



# MEDINA, WASHINGTON

## AGENDA BILL

Monday, May 12, 2025

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**Subject:** Critical Areas Ordinance Update

**Category:** City Council Business

**Staff Contact:** Steven R. Wilcox, Development Services Director

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### **Summary**

A. Background. Washington State is mandating a periodic update of our Critical Areas Ordinance (CAO). Washington's Growth Management Act requires cities and counties to review and update their critical areas policies and regulations on a periodic basis. This process ensures these protections reflect the current Best Available Science and continue to safeguard sensitive environmental areas. The state identifies five types of critical areas that must be designated and protected:

- Wetlands
- Critical aquifer recharge areas (which help replenish drinking water supplies)
- Frequently flooded areas
- Geologically hazardous areas (such as landslide-prone slopes)
- Fish and wildlife habitat conservation areas

Within Medina, known critical areas include wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas. The most common critical area type that is part of Medina development permit applications involve "steep slope" geologically hazardous areas.

B. Budget. Unfortunately, this state mandate was not added to the Medina budget for 2025. The state has not offered any grants towards the cost of this work.

Our consultant's proposal to perform Medina's 2025 CAO periodic update is \$99,481.00.

It was known that this project was coming to us in 2025 during our budget development last Summer and Fall. The choice was made to leave the CAO periodic update out of our budget and to rely on Development Services staff to lead the project. It was anticipated there would be some consultant assistance needed for our staff, but only with minimal impact on the 2025 budget.

The reality of the Development Services staff workload to date in 2025 has caused a reversal of how we need to approach this project. Large special/high-interest projects, continuing efforts to complete current state mandates, and a CAO update schedule which is becoming only more compressed has resulted in the need to propose the use of a professional consultant to lead this project rather than asking our staff to do it.

C. History and Consultant. Medina's last major update to Municipal Code Chapter 16.50 – Critical Areas was in 2015. Since 2015 Medina has not made any CAO updates. Washington State's mandated CAO periodic update schedule had been every 8-years, but this has now been increased to 10-years.

The company named Facet is formerly DSG/Watershed (Kirkland) and was Medina's consultant on our previous 2015 CAO periodic update. Medina has successfully worked with DSG/Watershed on several projects over the years. Facet is currently performing a Tree Canopy Study for Medina under separate budget. Council approval pending, the same lead Facet staff member who participated in our 2015 CAO periodic update will also lead this 2025 effort.

A staff goal is to keep this CAO periodic update as simple as possible and to state minimum requirements for approval by the Department of Commerce.

D. Schedule. This state mandate requires that the CAO update project is completed through Council approval of ordinance amendments by **December 31, 2025**, with implementation at the start of 2026. To meet the December 31<sup>st</sup> deadline, Facet produced the Task Order proposal found in Exhibit 1.

E. Consultant Proposal. Please see Exhibit 1. An important part of the Facet proposal is community engagement. We want to inform residents of the project and keep everyone updated on progress of the work through the remainder of 2025. An updated progress schedule, maps, meeting information, project details, and FAQ's will be on our Medina website. Facet will also work with Development Services staff to facilitate two in-person public forums at City Hall. Medina will need to provide some essential administrative assistance.

Our City Attorney will also be asked to provide review and input on the ordinance draft, and possibly other assistance to be determined during the process. There will be additional costs to complete the CAO update above the Facet estimated budget due to our City Attorney's involvement.

The Task Order was drafted in a comprehensive manner to avoid the need for amendments and additional costs.

This Critical Areas Ordinance Update meets and supports Council's priorities 2, 4, and 5.

Council Priorities:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

### **Attachment(s)**

Exhibit 1. Facet Task Order 2406.0332.02

### **Budget/Fiscal Impact:**

The 2025 budget will be impacted by the cost of professional services consultant Facet. Additionally, there will be City Attorney costs to review ordinance drafts, and due to other assistance as may be deemed necessary during the course of the CAO update process.

**Recommendations:**

1. Approve the estimated budget of \$99,481.00 shown in Exhibit 1 Facet Task Order 2406.0332.02.
2. Direct the Critical Areas Ordinance Update to the Planning Commission for inclusion in their 2025 workplan calendar.

**Interim City Manager Approval:**



**Proposed Council Motions:**

1. "I move for approval of the \$99,481.00 budget request to fund the cost of the periodic update to Medina Municipal Code Chapter 16.50."
2. "I move that staff forward the Critical Areas Ordinance Update to the Planning Commission for inclusion within their 2025 workplan calendar."

Time Estimate: 15 minutes