



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

Date: April 8, 2024
To: Honorable Mayor and City Council
Via: Stephen R. Burns, City Manager and Ryan Osada, Acting City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Permit Activity

Please see the permits issued and permits received reports. Building permit applications have continued to be slow.

You might notice an odd occurrence in our Permits Issued report for March compared to last month's February report. While we had permit valuation to add in March, the year to month comparison between February and March actually decreased. February YTM permit valuation was \$23,258,607.83 and March YTM was \$21,362,490.83 which is a decrease of \$1,896,117.

The permit valuation decrease is caused by two things:

- The March 2024 permit value issued amount was only \$20,250 meaning there was a very small increase to add to the YTM permit value total.
- The method we use to confirm an applicant stated permit value occasionally will result in the final value decreasing under Medina staff determination.

I will try to explain further how this works if you are interested.

Even with all of this our YTM permit valuation through March 2024 is still about 61% higher than at the same time last year. Much of this is due to work received in 2023 being completed in 2024.

Wildland Urban Interface Code Repeal

The Council recently approved adoption of the state mandated 2021 Washington State Building Code. Included with this adoption was the Wildland Urban Interface Code (WUI).

We were aware of statewide controversies with this code adoption. Hazard and Risk mapping was an issue in the state, and for Medina the negative impact on tree canopy was significant. The State Building Code Council voted on March 15, 2024, to "delete" the WUI from the 2021 building code adoption. I imagine that deletion means the removal from the RCW and WAC. This decision by SBCC followed debate regarding amending the existing

adoption or not. Oddly, the WUI was removed from the adopted code within minutes of the Governor signing it into law as part of the entire 2021 building code.

The WUI deletion occurred through an Emergency Rule approved by the State Building Code Council. Under an Emergency Rule the SBCC has 120 days to resolve the matter. The 120-day period began on March 15th.

One of the primary issues to be resolved is the Department of Natural Resources mapping that was provided for use with the WUI. The mapping was inadequate according to SBCC.

In the meantime, during the Emergency Rule, our Deputy Building Official Rob Kilmer and I are meeting with the Bellevue Fire Marshal to discuss the WUI. The WUI is ultimately a fire safety code. Implementation of the WUI may be partially under the approval of the Bellevue Fire Marshal's Office as had been previously discussed prior to the deletion. My goal is to gain as much autonomy as possible from the Bellevue Fire Marshal for Medina to make independent development decisions.

We will see the Wildland Urban Interface Code return to us as a mandated adoption at some point, but until then we do not want this in our Municipal Code. Under Consent is a request for your approval to repeal the 2021 WUI from the Medina Municipal Code.

An Agenda Bill is provided and requests your approval to repeal the 2021 Wildland Urban Interface Code.

Medina City Council 2024-2025 Development Services Work Plan

Two items from the Work Plan are scheduled for me to provide updates to you through my April 8th written staff report.

1. Implementation of HB 1110 Middle Housing Grant Funding

At the 9/11/23 Council meeting Development Services staff was directed to apply for a \$35,000 middle housing grant.

I discovered that our previous Planning Manager did apply for the grant through the Department of Commerce, however the grant was never completed.

The current status is that I have asked our City Attorney to review the DOC agreement prior to asking our mayor to sign it. The signature required is for the mayor as listed in the DOC agreement, although I am listed as the representative. Once the agreement is signed by our mayor it will be sent to DOC for their signatures.

FYI that our planning consultant LDC has said they will not be able to assist Medina with the Middle Housing implementation.

2. Tree Code (Tree Management Code)

This is an update regarding the status of 1/23/23 Council approved staff ad consultant work to amend certain portions of the Medina Tree Management Code.

Together with our two arborists Sean and Andy, the Council was presented the need to amend our Tree Management Code. As was explained by our (then) arborist Sean, there were six short-term amendments to the code which would correct specific problems he saw in the text at that time. These six items were seen as easy to implement. The

Council agreed and further directed me to bring forward the amendments which to date I have not done.

Exhibit 1 provided lists the six items from the 1/23/23 Council meeting.

We lost Sean not long after the 1/23/23 Council meeting due to a contract matter. Over time it became increasingly clear that the six short-term fixes could help, but might also add confusion or possibly unintended consequences to our code. While working with our arborist Andy Crossett over the past year it has also become evident that there are many small text amendments that could easily be drafted into proposed text amendments, not just six.

Expansion of the Suitable Tree” list referred to I Exhibit 1 item 3 could be brought to Council as proposed text amendment and would not have unintended consequences or further complicate an already difficult to use code.

At this time my suggestion is that we do not go forward with the six short-term amendments. The entire Tree Management Code needs to be reconsidered and that should be the focus.

Tree Management Code Violations Section

A new MMC Ch. 16.52 Tree Management Code Violations Section is another project that has been underway for some time but remains unfinished. This project is now nearing completion and scheduled to be seen by Council again at the June 24th meeting. June 24th will be the third time that Council has seen a draft of this proposal.

The issue has been that our Tree Management Code neither deters unlawful tree removal nor considers the factors needed for comprehensive code enforcement necessary to implement our ordinance. A draft of a Tree Management Code Violations Section would be placed within Chapter 16.52 of our Municipal Code will be proposed to you in June.

Council last reviewed a draft of the proposed new violations section last October where comments were provided to me. Our new City Attorney has now reviewed the October draft with consideration for items the Council had asked to be addressed. The draft has now been significantly amended. The newly amended draft is now being vetted. I will be asking Council members individually to review the draft prior to the June 24th meeting. Additionally, my intent is to send out a final draft to Council well before the June 24th meeting.

Medina’s penalties for tree removals are found in MMC Table 1.15.330 Monetary penalties which is provided for you as Exhibit 2. Currently Medina has the second lowest penalties for unlawful tree removals among local jurisdiction with us only ahead Clyde Hill.

Development Services Expenses

Consultant expenses follow work quantity in Development Services. Revenues also follow work quantity.

While our planning consultant costs have increased considerably this year, other consultant costs are lower. The lower costs reflect a current drop-in permit application activity. The Planning consultant costs are associated with more than one factor, but primarily with the direct and indirect impacts of the Comprehensive Plan Update.

King County Grant Opportunity

I was made aware of a grant opportunity regarding King County's Urban Forest Health Program. The grant program funds natural resource improvement projects in partnership with 34 cities that are members of King Conservation District.

The grant would fund a tree canopy assessment. There is the question of whether we need this particular grant or not. Our City Arborist and I will be attending an online meeting Thursday April 11th to hear more about this grant.

A reason we may not want to compete for this grant is that the King County assessment may provide only limited benefit to Medina. It has been my intention to ask for 2025 budgeted funds for a tree canopy study which parallels a 2015 tree canopy study performed for Medina. A 10-year period for comparison of similar canopy studies seems beneficial now and possibly in another 10-years. In any case we will learn more on April 11th and then inform Council. It might be that we have two different canopy studies.

This King County grant is competitive and only 7 cities will be chosen for this year. It appears that Medina has Member jurisdiction Funds of \$30,000 held by King County which would be used. More later.

WSDOT 520 Bridge Maintenance Project Update

Since being asked in by WSDOT staff in February about amending their administrative noise variance I have heard nothing further.

I do know that WSDOT intends on following the conditions of their administrative variance approval.

As a part of the variance approval conditions WSDOT is to notify residents ahead of their night maintenance work.

The Decision is provided for you as Exhibit 3.