



MEDINA, WASHINGTON

PLANNING COMMISSION SPECIAL MEETING

Virtual/Online

Tuesday, November 16, 2021 – 4:00 PM

AGENDA

COMMISSION CHAIR | Laurel Preston

COMMISSION VICE-CHAIR | Shawn Schubring

COMMISSIONERS | Laura Bustamante, David Langworthy, Mark Nelson, Mike Raskin, Randy Reeves

PLANNING MANAGER | Stephanie Keyser

Virtual Meeting Participation

With the passage of the City's Proclamation of Local Emergency, City Hall is closed to the public. Planning Commission participation in this meeting will be by teleconference/online only. Members of the public may also participate by phone/online. Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Development Services Coordinator at 425.233.6414 or email rbennett@medina-wa.gov and leave a message before 12PM on the day of the November 16 Planning Commission meeting. Please reference Public Comments for November 16 Planning Commission Meeting on your correspondence. The Development Services Coordinator will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3-minute limit.

Join Zoom Meeting

<https://us06web.zoom.us/j/85109733437?pwd=TFJBdWR6NFN6eWwwcWdsbXN0Q0pCdz09>

Meeting ID: 851 0973 3437

Passcode: 617449

One tap mobile

+12532158782,,85109733437#,,,,*617449# US (Tacoma)

1. **CALL TO ORDER / ROLL CALL**

2. **APPROVAL OF MEETING AGENDA**

3. **APPROVAL OF MINUTES**

3.1 Planning Commission Minutes of October 19, 2021

Recommendation: Approve Minutes

Staff Contact: Stephanie Keyser, AICP, Planning Manager

4. **ANNOUNCEMENTS**

4.1 Staff/Commissioners

5. **AUDIENCE PARTICIPATION**

Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Development Services Coordinator, Rebecca Bennett, via email (rbennett@medina-wa.gov) or by leaving a message at 425.233.6414 before 12pm the day of the Planning Commission meeting. Please reference Public Comments for the November 16 Planning Commission meeting on your correspondence. The Development Services Coordinator will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3-minute limit.

6. **DISCUSSION**

[6.1](#) Permanent Supportive and Transitional Housing

Recommendation: N/A

Staff Contact(s): Stephanie Keyser, Planning Manager

Time Estimate: 30 minutes

[6.2](#) Tree Code Enforcement – Supplemental Trees

Recommendation: N/A

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Time Estimate: 30 minutes

7. **ADJOURNMENT**

ADDITIONAL INFORMATION

Planning Commission meetings are held on the 4th Tuesday of the month at 6 PM, unless otherwise specified.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

UPCOMING MEETINGS

Tuesday, December 14, 2021 – Special Meeting at 4:00 PM



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Virtual/Online

Tuesday, October 19, 2021 – 4:00 PM

MINUTES

COMMISSION CHAIR | Laurel Preston

COMMISSION VICE-CHAIR | Shawn Schubring

COMMISSIONERS | Laura Bustamante, David Langworthy, Mark Nelson, Mike Raskin, Randy Reeves

PLANNING MANAGER | Stephanie Keyser

1. CALL TO ORDER / ROLL CALL

Chair Laurel Preston called the meeting to order at 4:05pm

PRESENT

Chair Laurel Preston

Vice Chair Shawn Schubring

Commissioner Laura Bustamante

Commissioner David Langworthy (Arrived at 4:10pm)

Commissioner Mark Nelson

Commissioner Randy Reeves

ABSENT

Commissioner Mike Raskin

STAFF

Bennett, Kellerman, Keyser, Minor, Sauerwein, Wilcox

2. APPROVAL OF MEETING AGENDA

ACTION: By consensus, Planning Commission approved the meeting agenda as presented.

3. APPROVAL OF MINUTES

3.1 Planning Commission Minutes of September 28, 2021

Recommendation: Adopt Minutes

Staff Contact: Stephanie Keyser, AICP, Planning Manager

Keyser stated the second motion on page 5 of the packet minutes needs to be amended to 5-0, not 6-0.

ACTION: Motion to approve amended minutes. (Approved 6-0)

Motion made by Vice Chair Schubring, Seconded by Commissioner Nelson.
Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

4. ANNOUNCEMENTS

4.1 Staff/Commissioners

Chair Preston thanked those who attended the open house for the tree code.

Keyser confirmed the dates for the November and December meetings as being
November 16th and December 14th.

5. AUDIENCE PARTICIPATION

No public was in attendance to speak during the audience participation.

6. PUBLIC HEARING

6.1 Tree Code Amendments 2021

Recommendation: Approval

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Time Estimate: 80 minutes

Keyser said that the city received one written public comment from David Yee (3215
Evergreen Point Road) via email on October 17, 2021, that was forwarded to Planning
Commission on October 18, 2021.

Keyser gave a presentation on the tree code update proposal.

Commissioners discussed and asked questions.

Staff responded.

Chair Preston opened the public hearing.

David Yee, 3215 Evergreen Point Road, provided public testimony.

Sheree Wen, 3245 Evergreen Point Road, provided public testimony.

Chair Preston closed the public hearing.

ACTION: Motion to approve the additions to the purpose of intent on pages 8-9 of the
staff packet. (Approved 6-0)

Motion made by Commissioner Nelson, Seconded by Vice Chair Schubring.
Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

ACTION: Motion to strike 20.52.320(C) per the tree arborist's recommendation. (Failed
1-5)

Motion made by Commissioner Nelson, Seconded by Commissioner Reeves.
 Voting Yea: Commissioner Nelson
 Voting Nay: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
 Commissioner Langworthy, Commissioner Reeves

ACTION: Motion to amend the dimensions on the definition of legacy tree to 36 inches to less than 50 inches and landmark trees to 50 inches and above in 20.52.120.
 (Approved 6-0)

Motion made by Commissioner Nelson, Seconded by Commissioner Bustamante.
 Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
 Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

ACTION: Motion to amend 20.52.150(E) Minimum Restoration Standards for Land not under development to add the additional language from the city arborist. (Approved 6-0)

Motion made by Vice Chair Schubring, Seconded by Commissioner Nelson.
 Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
 Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

ACTION: Motion to add the language in 20.52.150(G) as proposed by the city arborist.
 (Approved 6-0)

Motion made by Commissioner Nelson, Seconded by Commissioner Bustamante.
 Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
 Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

ACTION: Motion to direct staff to add the language from 20.52.150(G) to the appropriate corresponding supplemental tree section. (Approved 6-0)

Motion made by Commissioner Nelson, Seconded by Vice Chair Schubring.
 Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
 Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

7. DISCUSSION

7.1 2021-2023 Planning Commission Work Plan

Recommendation: N/A

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Time Estimate: 10 minutes

ACTION: Keyser discussed the 2021-2023 work plan that Council approved on October 11th; no action taken.

7.2 Tree Code Enforcement – Supplemental Trees

Recommendation: N/A

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Time Estimate: 30 minutes

ACTION: The discussion for the tree enforcement was moved to November's meeting.

8. ADJOURNMENT

Meeting adjourned at 6:00 PM

ACTION: Motion to adjourn.

Motion made by Vice Chair Schubring, Seconded by Commissioner Reeves.
Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante,
Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

Meeting Minutes taken by:



Stephanie Keyser



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, November 26, 2021

Subject: Permanent Supportive and Transitional Housing

Category: Discussion

Staff Contact(s): Stephanie Keyser, Planning Manager

Summary Earlier this year, the Governor signed HB 1220 which eliminated certain zoning barriers related to the provision of emergency housing and requires cities to plan for affordable housing in the next Comprehensive Plan update. Cities may not prohibit transitional housing or permanent supportive housing in any zoning district that allows residential dwellings or hotels. While Medina does not allow hotels, residential dwellings are permitted by right in every zoning district. The City cannot prevent a transitional or permanent supportive housing unit from coming into Medina, however we can require things like spacing between facilities and a good neighbor agreement.

Please note that in the attached draft, *permeable interlocking concrete pavers* and *permeable pavement* are underlined in red to move them into alphabetical order; no changes to those definitions are proposed.

Attachment(s) Draft Code

Budget/Fiscal Impact: N/A

Recommendation: N/A

Proposed Commission Motion: N/A

Time Estimate: 30 minutes

16.12.170 “P” definitions.

Parcel. See definition of “lot.”

“Park, public” means a natural, landscaped, or developed area, which may or may not contain structures, that is provided by a unit of government to meet the active or passive, outdoor or indoor, recreational needs of people.

“Parking area” means any area designed and/or used for parking vehicles and other motorized transportation.

“Parking space” means an area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.

“Parties of record” means:

1. The applicant and any appellant;
2. The property owner, if different than the applicant;
3. The city;
4. Any person or public agency who individually submitted written comments to the city prior to the closing of the comment period provided in a legal notice;
5. Any person or public agency who individually submitted written comments for or testified at a predecision hearing;
6. Any person or public agency who submitted to the city a written request to specifically receive the notice of decision or to be included as a party of record prior to the closing of an open-record predecision hearing.
7. A party of record does not include a person who has only signed a petition. (See MMC 16.80.160.)

“Patio” means a hard surfaced area of the ground beyond a building designed, established and/or installed to provide for outdoor living, cooking and recreation, some sides of which are open and which may or may not have a permanent overhead covering.

“Penthouse, stair and elevator” means an enclosed structure on or above the roof of any part of a building, which is designed or used for ingress and egress by means of stairs or an elevator.

“Permeable interlocking concrete pavements (PICP)” means a type of permeable pavement made with manufactured modular concrete paving units. Pavements constructed with these pavers create joints that are filled with permeable aggregates and installed on an open-graded bedding course to allow water to infiltrate.

“Permeable pavement” means a low impact development best management practice consisting of paving material which is designed to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

“Permanent supportive housing” means one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry that would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Permit fee” means a payment of money imposed upon development as a condition of application for or approval of development to cover the costs of processing applications, inspecting and reviewing plans or other information required to be submitted for purpose of evaluating an application, or inspecting or monitoring development activity.

“Person” means, as used in this title, any individual, partnership, association, corporation, unit of government or any other legal entity.

“Personal wireless service facilities” means the same as that phrase is given meaning pursuant to 47 U.S.C. 332(c)(7)(C)(ii).

“Personal wireless services” means the same as that phrase is given meaning pursuant to 47 U.S.C. 332(c)(7)(C)(i).

“Pervious concrete” means a type of permeable pavement made with a rigid pavement similar to conventional concrete with the fine material reduced to form voids between the aggregate and allow water to infiltrate.

“Planned land use development (PLUD)” means the provisions for varying zoning requirements adopted by Ordinance No. 213 and repealed by Ordinance No. 435.

“Plantable area, right-of-way” means the pervious surface portion of the city’s street rights-of-way located between the street surface edge and the adjoining property line. The plantable area also includes the area of any planting strip between the existing sidewalk or pathway and the edge of the street. The plantable area excludes the sidewalk and driveways.

“Planting bed boxes, raised” means a series of walls fit closely together, without a cover, each wall one foot wide or less, used to frame soils elevated above the finished grade for growing plants and built of timber, stone, brick, concrete and similar types of framing materials.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

“Plat certificate” means a title report or subdivision guarantee that is prepared by a title company for the property contained in a proposed short subdivision, subdivision or binding site plan, to

include, as a minimum, all owners of record, easements and encumbrances affecting said property.

“Plat, final” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and Chapter 58.17 RCW.

“Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision or short subdivision.

“Plat, short” means the map or representation of a short subdivision.

“Ponds” means areas of open water fed by springs, or fed by natural and enhanced drainage ways, which are so intrinsically associated with a wetland, stream or natural watercourse as to merit protection under the provisions of this chapter.

“Porch” means a structure abutting a main wall of a building having a roof, but with walls that are generally open and unenclosed and with direct access to or from a building. An uncovered porch is similar to an uncovered deck, but provides main access to or from a building. (See “deck” and “veranda.”)

“Porous asphalt” means a type of permeable pavement made with a flexible pavement similar to standard asphalt that uses a bituminous binder with the fine material reduced to form voids between the aggregate and allow water to infiltrate.

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having fewer impacts to critical areas.

“Premises” means the same as the definition in MMC 8.04.010(D).

“Priority habitat” means habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(28)).

“Profit” means the value difference in what a building or structure is worth as a result of improvements made to the building or structure, and the cost of replacement of the building or structure. For the purpose of this chapter “profit” shall be an estimate.

“Project permit” or “project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, conditional/special uses, shoreline permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan, tree removal permits, and right-of-way permits, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

“Property line” means the legal boundary of a parcel of land.

“Property line, front” means, unless otherwise set forth in this title, the property line contiguous with the street right-of-way.

“Property line, rear” means, unless otherwise set forth in this title, any property line other than the front property line which is parallel to the front property line or within 45 degrees of being parallel to the front property line.

“Property line, side” means any property line that is not a front or rear property line.

“Pruning” means the selective removal of branches and/or trunks following ANSI standards for safety, health, structure, shape, and aesthetics. This definition includes trimming. Except where approved by the city arborist to reduce a hazard, pruning shall be consistent with one of the following methods:

1. Clean: Cleaning a tree shall consist of pruning to remove one or more nonbeneficial parts: dead, diseased, and/or broken branches;
2. Raise: Selective pruning to provide vertical clearance;
3. Reduce: Selective pruning to decrease the height and/or spread of a tree and shall not reduce the foliage crown by more than 25 percent annually (this method is employed to minimize risk of failure, balance the canopy, height and spread reduction, utility clearance or to improve tree aesthetics); or
4. Thin: Selective pruning to reduce the density of small live branches typically in the 10 to 15 percent range of the foliage crown, but not exceeding 25 percent annually.

“Pruning, hazard” means removing hazardous branches throughout a canopy, or in a clearly specified area of the canopy where safety considerations are paramount. Such branches may be broken, exceedingly weighted, or cracked.

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering of persons to obtain comments from the public or other agencies on a proposed project permit prior to the city’s decision. A public meeting does not include an open-record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the city’s project permit application file.

“Public safety use” means police, fire and similar emergency services provided by a public entity.

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16.12.210 “T” definitions.

“Target,” when used for assessing hazard trees, means people, property or activities that could be injured, damaged, or disrupted by a tree.

“Target, likelihood of impact” means the chance of a target being impacted by a failed part of a tree. The likelihood of impacting a target can be categorized as follows:

1. Very low: the chance of the failed tree or branch impacting the specific target is remote;
2. Low: it is not likely that the failed tree or branch will impact the target;
3. Medium: the failed tree or branch may or may not impact the target, with nearly equal likelihood; or
4. High: the failed tree or branch will most likely impact the target.

In evaluating the likelihood of impacting a target, the occupancy rate of the target and any factors that could affect the failed tree as it falls towards the target shall be used in determining the likelihood of impact.

“Temporary public facility” means a land use and/or facilities owned, operated, and maintained temporarily by a city government agency, a public or nonprofit school, or religious organization.

“Terrace” means a level platform or shelf of earth supported on one or more faces by a wall, bank of turf, stable inclined grades, or the like.

“Title report” means the written analysis of the status of title to real property, including a property description, names of titleholders and how title is held (joint tenancy, etc.), encumbrances (mortgages, liens, deeds of trusts, recorded judgments), and real property taxes due.

“Tract” means an extended area of land reserved exclusively for a special use such as open space, surface water retention, utilities, or access. Tracts reserved for a special use are not considered building sites.

“Transitional housing” means one or more dwelling units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

“Treasurer, county” means the person defined in Chapter 36.40 RCW, or the office of the person assigned such duties under the King County Charter.

“Treatment best management practice” means a facility designed to remove pollutants contained in stormwater. Some methods of pollutant removal include sedimentation/settling, filtration, plant uptake, and bacterial decomposition. Treatment BMPs include, but are not limited to: vegetated filter strips, oil and water separators, biofiltration swales, and linear sand filters. Further information can be found in the stormwater manual adopted under MMC 13.06.020.

“Tree” means a self-supporting woody perennial plant, excluding a bush or shrub.

“Tree, dead” means a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified

arborist during a nondormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

“Tree, hedge” means a row of smaller trees planted close together and growing in a dense continuous line 20 feet in length or longer that form a thicket barrier.

“Tree protection zone” means area identified by the director in which no soil disturbances are permitted and activities are restricted.

“Tree, right-of-way” means a tree with at least two-thirds of its trunk diameter on public right-of-way.

“Tree risk” means the combination of the likelihood of an event and the severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target and the severity of the associated consequences: personal injury, property damage, or disruption of activities. Risk is evaluated by categorizing or quantifying both the likelihood (probability) of occurrence and the severity of the consequences.

“Tree species” means group of trees that resemble each other closely and interbreed freely.

“Tree topping” means an inappropriate technique to reduce tree size that cuts through a stem more than two years old at an indiscriminate location.

“Truck gardening” means the same as “market gardens,” which is the small-scale production of fruits, vegetables and flowers, frequently sold directly to consumers.

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16.21.030 Use table.

Table 16.21.030 establishes those uses which are permitted, those uses subject to specific development standards, and those uses requiring special approval and that are prohibited within each zoning district.

Table 16.21.030: Land Use Table

Uses	R-16 Zone	R-20 Zone	R-30 Zone	SR-30 Zone	NA Zone	Public Zone
Residential Uses						
Accessory Dwelling Units	P	P	P	P	P	P
Accessory Recreational Facilities	A	A	A	A	A	A
Accessory Recreational Facilities – Minor	L	L	L	L	L	L
Accessory Uses – On-Site	P	P	P	P	P	P

Uses	R-16 Zone	R-20 Zone	R-30 Zone	SR-30 Zone	NA Zone	Public Zone
Accessory Uses – Off-Site	L	L	L	L	L	L
Adult Family Home	L	L	L	L	L	L
Detached, Single-Family Dwelling	P	P	P	P	P	P
Family Day Care Home	L	L	L	L	L	L
Manufactured Home	L	L	L	L	L	L
<u>Permanent Supportive Housing</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Transitional Housing</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Nonresidential Uses						
Automobile Service Station					L	
Automobile Mechanical Repair					L	
Commercial Horticulture/Truck Gardening/Agriculture, Excluding the Raising of Animals				L		
Clubhouse – Public/Private		SU				SU
Golf Course		SU				SU
Historical Use	H				H	
Home Business	L	L	L	L	P	P
Public and Institutional Uses						
City Government Facilities						CU
Post Office						SU
Public Safety						CU
Public Park	P	P	P	P	P	P
Electrical Power and Utility Substation	SU	SU	SU	SU	SU	SU
Accessory Recreational Facilities – Public	P	P	P	P	P	P
Religious Facility	SU	SU	SU	SU	SU	SU
School – Public/Private (Preschool to Grade 12)						SU
Temporary City Government Facilities	L	L	L	L	P	P
Wireless Communication Facilities	SU	SU		SU	SU	SU
Shoreline Uses						
See Chapter 16.62 MMC for a list of uses within the shoreline jurisdiction.						

Uses	R-16 Zone	R-20 Zone	R-30 Zone	SR-30 Zone	NA Zone	Public Zone
*See MMC 16.21.020 for explanation of “P,” “L,” “A,” “SU,” “CU,” and “H.”						

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Chapter 16.31

LIMITED USES

Sections:

- 16.31.010 Home business.
- 16.31.020 Adult family homes and family day care homes.
- 16.31.030 Manufactured homes and trailers.
- 16.31.040 Automobile-related service uses.
- 16.31.050 Commercial horticulture, truck gardening, and agriculture uses.
- 16.31.060 Permanent supportive and transitional housing.

16.31.010 Home business.

A. Permissive Use. A home business is permitted within a single-family dwelling provided it meets all the standards and requirements of this section. “Home business” is defined in MMC 16.12.090. Activities not able to meet all the standards and requirements of this section may be performed in nonresidential zone districts of the city if otherwise allowed under the MMC.

B. Standards. Every home business shall meet the following standards:

1. The home business shall be clearly incidental and secondary to the use and function of the single-family dwelling as a residence.
2. All external indications of or impacts from a home business shall be compatible with the residential character and nature of the neighborhood.
3. The home business shall not cause or result in material changes in neighborhood safety, traffic, number or frequency of vehicle trips, parking demand or parking requirements.
4. The following are prohibited in connection with a home business: signs; noise; smoke or odors detectible outside the dwelling; retail trade; pickup and delivery; external structure modifications; and exterior lighting.

C. Requirements. Every home business shall meet the following requirements:

1. The home business shall be located and operated wholly within the single-family dwelling.

2. No more than one person may be employed who is not a family member residing in the residence.
3. Any employee, client(s) and family members shall use off-street parking exclusively.
4. Not more than two vehicles owned or operated by an employee and/or a client shall be parked on the premises at any time.
5. All required local, regional, state, and federal permits and licenses shall have been obtained and shall be current and valid.
6. All required permits and authorizations for the dwelling structure and other attributes of the property and premises shall have been issued by the city and be in current compliance with the Medina Municipal Code.

D. Exclusions. The following activities are not allowed as a home business:

1. Storage, receipt or transfer of equipment, materials, and commodities.
2. Stables, kennels, or husbandry of animals; any activities involving any exotic animal or farm animal; activities that are not permitted by Chapter 6.04 MMC.
3. Agriculture farming and sales activities.
4. Vehicle repair, automobile detailing or automotive servicing activities.
5. Production or storage of any hazardous waste or substance.
6. Any nonconforming use, however or whenever established.
7. Any activity that is prohibited by the Medina Municipal Code.

E. Enforcement. Pursuant to MMC 16.10.040 and 16.10.050, the director shall apply the provisions of this section to the activities of a home business whenever necessary or appropriate to determine whether the home business meets the requirements and standards of the Medina Municipal Code, and shall issue findings and a decision thereon.

16.31.020 Adult family homes and family day care homes.

A. Adult family homes are a permitted use in any zone allowing a single-family dwelling provided the adult family home complies with underlying zoning requirements and the requirements set forth in Chapter 70.128 RCW.

B. Family day care homes are a permitted use in any zone allowing a single-family dwelling provided they have obtained a permit for operation from the city. Permits shall be issued by the city, at no cost, upon proof that the family day care home has obtained all necessary licenses and approvals from the state to operate such a facility.

16.31.030 Manufactured homes and trailers.

A. Manufactured homes are permitted pursuant to RCW 35A.21.312 provided:

1. At the time of installation, the manufactured home is new;

2. The manufactured home is placed upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;
3. The manufactured home shall comply with all zoning requirements such as structural coverage, lot area, setbacks, and height;
4. The manufactured home is thermally equivalent to the State Energy Code; and
5. The manufactured home meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

B. Trailers for Temporary Occupancy. The owner of a parcel of land where no single-family dwelling is situated may occupy one trailer as a temporary dwelling during the construction of a new dwelling thereon provided:

1. A valid building permit for construction of a single-family dwelling has been issued and a good faith effort is being made to start construction of said dwelling immediately, and work is pursued with diligence;
2. The trailer is located in a manner so as to not in any way impede egress or ingress to people traveling over joint roads or easements to other properties;
3. All city and state regulations relating to sanitation, garbage and trash disposal, water and other utilities are met to the satisfaction of the city;
4. A temporary use permit is issued pursuant to MMC 16.70.060; and
5. The trailer does not reduce the number of parking spaces below three required for construction vehicles.

C. Construction trailers erected during the construction phase of a project are allowed provided the trailer is removed prior to the completion of the project. Construction trailers may be located within zoning setback areas provided they are screened from abutting properties; however, they are not allowed within shoreline setback areas.

16.31.040 Permanent supportive and transitional housing.

A. Permanent supportive and transitional housing are permitted uses in any zone allowing a single-family dwelling.

B. Permanent supportive and transitional housing facilities are limited to a maximum of 10 residents at any one time, plus up to four resident staff.

C. No permanent supportive housing or transitional housing may be located within half a mile of another property that contains permanent supportive housing or transitional housing.

D. Prior to the start of operation for a permanent supportive housing or transitional housing, an occupancy agreement shall be submitted to the city.

1. Property owners and/or operators shall enter into an agreement with the City on a form that is acceptable to the city.
2. The occupancy agreement shall include but not be limited to the following:
 - a. Names and contact information for onsite staff.
 - b. Description of the services to be provided onsite.
 - c. Description of the staff plan including the following:
 - i. Number of staff supporting residents and operations;
 - ii. Certification requirements;
 - iii. Staff training programs;
 - iv. Staff to client ratios; and
 - v. Roles and responsibilities of all staff.
 - d. Program rules and/or code of conduct describing occupant expectations and consequences for failing to comply. The code of conduct shall at minimum address the following:
 - i. The use or sale of alcohol and illegal drugs;
 - ii. Threatening or unsafe behavior; and
 - iii. Weapon possession.
 - e. A safety and security plan reviewed and approved by the Medina Police Department.
 - f. A plan for potential impacts on nearby residences including a proposed mitigation approach (for example, a *Good Neighbor Agreement Plan*).
 - g. Description of eligibility for residency and referral process.
 - h. Parking management plan.



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, November 16, 2021

Subject: Tree Code Enforcement – Supplemental Trees

Category: Discussion

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Summary

In July, Planning Commission received direction from Council to consider the enforcement piece of the tree code, specifically as it relates to the survival of supplemental tree plantings. Although the code does require supplemental trees to be healthy for at least five years after planting, there is currently no mechanism to follow up on their survival.

This memo continues the discussion from September and includes the number of tree permits the city has received over the past five years, thoughts on deposits vs. bonds, access and monitoring, a recommendation on supplemental tree identification, and the city examples from last month.

Attachment(s) Tree Code Enforcement – Supplemental Trees

Budget/Fiscal Impact: N/A

Recommendation: N/A

Proposed Commission Motion: N/A

Time Estimate: 30 minutes



CITY OF MEDINA

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MEMORANDUM

DATE: November 16, 2021
TO: Medina Planning Commission
FROM: Stephanie Keyser, AICP, Planning Manager
RE: Tree Code Enforcement – Supplemental Trees

In July, Planning Commission received direction from Council to consider the enforcement piece of the tree code, specifically as it relates to the survival of supplemental tree plantings. Although the code does require supplemental trees to be healthy for at least five years after planting, there is currently no mechanism to follow up on their survival.

Potential problems include:

- How to determine which trees on site are supplemental so that the city can be sure those trees are surviving? As built? Tags?
- How to ensure future property owners know what trees on site are supplemental and need to be retained? Notice on title?
- How to ensure the city can gain access to the property to ensure and enforce the survival requirements? Gaining access to properties has been challenging as the city has had to implement a new stormwater management system this past year.
- How to administer and enforce such a program? Will this require an additional full-time employee? Will this require the hiring of a consultant?

Potential solutions that have been discussed include:

- Require an as-built once construction has been completed but before the project is finalized, that identifies all supplemental trees by species and location.
- Require as-builts to be recorded on title with an agreement and acknowledgement that the trees need to be retained so that all future owners are aware of this
- Educational outreach to residents of new program requirements
- Increase the permit fee and/or require a deposit that will cover the cost of the city having to administer this program

Total Tree Permits

At the September meeting, it was asked for Staff to return with the number of tree permits that the city has received/issued over the past few years. There are six different kinds of permits: tree

administrative right-of-way removal; tree non-administrative right-of-way removal; hazard tree removal; tree performance; tree restoration; tree with building/development. The table below includes the permits from 2016 to October 13, 2021. Incomplete or withdrawn applications have not been included.

Year	# of Tree Permits
2021	56 (as of 10/13/2021)
2020	81
2019	80
2018	45
2017	58
2016	57

Deposit vs. Bond

Although most cities accepted both a deposit and a bond in the examples we looked at in September, if we are having the city arborist continue to do billable work for five years after a project is finalized, it seems that a deposit would be the appropriate mechanism.

Access and Monitoring

This is a reminder that whatever enforcement or monitoring system is established, it will be effective for future tree permits. This means that whenever someone comes in for a pre-application meeting, or when the city arborist meets with a property owner on site, those are opportunities to reinforce the educational piece. Making applicants aware of a monitoring-for-survival program will hopefully help with compliance.

We have discussed the city sending a staff member to inspect the supplemental tree(s) after the project is completed. Another option could be to allow homeowners to ‘recertify’ themselves by submitting a mini arborist report with pictures (if this is offered the city should create its own form/template). It should be discussed if it is appropriate to allow this for the entire monitoring period. For example, if we decide to require recertification in years 1, 3 and 5, perhaps allowing a homeowner to submit the certification themselves during years 1 and 3, however making it a requirement that staff confirms survival in the last year.

The actual logistics of setting up a monitoring program are beyond Planning Commission’s authority. However, the easiest way to track something like this would be in our permitting system and would be similar to the report for expiring permits. Due dates can be established, monthly reports can be run, and reminder letters and emails can be sent.

Supplemental Tree Identification

To help move the conversation along, staff recommends the following be included in the recommendation package:

Mapping Platform

The city should invest in a platform that will enable staff to map the trees on site when a tree permit is submitted. A broad benefit of a tool like this would be the beginning of a parcel-by-parcel comprehensive tracking of the tree activity in the city. This would not only include the supplemental trees, but we would be able to identify those lots that had Legacy and Landmark trees rather than just speculating. This information would be valuable for staff to relay to the public when a property went on the market. In addition to requiring a notice on title, letting a realtor or potential buyer know up front that a site has supplemental trees that must survive and then being able to print out a map that shows them where they are located would be beneficial.

Notice on Title

The city should require applicants put a notice on title for the supplemental trees. This is the only way to truly ensure that if a property changes owners, that the new owner will at least be made aware that certain trees on their new property cannot be removed or let die.

Tree Tags

As part of the final inspection, the city arborist should attach a tag onto the supplemental trees (if applicable). This will be an identifier for staff during the monitoring period as well as the homeowner.

Examples

These are the same examples that were in September's packet.

City of Duval

Maintenance.

- A. Any existing retained tree or supplemental tree shown on an approved tree retention plan, and any other tree required by the City to be planted, shall be maintained in healthy condition by the property owner or homeowners association for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to DMC 14.40.030.
1. Trees shall be monitored and maintained for a period of five (5) years to ensure that retained trees were not compromised by adjacent development and that supplemental, replacement, and transplanted trees are surviving. The director may extent the monitoring and maintenance period beyond five (5) years if determined necessary to ensure successful establishment of supplemental and replacement trees.

2. During years 1, 3, and 5 of the monitoring period, trees shall be monitored by a qualified arborist and reports submitted to the City that verify the health of all trees on the approved tree retention plan.
 3. Any tree found to be dead or dying shall be replaced by tree(s) that, at minimum, replace the tree's density credit.
 4. Any tree found to be unhealthy shall be assessed for opportunity for preventative measures to improve tree health, and shall be identified for additional review in future years of the monitoring period. Reasonable preventative measures to improve tree health, as recommended by a qualified professional arborist, shall be implemented as annual maintenance. For trees found to be unhealthy in year 5 of the monitoring period, the director may require additional supplemental planting based on review of monitoring information submitted by the property owner / home owner's association.
- B. Maintenance Bond for New Development Sites. A maintenance bond, cash deposit, or other security in a form acceptable to the City attorney covering ten (10) percent of the cost of the performance assurance bond amount established for all site landscaping per DMC Chapter 14.38, shall be in place prior to the release of a performance bond and shall be required to be held by the City for five years following issuance of building occupancy permit for the development site.
1. The director is authorized to notify the owner of any property upon which trees were retained or supplemental trees were planted as a condition of approval under this chapter that trees are not being adequately maintained, and the specific nature of such failure to maintain. The notice shall specify a date by which the property owner shall be expected to comply.
 2. Upon the failure to perform the required maintenance within the date specified by the notice, the director is authorized to collect funds under the maintenance bond or other security, and cause the required maintenance to be completed.
 3. When funds have not been set aside or the performance assurance has expired, the director is authorized to request the city attorney to institute legal action to recover the cost of the required maintenance, and upon receipt of the funds to cause the maintenance to be done.
 4. Maintenance as used in this section includes replacement of dead, diseased or damaged trees, preventative measures to improve health of unhealthy trees, and repair of irrigation systems.
 5. In subdivisions or site plans where the right-of-way contains retained or supplemental trees, the adjacent property owner, homeowner's association or like mechanism, is required to maintain that landscaping. Such requirement shall be noted on the face of the plat or site plan. If there are such requirements that are maintained by an organization

other than the adjacent homeowner, or if there are common areas on a property, a homeowner's association is required.

C. Cutting and Pruning.

1. Protected trees shall not be topped; any tree topping shall result in requirements for replacement tree(s) and fines, as determined consistent with 14.40.100 and review of the tree topping activity by the director.
2. Street trees, on all public streets, shall be cut or pruned only under the supervision of, or with the approval of, the city of Duvall public works department.
3. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree.

City of Redmond

Performance Assurance.

To mitigate damages should they occur as a result of unauthorized tree removal, the applicant shall submit a bond, letter of credit or other means of assurance acceptable to the Administrator. The following provisions shall apply to such performance assurance:

(1) **Tree Protection Assurance.** The applicant shall post a performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures. The amount of this bond shall equal 150 percent of the City's estimated cost of replacing each protected tree. The estimated cost per tree shall be the tree base fee established by City Council. Prior to issuance of the certificate of occupancy, any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced according to the standards identified under RCDG 20D.80.20-130(1), Remediation. The bonding period shall be five years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.

(2) **Tree Maintenance Assurance.** Where replacement trees are required pursuant to this section, the applicant shall post a replacement tree maintenance bond or other acceptable security device to ensure the survival of replacement trees. The amount of the maintenance bond shall equal 150 percent the cost of plant material, periodic fertilizing and pruning, and labor until tree survival is ensured. Where possible, the bond may be combined with the landscape maintenance bond, required by Chapter 20D.80.10 RCDG, Landscaping and Natural Screening, which shall include a security covering 10 percent of the cost of the remaining plant materials. In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in RCDG 20D.80.20-080, Tree Replacement. Replacement trees damaged due to natural disasters such as wind storms, hail, ice or snow storms, earthquakes and the like shall be exempt from replacement. The bonding period shall be

three years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the replacement trees will survive.

- (3) The required assurances shall be submitted prior to issuance of a tree removal permit.
- (4) The applicant shall provide an estimate of the costs associated with the required performance bond or other security as described above. In lieu of an applicant's estimate, the performance assurance shall be equal to City Staff's best estimate of possible costs to meet the above requirements. In no case shall the performance assurance exceed an amount equal to two and one-half times the current cost of replacing the plants in accordance with RCDG 20D.80.20-080, Tree Replacement.
- (5) The performance assurances shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations or following any prescribed trial maintenance period required in the permit.
- (6) Performance assurances provided in accordance with this section may be redeemed in whole or in part by the City of Redmond upon determination by the Administrator that the applicant has failed to fully comply with approved plans and/or conditions.

City of Issaquah

Maintenance – Landscape bond required and tree maintenance.

A. Landscape Bond Required and Procedures:

1. All landscapes need to be maintained in a safe, healthy and attractive manner in perpetuity. All existing landscapes within the City shall also be kept weed and litter free and the plant material shall be maintained in good growing condition. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape plans and shall maintain all landscape material. The property owner is the responsible entity to ensure the landscaping is maintained in an appropriate manner, regardless of any second party landscape maintenance agreements.
2. To insure that all plant material used in landscapes shall be maintained in a healthy growing condition, a cash deposit or other acceptable security worth fifty (50) percent of the value of the landscaped plant material, cost of labor, irrigation and materials shall be posted with the City prior to receipt of a temporary or final Certificate of Occupancy. The cash deposit will be returned in three (3) years if the plants remain in a healthy growing condition and have achieved full coverage (replacement of all plants will not be required if full coverage has been met). The Planning Director/Manager may accept other suitable security as permitted in Chapter 18.04 IMC, Procedures.
3. If any portion of the required landscaping dies within three (3) years, the City shall notify the property owner, in writing, and require replacement within sixty (60) days. If the landscape is

not replaced within the specified time period, the City may use whatever portion of the deposit is needed to replace the dead landscaping. The City may use either City employees or private contractors to replace the landscaping, and may assess the property owner all actual costs against the deposit, if it is sufficient. An additional three (3) year cash deposit or other security device at fifty (50) percent of the value of the landscaping may be required at the discretion of the Planning Director/Manager if a significant amount of the plants need to be replaced.

4. Regular maintenance procedures shall be as follows:

- a. Litter pickup;
- b. Mowing turf;
- c. Edging turf;
- d. Weeding planting beds;
- e. Sweeping;
- f. Irrigation;
- g. Fertilization as needed per manufacturer's specifications to keep plants healthy and actively growing;
- h. All mulches used in planter beds shall be kept at least six (6) inches away from the crown of shrubs and trees;
- i. Pruning to required heights and widths; and
- j. Pest and disease control (all chemical products and application methods shall be approved by the City Parks Department).

5. It is recognized that these procedures may vary due to weather conditions, seasonal events, etc. The above guidelines are to serve as a standard for normal maintenance operations.

B. Tree Maintenance: The following regulations shall apply to all significant and protected trees. The City Arborist is authorized to make adjustments to the standards and requirements on a case-by-case basis using best professional judgment.

- 1. An irrigation method, approved by the City, shall be provided to all newly planted protected trees through an establishment period.
- 2. All pruning shall be done to the most recent ANSI standards (A300-1995 and Z133.1-1994). Canopy raising, canopy cleaning, and canopy thinning as defined in IMC 18.12.030, Definitions, are permitted; provided, that they do not meet the definition of excessive pruning in IMC 18.12.030, Definitions. No permit shall be required for maintenance pruning.

3. Tree topping is prohibited, except under the following circumstances:

- a. Branches interfering with utility lines.
- b. Significant canopy dieback has occurred.
- c. Storm damage or prior incorrect pruning requires correction.

If illegal tree topping has occurred, the property owner shall have a certified arborist develop and implement a five (5) year pruning schedule in addition to monetary fines and required tree replacement.

Stephanie Keyser

From: David Yee <davidyee2006@yahoo.com>
Sent: Thursday, November 11, 2021 1:33 PM
To: Laurel Preston; David Langworthy; Randy Reeves
Cc: Stephanie Keyser; Michael Sauerwein
Subject: Comments for the 11/16/2021 Planning Commission meeting regarding tree enforcement

Dear Commissioner Preston (Laurel), Commissioner Langworthy (David), Commissioner Reeves (Randy):

It has come to my attention that the Planning Commission is considering additional enforcement measures for the tree code next week. I've recently learned that Planning Commission members do not have City of Medina e-mail addresses but use personal email addresses. I do not wish to exclude the other members of the Planning Commission but do not have their email addresses. This email may be shared with them.

I urge the Planning Commission to consider:

1. What objective data exist regarding the magnitude of non-compliance with supplemental or replacement trees? What percentage of properties are subject to replacement tree complaints? Or is this merely a theoretical issue?
2. What are the regulatory costs to the city and to homeowners for any proposed regulations? Consider that tree permits under MMC 20.52.130 already cost \$500 if no construction is done and can be as high as \$1,500 plus consultant fees for certain ROW trees. Surprisingly, over 5% of Medina live in poverty and cannot afford additional high regulatory costs.
3. Attachment to land titles is a draconian move with many implications, such as homes with loans and the effort needed to amend titles and, later, change them back. I ask that the Planning Commission reject any such measure.
4. Has the city used the least expensive and least intrusive measures to accomplish enforcement? Least expensive and least intrusive measures might include
 - a. Easy to understand informational sheet written in non-technical English given to tree permit recipients. Similarly, all residents could be informed on a yearly basis to observe all city regulations, including the tree code.
 - b. reliance on public complaints (which can be very effective and already happens with many regulations, such as off hours construction work and tree cutting complaints)
 - c. mailing a reminder postcard in December of the 4th year after the tree permit is issued reminding people to keep their replacement trees. (The December month is selected so that the city may mail all postcards at the same time rather than keep track of the exact anniversary date of tree permits.).

The cost of postcards could be reduced to no costs to the city by requiring that tree permit holders submit a self addressed postcard to the city addressed as "_____(name of homeowner) Or Current Resident, _____ (Medina home address), Medina, WA 98039" and using a forever postage stamp rather than a postage stamp with a numerical value in cents. The city would then send the postcard at the 4th year. Such system would eliminate the cost of hiring a city staff member or paying significant amounts to consultants as is currently being considered. Having the postcard address with "...or current resident" insures that even if the property is sold, the new owner is aware of the trees. In addition, most houses are not sold every few years in Medina. Additional measures could include the notation on the postcard "Do Not Forward".

If there is self certification, the Planning Commission should be aware that governments and government routinely and effectively use self certification, sometime with a clause essentially stating "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct."

d. tags affixed to trees can have unsavory connotations, similar to the tattooing of ID numbers on arms of Jewish concentration camp victims by Nazi prison camp guards. I have personally seen face to face these concentration camp ID tattoos. From a practical standpoint, introduction of nails to trees is not only a bad precedent for disturbing trees but can introduce hazards in the future as nails embedded in trees become impossible to remove and later can present hazards years in the future. This has been documented in the arboriculture literature. Some arborists recommend not using nails or staples in trees smaller than 10" DBH because of the compartmentalization wound that results.

5. The Planning Commission should consider that most Medina residents are law abiding. Furthermore, many of the regulations in Medina, such as not having a marijuana business, not doing noisy yard work at midnight, having a dog or cat license, having a garage sale permit, and other regulations are not subject to dedicated enforcement measures.

6. MMC 04.01.030 currently empowers the City of Medina to enforce violations of ordinances, of which the tree code is one of them. Alternatively, the tree code, now codified as Title 20, was previously codified as Title 16 that had a provision (MMC 16.10.080(A)) reinforcing the topic of enforcement, in addition to MMC 04.01.030, and can be added as a proposed MMC 20.52.081(A) or similar numbering.

Thank you for your kind consideration of this issue.

Respectfully yours,
David

David Yee, MD