

**TOWN OF YARROW POINT
PLANNING COMMISSION MEETING MINUTES
May 17, 2010**

The following is a condensation of the proceedings and is not a verbatim transcript. The meeting is recorded, and the audio recording is public record.

CALL TO ORDER:

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

PLANNING COMMISSION MEMBERS:

Chairman: David Feller

Commissioners: Richard Cahill
Amy Pellegrini
Dan Williams (Excused)
Peter Braman

Staff: Mona Green – Town Planner
Steve Wilcox – Building Official
Sara McMillon – Clerk-Treasurer

Guests: None.

APPEARANCES:

None.

MINUTES:

MOTION: Planning Commissioner Peter Braman motioned to approve the Planning Commission minutes from April 19, 2010 as presented. Planning Commissioner Richard Cahill seconded the motion.

Vote: 4 For, 0 Against, 1 Abstain. Motion carried.

STAFF REPORTS:

Mona Green, Town Planner – Mrs. Green reported on the previous month’s Council meeting. Councilmembers performed a first reading of the proposed Public Property Tree Code. A public hearing will be held on the Tree Code at next month’s Council meeting. Following the hearing, the Council can vote to approve the Tree Ordinance. The Council also discussed an update to the Town’s Building Code.

One item the Council discussed at length is a proposed Town sport court in Morningside Park, Mrs. Green said. The low bid for the project was less than the Town Engineer's estimate. Some of the Council seemed reluctant to spend money on what appears to be a discretionary item during a down economy. Others think the community greatly needs a gathering place. Mrs. Green said the sport court cost is greater than originally anticipated due to ADA requirements.

Later in the meeting, Mrs. Green reported on the status of the SR520 Bridge Replacement and HOV project. Plans are quickly proceeding, she said. The Washington State Department of Transportation (WSDOT) has received responses to a Request for Qualifications (RFQ). The State will select between two and four firms from those that responded to the RFQ. Selected companies will have until the end of 2010 to submit bids. Construction should begin in 2011.

In response to a question from Planning Commissioner Peter Braman, Mrs. Green said tolling will begin in 2011. People who drive over the bridge without a tolling pass will receive an infraction. Mrs. Green said the lid and roundabout at Yarrow Point will be constructed. No active uses will be permitted on the lid. WSDOT representatives may need to acquire some small pieces of property for the project. A new biking pathway in the area will be an exciting addition.

Steve Wilcox, Town Building Official – Planning Commissioner David Feller asked for further details about the Building Code update. Mr. Wilcox responded that every three years the State of Washington adopts a new Building Code. Yarrow Point and other jurisdictions are required to implement the 2009 State Code by July 1, 2010. Changes to the Energy Code are the most extensive, he said. The State provided the option of adopting required fire sprinklers or optional fire sprinklers. Yarrow Point will likely adopt optional fire sprinklers, Mr. Wilcox said. In three years, fire sprinklers may not be optional statewide.

Other changes include duct testing for new mechanical appliances, he reported. Entire houses will have to be pressure tested for leaks. The State of Washington has some of the strictest energy regulations in the nation, and the 2009 Code represents an additional 30% of energy savings.

REGULAR BUSINESS:

PC-AB 10-006 – Information Regarding Decibel Levels for Outdoor Equipment and Associated Regulations

Mrs. Green said currently the Town has no noise restrictions regarding construction other than allowable hours for work. Every few months the Town receives a complaint regarding noise coming from an outdoor generator or air conditioning unit. Mr. Wilcox said he is in attendance to share his knowledge and experience regarding the issue so the Planning Commission can decide what type of Town regulation, if any, would be appropriate.

He said Medina is the only city he has worked in that regulates sound or noise from a residence during the project permitting process. Most cities enforce the regulations on a

complaint basis. Medina's regulations work, he said, but the regulations are imperfect in some respects.

Medina's Code states that all sound emanating from a property is to be tested, Mr. Wilcox said. It is difficult to find a sound engineer who understands how to properly perform a test. Usually more than one test is needed. Sound can come from a variety of sources including air conditioning units, swimming pool equipment, range hoods with duct venting to the exterior of a home, large ventilation fans, furnace vents and environmental ducts from laundry rooms. In Medina, everything must be turned on at once to perform a correct decibel reading.

Mr. Braman asked how many complaints the Town has received. Mrs. Green said one complaint has been recurring for years. Neighbors have attempted to work together to find a solution. The decibel level is greater than what the State allows. According to the Town Attorney, Yarrow Point is not obligated to enforce the State regulation, so staff members have attempted to avoid involvement.

Mr. Wilcox said one option is to require a noise certification prior to issuing final approval on a building project. Sometimes a sound attenuation wall is used to block noise from outdoor equipment. Regulations would be needed regarding the placement of the wall for safety reasons. The height of the wall should be limited. Sometimes a sound attenuation wall that is not properly installed does not dampen noise and may serve to amplify it.

In the instance Mrs. Green mentioned, the air conditioning unit in question is not located in the setback area, but is close to the master bedroom of the adjacent house and vents directly in this vicinity, she said. A sound attenuation wall was installed, but did not lessen the decibel level at the property line. Planning Commissioner Amy Pellegrini noted that most outdoor appliance product labeling states the amount of noise created. Mr. Wilcox responded that some site specific conditions can amplify outdoor equipment noise. Equipment can be put on a timer, but not everyone wants the air conditioning unit off at night. Two or three units in Yarrow Point appear to be creating excessive noise, he said.

Planning Commissioner Feller asked if older units have to comply with any new noise regulations adopted. If a noise certification is a part of the permitting process, the regulation would apply to new units, Mr. Wilcox said. The Town will need to decide if all the sound should be tested on the site or just the noise from primary noise sources.

Mr. Cahill asked what the additional cost to a property owner would be. A cost between \$5,000 and \$10,000 could be added, Mr. Wilcox said. A qualified sound engineer would be required. Mrs. Pellegrini said years ago she was involved with generator installation in other jurisdictions. A permit was required, and the installer had to ensure that the unit complied with a noise Ordinance. The decibel level was required to be a certain level at the property line or 10 feet away from the unit. Mrs. Pellegrini said noise measurements were not cumulative. Noise from that particular unit had to be kept at a certain level.

She said the noise level as provided by the manufacturer was given to the municipality. From that information, city staff could determine compliance. If a complaint is received, the unit can be tested during the day and at night to determine if the decibel level violates

State regulations. Planning Commissioners agreed that a cumulative reading of all noise emanating from a property should not be pursued.

Mr. Wilcox said 45 decibels is considered typical daytime residential noise. For the complaint discussed, the decibel level was 55. Mr. Feller said 55 decibels is not a significant amount of noise. Some people are very sensitive to noise, Mr. Wilcox said. Sound can reflect off of surfaces.

Mr. Feller said he is concerned that if the Town adopts or enforces the state regulation, the number of complaints concerning outdoor units will skyrocket. Language concerning the party responsible for paying the cost of an investigation would need to be included in a local regulation. Planning Commissioner Cahill asked what resort the public has if the Town does not enforce the State regulation. Mr. Wilcox said he attempts to work with both parties to find a solution. If a solution cannot be found, he can issue a notice of violation with 30 days to comply. If the property owner does not comply, the matter is referred to the Court.

Mrs. Green said the commission will not have a solution this evening, but that the board should consider options. The information Mr. Wilcox provided will be helpful. Mr. Feller said Planning Commissioners can speak with people in the community to gather opinions. He said it would seem to be a great additional expense for someone to be required to purchase a new unit. The issue seems to be a difficult one.

Mr. Wilcox said the size of the unit and where it is installed affects the noise level. Lots in Yarrow Point are narrower than in other municipalities. Some appliance units have certain characteristics that make them noisy. Mrs. Green said she would talk with Town officials concerning the issue.

ADJOURNMENT:

MOTION: Planning Commissioner Peter Braman motioned to adjourn at 7:55 p.m. Planning Commissioner Richard Cahill seconded the motion.

Vote: 4 For, 0 Against, 1 Abstain. Motion carried.

APPROVED:

David Feller, Commission Chair

ATTEST:

Sara McMillon, Clerk-Treasurer