



CITY OF MEDINA

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Date: June 14, 2022
To: Honorable Mayor and City Council
Via: Stephen R. Burns, Interim City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Permit Activity and Development Services Fund

Local construction industry professionals such as architects, engineer's, and contractors remain busy which is one indicator of future work for the Development Services Department. There currently is no anticipation of slowing of construction activity in Medina.

The first quarter of 2022 was unusually slow for permit applications. After the first quarter our Development Services Fund revenues were about 10% behind the anticipated budget. April and May became very busy for Development Services, and it now appears that our anticipated revenues to date correspond better with our 2022 budget.

One marker for activity is permit valuation. Permit value is what we use to calculate building permit fees from and is not necessarily a reflection of market value, or construction cost. The Monthly Issued Permit Report for May 2022 is provided for your review. Our 2022 year to month permit value is now ahead of the same time in 2021. Our 2022 budget reflected 2021 as work was anticipated to be similar. Our Development Services Fund revenues and expenses seem more conforming to our budget, but updated financial reports are needed to know for certain.

We continue to watch construction activity carefully as it has effect on our workload and department budgeting.

Tree Management Code Enforcement

Enforcement of our Medina Tree Management Code is a significant part of what Development Services does. This time of year many residents are interested in tree removals on their property, or within the public right of way. Some residents do not apply for tree removal permits and go ahead with the work. Removal of trees without permits creates code enforcement actions. Please see our Tree Code Consultants' May report provided.

Tree Management Code Enforcement - Continued

Recently we started a code enforcement action at a property on NE 10th for the removal of 4-trees that occurred without a permit. We have finished our initial investigation and are moving onto having the property owner apply for a tree removal permit for the work that is already completed, and we will be issuing a Notice of Violation with a monetary Citation. Remedies are still under review.



Tree Management Code Enforcement - Continued

A resident alerted us that there was a tree leaning over NE 14th. We immediately investigated and found that the tree was on private property and presented a hazard to the public as well as to power/communication lines. Our staff convince the property owner to quickly have the tree removed which then happened within 2-days. A tree removal permit is being required from the property owner. Costs associated with Medina staff and consultant time will be charged to the property owner.



Tree Management Code Enforcement - Continued

We have a proposal in permit application review to remove what appears to be a large tree within the right of way. Our Tree Code Consultant is reviewing the proposal as part of a development project that is currently under permit application review for 1018 84th Ave. NE. This is an application for a permit -- *not issued*.



Tree at 1018 84th Ave. NE proposed for removal.

Planning Commission

By Stephanie Keyser, Planning Manager

Planning Commission had two residents speak at the May 24th meeting regarding average grade. The concerns raised were about the impacts of moving to average grade for properties in Medina Heights and who this proposal benefits. A public hearing will be held on average grade during their June 21st meeting. It is anticipated that this topic will come to Council for a public hearing in September.

The tree code update will come back to Council for another public hearing and discussion in July. To provide a visual to residents on the sizes of trees that would be considered Legacy under the new proposal, staff has tagged trees in Medina Park with tape and identified the DBH. A postcard is being mailed to all residents informing them about the upcoming Tree Code Open House on June 30th from 4pm-7pm in the Council Chamber.

Development Services Committee

The Development Services Committee (DSC) met in May. The committee discussion involved the responses to our RFP for a Comprehensive Plan Update consultant. We received three responses with two of those not complying with the direction of the RFP for information to be included, timing of the response, or where the response was to be sent. We have one valid response from 'Blueline' to evaluate and this is what the DSC discussed. We are very disappointed to only have one option.

We have asked for Blueline staff to present their proposal to the DSC on Tuesday June 14th. Blueline has been asked to work with our Planning Manager to tailor their proposal to what Medina would like. With adjustments to the initial proposal the costs will become clearer. At the June 14th meeting Blueline will have in attendance the staff who will be making Comprehensive Plan Update presentations to Planning Commission and to Council.

The June 14th DSC meeting should result in consensus regarding the Blueline proposal. The results of the June 14th DSC meeting will be presented to Council. The cost of the Comprehensive Plan Update is to be divided over three budgets (2022, 2023, 2024). It is possible that the 2022 costs of the Comprehensive Plan Update will require a budget amendment.

Code Enforcement

Please see the May 2022 Code Enforcement report provided. The report shows much of the monthly code enforcement activity performed by Development Services. We perform many investigations either reactively by complaint, or proactively because of things we notice such as construction parking in the public right of way or advertising signs.

Bellevue Fire Marshal

We met with the Bellevue Fire Marshal and his staff (“Office of Fire Prevention”) to talk about how our departments are working together. We have occasionally met over the past several years just to touch base. One goal of this meeting was to discuss how changes in the new State Fire Code will affect Medina. We also want to assure that Bellevue’s Fire Code (adoption of the State Code with amendments) is reflected in our Medina Municipal Code. With a scheduled update of the State Codes due in 2023 we will be starting our review of consistency now.

Garbage/Recycle Containers

Recently we received a complaint about garbage and recycle containers being left out in the right of way beyond the 24-hour limit prescribed in our Municipal Code. Previously we have had these types of complaints and worked to correct them with some degree of short-term success. We will now apply measures which we hope will help the situation while balancing the amount of staff time that could potentially go into this effort.

We will prepare a city-wide notice as a reminder to bring in containers from the right of way. We are also preparing a warning notice that can be applied to containers by our building inspector. The warning notice will be self-stick, removable, and weather resistant. The time involved in the investigation and enforcement of containers can become something that would take away from our regular work so we want to make this efficient.

Our building inspector will issue the city-wide reminder notice and schedule to re-issue it on a regular basis. While the complaint about containers was associated with one area on one road, we will need to balance and apply our enforcement throughout the city. Our inspector could be very busy if we need to implement any enforcement beyond the warning notices affixed to the containers.

Email to Council Dated May 31, 2022

Council received an email from a local contractor regarding Development Services Department activity. The email contained statements and complaints. A copy of the email is provided with this report. The email seems to primarily focus on two things. 1) The Construction Activity Permit (CAP), and 2) permit review timing.

Mitigation of construction projects to reduce negative impacts on neighbors has been something that Medina residents have consistently wanted. Details of the desired mitigation were confirmed during a public review of the process in 2018-2019, and was then again discussed publicly in 2020.

Construction impact mitigation process’s have been in existence since 1994. Between 1994 and 2019 this was referred to as the Construction Mitigation Plan

(CMP) process. Through a public process in 2019 we changed the CMP to a CAP (Ord. 995). The change in process did not affect the protective measures to mitigate construction impacts on neighbors of development projects. The same basic rules which applied under the CMP since 1994 also apply under the new CAP, although the process now is much more streamlined (easier, shorter time, less expensive, less staff work). The process to change the CMP to CAP, and then to amend it a year later was through a public process. Public notices of hearings were issued and anyone could attend and participate. Having worked in Medina to construct 15 houses over the years, the builder who wrote the email is familiar with both the former CMP, and now the CAP. Having lived in Medina during the CMP to CAP changes means the builder would have been notified of the public process and could have participated.

There is a comment by the builder that it takes Medina 9 months or more to process a permit. The State of Washington allows jurisdictions 120 days maximum to process a building permit which since the new director began work in 2018 we have never exceeded. Prior to 2018 under the previous director the 120 days was not likely exceeded either. 120 days is the amount of time that Medina is allowed under State law to have the review in our hands. Almost all permit applications are not code compliant to some extent requiring that we ask for corrections during our various reviews. The time that the applicant has the plans in their hands to make corrections is not part of the 120 days maximum Medina has to review the permit.

Staff reviewed records we could find for this builder over the past 10-years and discovered 8 new houses that were permitted between 2013 and 2022. With a new department director in 2018, Development Services permit processes were changed significantly. Four permits/applications were found to have been made by this builder after the new 2018 director and process changes, and 4-permits prior (2013-2017). An example permit B17-060 had a total permit time of 9 months and 2 days. Of this 9-months and 2-days the net time that Medina had the permit in our hands was about 4-months. The other 5-months the permit was with the applicant for corrections. Additionally, the builder left the approved permit at City Hall and did not pick it up for about 1-year.

Two example projects (B19-018 and B21-082) were permitted by this builder under our new processes implemented in 2018. B19-018 had a total permit review time of 6-months 6-days with a net time in Medina's hands of about 4-months and about 2-months with the builder. B21-082 had a total permit process time of 5-months 8-days with a total time in Medina's hands of about 3-months.

Although development projects in Medina are more often complicated than in other local jurisdictions, our permit process is very efficient.

Monthly Applications Submitted

May-22

Permit Type	Submitted Date	Permit Number	Total Valuation	Address
B-ADD/ALT	05/11/2022	B-22-035	\$100,000.00	1611 EVERGREEN POINT RD
B-ADD/ALT	05/02/2022	B-22-064	\$60,000.00	7627 NE 10TH ST
B-ADD/ALT	05/04/2022	B-22-066	\$12,500.00	854 EVERGREEN POINT RD
B-ADD/ALT	05/16/2022	B-22-076	\$500,000.00	7640 NE 8TH ST
B-ADD/ALT	05/24/2022	B-22-079	\$25,000.00	802 EVERGREEN POINT RD
TOTAL B-ADD/ALT:	5		\$697,500.00	
B-DEM	05/12/2022	D-22-011		501 EVERGREEN POINT RD
B-DEM	05/23/2022	D-22-013		1018 84TH AVE NE
TOTAL B-DEM:	2		\$0.00	
B-FENCE	05/09/2022	B-22-068	\$20,000.00	2621 78TH AVE NE
TOTAL B-FENCE:	1		\$20,000.00	
B-GAS	05/31/2022	G-22-015		7811 Ne 10th st.
TOTAL B-GAS:	1		\$0.00	
B-GATE	05/16/2022	B-22-075	\$10,000.00	202 OVERLAKE DR E
TOTAL B-GATE:	1		\$10,000.00	

ATTACHMENT 1

B-MECHANICAL	05/02/2022	M-22-058		7632 NE 12TH ST
B-MECHANICAL	05/03/2022	M-22-059		8626 NE 6TH ST
B-MECHANICAL	05/25/2022	M-22-060		8607 NE 12TH ST
TOTAL B-MECHANICAL:	3		\$0.00	
B-PLUMBING	05/04/2022	P-22-024		854 EVERGREEN POINT RD
B-PLUMBING	05/09/2022	P-22-027		2450 78TH AVE NE
B-PLUMBING	05/16/2022	P-22-029		2221 78TH AVE NE
B-PLUMBING	05/17/2022	P-22-030		1525 79TH PL NE
B-PLUMBING	05/26/2022	M-22-061		2403 76TH AVE NE
TOTAL B-PLUMBING:	5		\$0.00	
B-POOL/SPA	05/02/2022	B-22-065	\$400,000.00	550 OVERLAKE DR E
TOTAL B-POOL/SPA:	1		\$400,000.00	
CAP - CONSTRUCTION ACTIVITY PERMIT	05/03/2022	CAP-22-018		7530 NE 28TH PL
TOTAL CAP - CONSTRUCTION ACTIVITY PERMIT:	1		\$0.00	
P-ADMIN VARIANCE	05/02/2022	P-22-022		2030 77TH AVE NE
P-ADMIN VARIANCE	05/04/2022	P-22-023		2058 78TH AVE NE
TOTAL P-ADMIN VARIANCE:	2		\$0.00	

ATTACHMENT 1

P-SEPA/SUBSTANTIAL DEV	05/27/2022	P-22-032		550 OVERLAKE DR E
TOTAL P-SEPA/SUBSTANTIAL DEV:	1		\$0.00	
PW-RIGHT OF WAY	05/04/2022	PW-ROW-22-046		1312 Evergreen Point Road
PW-RIGHT OF WAY	05/06/2022	PW-ROW-22-047		8105 Overlake Drive W
PW-RIGHT OF WAY	05/05/2022	PW-ROW-22-049		7858 NE 14TH ST
PW-RIGHT OF WAY	05/13/2022	PW-ROW-22-050		2201 EVERGREEN POINT RD
PW-RIGHT OF WAY	05/18/2022	PW-ROW-22-051		2626 78TH AVE NE
TOTAL PW-RIGHT OF WAY:	5		\$0.00	
TREE-PERFORMANCE	05/03/2022	TREE-22-043		2410 76TH AVE NE
TREE-PERFORMANCE	05/16/2022	TREE-22-044		2405 80TH AVE NE
TOTAL TREE-PERFORMANCE:	2		\$0.00	
TREE-WITH BUILDING/DEVELOPMENT	05/04/2022	TREE-22-045		8604 NE 6TH ST
TREE-WITH BUILDING/DEVELOPMENT	05/11/2022	TREE-22-047		2047 EVERGREEN POINT RD
TOTAL TREE-WITH BUILDING/DEVELOPMENT:	2		\$0.00	
Total # of Permits	39		\$1,127,500.00	



Monthly Issued Permit Report

May, 2022

Construction Value:	May 2022	May 2021	2022 YTM	2021 YTM	Difference
Accessory Structure	-	-	\$70,000.00	-	\$70,000.00
Addition / Alteration	\$180,000.00	\$1,304,000.00	\$2,183,951.62	\$5,020,622.94	(\$2,836,671.32)
Fence / Wall	\$20,000.00	\$50,000.00	\$108,700.00	\$82,100.00	\$26,600.00
New Construction	\$4,900,000.00	\$6,287,267.00	\$20,117,837.00	\$15,028,588.00	\$5,089,249.00
Repair / Replace	-	-	-	-	\$0.00
Wireless Comm. Facility	-	-	\$70,000.00	-	\$70,000.00
Total Value:	\$5,100,000.00	\$7,641,267.00	\$22,550,488.62	\$20,131,310.94	\$2,419,177.68

Permits Issued:	May 2022	May 2021	2022 YTM	2021 YTM	Difference
New Construction	4	5	10	9	1
Permit Extension	5	-	20	25	(5)
Accessory Structure	-	-	1	-	1
Addition / Alteration	4	6	12	19	(7)
Construction Activity Permit	3	5	13	14	(1)
Demolition	1	9	6	14	(8)
Fence / Wall	1	2	6	6	0
Grading / Drainage	3	8	10	14	(4)
Mechanical	6	6	52	40	12
Other - Moving	-	-	-	-	0
Plumbing / Gas	7	7	26	34	(8)
Repair / Replace	-	-	-	-	0
Reroof	-	-	-	-	0
Right of Way Use	7	7	37	38	(1)
Tree Mitigation	3	9	25	31	(6)
Wireless Comm. Facility	-	-	1	-	1
Total Permits:	44	64	219	244	(25)

Inspections:	May 2022	May 2021	2022 YTM	2021 YTM	Difference
Building	101	79	479	392	87
	17	31	105	112	(7)
Engineering/Other	17	3	40	16	24
Tree	2	4	28	12	16
Total Inspections:	137	117	652	532	120



May Code Enforcement Report

Case Number	Case Type	Case Status	Assigned To	Address	Case Text
CC-2022-057	GENERAL	COMPLETED	Rob Kilmer	8105 OVERLAKE DR W	<p>Description: Driveway demolition work observed that may require permit</p> <p>Action Taken: Spoke with workers about the project's scope of work. Advised that removal/replacement of driveway apron will require a Right of Way permit, associated bond, and traffic control plan. Had workers move vehicle protruding partially into ROW.</p>
CC-2022-058	GENERAL	COMPLETED	Rob Kilmer	2030 77TH AVE NE	<p>Description: Two work vehicles parked along Right of Way</p> <p>Action Taken: Investigated and determined that the vehicles do not belong to a construction project. No further action taken.</p>
CC-2022-059	SIGN VIOLATION	COMPLETED	Rob Kilmer	8300 NE 24TH ST	<p>Description: Posters mounted on utility poles/light poles in Violation of MMC 16.30.020(4)(e) - Signs, Prohibited signs.</p> <p>Action Taken: Removed four posters. The posters did not contain contact information, only displaying a link to an opinion website. The website likewise did not contain contact information, but was linked to a registered political fund. No further action was taken.</p>
CC-2022-060	GENERAL	COMPLETED	Rob Kilmer	2857 76TH AVE NE	<p>Description: Potential construction-related vehicles parked at Park and Ride.</p> <p>Action Taken: Placed warning notices on vehicles (2).</p>
CC-2022-061	GENERAL	COMPLETED	Rob Kilmer	8809 NE 2ND PL	<p>Description: Large traffic-control sign on shoulder, apparently forgotten by flagging company when removing their other signs and cones the previous week.</p> <p>Action Taken: Removed sign and contacted owner of sign that it could be picked up at City Hall.</p>
CC-2022-062	GENERAL	COMPLETED	Rob Kilmer	7631 NE 14TH ST	<p>Description: Received report of a hazardous tree.</p> <p>Action Taken: Met with City Arborist to perform an evaluation. Homeowners had tree removed 5-26-22</p>
CC-2022-063	GENERAL	OPENED	Rob Kilmer	7863 NE 10TH ST	<p>Description: Report of four trees being removed without permit.</p> <p>Action Taken: Visited site and spoke with the owners. An on-site meeting is scheduled with the City Arborist for June 3rd.</p>

May 2022 Development Project Permitted Tree Removal					
Permit Type	Address	# Trees Removed	Removed Tree Size (inches)	*Supplemental Required	Description
TREE-WITH BUILDING/DEVELOPMENT	8604 NE 6TH ST	2	10, 14	2	2 oak trees replacing 2 apple trees
TREE-WITH BUILDING/DEVELOPMENT	8604 NE 6TH ST	1	18	2	2 oaks replacing 1 maple tree
TREE-WITH BUILDING/DEVELOPMENT	2047 EVERGREEN POINT RD	6		0	Removal size 28, 24, 21, 33, 37, 38
TREE-WITH BUILDING/DEVELOPMENT	2426 80TH AVE NE	1	28	6	
TREE-PERFORMANCE	8845 OVERLAKE DR W				Initial inspection
TREE-WITH BUILDING/DEVELOPMENT	8458 NE 9th St.	10		1	Removal Size 6, 8, 8, 8, 10, 12, 12, 14, 14, 14
TREE-WITH BUILDING/DEVELOPMENT	2627 78th Ave NE	2	17, 21	4	Final inspection, species and location not as built, request revision
TREE-WITH BUILDING/DEVELOPMENT	1800 77th ave NE				Mid project Inspection, tree protection inspection
TREE-WITH BUILDING/DEVELOPMENT	1686 77th Ave NE				Mid project Inspection, tree protection inspection
TREE-WITH BUILDING/DEVELOPMENT	3267 Evergreen Point Road	4	6, 13, 21, 23	8	Mid project Inspection, correction, supplemental planting
TREE-WITH BUILDING/DEVELOPMENT	3267 Evergreen Point Road	2	10, 12	2	Mid project Inspection, correction, supplemental planting
TREE-WITH BUILDING/DEVELOPMENT	2019 79th Ave. NE			TBD	Final inspection, correction, supplemental planting
TREE-WITH BUILDING/DEVELOPMENT	7838 NE 8TH ST	4	9, 15, 18, 18	TBD	revision request pending
TREE-WITH BUILDING/DEVELOPMENT					Mid project inspection
TREE-PERFORMANCE	2643 76TH AVE NE	4	7,8,11,15	0	EVALUATE IMPACT ON TREES ASSOCIATED WITH AN ADDITION & REMODEL TO THE EXISTING PRIMARY RESIDENCE.
TREE-WITH BUILDING/DEVELOPMENT	3234 78th PI NE	14		2	Removal size 6,6,7,8,8,8,9, 9,10,11,12, 14, 32, 38
* Size meets minimum standards outlined in 16.52.090.D.4.					

Steve Wilcox

From: Kevin Dosch <kevind@buchan.com>
Sent: Tuesday, May 31, 2022 1:06 PM
To: Council
Subject: City construction regulations
Attachments: Medina PC meeting.docx

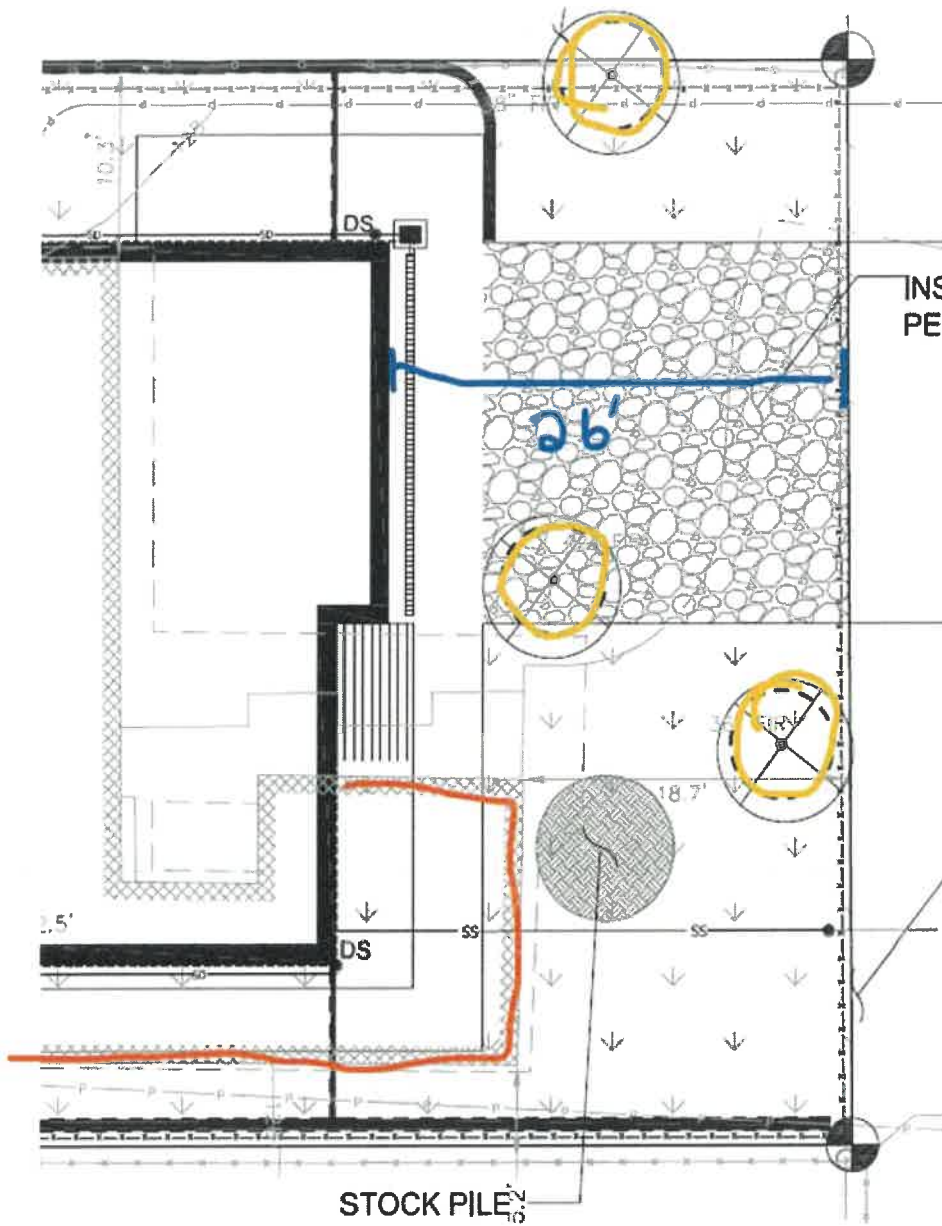
Dear City Council,

I'm Kevin Dosch Owner/President of John Buchan Homes. I've built or remodeled roughly 15 houses in Medina and was a resident for 10yrs. Over the years it's progressively become harder to construct houses in the city. I've attended council meetings in the past and spoke at a planning commission meeting recently on July 2021 (I've attached my letter for that meeting). My goal is to establish some what of an even playing field and efficiency when it comes to constructing houses in the city of Medina. The more efficient the process the faster we as contractors can finish the job so in theory less disruption to the neighborhood

Over the past couple years I've been building houses on smaller lots on the N side of 24th and am currently under construction on a house S of 24th. These lots and houses are more affordable to a majority of people that want to live in Medina. However, small lots aren't as easy to construct a home on as larger lots or street to water front houses. Different rules apply to different sq ft lots when designing the house so why can't that apply to the construction process as well. Current city rules for building on small sq ft lots makes for coordination extremely difficult. I pasted 2 examples of project site plans that I've done in Medina. The second site plan below was completed a couple years ago on a 23K lot that had more than enough room for parking, lumber, soils, honey bucket, trash bin, as well as other items needed to be stored. Now directly below is a house I'm currently doing for a client that can't afford the 23K lot but the same rules still apply.

Items on lot daily minus workers:

6' tall privacy screening fencing on property line
Garbage container w/ lid
Porta Potty
Construction materials
Tree protection barrier

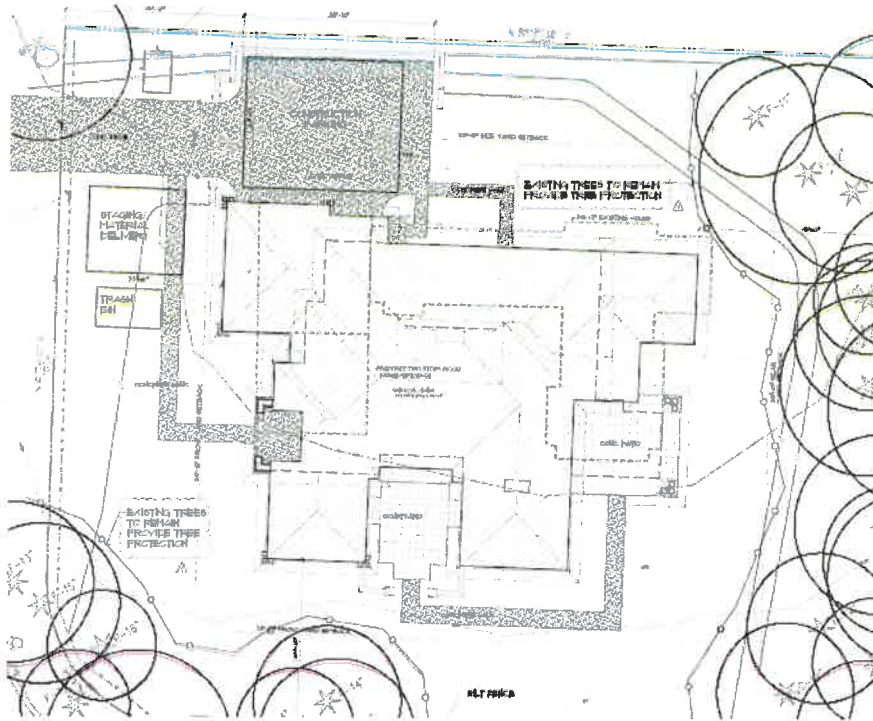


Site plan above

Existing house in red is further forward than new house

3 large trees right in front yard making for demo, removal of trees, and excavation of foundation difficult w/ little space to park

26' of parking/work space isn't realistic once we get all the daily items on site plus a worker or 2. (lumber package will take up most of this)



Once all of these items are on property plus workers to install the materials it leaves little to no room to park. The cities solution to this is to carpool from a remote location. A plumber, gas piper, HVAC, or finish carpenter can't just easily grab a couple items and go to work. Contractors live out of their vehicles so remote parking just doesn't work for most trades. I'm not sure why the ROW directly in front of the house can't be used for additional parking in front of permitted property. If a landscaper's truck can park in the ROW or on the street for the entire day taking care of a Medina resident why can't construction workers park on the property being constructed. The site at end of day will still be locked up w/ green screen and fencing on property line just during the day we'd be able to accommodate more workers and possibly the concrete pump trucks in the ROW.

Concrete days have to be one of the most difficult things to accomplish on the smaller lots due to lack of space for workers and concrete trucks. Not only is the weather not predictable but neither are the schedules at times so having the ROW permit separate from the building permit makes no sense. Each new construction house typically needs an approach/driveway to the residence so why does the house get approved but the approach requires a separate permit. If the city is approving construction of a single family residence why isn't the ROW permit just part of the building permit. Each house needs concrete and a driveway so why the extra step. Add the cost to the initial permit fee and any other bonds or misc items the city feels necessary to add. We as contractors could then set up a pre-con and or job start to let the transportation department know that work is being done in the ROW. I don't see any harm in using the ROW on a daily basis during business hours as long as 2 lanes of traffic are kept open.

It would sure be nice if the contractors that work in Medina on the regular could be a part of the discussion on construction rules. I understand the reason for rules to be in place but the process should be able to work for all parties involved. Clyde Hill right next door has lots of residential construction going on of equally sized houses and I can build my houses 2-3 months faster and cheaper due to the additional cost to build in Medina. Not sure why I can get a permit out of Clyde Hill in 3 months when it takes Medina 9 months or more this only adds to the cost of the houses.

I appreciate your time to review these items and would be more than happy to discuss further. I've worked in multiple jurisdictions around the area so have seen what works and what doesn't work.

Thanks,
Kevin Dosch
President/ Owner

John Buchan Homes
425-417-5051