



CITY OF MEDINA

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Date: March 11, 2024
To: Honorable Mayor and City Council
Via: Stephen R. Burns, City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Permit Activity and Budgeting

Please see the permits issued and permits received reports.

The 'February 2024 Issued Permits' report is deceiving. 2024 YTM shows a tremendous volume of work at nearly 4-times YTM 2023. A significant part of the \$23,258,607 permit valuation is due to projects completed late last year and issued this year. Most of the revenue from the 2023 permit applications was accepted before 2024.

I like to use Permit Value as one means of measuring our department's volume of work, but obviously it is not perfect. The past three years have been different than traditional permitting. The volume of permit applications we would have expected in the first quarter of the year shifted to the second quarter and later. Because of this work volume shift, 2023 applications came later in the year and issuance of those applications has been heavy in 2024.

Development Services Fund financial actuals will be interesting to see for the first quarter of 2024.

Expenses

Costs of professional services are continuing to escalate. As we contract with new consultants and renew contracts we see the hourly rates increased. Because of volume, the increase is primarily seen in the Development Services Fund Planning Consultant expense account. This account reflects current planning and zoning work which is paid for by permit fees. Long-range planning such as the Comprehensive Plan Update which is not fee based should be under the General Fund.

Much of the increased costs are due to the unexpected shift in planning consultants, and the delay's from October through January in review of our Comprehensive Plan Update. The delays mean that our new Planning Manager and new planning consultant are trying to catch up in the Comp Plan Update process. This has also meant that we have to use our planning consultant far more than we would have if the staff change of late last year did not happen.

The financial reports will tell us what is happening within the DS Fund Planning Consultant expense account.

Tree Management Code

Tree Management Code Violations Section

A proposal for a new tree violations section for our Tree Management Code was drafted this past Fall. The proposal was initially brought to Council for discussion in September 2023, and then again in October 2023.

At the October Council meeting where the proposed violations section was being discussed, I was asked how our hearing examiner would evaluate a 'hardship'. Within the proposed violations section there is the ability for a property owner to claim financial hardship and appeal through the hearing examiner. The criteria for the hearing examiner to use was vague in the draft proposal.

Our new City Attorney has reviewed the entire proposal including the hardship provisions. The entire hardship section has now been re-drafted with focus on criteria for the hearing examiner.

I will return the draft Tree Management Code amendments to add a new violations section to the Medina Municipal Code Ch.16.52 at the April 8, 2024 Council meeting. I anticipate that the draft will be ready for me to request your approval.

Tree Removal Application

We have a permit application for tree removal on an existing developed property. This proposal includes a 54.7" Cedar among others. We are gathering additional information as part of the permit application process. I will follow-up with additional details on this proposal when more information is available. The permit application is for 8743 Overlake Drive West.

WSDOT 520 Bridge Maintenance Project

I am still waiting to hear back from Washington State Department of Transportation staff regarding their upcoming 520 maintenance project and requested changes to their variance. WSDOT has an administrative noise variance to perform work at night on 520. The work will partially occur within the Medina City boundary.

After the administrative noise variance had been approved with conditions, WSDOT came back and said they needed to amend the variance. I gave advice on how WSDOT staff should proceed, but have not heard back from them.

2021 Washington State Building Code Adoption

Medina currently uses the 2018 edition of the Washington State Building Code. We are required to implement the 2021 version of the building code on March 15, 2024.

Wildland-Urban Interface Code

This code is being considered under ESB 6120. This code is within the 2021 building code mandated adoption.

This new code from Washington State is somewhat of an ongoing mystery to many of us including State Building Code Council staff. The “WUI” code is fundamentally intended to protect building and structures from wildland fires, and to also protect wildland from building and structure fire. Considering the basic intent of the WUI, there are fire construction requirements (AKA Ignition Resistant Construction), and setback distances between buildings/structures and wildlands. Hazard maps define affected areas, and risk maps define a level within the hazard.

The WUI was originally drafted as the International Wildland and Urban Interface Code which the State of Washington adopted as part of the 2021 building code update. With all of the state amendments, the International WUI is now a state code, not an international code. This is similar to the state energy code.

As of this staff report, the WUI still contains the “defensible space” requirements I mentioned at the February Council meeting. However, even with state adoption, the evaluation process by the State Building Code (SBCC) is not over.

On March 15th the SBCC will conduct a meeting with an agenda which includes “WUI Code. Delete the entire WUI Code or adopt amendments in Chapters 3 and 6.” Chapter 6 contains the controversial defensible space requirements. It seems as though this code may be some time from completion of amendments.

Wildland Urban Interface Code Section 603.2.2 Trees states “Trees are allowed within the defensible space, provided that the horizontal distance between crowns of adjacent trees and crown of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet.” Obviously, for tree retention this is potentially significant.

Chapter 3 includes references to DNR maps of the Wildland Urban Interface areas. Amendments currently in the WUI would allow for jurisdictions to write their own hazard and risk maps. This is because the original DNR maps are inadequate. If a jurisdiction chooses to create its own map it can only use it until DNR creates new ones. If a jurisdiction chooses to create their own hazard and risk maps, the Fire Marshal must approve it. Medina’s Fire Marshal is Bellevue’s. I spoke with the Bellevue Assistant Fire Marshal and found that they have not yet decided what they will be doing.

Department of Commerce Letter

Provided as Exhibit 1 is a letter from the Department of Commerce. This is a reminder of deadlines. I am including this only for your interest due to the deadlines listed, and the process DOC describes.

I have asked our Planning Manager to review this letter and inform me about the December 31, 2025 Deadline for completion of the critical areas ordinance. We may not have any answers about this until the April 8th Council meeting.

We will also confirm that we are following the “Critical Steps to Finalize the Periodic Update Process”.