



CITY OF MEDINA

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

Date: December 13, 2021
To: Honorable Mayor and City Council
Via: Michael Sauerwein, City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Permit Activity

Please see the permit activity reports provided. Permit activity typically slows this time of year which is where we are now. We do however have several requests for pre-application meetings which is not as usual for this time of year. Pre-application meetings meant that people are preparing permit applications. Local design and construction professionals continue to be busy and do not see any changes from 2021 into 2022.

Planning Commission

By Stephanie Keyser

At the end of October, the city applied for two grants from the Department of Ecology: one to establish a monitoring system of the approved shoreline applications, and the second to create user friendly guides for Medina's Shoreline Master Program (SMP). On November 23rd, we were notified that we were successful in receiving \$12,030 to do the SMP User Guide. This will be a simple yet visual guide to help both homeowners and professionals alike in navigating development within the Shoreline Jurisdiction (200-feet inward of the Ordinary High-Water Mark). The Watershed Company assisted us in the preparation of the grant, and we will utilize them to do this work.

On December 14th, Planning Commission will hold a public hearing on permanent supportive and transitional housing. Earlier this year, the Governor signed E2SHB 1220 into law which requires cities to allow transitional or permanent supportive housing in any zoning district that allows residential dwellings; in Medina this is every zoning district. The city cannot prevent one of these facilities from coming into the city, however there are guardrails that can be adopted to ensure potential impacts are limited. Once Planning Commission recommends approving the draft code, it will be sent to the Department of Commerce so that they may begin their review and SEPA will be done. It is anticipated that this will be brought to Council to adopt in February 2022.

The City put out a Request for Proposals (RFP) for a consultant to assist with the Comprehensive Plan Update on November 19th with a closing date of December 10th. Staff anticipates selecting a consultant before the end of the year.

Code Enforcement

A new report ("Complaint Assignments") is being provided to you this month. The report shows much of the monthly code enforcement activity performed by Development Services.

In addition to the items in the report we removed about a dozen commercial signs placed in the right of way. A few of the signs were political that should have been removed by the candidates shortly after the November elections. Other items not in the report are our responses to activities that we believed may be code violations, but upon investigation we found were not violations. We perform many investigations either by complaint, or because of things we notice.

Of note in the report are two dog barking enforcement actions at the same property. These types of complaints are new to us, but with evidence gathered we are enforcing provisions of our code to the benefit of neighboring residents.

Tree Management Code

Provided with this report are two tree removal decisions, and one determination regarding tree removal in November. The decisions are drafted by our tree code consultant then reviewed and were ultimately approved by the Development Services Director.

Below is a list of all activity by our tree code consultant during November.

1. TREE21-052 3232 78th Place Heathcote – final inspection, replanted two trees for removal of one tree
2. 1636 73rd Ave NE Watermark ROW Cottonwoods – coordination with neighbor to address fallen tree concerns
3. TREE20-008 2626 78th Ave NE Schademan – coordination with project arborist on reducing tree protection area
4. TREE17-048 2841 76th Ave NE Stephanus – revision review and approval
5. TREE18-024 3263 EPR Sunny Dream lot 3 – revision review and approval, previously non-significant trees are all grown up and significant now
6. TREE21-079 2206 EPR Marcinek – remove and replace the decayed and declining Black Locust tree NE of the intersection of 22nd and EPR
7. TREE21-077 2401 EPR Milner – remove the declining birch tree at the SE property corner
8. 7651 NE 16th Naieni - began permit coordination
9. TREE19-081 442 Upland REV2 request – coordinating a revision to remove additional trees driven by the neighbors request
10. 8235 NE 8th O'Hara – began permit coordination
11. TREE21-074 8224 Overlake Yarduminian ROW – Administrative Decision and permit issuance for ROW tree removals

12. TREE21-075 3245 EPR Sheree Wen ROW – Administrative Decision and permit issuance for ROW tree removals
13. TREE17-060 1201 EPR Chen Shao – reviewed revision plans of driveway
14. TREE21-081 647 EPR Grinstein – working through complete permit submittal for two maple tree removals
15. TREE21-082 7813 NE 10th St Valaas – issued permit for removal of pine with requirement to replant two trees
16. TREE21-080 2827 EPR Parish – removal of one tree that began leaning during early fall storm season
17. TREE21-055 2659 EPR Ingrid Wang – approval of steep slope tree removal and restoration tree planting
18. TREE21-068 1525 79th Ave Chao – began review of application and issuance of additional information letter

Supplemental Tree Enforcement

A discussion surrounding supplemental trees will be coming to Council in early 2022 as part of the overall Tree Management Code update. Council will be asked to take action on what will be a proposed code amendment. Supplemental trees are those which must be planted as part of a Tree Activity permit. Generally, adding new trees as a code requirement is the result of a math calculation found in the permit application that is related to tree removal on a site. Planning Commission had asked the Council to add review of the enforcement of the 5-year health and viability of supplemental trees to their 2021 Work Plan Calendar and Council agreed.

Our current Tree Management Code Chapter 16.52 has varied references to supplemental trees, but the enforcement is the same. Example: *“The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the city.”*

Our current code does not provide for any city enforcement to assure that supplemental trees are healthy and viable for at least five years after planting. Planning Commission would like to improve the enforcement.

Because the impacts that a new enforcement requirement will have, and that the responsibility will be that of the Development Services Department, our staff should be involved in decision making. Good code development should involve those who are responsible for enforcement. Code development should always involve an analysis of impacts.

A first step should be a determination of the level of enforcement that is desired regarding supplemental trees. Whether a comprehensive code is drafted with intent to fully assure the 5-year health and viability of supplemental trees, or if there is a compromise with a view of improving the current code which has no enforcement provision combined with an overall approach to improving tree code enforcement. Legal, budget, staffing, resident impact, and practicality are considerations as part of a supplemental tree code enforcement amendment.

Permit Tracking and Portal

We are still working with the vendor of our electronic permitting system to try to make it work properly. It would be much better to have the vendor fix the problems we have had since the portal was first developed. In November we met with vendor technicians to go over several issues. It does not appear that the problems can be solved by the vendor- or possibly that they don't want to spend the time on a small client.

We are talking to other permit software companies about the possibility of moving to a new tracking system and portal. We have also recently invited our current vendor to fix the problems in their software or likely see us leave as a client. A decision will be made in January once we have all information needed and have exhausted options with our current vendor. At this time there is no need for an RFQ.

With the implementation of the new City website in December, Development Services will now be able to allow direct applicant access to the permit portal.

Telecommunications Franchise

This past October T-Mobile submitted a franchise application for location of telecommunications facilities within the public right of way. On November 12, 2021 a complete application was determined according to Medina Municipal Code Section 15.06.020. An additional fee deposit was required following the determination which we received on December 3, 2021.

With the complete application including the deposit being received, the process as outlined in MMC 15.06.030 Determination by the city will begin. This is now with our City Attorney to draft the franchise and begin negotiations with T-Mobile. The complete franchise application is with Steve Wilcox. If you would like to see the application or have questions, please email swilcox@medina-wa.gov or 425-233-6409.

Reference

[15.06.020. - Franchise application. | Code of Ordinances | Medina, WA | Municode Library](#)

[15.06.030. - Determination by the city. | Code of Ordinances | Medina, WA | Municode Library](#)

Staff Changes

Both our tree code consultant/arborist and our engineering consultant resigned their respective positions with the companies they were working for and left Medina as well. Both gave notice the same day. With short notice both consultants left us at the beginning of December. Both Mason Oh from Gray and Osborne and Tom Early from Otak are now no longer with Medina.

Tom Early had been working with Medina through Otak for about 15 years. Otak has provided us with another Landscape Architect from their company, and also a sub-consultant ISA arborist to help us with our Tree Management Code administration. Tom took a position with King County Parks. We have sent out an RFP for the position. The RFP is provided with this report for your information.

Tom Early had a combination of qualifications which will be difficult to replace in one person. It is most likely we will have two staff performing tree code administration which is similar to most cities and also to how Medina operated in the past.

Monthly Applications Submitted

11/01/2021 – 11/30/2021

Permit Type	Submitted Date	Permit Number	Total Valuation	Address
** PRE-APPLICATION **	11/10/2021	PA-2021-007	\$100,000.00	2525 MEDINA CIR
TOTAL ** PRE-APPLICATION **:	1		\$100,000.00	
ADVANCE DEPOSIT	11/01/2021	DEP00159		3245 EVERGREEN POINT RD
TOTAL ADVANCE DEPOSIT:	1			
B-ACCBLD	11/04/2021	B-21-119	\$105,956.38	8436 MIDLAND RD
TOTAL B-ACCBLD:	1		\$105,956.38	
B-ADD/ALT	11/15/2021	B-21-122	\$55,914.47	7813 NE 10TH ST
TOTAL B-ADD/ALT:	1		\$55,914.47	
B-FENCE	11/01/2021	B-21-117	\$600.00	2519 82ND AVE NE
B-FENCE	11/03/2021	B-21-118	\$500.00	3244 76TH AVE NE
B-FENCE	11/16/2021	B-21-124		7829 NE 14TH ST
TOTAL B-FENCE:	3		\$1,100.00	
B-GAS	11/11/2021	G-21-040		417 84TH AVE NE
TOTAL B-GAS:	1			
B-GATE	11/08/2021	B-21-121	\$15,000.00	500 86TH AVE NE

TOTAL B-GATE:	1		\$15,000.00	
B-MECHANICAL	11/16/2021	M-21-074	\$650.00	417 84TH AVE NE
B-MECHANICAL	11/16/2021	M-21-075	\$10,000.00	1617 73RD AVE NE
B-MECHANICAL	11/18/2021	M-21-076	\$16,283.00	821 83RD AVE NE
TOTAL B-MECHANICAL:	3		\$26,933.00	
B-PIER	11/05/2021	B-21-120	\$18,500.00	2207 EVERGREEN POINT RD
TOTAL B-PIER:	1		\$18,500.00	
B-PLUMBING	11/10/2021	P-21-088		111 84th Ave NE
B-PLUMBING	11/15/2021	P-21-092		8398 NE 12th St
B-PLUMBING	11/18/2021	P-21-094		2036 Evergreen Point RD
TOTAL B-PLUMBING:	3			
B-RES-SFR	11/29/2021	B-21-126	\$2,900,000.00	2841 76TH AVE NE
B-RES-SFR	11/17/2021	B-21-125	\$3,930,374.00	202 OVERLAKE DR E
TOTAL B-RES-SFR:	2		\$6,830,374.00	
B-SFR	11/16/2021	B-21-123	\$850,000.00	530 87TH AVE NE
TOTAL B-SFR:	1		\$850,000.00	

CAP - CONSTRUCTION ACTIVITY PERMIT	11/18/2021	CAP-21-033		2207 EVERGREEN POINT RD
CAP - CONSTRUCTION ACTIVITY PERMIT	11/05/2021	CAP-21-032		7617 NE 24TH ST
TOTAL CAP - CONSTRUCTION ACTIVITY PERMIT:	2			
ENG-GRADING/DRAINAGE	11/23/2021	ENG-GD-21-027		8224 OVERLAKE DR W
ENG-GRADING/DRAINAGE	11/29/2021	ENG-GD-21-028	\$1,890.00	2841 76TH AVE NE
ENG-GRADING/DRAINAGE	11/16/2021	ENG-GD-21-026	\$850,000.00	530 87TH AVE NE
TOTAL ENG-GRADING/DRAINAGE:	3		\$868,900.00	
P-ADMIN SPECIAL USE	11/10/2021	P-21-090		3234 78TH PL NE
TOTAL P-ADMIN SPECIAL USE:	1			
P-ADMIN SUBSTANTIAL DEV	11/15/2021	P-21-093		3225 EVERGREEN POINT RD
TOTAL P-ADMIN SUBSTANTIAL DEV:	1			
P-NON ADMIN VARIANCE	11/10/2021	P-21-089		8417 NE 12TH ST
TOTAL P-NON ADMIN VARIANCE:	1			
P-SEPA THRESHOLD	11/14/2021	P-21-091		2525 MEDINA CIR
TOTAL P-SEPA THRESHOLD:	1			
PW-RIGHT OF WAY	11/05/2021	PW-ROW-21-091		2226 79TH AVE NE

PW-RIGHT OF WAY	11/04/2021	PW-ROW-21-090		7611 NE 12TH ST
TOTAL PW-RIGHT OF WAY:	2			
TREE-HAZARD EVALUATION	11/19/2021	TREE-21-081		647 EVERGREEN POINT RD
TOTAL TREE-HAZARD EVALUATION:	1			
TREE-PERFORMANCE	11/19/2021	TREE-21-080		2827 EVERGREEN POINT RD
TREE-PERFORMANCE	11/02/2021	TREE-21-076		2301 EVERGREEN POINT RD
TREE-PERFORMANCE	11/24/2021	TREE-21-083		647 EVERGREEN POINT RD
TREE-PERFORMANCE	11/29/2021	TREE-21-084		8235 NE 8TH ST
TOTAL TREE-PERFORMANCE:	4			
TREE-RESTORATION	11/23/2021	TREE-21-082		7813 NE 10TH ST
TREE-RESTORATION	11/16/2021	TREE-21-079		2206 Evergreen Point Road
TREE-RESTORATION	11/08/2021	TREE-21-077		2401 76TH AVE NE
TOTAL TREE-RESTORATION:	3			
TREE-WITH BUILDING/DEVELOPMENT	11/29/2021	TREE-21-085		2841 76TH AVE NE
TREE-WITH BUILDING/DEVELOPMENT	11/16/2021	TREE-21-078		530 87TH AVE NE
TOTAL TREE-WITH BUILDING/DEVELOPMENT:	2			

Total # of Permits		40	\$8,855,667.85	
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Monthly Issued Permit Report

November, 2021

Construction Value:	November 2021	November 2020	2021 YTM	2020 YTM	Difference
Accessory Structure	-	-	-	-	\$0.00
Addition / Alteration	\$77,932.00	\$90,623.20	\$11,400,251.21	\$3,606,366.25	\$7,793,884.96
Fence / Wall	\$11,100.00	-	\$455,900.00	\$29,000.00	\$426,900.00
New Construction	-	\$2,205,840.00	\$31,766,487.00	\$39,164,701.00	(\$7,398,214.00)
Repair / Replace	-	-	-	\$6,000.00	(\$6,000.00)
Wireless Comm. Facility	-	-	-	-	\$0.00
Total Value:	\$89,032.00	\$2,296,463.20	\$43,622,638.21	\$42,806,067.25	\$816,570.96

Permits Issued:	November 2021	November 2020	2021 YTM	2020 YTM	Difference
New Construction	-	1	15	17	(2)
Permit Extension	-	1	35	4	31
Accessory Structure	-	-	-	-	0
Addition / Alteration	3	1	35	9	26
Construction Activity Permit	-	1	24	23	1
Demolition	-	1	18	9	9
Fence / Wall	3	-	16	2	14
Grading / Drainage	-	1	23	21	2
Mechanical	4	15	75	80	(5)
Other - Moving	-	-	-	-	0
Plumbing / Gas	4	5	82	63	19
Repair / Replace	-	-	-	1	(1)
Reroof	-	-	-	-	0
Right of Way Use	4	3	86	60	26
Tree Mitigation	9	2	65	59	6
Wireless Comm. Facility	-	-	-	-	0
Total Permits:	27	31	474	348	126

Inspections:	November 2021	November 2020	2021 YTM	2020 YTM	Difference
Building	116	75	977	705	272
	16	12	344	143	201
Engineering/Other	2	1	60	20	40
Tree	-	-	19	5	14
Total Inspections:	134	88	1,400	873	527



Complaint Assignments

Submitted Date Between 11/01/2021 And 11/30/2021

Report run on: 12/01/2021 07:26 AM

Case Number	Submitted	Closed	Case Type	Case Status	Assigned To	Parcel / Address	Case Text
CC-2021-024	11/04/2021	11/04/2021	INITIAL WARNING	COMPLETED	Rob Kilmer	Parcel Number: 6447300140 Address: 8425 RIDGE RD	Emailed warning to project agent and GC that blocking of road during concrete work is not permitted. A ROW permit was instructed to be applied for.
CC-2021-025	11/09/2021	11/10/2021	STOP WORK ORDER	COMPLETED	Rob Kilmer	Parcel Number: 2018700246 Address: 8335 OVERLAKE DR W	Failure to comply with construction parking regulations found within Medina Municipal Code Chapter 10.72 and Construction Mitigation Plan CMP-13-009 Action Taken: Stop Work Order was posted and a formal, signed agreement was created with the Owner, Agent, and Project Manager. This is saved to Notes.
CC-2021-026	11/09/2021	11/10/2021	INITIAL WARNING	COMPLETED	Rob Kilmer	Parcel Number: 3835501951 Address: 707 OVERLAKE DR E	Description: Construction vehicles parked in ROW Action Taken: Verbal warning given to project Agent/Owner.
CC-2021-027	11/09/2021	11/10/2021	ROW VIOLATION	COMPLETED	Rob Kilmer	Parcel Number: 6447300105 Address: 8426 OVERLAKE DR W	Landscapers using crane lift to prune hedges along sidewalk, blocking one lane of Overlake Drive West. Action Take: Verbally warned workers that proper traffic control is required for any work in ROW. Workers told to stop work in ROW until a ROW permit was obtained.
CC-2021-028	11/09/2021	11/10/2021	SIGN VIOLATION	COMPLETED	Rob Kilmer	Parcel Unknown Address: 86th Ave NE & NE 9th St.	Description: Commercial yard sign in grass by side of road. Action Taken: Picked up sign and called business to let them know that commercial signs are not allowed to be placed in ROW. "We Hang Christmas Lights" 425-623-2100 - NWProKleen.com



Complaint Assignments

Submitted Date Between 11/01/2021 And 11/30/2021

Report run on: 12/01/2021 07:26 AM

Case Number	Submitted	Closed	Case Type	Case Status	Assigned To	Parcel / Address	Case Text
CC-2021-029	11/09/2021	11/10/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 3262300700 Address: 2457 78TH AVE NE	<p>Description: Complaint regarding boat parked along side of 78th Ave NE.</p> <p>Action Taken: Visually confirmed that a boat is parked along 78th, but not obstructing the road. The MMC does not appear to contain any rule applying to boats parked parallel to the street, not obstructing traffic. I have communicated this to the complainant.</p>
CC-2021-030	11/12/2021	11/16/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 2425049104 Address: 7800 NE 28TH ST	<p>Description: Diesel fuel spill reported by the police at approximately 7:30am in the area of 78th Ave NE, North from 24th to 28th.</p> <p>Action Taken: Spill was caused by a Bellevue Christian School Bus with a broken fuel injector. Contacted Jeff Evenson, the bus-fleet manager, and insured a spill-cleanup response was mobilized. I used one of the city's spill response kits from the Public Works department and additional spill kits were provided and used by their fleet management workers. Department of Ecology report submitted 11/15/21</p>
CC-2021-031	11/12/2021	11/16/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 2425049104 Address: 7800 NE 28TH ST	<p>Description: Dumpster trailer reported on 78th Ave NE across from Bellevue Christian School during the morning school drop-off period.</p> <p>Action Taken: While investigating the diesel full spill the facilities manager for Bellevue Christian mentioned that their dumpster-removal service truck had broken down and this was the cause of the issue.</p>



Complaint Assignments

Submitted Date Between 11/01/2021 And 11/30/2021

Report run on: 12/01/2021 07:26 AM

Case Number	Submitted	Closed	Case Type	Case Status	Assigned To	Parcel / Address	Case Text
CC-2021-032	11/16/2021	11/16/2021	STOP WORK ORDER	COMPLETED	Rob Kilmer	Parcel Number: 4000500075 Address: 1655 73RD AVE NE	Description: Work vehicles parked in ROW Action Taken: Stop Work Order issued. Project Agent is required to submit a parking plan for review and approval before the Stop Work Order is lifted.
CC-2021-033	11/17/2021	11/17/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 3025300107 Address: 7608 NE 12TH ST	Description: Construction related vehicles parked on NE 12th St. by the intersection with Evergreen Point Road Action Taken: Spoke with owners of the vehicles. They then relocated to the correct area for construction parking area on 12th.
CC-2021-034	11/17/2021	11/17/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Unknown Address: 2873-2865 Evergreen Point Rd	Description: Pickup truck parked along Evergreen Point Road, adjacent to the 520 Overpass Park and Ride, partially blocking the Northbound lane. It was not clear whether this vehicle was construction or Park and Ride related. Action Taken: Spoke with Officer Anderson to ask that he address this as a parking violation.
CC-2021-035	11/17/2021	11/17/2021	INITIAL WARNING	COMPLETED	Rob Kilmer	Parcel Number: 252504-9218 Address: 1407 EVERGREEN POINT RD	Description: Multiple work vehicles parked in ROW's. Action Taken: Agent for project informed that any additional infraction will result in a Stop Work Order for the project.
CC-2021-036	11/19/2021	11/24/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 2525049155 Address: 830 82ND AVE NE	Description: Tree cutting reported at 830 82nd Ave NE Action Taken: Investigated and confirmed that this action had been approved as a permit-exemption. See attached Administrative Determination saved in notes.



Complaint Assignments

Submitted Date Between 11/01/2021 And 11/30/2021

Report run on: 12/01/2021 07:26 AM

Case Number	Submitted	Closed	Case Type	Case Status	Assigned To	Parcel / Address	Case Text
CC-2021-037	11/24/2021	11/24/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 3625049102 Address: 7753 Overlake Dr W	Description: Tree cutting Action Taken: Confirmed that the work was permitted. See permit: TREE-21-066
CC-2021-038	11/24/2021		CITATION	OPENED	Rob Kilmer	Parcel Number: 2425049136 Address: 3660 FAIRWEATHER LN	Description: Report of ongoing dog barking. Action Taken: Visited site and recorded barking. Provided recordings as evidence for Notice of Citation. NOC issued 11/24/21.
CC-2021-039	11/29/2021	11/30/2021	STOP WORK ORDER	COMPLETED	Rob Kilmer	Parcel Unknown Address: 202 OVERLAKE DR E	Description: Construction vehicles parked in ROW Action Take: Stop Work Order Issued until a new, signed agreement can be reached between project Agent(s) and the City. Signed agreement saved into notes. 11/30/21
CC-2021-040	11/29/2021		CITATION	OPENED	Rob Kilmer	Parcel Number: 2425049136 Address: 3660 FAIRWEATHER LN	Description: Report of ongoing dog barking. Action Taken: Second NOC issued 11/29.
CC-2021-041	11/29/2021	12/01/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 9208900067 Address: 1859 EVERGREEN POINT RD	Description: Received complaint regarding work at 1859 EPR. Action Taken: Investigated scope of work being performed. Work currently being performed on 11/29/21 is under the threshold for a permit. Notified General Contractor that their future, planned scope of work would require permits unless it can be demonstrated that the square footage does not cross the threshold for a Grading and Drainage permit.



Complaint Assignments

Submitted Date Between 11/01/2021 And 11/30/2021

Report run on: 12/01/2021 07:26 AM

Case Number	Submitted	Closed	Case Type	Case Status	Assigned To	Parcel / Address	Case Text
CC-2021-042	11/29/2021	11/29/2021	GENERAL	COMPLETED	Rob Kilmer	Parcel Number: 3025300271 Address: 7630 NE 14TH ST	Description: Tree cutting reported at 7630 NE 14th St. Action Taken: Visited site and confirmed that the work matches the current, approved permit: TREE-21-050
CC-2021-043	11/29/2021		NOTICE OF VIOLATION	OPENED	Rob Kilmer	Parcel Number: 3999900075 Address: 1641 EVERGREEN POINT RD	Description: Notice of Violation issued for work performed without required permit. Action Taken: Notice sent 11/29/21. Complete permit required by COB 12/13/21 to avoid accrual of penalties. Notice attached in Notes.



City of Medina

501 Evergreen Point Road
Medina, Washington 98039
(425) 454-9222

TREE REMOVAL DETERMINATION OF PERMIT EXEMPTION

DATE: 11/1/2021

SITE ADDRESS: 830 82nd Ave NE

OWNER/CONTACT NAME: George Ledwith

EMAIL: gledwith@comcast.net

The following tree has been determined by the City Tree Consultant to meet the MMC 16.52.030(C) exception. The subject tree meets the hazard tree definition. This tree may be removed without a permit due to the exception. The exemption is limited only to the removal of the tree indicated below. No other work is authorized by this exemption.

– Tom Early, City Tree Consultant



*Image 1: Hazard tree subject to removal is a mature black cottonwood (*Populus trichocarpa* var *trichocarpa*) that has begun losing large limbs out of its upper canopy – typically known as sudden limb drop. The subject tree has canopy overhanging house at 830 82nd Ave NE.*



STAFF ANALYSIS AND DECISION
WEN ADMINISTRATIVE RIGHT OF WAY TREE REMOVAL PERMIT

Prepared by: Tom Early, Medina Tree Code Consultant

Date: November 23, 2021

Summary of Decision: Approved, subject to conditions.

Part 1 – General Information:

CASE NUMBER: TREE 21-075

LOCATION OF TREE: City of Medina Right-of-way adjoining 3245 Evergreen Point Drive

TAX PARCEL NUMBER: Not applicable

PROPERTY OWNER: Public right-of-way is controlled by the City of Medina

APPLICANT: Sheree Wen (Owner)

LEGAL DESCRIPTION: Evergreen Point Road Public Right-of-way

PROPOSAL: Remove one significant Red Alder tree and one hazard Bigleaf Maple tree from the City right-of-way by the adjoining property owner

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential.

ZONING DESIGNATION: Single-family Residence, R-20

CRITICAL AREAS: None identified.

ENVIRONMENTAL REVIEW (SEPA): Exempt pursuant to WAC 197-11-800(2)(d)(ii).

EXHIBITS:

1. Application
2. Legal Notices
3. Tree Removal and Planting Plan, received by the City on November 1, 2021

Part 2 – Site Characteristics:

EXISTING CONDITIONS: The right-of-way is developed with two vehicle travel lanes with a gravel shoulder in the adjoining right-of-way. The ground surface relatively level.

SURROUNDING ZONING:

Location	Land Use	Zoning
North	Residential	R-20
South	Residential	R-20
East	Residential	R-20
West	Residential	R-20

ACCESS: Ingress and egress of the adjacent property is from a driveway connecting to Evergreen Point Road.

Part 3 – Comprehensive Plan:

The Medina Comprehensive Plan identifies the setting and character of Medina as having a distinctive and informal natural setting that is typified by semi-wooded and heavily landscaped lots that provide visual and acoustic privacy between neighbors and abutting city streets. One of the primary goals is: “To maintain Medina’s high-quality residential setting and character” (Goal LU-G1).

The Medina Landscape plan is a component of the Community Design Element (Chapter 3) of the Comprehensive Plan. The Medina Landscape Plan lists landscaping alternatives to perpetuate the informal, natural appearance of Medina’s street right-of-way, public areas, and the adjacent portions of private property.

The following are applicable goals that apply to the creation of landscaping arrangements:

- Screen development from City streets and from neighboring properties;
 - Respect the scale and nature of plantings in the immediate vicinity;
 - Recognize “historical” view corridors;
 - Maintain the city’s informal, natural appearance.
- GOAL: CD-G2: To maintain the informal, natural appearance of Medina’s street rights-of-way and public areas.

Policy CD-P5: Residents are urged to consult with the City and with their neighbors on both removal and replacement of trees and tree groupings to help protect views and to prevent potential problems (e.g., removal of an important tree or planting a living fence).

Part 4 – Agency Review/ Public Comment:

NOTICES: (See Exhibit 2)

Application Received:	November 1, 2021
Determination of Completeness:	November 2, 2021
Notice of Application:	November 3, 2021

A Notice of Application was mailed to nearby property owners consistent with MMC 16.80.110. A 14-day public comment period was utilized. The notice was posted at Medina City Hall, the Post Office in Medina, the public notice board at Medina Park, the City’s website, and at the tree removal site.

GENERAL PUBLIC COMMENTS: No public comments were received.

AGENCY COMMENTS: Not applicable.

Part 5 – Staff Analysis/ Findings of Fact:

GENERAL:

1. Sheree Wen (Owner) requests the removal of one significant tree and one hazard tree from the City right-of-way adjoining the owner’s property.
2. King County Parcel Viewer indicates Sheree Wen the owner of the lot adjoining the subject tree.
3. The two subject trees are a hazardous 20-inch diameter at breast height (DBH) Bigleaf maple (*Acer macrophyllum*) and a 19-inch DBH Red alder (*Alnus rubra*). Both trees are listed as significant tree species for the right-of-way under List 2, Significant Tree Species on City Rights-of-way, of the City of Medina List of Suitable Tree Species.

ANALYSIS OF THE TREE REMOVAL PERMIT:

4. MMC 16.52.190(D) requires city trees in the right-of-way to be preserved unless removal can be authorized. The subject tree does not qualify for an exemption under MMC 16.52.030. Pursuant to MMC 16.52.190(D), removal of a tree located within a city right-of-way can be authorized for the following:
 1. Hazard trees;
 2. Nuisance trees;
 3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the “City of Medina List of Suitable Tree Species”;
 4. Any tree having less than a 10-inch diameter breast height size; and any trees not included on the “City of Medina Suitable Tree Species List” for the right-of-way having less than a 36-inch diameter breast height size;
 5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;
 6. Trees where removal is necessary to allow vehicle access to a property; or
 7. Trees where removal is necessary to restore a view.

The request to remove the Bigleaf Maple qualifies for removal because it is a hazard tree. The request qualifies for the allowance of removal set forth in MMC 16.52.190(D)(1). The request to remove the Red Alder qualifies because it is a nuisance tree, with disease and restoration of the tree to a sound condition is not practical.

5. MMC 16.52.160(C) establishes a requirement for an Administrative Right-of-way Tree Activity Permit for removal of any tree, excluding hazard trees, that is:
 - a. Six inches or larger diameter breast height (DBH) size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located; and
 - d. The removal does not require a non-administrative right-of-way tree activity permit under subsection (D) of this section.

The request to remove the subject tree meets the criteria for requiring an Administrative Right-of-way Tree Activity Permit. The trees are larger than six inches DBH and the request for removal is by the adjoining property owner. The request does not meet any of the conditions requiring a non-administrative right-of-way tree activity permit.

6. Pursuant to MMC 16.80.050(B), Administrative Right-of-way Tree Activity Permits are a Type 2 decision. Type 2 decisions are administrative actions that require public notice. The Director of Development Services is designated as the decision authority to decide Administrative Right-of-way Tree Activity Permits.
7. MMC 16.52.190(E) allows removal of city trees only if replacement trees pursuant to Table 16.52.190(E)(1) are provided. Table 16.52.190(E)(1) requires removal of the hazard Bigleaf maple tree to be replaced with one replacement tree. Table 16.52.190(E)(1) requires removal of the Red Alder tree to be replaced with two replacement trees. Additionally, MMC 16.52.190(E)(3) requires a contribution to the Medina Tree Fund for lost public benefits. This is calculated at \$25 multiplied by the total number of diameter breast height inches being removed. With a total of 19 diameter breast height inches being removed, the applicant is required to contribute of \$475 (19 X \$25) to the Medina Tree Fund. The hazard Bigleaf maple tree inches do not count toward the Medina Tree Fund for lost public benefits.
8. A replacement tree is required to meet the requirements set forth in MMC 16.52.190(E)(2). This includes being eligible for credit based on the Medina Suitable Tree Species List, minimum caliper of two-inches, proper spacing and lighting, and at least one replacement tree being of the same plant division (deciduous or coniferous) as the tree being removed. The applicant has specified the replacement trees to be a selection from list 5 of the Medina Suitable Tree List, replacement tree species for credit on City rights-of-way. Verification of satisfying this condition will be included in the conditions of approval. The current proposal identifies two Pacific dogwood (*Cornus nuttallii*) and one additional tree to be either Western Serviceberry (*Amelanchier grandiflora*), another Pacific Dogwood (*Cornus nuttallii*) or Vine Maple (*Acer circinatum*).
9. MMC 16.52.190(F)(1) limits the number of trees in the right-of-way to one tree for every 17 linear feet of street frontage, or one tree for every 300 square feet of plantable area, whichever is greater. Plantable area is the pervious surface portion of the city's street rights-of-way located between the curb and the adjoining property line. It excludes the driveways and sidewalk. The adjoining right-of-way contains 68 lineal feet of street frontage and 840 square

feet of plantable area. This means the calculated maximum number of trees in the right-of-way adjoining the applicant's property is 4 trees. (68 lineal feet / 17 feet = 4 trees; 840 sq. ft. / 300 sq. ft. = 3 trees.) The maximum number of trees has been not administratively increased to allow for additional replacement trees. The right-of-way contains one tree to be retained. The proposed three new trees are to be placed in right-of-way adjacent to this property, bringing the total trees in the right-of-way up to four.

10. No public comments were received during the noticing period.

STATE ENVIRONMENTAL POLICY ACT:

11. The Responsible Official concluded that the proposal is exempt from environmental (SEPA) review and threshold determination pursuant to WAC 197-11-800(2)(d)(ii). The maintenance of trees within the street right-of-way represents minor street improvements by a private property that includes transportation corridor landscaping.

Part 6 - Conclusions:

- A. The Director of Development Services has jurisdiction to decide requests for an Administrative Right-of-way Tree Activity Permit pursuant to Table 16.80.050(A). Administrative Right-of-way Tree Activity Permits may be granted for pruning or removing trees located within the city rights-of-way. The applicant is eligible to make the request for the Administrative Right-of-way Tree Activity Permit as the adjoining property owner.
- B. Adequate public notice was provided for the application. A Determination of Completeness was issued by the City on November 2, 2021. A Notice of Application was posted on the property and mailed to nearby property owners on November 3, 2021, consistent with MMC 16.80.110. No public comments were received.
- C. Pursuant to MMC 16.71.050(E), the Director of Development Services may approve an Administrative Right-of-way Tree Activity Permit only if the following criteria are satisfied:
 - 1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
 - 2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
 - 3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
 - 4. Removal of a city tree is permitted pursuant to MMC 16.52.190(D);
 - 5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;
 - 6. Tree trimming or pruning is done in accordance with the following:
 - a. The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;

- b. The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and
- c. The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree.

7. All other requirements set forth in MMC 16.52.190 are satisfied.

In authorization of an Administrative Right-of-way Tree Activity Permit, the Director of Development Services may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

1. **MMC 16.71.050 (E)(1): The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan.**

Response: Non-viable trees will be removed and replaced [with viable trees]. The proposal meets this requirement.

2. **MMC 16.71.050 (E)(2): The proposal is consistent with the public interest in maintaining an attractive and safe environment.**

Response: The maple and alder are in poor condition and hazardous with moderate to high-risk ratings. Removal will remediate risk to those that make use of Evergreen Point Road. The proposal meets this requirement.

3. **MMC 16.71.050 (E)(3): The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties.**

Response: Removal will not negatively impact nearby properties. The proposal meets this requirement.

4. **MMC 16.71.050 (E)(4): Removal of a city tree is permitted pursuant to MMC 20.52.400(D).**

Response: Yes. The proposal meets this requirement.

5. **MMC 16.71.050 (E)(5): Tree mitigation is provided in accordance with MMC 20.52.400(E) for removed trees.**

Response: Yes, three replacement trees will be planted. The proposal meets this requirement.

6. **MMC 16.71.050 (E)(6): Tree trimming or pruning is done in accordance with the following:**

- a. **The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;**
- b. **The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and**
- c. **The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree.**

Response: This application does not include a request to trim or prune right-of-way trees. This criterion is not applicable.

7. MMC 16.71.050 (E)(7): All other requirements set forth in MMC 20.52.400 are satisfied.

Response: Yes. The proposal meets this requirement.

Part 7 - Decision:

The request for an administrative right-of-way tree activity permit to remove a hazardous 20-inch diameter at breast height (DBH) Bigleaf maple (*Acer macrophyllum*) and a 19-inch DBH Red alder (*Alnus rubra*) from the public right-of-way adjoining 3245 Evergreen Point Road is hereby **APPROVED**, subject to the following conditions, allowed as necessary to safeguard the public health, general welfare, and safety pursuant MMC 16.71.050 (F):

1. Tree removal is authorized for the subject trees specified in the ROW tree activity application.
2. The applicant shall plant three replacement trees within the adjoining City right-of-way on Evergreen Point Road. The species will be selected from list 5 of the Medina suitable tree species lists. The current replacement tree planting plan calls for two Pacific Dogwood and one tree that is a Pacific Dogwood, Western Serviceberry or Vine Maple; Species substitutions must obtain approval by the City prior to planting.
3. The applicant is required to contribute \$425 to the Medina Tree Fund prior to the approval of the final inspection for TREE21-075.
4. The applicant shall be responsible for all costs associated with removal of the subject tree and all costs associated with planting the replacement tree.
5. The adjoining property owner shall be responsible to make certain that the replacement tree remains healthy and viable for at least five years after inspection by the City and shall replace the replacement tree if it does not remain healthy and viable during the next five years.
6. Final approval for complying with the terms of this permit and the Medina Tree Code (Chapter 16.52 MMC) is required to be obtained from the City after the replacement tree has been planted. The applicant shall contact the City for final inspection to verify compliance.
7. This administrative right-of-way tree activity permit shall expire 18 months from the later date of this decision being issued or an appeal becoming final. Expiration of the administrative right-of-way tree activity permit is automatic and notice is not required. No extension of the time period for the permit is allowed.
8. A right of way use permit is required under Medina Municipal Code 12.04 and 16.07.020. Submit a traffic control plan for review. Issuance of the permit is required prior to use of the right of way.

Signature:



Steven R. Wilcox
Development Services Director

Date: November 23, 2021

Part 8 – Appeal:

Pursuant to MMC 16.80.220, decisions by the Director may be appealed to the City of Medina Hearing Examiner. A written notice of appeal identifying the grounds for appeal must be filed by **4:00 pm, Tuesday, December 7, 2021**. Appeals must be in writing and contain specific factual objections. Appeals may be submitted along with the appropriate appeal fee to: Development Services, 501 Evergreen Point Road, PO Box 144, Medina, WA 98039.



STAFF ANALYSIS AND DECISION
YARDUMIAN ADMINISTRATIVE RIGHT OF WAY TREE REMOVAL PERMIT

Prepared by: Tom Early, Medina Tree Code Consultant

Date: November 23, 2021

Summary of Decision: Approved, subject to conditions.

Part 1 – General Information:

CASE NUMBER: TREE 21-074

LOCATION OF TREE: City of Medina Right-of-way adjoining 8224 Overlake Drive West

TAX PARCEL NUMBER: Not applicable

PROPERTY OWNER: Public right-of-way is controlled by the City of Medina

APPLICANT: Ed Yardumian (Owner)

LEGAL DESCRIPTION: Overlake Drive West Public Right-of-way

PROPOSAL: Remove six significant trees from the City right-of-way by the adjoining property owner

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential.

ZONING DESIGNATION: Single-family Residence, R-16

CRITICAL AREAS: None identified.

ENVIRONMENTAL REVIEW (SEPA): Exempt pursuant to WAC 197-11-800(2)(d)(ii).

EXHIBITS:

1. Application
2. Legal Notices
3. Tree Removal and Planting Plan, received by the City on November 1, 2021

Part 2 – Site Characteristics:

EXISTING CONDITIONS: The right-of-way is developed with two vehicle travel lanes with curb, gutter and sidewalk in the adjoining right-of-way. The ground surface relatively level.

SURROUNDING ZONING:

Location	Land Use	Zoning
North	Residential	R-16
South	Residential	R-30
East	Residential	R-16
West	Residential	R-30

ACCESS: Ingress and egress of the adjacent property is from a driveway connecting to Overlake Drive West.

Part 3 – Comprehensive Plan:

The Medina Comprehensive Plan identifies the setting and character of Medina as having a distinctive and informal natural setting that is typified by semi-wooded and heavily landscaped lots that provide visual and acoustic privacy between neighbors and abutting city streets. One of the primary goals is: “To maintain Medina’s high-quality residential setting and character” (Goal LU-G1).

The Medina Landscape plan is a component of the Community Design Element (Chapter 3) of the Comprehensive Plan. The Medina Landscape Plan lists landscaping alternatives to perpetuate the informal, natural appearance of Medina’s street right-of-way, public areas, and the adjacent portions of private property.

The following are applicable goals that apply to the creation of landscaping arrangements:

- Screen development from City streets and from neighboring properties;
 - Respect the scale and nature of plantings in the immediate vicinity;
 - Recognize “historical” view corridors;
 - Maintain the city’s informal, natural appearance.
- GOAL: CD-G2: To maintain the informal, natural appearance of Medina’s street rights-of-way and public areas.

Policy CD-P5: Residents are urged to consult with the City and with their neighbors on both removal and replacement of trees and tree groupings to help protect views and to prevent potential problems (e.g., removal of an important tree or planting a living fence).

Part 4 – Agency Review/ Public Comment:

NOTICES: (See Exhibit 2)

Application Received:	November 1, 2021
Determination of Completeness:	November 2, 2021
Notice of Application:	November 3, 2021

A Notice of Application was mailed to nearby property owners consistent with MMC 16.80.110. A 14-day public comment period was utilized. The notice was posted at Medina City Hall, the Post Office in Medina, the public notice board at Medina Park, the City's website, and at the tree removal site.

GENERAL PUBLIC COMMENTS: No public comments were received.

AGENCY COMMENTS: Not applicable.

Part 5 – Staff Analysis/ Findings of Fact:

GENERAL:

1. Ed Yardumian (Owner) requests the removal of six significant trees from the City right-of-way adjacent to their property.
2. King County Parcel Viewer indicates Ed Yardumian the owner of the lot adjoining the subject tree.
3. The six subject trees are four western red cedar (*Thuja plicata*) measuring 9.8, 9.9, 25.5 and 12.7-inch diameter at breast height (DBH) and two Douglas fir (*Pseudotsuga menziesii*) measuring 14.3 and 21.6-inch DBH. Both trees are listed as significant tree species for the right-of-way under List 2, Significant Tree Species on City Rights-of-way, of the City of Medina List of Suitable Tree Species.

ANALYSIS OF THE TREE REMOVAL PERMIT:

4. MMC 16.52.190(D) requires city trees in the right-of-way to be preserved unless removal can be authorized. The subject trees do not qualify for an exemption under MMC 16.52.030. Pursuant to MMC 16.52.190(D), removal of a tree located within a city right-of-way can be authorized for the following:
 1. Hazard trees;
 2. Nuisance trees;
 3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the "City of Medina List of Suitable Tree Species";
 4. Any tree having less than a 10-inch diameter breast height size; and any trees not included on the "City of Medina Suitable Tree Species List" for the right-of-way having less than a 36-inch diameter breast height size;
 5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;
 6. Trees where removal is necessary to allow vehicle access to a property; or

7. Trees where removal is necessary to restore a view.

The request to remove the subject trees qualifies for removal because they are nuisance trees, in that they have all been previously topped and have defects which cannot be restored to a sound condition practically. The request qualifies for the allowance of removal set forth in MMC 16.52.190(D)(2).

5. MMC 16.52.160(C) establishes a requirement for an Administrative Right-of-way Tree Activity Permit for removal of any tree, excluding hazard trees, that is:
 - a. Six inches or larger diameter breast height (DBH) size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located; and
 - d. The removal does not require a non-administrative right-of-way tree activity permit under subsection (D) of this section.

The request to remove the subject trees meets the criteria for requiring an Administrative Right-of-way Tree Activity Permit. The trees are larger than six inches DBH and the request for removal is by the adjoining property owner. The request does not meet any of the conditions requiring a non-administrative right-of-way tree activity permit.

6. Pursuant to MMC 16.80.050(B), Administrative Right-of-way Tree Activity Permits are a Type 2 decision. Type 2 decisions are administrative actions that require public notice. The Director of Development Services is designated as the decision authority to decide Administrative Right-of-way Tree Activity Permits.
7. MMC 16.52.190(E) allows removal of city trees only if replacement trees pursuant to Table 16.52.190(E)(1) are provided. Table 16.52.190(E)(1) requires removal of the trees six to ten-inches DBH to be replaced with one tree, the removal of subject trees over ten but less than 24-inches DBH to be replaced with two trees and the removal of subject trees twenty-four inches and over to be replaced with three trees. The removal of the subject trees requires a total of 11 replacement trees to be planted in the adjacent right-of-way. Additionally, MMC 16.52.190(E)(3) requires a contribution to the Medina Tree Fund for lost public benefits. This is calculated at \$25 multiplied by the total number of diameter breast height inches being removed. With a total of 94 diameter breast height inches being removed, the applicant is required to contribute of \$2,350 (94 X \$25) to the Medina Tree Fund.
8. A replacement tree is required to meet the requirements set forth in MMC 16.52.190(E)(2). This includes being eligible for credit based on the Medina Suitable Tree Species List, minimum caliper of two-inches, proper spacing and lighting, and at least one replacement tree being of the same plant division (deciduous or coniferous) as the tree being removed. The applicant has specified the replacement trees to be a selection from list 5 of the Medina Suitable Tree List, tree species suitable for credit on City rights-of-way. Verification of satisfying this condition will be included in the conditions of approval. The current proposal identifies three Vine Maple (*Acer circinatum*), four mountain hemlock (*Tsuga mertensiana*) and two Hinoki cypress (*Chamaecyparis obtusa*).
9. MMC 16.52.190(F)(1) limits the number of trees in the right-of-way to one tree for every 17 linear feet of street frontage, or one tree for every 300 square feet of plantable area, whichever is greater. Plantable area is the pervious surface portion of the city's street rights-of-way located between the curb and the adjoining property line. It excludes the driveways and

sidewalk. The adjoining right-of-way contains 68 lineal feet of street frontage and 840 square feet of plantable area. This means the calculated maximum number of trees in the right-of-way adjoining the applicant's property is 4 trees. (97 lineal feet / 17 feet = 6 trees; 1892 sq. ft. / 300 sq. ft. = 7 trees.)

10. The maximum number of trees has been administratively increased, pursuant to MMC 16.52.190 (F)(2) to allow for two additional replacement trees for a total of nine replacement trees. The right-of-way will contain no retained trees. The proposed nine new trees are to be placed in right-of-way adjacent to this property, bringing the total trees in the right-of-way up to nine.
11. Pursuant to MMC 16.52.190(F)(3), the applicant shall contribute \$290 for each replacement tree above the maximum in lieu of planting replacement trees above the maximum. The calculated replacement trees is eleven, requiring an additional \$1,160 to the Public Benefit Contribution, totaling \$3,510.
12. The two additional replacement trees, being conifer trees, gain \$600 each to reduce the Total Public Benefit by \$1200. The Net Public Benefit Contribution to be paid is \$3,510-\$1200 = \$2,310.
13. No public comments were received during the noticing period.

STATE ENVIRONMENTAL POLICY ACT:

14. The Responsible Official concluded that the proposal is exempt from environmental (SEPA) review and threshold determination pursuant to WAC 197-11-800(2)(d)(ii). The maintenance of trees within the street right-of-way represents minor street improvements by a private property that includes transportation corridor landscaping.

Part 6 - Conclusions:

- A. The Director of Development Services has jurisdiction to decide requests for an Administrative Right-of-way Tree Activity Permit pursuant to Table 16.80.050(A). Administrative Right-of-way Tree Activity Permits may be granted for pruning or removing trees located within the city rights-of-way. The applicant is eligible to make the request for the Administrative Right-of-way Tree Activity Permit as the adjoining property owner.
- B. Adequate public notice was provided for the application. A Determination of Completeness was issued by the City on November 2, 2021. A Notice of Application was posted on the property and mailed to nearby property owners on November 3, 2021, consistent with MMC 16.80.110. No public comments were received.
- C. Pursuant to MMC 16.71.050(E), the Director of Development Services may approve an Administrative Right-of-way Tree Activity Permit only if the following criteria are satisfied:
 1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
 2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;

3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
4. Removal of a city tree is permitted pursuant to MMC 16.52.190(D);
5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;
6. Tree trimming or pruning is done in accordance with the following:
 - a. The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;
 - b. The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and
 - c. The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree.
7. All other requirements set forth in MMC 16.52.190 are satisfied.

In authorization of an Administrative Right-of-way Tree Activity Permit, the Director of Development Services may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

1. **MMC 16.71.050 (E)(1): The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan.**
Response: All 4 western red cedars and 2 Douglas fir [trees] have been previously topped [for view improvement of the eastern neighbors] which is irrevocable damage and runs counter to the goals stated above. The proposal meets this requirement.
2. **MMC 16.71.050 (E)(2): The proposal is consistent with the public interest in maintaining an attractive and safe environment.**
Response: Previously topped trees are not natural shapes and are aesthetically displeasing. These trees would have a higher probability of failure as they grow taller due to false stems growing larger and sitting on top of a rot pocket that is created when a conifer is topped. The proposal meets this requirement.
3. **MMC 16.71.050 (E)(3): The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties.**
Response: As these trees are not naturally shaped they provide little to no value aesthetically. The proposal meets this requirement.
4. **MMC 16.71.050 (E)(4): Removal of a city tree is permitted pursuant to MMC 20.52.400(D).**
Response: Yes. The proposal meets this requirement.
5. **MMC 16.71.050 (E)(5): Tree mitigation is provided in accordance with MMC 20.52.400(E) for removed trees.**
Response: Yes, three replacement trees will be planted. The proposal meets this requirement.

6. **MMC 16.71.050 (E)(6): Tree trimming or pruning is done in accordance with the following:**
- a. **The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;**
 - b. **The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and**
 - c. **The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree.**

Response: This application does not include a request to trim or prune right-of-way trees. This criterion is not applicable.

7. **MMC 16.71.050 (E)(7): All other requirements set forth in MMC 20.52.400 are satisfied.**

Response: Yes. The proposal meets this requirement.

Part 7 - Decision:

The request for an administrative right-of-way tree activity permit to remove four western red cedar (*Thuja plicata*) measuring 9.8, 9.9, 25.5 and 12.7-inch diameter at breast height (DBH) and two Douglas fir (*Pseudotsuga menziesii*) measuring 14.3 and 21.6-inch DBH from the public right-of-way adjoining 3245 Evergreen Point Road is hereby **APPROVED**, subject to the following conditions, allowed as necessary to safeguard the public health, general welfare, and safety pursuant MMC 16.71.050 (F):

1. Tree removal is authorized for the subject trees specified in the ROW tree activity application.
2. The applicant shall plant nine replacement trees within the adjoining City right-of-way on Evergreen Point Road. The species will be selected from list 5 of the Medina suitable tree species lists. The current replacement tree planting plan calls for three Vine Maple (*Acer circinatum*), four mountain hemlock (*Tsuga mertensiana*) and two Hinoki cypress (*Chamaecyparis obtusa*); Species substitutions must obtain approval by the City prior to planting.
3. The applicant is required to contribute \$2,310 to the Medina Tree Fund prior to the approval of the final inspection for TREE21-074.
4. The applicant shall be responsible for all costs associated with removal of the subject tree and all costs associated with planting the replacement tree.
5. The adjoining property owner shall be responsible to make certain that the replacement tree remains healthy and viable for at least five years after inspection by the City and shall replace the replacement tree if it does not remain healthy and viable during the next five years.
6. Final approval for complying with the terms of this permit and the Medina Tree Code (Chapter 16.52 MMC) is required to be obtained from the City after the replacement tree has been planted. The applicant shall contact the City for final inspection to verify compliance.

7. This administrative right-of-way tree activity permit shall expire 18 months from the later date of this decision being issued or an appeal becoming final. Expiration of the administrative right-of-way tree activity permit is automatic and notice is not required. No extension of the time period for the permit is allowed.
8. A right of way use permit is required under Medina Municipal Code 12.04 and 16.07.020. Submit a traffic control plan for review. Issuance required prior to any use of the right of way.

Signature:



Date: November 23, 2021

Steven R. Wilcox
Development Services Director

Part 8 – Appeal:

Pursuant to MMC 16.80.220, decisions by the Director may be appealed to the City of Medina Hearing Examiner. A written notice of appeal identifying the grounds for appeal must be filed by **4:00 pm, Tuesday, December 7, 2021**. Appeals must be in writing and contain specific factual objections. Appeals may be submitted along with the appropriate appeal fee to: Development Services, 501 Evergreen Point Road, PO Box 144, Medina, WA 98039.



CITY OF MEDINA REQUEST FOR PROPOSAL

ARBORIST SERVICES

Submittal Due Date: 4:00 PM December 23, 2021

The City of Medina is soliciting your proposal to assist with the administration of its Tree Management Code. This is on-call and contractual basis. The City of Medina considers proper enforcement of the Tree Management Code a priority.

Duties

The City Arborist is a professional consultant who works under the general supervision of the Development Services Department Director. The City Arborist must work effectively with residents, design and construction professionals, and city staff. The work will involve all duties as required to assist in administration of the Medina Municipal Code specific to Chapter 16.52 – Tree Management Code. Additional duties in support of the enforcement of Medina environmental ordinances including landscape restoration and critical areas are needed. Ability to support city staff in non-compliant tree and other landscape activity matters through code enforcement. Participation in Medina hosted pre-application meetings which are held on Wednesday mornings based upon need. Ability to schedule and attend on-site pre-construction meetings with a 48-business hour notice. Occasional attendance at Planning Commission, Parks Board, City Council meetings, and hearings. All work is performed in collaboration with Medina staff and consultants within private property and the public right of way. City hall is currently closed, but once re-opened the arborist will be expected to be able to attend in-person meetings.

Qualifications

Any combination of education, experience, and certification required to perform the duties as City Arborist with International Society of Arboriculture (ISA) certification and/or Washington State licensed Landscape Architect preferred. City Arborist duties may be separated or consolidated between more than one person.

Demonstration of qualification through experience and education in ability to:

- Apply and support Municipal tree code enforcement
- Effective and professional writing skills
- Effectively communicate technical concepts to residents
- Apply right of entry rules
- Guide permit applicants through process
- Perform unbiased risk and health assessments
- Draft administrative and non-administrative decisions
- Perform plan review according to adopted codes and standards
- Perform field inspections following approved permits
- Read working drawings
- Review plans electronically through use of Bluebeam
- Prepare effective staff reports regarding monthly tree permitting activity
- Detailed monthly invoicing fully accounting for charged activities
- Work remotely
- Use Medina's permit tracking system, and Microsoft products
- Work in-person to perform field inspections, field meetings and similar with in-office/in-person attendance at City Hall pending re-opening
- Perform other associated duties as needed
- Perform according to the template "Agreement for Consultant Services" provided

Submittal Requirements

Please submit a transmittal letter accompanying your proposal on or before 4:00 PM on Thursday December 23, 2021. Please detail qualifications and compensation.

Send via regular mail to:

**City of Medina
501 Evergreen Point Road
Medina, WA 98039**

**ATTN Steven R. Wilcox
Development Services Director**

and/or via email to:

swilcox@medina-wa.gov
with copy to Akellerman@medina-wa.gov

Selection Process

Initial review by the Development Services Director followed by committee review. Director decision.

Candidate agencies will be notified through the assigned contact of selection process status no later than 4:00 PM on Friday January 7, 2022.

Rejection of Submittals

The City reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any costs incurred by respondents in the preparation and submission of their Qualifications. Furthermore, the RFP does not obligate the City to accept or contract for any expressed or implied service.

RFP Questions

Questions regarding this request for proposal:

Steven R. Wilcox
City of Medina
Development Services Director

425-233-6409
swilcox@medina-wa.gov