



Town Council Regular Meeting

Tuesday, May 14, 2024 - 4:00 PM

Town Hall/Virtual

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

Mayor: Katy Kinney Harris

Councilmembers: Stephan Lagerholm, Steve Bush, Chuck Porter, Michael Hyman, Kathy Smith

Town Attorney: Emily Romanenko

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 Council meeting. Please 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 whether you are a Yarrow Point resident (and address if you wish). You will be asked to conclude your remarks when you reach the 3-minute limit. Councilmembers will not respond directly at the meeting or have a back-and-forth exchange during the Public Comment period, but they may ask staff to research and report back on an issue.

Join on computer, mobile app, or phone

1-253-215-8782

Meeting ID: 875 0861 9754#

<https://us02web.zoom.us/j/87508619754>

1. **CALL TO ORDER:** Mayor Katy Kinney Harris
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, Kathy Smith
4. **APPROVAL OF/AMENDMENTS TO AGENDA**
5. **POLICE REPORT**
6. **APPEARANCES/PUBLIC COMMENT**
If you call in via telephone, please unmute yourself by dialing *6 when you are called on 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. *Councilmembers will not respond directly at the meeting or have a back-and-forth exchange, but they may ask staff to research and report back on an issue.*
7. **STAFF REPORTS (15 minutes)**
8. **CONSENT CALENDAR (5 minutes)**
Consent agenda items are considered to be routine; the consent calendar will be considered for adoption in its entirety by a single motion. There is no separate discussion of these items unless a Councilmember or Town staff requests the removal of an item from the consent agenda ahead of the

meeting.

1. Payment Approval and Payroll Reports
2. April 9, 2024 Regular Council meeting minutes

9. REGULAR BUSINESS (125 minutes)

9.1 – Private Property Tree Code First Reading; Planning Commission Recommendations Discussion (45 minutes)

9.2 – Code Enforcement Program Overview – YPMC 1.08 (25 minutes)

9.3 – Discuss State Mandate SB 5290 Grant Authorization to consolidate permit review timelines, grant application, staff to manage (SB 5290)/ Resolution No. 375 (25 minutes)

9.4 – Recycling and Organics Pickup Survey 2024 (10 minutes)

9.5 – Special Event Policy/ Ordinance No. 749 (10 minutes)

9.6 – Lobbyist for the Points Communities: Sound View Strategies Contract Extension Through 2025 Legislative Session 5/25 @ \$900/ month (10 minutes)

10. MAYOR’S REPORT (5 minutes)

11. COUNCIL ROUNDTABLE AND REQUESTS FOR FUTURE AGENDA ITEMS (10 minutes)

13. EXECUTIVE SESSION (40 minutes)

Executive session – To discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i).

14. ADJOURNMENT

Next regular Town Council Meeting: June 11, 2024 at 4:00 pm

STAFF REPORTS

1. Police Report
2. Fire-EMS Report
3. Town Engineer Report:
 - 94th Ave NE UGC – April
 - 94th Ave NE UGC – May
4. Town Planner Report:
 - Comprehensive Plan Update
5. Commission Minutes:
 - April 16, 2024 Regular Planning Commission Meeting
 - April 23, 2024 Regular Park Board Meeting
 - April 24, 2024 Special Planning Commission Meeting



MEMO

To: Yarrow Point Council

From: Chief Kyle Kolling

Date: May 14th, 2024

Re: April 2024 Summary

Greetings,

Aprils' training included:

- Regular monthly training through PoliceOne Academy continued with officers completing various classes online.
- Commander Hanson and Chief Kolling attended both FBI NAA and NTOA Training
- Corporal Cobrea attended UAS (Drone pilot) training
- Officer Donchez attended BAC/SFST training
- All officers attended DT training taught by Officer Fernandez

On the social media front, we gained 11 new followers for a total of 413, 15 Facebook posts were created in April. We now have 536 followers on our Instagram account.

Attached in this month's packet are 3 awards and certificates we earned in 2023-

The first is from WSCJTC recognizing our compliance for In-Service training for all officers in the department. Every officer is required to have a minimum of 24 hours of training during the calendar year. In addition to the minimum of 24 hours of training, officers also attend approximately 20+ hours of mandated legislative and WSCJTC trainings.

The second is from LEXIPOL recognizing the department's excellence in maintaining policy maintenance and training. This is the 4th year in a row that we have been awarded the Gold Level. We will be receiving a plaque, which will be placed in the lobby of the Police Department along with the previous years awards.

The third was awarded to the department by FBI-LEEDA (Law Enforcement Executive Development Association). The "Agency Trilogy Award" was achieved after the Chief, Commander and both Corporals received their individual Trilogy Awards. This was based on attending courses and completing training for leadership by the command staff, and Corporals including over 120 hours by each individual.

We have filled the Public Records Officer/Police Specialist position-Cori Baker will be coming back to the City of Clyde Hill starting May 13th to the role with both the Admin and PD. We are excited to welcome her back!



WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Monica Alexander, Executive Director

19010 1st Avenue South • Burien, WA 98148 • Phone: 206-835-7300 • www.cjtc.wa.gov

April 22, 2024

Chief Kyle Kolling
Clyde Hill Police Department
9605 NE 24TH St
Clyde Hill, WA 98004

Dear Chief Kolling:

The Washington State Criminal Justice Training Commission is responsible for ensuring that all local law enforcement agencies in the state meet the requirement of Washington Administrative Code (WAC) 139-05-300 for 24 hours of annual in-service training.

Thank you for sending in your Declaration of Compliance form attesting that you have verified through training records, that all certified peace officers and reserve officers in your agency have received at least 24 hours of qualifying training for 2023. This puts your agency in compliance with WAC 139-05-300. I want to thank and congratulate you and your organization for meeting this requirement. The efforts of you and your staff demonstrate a strong commitment to maintaining the high level of professionalism of Washington peace officers.

I look forward to our continued collaboration in providing in-service training for you and members of your organization.

Sincerely,

Monica Alexander
Executive Director

Enclosure

Washington State Criminal Justice Training Commission

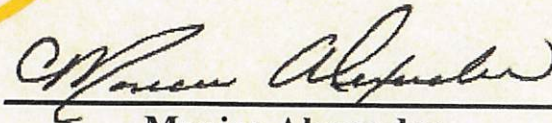
Hereby recognizes that

Clyde Hill Police Department

Has satisfactorily met the requirements of WAC 139-05-300 to achieve

2023 Compliance of the In-Service Training Mandate

Given April 22, 2024



Monica Alexander
WSCJTC Executive Director

CLYDE HILL

POLICE DEPARTMENT

A STATE ACCREDITED AGENCY

May 1, 2024

Mayor & Council,

Clyde Hill Police Department has achieved Gold level recognition for 2023 as part of the Lexipol Connect Customer Recognition Program, which recognizes police agencies for excellence in policy maintenance and training. There are three levels of achievement, Gold, Silver, and Bronze. This is the fourth year in a row that Clyde Hill PD has received this award for excellence.

Up-to-date policy and ongoing training are a priority for our agency and we are honored and excited to be recognized for our continued commitment to serving the communities of Clyde Hill and Yarrow Point in this way. This recognition would not be possible without the dedication of all our personnel to reading, understanding and acknowledging policy updates and completing Daily Training Bulletins (DTBs). This is the highest level of recognition currently offered by Lexipol.

Thank you for all your hard work to help make Clyde Hill PD an exemplary agency! We will be receiving a plaque from Lexipol to commemorate this achievement, which will be on display in our lobby.

Sincerely,

Kyle L. Kolling
Chief of Police





What Metrics Are Measured?

Metric	How It's Measured	How You Can Influence
Policy Updates Pending	Number of policy updates issued by Lexipol but not yet processed by our agency.	Process updates, either by accepting or rejecting updated content.
Policies Issued	Percentage of policies issued to members in comparison to the total number of policies in your draft manual.	Issue additional policies or exclude any policies not applicable to your agency from your draft manual.
Policies Acknowledged	Percentage of all policy acknowledgment assignments completed by members, in comparison to all policies issued or updated.	Communicate expectations that policy acknowledgment assignments are to be promptly completed. Remove inactive members from list of active users.
Daily Training Bulletins (DTBs) Issued	Percentage of DTB packages issued to members in comparison to the number of DTB packages received from Lexipol over the last 12 months.	Issue DTB package each month, even if you choose to edit or exclude some of the individual DTBs.
DTBs Taken	Percentage of all DTB assignments completed by members, in comparison to all DTBs issued over the last 12 months.	Communicate expectations that DTB assignments are to be promptly completed. Remove inactive members from list of active users.



A STATE ACCREDITED AGENCY

May 1, 2024

Mayor & Council,

The Clyde Hill Police Department has achieved the "Agency Trilogy Award" from FBI-LEEDA (Law Enforcement Executive Development Association). This distinguished award was achieved after Chief Kyle Kolling, Commander Dawn Hanson, Corporal Nathan Cobrea, and Corporal Michael Humphreys all achieved individual Trilogy Awards.

This award recognizes the dedication to law enforcement leadership by command staff. Our department took it a step further and put our Corporals through the 120 hours of training to achieve certifications in Supervisors Leadership Institute (SLI), Command Leadership Institute (CLI), and the Executive Leadership Institute (ELI).

Thank you for all for your continued support to help make Clyde Hill PD an exemplary police agency!

Sincerely,

Kyle L. Kolling
Chief of Police





FBI – LEEDA

Law Enforcement Executive Development Assoc.

Mission

To advance the science and art of law enforcement leadership and promote the exchange of information to improve law enforcement management practices through training, education, and networking among police professionals across the United States and beyond.

History

The LEEDS program was first conceptualized to fill a void in the FBI executive training programs for municipal, state, and federal leaders of law enforcement agencies having between 50 and 500 members. On January 18, 1981, the Management Science and Leadership Unit at Quantico, led by SSA Robert McCarthy in collaboration with faculty from the University of Virginia, began a two-week training program at the FBI Academy at Quantico to meet this need. The Law Enforcement Executive Development Seminar (“LEEDS”) was born. However, the request for executive level training continually exceeded scheduling availability at Quantico.

In 1986, Chief Terry Mangan of Spokane, WA, and Undersheriff Paul Pastor of Pierce County, WA, teamed with Al Whittaker, the SAC in Seattle, to establish the Northwest Command College and brought the LEEDS program to the West Coast. Regional LEEDS classes became so popular that the program expanded and now encompasses more than 20 regional training sites located throughout the United States. They are presently known as Regional Command Colleges. The response by the law enforcement community to the LEEDS programs, both regionally and at the FBI Academy, has been overwhelming and its success can be measured by its significant growth since 1981. The LEEDS network continues to graduate a significant number of law enforcement executives annually.

In 1991, a group of LEEDS graduates, along with SSA Robert McCarthy, formed an association to provide graduates with a vehicle for continued networking and educational opportunities. **FBI-LEEDA**, also known as the Law Enforcement Executive Development Association was formed. Today, FBI-LEEDA’s membership includes law enforcement executives throughout the United States, U.S. territories, and foreign countries.

The Association holds an annual training conference in the spring to provide members with up-to-date information and exceptional networking opportunities. In 1998, the Association invited a limited number of vendors to display the latest technology and product lines for conference attendees. This addition to the training conference was so successful that it has been continued each year. FBI-LEEDA’s tremendously successful Corporate Partnership Program is a result of the exhibitors continuing support of the Association.

In August of 2002, FBI-LEEDA began offering leadership and management seminars to law enforcement agencies throughout the United States. The two-day programs for mid-level managers was very well received. FBI-LEEDA continues to meet the demand for law enforcement training and expanded its seminars in 2005 to include advanced leadership and management training.

In 2006, FBI-LEEDA introduced the Supervisor Leadership Institute and Command Institute for Law Enforcement Executives. The Supervisor Leadership Institute is a dynamic, intensive and challenging five-day program specifically and uniquely designed for first-line supervisors and middle managers. The Executive Leadership Institute is a similar program specifically and uniquely designed to prepare law enforcement leaders for command level positions.

We are extremely pleased with the success and development of FBI-LEEDA and will continue to bring the best executive level training, as well as the latest innovations in products and technology, to chief executives of law enforcement throughout the world.

In 2021, FBI-LEEDA provided leadership education for over 12,000 law enforcement professionals, teaching 390 classes throughout the country and online. As the Association grows, we are mindful of our mission to advance our profession through excellence in leadership education.

The Supervisor Leadership Institute (SLI)

The SLI curriculum is designed and written for emerging leaders who are taking that first step into the formal ranks of police supervision. This leadership journey begins with an understanding of the expected role of a first line supervisor. The transition to this rank is discussed in detail along with the importance of establishing and maintaining credibility for the police leader. The credibility discussion is based on cutting edge research and reinforces the significance of the attributes that give rise to credibility. Liability issues and overview of police discipline is also a major part of this curriculum. SLI leaders walk away from this class with two critical documents that will be mainstays of their journey...a written leadership philosophy that describes how each leader is going to go about the task of leading others and a unit expectation list to aid in describing to unit members how they will become successful in the workplace.

The Command Leadership Institute (CLI)

The CLI curriculum is designed based on the needs of the “organizational leader”, a law enforcement professional holding rank as perhaps a lieutenant, director, captain or major in his or her organization. It recognizes the unique nature of command leadership or commanding other commanders. The mission command model is described as a daily model for doing business. While all leaders are expected to understand how to put together effective and creative teams, that is certainly the stock in trade for command leaders, often across multiple fronts. Ethic and command decision making are also a very vital part of this curriculum. The command leaders in CLI have one half day of dealing with toxic and challenging employees. As we navigate our way through a world that offers many police leaders difficult and challenging issues, the CLI course provides a segment on resilient leadership that provides strategies for command leaders to aid their personnel in operating on the opportunities offered by the adversity our profession is encountering at this point in our history.

The Executive Leadership Institute (ELI)

The ELI is written with the “enterprise leader” in mind. The chief, sheriff, assistant chief, director, CEO, and undersheriff are the focus of this part of the Trilogy Series. What all participants in this course will find is that ELI tracks extremely well with the President’s TaskForce Report on 21st Century Policing. Procedural justice, policy and oversight, diversity and inclusion, community policing and crime reduction, strategic planning, training and employee wellness are all addressed in this session. Additionally, every session of ELI always includes a discussion on future trends in the profession of policing. All leaders, but especially the executive leader must be aware of their obligation to be forward looking. Future trends maintains that obligation in the forefront of all executive leaders. ELI wraps with a significant discussion of emotional and social intelligence, two concepts that serve all leaders well.



City of Yarrow Point
April 2024

2024-1885	04/04/2024	9000blk NE 33 rd St	Theft	A.Donchez
Suspect stole packages off porch, investigation ongoing.				
2024-1921	04/05/2024	8200blk NE 24 th St	Traffic Offenses	C.Hanson
Officer stopped vehicle and driver was found to be Operating the Vehicle w/o Certificate of Title. Charges forwarded.				
2024-1937	04/06/2024	9100blk NE 33 rd St	Traffic Offenses	C.Hanson
Officer stopped vehicle and driver was found to be DWLS3. Charges forwarded.				
2024-2227	04/17/2024	3200blk 92 nd Ave NE	Abandoned Vehicle	A.Donchez
Vehicle was left in a No Parking Zone and was impounded.				



**Issued Ticket Report Summary
Yarrow Point
April 01, 2024-April 30, 2024**

<u>Violation Location Address</u>	<u>Date And Time</u>	<u>Violation Description</u>	<u>Issuing Officer</u>
<u>Citations-Non-Traffic: 1</u>			
9039 BLK NE 33RD ST	04/09/2024 10:34:00	THEFT 3RD DEGREE [ALL OTHER]	8796 - Donchez
<u>Citations-Criminal: 2</u>			
9100 BLK NE 33RD ST	04/06/2024 05:39:00	DWSL3	9002 - Hanson
9000 BLK POINTS DR NE	04/05/2024 06:46:00	OPERATE VEH W/O VAL CERT OF TITLE	9002 - Hanson
<u>Infractions-Traffic: 7</u>			
4000 BLK 92ND AVE NE	04/28/2024 17:53:00	FAIL TO STOP AT INTERSECTION	3236 - Fernandez
4100 BLK 92ND AVE NE	04/23/2024 09:32:00	FAIL TO STOP AT INTERSECTION	6177 - Humphreys
4000 BLK 92ND AVE NE	04/28/2024 17:53:00	INATTENTION TO DRIVING	3236 - Fernandez
9000 BLK POINTS DR NE	04/05/2024 06:46:00	MV OPERATE WITHOUT INSURANCE	9002 - Hanson
4100 BLK 92ND AVE NE	04/23/2024 09:32:00	MV OPERATE WITHOUT INSURANCE	6177 - Humphreys
4000 BLK 92ND AVE NE	04/04/2024 18:50:00	MV NO VALID OPER LICENSE WITH VALID ID	3236 - Fernandez
3400 BLK 92ND AVE NE	04/20/2024 14:11:00	MV NO VALID OPER LICENSE WITH VALID ID	9337 - Swai
<u>Infractions-Speeding: 12</u>			
4100 BLK 92ND AVE NE	04/23/2024 09:32:00	SPEED 10 MPH OVER LIMIT (40 OR UNDER)	6177 - Humphreys
9000 BLK POINTS DR NE	04/05/2024 06:46:00	SPEED 13 MPH OVER LIMIT (40 OR UNDER)	9002 - Hanson
3400 BLK 92ND AVE NE	04/20/2024 14:11:00	SPEED 14 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
3600 BLK 92ND AVE NE	04/21/2024 16:32:00	SPEED 14 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
8900 BLK POINTS DRIVE NE	04/22/2024 11:10:00	SPEED 14 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
9000 BLK POINTS DR NE	04/13/2024 17:37:00	SPEED 15 MPH OVER LIMIT (40 OR UNDER)	3236 - Fernandez
9000 BLK POINTS DR NE	04/20/2024 18:15:00	SPEED 16 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
8900 BLK POINTS DRIVE NE	04/21/2024 11:36:00	SPEED 16 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
8900 BLK POINTS DRIVE NE	04/21/2024 11:55:00	SPEED 16 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
9000 BLK POINTS DR NE	04/12/2024 08:46:00	SPEED 17 MPH OVER LIMIT (40 OR UNDER)	6177 - Humphreys



**Issued Ticket Report Summary
Yarrow Point
April 01, 2024-April 30, 2024**

8900 BLK POINTS DRIVE NE	04/20/2024 18:48:00	SPEED 21 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
8900 BLK POINTS DRIVE NE	04/11/2024 12:35:00	SPEED 22 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
9000 BLK POINTS DR NE	03/20/2024 16:09:00	SPEED 17 MPH OVER LIMIT (40 OR UNDER)	9337 - Swai
<i>Infractions-Parking: 2</i>			
4000 94TH AVE NE	04/13/2024 22:20:00	PARKING ZONES ESTABLISHED	3236 - Fernandez
3900 92ND AVE NE	04/28/2024 01:00:00	PARKING ZONES ESTABLISHED	3236 - Fernandez



Town of Yarrow Point ACTIVITY REPORT

	April 2024	March 2024	2024 YTD	2023 YTD
CRIMES AGAINST PERSONS				
Assault	0	0	0	0
Domestic Violence/Disturbance	0	0	0	1
Harassment	0	0	0	0
Order violation	0	0	0	0
Rape/sex offenses	0	0	0	0
Robbery	0	0	0	0
Other (<i>Abuse, APS, civil, CPS, custodial interference, extortion</i>)	0	0	0	0
PROPERTY CRIMES				
Burglary	0	0	0	1
Fraud	0	0	1	4
MV Prowl	0	0	0	0
MV Theft	0	0	0	0
Theft	1	0	1	5
Other (<i>Arson, illegal dumping, malicious mischief, prowler, trespass</i>)	0	0	3	6
ARRESTS				
Drug/alcohol	0	0	0	0
Warrants	0	0	0	0
Other	0	0	0	0
TRAFFIC ACTIVITY				
Criminal Traffic	2	0	2	1
Infractions	19	5	23	16
Warnings	18	13	36	25
Traffic accidents	0	0	2	2
Traffic stops	39	18	65	30
Parking	2	0	3	2
OTHER				
Alarms	0	5	16	10
Complaints				
~Animal	0	0	0	0
~Fireworks	0	0	0	0
~Noise	0	3	3	0
~Soliciting	0	0	0	0
Deaths	0	0	0	0
Suspicious	3	2	10	5
Drug/alcohol	0	0	0	0
PUBLIC SERVICES				
Other Public Services (<i>area check, assist, community policing, contacts, direct enforcement/patrol, 911 hang-ups, fire assist, follow up, on-view, order service, walk through, welfare check</i>)	86	60	292	61

Filter statement

Filters

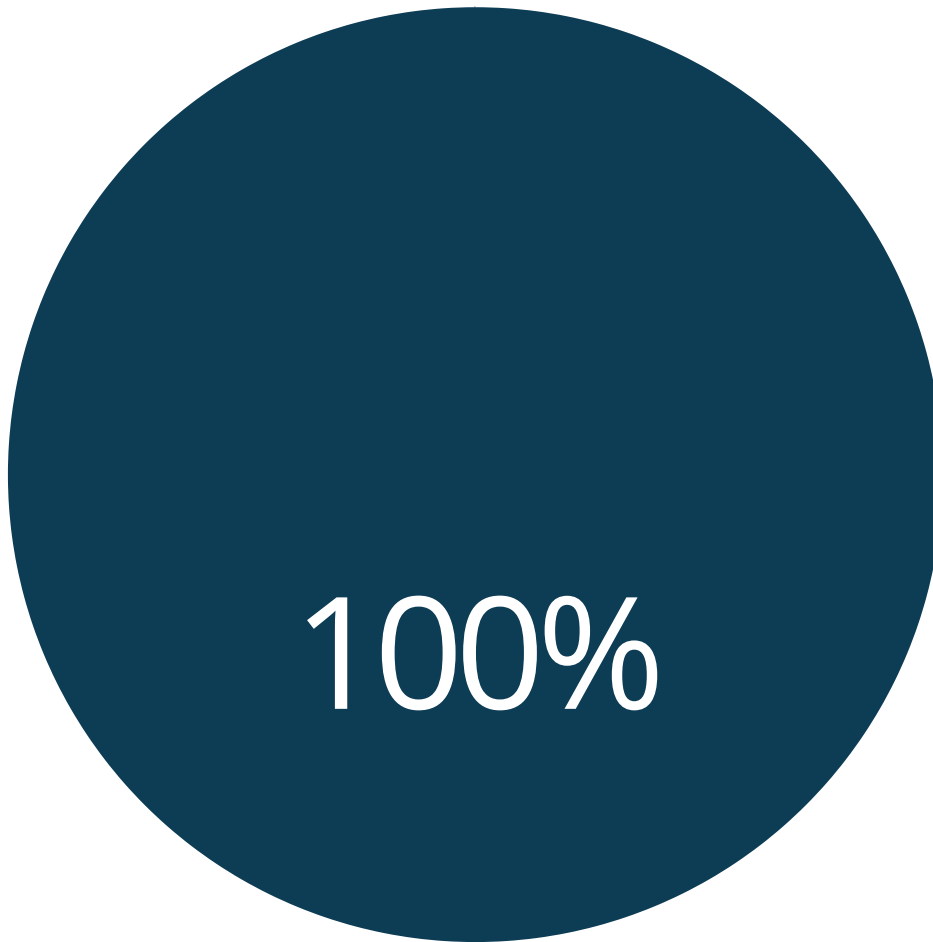
Alarm Date Range Last Month | **Is Locked** true | **Is Active** true | **Location City** YARROW POINT, Yarrow Point

Fire and EMS Summary

Count of Total Incidents

1

Percentage of Incident Type (with count)



100%

300 - Rescue & EMS
1

Contract City Incident Summary (Yarrow Point) May 3, 2024 9:24:01 AM

Filter statement

Filters

Alarm Date Range Last Month | **Is Locked** true | **Is Active** true | **Location City** YARROW POINT, Yarrow Point

Count of Incidents by Type

Incident Type Group	Incident Type	Type Code	Count
300 - Rescue & EMS	EMS Call, Cancelled at Scene	3117	1
Count			1



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
4/9/24	2024 94 th Ave NE UGC	Stacia Schroeder

STATUS SUMMARY

The 2024 94th Ave NE underground conversion scope of work includes:

- 3800 – 4700 94th Ave NE (2,320 LF)
- 9200 – 9500 NE 40th Street (800 LF)
- 9200 – 9400 NE 38th Street (320LF)

Town staff has been working on several elements of this project over the past few months including:

- Ongoing resident coordination to answer general questions and coordinate private underground conversions. Twenty (20) residents have been narrowed to eighteen (18) as Comcast is installing 2 cable only services prior to the start of our project. Of those 18 residents:
 - 11 – converted completely or installed the empty conduits in 2023
 - 4 – deferred to the Spring of 2024 (3800 92nd, 3805 94th, 3847 94th, and 3856 94th)
 - 1 – new owner has temporary overhead service and will underground as part of the new SFR (9415 NE 40th)
 - 1 – owner is aware and will self-install; tree removal permit was granted ~Jan. 26th (9330 NE 40th St)
 - 1 – negative response; may choose to install temp power pole and build garage (4000 94th)
- The COB water utility has completed construction. They are still working on a final punchlist and site restoration the week of April 3rd.
- PSE’s draft Schedule 74 Underground Conversion Project Construction Agreement, Project Plan, and Facility Conversion/ Modification Billing Detail were approved by the town council on March 12, 2024. The town’s construction costs to install PSE conduits and vaults will be shared 60 PSE / 40 Town at the end of the project (Winter 2024).
- The updated PSE IntoLight contract was approved by the Town Council on March 12, 2024. Mayor Harris confirmed with PSE- Lyndsey that the street lights are dimmable, but the order is already in for 3000K. The 2700K is a possibility for the next UGC.
- Coordination efforts are on-going with other purveyors (ie. PSE gas, Comcast, Lumen, etc.). Gray & Osborne has incorporated Comcast and Lumen’s final design information into their final civil plan sheets. **NOTE: Comcast will remove their above ground battery backup cabinet on 4015 NE 40th in lieu of a much smaller aerial component located at the intersection of NE 40th and 95th.**
- Amendment No. 3 was approved and Gray & Osborne – G&O is working on the following tasks:
 - March 12 – June 1: G&O will perform material submittal reviews, prepare for and attend the pre-construction meeting, and assist town staff with procuring contract documents.
 - June 1st – Dec. 31st: G&O will provide inspection, surveying, and project management support to town staff.
 - Jan. 1st – Jan. 31st, 2025: G&O will provide project closeout services.
- King County Roads – TYP is expected to participate in KC Roads 2025 Pavement Preservation Program to grind and overlay the affected streets.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	March 2021	PACE/ Town Engineer	
Final Design		2022-2023	Gray & Osborne/ Town Engineer	
PSE	100			
City of Bellevue Utilities Dept.	100			
Comcast/ Lumen Final Design	100			
TYP Stormwater & Landscape Design including Bid Documents	100	2023-2024	Gray & Osborne/ Town Engineer	
Bidding	100	Winter 2023/2024	Gray & Osborne/ Town Engineer	
Construction	0	Spring/Summer/ Fall 2024	Gray & Osborne/ Town Engineer	
Grind & Overlay	0	Summer 2025	Town Engineer	

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Jan. 2021 – Mar. 2021 PACE Surveying Consultant Task Order No. 3	\$28,250	\$28,250		Completed
May 2022 – Dec. 2023 Puget Sound Energy (Sch. 74 Design Agreement)	Included in PSE Line Below	\$0		Contract Signed 06/13/22 100% Plans Rec'd: 12/2023 Design Fee 60/40 split; included in PSE line item below
Jan. 2022 – Mar. 12, 2024 Town Engineer Project Management		\$ 54,053.35		
Jan. 2023 – Jan. 27, 2024 Civil Engineering Consultant Gray & Osborne, Inc.	\$110,000	\$144,960.00		CIP S-3: \$50,000 Old CIP/ Budget CIP U-1: \$60,000 Old CIP/ Budget Contract Date: 1/10/23 \$127,300 Change Order No. 1 – \$5,500 Change Order No. 2 – \$12,160
Spring-Winter 2024 Fury Site Works Construction Contractor	\$2,119,872	\$0		TIP / CIP Budget S-2: \$700,000 U-1: \$1.3 mil T-1: \$500,000
Spring-Winter 2024 Gray & Osborne Inspection, Surveying, Project Management Support	\$190,000	\$0		G&O Contract Amendment No. 3 – Construction Inspection, Surveying, Project Management Support \$158,500; Budget is ~10% higher based on past project experience; Sallys Alley East is separate.
Mar. 13 – Mar. 31, 2024 Town Engineer Project Management	\$97,500	\$720.90		Town Expenses – Estimated \$2,500 for permits Project Management (43 weeks 14hrs/week*\$160/hr) This expense correlates to costs incurred on past projects. Sallys Alley East is separate.
Winter 2024 PSE Schedule 74 (Power)	\$200,000	\$0		NOTE: PSE issues one final bill after the project is complete (Winter 2025). Anticipated cost is \$100,000 after 60/40 construction credit, but budget is higher to buffer against any potential increases.
		20		

Spring-Winter 2024 PSE Schedule 51 (Lights)	\$74,893	\$0		
Spring-Winter 2024 10% Contingency	\$268,227	\$0		NOTE: All contingency expenditures must be approved by Town Council.
Total:	\$2,950,492	\$720.90		
Summer 2025 – King County Roads	\$500,000	\$0		
Jan. 2021 – Mar. 31, 2024 Project Total:	\$3,588,742	\$227,984.25		

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS

Final Civil Plans, Specifications, Estimate, and Schedule – January 31, 2024

Public Bid: January 31 – February 21, 2024

Town Council March 12, 2024 Approvals:

- Lowest Responsible Bidder: Fury Site Works
- Inspection & Project Management Contract: Gray & Osborne
- PSE Power Underground Conversion Construction Agreement
- PSE IntoLight Contract: Revision #1

May 2024 – Pre-construction meeting: TYP, G&O, PSE, Fury, Lumen, Comcast, Etc.

June – Dec. 2024: Construction

Jan. 2025: Project Closeout

June 2025: Road Grind and Overlay



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
5/14/24	2024 94 th Ave NE UGC	Stacia Schroeder

STATUS SUMMARY

The 2024 94th Ave NE underground conversion scope of work includes:

- 3800 – 4700 94th Ave NE (2,320 LF)
- 9200 – 9500 NE 40th Street (800 LF)
- 9200 – 9400 NE 38th Street (320LF)

Town staff has been working on several elements of this project over the past few months including:

- Ongoing resident coordination to answer general questions and coordinate private underground conversions. Twenty (20) residents have been narrowed to eighteen (18) as Comcast is installing 2 cable only services prior to the start of our project. Of those 18 residents:
 - 11 – converted completely or installed the empty conduits in 2023
 - 2 – are currently on WE Electric’s calendar for installation this month (3800 92nd and 3805 94th)
 - 1 – new owner has temporary overhead service and will underground as part of the new SFR (9415 NE 40th)
 - 1 – owner/ developer held a pre-application meeting for a new home on April 4, 2024 (9330 NE 40th)
 - 3 – are undetermined after multiple attempts to coordinate (3847 94th, 3856 94th, and 4000 94th)

PLEASE READ THROUGH RCW 35.96 FOR INFORMATION RELATED TO THE TOWN'S RESPONSIBILITIES ON THIS MATTER. TOWN STAFF WILL CONTINUE TO COORDINATE WITH EACH OF THESE THREE PROPERTY OWNERS THROUGHOUT THE DURATION OF THE CONSTRUCTION PROJECT. WE ANTICIPATE UNDERGROUND ELECTRIC FACILITIES WILL BE MADE AVAILABLE BY NOVEMBER 2024, BUT PLEASE NOTE A SPECIAL COUNCIL PUBLIC HEARING MAY BE NEEDED IN DECEMBER 2024 IF THE TOWN RECEIVES A WRITTEN OBJECTION(S).

[RCW 35.96.050 – Notice to owners to convert service lines to underground–Objections–Hearing–Time limitation for conversion.](#)

When service from the underground electric and communication facilities is available in all or part of a conversion area, the city or town shall mail a notice to the owners of all structures or improvements served from the existing overhead facilities in the area, which notice shall state that:

- (1) *Service from the underground facilities is available;*
- (2) *All electric and communication service lines from the existing overhead facilities within the area to any structure or improvement must be disconnected and removed within ninety days after the date of the mailing of the notice;*
- (3) *Should such owner fail to convert such service lines from overhead to underground within ninety days after the date of the mailing of the notice, the city or town will order the electric and communication utilities to disconnect and remove the service lines;*
- (4) *Should the owner object to the disconnection and removal of the service lines he or she may file his or her written objections thereto with the city or town clerk within thirty days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of his or her right thereafter to object to such disconnection and removal.*

If the owner of any structure or improvement served from the existing overhead electric and communication facilities within a conversion area shall fail to convert to underground the service lines from such overhead facilities to such structure or improvement within ninety days after the mailing to him or her of the notice, the city or town shall order the electric and communication utilities to disconnect and remove all such service lines: PROVIDED, That if the owner has filed his or her written objections to such disconnection and removal with the city or town clerk within thirty days after the mailing of the notice then the city or town shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of the service lines, the legislative authority of such city or town, or a committee thereof, shall conduct a hearing to determine whether the removal of all or any part of the service lines is in the public benefit. The hearing shall be held at such time as the legislative authority of such city or town may establish for hearings on the objections and shall be held in accordance with the regularly established procedure set by the legislative authority of the city or town. If the hearing is before a committee, the committee shall, following the hearing, report its recommendation to the legislative authority of the city or town for final action. The determination reached by the legislative authority shall be final in the absence of an abuse of discretion.

- The COB water utility has completed construction.
- PSE's draft Schedule 74 Underground Conversion Project Construction Agreement, Project Plan, and Facility Conversion/ Modification Billing Detail were approved by the town council on March 12, 2024. The town's construction costs to install PSE conduits and vaults will be shared 60 PSE / 40 Town at the end of the project (Winter 2024).
- The updated PSE IntoLight contract was approved by the Town Council on March 12, 2024. Mayor Harris confirmed with PSE- Lyndsey that the street lights are dimmable, but the order is already in for 3000K. The 2700K is a possibility for the next UGC.
- Coordination efforts are on-going with other purveyors (ie. PSE gas, Comcast, Lumen, etc.). Gray & Osborne has incorporated Comcast and Lumen's final design information into their final civil plan sheets. **NOTE: Comcast will remove their above ground battery backup cabinet on 4015 NE 40th in lieu of a much smaller aerial component located at the intersection of NE 40th and 95th.**
- Amendment No. 3 was approved and Gray & Osborne – G&O is working on the following tasks:
 - March 12 – June 1: G&O will perform material submittal reviews, prepare for and attend the pre-construction meeting, and assist town staff with procuring contract documents.
 - June 1 – Dec. 31: G&O will provide inspection, surveying, and project management support to town staff.
 - Jan. 1 – Jan. 31, 2025: G&O will provide project closeout services.
- King County Roads – TYP is expected to participate in KC Roads 2025 Pavement Preservation Program to grind and overlay the affected streets.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	March 2021	PACE/ Town Engineer	
<u>Final Design</u>		2022-2023	Gray & Osborne/ Town Engineer	
PSE	100			
City of Bellevue Utilities Dept.	100			
Comcast/ Lumen Final Design	100			
TYP Stormwater & Landscape Design including Bid Documents	100	2023-2024	Gray & Osborne/ Town Engineer	
Bidding	100	Winter 2023/2024	Gray & Osborne/ Town Engineer	
Construction	0	Spring/Summer/ Fall 2024	Gray & Osborne/ Town Engineer	
Grind & Overlay	0	Summer 2025	Town Engineer	

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Jan. 2021 – Mar. 2021 PACE Surveying Consultant Task Order No. 3	\$28,250	\$28,250		Completed
May 2022 – Dec. 2023 Puget Sound Energy (Sch. 74 Design Agreement)	Included in PSE Line Below	\$0		Contract Signed 06/13/22 100% Plans Rec'd: 12/2023 Design Fee 60/40 split; included in PSE line item below
Jan. 2022 – Mar. 12, 2024 Town Engineer Project Management		\$ 54,053.35		
Jan. 2023 – Jan. 27, 2024 Civil Engineering Consultant Gray & Osborne, Inc.	\$110,000	\$144,960.00		CIP S-3: \$50,000 Old CIP/ Budget CIP U-1: \$60,000 Old CIP/ Budget Contract Date: 1/10/23 \$127,300 Change Order No. 1 – \$5,500 Change Order No. 2 – \$12,160
Design Total:	\$138,250	\$227,263.35		
Spring-Winter 2024 Fury Site Works Construction Contractor	\$2,119,872	\$0		TIP / CIP Budget S-2: \$700,000 U-1: \$1.3 mil T-1: \$500,000
Mar. 24 – Apr. 20, 2024 Gray & Osborne Inspection, Surveying, Project Management Support	\$190,000	\$2,256.49		G&O Contract Amendment No. 3 – Construction Inspection, Surveying, Project Management Support \$158,500; Budget is ~10% higher based on past project experience; Sallys Alley East is separate.
Mar. 13 – Mar. 31, 2024 Town Engineer Project Management	\$97,500	\$2,162.70		Town Expenses – Estimated \$2,500 for permits Project Management (43 weeks 14hrs/week*\$160/hr) This expense correlates to costs incurred on past projects. Sallys Alley East is separate.
Winter 2024 PSE Schedule 74 (Power)	\$200,000	\$0		NOTE: PSE issues one final bill after the project is complete (Winter 2025). Anticipated cost is \$100,000 after 60/40 construction credit, but budget is higher to buffer against any potential increases.
Spring-Winter 2024 PSE Schedule 51 (Lights)	\$74,893	\$0		
Spring-Winter 2024 10% Contingency	\$268,227	\$0		NOTE: All contingency expenditures must be approved by Town Council.
Construction Total:	\$2,950,492	\$4,419.19		
Summer 2025 – King County Roads	\$500,000	\$0		
Jan. 2021 – Apr. 20, 2024 Project Total:	\$3,588,742	\$231,682.54		

RISK AND ISSUE HISTORY

ISSUE	25	STATUS	DATE
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CONCLUSIONS/NEXT STEPS

Final Civil Plans, Specifications, Estimate, and Schedule – January 31, 2024

Public Bid: January 31 – February 21, 2024

Town Council March 12, 2024 Approvals:

- Lowest Responsible Bidder: Fury Site Works
- Inspection & Project Management Contract: Gray & Osborne
- PSE Power Underground Conversion Construction Agreement
- PSE IntoLight Contract: Revision #1

April 26, 2024 – Pre-construction office meeting: TYP, G&O, and Contractor

May 10, 2024 – Town Posted Project Notification Letter

May 20, 2024 – Pre-construction site meeting: TYP, G&O, PSE, Fury, Lumen, Comcast, and WE Electric

June – Dec. 2024: Construction

Jan. 2025: Project Closeout

June 2025: Road Grind and Overlay



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
05/09/2024	GMA Comprehensive Plan Update 2024	Town Planner – SBN Planning

STATUS SUMMARY

The Comprehensive Plan consists of required elements under the Growth Management Act (GMA) and optional elements unique to Yarrow Point. The Plan serves as a collective vision for the type of town that Yarrow Point residents aspire to create. The plan outlines how the town will manage population growth, environmental factors, and ensure essential services and facilities are provided to meet the community's needs for the next 20 years. The Plan must be adopted by December 2024 and includes updates to development regulations to stay current with state guidelines and recommendations. This update is funded through June 2024 by a \$100,000 grant from the State’s Department of Commerce (COM), which the Town Planner applied for and received at the start of the process in August 2022.

For a more detailed overview of the update process, survey analysis, and engagement materials. Please visit the Town’s comprehensive plan webpage:

<https://yarrowpointwa.gov/comprehensive-plan/>

The following is the schedule for comprehensive plan elements submitted to Council:

- **Introduction:** March
- **Economic Development:** March
- **Siting Essential Public Facilities:** March
- **Tribal Planning:** April
- **Transportation:** April
- **Climate Change:** April
- **Parks, Recreation, & Open Space:** April
- **Housing (Including required Needs Analysis):** May
- **Land Use:** May
- **Utilities:** May
- **Capital Facilities:** May – Pending 2025-2030 CIP
- **Full Draft Plan (Redline text version and Full document with Layout):** June

For this May meeting, draft chapters which include graphics and maps for Land Use, Housing, Utilities, and Capital Facilities have been included for review.

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. The feedback has been incorporated and a full draft of the comprehensive plan is being compiled which will be presented to the planning commission at the May meeting. At the June meeting Council will receive the documents outlined below from the Planning Commission.

In addition to a redline word document showing the changes in the text, the draft comprehensive plan will include 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

Following the June council meeting, the schedule for the draft comprehensive plan will continue as approved at the regular April council meeting:

Between June and December 2024

- Staff will work with the Town Council to review and revise the Plan and finalize it so that it may be adopted by December of 2024.
- Town Council will work with Staff to craft a concise vision statement to incorporate into the comprehensive plan.
- The Plan will go through review by the Puget Sound Regional Council, Department of Commerce, and will require a non-project action SEPA.
- Final adoption of the Plan to occur by end of December 2024

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).



Figure 20. Nine Elements of Comprehensive Plans (SBN, 2023)

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

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).

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Land Use Map with Parcels for Yarrow Point

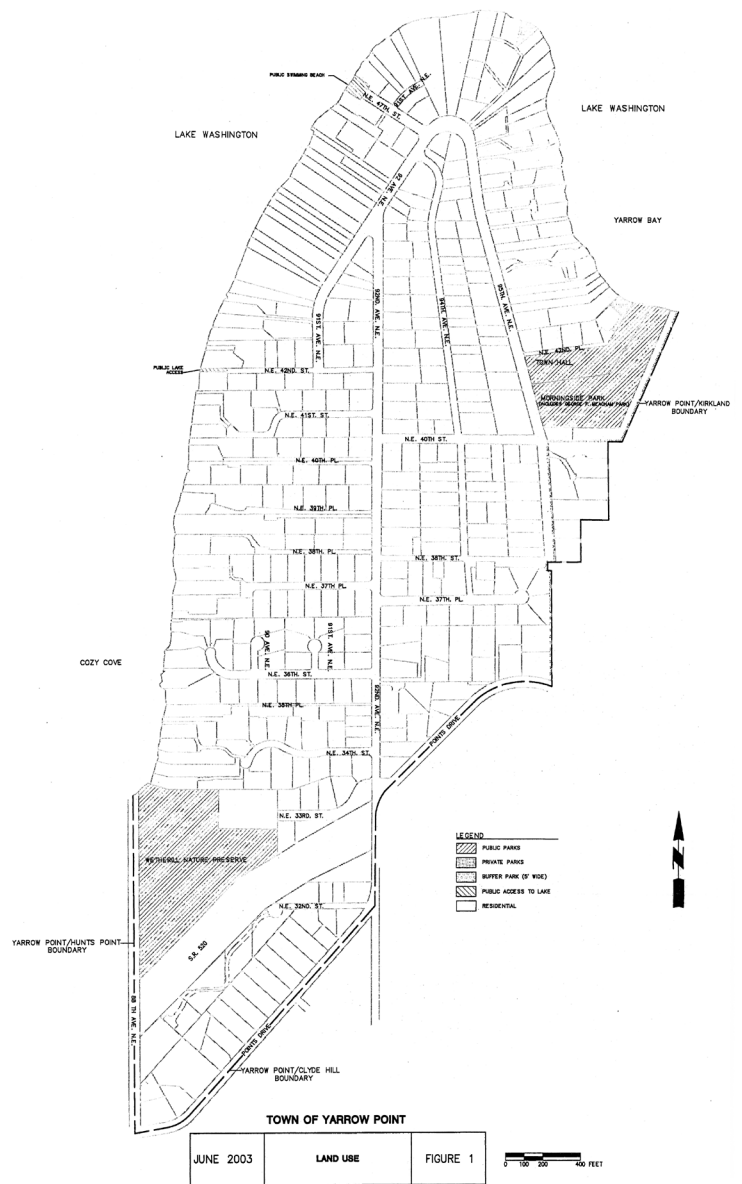


Figure 21. Land Use Map (City of Yarrow Point, 2003)

2.2 Land Use & Growth in Yarrow Point

The Town must accommodate 10 additional permanent housing units based on county growth targets.

Given current housing occupancy trends, as detailed in the Housing Needs Analysis, that would result in an increase of 27 residents, or about 2.4%. By comparison, the Town’s population has grown by about 14% in the prior 20 years. Following that 20-year trend, the Town could expect nearly 1,300 residents by 2044. Based on the findings of the HNA, the Town may consider significant changes to the land use code to accommodate that growth, if achieved. Some changes will be required, such as middle housing and accessory dwelling unit changes imposed by recent state legislation. The Town may consider other changes

as it assesses and reflects on how those changes take shape over the near and medium-term future.

Land Use and Zoning

Yarrow Point has 450 total lots, per the King County Assessor and Town records as of March 2024.

Some of these lots have undergone consolidation not reflected by the Assessor’s dataset. 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.

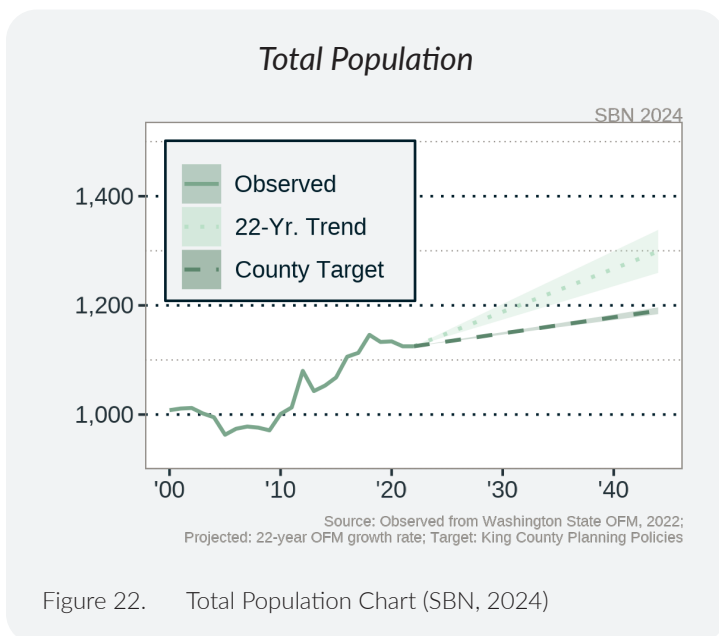


Figure 22. Total Population Chart (SBN, 2024)

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

Residential Land Use [Planner Note: Changes to this language will be made as part of the Middle Housing planning process to incorporate HB1110 requirements. These changes will be implemented prior to final adoption of the comprehensive plan]

Single-family dwellings are the primary use permitted in both residential zones: R-12 and R-15. The currently allowed densities per zone are outlined in Table L-1.

“Currently Allowed” densities are the number of units per acre possible if the Town used land to its maximum capacity under existing zoning regulations. These densities would be impossible to achieve without completely replatting the land to fully utilize the space.

“Future Allowed” densities are the number of units per acre possible when the Town implements new zoning and development regulations in accordance with middle housing requirements that the state passed during its 2022 legislative session.

“Currently Achieved” density is the number of units per acre currently on existing lots.

“Future Planned” density applies the utilization rate of currently achieved to currently allowed density to the future allowed density. Achieved densities will change based on final implementation and the intensity and efficiency of development, while updates to allowed densities will reflect any changes to legislation and zoning.

While single-family dwellings are the primary focus of residential development, the zoning code does permit 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.

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



Figure 24. Yarrow Point Town Hall (Smith, 2023)

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 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 End Beach, Sally's Alley, 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 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 End Beach, situated along Lake Washington, is a popular spot for waterfront relaxation and recreation. Its sandy shoreline provides residents with opportunities for swimming, fishing, 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 Parks, Recreation, and Open Space Chapter, 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 within 200 feet of the ordinary high water mark (OHWM) of Lake Washington, is defined as being in the shoreline jurisdiction. The shoreline jurisdiction is regulated by the Town's Shoreline Master Program under the Shoreline Management Act (SMA) of the State of Washington.

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 25. Bench at the Wetherill Nature Preserve Shoreline (Smith, 2023)

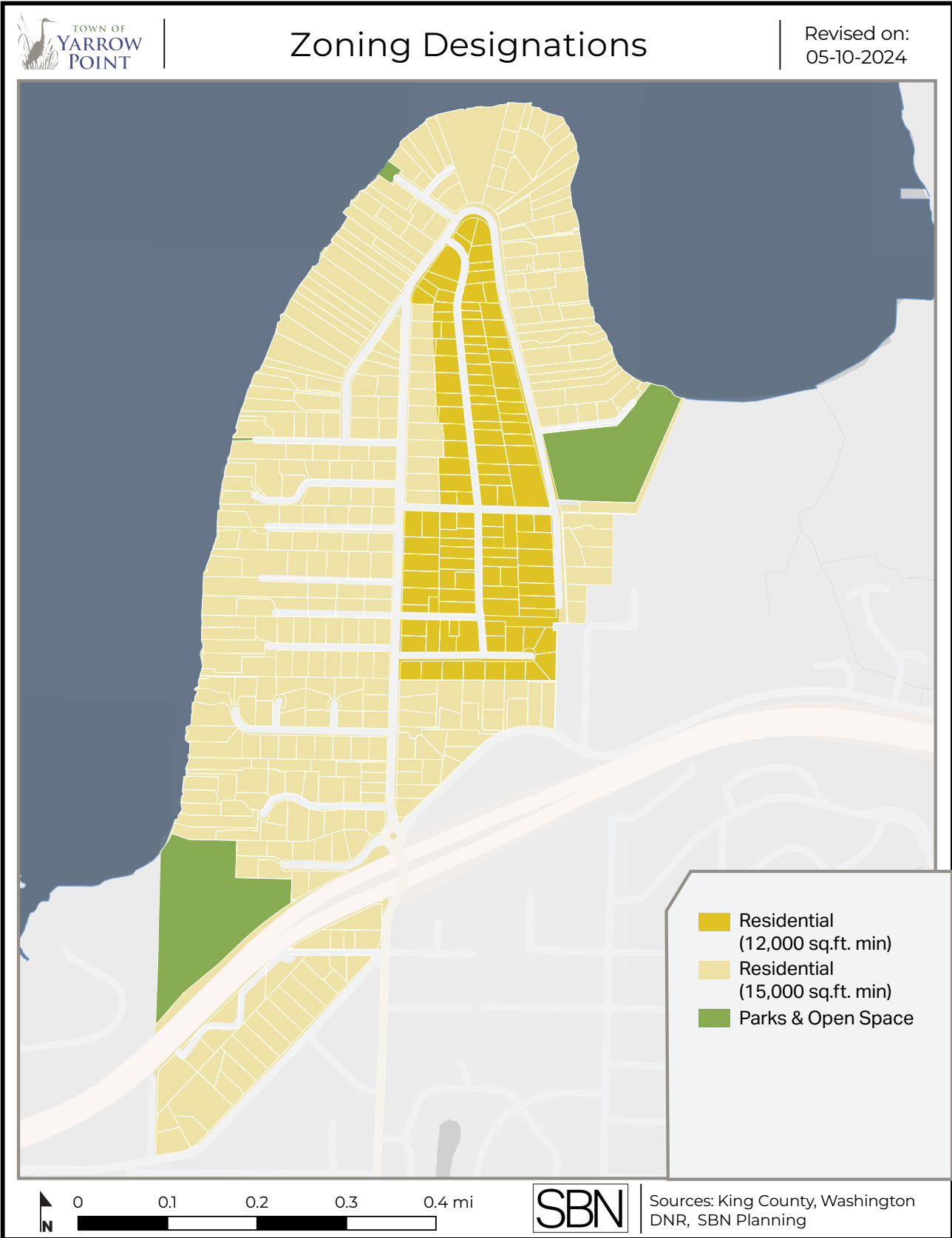


Figure 26. Map of Zoning Designations (SBN, 2024)

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.¹

1 DRAFT Guidance for Allocating Projected Countywide Housing Needs to Local Jurisdictions. Washington State Department of Commerce. (2022). <https://deptofcommerce.app.box.com/s/0qzmz-vov4480yrgijlumku8r8nmafzyod>

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.²

Displacement: The process by which a household is forced to move from its community because of conditions beyond its control.³

Displacement Risk: The likelihood that a household, business, or organization will be displaced from its community.⁴

Exclusion of Housing: The act or effect of shutting or keeping certain populations out of housing within a

2 Guidance to Address Racially Disparate Impacts: Updating your housing element to address new requirements. Washington State Department of Commerce. (2023). <https://deptofcommerce.app.box.com/s/11217198jattb87qobtw63pkplzhxege>

3 *ibid.*

4 *ibid.*

specified area, in a manner that may be intentional or unintentional, but which nevertheless leads to non-inclusive impacts.⁵

Racially Disparate Impacts: When policies, practices, rules, or other systems result in a disproportionate impact on one or more racial groups.⁶

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.⁷

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:

5 ibid.

6 Hodgson, L. (2022). HB 1220: Racially disparate impacts guidance. Washington State Department of Commerce. <https://www.psrc.org/media/7086>

7 DRAFT Guidance for Allocating Projected Countywide Housing Needs to Local Jurisdictions. Washington State Department of Commerce. (2022a). <https://deptofcommerce.app.box.com/s/0qmvzov4480yrgijlumku8r8nmafzyod>

- 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

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

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.

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 Yarrow Point'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 post western settlement 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 the policy of Japanese-American internment that 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.

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.¹ 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.

1 Butler, S. (2022). Increasing local housing supply through missing middle housing. Municipal Research and Services Center (MRSC). <https://mrsc.org/stay-informed/mrsc-insight/september-2022/increase-housing-via-missing-middle>

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 28. 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 is required to accommodate through land use regulation, 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 through land use regulation 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

What is Affordable Housing?

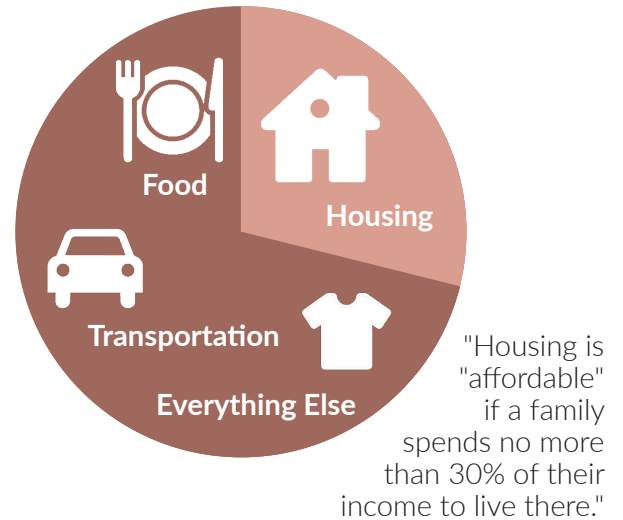


Figure 29. What is Affordable Housing? (Corn, 2024)

County Housing Analysis" in accordance 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 \$10,000 in 2024 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 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.

[Planner Note: Changes to this language will be made as part of the Middle Housing planning process to incorporate HB1110 requirements. These changes will be implemented prior to final adoption of the comprehensive plan]

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

Cost Burdened Households in Yarrow Point

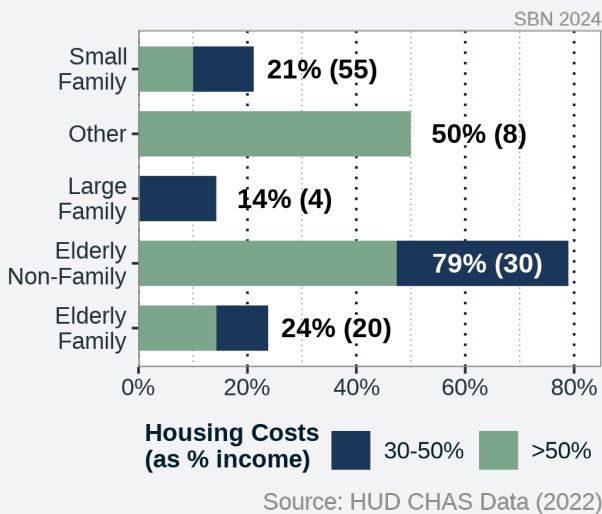


Figure 30. Housing Cost Burden By Type (SBN, 2024)

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

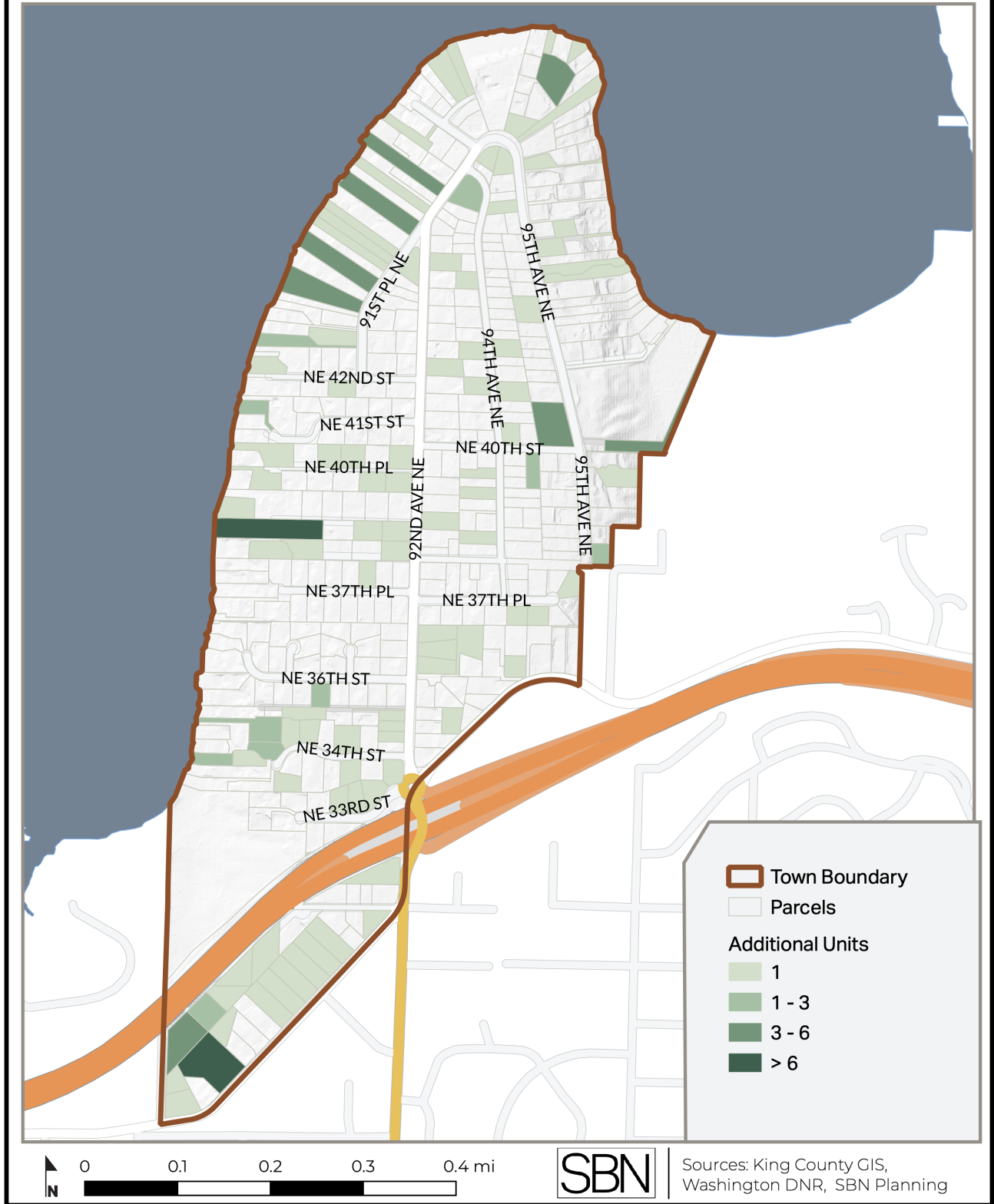


Figure 32. Map of Additional Capacity by Lot (SBN, 2024)

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:** Promote development and redevelopment of properties in a manner which is harmonious with the existing housing typologies that define Yarrow Point's history and community.
- **Policy H-1.2:** Support approaches to affordability 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-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).

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.

10. Utilities

10.1 Introduction

Purpose

The utilities element is included in the comprehensive plan to ensure adequate utility services are planned for Yarrow Point’s future. Effective planning in these areas is key to maintaining high quality service and manageable costs for the Town. Utility planning must be proactive to possible changes in demographics and responsive to community needs.

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



Figure 87. SR-520 Roundabout (Smith, 2023)

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 Bellevue 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.

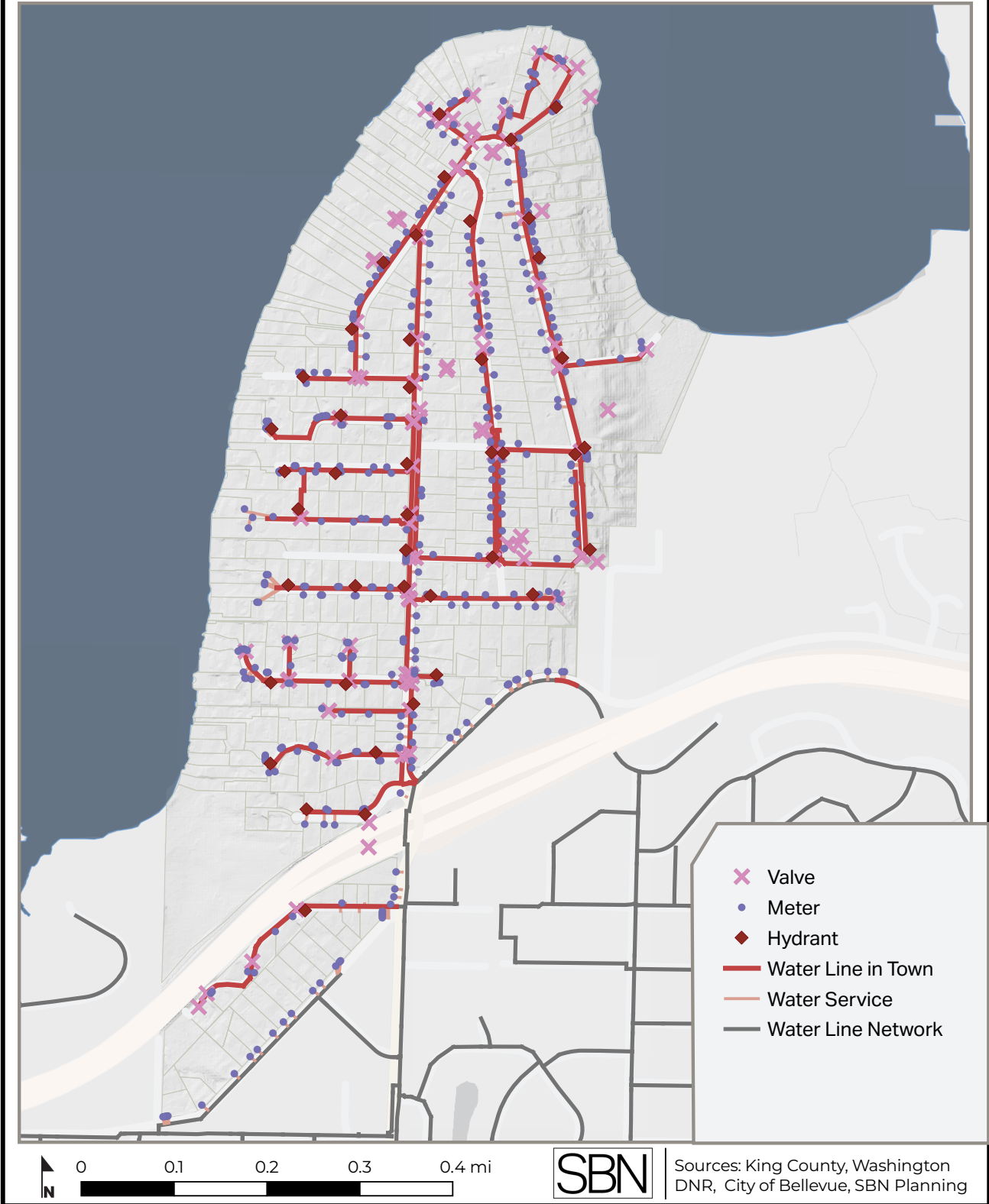


Figure 88. Map of Water Utility (SBN, 2024)

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.



Figure 89. 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.

Solid Waste and Recycling

Solid waste, yard waste, and recyclables collection is provided to Yarrow Point by Republic Services. The provider utilizes King County Transfer Stations and King County Household Hazardous Waste Facilities.

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.



Figure 90. Map of Stormwater Facilities (SBN, 2024)

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 T-Mobile, Verizon and AT&T Wireless, the latter two 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.

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.

Pending updates

Figure 91. Table U-1: Utilities in Yarrow Point (SBN, 2024)

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 within 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:** 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 detail how 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 sources for these services and lay out policies



Figure 92. Town Hall (Smith, 2023)

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 93. Puget Sound Regional Council (Corn, 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 facilities managed by other jurisdictions or organizations follow the planning framework and investment strategy of their managing body. Public entities managing these facilities, such as the City of Bellevue, have their own Capital Improvement Plans and strategic plans guiding short and long-term investments.

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, levies, taxes, 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, parks, and other 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



Figure 94. Map of Stormwater System (SBN, 2024)

grant applications and support staff efforts to pursue government funding and partnerships to finance improvements.

Future Demand

The Town must also prepare 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 aging of existing facilities, and possible changes in demand indicate a need for increased maintenance. The Town must monitor changes in population and housing stock diligently to continue supplying high-quality services. If the housing capacity detailed in the Housing Needs and Land Capacity Analysis is fully utilized, the Town will need to assess and prioritize projects in line with that growth and an assessment of the resulting demand.

In addition to assessing any changes in demand, adjustments to maintenance needs, and possible major investments, the Town will review

expanding its possible funding sources. New funding mechanisms could include impact fees, levies, improvement districts, or other measures implemented by town administration or voter approval. In addition to these sources, the Town will continue assessing the feasibility of grants to support capital facility planning.

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 95. 6-Year Capital Improvement Program (SBN, 2024)

11.3 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 alignment between capital facilities and land use planning in the Town of Yarrow Point.

- **Policy CF-2.1:** 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-2.2:** Ensure new development is supported by the necessary public facilities and/or utilities. Reassess land use plans if major disruptions occur.
- **Policy CF-2.3:** Continue to pursue undergrounding utility lines and encourage using shared corridors and joint trenches for several utilities where possible for cost efficiency.

Goals and policies continue on the next page

Goal CF-3: Maintain sustainable funding sources and explore new possible sources for cost efficiencies and funding.

- **Policy CF-3.1:** Continue funding the 6-year CIP with consistent sources, in line with respective utility plans and the Town's Comprehensive Plan.
- **Policy CF-3.2:** Research possible grants and maintain good standing with granting agencies to pursue funding when community needs and grant scopes align.
- **Policy CF-3.3:** Identify possible regional partners for interlocal agreements or other collaborations to support a regional approach to capital facility planning and funding.
- **Policy CF-3.4:** Explore the feasibility of private citizen funding or gifting for targeted neighborhood projects in Yarrow Point.
- **Policy CF-3.5:** Assess opportunities for conservation or efficiencies in existing infrastructure to reduce the current cost burden of infrastructure in Town.

**TOWN OF YARROW POINT
TOWN PLANNING COMMISSION REGULAR MEETING
April 16, 2024
7:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in regular session on Tuesday, April 16, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PLANNING COMMISSION PRESENT: Chair Carl Hellings, Commissioners, Jeffrey Shiu, Chuck Hirsch (absent), 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 Commissioner Feller, seconded by Commissioner Feller to approve the agenda as presented.

VOTE: 4 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES

- March 19, 2024 Regular Meeting

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

VOTE: 4 for, 0 against. Motion carried.

Commissioner Jeffrey Shiu joined the meeting at 7:02 pm.

6. STAFF REPORTS

Comprehensive Plan:

Planner Romanenko discussed the draft chapters which include graphics and maps for Land Use, Housing, Utilities, and Capital Facilities that 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.

Middle Housing (HB1110 Integration):

Planner Romanenko discussed the gap analysis, public engagement plan and \$35k grant.

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.

7. PUBLIC COMMENT

Steve Scalzo provided his appreciation to the Planning Commission for their work on the private property tree code. He discussed the following:

- The March Planning Commission meeting was not advertised as a joint Town Council/Planning Commission meeting – a quorum of Council was inadvertently in attendance.

- This April agenda does not list a second open comment period and he hopes that it will. Chair Hellings noted that the second comment period has been removed however the normal public comment period prior to Regular Business remains.
- Mr. Scalzo reviewed points of discussion from the March Planning Commission meeting.

Ed Esparza shared his appreciation for the Planning Commission's efforts and discussed the following regarding the private property tree code:

- Disputes between views and access to light – these should be taken into consideration.
- Consider and address all residents' concerns regarding tree code concerns.

Brian Fleming shared his support for the Planning Commission's efforts to strengthen the tree code. He discussed value of town environments, the need for exceptions for significant trees on dense lots and provided comment on the draft code.

Krista Fleming referenced a letter submitted to the Planning Commission by resident from Ronni McGlenn. The Planning Commission confirmed that they received the letter.

8. REGULAR BUSINESS

8.1 – Private Property Tree Code

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.

The Planning Commission discussed how the outcomes of example active tree permits under the current private property tree code would compare to the draft code as presented.

Planner Romanko reviewed the updates to the draft code.

- Definitions;
- Triggers for mitigation trees in relating to building permits;
- Setbacks;
- Heritage trees;
- Review and potential additional committee;
- Exemptions & emergency tree removal;
- Arborist reports relating to hazardous trees;
- Notification;
- Bonding – the Planning Commission recommends leaving bonds in the code to protect the mitigation trees;
- Application process;
- Administrative updates;
- Mitigation tree warranty period; and
- Clarifying tree protections;

Commissioner Jeffrey Shiu left the meeting at 9:15 pm.

MOTION: Motion by Commissioner Feller, seconded by Commissioner Hirsch to hold a special meeting of the Planning Commission on April 24, 2024 at 6:00 pm to discuss the final version of the tree code draft before it goes to Council.

VOTE: 4 for, 0 against. Motion carried.

MOTION: Motion by Commissioner Feller, seconded by Commissioner Sims direct staff to incorporate the updates discussed on record at this April 16, 2024 regular Planning Commission meeting.

VOTE: 4 for, 0 against. Motion carried.

The Planning Commission discussed resident comments submitted.

9. ADJOURNMENT:

MOTION: Motion by Chair Hellings, seconded by Commissioner Feller to adjourn the meeting at 10:35 pm.

VOTE: 4 for, 0 against. Motion carried.

Carl Hellings, Chair

Attest: Austen Wilcox, Deputy Clerk

**TOWN OF YARROW POINT
TOWN PARK BOARD REGULAR MEETING
April 23, 2024
7:00 p.m.**

The Town Park Board of the Town of Yarrow Point, Washington met in special session on Tuesday, April 23, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PARK BOARD PRESENT: Chair Krista Fleming, Park Board Members, Dicker Cahill, Nancy Daltas, Carolyn Whittlesey, Amy Pellegrini (absent), and Robert Afzal (absent).

STAFF PRESENT: Deputy Clerk Austen Wilcox

1. CALL TO ORDER

Chair Fleming called the Park Board meeting to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

MOTION: Motion by Chair Fleming, seconded by Park Board Member Cahill as amended to include agenda item 8.4 Reseeding West End of Sally's Alley.

VOTE: 4 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES:

MOTION: Motion by Park Board Member Cahill, seconded by Park Board Member Whittlesey to approve the March 26, 2024, regular minutes as presented.

VOTE: 4 for, 0 against. Motion carried.

6. STAFF REPORTS

Chair Fleming discussed the marked pathway of Sally's Alley for proposed improvements.

7. APPEARENCES/PUBLIC COMMENT

No comments.

8. REGULAR BUSINESS

8.1 – Summary of Clean Up Day

The clean up day was a successful and productive day. The Park Board discussed lower attendance numbers and potential ways to increase interest next year such shirts or hats promoting the event.

8.2 – Town Entry

The Park Board discussed budgeting and design for improvements to the Town entry.

Landscaping;

Crosswalk;

Cleaning up St. Johns Wart;

Cleaning up Yarrow Point sign on Points Drive NE & plantings around it;

New mulch;

Tree trimming around stop sign;

Plants & labor; and

JGM Landscape Architects to create a planting plan;

8.3 – Rock Commemorative Garden Ideas + Bench on 92nd Ave NE

The Park Board reviewed options for commemorative rocks. Park Board Member Cahill presented a self-funding project where residents could purchase rocks they would like for commemoration. They discussed a path with asymmetrical natural shaped pavers.

8.4 – Reseeding West End of Sally’s Alley

The Park Board discussed reseeding the driveway on the west end of Sally’s Alley. They will communicate with the Town Engineer to coordinate the reseeding.

9. ADJOURNMENT:

Motion by Park Board Member Cahill, seconded by Park Board Member Whittlessey to adjourn the meeting at 8:18 p.m. All voted in favor. Motion carried.

VOTE: 4 for, 0 against. Motion carried.

Chair, Krista Fleming

Attest: Austen Wilcox, Deputy Clerk

**TOWN OF YARROW POINT
TOWN PLANNING COMMISSION SPECIAL MEETING
April 24, 2024
6:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in special session on Wednesday, April 24, 2024, at 6:00 p.m. in a virtual meeting.

PLANNING COMMISSION PRESENT: Chair Carl Hellings, Commissioners, Jeffrey Shiu (absent), Chuck Hirsch (absent), 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 6:04 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4.1 – Private Property Tree Code Draft

At the regular April Planning Commission meeting, the draft code was discussed and reviewed line by line. The commission directed staff to integrate edits and prepare an updated draft code ahead of the April 24th special meeting.

Planner Romanenko went through the updated draft code and discussed the updates requested by the Planning Commission at the regular April 16, 2024 meeting.

MOTION: Motion by Commissioner Feller, seconded by Commissioner Sims move to recommend the draft private property tree code to the Town Council for review.

VOTE: 4 for, 0 against. Motion carried.

5. ADJOURNMENT:

MOTION: Motion by Sims, seconded by Chairman Hellings to adjourn the meeting at 7:02 p.m.

VOTE: 4 for, 0 against. Motion carried.

Carl Hellings, Chair

Attest: Austen Wilcox, Deputy Clerk

**Business of The Town Council
Town of Yarrow Point, WA**

Consent Calendar

May 14, 2024

Consent Calendar	Proposed Council Action: Approve Consent Calendar
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Presented by: Clerk-Treasurer

Exhibits: Exhibits included for items listed for consideration.

Summary:

The Consent Calendar consists of items considered routine for which a staff recommendation has been prepared, and for which Council discussion is not required. A council member may request that an item be removed from the Consent Calendar and placed under Regular Business for discussion. Items on the Consent Calendar are voted upon as a block and approved with one vote.

Consent Calendar Items for Consideration:

1. May Payment Approval in the amount of \$259,294.74 plus Payroll Report in the amount of \$37,731.41, for a total of \$297,026.15
2. April 9, 2024 regular Council meeting minutes

Recommended Action:

Motion to approve the Consent Calendar as presented.

Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
AA Asphaltting LLC						
309	AA Asphaltting LLC	150812	Remove, repair asphalt bump at 9030 34th St	04/12/2024	3,314.36	7,767.86
Total AA Asphaltting LLC:					3,314.36	
Alexander Moore Homes						
494	Alexander Moore Homes	20182	Pagoda replacement at 4635 95th-to be reimbur	04/23/2024	2,749.00	6,578.00
Total Alexander Moore Homes:					2,749.00	
Banner Bank						
700	Banner Bank	04172024	Constant Contact	04/17/2024	89.19	
700	Banner Bank	04172024	Office supplies	04/17/2024	63.12	
700	Banner Bank	04172024	AWS, Msft, etc.	04/17/2024	575.68	
700	Banner Bank	04172024	Print YP book	04/17/2024	51.18	
700	Banner Bank	04172024	Plants, etc.	04/17/2024	179.23	
700	Banner Bank	04172024	Liability insurance for 4th events	04/17/2024	310.00	
700	Banner Bank	04172024	Training	04/17/2024	125.00	
700	Banner Bank	04172024	Dues	04/17/2024	100.00	
700	Banner Bank	04172024	Sallys Alley water meter	04/17/2024	281.00	
700	Banner Bank	04172024	Comcast phone, internet, fax	04/17/2024	546.08	13,888.28
Total Banner Bank:					2,320.48	
BMSNW, Inc.						
1373	BMSNW, Inc.	3004	Repair pump at playground	04/29/2024	936.70	936.70
Total BMSNW, Inc.:					936.70	
Casa Bonita Home Care, Inc.						
519	Casa Bonita Home Care, Inc.	196388	Cleaning Town Hall - April & May	04/05/2024	306.00	765.00
Total Casa Bonita Home Care, Inc.:					306.00	
CASELLE, INC.						
1300	CASELLE, INC.	042024	Monthly contract	04/30/2024	774.71	3,871.42
Total CASELLE, INC.:					774.71	
CITY OF BELLEVUE						
212	CITY OF BELLEVUE	052024	Sewer and Water service	04/22/2024	484.21	1,432.97
Total CITY OF BELLEVUE:					484.21	
City of Bellevue						
233	City of Bellevue	49034	Fire Protection - 1st Half 2024	05/09/2024	159,705.00	159,705.00
Total City of Bellevue:					159,705.00	
City of Bellevue Finance and Asset Mgmt						
48	City of Bellevue Finance and Asse	49179	ARCH trust fund payment	04/15/2024	6,080.00	
48	City of Bellevue Finance and Asse	49179	ARCH HB1406 collected	04/15/2024	2,799.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
48	City of Bellevue Finance and Asse	49205	ARCH Administrative Budget	03/01/2024	3,920.00	12,799.00
Total City of Bellevue Finance and Asset Mgmt:					12,799.00	
CODE PUBLISHING						
108	CODE PUBLISHING	BCI0014038	Code update	04/30/2024	77.70	
108	CODE PUBLISHING	GC00125121	Annual web fees	03/29/2024	830.00	1,699.14
Total CODE PUBLISHING:					907.70	
Crisp Imaging						
256	Crisp Imaging	INVB-65607	Clean up Day signs	04/11/2024	286.40	807.29
Total Crisp Imaging:					286.40	
CRYSTAL AND SIERRA SPRINGS						
1046	CRYSTAL AND SIERRA SPRING	042024	Water cooler	04/15/2024	129.65	317.25
Total CRYSTAL AND SIERRA SPRINGS:					129.65	
DEPT OF RETIREMENT SYSTEMS						
13	DEPT OF RETIREMENT SYSTE	1610797	OASI Invoice for 2023 tax year	03/29/2024	25.00	25.00
Total DEPT OF RETIREMENT SYSTEMS:					25.00	
Ellis Nelson, Pressure Washing						
525	Ellis Nelson, Pressure Washing	1	Beach-Pressure wash drive, curb, pathway, stair	04/25/2024	1,150.00	1,150.00
Total Ellis Nelson, Pressure Washing:					1,150.00	
Gaylynn Brien						
1151	Gaylynn Brien	723	Sales Tax reports	04/30/2024	50.00	250.00
Total Gaylynn Brien:					50.00	
Gray & Osborne, Inc.						
9043	Gray & Osborne, Inc.	2024-7	Town Development Standards	04/23/2024	5,214.60	21,859.64
Total Gray & Osborne, Inc.:					5,214.60	
Harris, Katy K						
459	Harris, Katy K	032024	Reimburse cell phone for March	04/01/2024	92.26	
459	Harris, Katy K	04092024	Reimburse for Council snacks	04/09/2024	81.78	
459	Harris, Katy K	042024	Council snacks	04/06/2024	39.60	
459	Harris, Katy K	052024	Reimburse cell phone for April	05/04/2024	92.26	627.01
Total Harris, Katy K:					305.90	
ISOsource						
1301	ISOsource	CW293821	WCIA form, qtrly backup, vulnerability detect	03/31/2024	249.60	
1301	ISOsource	CW294579	Monthly management	04/12/2024	110.20	
1301	ISOsource	CW294743	Vulnerability detect, server access, login issues,	04/15/2024	797.80	
1301	ISOsource	CW294983	Vulnerabilities detected & Qtrly backup	04/30/2024	686.40	7,665.80
Total ISOsource:					1,844.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
KIRKLAND MUNICIPAL COURT						
111	KIRKLAND MUNICIPAL COURT	APR24YPT	Court Costs	04/16/2024	40.82	400.69
Total KIRKLAND MUNICIPAL COURT:					40.82	
MUNICIPAL SERVICES LLC						
350	MUNICIPAL SERVICES LLC	042024	Code enforcement	04/30/2024	98.44	
350	MUNICIPAL SERVICES LLC	042024	Building Permit Inspections	04/30/2024	2,561.14	
350	MUNICIPAL SERVICES LLC	042024	Mechanical/Plumbing Permit Inspections	04/30/2024	801.61	
350	MUNICIPAL SERVICES LLC	042024	Plan Review	04/30/2024	1,625.00	
350	MUNICIPAL SERVICES LLC	042024	Invoice prep	04/30/2024	312.50	27,692.55
Total MUNICIPAL SERVICES LLC:					5,398.69	
Northern Waters						
304	Northern Waters	71468	Activation of system, rain bird nozzle at beach	04/23/2024	312.84	
304	Northern Waters	71629	Activation and backflow test & report at Town	05/03/2024	218.65	
304	Northern Waters	71632	Activation, backflow test & report at beach	05/03/2024	216.95	1,349.91
Total Northern Waters:					748.44	
NORTHWEST CIVIL SOLUTIONS						
450	NORTHWEST CIVIL SOLUTIONS	042024	Update Std Plans & Details	04/30/2024	40.05	
450	NORTHWEST CIVIL SOLUTIONS	042024	94th UGC & Storm Improvements	04/30/2024	1,009.26	
450	NORTHWEST CIVIL SOLUTIONS	042024	94th UGC & Storm Improvements	04/30/2024	432.54	
450	NORTHWEST CIVIL SOLUTIONS	042024	Pre-applications	04/30/2024	480.60	
450	NORTHWEST CIVIL SOLUTIONS	042024	Site Development Permit	04/30/2024	1,401.75	
450	NORTHWEST CIVIL SOLUTIONS	042024	Right of Way Permits	04/30/2024	360.45	
450	NORTHWEST CIVIL SOLUTIONS	042024	Sally's Alley - Gen Admin	04/30/2024	760.95	
450	NORTHWEST CIVIL SOLUTIONS	042024	General Administration	04/30/2024	400.50	50,307.30
Total NORTHWEST CIVIL SOLUTIONS:					4,886.10	
Ogden Murphy Wallace						
1390	Ogden Murphy Wallace	032024	Clerk	04/19/2024	1,407.00	
1390	Ogden Murphy Wallace	032024	Council	04/19/2024	3,060.00	
1390	Ogden Murphy Wallace	032024	Land Use	04/19/2024	594.00	
1390	Ogden Murphy Wallace	032024	Mayor/Executive	04/19/2024	1,848.00	
1390	Ogden Murphy Wallace	032024	Sally's Alley ROW	04/19/2024	10,527.00	
1390	Ogden Murphy Wallace	032024	Code Enforcement	04/19/2024	429.00	
1390	Ogden Murphy Wallace	032024	Public Works	04/19/2024	3,102.00	71,732.00
Total Ogden Murphy Wallace:					20,967.00	
PUGET SOUND ENERGY						
604	PUGET SOUND ENERGY	042024	Town Hall service	04/22/2024	194.15	
604	PUGET SOUND ENERGY	042024	Street lights	04/22/2024	881.15	5,617.46
Total PUGET SOUND ENERGY:					1,075.30	
SBN Planning LLC						
154	SBN Planning LLC	042024	Building Permits	04/30/2024	2,203.52	
154	SBN Planning LLC	042024	SEPA	04/30/2024	754.38	
154	SBN Planning LLC	042024	Mechanical permit	04/30/2024	41.91	
154	SBN Planning LLC	042024	Short Plat	04/30/2024	41.91	
154	SBN Planning LLC	042024	Shoreline Substantial Development	04/30/2024	1,257.30	
154	SBN Planning LLC	042024	Pre-applications	04/30/2024	364.31	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
154	SBN Planning LLC	042024	General Administration	04/30/2024	7,272.07	
154	SBN Planning LLC	042024	Comp Plan Update	04/30/2024	6,998.97	
154	SBN Planning LLC	042024	HB1110 Integration	04/30/2024	419.10	75,219.88
Total SBN Planning LLC:					19,353.47	
SEA-TAC SWEEPING SERVICE						
46	SEA-TAC SWEEPING SERVICE	54783	Street Cleanng June'23 to March'24	04/05/2024	4,390.00	
46	SEA-TAC SWEEPING SERVICE	54783	Street Cleaning June'23 to March'24	04/05/2024	4,390.00	8,780.00
Total SEA-TAC SWEEPING SERVICE:					8,780.00	
Sound View Strategies LLC						
521	Sound View Strategies LLC	3200	Lobbyist services for April	04/30/2024	500.00	3,300.00
Total Sound View Strategies LLC:					500.00	
State Department of Transportation						
280	State Department of Transportatio	FB9109961024	Gas for town truck (5 fills)	04/30/2024	558.71	663.69
Total State Department of Transportation:					558.71	
Sun, Huayu						
526	Sun, Huayu	BP-2024-15	Reimburse for Plan Review fee	04/30/2024	918.50	918.50
Total Sun, Huayu:					918.50	
THE SEATTLE TIMES						
192	THE SEATTLE TIMES	76119-514-872	Shoreline Substantial Dev publications	04/30/2024	457.50	
192	THE SEATTLE TIMES	76119-514-872	Ordinance publication	04/30/2024	57.50	2,097.96
Total THE SEATTLE TIMES:					515.00	
Valley Defenders, PLLC						
527	Valley Defenders, PLLC	5437Y	Public Defense Services	04/11/2024	2,250.00	2,250.00
Total Valley Defenders, PLLC:					2,250.00	
Grand Totals:					259,294.74	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
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Certification of the Consent Calendar as presented including the Payment Approval Report dated 5/08/2024 approving payments as shown totaling \$259,294.74, plus payroll, tax, and benefit expenses of \$37,731.41, as shown on the attached payroll & tax and benefits report, for a grand total of \$297,026.15.

I, the undersigned, do hereby certify that the items herein listed are proper obligations of the Town in accordance with the Town budget and directives of the Council and Mayor.

Dated: May 14, 2024

Clerk-Treasurer: _____

Mayor: _____

Councilmember:

Steve Bush: _____

Michael Hyman: _____

Stephan Lagerholm: _____

Chuck Porter: _____

Kathy Smith : _____

Report Criteria:

Includes the following check types:

Manual, Payroll, Supplemental, Termination, Transmittal

Includes unprinted checks

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Description	GL Account	Amount	D
04/30/2024	CDPT		0	EMPLOYMENT SECURITY DEPT	5	Quarterly Employment Security Pay	999-1010110	59.07-	
04/30/2024	CDPT		0	DEPT OF LABOR & INDUSTRY	6	Quarterly L & I Workers Compensa	999-1010110	297.76-	
04/30/2024	CDPT		0	EMPLOYMENT SECURITY DEPT	8	Quarterly WA FMLA WA Paid Fami	999-1010110	155.96-	
04/30/2024	CDPT		0	WA Cares	10	WA CARES Long Term Ins. Pay P	999-1010110	129.15-	
04/30/2024	PC	04/18/2024	420241	Lovas, Istvan	9002		999-1010110	5,265.74-	D
04/30/2024	PC	04/18/2024	420242	Wilcox, Austen	9037		999-1010110	5,399.29-	D
04/30/2024	PC	04/18/2024	420243	Ritter, Bonnie	9041		999-1010110	7,917.05-	D
04/30/2024	PC	04/18/2024	420244	Harris, Kathryn K	9047		999-1010110	1,878.41-	D
04/30/2024	CDPT	04/15/2024	82320298	Association of Washington Cities	9	Health and Dental Insurance Visio	999-1010110	3,902.88-	
04/30/2024	CDPT	04/15/2024	82320297	DEPT OF RETIREMENT SYSTEM	1	State Retirement PERS II Pay Per	999-1010110	4,157.99-	
04/30/2024	CDPT	04/15/2024	82320298	Federal Tax	2	941 Taxes Federal Withholding Tax	999-1010110	8,568.11-	
Grand Totals:								<u>37,731.41-</u>	
			<u>11</u>						

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
April 9, 2024
4:00 p.m.**

The Town Council of the Town of Yarrow Point, Washington met in regular session on Tuesday, April 9, 2024, at 4:00 p.m. in the Council Chambers of Town Hall.

PRESENT: Mayor Katy Harris; Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, and Kathy Smith.

Note: Councilmember Steve Bush arrived at 4:04 p.m., prior to the Police Report.

STAFF PRESENT: Clerk-Treasurer Bonnie Ritter, Planner Aleksandr Romanenko, and Town Attorney Emily Romanenko,

1. CALL TO ORDER:

Mayor Katy Kinney Harris called the meeting to order at 4:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

Mayor Harris requested the removal of item 10.1 – Events Ordinance.

Motion by Hyman, seconded by Smith to approve removal of item 10.1 from the agenda. All voted in favor. Motion carried.

Motion by Porter, seconded by Lagerholm to approve the agenda as amended. All voted in favor. Motion carried.

5. POLICE REPORT

Commander Hanson presented the Police Report for March.

6. PRESENTATIONS

6.1 – King County Councilmember Claudia Balducci – Councilmember Balducci presented an update on County activities.

6.2 – Bruce Jones on Wetherill Nature Preserve – Jones informed the Council of the condition of the trails and the need for restoration, along with planned fund raising to help fund the project. When more details on cost are known he will inform Council.

7. APPEARANCES / PUBLIC COMMENT

Steve Scalzo commented on the open meeting participation, resources for transportation safety, and the recent planning session.

Ed Esparza commented on the tree code amendment conversations and the recent Planning Commission meeting.

8. STAFF REPORTS

A. Fire-EMS Report

B. Town Engineer Report

Reports on the 94th Ave NE UGC Project, and the 2024 Stormwater Manual and Standards Update were included in the packet.

C. Clerk-Treasurer – 1st Quarter 2024 Financial Report

D. Commission Minutes – Planning Commission minutes of March 19, 2024 and Park Board Minutes from the March 26, 2024 meeting were included in the packet for informational purposes

9. CONSENT AGENDA

Motion by Smith, seconded by Porter to approve the consent agenda. All voted in favor. Motion carried.

A. April Payment Approval in the amount of \$222,096.02 plus Payroll Report in the amount of \$37,750.57, for a total of \$259,846.59

B. March 12, 2024 regular Council meeting minutes

C. Ordinance No. 748: **AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE (“YPMC”) SECTION 8.04.010 TO ADOPT ADDITIONAL DEFINITIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

10. REGULAR BUSINESS

10.1 – removed from the agenda.

10.2 – 2023 Annual Report

Clerk-Treasurer Bonnie Ritter presented the 2023 annual report to the Council.

Motion by Bush, seconded by Hyman to approve the 2023 Annual Report as presented, to be submitted to the State Auditor by May 29, 2024. All voted in favor. Motion carried.

10.3 – Comprehensive Plan Update

Planner Aleks Romanenko reviewed the progress of the Comprehensive Plan Update, stating that a complete version of the draft plan that includes all of the graphics is being compiled and will be presented at the June Council meeting.

Motion by Hyman, seconded by Smith to direct staff to continue the Comprehensive Plan update process and schedule as proposed. All voted in favor. Motion carried.

10.4 – Middle Housing

The Planner reviewed the public engagement plan and timeline and informed the Council that the Town was awarded a \$35,000 grant to help pay for implementation of the new standards.

Motion by Hyman, seconded by Bush to authorize the Mayor to sign any Middle Housing Grant amendments needed to update the Middle Housing Deliverables. All voted in favor. Motion carried.

Motion by Bush, seconded by Hyman to approve the Middle Housing public engagement plan, as amended by adding an open house before the survey and a presentation after the survey, of the survey results. All voted in favor. Motion carried.

Motion by Bush, seconded by Hyman to direct staff to update applicable Town regulations to ensure compliance with Middle Housing regulations and prepare a budget for the associated code work. All voted in favor. Motion carried.

10.5 – Climate Planning

Planner Romanenko stated that HB 1181 passed in July of 2023 requires local government to plan for climate change impacts. The Town will receive a \$100,000 grant for implementation of requirements, with completion deadline of June 30, 2029.

Motion by Lagerholm, seconded by Hyman to direct staff to update the Climate Grant scope and budget timeline as presented. All voted in favor. Motion carried.

Motion by Lagerholm, seconded by Hyman to authorize the Mayor and Staff to sign the Department of Commerce Climate Planning Grant contract. All voted in favor. Motion carried.

11. MAYOR'S REPORT

Mayor Harris stated that Republic Services has announced a change in the Town's pick-up day to Fridays from Thursdays, but she is trying to get that changed to a day other than Friday, and will keep the Council and residents updated.

12. COUNCIL ROUNDTABLE AND REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Harris summarized Councilmember's Porter's request to get a levy expert in to talk to the Council about levy lifts, and specific levies that are available, i.e., public safety levy, parks levy, etc.

Councilmember Lagerholm suggested discussions on limiting spending and being more frugal, possibly cutting big capital improvement projects.

Councilmember Bush stated that we need to have a 5-year plan for budgeting. The plan could include maintenance of the LID, professional fees for the next mandated programs, urgent stormwater matters, and state a minimum fund balance.

Councilmember Porter stated that it appears the Park Board is building momentum to rebuild the Town sign by the Queen Bee and thinks that is an unnecessary project and wants consensus to direct the Park Board to stand down on that project. The Mayor stated she will speak to the Park Board Chair regarding this. The Town Attorney suggested that the Council set a work plan for the Park Board, like they do for the Planning Commission.

13. EXECUTIVE SESSION

At 7:00 p.m., Mayor Harris announced that the Council will be going into executive session for the next 30 minutes to discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i).

The Council returned to regular session at 7:33 p.m.

Motion by Lagerholm, seconded by Hyman to authorize the Mayor and Staff to negotiate an updated settlement agreement with the property owners at 3801 NE 95th St. on the terms and conditions discussed in the executive session. All voted in favor. Motion carried.

14. ADJOURNMENT

Motion by Hyman, seconded by Smith to adjourn at 7:34 p.m. All voted in favor. Motion carried.

Katy Kinney Harris, Mayor

Attest: Bonnie Ritter, Clerk-Treasurer

Business of The Town Council

Town of Yarrow Point, WA

9.1

May 14, 2024



Private Property Tree Code	Proposed Council Action: Discussion and Possible Vote to Forward to 2nd Reading
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Presented by:	Town Planner
Exhibits:	Draft Private Property Tree Code Draft DBH Measurement guide Draft Preferred Mitigation Tree List

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.

Summary:

At the October special joint meeting of the Town 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 addressed Council's concerns.

At the January Council meeting the "Tree Protections Proposal Matrix" was discussed and a set of recommendations was made by Council. The matrix was 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 Planning Commission 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.

At the regular April Planning Commission meeting, the draft code was discussed and reviewed line by line. The commission directed staff to integrate edits and prepare an updated draft code ahead of the April 26th special meeting

The Planning Commission held a special meeting on April 26th to review the updated draft of the private property tree code. The code was recommended to Council as presented.

The draft presented to Council at this May meeting is a strike and delete draft (new text is underlined, text to be removed is struck through, text to remain is unchanged).

Proposed Schedule for Private Property Tree Code:

May: First reading and discussion

June: Public Hearing

July: Vote

Recommended Motions:

I move to forward the draft code to a second reading and public hearing as presented
or

I move to forward the draft code to a second reading and public hearing as amended

**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.

[Legal recommendation: Create a more robust Purpose and Intent to make the legal standing of this code more robust - Discussion with council]

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 and heritage 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.

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 using the TRAQ standard, found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption.

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

F. "Mitigation Tree" means a tree planted to comply with this chapter's requirements or an existing tree on the property, which was selected to be preserved.

G. "Mitigation Tree Species" means Mitigation trees shall comply with the following: any evergreen tree species that ~~have~~ 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 ~~the intent of 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.

L. "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 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" or "RPZ" means the ground area around a tree with one foot of radius in all directions for each inch of DBH.

K. "Significant tree" means any tree that is at least ~~12~~18 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.~~

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. ~~Permit Required~~ Removal. A tree removal permit shall be required for the removal of any significant or heritage tree.

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

B. Density. The minimum significant or heritage tree density requirement is one significant and/or heritage tree per 5,000 square feet of lot area. An applicant shall demonstrate compliance with the minimum tree density requirement when :

1. a significant and/or heritage tree is proposed to be removed; or

2. a new building permit with a valuation of \$50,000 or more that proposes to construct a new structure, or change the existing building envelope and/or increase the impervious surface is proposed.

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 following have been considered per YPMC 20.22.035 (Alternative Designs):

- a. Driveways
- b. Paved areas
- c. Swimming pools
- d. Low decks
- e. Piers & pier houses
- f. Underground structures.

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 requirement 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 tree density 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.

20.22.035 Alternative Designs.

A. Heritage trees may only be removed in the setback if the applicant can establish:

1. That the things listed in YPMC 20.22.030(C)2 can not be located without removing the heritage tree(s);
or
2. That a proposed structure in the buildable area cannot be located without causing the tree(s) to become a hazardous tree as established in a report by a qualified professional.

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 ExemptionsEmergency 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 property owner shall submit a tree removal permit consistent with YPMC 20.22.030 and YPMC 20.22.050 town shall be notified within seven days of the emergency tree removal and with include 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.

D. Trees planted for mitigation of a hazardous tree are exempt from the bonding requirements under YPMC 20.22.080(H)

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).

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 a building~~ or site development ~~permit~~, the site plan ~~must~~ shall also label and identify all trees within 20 feet of the proposed ~~construction and/or site development~~ activity. Additionally, the applicant 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.
4. A mitigation plan, if required per YPMC 20.22.080, 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 Town staff, including but not limited to:
 - 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. Review Procedures.
 1. Completeness. An application for a tree removal permit is not complete until the applicant has submitted all the applicable items required by YPMC 20.22.050 and YPMC 20.22.080(H), when applicable.
 3. Decision. The Town shall issue a decision on the tree removal permit application. The Town may grant the tree removal permit, grant the permit with conditions pursuant to this chapter and the YPMC, or deny the permit.
 - a. Any condition reasonably required to enable the tree removal to meet the standards of this chapter or the applicable provisions of the YPMC may be imposed.
 - b. If no reasonable condition(s) can be imposed that ensure the tree removal meets such requirements, the application shall be denied.
 - c. The Town's decision on the application is final.
- B. Guidelines for measuring DBH. 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.

20.22.060 Tree removal permit – Notification.

A. Upon issuance of a tree removal 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.

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.~~

20.22.080 Tree Mitigation, Maintenance, and Warranty.

A. Except as otherwise specified, mitigation shall be required:

1. When the tree density requirement is not met and/or
2. When a heritage tree 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.

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.

F. 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 as proposed by the applicant and then reviewed by town staff.

H. ~~Prior to planting a mitigation trees,~~ The applicant shall post a warranty bond in a form and amount acceptable to the town before the issuance of the tree permit. The bond amount shall be \$2,500.00 per mitigation tree. The total bond amount shall not exceed \$10,000.00 per permit on lots 20,000 SF in area or less, or \$25,000.00 per permit on lots over 20,000 SF in area, to ensure all trees planted or retained as mitigation survive the warranty period.

I. Mitigation trees that fail to survive the ten year warranty period shall be replaced by the property owner with trees in accordance with this chapter's standards. If the property owner fails to replace the tree in accordance with this chapter the town may call the bond and replace the tree in accordance with this chapter, with new mitigation trees within 90 days in accordance with the YPMC. Mitigation trees shall be maintained in a healthy condition for their lifetime.

J. Each heritage tree shall be replaced with 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 ROW sight triangle as established by the Town Engineer:
8. Smaller than 5' in diameter planting area: or
9. When YPMC 20.22.080 G can not be implemented.

K. 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.~~

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. Construction site tree protections shall be installed on the subject property where the work is being conducted and along access routes which are utilized for the project as agreed upon by relevant parties. Such protections shall be installed by the property owner or their designee in accordance with this chapter.

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. The town arborist shall have discretion to allow for a smaller RPZ to be utilized.~~

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 for all construction sites and shall be identified 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 the RPZ. 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 qualified professional 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 if site tree protection guidelines are not followed.~~

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, in accordance with the procedures established by chapter 1.08 YPMC 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 a timely appeal.

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.

DRAFT



Town of Yarrow Point

DBH Measurement Guidelines

Private Property Tree Code

Introduction

Tree diameter is usually measured at 4.5 feet (ft) above ground level. Measurement at this height is referred to as diameter at breast height (DBH). DBH can be measured with a specially calibrated tape measure called a diameter tape, with a tree caliper of an adequate size, or by calculating the diameter after measuring the circumference

(Diameter = Circumference divided by π)

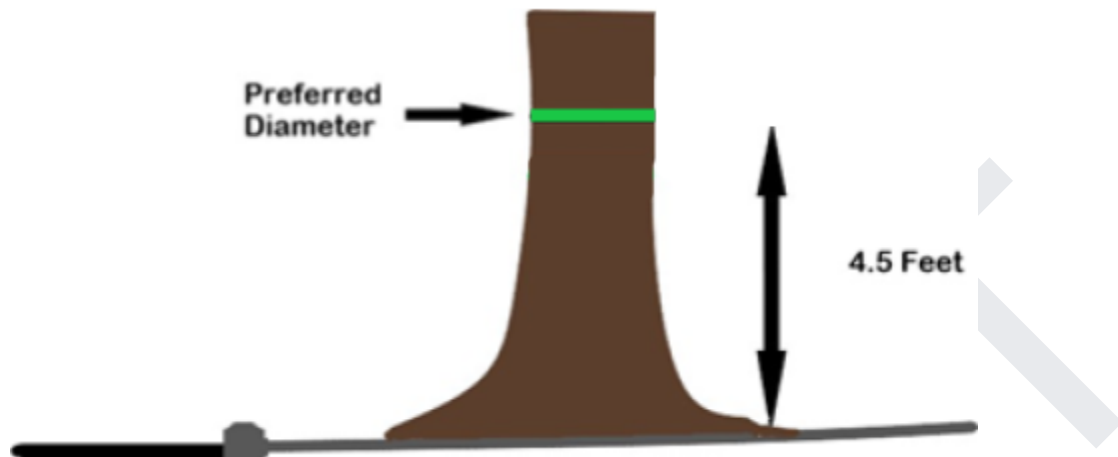
For a tree with a single gradually tapering trunk, measuring DBH is straightforward, but there are several circumstances in which questions arise about how to measure DBH.

This guide can be used to solve some of the more common complications when measuring a tree's DBH. These are the simplest and most widely accepted methods recommended in other sources such as the US Forest Service (USFS), International Society of Arboriculture (ISA) and the Federal Emergency Management Administration (FEMA).

The Following conditions are shown below:

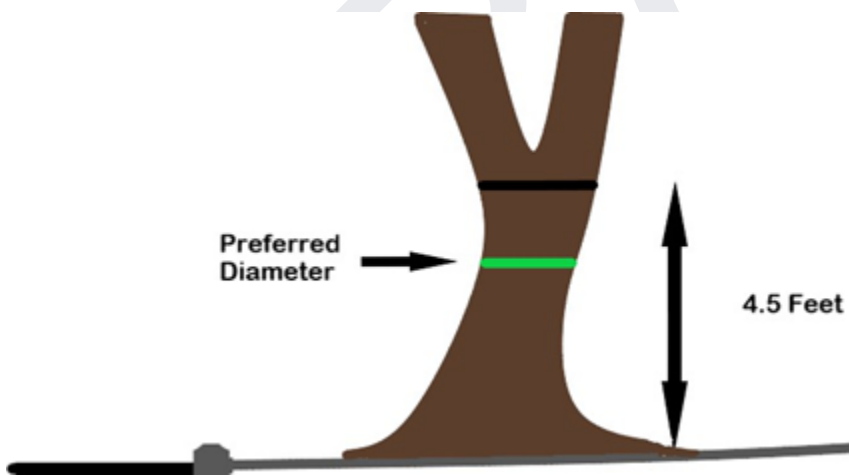
Single Gradually Tapering Trunk.....	2
Abnormal Trunk Taper.....	2
Branches and Irregularities at DBH.....	3
Trees on Slopes.....	3
Trees with a Lean.....	4
Trees with Forks at or below DBH.....	4
Multi-Stem Trees - At or Above 6" of Ground.....	5
Multi-Stem Trees - Within 6" of Ground.....	5
Quick Reference: Circumference to Diameter Conversion.....	6

Single Gradually Tapering Trunk



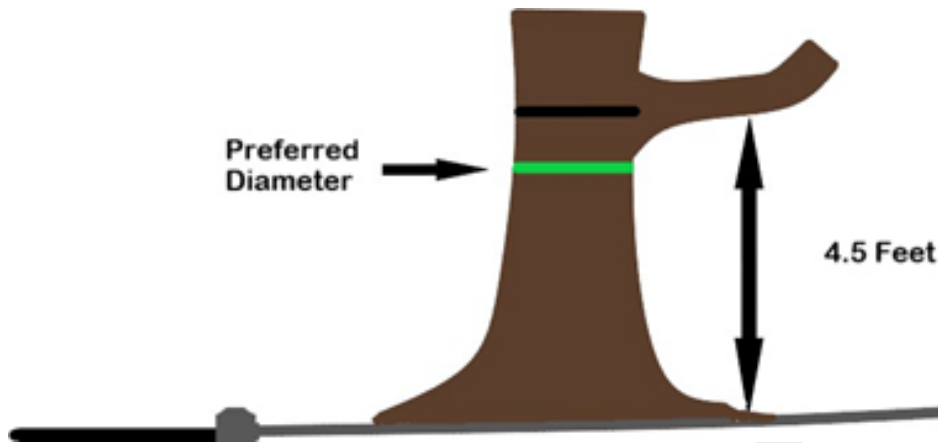
For regular single trunks that gradually taper measure the diameter at 4.5 feet above the ground (DBH).

Abnormal Trunk Taper



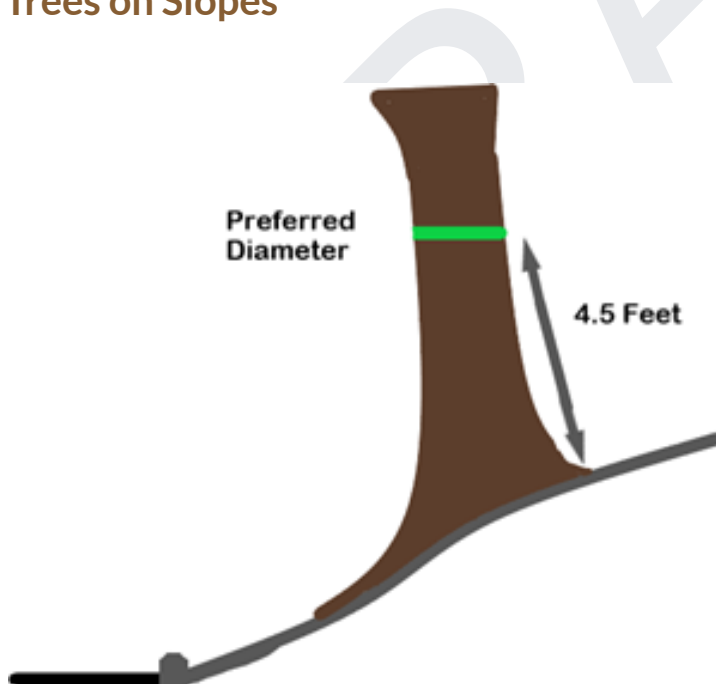
The tree tapers in such a way that the diameter at a point below 4.5 ft is actually smaller than the diameter at 4.5 ft. Measure the diameter at the smallest point and record the height at which diameter was measured on the data sheet.

Branches and Irregularities at DBH



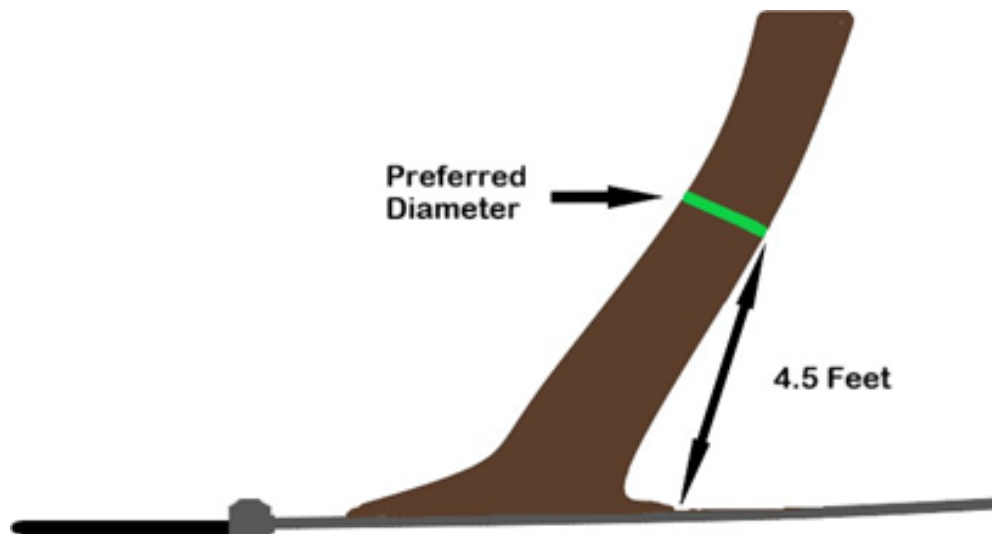
Tree has branches or irregularities which interfere with DBH measurement. Measure DBH below the branch or bump. The goal is to measure the diameter that would be closest to the expected DBH if branches or other irregularities were not present. Record the height at which the diameter was measured.

Trees on Slopes



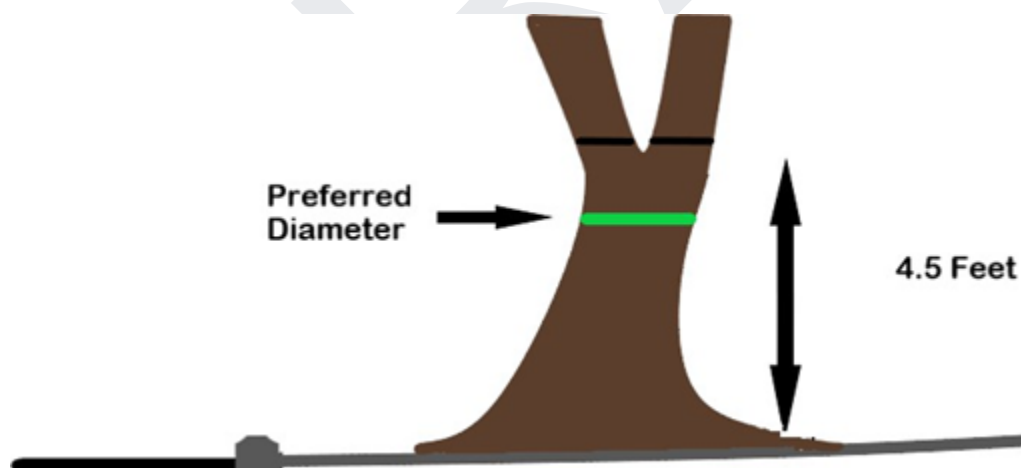
When measuring trees on slopes, measure the diameter 4.5 ft from the ground on the upper side of the slope.

Trees with a Lean



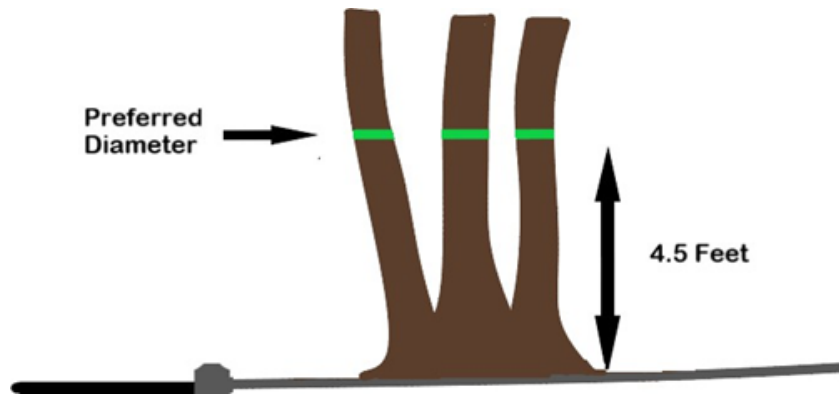
Trees that are leaning should be measured 4.5 ft up the stem in the direction of the lean.

Trees with Forks at or below DBH



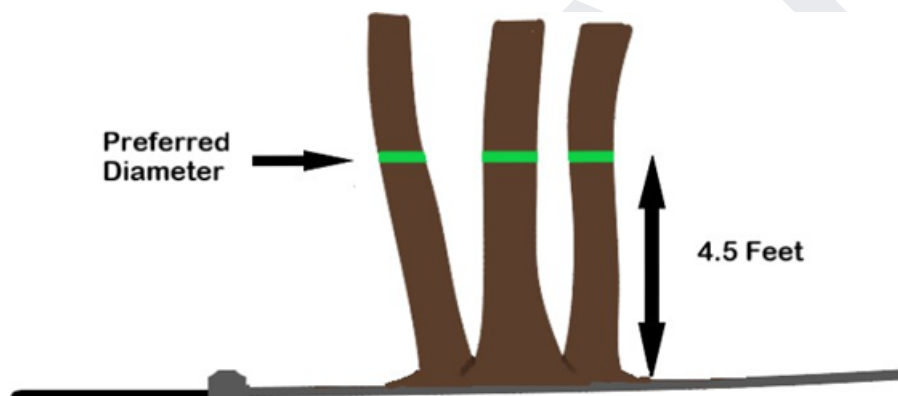
Trees that fork below DBH or near DBH should be measured at the narrowest part of the main stem below the fork. The height of the DBH measurement and the fork should be noted (e.g., 3 ft diameter @ 2 ft [Forks @ 4 ft]).

Multi-Stem Trees - At or Above 6" of Ground



For trees that split into several trunks higher than 6" above ground level, measure the DBH of each trunk and find the average number. $(5+6+8) / 3 = 6$ ". It should be noted in the comments that it is a multi-stem tree.

Multi-Stem Trees - Within 6" of Ground



Trees that fork at or within 6" of grade are treated as separate or individual trees. This method is consistent with the USFS and FEMA. It should be noted in the comments that they are part of a cluster.

Quick Reference: Circumference to Diameter Conversion

Circumference in Inches	Diameter in Inches	Circumference in Inches	Diameter in Inches
37.7	12	138.2	44
40.8	13	141.4	45
44.0	14	144.5	46
47.1	15	147.7	47
50.3	16	150.8	48
53.4	17	153.9	49
56.5	18	157.1	50
59.7	19	160.2	51
62.8	20	163.4	52
66.0	21	166.5	53
69.1	22	169.6	54
72.3	23	172.8	55
75.4	24	175.9	56
78.5	25	179.1	57
81.7	26	182.2	58
84.8	27	185.4	59
88.0	28	188.5	60
91.1	29	191.6	61
94.2	30	194.8	62
97.4	31	197.9	63
100.5	32	201.1	64
103.7	33	204.2	65
106.8	34	207.3	66
110.0	35	210.5	67
113.1	36	213.6	68
116.2	37	216.8	69
119.4	38	219.9	70
122.5	39	223.1	71
125.7	40	226.2	72
128.8	41	229.3	73
131.9	42	232.5	74
135.1	43	235.6	75

- A circumference greater than or equal to 37.7 inches is a significant tree.
- A circumference greater than or equal to 113.1 inches is a heritage tree.

Town of Yarrow Point

Mitigation Tree List

Significant Tree Mitigation

Trees which can grow to be 12" DBH or larger:

Deciduous

1. Sour gum - *Nyssa sylvatica*
2. Korean stewartia - *Stewartia pseudocamellia*
3. Kousa dogwood - *Cornus kousa*
4. Flowering dogwood – *Cornus florida*
5. Corelian cherry – *Cornus mas*
6. Sourwood – *Oxydendrum arboretum*
7. Paperbark maple – *Acer griseum*
8. Amur maple – *Acer ginnala*
9. Magnolia x soulangiana – Saucer Magnolia
10. Magnolia grandiflora – Southern Magnolia
11. Golden chain tree – *Laburnum x watereri*
12. Flowering crabapple – *Malus floribunda*
13. Katsura – *Cercidiphyllum japonicum*

Evergreen

1. Marina strawberry tree - *Arbutus x 'Marina'*
2. Sekkan-sugi Cryptomeria – *Cryptomeria japonica* ‘Sekkan-sugi’
3. Chinese juniper – *Juniperus chinensis*
4. Shore/Lodgepole pine – *Pinus contorta*
5. Deerhorn cedar – *Thuja occidentalis*
6. Mountain hemlock – *Tsuga mertensiana*
7. Serbian spruce – *Picea omorika*

Heritage Tree Mitigation

Trees which can grow to be 36" DBH or larger.

Deciduous

1. Ginkgo – *Ginkgo biloba*
2. Tulip Tree – *Liriodendron tulipifera*
3. Dawn redwood – *Metasequoia glyptostroboides*
4. Sycamore – *Platanus x acerifolia*
5. English oak – *Quercus robur*
6. Garry oak – *Quercus garryana*
7. Honey locust – *Gleditsia triacanthos*
8. Linden – *Tilia cordata*
9. Persian Parrotia – *Parrotia persica*
10. European beech – *Fagus sylvatica*

Evergreen

1. Grand fir – *Abies grandis*
2. Alpine fir – *Abies lasiocarpa*
3. California Incense cedar – *Calocedrus decurrens*
4. Douglas fir - *Pseudotsuga menziesii*
5. Giant sequoia – *Sequoiadendron giganteum*
6. Coast redwood – *Sequoia sempervirens*
7. Sawara cypress – *Chamaecyparis pisifera*
8. Norway spruce – *Picea abies*
9. Engelmann spruce – *Picea engelmannii*
10. Sitka spruce – *Picea sitchensis*
11. Western white pine – *Pinus monticola*
12. Japanese red pine – *Pinus densiflora*

Business of The Town Council
Town of Yarrow Point, WA

9.2
May 14, 2024

Code Enforcement Program Overview	Proposed Council Action: Discussion
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Presented by:	Town Mayor and Town Attorney
Exhibits:	YPMC 1.08

Summary:

The Yarrow Point Town Council adopted an updated and consolidated code enforcement chapter (YPMC Chapter 1.08) in 2019, which exists in parallel with the nuisance code established in YPMC Chapter 8.04 (adopted in 2009). The Town codes protect the health, safety and quality of life for Yarrow Point residents and visitors.

Given the limited resources available, the Town has never developed a formal code enforcement program. However, staff have been receiving more complaints of potential violations, and there are new requirements that will need to be reviewed and adopted pursuant to state law, so this is an opportunity to revisit the code enforcement program.

Chapter 1.08 CODE ENFORCEMENT

Sections:

[1.08.010 Purpose and intent.](#)

[1.08.015 Code compliance required.](#)

[1.08.020 Definitions.](#)

[1.08.030 General penalties.](#)

[1.08.035 Recovery of enforcement costs.](#)

[1.08.040 Additional remedy – Nuisance.](#)

[1.08.050 Separate offense – Scope of prohibited acts.](#)

[1.08.060 Enforcement actions and authority – Administration.](#)

[1.08.070 Handling complaints and violations.](#)

[1.08.080 Warning notice.](#)

[1.08.090 Stop work order – Emergency order.](#)

[1.08.100 Notice of violation.](#)

[1.08.110 Voluntary compliance agreement.](#)

[1.08.120 Administrative appeal.](#)

[1.08.130 Civil infraction \(judicial enforcement\).](#)

[1.08.140 Forms.](#)

[1.08.150 Right of entry to property and places.](#)

[1.08.160 General enforcement flow chart.](#)

1.08.010 Purpose and intent.

A. The purpose and intent of this chapter is to establish a unified code enforcement system applicable to the variety of code enforcement actions that occur within the town. Action pursuant to this chapter is authorized at

any time as appropriate. However, this chapter does not comprise the exclusive remedies or actions available to the town nor does it limit the authority of the town to take action in accord with its code, state and federal law, and/or as otherwise available.

B. This chapter is supplemental to other enforcement actions set forth in the code and enforcement action may be taken under any such provisions. References in the code to violations or unlawful acts or omissions of “ordinances of the town” shall mean and include every such violation, act or omission of any provision of the code as maintained by the town.

C. This chapter shall be enforced for the benefit of the health, safety, and welfare of the general public and not for the benefit of any particular person or class of persons. (Ord. 732 § 2, 2023; Ord. 696 § 2 (Exh. A), 2019)

1.08.015 Code compliance required.

It shall be unlawful for any person to violate or fail to comply with the requirements of the town code. Code compliance and violations may be enforced pursuant to this chapter, other provisions of the code, or as otherwise available under state and federal law. (Ord. 696 § 2 (Exh. A), 2019)

1.08.020 Definitions.

The following words, whenever used in the municipal code and this chapter, shall be construed as follows:

“Civil enforcement action” means any enforcement action taken by the town under this chapter which is not a criminal enforcement action.

“Civil fine” means any monetary fine or penalty.

“Civil infraction” means a civil violation of the code that is judicially enforced under YPMC [1.08.130](#).

“Civil violation” means any code violation which is enforced by the town by civil enforcement action under this chapter, including warning notices, stop work orders, emergency orders, notices of violation, civil infractions, and which may include the assessment of civil fines and penalties.

“Code” or “YPMC” means the Yarrow Point Municipal Code as now or hereafter amended.

“Code violation” or “violation” means and includes an act or omission contrary to, not permitted by, or inconsistent with the code or any ordinance, resolution, regulation, permit, approval, notice, order, directive or administrative rule of the town.

“Corrective or abatement action” or “abate” means: (1) to act to stop an activity and/or (2) to repair, replace, remove, undertake, or otherwise remedy a condition which constitutes a violation by such means, manner, and extent as the town representative determines necessary to correct the problem, comply with the code, and meet the public health, safety, and general welfare of the community. For the purposes of this chapter, the verbs

“abate” and “correct” shall be interchangeable and have the same meaning.

“Costs” means all costs and expenses incurred by the town to remedy, address, prosecute or take any other action related to a civil or criminal violation, including but not limited to (1) contract expenses and town employee expenses, including overhead; (2) rental fees or other costs for equipment; (3) costs of storage, removal, disposal, and/or destruction; (4) consultant or contractor costs and fees; and (5) legal expenses and attorneys’ fees.

“Criminal enforcement action” means any criminal violation under state or local law which is punishable by imprisonment and where such penalty is sought in and imposed by a court of law. Punishment by imprisonment does not preclude imposition of civil fines or penalties in addition thereto.

“Criminal violation” means any violation of the code which is enforced by the town as a criminal enforcement action, which may include the assessment of civil fines or penalties.

“Days” means business days when seven or less days are allowed to do an act required by or imposed under the code, and means calendar days when more than seven days are allowed to do an act required by or imposed under the code.

“Emergency” means a situation which in the opinion of the town representative requires immediate action to address, mitigate, prevent or eliminate an actual or potential threat or risk to the health, safety or welfare of people, property, town infrastructure or the environment.

“Emergency order” means a directive issued pursuant to YPMC [1.08.090](#) by the town under its police power authority in response to an actual or potential threat or risk to the health, safety or welfare of people, property, town infrastructure or the environment.

“Enforcement action” shall have the meaning ascribed in YPMC [1.08.060](#).

“Notice of violation” means a directive issued pursuant to YPMC [1.08.100](#).

“Owner” means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or any part of any building, structure, or land.

“Person” means any individual, association, partnership, corporation or legal entity, public or private, and includes the agents, contractors, and assigns of such person, including registered agents thereof.

“Repeat violation” means a violation of the same or similar law, code, permit, approval, directive, or regulation in any location within the town by the same person and for which the town has (1) sought voluntary compliance within the previous one year or (2) issued a notice, warning, or taken enforcement action under this chapter within the previous two years.

“Responsible person” means (1) any person who is required by applicable law, code, permit, approval, directive, or regulation to comply therewith; (2) any person who commits any act or omission which is a civil violation of the code; (3) any person who causes or permits a civil violation to occur or remain upon any property or structure within the town; and (4) includes but is not limited to owner(s), lessor(s), tenant(s), assignee(s) or any other person entitled to control, use and/or occupy property or structures in the town where a civil violation occurs.

“Stop work order” means a directive issued pursuant to YPMC [1.08.090](#).

“Town representative” means any person having authority to act on behalf of the town, including but not limited to the mayor, clerk, engineer planner, building official, attorney, police and any other person granted or possessing authority to act on behalf of the town to enforce the code, town ordinances and/or regulations.

“Voluntary compliance agreement” means an agreement pursuant to YPMC [1.08.110](#).

“Warning notice” means a notice issued pursuant to YPMC [1.08.080](#). (Ord. 696 § 2 (Exh. A), 2019)

1.08.030 General penalties.

The general penalties for a violation of the town municipal code are:

A. Criminal Penalty. Any person violating or failing to comply with any of the mandatory requirements of this code shall have committed a misdemeanor if charged and prosecuted by the town in municipal court under Chapter 2.52 YPMC. Any person convicted of such misdemeanor shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

B. Civil Penalty. Any person violating or failing to comply with any of the requirements of this code shall have committed a civil violation which may be enforced pursuant to this chapter. Any such person shall be assessed a monetary fine or penalty not to exceed \$500.00 for each day or portion thereof that the violation occurs unless another maximum penalty is specified in this code, and may be further subject to limitations, restrictions and/or other requirements under the code. (Ord. 696 § 2 (Exh. A), 2019)

1.08.035 Recovery of enforcement costs.

Any person responsible for a violation of the YPMC may be assessed costs as provided in this section.

A. Costs for Enforcement Actions, Investigations and Corrections. The town representative may assess the town’s costs and expenses, including attorney fees, for any enforcement actions, investigations, and corrective actions taken under this chapter.

B. Damages. In addition to any penalties or costs that may be imposed, any person violating or failing to comply with any of the provisions of this code shall be liable for all loss or damage to public or private property arising

from such violation, including the cost of restoring the affected area to its condition prior to the violation. Administrative costs will be charged as 15 percent of the total amount of liability for costs, expenses, losses, or damages to the town occasioned thereby. This clause does not establish a cause of action that may be asserted by any party other than the town. Penalties, damage, costs, and expenses may be recovered only by the town. (Ord. 696 § 2 (Exh. A), 2019)

1.08.040 Additional remedy – Nuisance.

In addition to the penalties provided by YPMC [1.08.030](#), any condition caused or permitted to exist in violation of any of the provisions of this code is a public nuisance and all remedies given by law for the prevention and abatement of nuisances, including those set forth in Chapter [8.04](#) YPMC, shall apply to any such nuisance or person responsible therefore, regardless of the institution or imposition of criminal or civil remedies stated above. (Ord. 696 § 2 (Exh. A), 2019)

1.08.050 Separate offense – Scope of prohibited acts.

A. Each person specified in YPMC [1.08.030](#) is guilty of a separate offense for each and every day or portion of any day in which any violation of this code is committed, continued, or permitted by any such person, and such person is punishable accordingly.

B. Whenever in the code or ordinances of the town any act or omission is made unlawful, such act shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 696 §§ 2 (Exh. A), 3 (Exh. B§1), 2019; Ord. 486 § 1, 1999. Formerly 1.04.030)

1.08.060 Enforcement actions and authority – Administration.

A. Enforcement Actions. In order to promote compliance with the code and/or to discourage public nuisances, the town may, in response to inspections, field observations, reports, investigations or reliable complaints, determine that violations of the code have occurred or are or may be occurring, and may take the following enforcement actions, in whole or part, and in any order appropriate to the violation:

1. Warning;
2. Stop work order;
3. Emergency order;
4. Notice of violation;
5. Civil infraction;
6. Police citation;
7. Voluntary compliance agreement;

8. Suspend, revoke, or modify any permit or approval;
9. Impose fines, penalties, and/or recover costs incurred by the town;
10. Criminal enforcement.

B. All enforcement actions and notices will be in writing. Failure to use a specific form or type of enforcement action as described herein, or minor defects in the form of such enforcement action, shall not affect the validity thereof.

C. Authority. Enforcement actions shall generally be taken in accordance with this chapter. If the person to whom such action is directed does not promptly comply therewith, the town may take any additional or other enforcement action in accordance with this chapter, the code, state law, and/or other applicable authority.

D. Administration. The mayor and clerk-treasurer shall have principal authority to enforce and administer the civil provisions of this chapter, but due to the small size of the town staff they may delegate such authority to other town representatives as needed, including the deputy clerk, building official, planner, engineer and attorney. The town police shall have principal authority to enforce traffic, parking, vehicular, and criminal violations of the code. The lack of formal designation shall not invalidate, impair or vitiate the authority of any town representative acting in accordance with this chapter.

E. Service of Documents. Service of notices, warnings, stop work orders, civil violations, orders, rulings, decisions and any other document (collectively "document") issued pursuant to this chapter shall be made using one of the following methods; except that civil and criminal infractions and citations shall be served as provided in Chapter 2.52 YPMC and Chapters 3.50 and 7.80 RCW as applicable:

1. Personal service is accomplished by (a) handing the document to the person subject thereto or (b) leaving it at his/her last known dwelling house or usual place of abode with a person of suitable age and discretion then residing therein or (c) leaving it at his/her office or place of employment with a person in charge thereof. Personal service is complete immediately upon completion of the action specified above.
2. Service by posting is accomplished by affixing a copy of the document in a conspicuous place on the subject property or structure, or as near to the affected property or structure as feasible, with at least one copy of such document placed at an entryway to the property or structure if an entryway exists. Service by posting is complete immediately upon completion of the action specified above.
3. Service by mail is accomplished by placing the document in first-class mail, postage prepaid, to the last known address of the person to whom the document is directed. Service by mail shall be deemed complete two days following the date of mailing. The last known address shall be any of the following: (a) address provided to the town by the person to whom the document is directed; (b) the address on file with the town

at the time the document is mailed; (c) the address of the property where the violation is occurring; or (d) the address shown on the official property tax information website for King County, Washington State Department of Licensing, or Washington Secretary of State Office.

4. Overnight service is accomplished by placing the document, delivery prepaid, with an overnight service bearing a delivery address listed in subsection (E)(3) of this section. Overnight service shall be deemed complete the following day.

5. Service by publication is accomplished by publishing the document pursuant to RCW 4.28.100 and 4.28.110, as now or hereafter amended. Service by publication shall be deemed complete upon final publication as set forth in RCW 4.28.110.

F. Proof of Service. Proof of service may be made by written affidavit or declaration under penalty of perjury by the person effecting service, declaring the time, date and manner thereof. If service is made solely by posting or publication, proof of service shall include a statement as to what steps were used in attempting to serve personally or by mail. The town shall take and retain a photograph of the document if service is made by posting. No additional proof of service beyond the requirements in this chapter shall be required by the hearing examiner or other entity. Any failure of the person to whom a document is directed to observe a document served by posting or publication shall not invalidate service nor the document so served. (Ord. 732 § 3, 2023; Ord. 696 § 2 (Exh. A), 2019)

1.08.070 Handling complaints and violations.

A. Complaints and violations commonly rise in connection with development of land and structures in the town. This section sets out procedures and guidelines for responding to them.

B. Complaints – Investigation, Verification. The town representative shall determine whether a complaint is reliable based upon past complaints, subsequent inspections and/or investigations, and other relevant criteria or information. If the town representative determines a complaint is reliable, the town representative may conduct or take all appropriate or necessary inspections, investigations and actions. If the town representative determines a complaint is not reliable, the town is not obligated to conduct any further inspection or investigation, nor to take action regarding such complaint.

C. Violations – Investigation – Verification – Enforcement. The town representative may determine whether a violation is probable or has occurred based upon information derived from sources including but not limited to complaints, police reports, inspections, field observations, witnesses, relevant documents, and town data systems. When the town representative makes such a determination, the town representative may take or issue appropriate enforcement action pursuant to this chapter (e.g., issuance of warnings, stop work orders, emergency orders, notices of violation). A flow chart depicting the generalized enforcement process is located at YPMC [1.08.160](#).

D. Warnings. A warning may be issued in accordance with YPMC [1.08.080](#) when the town representative determines a probable or actual violation has occurred and does not present an immediate or serious risk of personal injury or public safety. The warning shall inform the responsible person of the violation and require (1) immediate correction if it is a potential emergency, public safety issue, or personal injury matter; or (2) correction within 48 or 72 hours if it does not fall within subsection (D)(1) of this section. In the event the corrective action is not timely taken or performed, or there is a failure to otherwise comply with the warning, the town representative must take enforcement action under this chapter.

E. Voluntary Compliance Agreements. The town representative may enter into a voluntary compliance agreement under YPMC [1.08.110](#) with a responsible person after issuance of an enforcement action for the purpose of achieving prompt voluntary compliance or correction of the violation.

F. Notice of Compliance Required. The responsible person for any enforcement action shall (1) keep the town representative advised of the status of his/her compliance with any pending enforcement action, and (2) give written notice thereof to the town representative on or before the date of compliance specified in the enforcement action.

G. Verification of Compliance. The town representative shall make such investigations or inspections as necessary or appropriate to confirm compliance with any enforcement action. (Ord. 732 § 4, 2023; Ord. 696 § 2 (Exh. A), 2019)

1.08.080 Warning notice.

A. Issuance. A warning notice represents a determination that (1) a violation has or likely has occurred, (2) the noticed entity is a responsible person for the violation, (3) corrective action is needed, and (4) such person may be subject to civil fines and penalties.

B. Timing. A warning notice may be issued whenever the town representative determines a probable or actual violation has occurred and (1) there is no history of prior violations at the subject property or by the responsible person, and (2) the severity of the violation is minor.

C. Content. A warning notice shall contain the following information to the extent known:

1. The address and/or location of the code violation.
2. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators.
3. The name(s) of the responsible person(s).
4. A statement that the town has found the named person has or likely has committed a code violation, and a brief description of the violation(s).

5. A statement of the specific authority (e.g., regulation, administrative order, ordinance, resolution, rule, permit condition, or other provision) that was or is being violated.
6. A statement that the warning notice represents a determination that a code violation has or likely has occurred and that the responsible person may be subject to civil fines and/or criminal penalties.
7. A statement of the amount of the civil fine that may be assessed if the violation(s) are not corrected as required.
8. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective or abatement action must be obtained from the proper issuing agency.
9. A statement advising the responsible person of his/her duty to notify the town of all actions taken to achieve or address compliance with the warning notice.
10. A statement advising that a failure to correct the violation(s) cited in the warning notice may lead to additional enforcement actions, administrative orders, or the modification of any pending or existing town approvals.

D. Resolution. A warning notice may be declared satisfied or revoked by the town representative at any time upon written notice if an inspection, investigation or other reliable evidence confirms the warning notice was not appropriate or the violation has been timely corrected.

E. Appeal. A warning notice is not subject to administrative appeal pursuant to this chapter. (Ord. 696 § 2 (Exh. A), 2019)

1.08.090 Stop work order – Emergency order.

A. Issuance. Whenever the town representative determines that any work, use, activity, or conduct is a code violation and/or creates an imminent risk or threat of injury to the health, safety, or welfare of any person, or damage to property or the environment, the town representative may issue a stop work order or emergency order directing any person causing, allowing, or participating in the offending conduct to immediately cease, discontinue and/or correct such use, activity or conduct. A stop work or emergency order should be (but is not required to be) countersigned by a second town representative before issuance.

B. Notice and Enforcement Status. A stop work order or emergency order shall take effect immediately upon posting or service. The town may enforce a stop work order or emergency order pursuant to any provision of this code and enforce it in superior court. The stop work order or emergency order may be appended to or incorporated by reference in any other enforcement action. The stop work order or emergency order shall be subject to immediate enforcement by the town police as necessary.

C. Content. A stop work order or emergency order shall contain the following information:

1. The address and/or location of the violation.
2. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators.
3. The name(s) of the responsible person(s).
4. A statement that the town has found the named person to have committed a code violation and a brief description of the violation(s) found.
5. A concise description of the actual or potential violation(s) and references to the ordinance, resolution, code section, regulation, rule, permit, approval or condition which is being violated.
6. A statement of the corrective or abatement action required to be taken, the deadline for completing such action, and that all required permits to perform the corrective action must be obtained from the proper issuing agency.
7. A statement that if the corrective action is not completed by the date set for compliance, the responsible person shall be subject to a \$500.00 penalty per day for each violation from the date set for compliance until compliance with the notice of violation is achieved.
8. A statement that when a stop work order or emergency order has been posted in conformity with this chapter, removal of the order without prior written authorization of the town representative or order of the town hearing examiner is unlawful and shall comprise a separate violation.
9. A statement that the stop work order or emergency order must be appealed to the hearing examiner in accordance with the code or it shall become a final order.

D. Compliance Required. When a stop work order or emergency order has been issued, posted and/or served, it is unlawful for any person to whom the order is directed or any person with actual or constructive knowledge of the order to conduct the activity or perform the work covered by the order, even if the order has been appealed. A failure to comply with an emergency order shall constitute a separate violation of this chapter.

E. Nuisance. Any condition described in a stop work order or emergency order that is not corrected within the time specified therein is declared to be a public nuisance and the town representative is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in any manner provided by law.

F. Resolution of Violation. Upon the town representative's approval of a complete statement detailing the steps to

be taken by the responsible person, the town representative may suspend the stop work order or emergency order and issue written authorization for the activity or work to be resumed on such terms and conditions as are appropriate.

G. Appeal. A stop work order or emergency order is subject to administrative appeal pursuant to this chapter, and shall remain in effect during any appeal. (Ord. 732 § 5, 2023; Ord. 696 § 2 (Exh. A), 2019)

1.08.100 Notice of violation.

A. Issuance. A notice of violation (NOV) may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.

B. Notice and Enforcement Status. A NOV shall take effect immediately upon posting or service. The town may enforce a NOV pursuant to any provision of this code and enforce it in superior court. The NOV may be appended to or incorporated by reference in any other enforcement action. The NOV shall be subject to immediate enforcement by the town police as necessary.

C. Content. An NOV shall contain the following information:

1. The address and/or location of the violation.
2. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators.
3. The name(s) of the responsible person(s).
4. A statement that the town has found the named person to have committed a code violation and a brief description of the violation(s) found.
5. A concise description of the violation(s) and references to the ordinance, resolution, code section, regulation, rule, permit, approval or condition which is being violated.
6. A statement of the corrective or abatement action required to be taken, the deadline for completing such action, and that all required permits to perform the corrective action must be obtained from the proper issuing agency.
7. A statement that if the corrective action is not completed by the date set for compliance, the responsible person shall be subject to a \$500.00 penalty per day for each violation from the date set for compliance until compliance with the notice of violation is achieved.
8. A statement that when an NOV has been posted in conformity with this chapter, removal of the order without prior written authorization of the town representative or order of the town hearing examiner is

unlawful and shall comprise a separate violation.

9. A statement that the NOV must be appealed to the hearing examiner in accordance with the code or it shall become a final order.

D. Compliance Required. When a NOV has been issued, posted and/or served, it is unlawful for any person to whom the order is directed or any person with actual or constructive knowledge of the NOV to conduct the activity or perform the work covered by the NOV, even if the order has been appealed. A failure to comply with an emergency order shall constitute a separate violation of this chapter.

E. Nuisance. Any condition described in a NOV that is not corrected within the time specified therein is declared to be a public nuisance and the town representative is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in any manner provided by law.

F. Resolution of Violation. Upon the town representative's approval of a complete statement detailing the steps to be taken by the responsible person, the town representative may suspend the NOV and issue written authorization for the activity or work to be resumed on such terms and conditions as are appropriate.

G. A NOV is subject to administrative appeal pursuant to this chapter, and shall remain in effect during any appeal. (Ord. 732 § 6, 2023; Ord. 696 § 2 (Exh. A), 2019)

1.08.110 Voluntary compliance agreement.

A. Purpose. A voluntary compliance agreement is a written, signed commitment by the responsible person in which such person agrees to abate, remedy or correct a code violation on the terms and conditions stated therein.

B. Issuance. When the town representative determines that a violation or probable violation has occurred, the town representative may attempt to secure prompt voluntary correction or compliance by entering into a voluntary compliance agreement with any responsible person causing, allowing, or participating in the violation, including the property owner.

C. Timing. A voluntary compliance agreement may be entered into at any time after issuance of an administrative order or enforcement action is taken and before any appeal thereof is decided. If an administrative appeal has already been filed, the voluntary compliance agreement shall require the signature of the town attorney.

D. Content. A voluntary compliance agreement shall include the following:

1. The name and address of the responsible person for the code violation.

2. The address or other identification of the location of the violation.
3. A description of the violation and a reference to the provision(s) of code, ordinance, resolution, regulation, approval or permit which has been violated.
4. A description of the necessary corrective or abatement action to be taken and identification of the date or time by which compliance must be completed.
5. The basis and amount of any civil fine that will be imposed if the voluntary compliance agreement is not satisfied.
6. An acknowledgment that if the town determines that the terms of the voluntary compliance agreement are not met, the town may, without issuing a further enforcement action, (a) impose any remedy authorized by this chapter or other applicable code provision; (b) enter the real property and/or structure to perform abatement of the violation; (c) assess the costs incurred by the town associated with the voluntary compliance agreement; and (d) suspend, revoke, delay or limit a development permit or approval obtained or to be sought by the responsible person.
7. An acknowledgment that if civil fines, costs, and expenses are not paid, the town may file and charge the unpaid amount as a lien against the property where the violation occurred, and that the unpaid amount may be a joint and several obligation of all persons responsible for the violation.
8. An acknowledgment that by entering into the voluntary compliance agreement, the responsible person thereby admits that the conditions or factors described in the voluntary compliance agreement existed.
9. An acknowledgment that the responsible person understands that s/he has the right to be served with an administrative order or other enforcement action for any violation identified in the voluntary compliance agreement, has the right to administratively appeal any such order or enforcement action, and that s/he is knowingly and intelligently waiving those rights.

E. Failure to Comply. If the terms of the voluntary compliance agreement are not met in whole or in part, and an extension of time has not been granted, the town representative may take any reasonable steps to gain compliance, including suit to enforce the agreement, issuance of enforcement actions, and prosecution as a misdemeanor.

F. Enforcement. A voluntary compliance agreement is not subject to administrative appeal pursuant to this chapter, but may be enforced pursuant to its terms and/or a judicial action. (Ord. 696 § 2 (Exh. A), 2019)

1.08.120 Administrative appeal.

A. Scope. Any person issued or named in an enforcement action, and any owner of the land where there is a violation for which an enforcement action is taken, may file a notice of administrative appeal with the town clerk

pursuant to this section for an administrative appeal hearing conducted by the town hearing examiner; provided, however, that there is no right to an administrative appeal under this section for a warning notice, voluntary compliance agreement, civil infraction, or criminal citation.

B. **Deadline for Appeal – Service – Jurisdiction.** The appeal and any appeal fee shall be filed by the appellant with the town clerk and served on the town attorney not later than 15 days after service of the enforcement action objected to. If an appeal is not timely filed and served, the hearing examiner shall be without jurisdiction to hear the appeal.

C. **Contents of Appeal.** The appeal shall (1) identify the parties to the appeal, (2) each person having an interest in the appeal, enforcement action or administrative order, (3) attach the enforcement action or administrative order complained of, and (4) contain a concise statement of the issues appealed, the basis for relief, and relief requested by the appellant.

D. **Hearing Examiner Review.** Upon receipt of an appeal, the town clerk shall forward the appeal to the town hearing examiner. The hearing examiner shall thereafter review and decide the appeal pursuant to this chapter and the hearing examiner's rules of procedure.

E. **Limitations.** Enforcement of any stop work order or emergency order shall not be stayed during the pendency of an appeal. When multiple enforcement actions have been issued simultaneously for any set of facts constituting one or more violations, only one appeal of all such enforcement actions shall be allowed.

F. **Cancellation of Hearing.** Except in the case of (1) a repeat violation; (2) a violation which creates a situation or condition which cannot be corrected; or (3) a violation posing an immediate risk or threat to persons, property or public safety, an appeal hearing may be canceled if the town representative approves a fully completed remedy or corrective action at least 48 hours prior to the scheduled hearing commencement date. Accrued fines, penalties, and costs shall not be affected by cancellation of the hearing.

G. **Costs of Administrative Appeal.** Whenever an enforcement action is affirmed or substantially upheld on appeal, the hearing examiner shall assess to the appellant the amount of the costs incurred by the town and the examiner in litigating and processing the appeal before the hearing examiner. These costs shall, without limitation, include those expenses incurred in preparing for the appeal, issuing public notice as required under the code or examiner's rules, general clerical expenses, staff, witness and examiner preparation time, site inspections, town attorney costs, including fees paid to outside counsel and consultants needed to prosecute the appeal, and other expenses incurred by the town arising from the enforcement action and/or violation. Town litigation costs may be waived in whole or in part by the town representative if the responsible person has corrected or remedied the alleged violation at least 30 working days prior to the scheduled appeal hearing date and the town representative has verified in writing the adequacy of the corrective action. Accrued fines and penalties to the date of verified correction or remedy shall not be waived. (Ord. 696 § 2 (Exh. A), 2019)

1.08.130 Civil infraction (judicial enforcement).

A. Authority. Civil infractions subject to judicial enforcement may be issued for violations of this code in accordance with Chapter 2.52 YPMC and Chapters 3.50 and 7.80 RCW as applicable.

B. Issuance. When the town representative determines that a code violation has occurred based upon investigation or documents, statements of witnesses, police reports, field observations, data system(s) for tracking violations and/or physical evidence, the town representative may request that the town police issue a civil infraction for the violation to any responsible person. Civil infractions shall be issued on an appropriate form for filing with the municipal court used by the town.

C. Infraction Process. Once the civil infraction has been filed with the municipal court, it shall be sent in the normal course to the property owner(s) and/or other person(s) causing or allowing or participating in the violation, and thereafter processed in judicial proceedings pursuant to applicable rules and procedures.

D. Infraction Penalty. Violations charged under this section shall carry a maximum penalty of \$250.00 unless another maximum penalty is established, and may be further subject to limitations, restrictions and/or other requirements under the code. Each day or portion thereof, location, violator and incident shall constitute a separate civil infraction. (Ord. 696 § 2 (Exh. A), 2019)

1.08.140 Forms.

The town clerk shall prepare and make available such forms as needed to implement this chapter. Changes or alteration of such forms or failure to use such forms shall not affect the validity of any enforcement action. The prepared forms shall include a warning notice (YPMC [1.08.080](#)); stop work order and emergency order (YPMC [1.08.090](#)); and notice of violation (YPMC [1.08.100](#)). (Ord. 696 § 2 (Exh. A), 2019)

1.08.150 Right of entry to property and places.

A. Nonemergency Permissive Entry. Upon presentation of proper credentials, an authorized town representative may, with the consent of the owner or occupier of a building or premises or pursuant to a lawfully issued inspection warrant, enter such location at all reasonable times to perform the duties of this chapter and to conduct inspections, tests or to carry out other duties imposed by the code.

B. Refusal of Entry. If entry is refused or cannot be obtained, the town representative may seek assistance from a court of competent jurisdiction to obtain entry, and/or shall have recourse to every remedy provided by law to secure entry, including but not limited to obtaining an administrative warrant for entry.

C. Emergency Entry. In the event of an emergency presenting a threat to public health or safety and requiring immediate action by the town representative, the representative may enter onto any property without obtaining consent but shall advise the property owner or other responsible person of such entry as soon as practicable thereafter. (Ord. 696 § 2 (Exh. A), 2019)

1.08.160 General enforcement flow chart.

The following flow chart depicts the town's generalized enforcement process under this chapter. It may but is not required to be used in applying this chapter.

Figure 1



(Ord. 696 § 2 (Exh. A), 2019)

**Chapter 8.04
NUISANCE CONTROL CODE**

Sections:

[8.04.005 Short title.](#)

[8.04.010 Definitions.](#)

[8.04.020 Types of nuisances.](#)

[8.04.030 Prohibited conduct.](#)

[8.04.040 Enforcement notice.](#)

[8.04.050 Abatement by town.](#)

[8.04.060 Abatement by owner or other responsible person.](#)

[8.04.070 Immediate danger – Summary abatement.](#)

[8.04.080 Violation.](#)

8.04.005 Short title.

This chapter may be known and cited as the “Yarrow Point nuisance control code.” (Ord. 602 § 1, 2009)

8.04.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. “Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.
- B. “Building materials” means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
- C. “Enforcement officer” means the mayor or any town representative designated by him/her.
- D. “Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent walkways and parking strips.
- E. “Responsible person” means any agent, lessee or other person occupying or having charge or control of any premises, except the owner.

F. "Street" means a public or recorded private thoroughfare, easement, or lane providing pedestrian and vehicular access along, through, and/or to homes, neighborhoods, and communities and to abutting property.

G. "Tree, shrub or foliage" means and includes but is not limited to trees, plants, shrubs, bushes, vines, flowers, vegetables and grasses, and further includes all growths of every kind and character, whether domestic or wild, causing the obstruction, interference, or detriment prohibited by this chapter.

H. "Owner" means the property owner. (Ord. 748 § 2, 2024; Ord. 602 § 1, 2009)

8.04.020 Types of nuisances.

Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance, and is subject to civil enforcement and penalties as provided in this chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of these conditions, actions or activities exist upon any premises or in any lake, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

A. The existence of any offensive or dangerous accumulation of weeds, trash, dirt, filth, waste shrubs, lawn or yard trimmings, the carcass of any animal or other offensive matter;

B. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;

C. The existence of any tree, shrub or foliage, which is apt to destroy, impair, interfere or restrict:

1. Streets, sewers, utilities, walkways, or other public improvements;

2. Visibility on, or free use of, or access to such improvements;

D. The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant or utility pole, or the existence of any shrub, vine or plant growing on or in front of any hydrant or any other appliance or facility provided for fire protection in such a way as to obscure the view thereof or impair the access thereto;

E. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;

F. The dumping or otherwise unlawful depositing of refuse, sawdust or any other material without a permit;

G. The existence of any obstruction to a street, alley or walkway and any excavation in or under any street, alley, crossing or walkway, which is by ordinance prohibited, or which is made without lawful permission, or

which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished and for an unreasonable length of time, not to exceed 45 days;

H. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises or in or upon any street, alley, park, walkway or other public or private place in the town any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity. Nothing in this subsection shall prevent the temporary retention of waste in approved covered receptacles;
2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul in odor;
3. Any filthy, littered or trash-covered dwellings, cellars, house yards, vacant lots, houses, buildings or premises;
4. Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or paper products, small pieces of scrap iron, wire metal articles, household appliances, broken concrete, broken glass, broken plaster and all such trash or abandoned material unless it is kept in approved covered bins or appropriate containers;
5. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

I. The depositing, or causing to be deposited, in any street, walkway, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material;

J. The storage or keeping on any premises in public view for more than 30 days of any used or unused building materials as defined in YPMC [8.04.010](#), whose retail cost new would exceed \$1,000, without a special permit from the building official; provided, that nothing in this subsection shall:

1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion;
2. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

K. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or otherwise dilapidated or unsafe

condition;

L. The existence or maintenance on any premises of a storage area, junkyard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of any major parts thereof;

M. The existence of any drainage onto or over any walkway, public way or street. (Ord. 705 § 3, 2020; Ord. 602 § 1, 2009)

8.04.030 Prohibited conduct.

A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or in any lake, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.

B. It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance. (Ord. 602 § 1, 2009)

8.04.040 Enforcement notice.

An enforcement officer appointed by the mayor, having knowledge of any public nuisance, shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice or other reasonable period. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Chapter [8.04](#) of Yarrow Point Municipal Code has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection ___ of 8.04.020:

You are hereby notified to abate said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not abate such condition within ___ days the town will abate the condition at your expense.

Abatement is to be accomplished in the following manner:

Dated: _____

by _____ (Name of enforcement officer)

(Ord. 602 § 1, 2009)

8.04.050 Abatement by town.

In all cases where the enforcement officer has determined to proceed with abatement, 10 days after giving notice, the town shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the town, all the expenses thereof shall constitute a civil debt owing to the town jointly and severally by such of the persons who have been given notice as provided in this chapter. The debt shall be collectable in the same manner as any other civil debt owing to the town. (Ord. 602 § 1, 2009)

8.04.060 Abatement by owner or other responsible person.

If and when an owner or other responsible person undertakes to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (Ord. 602 § 1, 2009)

8.04.070 Immediate danger – Summary abatement.

Whenever any condition on, or use of, property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public, or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in YPMC [8.04.050](#). (Ord. 602 § 1, 2009)

8.04.080 Violation.

A. Any person violating any of the provisions of this chapter is guilty of a civil infraction with a penalty of \$500.00 for each day the violation exists. The civil infraction may be imposed as a remedy under Chapters [1.08](#) and 2.52 YPMC, which is in addition to abatement as provided in YPMC [8.04.040](#) and [8.04.050](#).

B. In addition, any violation of the provisions of this chapter constitutes a code violation under Chapter [1.08](#) YPMC and is subject to enforcement action, corrective action, fines and penalties described therein. (Ord. 696 § 3 (Exh. B§3), 2019; Ord. 602 § 1, 2009)

Business of The Town Council
Town of Yarrow Point, WA

SB 5290 Grant Authorization	Proposed Council Action: Discussion and Possible Vote
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Presented by:	Town Mayor and Town Attorney
Exhibits:	Resolution Committing to Complying with SB 5290 Grant Terms

Summary:

In April 2023, [SB 5290](#) amended the [Local Project Review Act](#) to help streamline permit review for local cities and counties in an effort to address housing shortages across the state. As a part of that change, Commerce is required to provide a grant to jurisdictions that helps consolidate residential building permit review, [RCW 36.70B.240](#).

All towns, cities and counties are eligible for the grant program. Funding will be provided on a first come first served basis until funds are exhausted. Applicants must meet certain criteria to qualify for funding.

In order to be eligible, the Town must adopt a resolution committing to the following:

- Beginning July 1, 2024: start issuing residential permits within 90 calendar days
- Beginning July 1, 2024: determine a fee structure that allows for consolidated permit review within 90 calendar days
- Beginning September 15, 2024: submit quarterly progress reports to Commerce regarding compliance with grant terms

Eligible costs may include those associated with the following activities:

- Costs to a jurisdiction to provide technical peer review of an application for conformity within the requirements of the Local Project Review Act, section [RCW 36.70B.070](#).
- Contracting with a third-party business to conduct the consolidated permit review or as additional inspection staff.
- Contracting with outside assistance to audit development regulations to identify and correct barriers to housing development.
- Expenses necessary for staff/consultant time to process changes to codes in order to comply with the 45-90 day permit decision timelines, fee guidance, or other requirements of the grant.

Recommended Motion(s):

I move to authorize staff to apply for the Consolidated Residential Building Permit Review Grant and if the grant is awarded, for the Mayor to execute the grant contract.

I move to approve Resolution No. ___ committing the Town to complying with SB 5290 Grant Terms.

**TOWN OF YARROW POINT
RESOLUTION NO. 375**

A RESOLUTION OF THE TOWN OF YARROW POINT,
WASHINGTON, COMMITTING TO THE ISSUANCE OF
RESIDENTIAL PERMIT APPLICATIONS WITHIN 90 CALENDAR
DAYS IF SB 5290 GRANT FUNDING IS AWARDED AND
ACCEPTED.

WHEREAS, pursuant to Second Substitute Senate Bill 5290 (“SB 5290”), adopted by the Washington State Legislature on April 17, 2023, local jurisdictions are required to implement consolidated permit review procedures and expedite issuance of permits in accordance with new permit review timelines established in SB 5290; and

WHEREAS, pursuant to Section 2 of SB 5290, local jurisdictions may apply for grant funding (“SB 5290 Grant”) from the Department of Commerce to review local permitting processes and procedures in order to create an expedited permit review process; and

WHEREAS, in order to be eligible for the SB 5290 Grant, local jurisdictions must adopt a resolution committing to the issuance of certain permits within 90 calendar days beginning July 1, 2024 and acknowledging other conditions of the Grant; and

WHEREAS, the Yarrow Point Town Council desires to adopt this Resolution, including the terms established herein, in order to comply with SB 5290 Grant requirements.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YARROW POINT,
WASHINGTON, RESOLVES AS FOLLOWS:

Section 1. If the Town does not receive SB 5290 Grant funding, or chooses not to move forward with the SB 5290 Grant, this Resolution is null and void.

Section 2. No later than July 1, 2024, the Town must begin to issue final decisions on residential permit applications within 90 calendar days, using a consolidated review for building permit applications.

Section 3. No later than July 1, 2024, the Town must determine a specific fee structure that will allow the Town to continue providing consolidated permit review within 90 calendar days.

Section 4. On September 15, 2024, December 15, 2024, March 15, 2025, and June 15, 2025, the Town Clerk-Treasurer is directed to provide a quarterly progress report and status update to the Department of Commerce. The report must include the average and maximum time for issuing final decisions on residential building permits using consolidated review

during the Town’s participation in the grant program. The status update will include a description of work completed under chosen eligible activity or activities.

Section 5. If the Town is unable to successfully meet the terms and conditions of the grant, the Town understand that it must enter a 90-day probationary period. If it is unable to meet the terms and conditions of the Grant by the end of the probationary period, the Town will no longer be eligible to receive grants.

Section 6. The following definitions apply for purposes of this Resolution:

A. “Consolidated review” means: the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator per RCW 36.70B.120.

B. "Residential permit" means a permit issued by the Town that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

Section 7. This Resolution shall take effect immediately upon passage.

Adopted by the Yarrow Point Town Council this 14th day of May, 2024.

APPROVE:

Katy Kinney Harris, Mayor

ATTEST: Bonnie Ritter, Town Clerk-Treasurer

Business of The Town Council Town of Yarrow Point, WA

9.4
May 14, 2024

Recycling and Organics Pickup Survey 2024	Proposed Council Action: For Discussion
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Presented by:	Austen Wilcox
Exhibits:	Survey Results

Summary:

On April 30th, the Town sent out a survey regarding the possibility of switching to weekly pick-up of recycling and organics. Currently, Republic Services provides this service every other week, alternating Recycling and Organics.

If Yarrow Point were to change to weekly recycling and organics pick-up, the total anticipated increase per household would be an additional \$6.25 a month. If a resident does not contract for Organics, the increase would be \$2.70 per month. This change will affect ALL Yarrow Point households. Residents will not have the option of weekly or bi-weekly.

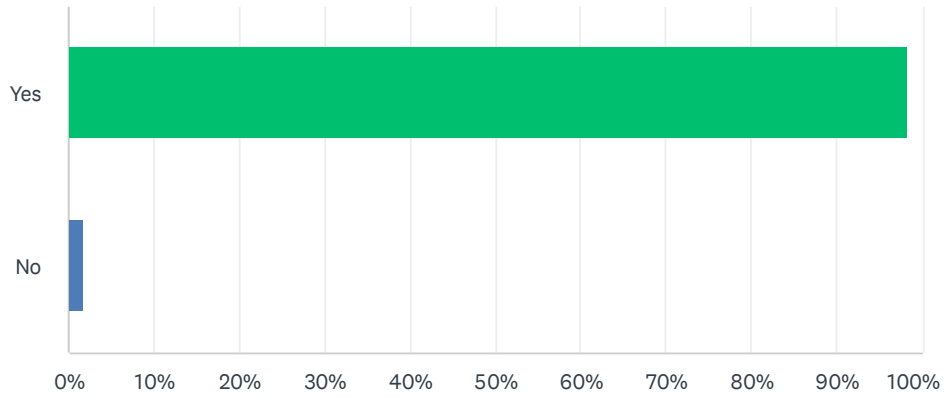
The survey results indicate that residents do not want a change in service.

Recommended Action:

For discussion.

Q1 Are you a Yarrow Point resident?

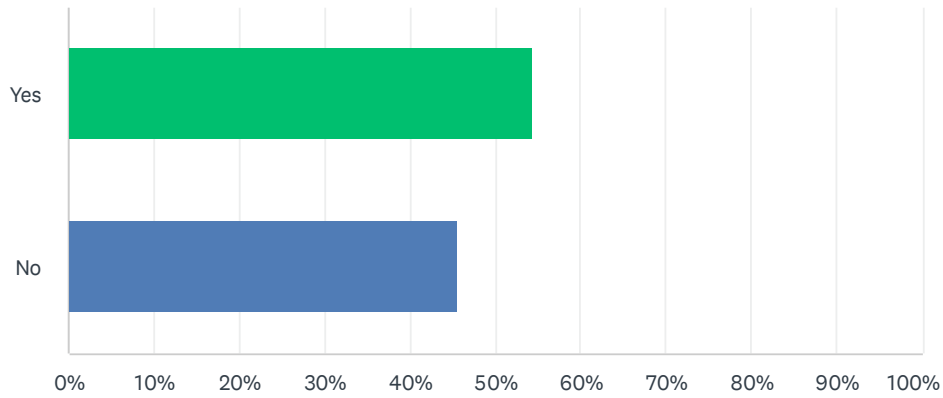
Answered: 112 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	98.21%	110
No	1.79%	2
TOTAL		112

Q2 I would like for the Town of Yarrow Point to move toward weekly recycling and organics residential pick-up for the additional cost of \$6.25/ Mo. per household.

Answered: 112 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	54.46%	61
No	45.54%	51
TOTAL		112

**Business of The Town Council
Town of Yarrow Point, WA**

Special Event Ordinance	Proposed Council Action: Approve Ordinance No. 749
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Presented by:	Clerk-Treasurer Bonnie Ritter
Exhibits:	Ordinance No. 749: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, ADDING A NEW CHAPTER TO TITLE 5 OF THE YARROW POINT MUNICIPAL CODE ENTITLED “SPECIAL EVENTS”, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE

Summary:

Following the Town’s 2023 insurance audit (done by WCIA), the Town received a “mandatory recommendation” that we must have an ordinance that defines what a special event is, an application for such an event, and they specified the amount of general liability and liquor insurance that must be required.

This ordinance was removed from the April agenda for additional revisions. Mayor Harris has taken the suggestions from Council and revisions are included in this version for Council consideration. For Yarrow Point, this ordinance is mainly to make sure that liability insurance requirements are in place to protect the Town. It is being implemented with mainly the 4th of July activities in mind, but would also apply to other events that may come up in the future.

This ordinance is coming before you so that it can be in full force before the July 4th activities take place.

Recommended Action:

Approve Ordinance 749: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, ADDING A NEW CHAPTER TO TITLE 5 OF THE YARROW POINT MUNICIPAL CODE ENTITLED “SPECIAL EVENTS”, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE

**TOWN OF YARROW POINT
ORDINANCE NO. 749**

**AN ORDINANCE OF THE TOWN OF YARROW POINT AMENDING YPMC TO
ADD TITLE 7, AS IT RELATED TO SPECIAL EVENTS**

WHEREAS, the festivals, parades, athletic events and other special events contribute to the unique character and vitality of the Town of Yarrow Point; and

WHEREAS, special events range in size and may impact the Town's right of way, parks, or facilities; and

WHEREAS, the Town's public safety personnel are better able to respond to issues affecting the public when they are alerted in advance to the timing, location, and nature of special events occurring in the Town; and

WHEREAS, a special events permit process will allow the Town to manage competing uses of its resources and public spaces for special events.

The Town Council of the Town of Yarrow Point does ordain as follows:

Section 1. Title 7 YPMC. A new title shall be added to the Yarrow Point Municipal Code and shall be codified as Chapters 7.14.010 through 7.14.180 and shall be stated as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Corrections. Upon approval of the Town Council, the Clerk-Treasurer and code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors, references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

Section 3. Severability. If any section, clause, or provision of this Ordinance or its application to any person or circumstance is declared by a court to be invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the Town of Yarrow Point and shall take effect and be in full force five days after passage and publication.

Adopted by the Town Council of the Town of Yarrow Point this 14th day of May, 2024.

Katy Kinney Harris, Mayor

Attest: Bonnie Ritter, Clerk-Treasurer

EXHIBIT A

**YARROW POINT MUNICIPAL CODE CHAPTER 7
Special Events**

7.14.010	Purpose and Policy
7.14.020	Intent
7.14.030	Definitions
7.14.040	Exemptions
7.14.050	Administration
7.14.060	Permit Required
7.14.070	Permit Fee and Deposit
7.14.080	Waiver from Permit Fee
7.14.090	Permit Application
7.14.100	Permit Requirements
7.14.110	Permit Conditions
7.14.120	Denial of Application
7.14.130	Indemnification
7.14.140	Insurance Required
7.14.150	Revocation or Suspension
7.14.160	Appeal Procedure
7.14.170	Closure of Event
7.14.180	Penalty for Violation

7.14.010 **Purpose and Policy.**

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, and the like. Special events shall be allowed by a special events permit granted by Town Staff.

7.14.020 **Intent.**

It is the specific intent to place the obligation of complying with the requirements of this chapter and the permit conditions upon the applicant or permittee, and nothing contained in this chapter is intended to be construed to create or form the basis for liability on the part of the Town, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or permittee to comply with this chapter or the permit conditions.

7.14.030 **Definitions.**

The following definitions shall apply to this chapter:

Applicant: Any person or organization who seeks a special event permit to hold an event governed by this chapter.

Athletic or sporting event: An occasion in which a group of persons collect to engage in or watch a sport or form of exercise on public property which is anticipated to obstruct, delay, or interfere with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic or sporting events include, but are not limited to, bicycle or foot races, and sport tournaments.

Clerk-Treasurer: The person acting as the Town's Clerk-Treasurer and includes the Clerk-Treasurer's designee.

Mayor: The elected Mayor for the Town or, in the mayor's absence, the Mayor's designee.

Nonprofit Corporation: Has the same meaning as stated in RCW 24.03A.010.

Permit Application Fee: The fee to be paid by the applicant at the time the application is filed with the Clerk-Treasurer. Such fee shall be set by the Town's Fee Resolution.

Permittee: Any person or organization who has been issued a special events permit by the Town.

Person: Has the same meaning as stated in RCW 24.03A.010.

Police Chief: The person designed as the Police Chief for the Clyde Hill Police Department.

Public Property: Publicly owned or controlled property and includes, but is not limited to, a Town street, sidewalk, parking lot, park, or other right-of-way.

Special Event: Any organized formation, parade, procession, demonstration, or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the Town which does not comply with applicable traffic regulations, laws or controls.

Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, street fairs, street markets, community events, on the water activities, mass participation sports (such as marathons and other running events), athletic or sporting events, firework displays, and community celebrations and observances.

Special Events Permit: The permit issued by the Town after the applicant has met all applicable reviews and requirements set forth in this chapter.

7.14.040 Exemptions.

The provisions of this chapter shall not apply to:

- A. Funeral processions;
- B. Groups required by law to be so assembled;
- C. Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
- D. Activities of state and federal governmental agencies, including military units, which are performed within the scope of such agency's duties and functions;
- E. Events held by the Town of Yarrow Point.

7.15.050 Administration.

The Mayor shall, after consultation with appropriate Town Staff and government agencies (public works, police, fire, etc.), have discretionary authority regarding special event permits. The Mayor may approve, modify, waive, condition, or deny a special events permit, in accordance with the principles of this chapter.

7.14.060 Permit required.

Any person desiring to hold a special event shall first obtain a special events permit.

7.14.070 Permit fee.

The fee for issuance of a special events permit shall be set forth in the Town's Fee Schedule.

7.14.080 Waiver from permit fee.

The permit fee may be waived for applicants that are a nonprofit corporation and which further the goals and objectives of the Town, as determined in the Mayor's sole discretion.

7.14.090 Permit application.

A. Filing of the Application.

1. Any person wishing to hold a special event shall apply for a special event permit by filing an application with the Clerk-Treasurer at least forty-five days prior to the date on which the special event is to begin.

2. The application for a special events permit shall be made on forms furnished by the Town.

3. The applicant shall file with their application proof of commercial general liability insurance with a minimum policy limit of one-million dollars (\$1,000,000), and an endorsement naming the Town of Yarrow Point as additionally insured.

4. The applicant must pay the permit fee at the time of filing the application unless waived under YPMC 7.14.080.

B. Review of the Application

1. Unless good cause is shown, the application shall be reviewed by the appropriate Town Staff and others as determined by the Mayor no later than thirty days after the application has been filed with the Clerk-Treasurer and payment of the permit fee, unless the permit fee has been waived as provided in YPMC 7.14.080.

2. The Mayor shall approve, conditionally approve, or deny an application based on the recommendations of the Town Staff involved in the review process.

3. The Mayor may issue the special event permit once the application has been appropriately reviewed, the applicant has agreed in writing to comply with any terms and conditions of the permit, and payment of the permit fee, unless such have been waived as provided in YPMC 7.14.080.

7.14.100 Permit requirements.

A. Temporary signage and temporary structures, including temporary parking facilities, will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the Mayor.

B. Requests for street closure for special events shall be subject to provisions of this code and approved at the discretion of the Mayor.

C. Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the Bellevue Fire Department.

D. Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Clyde Hill Police Chief.

E. A Town Services Deposit is required to be paid by the permittee within two business days after issuance of the special events permit. The Town Services Deposit shall be in a reasonable amount anticipated by the Mayor at Mayor's discretion, for expenses that the Town may incur for fire, police, medical services, and public works crews for coverage at the special event. The payment of the estimated expenses shall be required even if the permit fee has been waived. If the actual expense for Town services and equipment on the date(s) of the special event is greater than the estimated expense, the permittee will be billed for the difference and is responsible for payment; provided that if the actual cost for Town services and equipment is less than the deposit, then any remaining funds after the deposit has been applied toward the expense shall be refunded to the permittee.

F. A clean-up deposit is required to be paid by the permittee within two business days after issuance of the special events permit for special events involving the sale of food or beverages for immediate consumption, the erection of structures, the use of horses or other animals excluding dogs and cats, or the use of fireworks or other incendiary devices. The clean-up deposit shall be in an amount reasonably anticipated to be incurred by the Town in removing debris or litter caused by such special event, as determined by the Mayor. The clean-up deposit shall be required, even if the permit fee has been waived. The clean-up deposit may be returned to the permittee after the special event if the permittee cleans and restores the public property

used for the special event to the same condition as existed prior to the special event as determined by the Mayor. If the public property used for the special event has not been properly cleaned or restored, the clean-up deposit shall be applied toward the Town's costs in cleaning up the special events area and any remaining deposit funds shall be refunded to the permittee. If the actual cost for clean-up is greater than the clean-up deposit, the permittee will be billed for the difference and is responsible for payment.

G. Adequate sanitation and other required health facilities shall be provided or made available in or adjacent to any public assembly areas.

7.14.110 Permit conditions.

The Mayor may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place, and manner of the event; and such conditions as are necessary to protect the safety and rights of persons and property and the control of traffic. The Mayor may modify the conditions of the special events permit if after the approval of the permit good cause is shown for the modification.

7.14.120 Denial of application.

A special event permit may be denied based upon a determination that:

- A. The event would endanger public safety or health;
- B. The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;
- C. The event would unreasonably infringe upon the rights of abutting properties;
- D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;
- E. There is no sufficient qualified safety personnel or other necessary Town Staff to accommodate the event;
- F. The applicant failed to complete the application form after being notified of the additional information or documents required;
- G. Information contained in the application of supplemental information required from the applicant is found to be false in any material detail;
- H. The applicant cannot meet, or is unwilling to meet, all the requirements of this chapter or any conditions requested to be imposed by any of the reviewing Town Staff;
- I. Other issues in the public interest were identified by the Mayor, Town Council or Town Staff;
- J. Failure to pay expenses, fees, charges, deposits, insurance, or bonds required by this chapter.
- K. Failure to file proof of insurance as required by YPMC 7.14.090(A)(3);
- L. The application was not timely filed with the Clerk-Treasurer;
- M. The applicant fails to provide the writing required by YPMC 7.14.130(A);
- N. The purpose of the proposed event is to incite crime, or the event would engage in or encourage participants to engage in illegal acts;
- O. The event is unlawful.

7.14.130 Indemnification.

A. Prior to the issuance of the special event permit, the applicant or permittee must agree in writing to reimburse the Town for any costs incurred by the Town in repairing damage to public property occurring in connection with the special event.

B. by applying for the special event, the applicant and permittee (collectively "indemnitor") agree to the following:

1. The indemnitor hereby agrees to release, indemnify, and hold harmless the Town of Yarrow Point from any and all liability, claims, demands, causes of action, charges, expenses, and attorney fees (including attorney fees to establish the Town's right to indemnity or incurred on appeal) resulting from involvement in this event whether caused by any negligent

act or omission of the Town or otherwise. This agreement shall not apply to any liability resulting from the sole negligence of the Town.

2. The indemnitor agrees to reimburse the Town for any loss, theft of, or damage to public property and equipment.

3. The indemnitor agrees to comply with all applicable laws, statutes, ordinances, rules and requirements including, but not limited to, not admitting more attendees than designated by the Fire Department as safe for the particular event or facility.

4. The indemnitor expressly agrees that this release and hold harmless agreement is intended to be broad and inclusive as permitted by Washington law and that if any portion there of is held invalid, notwithstanding, the balance shall continue in full legal force and effect.

5. Falsification and/or misrepresentation in completing the application may result in revocation or suspension of the special events permit and increase any permit fees or expenses as provided by this chapter.

6. The indemnitor agrees to immediately notify the Mayor of any inaccuracies in the application.

7.14.140 Insurance required.

A. As required by the Mayor or designated appointee, the permittee shall provide the Town with proof of commercial general liability insurance generally in the amount of at least one-million dollars (\$1,000,000) (combined single limits per occurrence) and an endorsement naming the Town of Yarrow Point as an additional insured must be provided. Upon determination by the Mayor, higher limits may be required for certain events.

B. Certificates of insurance shall be submitted to the Town for approval directly from the insuring agency via postal mail, fax or email. The insurance policy shall be written on an occurrence basis, shall name the Town as an additional insured, shall be written for a period not less than twenty-four hours prior to the event and extending for a period not less than twenty-four hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty days' written notice to the Town. Acceptability of insurance is subject to approval by the Mayor.

7.14.150 Revocation or suspension.

A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights to the permittee, and may be immediately revoked or suspended by the Mayor if:

1. The permittee has made a misstatement of material fact in the application;
2. The permittee has failed to fulfill a term or condition of the permit in a timely manner;
3. The check submitted by the applicant or permittee in payment of the permit fee, deposit or prepayment of expense for a permit has been dishonored;
4. The permittee requests the cancellation of the permit or cancels the event;
5. The activity at the special event endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
6. The activity at the special event is in violation of any of the terms or conditions of the special events permit;
7. An emergency or supervening occurrence requires the cancellation or termination of the special event to protect the public health or safety;
8. The permittee fails to pay expenses, fees, charges, deposits, insurance, or bonds required by this chapter;
9. The insurance by YPMC 7.14.140 has been cancelled or suspended.

B. If the special event (for which a special events permit has been revoked or suspended) is not immediately discontinued, the Mayor may remove any structure or obstruction, or cause to be removed, as may be necessary to render the same secure and safe.

The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all attorney fees associated with enforcement of the collection of the same.

7.14.160 Appeal procedure.

The applicant shall have the right to appeal a denial of a special event permit, or a condition imposed thereby, including the amount of fees or clean-up deposits imposed or a determination that the applicant's certificate of insurance does not comply with the Town's requirements. A permittee has the right to appeal any revocation or suspension of a special events permit. A written notice of appeal shall be filed with the Clerk-Treasurer within five days from the date of the denial or conditional approval of an application, or suspension or revocation of a permit. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The Town Council shall hear the appeal on the record provided from the Mayor and upon public comment given by the applicant at the scheduled hearing before the Town Council. The hearing shall be scheduled no later than the next scheduled council meeting after receipt of a timely and proper notice of appeal, unless there is good cause to extend the timeframe. The Town Council shall render a decision on or before the next regularly scheduled Town Council meeting. The decision of the Town Council on the appeal shall be final.

If there is insufficient time for a timely appeal to be heard by the Town Council prior to the date on which the event is scheduled, the applicant may, at the applicant's option, or the permittee may, at the permittee's option, request in writing that the Mayor hear the appeal. Any such written request shall be filed with the Clerk-Treasurer. The Mayor shall hold a hearing no later than ten business days after the applicant or permittee files the written request and shall render a decision no later than one business day after the hearing on the appeal is closed. If the appeal is requested and heard before the Mayor, the Mayor's decision shall be final.

7.14.170 Closure of Event.

Any event subject to the provisions of this chapter that is held without complying with all conditions of this chapter or the conditions of the special events permit shall be subject to closure summarily by the Police Chief.

7.14.180 Penalty for violation.

Any person that violates any of the provisions of this chapter shall be subject to a civil infraction and a fine. Each day in which a violation is committed constitutes a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

**Business of The Town Council
Town of Yarrow Point, WA**

9.6
May 14, 2024

Lobbyist for the Points Communities	Proposed Council Action: For Approval
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Presented by:	Mayor Harris
Exhibits:	Agreement between Sound View Strategies and Yarrow Point

Summary:

On October 10, 2023, the Council authorized the Mayor to enter into an agreement with Sound View Strategies to provide lobbyist services for the term of December 1, 2023 through March 31, 2024. The agreement for your consideration is to continue this relationship by entering into an agreement from April 1, 2024 through May 31, 2025.

The Point Communities (plus Beaux Arts) are using this form to advocate for our communities. The agreement will continue to promote solidarity in our communities and facilitate consistency with our messaging.

As before, the monthly contract for Yarrow Point will be \$900.00/month. Again, it is impossible to quantify what we will get for this representation, but it is certain that the TOD bills will be back and WSDOT is still contending that cities and towns are responsible for maintaining the lids over streets in their jurisdictions.

Recommended Action:

For Approval

**Professional Services Agreement
Sound View Strategies, LLC
401 Second Avenue South #307
Seattle, WA 98104**

The following professional services agreement (hereafter the “Agreement”) is made by the Town of Yarrow Point (hereafter known as “Client”) and Sound View Strategies (hereafter “SVS”)

Recitals

Client is the Town of Yarrow Point located at 4030 95th Ave NE, Yarrow Point WA 98004.

Sound View Strategies is a Washington corporation having its principal place of business at 401 Second Avenue South #307, Seattle, WA 98104.

Scope of Work

The scope of work for this project would include, but is not limited to, the following activities:

- Providing strategic counsel regarding legislative matters including housing related proposed legislation.
- Representing the Town of Yarrow Point with state policymakers.

It is understood that, should the scope of work as described above be changed in any material way, an adjustment to the fees may be required. Material changes in the scope of work and any adjustments to the fees must be in writing and signed by both parties.

Communications

Client and SVS shall develop a mutually agreeable communications process to keep Client fully and currently informed about the activities of SVS on behalf of Client.

Fees and Disbursements

In consideration for the services to be performed by SVS, Client agrees to pay SVS as outlined below:

For the period beginning April 1, 2024 and ending May 31, 2025 SVS shall be paid \$900 per month.

Client Responsibilities

Throughout the term of this Agreement, Client hereby agrees to:

- Conduct business ethically;
- Comply with federal, state and local laws;
- Maintain contact with SVS;
- Make timely payments for services;

Schedule & Termination

SVS's work on this project will begin on April 1, 2024 and end on May 31, 2025. Either party may terminate this Agreement without cause by 30 days notice in writing.

Either party, on 24 hours notice, may terminate this Agreement for cause. "Cause" shall be defined as a material failure to comply with the provisions of this Agreement.

In the event this Agreement is terminated, all outstanding fees and expenses shall be due and payable, or shall be reimbursed to client as appropriate within 7 days and the following shall apply:

If Client terminates this Agreement without cause, or if SVS terminates this Agreement for cause, Client shall pay SVS all fees and expenses due hereunder as if SVS had fully performed all required services through the Termination Date.

If Client terminates this Agreement for cause, or if SVS terminates this Agreement without cause, SVS shall received compensation for fees and expenses incurred through the date of termination only and reimburse Client as necessary.

Confidentiality

SVS shall safeguard the confidentiality of all proprietary and other confidential information and materials provided by Client and avoid any dissemination of any such information or materials without prior approval of the Client.

Independent Contractor

In all matters relating to this Agreement, SVS shall be acting as an independent contractor. SVS is not an employee of Client under the meaning or application of any Federal or State Unemployment or Insurance Laws or Worker's Compensation Laws, and the SVS shall assume all liabilities and obligations imposed by any one or more of such laws. SVS will work with Client to determine the time, the place and the manner in which it will accomplish its services within an overall schedule date established by Client. SVS shall not have any authority to assume or create any obligations, express or implied, on behalf of Client.

Entire Agreement

This agreement constitutes the entire agreement between Client and SVS in regard to the subject matter hereof and supersedes all prior contemporaneous communications, representation, or agreement, whether oral or written, with respect thereto. No agreement hereafter made between the parties shall be binding on either party unless reduced to writing and signed by authorized representatives of the parties.

This agreement, dated May 1, 2024 is accepted in its entirety by SVS and Client signing below.

SVS

CLIENT

By: 

By:

Title: Partner

Title:

Date: May 1, 2024

Date: