



CITY OF MEDINA

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

Permit Activity

Right on schedule permit activity is increasing. Typically, permit application activity increases each February. After an early spring decrease, activity usually increases again in late spring or early summer.

Local design and construction professionals continue to be busy, however a concrete truck driver strike is continuing to slow construction projects. There is some speculation that this strike could continue into June 2022.

Please see the permit activity reports provided. We are already about \$900,000 ahead in permit valuation over January 2021. All indications at this moment are that construction activity and our permitting will be similar to 2021.

Permit value is not the sum of the work in Development Services, it is simply one marker of activity which is specific to building permits only. Building construction permit fees are based upon a specifically defined "permit valuation", but the majority of permit fees are fixed and not reflected in permit valuation. Planning, Grading and Drainage, Trees, mechanical, plumbing, gas piping, etc. are examples of permits not included in the permit valuation total. Additionally, our DS staff are involved in many other activities not reflected in permit valuation.

Planning Commission

By Stephanie Keyser

At their February 22nd meeting, Planning Commission will begin discussing alternatives to original grade (work plan item #5). Original grade is the natural ground elevation that existed prior to any lot development or manmade modifications in the first instance (MMC 16.12.080). The process of determining original grade requires a Geotech to take samples of the earth, analyze them, and write a report that's submitted as part of the building permit. The problem with this method is that it's an imperfect science where different experts can arrive at contrasting determinations. Finding an alternative to original grade has been discussed periodically over the years, most recently while Planning Commission discussed

bulk in 2019-2020. It is anticipated this topic to cover a few meetings in Planning Commission, before coming to Council in late Spring.

Code Enforcement

Please see the “Code Enforcement for January” report provided. The report shows much of the monthly code enforcement activity performed by Development Services.

After working through some large and complex code enforcement actions in 2021 we seem to be back to normal smaller activities such as construction parking and sign removal.

Tree Management Code

We are still working on finding a new Tree Code Consultant. Our Tree Code Consultant Tom Early worked through his employer Otak and was with Medina for over 15 years.

We do not feel pressure to rush to find a replacement. Tom’s former employer Otak is still under contract with us to continue to provide Tree Management Code services to us through the end of 2023. Otak, however does not have anyone on their staff who is fully qualified to help us. We are currently working with an Otak assigned landscape architect along with a sub-consultant arborist.

Because the work is being performed competently, we can take the time needed to find the right person or persons for the on-call consulting position.

We received two responses to an RFP that closed in late December 2021. Both responses are qualified with one looking like a much better fit for us than the other. While qualification and fit are critical, cost of service is also a factor. The two responses we received have very different fixed and hourly costs with the better of the two consultants being very expensive. We potentially could be looking at a 40% increase in cost over Otak and Tom Early.

Probably a reason for the higher proposed service cost is the issue of conflicts. A company would need to give up their current private work in Medina to work for the City. Otak never had private work in Medina so their fees were lower. A reason for the lower cost proposal of our two RFP respondents is probably a lesser amount of work in Medina that would need to be given up.

Because the work is being performed and there is no rush, we are exploring options including some fairly creative ones. It is preferable to work with a single consultant, but we have presented concepts for blending two separate consulting companies to cover the work we have. Dividing the work could reduce our costs. We are also talking with additional companies that did not previously respond to our RFP.

Permit Tracking and Portal

Our permitting portal is now located on our city website and where it can be easily accessed. If you go here: [Development Services | Medina Washington \(medina-wa.gov\)](#) you can then open “Apply for a Permit”.

Our portal still does not function as we would like it to. We are working with the portal vendor while at the same time exploring other potential options. The best option is to keep our current permitting software with fixes made to it by the vendor.

There is much work to be done on the Development Services webpage, but we are slowly adding information and building it.

Washington Association of Building Officials

Provided with this report are the Washington Association of Building Officials 2022 Legislative Talking Points. This is provided to you FYI so that you can see what the state building officials are thinking about this year.

The “net zero built environment” topic will have impact on Medina eventually as the State Energy Code is something that evolves and affects us directly. In particular large new residential construction has been impacted more than any other structure type by the Energy Code.

Development Services Fee Study

As a 2021 goal and associated with the new Development Services “Enterprise Fund” we are performing a complete review of the fees we charge for a variety of services. Of course, Council will be involved in this during the year as new fees and structure must be approved.

A fee study does not necessarily mean increased fees. We will find that we are undercharging in some areas, and possibly overcharging in others. A discussion is needed with Council about fee policy. There has not been a comprehensive study of Development Services fees in at least 14 years so this should be interesting. Along with the fee study will come a review of processes with changes to be made for efficiencies. From our perspective fees and efficient process must both be considered. And there is an aspect of fairness to be considered. From what we can determine, Development Services fees and process were built or altered piece by piece by more than one person over a period of several years. We now wish to look individually at services cost and look at this comprehensively.

Medina uses a fundamental process that is less usual for jurisdictions in our area. We typically charge lower fixed fees, then supplement the cost of service by requiring an “Advanced Deposit” or cash draw-down account to be provided to us by the applicant. This process has been in existence for many years with a significant change made in 2010. The Advanced Deposit or “AD” has worked for us and seems to be a good way of assuring that more expensive projects for us to service pay their own costs. The alternative to the AD process is to charge fixed fees uniformly in amounts high enough to cover our cost of service. Our AD process

is really could be viewed as a fixed fee plus actual costs of service. The AD process does have the disadvantage of adding significant administrative work for staff.

Attached are two tables showing a comparison of monthly invoicing vs. AD drawn by Medina. We are providing this FYI in preparation for a discussion with Council about policy to come later. Two of our professional consultants Otak (Tree Management) and Gray & Osborne (site engineering) were used in the comparisons through data collected in 2021. We simply took the actual invoiced amounts and compared the AD used that same month. A percentage of the AD vs. invoice total was calculated and a net amount of the invoice after the AD was taken is shown. This information was collected and assembled to help understand our costs for the fee study. Admittedly, this comparison is very broad and not comprehensive, but it does help as one tool in understanding our net costs of service considering our AD process.



Monthly Issued Permit Report

January, 2022

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Construction Value:	January 2022	January 2021	2022 YTM	2021 YTM	Difference
Accessory Structure	-	-	-	-	\$0.00
Addition / Alteration	\$875,035.00	\$503,000.00	\$875,035.00	\$503,000.00	\$372,035.00
Fence / Wall	\$3,500.00	\$4,000.00	\$3,500.00	\$4,000.00	(\$500.00)
New Construction	\$2,900,000.00	\$2,364,659.00	\$2,900,000.00	\$2,364,659.00	\$535,341.00
Repair / Replace	-	-	-	-	\$0.00
Wireless Comm. Facility	-	-	-	-	\$0.00
Total Value:	\$3,778,535.00	\$2,871,659.00	\$3,778,535.00	\$2,871,659.00	\$906,876.00

Permits Issued:	January 2022	January 2021	2022 YTM	2021 YTM	Difference
New Construction	1	1	1	1	0
Permit Extension	3	2	3	2	1
Accessory Structure	-	-	-	-	0
Addition / Alteration	1	4	1	4	(3)
Construction Activity Permit	2	2	2	2	0
Demolition	1	1	1	1	0
Fence / Wall	1	1	1	1	0
Grading / Drainage	1	1	1	1	0
Mechanical	10	10	10	10	0
Other - Moving	-	-	-	-	0
Plumbing / Gas	6	13	6	13	(7)
Repair / Replace	-	-	-	-	0
Reroof	-	-	-	-	0
Right of Way Use	6	6	6	6	0
Tree Mitigation	7	5	7	5	2
Wireless Comm. Facility	-	-	-	-	0
Total Permits:	39	46	39	46	(7)

Inspections:	January 2022	January 2021	2022 YTM	2021 YTM	Difference
Building	66	52	66	52	14
	10	20	10	20	(10)
Engineering/Other	9	2	9	2	7
Tree	3	1	3	1	2
Total Inspections:	88	75	88	75	13

Monthly Applications Submitted

01/01/2022 – 01/31/2022

Permit Type	Submitted Date	Permit Number	Total Valuation	Address
B-ADD/ALT	01/06/2022	B-22-004	\$20,000.00	2422 78TH AVE NE
B-ADD/ALT	01/24/2022	B-22-010	\$400,000.00	1220 80TH PL NE
B-ADD/ALT	01/14/2022	B-22-011	\$4,000,000.00	3234 78TH PL NE
TOTAL B-ADD/ALT:	3		\$4,420,000.00	
B-DECK	01/05/2022	B-22-003	\$40,000.00	3239 EVERGREEN POINT RD
TOTAL B-DECK:	1		\$40,000.00	
B-DEM	01/17/2022	D-22-001		7626 NE 10TH ST
TOTAL B-DEM:	1		\$0.00	
B-GAS	01/11/2022	G-22-003		8224 OVERLAKE DR W
B-GAS	01/04/2022	G-22-001		1800 77TH AVE NE
B-GAS	01/06/2022	G-22-002		3225 EVERGREEN POINT RD

TOTAL B-GAS:	3		\$0.00	
B-GATE	01/10/2022	B-22-008	\$20,000.00	1221 Evergreen Point Rd
TOTAL B-GATE:	1		\$20,000.00	
B-LIFT	01/07/2022	B-22-006	\$25,650.00	8751 OVERLAKE DR W
TOTAL B-LIFT:	1		\$25,650.00	
B-MECHANICAL	01/31/2022	M-22-014		8208 OVERLAKE DR W
B-MECHANICAL	01/10/2022	M-22-003		3444 EVERGREEN POINT RD
B-MECHANICAL	01/11/2022	M-22-006		7633 NE 14TH ST
B-MECHANICAL	01/06/2022	M-22-002		3225 EVERGREEN POINT RD
B-MECHANICAL	01/31/2022	M-22-017		821 83RD AVE NE
B-MECHANICAL	01/06/2022	M-22-001		1217 EVERGREEN POINT RD
B-MECHANICAL	01/26/2022	M-22-013		2221 77TH AVE NE

B-MECHANICAL	01/21/2022	M-22-010		8414 OVERLAKE DR W
B-MECHANICAL	01/19/2022	M-22-009		8224 OVERLAKE DR W
TOTAL B-MECHANICAL:	9		\$0.00	
B-PLUMBING	01/26/2022	P-22-005		8604 NE 6TH ST
B-PLUMBING	01/10/2022	P-22-001		2750 Evergreen Pt Rd
TOTAL B-PLUMBING:	2		\$0.00	
B-SFR	01/12/2022	B-21-132	\$1,119,450.00	632 Evergreen Point Rd
B-SFR	01/17/2022	B-22-013	\$1,600,000.00	7626 NE 10TH ST
TOTAL B-SFR:	2		\$2,719,450.00	
B-TELE	01/21/2022	B-22-014	\$20,000.00	8398 NE 12TH ST
TOTAL B-TELE:	1		\$20,000.00	
CAP - CONSTRUCTION ACTIVITY PERMIT	01/28/2022	CAP-22-005		1220 80TH PL NE

CAP - CONSTRUCTION ACTIVITY PERMIT	01/20/2022	CAP-22-003		8751 OVERLAKE DR W
CAP - CONSTRUCTION ACTIVITY PERMIT	01/28/2022	CAP-22-004		2422 78TH AVE NE
CAP - CONSTRUCTION ACTIVITY PERMIT	01/31/2022	CAP-22-006		3239 EVERGREEN POINT RD
CAP - CONSTRUCTION ACTIVITY PERMIT	01/14/2022	CAP-22-001		3234 78TH PL NE
CAP - CONSTRUCTION ACTIVITY PERMIT	01/17/2022	CAP-22-002		7626 NE 10TH ST
TOTAL CAP - CONSTRUCTION ACTIVITY PERMIT:	6		\$0.00	
ENG-GRADING/DRAINAGE	01/17/2022	ENG-GD-22-003		7626 NE 10TH ST
ENG-GRADING/DRAINAGE	01/14/2022	ENG-GD-22-001		3234 78TH PL NE
ENG-GRADING/DRAINAGE	01/14/2022	ENG-GD-22-002		632 Evergreen Point Rd
TOTAL ENG-GRADING/DRAINAGE:	3		\$0.00	
P-NON ADMIN VARIANCE	01/12/2022	P-22-002		922 87TH AVE NE
TOTAL P-NON ADMIN VARIANCE:	1		\$0.00	

P-SEPA/SUBSTANTIAL DEV	01/25/2022	P-22-004		8905 GROAT POINT DR
TOTAL P-SEPA/SUBSTANTIAL DEV:	1		\$0.00	
PW-RIGHT OF WAY	01/04/2022	PW-ROW-22-003		2436 Evergreen Point Rd
PW-RIGHT OF WAY	01/06/2022	PW-ROW-22-001		1800 77TH AVE NE
PW-RIGHT OF WAY	01/11/2022	PW-ROW-22-005		3430 EVERGREEN POINT RD
PW-RIGHT OF WAY	01/13/2022	PW-ROW-21-094		Medina
PW-RIGHT OF WAY	01/10/2022	PW-ROW-22-006		7747 OVERLAKE DR W
PW-RIGHT OF WAY	01/10/2022	PW-ROW-22-004		1686 77TH AVE NE
TOTAL PW-RIGHT OF WAY:	6		\$0.00	
TREE-ADMIN ROW TREE REMOVAL	01/31/2022	TREE-22-013		3211 Evergreen Point Rd
TOTAL TREE-ADMIN ROW TREE REMOVAL:	1		\$0.00	
TREE-PERFORMANCE	01/17/2022	TREE-22-007		7626 NE 10TH ST

TREE-PERFORMANCE	01/25/2022	TREE-22-011		935 88TH AVE NE
TREE-PERFORMANCE	01/20/2022	TREE-22-008		1081 80TH PL NE
TREE-PERFORMANCE	01/31/2022	TREE-21-083		647 EVERGREEN POINT RD
TOTAL TREE-PERFORMANCE:	4		\$0.00	
TREE-RESTORATION	01/24/2022	TREE-22-010		8222 OVERLAKE DR W
TOTAL TREE-RESTORATION:	1		\$0.00	
TREE-WITH BUILDING/DEVELOPMENT	01/14/2022	TREE-22-006		3234 78TH PL NE
TOTAL TREE-WITH BUILDING/DEVELOPMENT:	1		\$0.00	
Total # of Permits		48	\$7,245,100.00	

Case Number	Case Type	Case Status	Assigned To	Address	Case Text
CC-2022-001	INITIAL WARNING	COMPLETED	Rob Kilmer	2456 78TH AVE NE	<p>Description: Tree care vehicle and equipment blocking one half of street.</p> <p>Action Taken: Required workers to move onto private property and explained the MMC rules regarding blocking of the ROW.</p>
CC-2022-002	GENERAL	OPENED	Rob Kilmer	7800 NE 28TH ST	<p>Description: Construction of a fence and gate without permits.</p> <p>Action Taken: Advised that work could not continue until required permits were obtained. Work has been voluntarily suspended.</p>
CC-2022-003	SIGN VIOLATION	COMPLETED	Rob Kilmer	1859 EVERGREEN POINT RD	<p>Description: Commercial yard sign displayed on property</p> <p>Action Taken: Contacted company and notified them that commercial yard signs are not permitted to be displayed. The company removed the sign.</p>
CC-2022-004	GENERAL	COMPLETED	Rob Kilmer	7743 OVERLAKE DR W	<p>Description: Tree cutting work observed</p> <p>Action Taken: Confirmed that a tree permit had been obtained. Instructed workers to move equipment out of the ROW.</p>
CC-2022-005	GENERAL	COMPLETED	Rob Kilmer	7789 NE 12th St	<p>Description: Illicit discharge reported</p> <p>Action Taken: Searched area until source of discharge was located. Helped clean/contain the spill. Reported event to Department of Ecology.</p>
CC-2022-006	GENERAL	COMPLETED	Rob Kilmer	1010 84th Ave NE	<p>Description: Construction related vehicles parked in ROW</p> <p>Action Taken: Spoke with project manager and determined that vehicles were present for a site meeting. Requested that flashers be used.</p>
CC-2022-007	GENERAL	COMPLETED	Rob Kilmer	508 UPLAND RD	<p>Description: Construction related vehicle parked by ROW</p> <p>Action Taken: Spoke to site manager and determined this to be a temporary situation. Required flashers to be displayed.</p>

Case Number	Case Type	Case Status	Assigned To	Address	Case Text
CC-2022-008	GENERAL	COMPLETED	Rob Kilmer	7858 NE 14TH ST	<p>Description: Storm catch basin observed to be plugged.</p> <p>Action Taken: Assisted site manager in lifting grate and removing catch basin filter bag. Site manager cleaned bag and replace it so that it could operate as intended once more.</p>
CC-2022-009	GENERAL	COMPLETED	Rob Kilmer	2206 EVERGREEN POINT RD	<p>Description: Tree removal observed</p> <p>Action Taken: Checked to ensure permit was issued and being followed.</p>
CC-2022-010	ROW VIOLATION	COMPLETED	Rob Kilmer	3257 EVERGREEN POINT RD	<p>Description: Construction related vehicle parked along ROW</p> <p>Action Taken: Explained to the worker that no construction related vehicles were allowed to be parked along the ROW in the City of Medina, and the worker promptly relocated.</p>
CC-2022-011	GENERAL	COMPLETED	Rob Kilmer	2450 78TH AVE NE	<p>Description: Vehicles potentially related to construction activity observed.</p> <p>Action Taken: Contacted Agent of the suspected jobsite with an initial warning.</p>
CC-2022-012	SIGN VIOLATION	COMPLETED	Rob Kilmer	2450 78TH AVE NE	<p>Description: Commercial sign displayed</p> <p>Action Taken: Explained that commercial signs are not permitted to be displayed. Sign was voluntarily removed.</p>
CC-2022-013	GENERAL	COMPLETED	Rob Kilmer	3265 Evergreen Point Road	<p>Description: Report of construction related parking was received.</p> <p>Action Taken: Investigated and found that activity was related to a Right of Way permit. Worked with site superintendent to minimize disruption to neighboring residents.</p>
CC-2022-014	INITIAL WARNING	COMPLETED	Rob Kilmer	2036 EVERGREEN POINT RD	<p>Description: Construction related vehicle obstructing use of sidewalk.</p> <p>Action Taken: Sent initial warning to project Agent and Site Superintendent.</p>

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Case Number	Case Type	Case Status	Assigned To	Address	Case Text
CC-2022-015	GENERAL	COMPLETED	Rob Kilmer	2890 Evergreen Point Road	<p>Description: Complaint received of overcrowding at Park & Ride due to construction-project related vehicles</p> <p>Action Taken: Created notices and placed them on each vehicle that appeared to be construction related. Followed up the next day and observed that three of the vehicles were no longer present.</p>



Washington Association of Building Officials

2022 Legislative Talking Points

“Streamlining Permits”

- For the past several years there have been bills introduced aimed at streamlining the permitting process. Such as: Senate Bill 5243 (Gildon, 2021), Senate Bill 5380 (Fortunato, 2021/2022), **and this year, House Bill 2049 (Barkis, 2022).**
- These bills have all included slightly differing policies that would require the automatic approval of a building permit after a certain number of reviews or after a stamp/signature from a professional engineer or architect.
- This is problematic as there are many examples around the nation where design flaws resulted in injuries and deaths. Some bills required additional insurance; however, the burden of collecting is still passed onto local jurisdictions.
- Licensed architects and engineers are human like the rest of us. We all make mistakes, but in this case plan review acts as a final audit to try to identify them and ensure our communities have a safe built environment. If not caught at plan review and identified in the field by inspectors the delay and associated costs are much higher.
- The building permit process is the last resort for enforcement of state and local priorities by an agency without a financial interest. These priorities include environmental concerns like wetlands, landslides, protected species, and shorelines. If a project triggers compliance with the requirements for these priorities a two-week process can become a six-month process and a perception that the building officials delayed the process.

“Keeping up with the complexity of achieving a net zero built environment”

- While we don’t have a legislative ask for 2022, we want to highlight the current state of our industry, future needs for funding and for support to better enforce energy codes that are becoming incredibly complex.
- The energy code requirements have advanced in complexity over the past few code cycles. The “low hanging fruit” to achieve more energy efficiencies like more insulation and better windows are a thing of the past. Now we are relying on advanced technology and integration of whole building concepts to meet the newest standards.
- The time it used to take to review plans for energy code requirements was approximately 10%, but now it can be up to 60% which adds hours to each review.
- Although the Office of Energy Efficiency and Renewable Energy creates software programs (ResCheck and ComCheck) to allow designers to demonstrate compliance, we cannot use it in our state because we have essentially rewritten the entire energy code vs using the model code. This also limits training opportunities that are available to every other state.
- L&I covers most of the state for electrical code requirements; however, they don’t enforce the energy code requirements for things such as switching or lighting. As such, it creates an overlap of enforcement leading to inconsistencies and additional burdens on the local jurisdictions to gain compliance after L&I has already inspected and approved a project.

“Codes should be written by the State Building Code Council”

- The current SBCC (State Building Code Council) is comprised of subject matter experts from varying backgrounds.
- We ask that whatever policy decision the legislature wants to make (electric vehicle charging stations / wildfire mitigation / smoke control systems **HB 1971**), they still task the SBCC with writing the actual building codes and fund them appropriately.

Otak 2021

Month	Invoice	AD	%	Net
January	\$ 7,408.75	\$ 1,848.00	25%	\$ 5,560.75
February	\$ 6,868.05	\$ 2,053.71	30%	\$ 4,814.34
March	\$12,461.82	\$ 2,967.59	24%	\$ 9,494.23
April	\$ 5,947.29	\$ 1,584.94	27%	\$ 4,362.35
May	\$ 5,104.50	\$ 553.50	11%	\$ 4,551.00
June	\$ 6,683.64	\$ 1,310.61	20%	\$ 5,373.03
July	\$ 5,412.00	\$ 1,161.92	21%	\$ 4,250.08
August	\$ 2,798.25	\$ 369.00	13%	\$ 2,429.25
September	\$ 5,535.00	\$ 1,107.00	20%	\$ 4,428.00
October	\$ 5,878.75	\$ 2,676.80	46%	\$ 3,201.95
November	\$ 4,387.82	\$ 1,368.75	31%	\$ 3,019.07
December	\$ 3,883.60	\$ 2,213.44	57%	\$ 1,670.16
Total	\$72,369.47	\$19,215.26	27%	\$ 53,154.21

Gray & Osborne 2021

Month	Invoice	AD	%	Net
January	\$ 7,568.04	\$ 4,807.46	64%	\$ 2,760.58
February	\$ 11,010.90	\$ 3,965.89	36%	\$ 7,045.01
March	\$ 10,678.62	\$ 5,882.36	55%	\$ 4,796.26
April	\$ 9,763.37	\$ 5,901.96	60%	\$ 3,861.41
May	\$ 9,207.95	\$ 4,758.93	52%	\$ 4,449.02
June	\$ 11,153.69	\$ 6,448.16	58%	\$ 4,705.53
July	\$ 5,635.44	\$ 1,728.72	31%	\$ 3,906.72
August	\$ 4,579.52	\$ 1,728.72	38%	\$ 2,850.80
September	\$ 10,606.64	\$ 6,706.35	63%	\$ 3,900.29
October	\$ 5,793.97	\$ 4,549.97	79%	\$ 1,244.00
November	\$ 6,221.72	\$ 4,057.18	65%	\$ 2,164.54
December	\$4,291.31	\$2,777.47	65%	\$ 1,513.84
Total	\$ 96,511.17	\$53,313.17	55%	\$ 43,198.00