



# CITY OF MEDINA

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**Date:** September 11, 2023  
**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

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## Permit Activity

This has been an odd year for permitting in Medina. Medina typically does not follow local development trends, but this year is even more different. Combined July and August Issued Permits reports are provided to you.

Following permit volume and revenues which were significantly behind what would normally be expected through the first half of 2023, we are now quite far ahead of what was expected in our budget forecast.

2023 permit activity was conservatively forecast to be about the same as 2022 which had been a slow year. I believe that \$35,000,000 is an average year for Medina development services permit valuation and I like to use this number for comparison. To date through August we are at \$47,737,742 in permit value compared to \$29,314,741 this same time in 2022.

The increased permit value translates directly to increased revenues and to increased expenses. The more work we have, the more it costs to perform our required code compliance work due to our use of professional consultants.

Maybe the most interesting part of the "Issued Permits" data is where the permit valuation appears to be coming from this year. The number of new construction building permit applications is below this same time in 2022, which again was a slow year. However, the number of additions and alterations is above this time last year. Our permit activity this year is primarily based on residents improving their existing homes.

Nearly all of the new home building permits we see are privately financed without outside lenders. Construction of new homes in other local Seattle areas are often financed differently from what we see in Medina. The fact that it appears that Medina residents are choosing to improve their existing houses rather than demolish and build new may not say anything at all of relevance, but it is interesting.

During July and August we conducted 4 Construction Activity Permit (CAP) open houses. CAP open houses are associated with projects of \$500,000 permit value and greater. For comparison in 2023:

- January – 0 open houses
- February - 0 open houses
- March – 5 open houses
- April – 1 open house
- May – 4 open houses
- June - 7 open houses
- July – 2 open houses
- August – 2 open houses

Our Deputy Building Official, Rob Kilmer is now conducting the Construction Activity Permit process including facilitating on-line open houses.

### **Advanced Deposits**

I am providing our “Advanced Deposit vs. Consultant Invoice Tracking” tables for your review once again. Note the 2021, 2022, and 2023 tabs at the bottom of the tables. A Councilmember asked me following the July regular meeting if I was warning the Council on the Advanced Deposit (AD) process and the answer is yes.

The use of cash deposits (AD) has direct impact on the evaluation of the permit fees we charge. AD does not dictate permit fee amount, but it can impact it. At some point Council will need to consider proposed adjustments to our permit fees so understanding our use of the AD process is essential.

What I would suggest reviewing in the 2021, 2022, and 2023 AD tables provided is the percentages. You will see that the percentage of AD money used on tree activity, and engineering consultant (grading and drainage) permits has been increasing. I can easily predict that the increase will continue and that it will be an even more significant move up for engineering in 2024. Tree activity permit AD percentage in 2024 may move down from 2023.

The reason for the percentage increase in use of AD funds is that consultant costs are increasing, but permit fees have been stagnant. To date through August our Engineering Consultant AD is at 84%. This means that our permit fees do not cover the cost of the consultants work and additional money is required which we have in the AD cash deposit to draw from. This is not really a problem to have a high percentage, but it is something to be aware of and may be a policy discussion at some point when permit fees are reviewed.

The use of the AD process assures that development pays for itself without the need for extraordinarily high permit fees to cover the costs. Using the AD process also adds equity to our permit fees that would otherwise be difficult to create.

Through ordinance, the AD process currently only applies to our tree permits and to grading and drainage permits which has been true since about 2011. I will be asking Council in the near future to allow for expansion of the AD process to cover all of our professional consultants.

## **Washington State Building Code Update**

The 2021 Washington State Building Code was scheduled for implementation by all jurisdictions including Medina on July 1, 2023. In early May the State Building Code Council extended the implementation date for an additional 120-days.

I expect that at the October Council meeting you will see an agenda item asking for your adoption of the 2021 Washington State Building Code.

## **King County Wastewater Pump Station Maintenance Project**

King County delayed their project to replace the sewage pumps in the station at the NW corner of NE 8<sup>th</sup> St. and 81<sup>st</sup> Ave. NE.

Ryan Osada is now the Medina lead on this project due to the fact that only a Right of Way Use permit is being issued. I am still involved only because I have been talking with King County for over a year about this work.

The project is now scheduled to occur this month. Here is what King County said in August about their project noticing to Medina residents:

- *Fliers will be distributed on Friday, 8/25, or Monday, 8/28, pending our fliering service's availability. The fliering map for the Haul route is attached.*
- *Mailings will go to the mail house on Friday, 8/28 or Tuesday, 8/29. We will mail via first class mail to the attached mailing area.*
- *Next Friday, September 1, I will go door to door to the 5 homes closest to the pump station and to deliver temporary accommodation offer letters and discuss nighttime work and impacts.*

The night work is the most impactful to Medina residents and has been my focus for noticing and mitigation. The night work will involve September 11<sup>th</sup> and September 15<sup>th</sup>.

Provided for you is the mailed notice that King County sent out.

## **WSDOT 2024 520 Bridge Maintenance Project – Administrative Noise Variance**

The Washington State Department of Transportation (WSDOT) has requested a noise variance to perform night work on the 520 bridge within the boundary of Medina. The bridge driving surface throughout, and soffits in the areas near expansion joints require the application of a sealant every five years to extend the concrete life. This sealant application is considered essential maintenance of the 520 bridge concrete. In an effort to reduce the impact on users of the bridge, the work must be accomplished at night when traffic flows are less, but which causes the need for a Medina issued noise variance. The work will extend the entire length of the bridge from Medina to Seattle. This WSDOT noise variance application complies with our Medina Municipal Code for use of the administrative process.

The maintenance work is scheduled to occur between March 1, 2024 and December 31, 2024 with up to ten nights to complete. The exact dates of the ten nights of work are currently unknown by WSDOT pending contractor scheduling and weather. WSDOT

believes the work could be accomplished in as few as four nights, but are asking for ten nights.

A benefit of the administrative process is that city staff can apply conditions to the work as we know they are needed, rather than depending upon the hearing examiner to do so. In this situation city staff are better positioned to evaluate potential impacts of the project on Medina residents and work directly with WSDOT towards mitigations. Currently I am working with WSDOT staff regarding their concrete sealant application process with intent to assure that the work is Department of Ecology (DOE) compliant.

WSDOT will notice Medina residents 2-weeks prior to each night of work. And, a general notice about the project will be provided in advance as well.

Conditions that will be applied to the administrative variance include:

- Prohibition on backing safety signal noise. This is typically shut off at night.
- Construction worker parking to be on the floating portion of the bridge deck to minimize noise.
- No amplified sounds from radios, etc.
- Workers to avoid loud voices.
- Portable toilets to be on the floating portion of the bridge deck.
- No vehicle idling.

Outside of the administrative noise variance WSDOT will provide me with their DOE compliant sealant application procedure once they have a general contractor.

### **Tree Code Enforcement**

Please see the tree permit activity reports provided. We now have one City Arborist performing all tree activity duties for us.

The matter of two trees within the public right of way adjacent to 227 Upland Road which were removed without a Medina permit remains on-going. This tree removal violation was previously discussed with Council. Recently, a pre-hearing conference was conducted by our new hearing examiner. This conference included the parties named in the Notice of Citation. A second conference will be held next week, but without the hearing examiner. Once information is available that can be discussed, Council will be fully informed. Process needed to resolve this matter is being followed and it takes time.

A new violations section is being presented to you tonight. This is a proposed text amendment to Medina Municipal Code Chapter 16.52 – Tree Management Code. This proposal is a comprehensive approach to private and public tree removal violations.

### **T-Mobile Existing Facility Modifications**

A permit application was submitted by T-Mobile to modify an existing tower facility location on Overlake Golf and Country Club private property. This application included a height variance. The application was denied after being found incomplete.

We anticipate that T-Mobile will be submitting permits for another existing facility modification because they have requested a pre-application meeting with city staff.

### **Hearing Examiner**

Sound Law changed their operating format and no longer offer hearing examiner services. Following a recommendation from Sound Law staff, Medina is now completing a contract with Alex Sidles to be out new hearing examiner. Alex had previously worked at Sound Law as a consultant.

### **Permit Tracking, Public Portal and Webpage**

We continue to participate in exploring a new permit tracking and public portal system. The City of Bellevue is leading this effort with about 30-local jurisdictions participating. Medina is on a 10 member Steering Committee with voting rights.

Depending upon the outcome, Council may eventually see a request for budget to replace our current permit tracking and portal.

There is a possibility that the City of Bellevue will lead the development of the new permit tracking and portal system using their existing staff, and new staff hired specifically for this project.

It is possible that a decision will need to be made in 2024 about continued Medina participation in this project. To date we have been involved as a steering committee member. Bellevue initiated this project based on a shared need and has facilitated the meetings and direction. I expect that there will be a point where Bellevue will need to ask participating members of this project for financial assistance when the development work begins.