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Date: October 13, 2025
To: Honorable Mayor and City Council
Via: Jeff Swanson, City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Critical Areas Ordinance Update

Medina's Planning Commission has not yet discussed the first draft of the Critical Areas Ordinance update (CAO update). It is of course premature for Council to discuss the draft ordinance ahead of the Planning Commission and because of this I did not provide you a copy. The Planning Commission will begin review of the draft ordinance at their October 14, 2025 Special Meeting.

The CAO update process timing is compressed and now moving quickly. The next two Planning Commission meetings on October 14th and October 28th will be significant as the current version of the CAO update ordinance will be presented, discussed, and there will be work towards a recommendation for Council.

Here is a summary of the CAO update process and anticipated next steps:

- July 30, 2025. Public Forum and Open House. This was an introduction for the public to the CAO update. The timing for this meeting was not ideal and it was lightly attended.
- September 23, 2025. Planning Commission meeting. This was the Planning Commission's first meeting on the CAO update. Our consultant Facet presented background for the CAO update discussion. Best Available Science was discussed, and Commissioners asked several questions with discussion following. The first draft of the CAO update was given to the Planning Commission in their agenda packet, but the public review was not started on September 23rd due to meeting time constraints.

Provided for you is [Agenda Item 6.2 Critical Areas Ordinance Update](#) that was provided to the Planning Commission. This is intended to give you additional background.

Also provided for your background information is the PowerPoint used by our consultant Facet staff Dan Nickel and Doug Yornick during the September 23, 2025 Planning Commission meeting.

Based upon interactions with the Planning Commission, Facet amended the first draft of the CAO update and this will be presented at the October 14th Special Planning Commission meeting.

- October 2, 2025. Washington State Department of Fisheries and Wildlife (DFW) submitted comments on Medina's first draft of the CAO update ordinance. DFW had previously requested a copy of the CAO update ordinance first draft for comment.

On Monday October 13th Facet staff, our City Attorney and I will be meeting with DFW staff to review their comments on the first draft of Medina's CAO update ordinance.

- October 7, 2025. Second public Forum and Open House. A presentation was made by staff from our consultant Facet. Those attending were able to ask questions within the group during the presentation and then individually. Facet had an interactive map where a property address was entered, and potential stream buffers were overlaid. There are at least two properties with potential for significant buffer impacts.

There were 21 people at the Forum/Open House in-person and online. We received one formal comment from a property owner who does not currently appear will be impacted by the CAO update.

- October 14, 2025. Special Planning Commission meeting. Our City Attorney will attend this meeting. This will be the Planning Commission's first review of the CAO update draft.

Our Attorney Dawn Findlay Reitan will begin the discussion under Agenda Item 6.2 by discussing MMC Ch. 16.36. – Nonconformity, and MMC Ch. 16.50.050. – Relief from critical areas regulations. This discussion will assist by answering some of the more significant questions ahead of the draft ordinance discussion and this will also help with keeping the Planning Commission meeting organized by establishing discussion parameters.

- October 28, 2025. Planning Commission meeting. Our City Attorney will attend this meeting. Commissioners will continue discussion on the CAO update ordinance draft as needed. This is being noticed for a potential public hearing.
- November 10, 2025. Council meeting. Depending upon Planning Commission progress, the CAO update could come to the Council at this meeting. We are noticing this for a potential public hearing.
- Submittal to Washington State agencies through the Department of Commerce will happen the day after Council approves the CAO update draft to be sent. Department of Commerce has said they will want their full 60-day review period.
- December 31, 2025. CAO update due date for adoption by the City of Medina. The State due date will not be met. I have informed both the Department of Commerce and Department of Fish and Wildlife of our CAO update status and will keep both agencies up to date on progress. A late start by Medina created this situation. The risk of not achieving the deadline is minimal for Medina and involves State issued grants.
- January 26, 2025. Council Meeting. Potential for final Council approval of the CAO update. There may be comments from State agencies to be reviewed.

It is of course more important to achieve the best outcome for Medina residents rather than the deadline. With the fact that it is not likely we will meet the December 31, 2025 deadline we should focus on the product rather than the speed of the process. The risk is low, and I will keep State agencies informed.

Our CAO update consultant Facet has three staff involved in our project. Dawn Findlay Reitan from Inslee Best is lead on the CAO update for us. I am finding myself in a coordination and administration role. The CAO update is heavy in technical complexity and requires close legal oversight. Jennifer Robertson is keeping close to the progress and will be involved with the CAO update presentation at Council meetings.

Permit Applications and Inquiries of Interest

American Tower Company (ATC)

The ATC permit application to upgrade 10 existing facilities (wood poles with antennas) which included the proposed addition of 10 electric meters placed on wood 4x4 posts within the public right of way is still pending with no action.

The matter of the electric meters appears to have now been resolved through the involvement of our City Manager. ATC has submitted a revised permit application showing that they no longer propose the electric meters and will instead continue to use the same system they had previously with PSE that required no meters. PSE will continue to estimate the electricity usage and meters are not needed.

ATC has also been working with us regarding re-negotiating their lease of the second floor of the Medina Public Works building. ATC has leased this space since at least 2011 and would like renewal. The second-floor use is for telecommunications base equipment. A local commercial real estate broker evaluated the Public Works use and performed a comparison. Our City Attorney now has the information needed to pursue negotiations for a new lease.

Middle Housing

Since passage of Middle Housing legislation this past Spring we have had few inquiries. Of the inquiries only one has been of any detail. Property at 7658 NE 12th St. is being reviewed for potential redevelopment under Middle Housing (Ord. 1040), and Zero Lot Line (Ord. 1041) rules.

After discussing the property with an owner's agent, there are several items to be decided. I expect that we may hear back on this property after a thorough evaluation by the property owner.

We have no permit applications associated with Middle Housing.

Overlake Golf and Country Club Pre-Application Meeting

Development Services staff met with OGCC staff and their architect for a pre-application meeting in early August. OGCC was considering improvements to their existing tennis court.

OGCC was advised of additional information needed to continue the discussion and we are still waiting to hear back. We have no permit applications.

T-Mobile Facility at 7800 Evergreen Point Road

Earlier this year our Hearing Examiner reviewed a request by T-Mobile to change their existing cell tower site on Bellevue School District property. Part of the proposal involved a "monopine" concealment which was denied.

T-Mobile permits have not yet been issued, but they are once again asking questions. There are several conditions of the Hearing Examiner's decision to be followed in addition to Medina Municipal Code requirements involving the structure, tree protection, construction mitigation, right of way use, and grading and drainage including temporary erosion control. I expect to see permits for the T-Mobile site to be issued soon.

AT&T Monopole

AT&T applied for a building permit to change their existing cell facility on St. Thomas Church property near the corner of NE 12th and 84th Ave. NE. The AT&T monopole is the south of two existing poles at the location. From time to time the telecommunications companies need to update their facilities.

The application was found to be incomplete for various reasons and is now with the owner's agent to resolve and resubmit.

Tree Inventory

Parks and other open space trees are now tagged with a number, GIS located, species determined, size and health recorded. The data is in a program call "Tree Plotter".

Within the 2026 Development Services budget request are funds to complete the City tree inventory which was started this year. 2026 would involve an inventory of City right of way trees along public roads. The 2026 inventory would be more involved than the 2025 inventory due to the added work of determining tree ownership.

Tree Canopy Study

The new Tree Canopy Study presented to the Council on September 8, 2025 by our consultant Facet involved results that were unexpected. The comparison of the 2014 Tree Canopy Study to the new 2025 version showed a slight increase in overall Medina tree canopy. Those of us watching trees being removed due to development and other reasons expected a decrease in canopy.

I have talked with Facet staff about the two studies and their methods in particular. Facet has presented an idea of how to further inform the Council about the study, but I am not convinced that their proposal would clarify the situation to anyone's satisfaction.

Through a budgeted Task Order Facet has been paid for the 2025 Tree Canopy Study. There is, however, about \$4,500 remaining on the Task Order that could be used for additional related work. But, any new work should fully answer questions and not raise additional. Basically, I don't have answer for what to do at this time.

Affordable Housing

The topic of affordable housing as a mandate by Washington State is probable at some point in coming years. Building off our recently updated Comprehensive Plan is a starting point in advance of a potential state mandate. Affordable housing as a topic within our recently updated Comprehensive Plan is subject to future completion.

I attended a regional-based seminar in August on affordable housing which had limited application to Medina. However, receiving a better understanding of the premise and scope of the affordable housing topic from a broad perspective was important.

On October 16th I will attend an in-person Eastside Mayor's panel on affordable housing in Kirkland.

Code Enforcement

A Notice of Violation with a \$6,000 fine was issued for failure to protect trees during a development project. Our Arborist reviews tree activity permits and includes tree protection in that work. Failure to follow the protection requirements can damage or kill a tree. There were six trees involved at \$1,000 per tree. The property owner has said that they wish to appeal the NOV.

The following photos are examples of what our Building Official picks up from public right of way on a regular basis. Many signs are holiday or season related.



Permitting

Building Permit Valuation Chart

Provided for you is a chart that some of you have seen previously. The Building Permit Valuation chart is now updated through September 2025. The valuation data in the chart starts in 2006, which is the point where information of this type could be found in records. The Permit Valuation chart gives an idea of Development Services Department permit related activity levels and trends. The data points are based on when permits are issued meaning review work occurred at some point prior, and inspections work will follow.

Permit valuation is a number assigned to building permit applications using a standardized approach. Permit value is not appraised value, market value, or any other means of determining value of a building project in Medina. Permit valuation is simply a consistent number used for the purpose of calculating building permit fees. The comparison shown within the chart is reliable within the data used while considering a variable.

Many building permit valuations are calculated from a Council approved square footage fee table. For projects involving no added area the permit value is calculated from the "bid cost" as defined in our building code. Over time permit valuations based on an unchanged square footage table are consistent. A variable exists where the table cannot be used because bid cost increases over time. Basically, I would expect to see increasing valuation numbers as a general trend throughout the chart's progressing years.

I am giving you this chart now because I found it interesting considering our low 2025 permit activity to date and trends. We do have several permit applications that have not yet been deemed complete or are in the process of technical code compliance reviews and are not yet issued for construction. It is possible that by the end of 2025 up to \$20,000,000 in value could be added to this year.

Finance records of revenues and expenses are reliable to describe the Development Services Fund budget. The Permit Valuation chart is more of a curiosity, but it does tell an imperfect but interesting story. I will update the chart again after all 2025 data is available in January 2026.

Permit Reports

Attached are the permit received and issued reports for September 2025. The Permits Issued report shows that permit applications are down significantly over last year. Note 2025 YTM = \$15,734,196.18 and 2024 YTM = \$55,429,333.99 in Building Permit Valuation.

Attachments:

September 2025 Permits Received Report

September 2025 Permit Issued Report

September 2025 Code Enforcement Report

September 2025 Tree Permit Activity Report

September 23, 2025 Planning Commission Agenda Item 6.2 Critical Areas Ordinance Update

September 23, 2025 CAO update Facet PowerPoint

Permit Valuation Chart 2006 – 2025 YTD