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Date: November 10, 2025
To: Honorable Mayor and City Council
Via: Jeff Swanson, City Manager
From: Steven R. Wilcox. Development Services Department Director
Subject: Development Services Department Monthly Report

Critical Areas Ordinance Update

Medina's Planning Commission continues their work on the Critical Areas Ordinance update (CAO update). Since my last Council staff report, Planning Commission has had two meetings where they have reviewed and discussed the CAO update. There have also now been changes to the CAO update timing which I describe below.

Medina's Planning Commission has not completed the review of the CAO update and does not yet have a recommendation for the Council. Because of this, it is still premature for the Council to discuss the CAO update draft language. A good option for the Council at this moment would be to attend the November 18, 2025, Planning Commission meeting in-person or online. If Councilmembers would like any documents that the Planning Commission has been publicly discussing I can provide those as requested.

The Planning Commission has been involved with the CAO update discussion since September 23rd. The eventual recommendation presented to the Council will have been prepared by our experienced environmental consultant Facet, thoroughly vetted by the Planning Commission, and approved by our City Attorney. We are fortunate to have an attorney involved who has experience in CAO updates.

As the Council would expect, the talented volunteer professionals on the Planning Commission have been deeply engaged in the CAO update process and have offered a significant amount of their time towards resolving this important matter. I have observed that Commissioners have been consistent in their efforts to protect Medina residents through a focus on reduction of added burdens created by the new state CAO update mandates. The Planning Commission has maintained a balance between reducing Medina impacts of the CAO update while also drafting language which will eventually be approved by various state agencies. The Medina CAO update team has been seeking alignment with state requirements at a level which adversely impacts residents the least possible.

CAO update impacts on Medina residents are primarily a result of new stream and wetland buffers (setback dimensions) which encumber properties. Buffer dimensions can impact property use. Our consultant Facet is experienced and excellent at what they are doing for us, but they are not deeply connected with the City of Medina. The Planning Commission, our City Attorney and I review Facet recommendations with consideration for impacts on Medina residents. Significant changes have been made to initial recommendations by Facet regarding buffers.

Washington State Department of Fish and Wildlife (DFW) has Best Available Science based requirements, and they also have preferences. DFW preferences vs. requirements are not always clear. The Planning Commission has carefully evaluated which approaches are least burdensome on Medina residents while also working to clarify what the state will ultimately approve as meeting basic mandates. An example of this is the concept where a potential tree height is used to determine buffer dimensions. Tree height buffers are a DFW preferred method, but this results in much larger buffers and greater impacts on Medina residents' use of their property. The Planning Commission was able to evaluate options and are now settling on a concept which is the least burdensome on Medina residents that the state will approve.

Our current Critical Areas map will be re-produced in 2026. The new map will be on our Medina website in a form which will provide better accuracy, clarity and function. Unfortunately, the Critical Areas map will not provide a precise location of critical areas such as top of a steep slope, wetland edge or stream edge to measure from. To be precise at one moment would potentially mean not being accurate at another. Critical areas can change over time making a delineation of the precise location impractical for the City of Medina to create and maintain.

A close representation of critical areas locations is possible and that is a goal of mapping. As has been standard practice each time a development project application comes to Medina there will be need for the applicant to use our critical areas map to perform their own delineation. Depending on what level of information is needed, it is possible that someone may need the assistance of a professional such as a surveyor or wetlands biologist.

For those residents, or others in process of feasibility analysis and who would like to know about critical areas impacts on a parcel, they will have a very good idea based on our 2026 map, but as with a developer, the actual buffer impact through measurement will be left to the individual to determine. The City of Medina will continue to provide information on its regulations through text, maps and personal assistance, but individual measurements must be made by the interested individuals using the data and mapping provided. Precision measurements are left to actual field conditions at the time the questions are asked.

Here is an updated summary of the CAO update process and anticipated next steps:

- July 30, 2025. Public Forum and Open House. This was an introduction for the public to the CAO update. The timing for this meeting was not ideal, and it was lightly attended.
- September 23, 2025. Planning Commission meeting. This was the Planning Commission's first meeting on the CAO update. Our consultant Facet presented background for the CAO update discussion. Best Available Science was discussed, and Commissioners asked several questions with discussion following. The first draft of the CAO update was given to the Planning Commission in their agenda packet, but the public review was not started on September 23rd due to meeting time constraints.
- October 2, 2025. Washington State Department of Fisheries and Wildlife (DFW) submitted comments on Medina's first draft of the CAO update ordinance. DFW had previously requested a copy of the CAO update ordinance first draft for comment.
- October 7, 2025. Second public Forum and Open House. A presentation was made by staff from our consultant Facet. Those attending were able to ask questions within the group during the presentation and then individually. Facet had an interactive map where a property address was entered, and potential stream buffers were overlaid. There are at least two properties with potential for significant buffer impacts.

There were 21 people at the Forum/Open House in-person and online. We received one formal comment from a property owner who does not currently appear will be impacted by the CAO update.

- October 13, 2025. Facet staff, our City Attorney and I met with DFW staff to review their comments on the first draft of Medina's CAO update ordinance. Following this meeting, DFW provided us with a letter supporting the approach being taken to stream buffers.
- October 14, 2025. Special Planning Commission meeting. This was the Planning Commission's first review of the CAO update draft.

Our Attorney Dawn Findlay Reitan began the discussion with an overview of MMC Ch. 16.36. – Nonconformity, and MMC Ch. 16.50.050. – Relief from critical areas regulations. This presentation at the start of the meeting answered important questions ahead of the CAO update discussion by Commissioners.

- October 28, 2025. Planning Commission meeting. A public comment matrix was created which provides organization and describes how those comments have been integrated into the CAO update or otherwise responded to. Our City Attorney attended this meeting.

The Planning Commission Agenda Bill, and the Facet PowerPoint used in the presentation are provided for your review.

- November 18, 2025. Planning Commission meeting. This meeting will have a public hearing. The public comment matrix will be updated. A recommendation for the Council is expected as a result of this meeting and public hearing.
- December 8, 2025. Council meeting. I anticipate that the Planning Commission's CAO update recommendation will be presented to the Council at this meeting. This meeting is noticed for a public hearing. This will be the second public hearing on this topic.

The Council will not be asked to approve the CAO update on December 8th. A request for CAO update approval will come to the Council following completion of state agencies review which will likely be in February 2026.

On December 8th the Council will be asked to approve sending the CAO update as a final draft and to direct staff to forward the document to the Department of Commerce to begin a 60-day state agency review.

Submittal to Washington state agencies through the Department of Commerce will happen the day after Council approves the CAO update draft to be sent. Department of Commerce has said they will need their full 60-day review period. SEPA review by Medina will also begin immediately after Council approval to do so.

- December 31, 2025. This is the CAO update due date for adoption by the City of Medina. This State due date will not be met. I have informed both the Department of Commerce and Department of Fish and Wildlife of our CAO update status and will keep both agencies up to date on progress. A late start by Medina created this situation. The risk of not achieving the deadline is considered minimal for Medina provided there is not a delay.
- February 2026. First or second Council Meeting. I had previously anticipated the CAO update being presented to Council for final approval in January 2026, however the timing is now likely into February.

There may be new comments to review when the Council sees the CAO update following state agency reviews.

Our CAO update consultant Facet has three staff involved in our project. Dawn Findlay Reitan from Inslee Best is lead on the CAO update for us. I am finding myself in a coordination, administration and technical role. The CAO update is heavy in technical complexity and requires close legal oversight. Jennifer Robertson is keeping close to the progress and will be involved with the CAO update presentation at Council meetings.

Affordable Housing

On October 16th I attended an event by an Eastside based organization named Imagine Housing. See [Home](#) · [Imagine Housing](#) or imaginehousing.org. This was the third annual affordable housing event by Imagine Housing with this one sponsored by Amazon. There were five eastside Mayors who were on a panel with a moderator from Imagine Housing. The Mayors of Bellevue, Bothell, Kenmore, Kirkland, and Issaquah discussed topics including approaches to affordable housing in their cities, difficulties, successes, and their ideas of what is needed to forward affordable housing on the eastside.

King County Councilmember Claudia Balducci opened the event as a keynote speaker. There were several people from Department of Commerce and various housing interest groups. About 50 people were in attendance at the Kirkland Performing Arts Center.

For Medina's purposes I can summarize the 2-hour event:

- The issues of property market value vs. affordable housing are the same for other eastside cities.
- Some differences between Medina and other eastside cities regarding affordable housing include variety of potential and existing zoning within the city, existing affordable housing types such as mobile home parks, apartments, lower income single family homes, etc. Existing affordable housing types have become a focus of retention and maintenance for those jurisdictions that have these.
- There must be a stated government policy and defined plan for focusing on the creation of affordable housing. Medina has a start on this through the Comprehensive Plan and Middle Housing Ordinances. Policy to enact affordable housing is considered a next step.
- The panel agreed that regulation is the most effective way to impact the ability to create affordable housing.
- There are limited State and other funding resources available to create affordable housing meaning there needs to be creativity and cooperation. A partnership with city, interest groups, funding resources, and a developer may be a direction needed to create affordable housing.

Prior to the start of the event there was an opportunity to meet and mingle with the attendees. I had the opportunity to talk with two local housing interest group representatives including one from Futurewise.

Overall, Medina's presence at affordable housing events seems important. Having a friendly conversation with organizations such as Futurewise about Medina's desires, actions and challenges towards affordable housing seems positive. Showing an interest which will draw support, learning about potential methods of creating affordable housing and applying those, and then taking policy action will eventually result in affordable housing in Medina.

Code Enforcement

Please see the October Code Enforcement report provided for your review.

With construction activity down this year, much of our code enforcement is focused on sign removals and other relatively minor issues.

Our Building Official Rob Kilmer is proactive regarding various public right of way code enforcement. However, much of our code enforcement is reactive to complaints as residents become aware and then notify Development Services.

Tree Inventory

The 2025 portion of the Medina public tree inventory has been completed. A budget request has been submitted for completion of right of way tree inventory in 2026.

Please see the summary report by our City Arborist, Andy Crosssett provided.

Tree Canopy Study

Consideration for how to better define the results of the Facet (consultant) 2025 Tree Canopy Study are being discussed.

The study results show that canopy in Medina remained about the same over the past 11 years when a visual assessment implies otherwise.

Once there is a better method of explaining the study results I will return this to the Council.

Permit Applications and Inquiries of Interest

American Tower Company (ATC)

The ATC permit application to upgrade 10 existing facilities (wood poles with antennas) which previously included the proposed addition of 10 electric meters placed on wood 4x4 posts within the public right of way is moving forward.

ATC has submitted a revised permit application showing that they no longer propose the electric meters and will instead continue to use the same system they had previously with PSE that required no meters.

Of the 10 existing poles to be modified, 9 qualify for an Eligible Facility Request (EFR). An EFR essentially means that within given parameters, a telecommunications company can modify existing facilities without the need for variances or other non-administrative processes which would typically involve public noticing and the Hearing Examiner's review and decision. One of the 10 poles does not qualify for an EFR due to the extent of proposed changes.

The 9 EFR qualifying poles will have building, right of way, and construction activity permits issued by Medina.

Medina continues to work with ATC towards re-negotiating their lease of the second floor of the Medina Public Works building. We have a comparison of rates and our City Attorney's office is working on the lease language.

Middle Housing

I will be meeting with the owner of 7658 NE 12th St. to hear about ideas for potential redevelopment under Middle Housing (Ord. 1040), and Zero Lot Line (Ord. 1041) rules.

We have no permit applications associated with Middle Housing.

As we learn through experience about the applications of Middle Housing in Medina, our Development Services web page will be developed with FAQ's and other guidance.

AT&T Monopole

AT&T applied for a building permit to change their existing cell facility on St. Thomas Church property near the corner of NE 12th and 84th Ave. NE. The AT&T monopole is the south of two existing poles at the location. From time to time the telecommunications companies need to update their facilities.

The application meets Eligible Facilities Request rules and will only require a building permit.

Permitting

There were more permits issued in October; however, development activity remains slow in 2025 and well behind 2024. At this point, there is no reason to assume that 2026 development activity in Medina will increase over 2025.

Permit Reports

Attached are the permit received and issued reports for October 2025.

The October Permits Issued report shows permit valuation:

October 2024 YTM = \$59,618,758.24

October 2025 YTM = \$22,128,576.18

The YTM difference between 2024 vs. 2025 is (\$37,490,182.06)

Permit valuation is only an indication of activity. Financial data will give accurate accounting.

Attachments:

October 28, 2025 Planning Commission Agenda Item 6.2 Critical Areas Ord. Update – Agenda Bill

October 28, 2025 Critical Areas Ordinance Update Facet (consultant) PowerPoint Presentation

2025 City of Medina Parks Tree Inventory Summary by Andy Crossett, Medina City Arborist

October 2025 Code Enforcement Report

October 2025 Permits Received Report

October 2025 Permit Issued Report