** Promote waste reduction, composting, and recycling initiatives, aligning with broader county and regional environmental goals.
- **Policy U-3.3:** Periodically update and implement a comprehensive Stormwater Management Plan that aligns with Town growth and the Comprehensive Plan.
- **Policy U-3.4:** Support environmental best practices in utility siting and operations, prioritizing sustainability and minimal ecological disruption.
- **Policy U-3.5:** Consider prioritizing Capital Improvement Plan projects focused on ecological preservation, public safety, and resilient urban infrastructure.

11. Capital Facilities

11.1 Introduction

Purpose

The Capital Facilities element builds off of the utilities and transportation elements and is included in the comprehensive plan to ensure that the Town is planning for future capital needs effectively. Proactive planning in these areas is key to meeting the level of service standards and maintaining a high quality of life in Yarrow Point.

Planning Context

State Planning Goals

This chapter covers a strategic approach for ensuring adequate capital facilities planning and funding, which are necessary to accommodate the required growth targets outlined in the Land Use Element of this plan. In alignment with the Growth Management Act (GMA), it emphasizes the necessity for accurate infrastructure needs, feasible funding sources, and implementation concurrent with new growth (RCW 36.70A.070(3)).

This comprehensive plan element is designed to

build on the Utilities element and interact with a range of elements in synergy with the Land Use and Capital Facilities elements. The objective is to guarantee that the Town of Yarrow Point is planning its facility investments in line with its expectations for population changes and subsequent impacts on demand for public services and utilities. These include, but are not limited to, transportation, parks, stormwater, and wastewater services and facilities. Additionally, this element must address funding



Figure 98. Town Hall (Smith, 2023)

sources for these services and lay out policies for the possibility of funding shortfalls (RCW 36.70A.070(3)(e)). This element will also include the current 6-year Capital Improvement Plan (CIP) – which lays out ongoing and planned projects alongside their costs and funding sources.

Puget Sound Regional Council (PSRC)

The PSRC covers King, Snohomish, Pierce, and Kitsap counties. It works in tandem with local jurisdictions to establish regional infrastructure planning guidelines and principles. "VISION 2050" is the regional growth plan extending to 2050. Central to this plan are Multi-county Planning Policies aimed at achieving the Regional Growth Strategy and addressing region-wide issues collaboratively and equitably. These policies focus on:

- Promoting regional coordination in planning for long-term demand, in line with the Regional Growth Strategy
- The protection and enhancement of the environment and public health and safety when providing services and facilities
- Implementing policies that focus on conservation and demand management as part of infrastructure planning
- Exploring funding opportunities and financing approaches that meet community-focused infrastructure needs

King County Countywide Planning Policies

This chapter also underscores the importance of providing resilient and responsive infrastructure for residents in accordance with the King County Countywide Planning Policies. King County's Countywide Planning Policies (CPPs) emphasize the importance of sustainable funding sources, responsiveness to change, proactive investment, and resilience to natural disasters and emergencies. Across King County, collaboration and partnerships between jurisdictions and across scales of government can support these policies and, in turn, the population in the area.



Figure 99. Puget Sound Regional Council (Smith, 2023)

11.2 Capital Facilities Planning

Existing Facilities

The Town of Yarrow Point owns and operates a few capital facilities, including the Town Hall in Morningside Park, the stormwater utility, Town roads, and Town parks. Many of these are covered in other chapters, so their respective chapters should be referenced for further information. Situated in Morningside Park, Yarrow Point Town Hall is the only capital facility in this element not directly covered by another chapter. The complete list of facilities is as follows:

- Stormwater System (see: Utilities Element)
- Parks System (see: Parks Element)
- Town Roads (see: Transportation Element)
- Town Hall

Capital Improvements

Funding Sources & Assessment

Capital Facility improvements in Yarrow Point are currently funded by the Real Estate Excise Tax, the Heavy Truck Fee, Motor Vehicle Fuel Tax, or respective utility funding (e.g., Stormwater

Utility Fees, Water District #1 Grant). Focusing on growth targets set by the County, capacity detailed in the Housing Needs Analysis, and the shifting legislative landscape, the Town should endeavor to take a proactive approach to the identification of additional funding sources. Additional grant funding, regional partnerships, and impact fees can all be explored as possible sources for new Town funding to support some of the needs and wants identified in this Plan.

Level of Service standards can significantly support the assessment of transportation and parks infrastructure improvements. These standards would allow the Town to demonstrably measure progress and support any necessary changes. If the Town were falling short of its LOS standards, it would present an opportunity for more competitive grant applications and support staff efforts to pursue government funding and partnerships to finance improvements.

Pending updated map

Figure 100. Map of Stormwater System (SBN, 2024)

Future Demand

The Town must also be prepared for possible population and housing unit growth. The impacts of House Bills 1110, 1220, and 1337 – discussed further in the Housing and Land Use elements – could be far-reaching. While current plans for the Town do not detail major changes in infrastructure over the next 20 years, the Town must monitor changes in population and housing stock diligently to continue supplying high-quality services. The Town has substantial capacity for more housing units, per the Housing Needs & Land Capacity Analysis, and if this capacity is utilized effectively by developers, the Town will need to assess and prioritize projects in line with that growth and an assessment of the resulting demand.

Capital Improvement Plan

The Capital Improvement Plan is revised and adopted annually in Yarrow Point. State law requires an annually-updated Transportation Improvement Plan aligned with the Comprehensive Plan (RCW 35.77.010). The transportation section of the Town's CIP serves to fulfill that requirement.

Pending updated Capital Improvement Program

Figure 101. 6-Year Capital Improvement Program (SBN, 2024)

10.3 Capital Facilities Goals and Policies

Goal CF-1: Yarrow Point will ensure that decisions made on capital facilities align with this Comprehensive Plan and offer efficient cost-effective services to the Town.

- **Policy CF-1.1:** Utilize the plans of facilities and utility providers within the City to supplement this Comprehensive Plan Element.
- **Policy CF-1.2:** Maintain a 6-Year Capital Improvement Plan supported by secure funding sources, alignment with the Comprehensive Plan, and clear community needs.
- **Policy CF-1.3:** Coordinate the Town's land use planning with the capital projects planning activities of agencies and utilities identified in this Comprehensive Plan Element.
- **Policy CF-1.4:** If funding falls short for necessary improvements, reassess the Land Use Element to identify any possible accommodations to keep capital facilities in alignment with the Plan.
- **Policy CF-1.5:** Monitor growth diligently to support proactive and responsive decision-making on new capital facilities projects.
- **Policy CF-1.6:** Adopt Levels of Service standards for relevant infrastructure that align with community goals. Apply these LOS standards to prioritize projects based on community impact.

Goal CF-2: Maintain sustainable funding sources and explore new possible sources for cost efficiencies and funding.

- **Policy CF-2.1:** Continue funding the 6-year CIP with consistent sources, in line with respective utility plans and the Town's Comprehensive Plan.
- **Policy CF-2.2:** Research possible grants and maintain good standing with granting agencies to pursue funding when community needs and grant scopes align.
- **Policy CF-2.3:** Identify possible regional partners for interlocal agreements or other collaborations to support a regional approach to capital facility planning and funding.
- **Policy CF-2.4:** Explore the feasibility of private citizen funding or gifting for targeted neighborhood projects in Yarrow Point.
- **Policy CF-2.5:** Assess opportunities for conservation or efficiencies in existing infrastructure to reduce the current cost burden of infrastructure in Town.

Goals and policies continue on the next page

Goal CF-3: Maintain alignment between capital facilities and land use planning in the Town of Yarrow Point.

- **Policy CF-3.1:** Limit the impact of new or existing facilities on incompatible land uses by siting facilities in accordance with the land use plan and Town Municipal Code.
- **Policy CF-3.2:** Ensure new development is supported by the necessary public facilities and/or utilities. Reassess land use plans if major disruptions occur.
- **Policy CF-3.3:** Continue to pursue undergrounding utility lines and encourage using shared corridors and joint trenches for several utilities where possible for cost efficiency.

Middle Housing (HB1110 Integration)	STAFF REPORT
--------------------------------------------	---------------------

Presented by:	Town Planner
Exhibits:	None

Summary:

At the regular April Town Council meeting, staff presented the gap analysis and public engagement plan. Council approved the engagement plan with amendments to include two public engagement open house type meetings. One before administering the survey to help inform the public, and one after to discuss outcomes. Staff was also directed to develop a preliminary budget for the integration of the new middle housing legislative requirements.

Resources

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

Action Items

- Staff Presentation on Middle Housing (5 min)

Private Property Tree Code	Proposed Action: Discussion and Direction to Staff
-----------------------------------	---------------------------------------------------------------

Presented by:	Town Planner
Exhibits:	<ul style="list-style-type: none">• Draft 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. The Town council and planning commission held a joint meeting to discuss the tree code.

Summary:

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 balance tree protections and property rights, and to address technical and administrative issues in the code.

In November, the Planning Commission discussed approaches for updating the code. Staff met and discussed the administrative and technical update elements. A schedule and draft administrative work plan outline was created . A tree protections matrix was drafted to help provide structure in determining which variables to adjust as part of the tree code update process.

At the December Planning Commission meeting a list of proposed changes to tree protections was discussed. Staff along with the Commission chair were directed to bring the proposed changes to council to get direction on whether the proposal is addressing the stated goal of better protecting trees in the town. The “Tree Protections Proposal Matrix” is attached for review and council feedback.

At the January Council meeting the “Tree Protections Proposal Matrix” was discussed and a set of recommendations was made by Council. The matrix has been updated to reflect those recommendations. At the January Planning Commission meeting staff was directed to write an updated draft private property tree code.

At the February meeting staff presented a draft code. Staff was directed to update the code to include more details for alternative designs, along with detailed edits to various code sections.

In March the Council held an Open House where residents gave a range of comments on the tree code. The Council after hearing this feedback gave direction to the planning commission and staff to consider additional elements and give feedback and recommendations to council on those topics.

During the March Planning Commission meeting the direction from council and feedback from residents was discussed.

Action Items

- Staff Presentation (15 min)
- Discussion (70 min)
- Vote (5 min)

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 revise the draft code based on the discussion at this meeting.

**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.
- 20.22.035 Alternative Designs
- 20.22.040 Exemptions.
- 20.22.050 Tree removal permit – Application process.
- 20.22.055 Tree removal permit – Review
- 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 and heritage 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 or heritage tree that 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 using the TRAO standard.

E. “Heritage Tree” means any tree with a DBH of 36” or greater

F. “Mitigation Tree” means a tree which has been planted to comply with this chapter’s requirements or an existing tree on the same property which was selected to be preserved

G. “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 or heritage tree depending on if the mitigation is for a significant or

~~heritage 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.~~

H. "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.

I. "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 have a Tree Risk Assessment Qualification (TRAQ) ~~possess the ability to perform tree risk assessments~~, as well as experience working directly with the protection of trees during construction.

J. "Root protection zone (RPZ)" means the ground area around a tree with one foot of radius in all directions for each inch of DBH. The town arborist shall have discretion to allow for a smaller RPZ to be utilized.

K. "Significant tree" means any tree that is at least 12+ inches in diameter at DBH and less than a heritage tree, as measured at four and one-half feet from the ground or any tree planted as mitigation. (Ord. 715 § 2 (Exh. A), 2021)

L. "Tree Risk Assessment Qualification (TRAQ)" means a qualification credential established and issued by the International Society of Arboriculture and its Chapters for the purpose of standardizing tree risk assessments.

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 or heritage tree.

B. Density. A minimum of one significant or heritage tree per 5,000 square feet of property lot area shall be required and maintained following the removal of any significant and/or heritage tree; or for all new residential construction and for all remodeling projects over \$50,000 in value.

C. Setback Area. A heritage tree in a setback may not be removed unless:

1. The tree is a hazardous tree or;
2. Alternative designs for the driveway have been considered per YPMC 20.22.035 (Alternative Designs).

D. Buildable Area. In the area of the property where structures may be located, a heritage tree may not be removed unless:

1. The tree is a hazardous tree or;
2. Alternative designs for the structure have been considered per YPMC 20.22.035 (Alternative Designs).

E. Density Implementation. The required tree density may be accomplished through the preservation and maintenance of existing significant and heritage trees stock, or through the planting of mitigation trees, or through the designation of existing non-significant or non-heritage trees as mitigation trees, or a combination thereof.

F. Calculation. When calculating the required number of trees per property, fractional tree portions shall be rounded up or down to the nearest whole number.

G. Shared Trees. Significant or heritage 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)

20.22.035 Alternative Designs

A. Heritage trees may only be removed in the setback if the applicant can establish that the driveway can not be located without removing the tree(s).

B. Heritage trees may only be removed in the area of the property where structures may be located if the applicant can establish that the structure footprint can not be located without removing the tree(s).

20.22.040 Exemptions Emergency Tree Removal.

~~A. Emergency Tree Removal:~~

~~A. Any hazardous tree that poses an imminent threat to life or property may be removed prior to the issuance of a tree removal permit.~~

~~B. 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 or heritage tree.~~

~~C. The notification of emergency removal shall contain a site plan showing remaining trees on the lot with a calculation demonstrating compliance with the minimum 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 or heritage 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~~ greater or equal to 6" DBH; including those proposed for removal, on the subject property.
3. ~~For applications associated with construction or site development, the site plan must~~ shall also label and identify all trees within 20 feet of the proposed construction and/or site development activity.
4. A mitigation plan, if required per YPMC 20.22.080 (Mitigation), indicating the location and species for all trees to be planted and/or identifying existing trees to be designated as mitigation trees.
5. The current permit fee, as established by the town council.
6. Documents which may be required at the discretion of staff
 - a. An erosion control plan.
 - b. A stamped site survey if the location of significant or heritage trees relative to a property line can not be determined.
 - c. A tree protection plan per YPMC 20.22.090 (Construction site tree protection) for applications associated with construction or site development.

B. Identification on Site. Concurrent with submittal of the tree removal permit application, the owner shall identify every significant and heritage 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 (SMP) Section 5.6 – Vegetation Management. The requirements of the SMP shall be met in addition to compliance with this chapter. Work in the shoreline jurisdiction shall require a shoreline permit.

20.22.055 Tree removal permit – Review

- A. The permit review shall be conducted by Town staff in accordance with Title 14 of the YPMC.
- B. [Additional elements pending additional clarification from legal]
- C. Guidelines for measuring DBH shall be as established in the “Yarrow Point DBH Measurement Guidelines” document kept on file with the Town Clerk.

E. 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. Upon issuance of a permit, a notice of the proposed removal of one or more significant or heritage trees shall be posted within five business days of receipt of a complete application. The notice shall be posted by the town on the subject property 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 notice shall include the 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)

B. Upon issuance of a permit for an emergency tree removal a notice shall be provided to the abutting property owners and shall be posted on the town's website. The notice shall include the site plan.

20.22.070 Tree removal permit – Expiration.

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

20.22.080 Tree Mitigation, Maintenance, and Warranty.

A. Mitigation shall be required:

- 1. When the tree density requirement is not met or
- 2. When a heritage trees is removed. 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,

B. When mitigation is required, the applicant shall provide a tree mitigation plan identifying all mitigation trees, their sizes, and species, 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.

C. Trees Planted for mitigation shall have a full and well developed crown and trees shall be a minimum of 10 feet tall for evergreens or have a minimum three-inch caliper for deciduous trees, and shall have a full and well developed crown.

D. Town Staff shall determine if a proposed mitigation tree location is suitable based on its proximity to other trees, property lines, the shoreline, critical areas, utilities, right of way, or structures and their appurtenances. If a location is determined to not be suitable, a suitable alternative location shall be agreed upon.

E. Tree mitigation requirements shall be met within six months of removing any significant and/or heritage tree. In the case of concurrent new construction, mitigation requirements shall be met prior to final inspection.

E. Trees planted as mitigation trees shall be maintained with adequate water and care to survive a minimum ~~ten~~three-year warranty period.

G. An existing tree on the property which is not a significant or heritage tree may be designated as a mitigation tree if it is deemed to be healthy and well positioned for growth into a significant or heritage tree by town staff or a qualified professional.

H. ~~Prior to planting a mitigation trees, t~~The applicant shall post a warranty bond in a form and amount acceptable to the town ~~after mitigation has been completed. The total bond amount shall not exceed \$25,000 per permit, to ensure all trees planted or retained as mitigation survive the warranty period. Mitigation trees that fail to survive the ten year 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)~~

I. Each heritage tree shall be replaced by a mitigation tree except when the only available planting locations are:

1. Underneath existing tree canopy
2. Within 5 feet of retaining walls
3. Within 10 feet of an existing or proposed structure
4. Within 5 feet of a bulkhead
5. Within 5 feet of the Ordinary High Water Mark
6. Within 5 feet of underground utilities
7. Within a sight ROW sight triangle as established by the Town Engineer
8. Smaller than 5' in diameter

J. Preferred mitigation tree species are listed in the Town's "Preferred Mitigation Tree List"

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 and/or heritage 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 and/or heritage 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 and/or heritage tree(s) on site or any trees on adjacent properties.

D. The following tree protection requirements are required at a minimum and shall be included on site permit documents:

1. Tree protection fencing or other barriers shall be installed along all clearing limits just outside of a tree's root protection zone (RPZ). Tree protection fencing shall be the installation of a rigid cyclone fence, six feet in height located just outside the root protection zone. In the case of trees along a driveway, public right-of-way, or high-traffic areas, plywood fencing no less than six feet in height may be used in lieu of a rigid cyclone fence. A moveable panel or gate should be part of the fencing or barrier to allow access to the RPZ.

2. All tree protection fencing shall be installed and its location approved by town staff prior to the commencement of work on site.

3. A two- to four-inch-deep layer of arborist woodchip mulch shall be placed over the soil in the RPZ. Hog fuel is acceptable.

4. No debris or construction materials may be stored, nor grade changes occur, within this protected area. No parking, dumping, or burning is allowed.

5. Work required for removal of unwanted vegetation within the RPZ areas will be hand work only; no heavy equipment.

6. When removing trees outside of the RPZ determined to be unacceptable for retention, use methods such as directional felling to avoid damage to trees and other valuable vegetation that is being retained. Small trees and other native vegetation in these areas should be carefully preserved.

7. Where construction or utility trenches are required in the rights-of-way, side property setbacks, and RPZs; it is required to tunnel under or around roots by drilling, auger boring, pipe jacking or hand digging.

8. Tree stumps that are within a RPZ or immediately adjacent to the RPZ of a preserved tree or other vegetation shall be removed by grinding.

9. Where it has been determined that roots of a significant or heritage tree may be encountered during excavation or grading, a qualified professional shall be on site to supervise any root pruning and to assess the potential impact of such pruning. Any root greater than one-and-one-half-inch diameter that is encountered shall be carefully cut with a sharp tool. Roots cut shall be immediately covered with soil or mulch and kept moist.

10. Where access for machinery or any vehicle is required within the RPZ of any significant or heritage tree, the soil should be protected from compaction. Acceptable methods may include 18 inches of wood chips or hog fuel, plywood, or steel sheets. Town staff should be contacted a minimum of 48 hours before entering into the RPZ.

11. Tree protection fencing shall not be moved without authorization from town staff. All fencing is to be left in place until the completion of the project.

12. Landscaping specified within the RPZ areas shall be designed to limit disturbance of surface soils and preserved vegetation. No root pruning is permitted. New plants added in these areas should be of the smallest size possible to minimize disturbance.

13. Any trees adjacent to high-traffic areas or building envelopes shall be pruned by an International Society of Arboriculture certified arborist using ANSI A300 American Standards for pruning to remove dead wood, provide clearance, and cabling or bracing.

14. Supplemental irrigation for all protected trees is required during the summer months or prolonged periods of dry weather as determined by a qualified professional.

E. A stop work order may be issued by the building official town staff 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~~ hearing examiner, setting forth the reasons for such appeal and the relief requested. The ~~town council~~ hearing examiner 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 or heritage ~~tree over 18 12 inches DBH that~~ is removed without a permit; provided, that the maximum fine for the removal of each significant or heritage 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 or heritage 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 fund~~ and shall be used by the town for acquiring, installing, 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)

From: Vadim Bondarev, 4029 95th Ave N.E.

Subject: Planning Commission and the New Tree Code.

I often hear council members and the Mayor say that the best way to impact of the town's initiatives is by attending planning commission meetings, sharing our concerns, contributing our ideas in other words helping to shape new legislation before it is voted on by the council. We, my wife and I, did exactly that. The following is a description of our experience.

1. At the January planning commission meeting, having studied the January draft of the new tree code, we pointed out to the commissioners that the language prohibiting the legal removal of healthy heritage trees in the setback, would make 1/3 of our property unusable.

The commissioners listened and understood.

2. At the February planning commission meeting, having studied the February draft of the new tree code, we found that the prohibition on legal removal of healthy heritage trees in the setback remained in place. Our January input had no impact. We then submitted a graphical illustration of how such restrictions would impact our property, as well as, many other properties in town. (See Exhibit A) Specifically, that the heritage tree in the setback language of the code would reduce the value of our property by effectively prohibiting the town from issuing a permit to remove a healthy heritage tree in the setback for the purpose of;
 - a) construction of a pool, a sport court, alternative landscaping, etc.
 - b) construction of any structure outside of the setback that could damage the root structure of the heritage tree in the setback.

At the February meeting, commissioners reviewed, discussed and understood our submission.

3. At the March planning commission meeting, having studied the March draft of the new tree code, we found that yet again, the prohibition on legal removal of healthy heritage trees in the setback remained in place. Our February input also had no impact.

Few weeks later I listened to the audio record of the proceedings, to my surprise, at multiple points during the meeting, Chair Hellings assured attending Councilman Hyman and Bush that, and I quote;

"There is no tree in Yarrow Point that has code now or proposed that you can't cut down plain and simple" (Audio recording 1:43:37)

And then again a bit later;

"I don't get this why people are feeling like they losing value because when the tree get to a certain point they no longer are allowed to cut it down. It's not true. Even in more restrictive code. I do not get why Scalzo thinks that way, I don't get why whatever is his name across the street thinks that way..." (2:04:25).

These statements, made by Chair Hellings, are incorrect. Since I am being addressed somewhat directly, as I happen to live across the street, I will take it upon myself to reiterate the main points of our January and February submissions, explaining why Chair Hellings interpretation of the code written by his commission is wrong.

Please refer to the image below from the latest version, dated March 19th, of the tree code.

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 or heritage tree.

B. Density. A minimum of one significant or heritage tree per 5,000 square feet of property lot area shall be required and maintained following the removal of any significant and/or heritage tree; or for all new residential construction and for all remodeling projects over \$50,000 in value.

C. Setback Area. A heritage tree in a setback may not be removed unless:

1. The tree is a hazardous tree or;

2. Alternative designs for the driveway have been considered per YPMC 20.22.035 (Alternative Designs).

Note the precision of the language under section 20.22.030 C: the heritage tree in the setback may not be removed unless it is hazardous or for the purpose of driveway construction. Those are the only two acceptable conditions, with no exceptions. Therefore, a healthy heritage tree in the setback that is not in the way of the future driveway cannot be legally removed, ever. Not to build a pool. Not to build a sports court. Not for any reason a resident of Yarrow Point might choose to use their setback. As you can see, it is not quite the same as ***“There is no tree in Yarrow Point that has code now or proposed that you can’t cut down plain and simple”*** In fact, if the new code is adopted, there will be many trees on private properties that can never be legally removed.

Now that it has been established that the new code, perhaps inadvertently, created a subset of heritage trees that can never be legally removed, let’s take a careful look at the impact of the Root Protection Zone (RPZ) on the properties of residents with heritage trees in the setback.

A 46-inch DBH (Diameter at Breast Height) tree requires an RPZ with a 46-foot radius in all directions. Below, please find definitions from section 20.22.090 D of the March 19th version of the code.

1. Tree protection fencing or other barriers shall be installed along all clearing limits just outside of a tree’s root protection zone (RPZ). Tree protection fencing shall be the installation of a rigid cyclone fence, six feet in height located just outside the root protection zone. In the case of trees along a driveway, public right-of-way, or high-traffic areas, plywood fencing no less than six feet in height may be used in lieu of a rigid cyclone fence. A moveable panel or gate should be part of the fencing or barrier to allow access to the RPZ.

10. Where access for machinery or any vehicle is required within the RPZ of any significant or heritage tree, the soil should be protected from compaction. Acceptable methods may include 18 inches of wood chips or hog fuel, plywood, or steel sheets. Town staff should be contacted a minimum of 48 hours before entering into the RPZ.

In accordance with 20.22.090 D1 (1) above, the root system of a 46-inch DBH tree must be protected by a fence positioned 46 feet away from the heritage tree in the setback. Furthermore, as stated in 20.22.090 D10 (10) above, the protected area must be treated with care to minimize transient access by construction vehicles. It therefore logically follows that the root system must also be safeguarded from

being completely cut by the foundation of any structure placed at the boundary of the setback. Consequently:

- a) The buildable area of all properties with heritage trees in the setback will be significantly reduced, now defined by the combination of the Root Protection Zone (RPZ) and the setback. Many properties, bounded by the RPZs of heritage trees in the setback and trees in the Right of Way (ROW), will effectively become legally unbuildable.
- b) The buildable area of all properties directly adjacent to the heritage tree on neighboring areas will also be drastically reduced.

Please refer to the example in Exhibit B.

I hope this explanation helps Chair Hellings better understand my problem with the new tree code.

However, after listening to the audio recording of the March planning commission meeting, I find myself facing another issue. I fail to comprehend why, despite taking the time to carefully craft our submissions, which aimed to highlight the very problem with the code I've summarized above, our inputs were blatantly ignored. Our arguments were unopposed; there were no written or oral counterarguments to our submissions. The commission provided no justification for rejecting our appeal, yet inexplicably, none of our arguments made any difference. Isn't it part of the planning commission's mission to listen to the inputs of all residents, even those with views opposite to those of the commissioners? If so, there is certainly no evidence of that in the new code. One might argue that the planning commission's work was still in progress, and our appeals might eventually be taken into consideration. But you would be wrong. To quote Commissioner Sims in his comments to Councilmen Hyman and Bush, "**... we agreed on the last revision after you guys gave us your comments back so there is unanimity here. We think we've done our job, but you guys can't make a decision. Is that because it's politically difficult?**" (2:18:41).

"We think we've done our job" – the code was ready to be advanced to the council; the only reason it wasn't is that, at the last moment, the Council intervened and asked the planning commission to study alternatives to punitive restrictions, including incentives. It was a pleasant surprise and we are grateful to the Council for this new direction and are cautiously hopeful for a positive outcome.

Recommendations:

1. The tree code is too divisive of an issue to be placed solely on the shoulders of the planning commission. The council might consider setting up a separate, more balanced tree code study group, with equal representation from older properties with heritage trees in the setback as well as properties of the town's residents who are known to be vocal proponents of the more stringent version of the tree code.
2. Whatever version of the tree code the planning commission chooses to advance, honesty is key. Do not conceal future costs behind misleading language. Do not make residents read the fine print. Produce and widely distribute an accompanying document that clearly, without bias, identifies the worst-case costs of the new tree code to the properties of large tree owners.

EXHIBIT A

**On 95th Ave SETBACK=25'
We have 100' CEDAR, DBH=46" IN SETBACK AT 20'**

IF WE KEEP THE CEDAR, WE WILL BE GIVING UP LARGE PORTION OF BUILDIBLE LAND OUTSIDE OF 25' SETBACK. THE ROOT PROTECTION ZONE - FOR DBH=46" -> RPZ=46' RADIUS. THUS THE HOUSE THAT WE PLACED ON THE LOT IN SUCH A WAY AS TO PRESERVE THE CEDAR IN 2005, WOULD NOW BE INSIDE OF ROOT PROTECTION ZONE AND COULD NOT BE BUILT.

IF WE KEEP THE CEDAR, WE WILL BE GIVING UP THE RIGHT TO USE THE SETBACK FOR A POOL, SPORT COURT, FENCE, ETC., AND JUST OUTSIDE SETBACK, THE RIGHT TO BUILD A COTTAGE HOUSE FOR AN ELDERLY PARENT.
RIGHTS ENJOYED BY ALL THOSE WITHOUT THE LARGE TREES

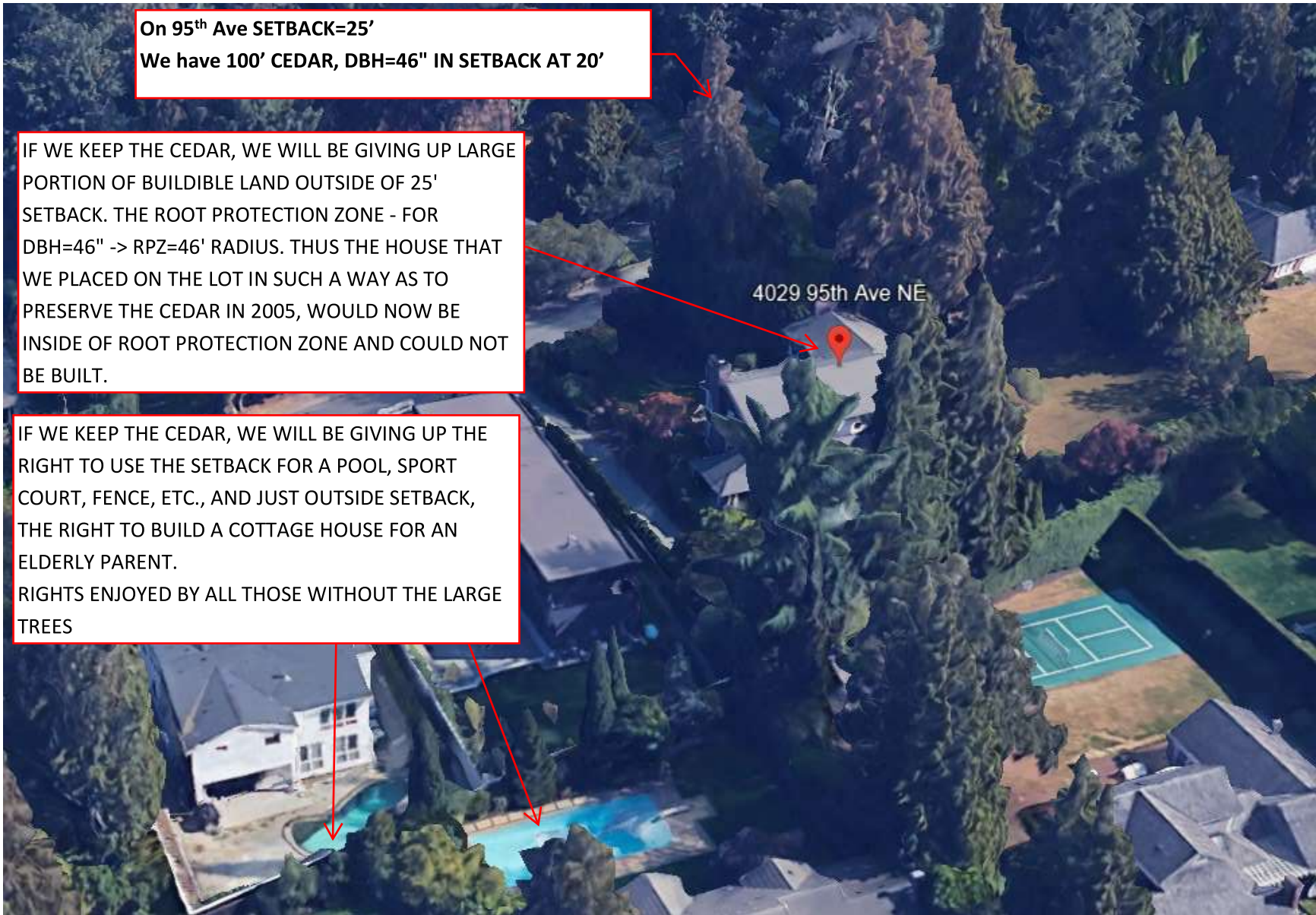


EXHIBIT B

Heritage tree in ROW of lot C

1" DBH => 1' radius Root Protection Zone (RPZ)



Heritage tree in ROW of lot B

1. Buildable land is limited to the areas outside of the RPZ circles and property setbacks. Lot A becomes effectively unbuildable.
2. If the town allows for reduced RPZ in setback of Lot B (pool, hot tub, sport court, etc.), does the town take on liability for the potential damage to the root structure of the heritage tree that may at some point result in loss of life and/or property, should the tree fall on the house?
3. If Lot A, out of safety concerns, objects to reduced RPZ for Lot B, how would the town resolve it?

EXHIBIT B



1" DBH => 1' radius Root Protection Zone (RPZ)