



MEDINA CITY COUNCIL

Monday, July 27, 2026

5:00 PM – STUDY SESSION
6:00 PM - REGULAR MEETING

AGENDA

VISION STATEMENT

Medina is a family-friendly, diverse and inclusive community on the shores of Lake Washington. With parks and open spaces, Medina is a quiet and safe small city, with active and highly-engaged residents. Medina honors its heritage while preserving its natural environment and resources for current and future generations.

MISSION STATEMENT

Ensure efficient delivery of quality public services, act as responsible stewards of Medina's financial and natural resources, celebrate diversity, leverage local talent, and promote the safety, health, and quality of life of those who live, work, and play in Medina.



MEDINA, WASHINGTON

MEDINA CITY COUNCIL

SPECIAL AND REGULAR MEETING

Hybrid - Virtual/In-Person
Medina City Hall – Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Monday, July 27, 2026 – 5:00 PM

AGENDA

MAYOR | Jessica Rossman
DEPUTY MAYOR | Randy Reeves
COUNCIL MEMBERS | Laura Bustamante, Harini Gokul, Michael Luis, Heija Nunn, Jeff Price
CITY MANAGER | Jeff Swanson
CITY ATTORNEY | Jennifer S. Robertson
ACTING CITY CLERK | Dawn Nations

Hybrid Meeting Participation

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation. Medina City Council welcomes and encourages in-person public comments. To participate in person, please fill out a comment card upon arrival at City Hall and turn it in to the City Clerk. To participate online, please register your request with the City Clerk at 425.233.6410 or email dnations@medina-wa.gov and leave a message before 2PM on the day of the Council meeting; please reference Public Comments for the Council meeting on your correspondence. The City Clerk will call 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. The city will also accept written comments to Council@medina-wa.gov at any time.

Zoom access will not be available until the regular meeting begins at 6:00 PM.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/85137850591?pwd=IT7o5M4djaYaFNdXY2VO2N4NJvrkww.1>

Meeting ID: 851 3785 0591

Passcode: 253562

One tap mobile

+1-253-215-8782

1. **STUDY SESSION starts at 5:00 PM**

The Study Session is an informal discussion for the City Council. This session is held in person only and is not recorded. The public is welcome to attend; however, Zoom access will not be available until the regular meeting begins at **6:00 PM**.

1.1 Park Enhancement & Memorial Donation Policy - Draft

Recommendation: Discussion.

Staff Contact: Ryan Osada, Public Works Director

Time Estimate: 50 minutes

The regular meeting will start at 6:00 PM.

2. **REGULAR MEETING - CALL TO ORDER / ROLL CALL**

Council Members Bustamante, Gokul, Luis, Nunn, Price, Reeves, Rossman

3. **APPROVAL OF MEETING AGENDA**

4. **PUBLIC COMMENT PERIOD**

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation. Medina City Council welcomes and encourages in-person public comments. To participate in person, please fill out a comment card upon arrival at City Hall and turn it in to the City Clerk. To participate online, please register your request with the City Clerk at 425.233.6410 or email dnations@medina-wa.gov and leave a message before 2PM on the day of the Council meeting; please reference Public Comments for the Council meeting on your correspondence. The City Clerk will call 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. The city will also accept written comments to Council@medina-wa.gov at any time.

5. **PRESENTATIONS**

None.

6. **CLOSED SESSION**

Time Estimate: 20 minutes

RCW 42.30.140(4)(a)

Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

7. **CITY MANAGER'S REPORT**

7.1a City Arborist Report by Andy Crossett

Time Estimate: 10 minutes

8. **CONSENT AGENDA**

Time Estimate: 5 minutes

Consent agenda items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a Councilmember or City staff requests the Council to remove an item from the consent agenda.

8.1 2026 Stormwater Drainage Improvements

Recommendation: Approve.

Staff Contact: Ryan Osada, Public Works Director

8.2 Update to Financial Policy Expansion of ACH Payments

Recommendation: To adopt Resolution No. 463 to expand the ACH payment capabilities of staff to include all eligible vendors.

Staff Contact: Ryan Wagner, Finance/HR Director

8.3 King County Animal Control – MMC Title 6 Code Changes Required for ILA

Recommendation: Adopt Ordinance No. 1060 clarifying and amending MMC Chapter 6.04 relating to animal control and expressly adopting King County Code Title 11, entitled “Animal Care and Control,” subject to local modifications and exclusions.

Staff Contacts: Jeff Sass, Police Chief, Jennifer S. Robertson, City Attorney

8.4 2027- 2032 Six-Year CIP/TIP/Non-TIP Plan

Recommendation: Approve.

Staff Contact: Ryan Osada, Public Works Director

8.5 Addendum for CSPA Agreement for UWPD to Join

Recommendation: Approve.

Staff Contact: Jeff Sass, Police Chief

9. **LEGISLATIVE HEARING**

None.

10. **PUBLIC HEARING**

10.1 Ezee Fiber Franchise Agreement

Recommendation: This matter requires two readings and a public hearing. The public hearing will be held on July 27th after which the Council may review and discuss the franchise. The franchise will be brought back for passage at the August City Council meeting.

Staff Contacts: Ryan Osada, Public Works Director, Jennifer Robertson, City Attorney

Time Estimate: 10 minutes

[10.2](#) Outdoor Lighting permanent regulations
Recommendation: Conduct public hearing, discussion and potential adoption.
Staff Contact: Steve Wilcox, Development Services Director, Kim Gunderson, Consultant

Time Estimate: 60 minutes

[10.3](#) Outdoor Lighting IOC Extension
Recommendation: Conduct public hearing.
Staff Contact: Steve Wilcox, Development Services Director, Jennifer Robertson, City Attorney

Time Estimate: 5 minutes

11. CITY BUSINESS

[11.1](#) Construction Impacts Mitigation Ordinance – Interim Official Control (Extension)
Recommendation: Adopt Ordinance No. 1059 to extend and renew the interim official control which was adopted on February 23, 2026 under Ordinance No. 1052.
Staff Contacts: Jennifer S. Robertson, City Attorney, Steve Wilcox, Development Services Director, Kim Gunderson, Planning Consultant

Time Estimate: 20 minutes

12. COUNCILMEMBER REPORTS AND ROUNDTABLE

- a) Council Reports
- b) Requests for future agenda items.

13. PUBLIC COMMENT

Comment period is limited to 10 minutes. Speaker comments are limited to one minute per person.

14. EXECUTIVE SESSION

None.

15. ADJOURNMENT

Next regular City Council Meeting: August 24, 2026, at 5 PM.

ADDITIONAL INFORMATION

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Medina City Hall.

The agenda items are accessible on the City's website at www.medina-wa.gov on Thursdays or Fridays prior to the Regular City Council Meeting.

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 AND EVENTS

Monday, August 24, 2026 - City Council Meeting- Retreat (5:00 PM)

Monday, September 14, 2026 - City Council Meeting (5:00 PM)

Monday, September 28 2026 - City Council Meeting (5:00 PM)

Monday, October 12, 2026 - City Council Meeting (5:00 PM)

Monday, October 26 2026 - City Council Meeting (5:00 PM)

Monday, November 9, 2026 - City Council Meeting (5:00 PM)

Monday, November 16, 2026 - City Council Meeting (5:00 PM)

Monday, December 14, 2026 - City Council Meeting (5:00 PM)

Monday, December 28, 2026 - City Council Meeting Canceled

CERTIFICATION OF POSTING AGENDA

The agenda for Monday, July 27, 2026, Regular Meeting of the Medina City Council was posted and available for review on Thursday, July 23, 2026, at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at www.medina-wa.gov.

PARK ENHANCEMENT & MEMORIAL DONATION POLICY

The City of Medina recognizes that residents, families, and community members may wish to contribute to the enhancement of City parks or commemorate individuals with connections to the community. The purpose of this policy is to establish standards for the acceptance and recognition of park enhancement and memorial donations while preserving the natural character, appearance, maintenance objectives, and long-term planning goals of the City parks.

This policy applies to all parks, trails, open spaces, natural areas and park properties owned and maintained by the City of Medina.

Policy:

The City may accept donations that enhance Medina's parks, improve open spaces, contribute to the overall appearance and long-term sustainability of the City's parks. Acceptance of any donation shall be at the sole discretion of the City and shall be based upon consistency with adopted park plans, operational considerations, maintenance capabilities, and community interest.

Eligibility:

Because memorial and enhancement donations are intended to recognize individuals and families with a connection to the Medina community, requests shall be considered in the following order of priority:

1. Current residents of the City of Medina
2. Immediate family members of current or former Medina residents
3. Former residents of the City of Medina
4. Other individuals or organizations demonstrating a significant relationship to the Medina community as determined by the City.

The priority categories do not create an entitlement or guaranteed acceptance of any donation request.

Enhancement Opportunities:

Donated park improvements shall be limited to enhancement opportunities identified by the City.

The Public Works and the Park Board shall develop and maintain an annual list of eligible enhancement opportunities and associated contribution amounts based upon:

- Park needs
- Available locations
- Maintenance requirements
- Replacement schedules
- Capital improvement priorities

Only enhancement opportunities included on the annual list shall be eligible for donation consideration. The annual list of eligible donation opportunities shall include benches, picnic tables, memorial trees, and landscape plantings, but shall not be limited to these items.

Memorial Recognition:

The City recognizes the importance of commemorating individuals and families while maintaining the natural character of Medina parks.

A. Memorial plaques, engraved markers, commemorative stones, signage, naming rights, and other forms of permanent physical recognition shall not be permitted within City parks or park facilities. All existing physical recognition items shall be phased out by 2036.

B. Recognition of approved memorial donations shall occur through a ***Friends of Medina Parks*** recognition page maintained on the City's website.

C. The memorial recognition page may include:

- The name of the individual being honored
- The name of the donor, if desired by the donor
- The park enhancement provided
- A map identifying the general location of the donated enhancement within the park system.

D. Donors may elect to remain anonymous.

Monetary Park Donations:

The City may accept monetary donations intended for the beautification of the parks.

Monetary donations accepted under this policy shall:

- Be provided without conditions, obligations, limitations, naming rights or requirements regarding expenditure
- Become the sole property of the City upon acceptance
- Be used at the sole discretion of the City in a manner consistent with adopted budgets, maintenance programs and capital improvement priorities.

The City shall not accept donations that impose maintenance obligations, design requirements, operational restrictions, or other conditions upon the City.

Donation Recognition:

The City will recognize qualifying donations with a listing on the City's official website. Recognition will be provided for donations with a minimum value of \$250. Recognition will remain on the City's website for a period of ten years from the date the donation is accepted. At the conclusion of the ten-year recognition period, the listing will be removed.

Ownership and Maintenance:

All donated improvements, enhancements, and associated materials shall become the sole property of the City upon acceptance and installation.

The City retains sole authority regarding the design, installation, maintenance, replacement, relocation, or removal of donated improvements as determined necessary for operations, maintenance, safety, accessibility and capital improvement purposes. The City does not guarantee replacement of donated improvements that deteriorate, become damaged and/or vandalized, or are removed due to changing park needs or conditions.

Acceptance of a donation does not create an obligation for the City to maintain any improvement beyond its normal maintenance practices and available resources.

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTING AN AMENDMENT TO FINANCIAL POLICIES TO UPDATE THE ACCOUNTS PAYABLE PROCESS AND EXPAND EFT PAYMENTS.

WHEREAS, a formal process for acceptance and documentation of donations made to the City of Medina is to be established: and

WHEREAS, the city must always consider public interest, adopted policies and applicable law: and

WHEREAS, the City Council must provide approval for all donations with a current value of over \$2,000 as required by MMC 2.56: and

WHEREAS, the approved changes provide greater transparency into the policies and procedures of the Finance Department for the City of Medina: and

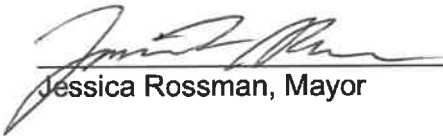
WHEREAS, this action requires an amendment to the City's Financial Management Policies;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RESOLVES AS FOLLOWS:

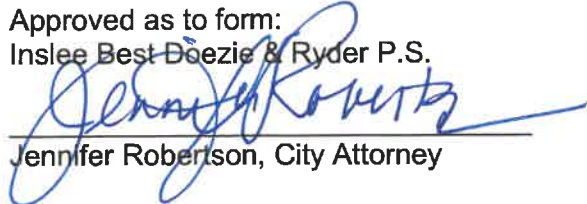
Section 1. Adopt Financial Management Policies as Amended, attached hereto as Exhibit A.

Section 2. Effective Date. This Resolution shall be effective upon its adoption by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON JUNE 22, 2026 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE ON JUNE 22, 2026.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder P.S.


Jennifer Robertson, City Attorney

Attest:


Dawn Nations, Acting City Clerk

FILED WITH THE CITY CLERK: 6/23/2026
PASSED BY THE CITY COUNCIL: 6/22/2026
RESOLUTION NO. 461
Resolution No. 461

City of Medina**Donation Acceptance Policy****Adopted June 22nd, 2026****1. Purpose:**

The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Medina. This policy provides guidance when individuals, community groups, and business entities wish to make donations to the City. The policy is constructed to be consistent with the applicable provisions of the Medina Municipal Code (MMC) chapters 2.60 and 2.84.

2. Types of Donations

The types of donations that may be offered and accepted by the City of Medina are real property, personal property, and cash donations. Donations may be designated for a specific purpose, may be proposed to a specific City department, and/or may be for the City's discretionary use.

3. City Interests

The City of Medina must always consider public interest, adopted policies, and applicable law when considering acceptance of a donation. Donations may only be accepted if their purpose mirrors the City's goals, objectives, and/or long-range plans.

4. Donation Acceptance Process

All proposed donations to the City must be submitted using the City's Donation Application Form. The proposed donation's use and monetary value determine the required approval process for a proposed donation's acceptance as follows:

- a) All unrestricted cash or property donations with a current value of \$2,000 or less may be reviewed and approved by the City Manager provided the proposed donation requires no additional or ongoing expenditure of City resources (see (3) below).

- b)** All other proposed donations shall be submitted to the City Council for review and approval as required by MMC 2.56.

In considering acceptance of a proposed donation, the City will consider the following:

- (1)** Whether the proposed donation has a purpose consistent with those listed in Section 3 of this document.
- (2)** Whether the donation conflicts with any applicable law, adopted City policy, or would be in violation of the Medina Municipal Code.
- (3)** Whether the donation places any burden on the city, including but not limited to requiring future expenditure of time and/or other City resources.
- (4)** The City reserves the right to decline any donation without cause or explanation. Public recognition of an accepted donation is subject to the direction of the City Council and any applicable adopted City policies and procedures.

5. Acknowledgement of Donations

If a proposed donation is approved for acceptance consistent with this policy, the Donation Application Form will be signed by the City Manager, and a copy will be provided to The Finance Director and the City Council at the next business meeting. All donations will be issued with a tax receipt evidencing the acceptance of the donation subject to the City's determination of value.

6. Donations Records

Every Donation Application Form will be housed and maintained by the City Clerk's Office, and a copy of all accepted forms will be provided to both the Finance Director and the City Council.

Douglas-fir Beetle Overview and Management Considerations

Background

The Douglas-fir beetle (*Dendroctonus pseudotsugae*) is a native bark beetle that occurs throughout the range of Douglas-fir in western North America. Douglas-fir trees are typically able to resist beetle attacks when healthy; however, stressed, damaged, or declining trees may become more susceptible.

Adult beetles attack the inner bark of Douglas-fir trees. This layer of tissue contains the **phloem**, which is the part of the tree responsible for transporting sugars produced by the needles and leaves to other parts of the tree. After entering the tree, adult beetles create tunnels beneath the bark where eggs are laid. The developing larvae feed in the phloem, disrupting the tree's ability to transport resources and potentially resulting in tree mortality.

After completing development, new adult beetles emerge from infested trees and disperse to locate additional susceptible Douglas-fir trees. Beetles may also spread over longer distances through the movement of infested logs, firewood, or other untreated wood products.



Figure 1. Beetle larvae



Figure 2. Adult beetle

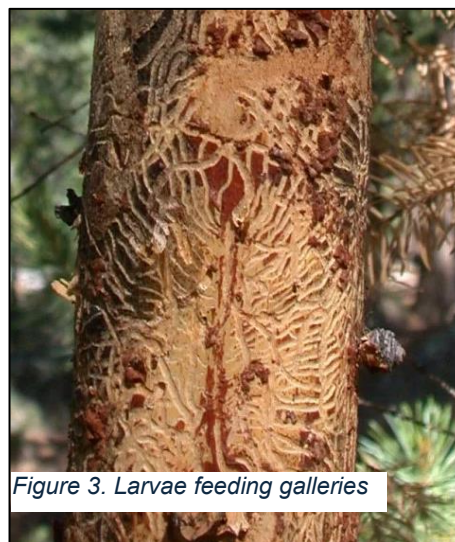


Figure 3. Larvae feeding galleries

Seasonal Activity

Douglas-fir beetles generally emerge and begin flying in spring, typically from **April through early June in the Pacific Northwest**. Actual timing varies depending on elevation, temperature, and weather conditions.

During this period, adult beetles leave infested trees and seek new host trees.

Management actions intended to reduce beetle spread are generally most effective when completed before adult emergence and flight.



Recommended Management Approach

The primary management objective is to reduce the likelihood that beetles developing in infested trees will emerge and attack nearby Douglas-fir trees.

1. Identify and Remove Confirmed Infested Trees

Recommended actions include:

- Confirm suspected infestations through inspection of tree symptoms and bark conditions.
- Remove actively infested trees before adult beetle emergence when feasible.
- Prioritize removal during winter and early spring before the primary flight period.
- Avoid leaving intact infested logs or large pieces of bark-covered wood on site through spring and early summer.



Early removal is generally considered the most effective method for reducing localized beetle spread because it directly addresses the source of emerging beetles.

2. Chip or Process Infested Wood Material

The purpose of wood processing is to disrupt the bark habitat where beetles develop.

Recommended practices include:

- **Chipping infested wood:** Properly chipped material disrupts beetle galleries and destroys the habitat needed for continued development. Chipped material does not generally need to be burned or removed from the site.
- **Avoiding storage of intact logs:** Whole logs, firewood, or large bark-covered pieces from infested trees should not remain on site through the beetle flight period unless appropriately managed.
- **Processing before emergence:** Cutting or otherwise processing infested material before adult beetles emerge reduces the likelihood of successful beetle development and dispersal.

For municipal applications, chipping is generally the most practical and cost-effective disposal method when removal of infested trees occurs.

MCH Pheromone Treatment

- MCH is a preventative pheromone treatment used to reduce the likelihood of Douglas-fir beetle attacks on nearby susceptible trees. **It is a synthetic version of a naturally occurring pheromone produced by Douglas-fir beetles that signals a tree has already been occupied,** discouraging additional beetles from attacking nearby trees.



Figure 6. MCH Bubble-cap Dispensers

- MCH does not kill beetles and does not treat trees that are already infested. Instead, it functions by altering beetle behavior and is intended to help protect nearby susceptible Douglas-fir trees from new attacks.
- MCH is typically applied shortly before the annual beetle flight period, generally around early April. Bubble-cap dispensers are commonly attached to trees

approximately 6 to 8 feet above ground and remain effective for approximately 50 to 60 days, covering the primary spring flight period.

- When used according to label directions, MCH is considered a low-risk management tool. It has been evaluated and registered by the U.S. Environmental Protection Agency (EPA) for use against Douglas-fir beetle and has been used for many years by the U.S. Forest Service and other federal, state, tribal, and local land management agencies as part of integrated Douglas-fir beetle management programs.

Estimated Cost

- MCH dispensers generally cost approximately **\$10 to \$20 per tree for the pheromone product**, depending on supplier and purchase quantity.
- Because MCH is preventative rather than a treatment for infested trees, it is generally most cost-effective when used to protect specific high-value Douglas-fir trees or areas where additional attacks are a concern.

Management Considerations

The most practical approach for municipal management is generally a combination of:

- Monitoring Douglas-fir trees for signs of active beetle infestation.
- Removing and properly processing confirmed infested trees before beetle emergence.
- Using MCH pheromone treatment selectively to help protect nearby high-value or susceptible Douglas-fir trees where additional beetle attacks are a concern.

Subject Tree as of July 14, 2026





MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: 2026 Drainage Improvements Dept. Origin: Public Works Category: Consent Prepared by: Ryan Osada, Public Works Director Attachments: Review of Bids_2026 Drainage Imp Bid Tabs_2026 Drainage Imp.	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Other:
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Proposed Council Action: Approve

Summary

This Contract provides for storm and roadway improvements on 80th Avenue NE at the intersections with NE 26th Street and NE 27th Street. The work includes pavement reconstruction at the corner of NE 27th Street and 80th Avenue NE, and upgrades to the storm system at the intersection of NE 26th Street and 80th Avenue NE, including one replacement catch basin, two new catch basins, 120 LF of 12-inch CPEP storm pipe, and a new concrete valley gutter. This work also includes the replacement of two curb ramps at the intersection of NE 26th Street and 80th Avenue NE.

Council Priorities

This proposal furthers Council Priorities 1-5.

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: \$133,695.20

Recommendation: Approve.

City Manager Approval:

Proposed Council Motions: I move to authorize the City Manager to negotiate and enter into an agreement with Clear Excavating LLC for the 2026 Drainage Improvements project.



July 10, 2026

Mr. Ryan Osada
Public Works Director
City of Medina
501 Evergreen Point Road
Medina, Washington 98039

SUBJECT: REVIEW OF BIDS – 2026 DRAINAGE IMPROVEMENTS
CITY OF MEDINA, KING COUNTY, WASHINGTON
G&O #26449.00

Dear Mr. Osada:

On July 9, 2026, the City of Medina received six responsive bids for the 2026 Drainage Improvements. The responsive bids ranged from \$133,695.20 to \$178,905.00. The Engineer's Estimate was \$124,525.00. Each proposal was checked for correctness of extensions of the prices per unit and the total price. Four corrections were made; however, these corrections did not change the position of the low bidder. The bidders and their respective bid amounts, including sales tax where applicable, are as follows:

	Engineer's Estimate	\$124,525.00
1.	Clear Excavating, LLC (Puyallup, Washington)	\$133,695.20
2.	GEC NW, Inc. (Lakewood, Washington)	\$158,456.70
3.	PNW Heavy Civil Construction, LLC (Seattle, Washington)	\$161,159.00
4.	Kamins Construction, Inc. (Bothell, Washington)	\$165,747.59
5.	Puget Paving & Construction, Inc. (Lakewood, Washington)	\$175,670.00
6.	EKM General Contractors, LLC (Duvall, Washington)	\$178,905.00

The lowest responsive bidder, Clear Excavating, LLC of Puyallup, Washington, is currently a Washington State registered and licensed contractor and appears to have the relevant qualifications and experience to successfully perform the work the project will require. To our knowledge, the lowest bidder has not claimed bid error and no formal bidding protests have been recorded. In accordance with RCW 39.04, we have verified the lowest bidder, Clear Excavating, LLC of Puyallup, Washington, has met the responsibility criteria. The Mandatory Bidder Responsibility Checklist, including documentation, is attached for the City's file.



Mr. Ryan Osada
July 10, 2026
Page 2

Based on our evaluation, we recommend that the project be awarded to the lowest responsive, responsible bidder:

Clear Excavating, LLC
8428 135th Street East
Puyallup, Washington 98373

Please contact us if you have any questions and/or require additional information.

Sincerely,

GRAY & OSBORNE, INC.

A handwritten signature in blue ink, appearing to read 'Roger Kuykendall', is written over the company name.

Roger Kuykendall, P.E.

RK/js
Encl.
By email

BIDDER		ENGINEER'S ESTIMATE		CLEAR EXCAVATING, LLC		GEC NW, INC.		PNW HEAVY CIVIL CONSTRUCTION, LLC		KAMINS CONSTRUCTION, INC.		PUGET PAVING & CONSTRUCTION, INC.		EKM G CONTRAC		AGENDA ITEM 8.1	
BIDDER ADDRESS				8428 135th Street East Puyallup, WA 98373		12208 Pacific Highway SW Lakewood, WA 98499		2236C Fairview Avenue East Seattle, WA 98102		P.O. Box 867 Bothell, WA 98041		10910 26th Avenue South Lakewood, WA 98499		12660 Odell Road NE Duvall, WA 98019			
WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.				315,322-00		107,281-00		506,552-00		162,183-01		390,225-00		243,887-01			
WASHINGTON STATE CONTRACTOR'S REG. NUMBER				CLEAREL783ME		GECNWN1796JE		PNWHEHC753LK		KAMINCI854BB		PUGETPC191LS		EKMGECC762NG			
BID BOND OR OTHER GOOD FAITH TOKEN				5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND			
NO.	ITEM	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	Minor Change	1 CALC	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	
2	Survey	1 LS	\$1,000.00	\$1,000.00	\$4,400.00	\$4,400.00	\$7,500.00	\$7,500.00	\$3,000.00	\$3,000.00	\$4,025.00	\$4,025.00	\$10,000.00	\$10,000.00	\$7,800.00	\$7,800.00	
3	SPCC Plan	1 LS	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$1,700.00	\$1,700.00	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$700.00	\$700.00	
4	Mobilization, Cleanup, and Demobilization	1 LS	\$12,000.00	\$12,000.00	\$6,500.00	\$6,500.00	\$14,000.00	\$14,000.00	\$16,116.00	\$16,116.00	\$23,506.00	\$23,506.00	\$29,000.00	\$29,000.00	\$11,000.00	\$11,000.00	
5	Project Temporary Traffic Control	1 LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$17,200.00	\$17,200.00	\$29,690.00	\$29,690.00	\$17,365.00	\$17,365.00	\$21,000.00	\$21,000.00	\$15,000.00	\$15,000.00	
6	Clearing and Grubbing	1 LS	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$8,689.00	\$8,689.00	\$1,690.50	\$1,690.50	\$1,150.00	\$1,150.00	\$2,000.00	\$2,000.00	
7	Removal of Structures and Obstructions	1 LS	\$5,000.00	\$5,000.00	\$4,500.00	\$4,500.00	\$5,700.00	\$5,700.00	\$2,826.00	\$2,826.00	\$7,791.25	\$7,791.25	\$12,300.00	\$12,300.00	\$2,000.00	\$2,000.00	
8	Locate Existing Utilities	1 LS	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$1,850.00	\$1,850.00	\$2,000.00	\$2,000.00	\$2,231.00	\$2,231.00	\$1,150.00	\$1,150.00	\$2,000.00	\$2,000.00	
9	Crushed Surfacing Top Course	15 TN	\$65.00	\$975.00	\$75.00	\$1,125.00	\$65.00	\$975.00	\$138.00	\$2,070.00	\$80.50	\$1,207.50	\$52.00	\$780.00	\$135.00	\$2,025.00	
10	Planing Bituminous Pavement	520 SY	\$10.00	\$5,200.00	\$28.60	\$14,872.00	\$28.00	\$14,560.00	\$22.00	\$11,440.00	\$30.00	\$15,600.00	\$23.50	\$12,220.00	\$35.00	\$18,200.00	
11	Commerical HMA	70 TN	\$300.00	\$21,000.00	\$247.50	\$17,325.00	\$350.00	\$24,500.00	\$304.00	\$21,280.00	\$260.00	\$18,200.00	\$255.00	\$17,850.00	\$300.00	\$21,000.00	
12	CPEP Storm Sewer Pipe, 12 In. Diam. (Incl. Bedding)	120 LF	\$100.00	\$12,000.00	\$95.00	\$11,400.00	\$125.00	\$15,000.00	\$105.00	\$12,600.00	\$181.99	\$21,838.80	\$83.00	\$9,960.00	\$225.00	\$27,000.00	
13	Catch Basin, Type 1	3 EA	\$2,500.00	\$7,500.00	\$3,200.00	\$9,600.00	\$3,750.00	\$11,250.00	\$2,627.00	\$7,881.00	\$3,384.83	\$10,154.49	\$5,100.00	\$15,300.00	\$5,300.00	\$15,900.00	
14	Furnish and Replace Catch Basin Frame and Grate	1 EA	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00	\$670.00	\$670.00	\$1,131.00	\$1,131.00	\$1,150.00	\$1,150.00	\$1,560.00	\$1,560.00	\$2,100.00	\$2,100.00	
15	Trench Excavation Safety Systems	1 LS	\$1,000.00	\$1,000.00	\$1,800.00	\$1,800.00	\$1,150.00	\$1,150.00	\$949.00	\$949.00	\$575.00	\$575.00	\$5,750.00	\$5,750.00	\$3,700.00	\$3,700.00	
16	Removal of Unsuitable Material (Trench)	5 CY	\$100.00	\$500.00	\$2,500.00	\$12,500.00	\$150.84	\$754.20	\$99.00	\$495.00	\$115.00	\$575.00	\$350.00	\$1,750.00	\$400.00	\$2,000.00	
17	Bank Run Gravel for Trench Backfill	50 TN	\$75.00	\$3,750.00	\$60.00	\$3,000.00	\$58.25	\$2,912.50	\$105.00	\$5,250.00	\$1.00	\$50.00	\$60.00	\$3,000.00	\$93.00	\$4,650.00	
18	Plugging Existing Pipe	1 EA	\$300.00	\$300.00	\$750.00	\$750.00	\$500.00	\$500.00	\$326.00	\$326.00	\$862.50	\$862.50	\$1,700.00	\$1,700.00	\$1,600.00	\$1,600.00	
19	Erosion Control and Water Pollution Prevention	1 LS	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00	\$600.00	\$600.00	\$1,938.00	\$1,938.00	\$1,150.00	\$1,150.00	\$300.00	\$300.00	\$2,400.00	\$2,400.00	
20	General Restoration	1 LS	\$5,000.00	\$5,000.00	\$4,500.00	\$4,500.00	\$2,500.00	\$2,500.00	\$1.00	\$1.00	\$4,692.00	\$4,692.00	\$1,250.00	\$1,250.00	\$2,400.00	\$2,400.00	
21	Cement Conc. Traffic Curb and Gutter	70 LF	\$100.00	\$7,000.00	\$48.32	\$3,382.40	\$72.00	\$5,040.00	\$124.00	\$8,680.00	\$131.84	\$9,228.80	\$80.00	\$5,600.00	\$135.00	\$9,450.00	
22	Cement Conc. Valley Gutter	50 LF	\$100.00	\$5,000.00	\$50.89	\$2,544.50	\$93.00	\$4,650.00	\$110.00	\$5,500.00	\$136.62	\$6,831.00	\$97.00	\$4,850.00	\$135.00	\$6,750.00	
23	Detectable Warning Surface (Cast-In-Place)	20 SF	\$100.00	\$2,000.00	\$89.05	\$1,781.00	\$93.00	\$1,860.00	\$75.00	\$1,500.00	\$69.00	\$1,380.00	\$285.00	\$5,700.00	\$106.00	\$2,120.00	
24	Cement Conc. Curb Ramp	2 EA	\$6,000.00	\$12,000.00	\$3,052.50	\$6,105.00	\$4,050.00	\$8,100.00	\$4,880.00	\$9,760.00	\$4,565.50	\$9,131.00	\$2,855.00	\$5,710.00	\$4,100.00	\$8,200.00	
25	Cement Conc. Sidewalk	5 SY	\$200.00	\$1,000.00	\$101.86	\$509.30	\$175.00	\$875.00	\$379.00	\$1,895.00	\$226.55	\$1,132.75	\$110.00	\$550.00	\$400.00	\$2,000.00	
26	Plastic Stop Line	30 LF	\$30.00	\$900.00	\$53.35	\$1,600.50	\$43.50	\$1,305.00	\$69.00	\$2,070.00	\$23.00	\$690.00	\$18.00	\$540.00	\$47.00	\$1,410.00	
27	Plastic Crosswalk	30 LF	\$30.00	\$900.00	\$53.35	\$1,600.50	\$43.50	\$1,305.00	\$69.00	\$2,070.00	\$23.00	\$690.00	\$100.00	\$3,000.00	\$100.00	\$3,000.00	
28	Project Documentation	1 LS	\$500.00	\$500.00	\$1,800.00	\$1,800.00	\$5,000.00	\$5,000.00	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$500.00	\$500.00	
Subtotal				\$124,525.00		\$133,695.20		\$158,456.70		\$161,159.00		\$165,747.59		\$175,670.00		\$178,905.00	
Sales Tax @ 0% Per W.S. Revenue Rule 171				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	
TOTAL CONSTRUCTION COST				\$124,525.00		\$133,695.20		\$158,456.70		\$161,159.00		\$165,747.59		\$175,670.00		\$178,905.00	
Sealed bids were opened at the City of Medina, 501 Evergreen Point Road, Medina, Washington 98039 on Thursday, July 9, 2026 at 10:00 a.m. (local time).																	
I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.																	
DENOTES MATHEMATICAL OR ROUNDING ERROR																	
ROGER W. KUYKENDALL, P.E.																	



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27th 2026

Subject/Topic: Update to Financial Policy Expansion of ACH Payments Dept. Origin: Finance/HR Category: Consent Prepared by: Ryan Wagner – Finance Director Attachments: Attachment A – Medina Financial Policies	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Other:
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Summary

This policy proposal went in front of the Finance Committee in June for discussion. With high costs and heavy staff time used in the check run process, an expansion of ACH payments is recommended.

1) Financial Policy Update – Expanding on ACH Payments

- a. Currently the city processes over 1,100 checks per year, costing an estimated \$5 - \$25 per check in fees and staff time.
- b. After the initial setup phase (staff time), ACH payments will cost the city under \$1 per transaction.
- c. Check runs take time as staff must scan, sort and mail each paper check.
- d. Electronic payments provide enhanced security, as they are encrypted and trackable while checks can get lost, stolen, or altered.

Language Changes

Definitions Added:

- A. *Automated Clearing House (ACH)* - A nationwide payment and collection system that provides for electronic distribution and settlement of funds. Although the term Electronic Fund Transfer (EFT) is technically more inclusive than the term ACH, the term EFT is often used synonymously with ACH and Wire Transfer. Wire transfers execute directly between two accounts, as opposed to a clearinghouse, so they process more quickly, but they are more expensive.
- B. *Electronic funds transfer (EFT)* - refers to the disbursement from a bank account by means of wire, direct deposit, ACH or other electronic means.

EFT (Electronic Fund Transfer) Control Procedures:

A. Types of Payments Made via ACH:

- Vendor Payments: In its normal course of business, the City of Medina remits the following types of vendor payments via ACH: Supplier payments, Employee payroll and benefits, and routine payments to the WA State Treasurer.
- Wire Transfers: transfer for investment purchases, bond proceeds, interest payments and maturities are routinely processed by wire between the City and US Bank (custodial account) and between the city and the Local Government Investment Pool.
- Customer Direct Debit: Customers have the option to direct the city to directly debit their bank account to make their payments.
- Travel and expenditure reimbursement for City Staff and City Officials/Volunteers.

Council Priorities

This proposal furthers Council Priorities 1 and 3.

- 1. Financial Stability and Accountability**
2. Quality Infrastructure
- 3. Efficient and Effective Government**
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: No change/impact to current levels of appropriations.

Recommendation: To adopt Resolution No. 463 to expand the ACH payment capabilities of staff to include all eligible vendors.

City Manager Approval:



Proposed Council Motions: "I move to approve the consent agenda, to adopt Resolution No. 463 updating Medina's Financial Policies to expand ACH payments to all classes of vendors".

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 463

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTING AN AMENDMENT TO FINANCIAL POLICIES TO EXPAND ACH PAYMENTS TO ALL CITY VENDORS.

WHEREAS, a formal process to initiate electronic payment is established to include supplier payments alongside payroll and routine payments to the WA State Treasurer; and

WHEREAS, the city must always consider adopted policies, applicable law: and

WHEREAS, the approved changes provide a reduction in processing costs, and increased financial security, with an update to the policies and procedures of the Finance Department for the City of Medina: and

WHEREAS, this action requires an amendment to the City's Financial Management Policies;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RESOLVES AS FOLLOWS:

Section 1. Adopt Financial Management Policies as Amended, attached hereto as Exhibit A.

Section 2. Effective Date. This Resolution shall be effective upon its adoption by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON JULY 27TH, 2026 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE ON JULY 27TH, 2026.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder P.S.

Attest:

Jennifer Robertson, City Attorney

Dawn Nations, Acting City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 463

EXHIBIT A

City of Medina, Washington Financial Management Policies Adopted by Council Resolution No. 463

Medina's Financial Guiding Principles:

The City of Medina is accountable to its citizens for the use of public dollars. Municipal resources must be used wisely to ensure adequate funding for the services, public facilities, and infrastructure necessary to meet the community's present and future needs. These policies safeguard the fiscal stability required to achieve the City's goals and objectives.

General Financial Goals:

Ensure a financial base that is sufficient to sustain City of Medina Municipal Services, able to withstand local and regional economic challenges, able to adjust to changes in service requirements, and maintain sound fiscal policies in support of these goals.

Financial Management Policies:

The Financial Management Policies establish the tools and guidelines to ensure that the City is financially able to meet its immediate and long-term service objectives. The individual policies contained herein serve as guidelines for both the financial planning and the internal financial management operations of the City.

Policy Objectives:

The Financial Management Policies have the following objectives for the City's fiscal performance:

- Guide City Council and Management Policy decisions.
- Establish operating principles that minimize the cost of government and financial risk.
- Maintain revenue policies that ensure adequate funding for desired programs, currently, as well as in the future.
- Promote sound financial management by providing accurate and timely reporting information on the financial condition of the City.
- Protect the City's credit rating and provide for adequate resources to meet the provision of any debt incurred by the City.
- Protect public resources.
- Ensure the legal use of financial resources through an effective system of internal controls.

- Promote cooperation and coordination with other governments and the private sector in the financing and delivery of services with the goal of obtaining the best value for the tax dollar.

Budget Policies:

- a. The annual budget will be designed in support of the Strategic Goals of the City and will focus on continual evaluation of the City's success at achieving the goals and policies it has set for itself. The operating budget is the City's comprehensive annual financial plan which provides for City services based on City priorities.
- b. The annual budget shall be developed consistent with state law and in a manner which encourages early involvement with the public and City Council.
- c. The City Council will establish municipal service levels and priorities for the ensuing year prior to and during the development of the preliminary budget.
- d. The City will maintain a balanced budget. The use of existing fund balances to achieve a balanced budget (while generally accepted as a practice in Washington Cities), is not sustainable for long term management of resources. The City endeavors to adopt an annual operating budget where current revenues meet or exceed current budgeted expenditures without relying on ending fund balances to meet needs.
- e. The Finance Department will maintain a system for monitoring the City's financial performance. The Finance Department will use the system to provide the City Council with monthly and/or quarterly information in a timely manner at the fund level, by revenue resources and department level expenditures.
- f. Under the provisions of state law and the City's operating procedures, the budget is adopted at the fund level. Adjustments or reallocations of existing appropriations within the fund level, which do not change the bottom line of the fund, may be done administratively and do not require Council action. Additions to, or reductions of fund level appropriations, which change the bottom line of the fund, require an amendment of the budget and City Council action by Ordinance.
- g. Supplemental budget appropriations (appropriations requested after the original budget is adopted) will be submitted in the form of a Budget Amendment and will only be considered if these supplemental appropriates are the result of the availability of new revenues.
- h. The annual budget will provide for the design, construction, maintenance and replacement of the City's Capital facilities and equipment consistent with the Capital Projects Plan/ Comprehensive Plan/Capital Improvement Plan, including the associated costs for operating the facilities.
- i. The City will maintain all assets at such a level that it protects the City's capital investment and minimizes future maintenance and replacement costs. This means that if the City plans to fund the construction of a capital improvement, the evaluation of such improvement will consider the costs of maintaining that improvement into the future.
- j. The City will develop an equipment replacement and maintenance needs list by department for the life cycle of the equipment and will utilize this list during the annual budget development process to ensure future planning and stability.

- k. Fixed assets: inventories of larger physical fixed assets costing more than \$5,000 and having a useful life of more than one year, will be maintained on a Fixed Asset Schedule and will be updated as the property is added, retired, or sold.

Fund Policies:

Adequate fund levels are a necessary component of the City's overall financial management strategy and a key factor in external agencies' measurement of the City's financial strength.

General Fund Operating Balance: Minimum 25% of Fund Balance

The City will strive to maintain General Fund Operating Balances at a minimum level of 25% of the total General Fund Budgeted Expenditures.

The General Fund Operating Balance shall be created and maintained to provide sufficient cash flow to meet the needs of daily financial operations.

In general, the City shall endeavor to support ongoing operations with ongoing revenues. However, the City may use General Fund Operations Balances on a limited basis to support City services pending the development of a longer-term financial solution.

The General Fund Operating Balance shall not be used in a manner that puts the City in danger of being unable to sustain future operations. If the General Fund Operating Balance falls below the policy level stated above, it will be important for the City to create a long-term plan to replenish the fund balance level.

Budget surpluses in the General Fund Operations Balance may be used on a limited basis to fund operations and to fund reserve accounts if:

- a) There are surplus balances remaining after all current expenditure obligations are met.
- b) The City has decided that revenues for the ensuing budget year are sufficient to support budgeted General Fund Operating needs.
- c) Budget surpluses should be utilized for one-time expenditures and not for establishing new on-going programs unless a new revenue source is identified to maintain the new program.

A surplus is defined as the difference between the actual beginning fund balance and budgeted beginning fund balance. It consists of "under-expenditures" and/or "excess revenues" over and above the amounts included in the following year's annual budget.

Reserve Account Policies:

The City maintains Reserve Accounts for a Levy Stabilization Fund Account, a Contingency Fund Account, a Capital Projects Fund Account, and an Equipment Replacement Account. The priority or sequence for allocating reserves to these accounts is:

- 1. The Levy Stabilization Fund account up to the annual targeted amount identified in the Levy.
- 2. The Contingency Fund account up to 25% of the annual general fund budgeted expenditures.

3. Any remaining reserves allocated to the Capital Projects Fund, the Equipment Replacement Account and/or the Levy Stabilization Fund as recommended by the City Manager and/or Finance Director.

Levy Stabilization Fund

On the November 2019 ballot, Medina voters approved a 6-year increase to their City property tax levy, starting in 2020, in order to maintain then-existing levels of service for the next 10 years. A promise was made to the voters that these additional funds would be managed in such a way as to keep those service levels in place for at least 10 years. The purpose of the Levy Stabilization Fund is to hold excess amounts resulting from the levy increase during 2020-2025 and to draw from the Levy Stabilization Fund to cover General Fund and Street Operations funding gaps during 2026 to 2029 (or longer, if feasible).

Contingency Fund

The Contingency Fund may be used for the following:

- a) To sustain City services in the event of a catastrophic event such as a natural/manmade disaster (e.g. earthquake, windstorm, flood, terrorist attack) or a major downturn in the economy.
- b) To address temporary, short-term (less than one year) economic downturns and temporary gaps in cash flow. Conditions, such as expense reductions and/or restrictions may be imposed.
- c) Amounts held in the Contingency Fund in excess of its limit (25% of the annual general fund budgeted expenditures) may be used to fund the Capital Improvement Plan.
- d) To pay down debts expeditiously when financially advisable, consistent with expert recommendations and with consideration of the City's overall financial status.

All expenditures transferred into and out of the Contingency Fund, must be authorized by the City Council.

Capital Projects Fund

The Capital Projects Fund may be used for Capital Improvement Plan projects. See Capital Investment Policies section for further details.

Equipment Replacement Account:

The City may elect to maintain an Equipment Replacement Account for the purpose of funding fleet maintenance (police and public works) or a capital equipment reserve for the purpose of capital asset replacement.

Development Services Fund:

The City provides Development Services to the community. Prior to 2022 this was done as a department within the General Fund, charging fees directly to individual property owners who wish to

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Medina Financial Policies

Page 4

develop their private property. These revenue sources exist to offset the expense the City incurs on the individual property owners' behalf. Under RCW 82.02.020, the City may collect fees from applicants or a permit or approval to cover the cost to the City of processing applications, inspecting and reviewing plans, and preparing detailed environmental documents.

The City desired greater transparency of Development Services' financial activities as well as a more focused and streamlined accounting structure to evaluate its cost recovery rate. The Government Accounting and Standards Board (GASB) has pronounced that if any service or program's principal revenue source has a pricing policy that fees and charges be set to recover cost meets the criteria to be reported as a separate "Enterprise Fund". The City desired to extract the Development Services Department's related revenues, expenses (direct and allocated) and customer deposits from the General Fund and place them in a newly created Development Services Fund, starting with Budget Year 2022.

Revenue Policies:

- a. The City will strive to maintain a diversified and stable revenue system in order to maintain the City's ability to handle fluctuations in individual revenue sources.
- b. Revenue forecasts should be realistically estimated and based on the best information available. The City will take into consideration that revenues are subject to local and regional economic activities.
- c. If long-term (greater than one year) revenue downturns are expected, the City will review and as appropriate revise its revenue forecasts. The City will also consider reducing expenses or increasing revenue in order to respond to and help stabilize the long-term impacts.
- d. When evaluating potential grants, the City must consider and communicate to management and, where applicable, the City Council regarding the near- and long-term financial impacts of the grant on the City, including any requirements for local matching funds or for continuation of program with local funds after grant funds are exhausted, as well as any future expenditure impacts (e.g., on-going repairs and maintenance). A grant may be rejected if its impacts on City finances cannot be justified, or if the City lacks resources to either match the grant or meet future expenditures which arise out of accepting the grant.
- e. The City will strive to set fee schedules at levels sufficient to cover the entire cost of service delivery. The City will systematically review user fees and consider adjustments as necessary to consider the effects of additional service costs and inflation.
- f. With respect to revenue-generating contracts and leases to be entered into by the City, the City shall review and, as applicable, present to Council for approval, the contract or lease on a timely basis in order to help ensure prompt approval by Council (where applicable) and generation of the related revenue streams. The City must undertake due diligence for any possible real or apparent conflicts of interest and recommend how to manage them. Any contracts or leases with real or apparent conflicts of interest must be approved by City Council, and the conflict and conflict-management information must be fully disclosed to the City Council prior to the presentation of the contract or lease to City Council for approval.

Expenditure Policies:

- a. The City budget will provide for sustainable levels of service.
- b. The City will propose only those operating expenditures that can be supported from on-going operating revenues.
- c. The City's operating budget will not rely on one-time revenues to fund ongoing expenditures. Before the City undertakes any agreements that would create fixed on-going expenses, the cost implications of such agreements will be fully determined for current and future years. Capital expenditures may be funded from one-time revenues, but the operating budget expenditure impacts of capital expenditures will be reviewed for compliance with this policy provision.
- d. Department heads are responsible for managing their budgets within the total appropriation for their department.
- e. The City will maintain expenditure categories according to state statute and administrative regulation.
- f. All compensation planning and collective bargaining will focus on the total cost of compensation, which includes direct salary, health care benefits, pension contributions, education, training allowance, and other benefits of a non-salary nature, which are a cost to the City.

Purchasing Policies

- a. The City will follow state laws, and the City's adopted resolutions, ordinances and policies regarding procurement.
- b. The Director of Finance will develop detailed procedures for purchasing, credit card usage, petty cash, expenditure authorization and contract management activities.
- c. Federal Funds or Grants: When procurement involves the expenditure of federal, state or county funds, or private, funds or grants, the purchase will be conducted in accordance with any applicable federal, state and county grant laws or regulations and will be approved by the Director of Finance and the City Manager or their designee, who will then be responsible for oversight and ensuring compliance with grant requirements. When purchasing items to be funded by others or reimbursed by a grant, the purchaser will perform the due diligence required to ensure that the purchase meets the criteria of the specific grant prior to initiating the purchase and requesting a release of City funds for the purchase.
- d. Emergency Procurement: The City Manager or designee may make or authorize others to make emergency expenditures and procurements of materials, supplies, equipment, or services when a threat to public health, welfare or safety exists. Applicable state laws relating to emergency declarations, expenditures and purchases will be followed.

Definitions for Purchasing Policies:

- a. *Accounts Payable* – is the obligations incurred by the City during its operations that remain due and must be paid in the short term.
- b. *Accounts Receivable* – is the funds or obligations owed to the City by customers who were provided services.

- c. *Audit Officer* – The Finance Director and the City Manager will serve as the City's Auditing Officer and will comply with the bonding and other provisions of RCW 42.24.180 and the requirements herein.
- d. *Claim* - a bill, invoice or written request for payment provided to the City by a vendor or owed party.
- e. *Automated Clearing House (ACH)* - A nationwide payment and collection system that provides for electronic distribution and settlement of funds. Although the term Electronic Fund Transfer (EFT) is technically more inclusive than the term ACH, the term EFT is often used synonymously with ACH and Wire Transfer. Wire transfers execute directly between two accounts, as opposed to a clearinghouse, so they process more quickly, but they are more expensive.
- f. *Electronic funds transfer (EFT)* - refers to the disbursement from a bank account by means of wire, direct deposit, ACH or other electronic means.

Food and Beverage Purchasing:

PURPOSE: The purpose of this procedure is to provide guidance regarding when purchases of meals and refreshments by the city are reasonable, allowable and related to the conduct of City business or services.

PROCEDURES: The following is a list of situations in which the reasonable cost of food and beverage items and supplies are allowable City expenses:

- a. Working lunches where staff are expected to attend and the meeting is scheduled during a meal period.
- b. Working meals attended by the City Manager and elected officials or executives from other states and local agencies and jurisdictions.
- c. Meals or refreshments provided at City Council meetings, City Council study session meetings, City Council retreats and other meetings for elected officials and/or staff members and others required to attend such meetings
- d. Meals provided during recruitment of key City positions and for interview panels.
- e. Meals provided at staff appreciation and recognition events.
- f. Refreshments for ceremonies, receptions and special events sponsored by the city.
- g. Meals or refreshments provided for working lunch or dinner meetings of commissions, committees, and task forces.
- h. Light refreshments at meetings such as training sessions, committee and commission meetings, regional meetings and staff meetings.
- i. Meals or refreshments provided for city employees and others responding to emergency situations (e.g., weather-related event or other event requiring use of emergency coordination center).
- j. Meals or refreshments provided to seasonal employees attending their department orientation.
- k. Alcoholic beverages are prohibited at City functions and are not allowed as reimbursable expense.
- l. The purchasing employee or department must have sufficient budget authority to fund the expense.
- m. Purchases are to be processed for approval according to City policy, work rules, or practices:

Per Diem:

Employee Per-Diem is to cover meals and other miscellaneous expenses when traveling.

Medina will use the General Services Administration (“GSA”) standard to apply a flat rate for daily use. If any meal(s) is/are provided at no cost to the employee as part of their travel, that meal will be subtracted from the total daily per diem rate. If the area you are traveling to is not listed by the GSA, the standard rate will be applied.

The General Services Administration (GSA) establishes per diem rates for federal employees traveling within the continental United States (CONUS) to cover meals and incidental expenses. These rates are updated annually, typically in mid-August, for the upcoming fiscal year, which begins October 1st. The GSA's per diem policy ensures fair and equitable reimbursement for federal travelers.

Per-Diem reimbursement is not taxable and will generally be processed within two weeks of your travel.

Responsibilities of Accounts Payable:

- a. Accounts Payable is one of the primary role responsibilities of the Assistant Finance Director. If the Assistant Finance Director is unable to perform these duties, the Finance Director will assume the role of Accounts Payable. In this case, the only acting Audit Officer for the City would be the City Manager.
- b. Accounts Payable will ensure that all supporting documentation is attached to any payment request and that the original documentation is retained. Before the Auditing Officer's review, Accounts Payable will ensure that all appropriate accompanying material is included for each claim, verify the math relating to the bill is correct, check for double payment and ensure that a responsible department head has stamped and signed the claim for payment.
- c. Invoices will be reviewed by Accounts Payable to help prevent any errors, omissions, inconsistencies and wrongful or double payment. All claims and supporting documentation will be organized by Accounts Payable to allow for easy identification and retrieval.
- d. In order to ensure timely review of all claims against the City, Accounts Payable will compile a list of the claims for the month that will be presented to the Audit Officer and the City Council for their approval.
- e. To be included on the list for payment, each claim, with all appropriate documentation, will be presented as early as possible to Accounts Payable but no later than the last business day of the month prior to the next regularly scheduled City Council meeting on the second Monday of the month.

Management's Review & Certification:

- a. All claims submitted to the City will be reviewed, pre-audited and certified by the City's Auditing Officer prior to payment. With a dual signature process, both the Finance Director and City Manager will certify each claim.
- b. The Audit Officer will review and certify the payment status of all claims prior to presenting such claims to the City Council for approval. No claim will be paid without such authentication and

certification by the Audit Officer.

- c. Prior to the payment of any claim, the Audit Officer will clearly identify the specific claims and payroll checks certified for payment on an approval list.
- d. The certification will be signed and dated by the Audit Officer and will include the following statement:

"The undersigned Audit Officer does hereby certify under penalty of perjury that the forgoing claims are just, due and unpaid obligation of the City of Medina, and that the undersigned hereby authenticates and certifies said claims."

Payment of Claims:

After review and certification of a claim by the Audit Officer, a claim may be paid. When payment occurs prior to formal City Council approval of a claim, the City Council must still exercise its responsibility to review and approve all claims presented for payment and ensure that the audit and certification system is accurate and operating in a manner that provides the greatest possible protection to the City.

City Council Review & Approval of Claims:

The City Council will review and may approve the claims paid or to be paid at its next regularly scheduled public meeting. Upon the Council's approval for payment of claims and payroll, the following will be entered into the minutes of the meeting:

"Claims audited and certified by the City's Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a listing which has been made available to the Council.

As of this date, (DATE), the Council does approve for payment those claims included in the above mentioned list and further described as follows:

Claim Checks #_____ through #_____ in the total amount of \$_____.

Payroll Checks #_____ through #_____ in the total amount of \$_____.

Voided Check numbers and record of deposit documents will also be noted on this report."

Claim Disapproval:

If the Council disapproves a claim or claims, the City Manager and Finance Director must recognize these claims as disapproved and receivables of the City and pursue collection diligently until the amounts that have been disapproved are either collected or the Council is satisfied and approves the appropriate resolution of the claims.

Check Requirements:

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All City checks require two signatures for payment and can be signed and paid only after certification by the Auditing Officer. If the Finance Director is acting as Accounts Payable for a claim, then a secondary check signature will be required in lieu of the Finance Director. A list of checks from this City's checking account, clearly showing the claims for that month, will be made part of a regular monthly Council approval list even though these such checks could already have been distributed in accordance with these policies.

Check Signers:

Each city check must be signed by two different Director level staff, each with the given authority to do so by the Medina City Council. The following are authorized to be the signatories on this account:

Primary Signature: City Manager
Primary Signature: Finance Director

Secondary Signature: City Clerk
Secondary Signature: Chief of Police

EFT (Electronic Fund Transfer) Control Procedures:

To promote the safety of City funds in the electronic funds transfer environment, the following procedures will be adhered to:

- a. The procedure to initiate, approve, and record an EFT payment is subject to the same financial policies, procedures, and controls that govern disbursements made by any other means.
 - Review of transfer by Finance Director or her/his designee who will not be entering or initiating the transfer.
 - Two approval signatures from authorized check signers.
 - Reconciliation of bank activity to the General Ledger will be performed in a timely manner with all exceptions resolved.
- b. EFT transactions will not be made without proper authorization of affected parties in accordance with federal and state statutes and accepted business practices.
- c. All EFT payments should be initiated by secure computer-based systems:
 - US Bank SinglePoint (designated administrator, dual control & time-limited token generated PIN)
 - Known payroll benefit providers' portals, such as IRS, AWC, DRS, ADP.
 - Reoccurring payments through vendor portals, such as utilities and Voyager (Through US Bank)
- d. The City Finance Director will serve as primary administrator to manage and control access to the systems used to process EFT transactions. The administrator shall ensure that adequate separation of duties exists in accordance with accepted internal control standards. In addition, the administrator will ensure approval and maintenance of user system IDs, user permissions, including authorized representatives and their associated transfer limits. The City Manager has

authority serve as back up administrator.

- e. Because EFT transfers between City bank accounts have reduced risk, the Finance Office may use EFTs on a routine basis to concentrate funds for payment and investment purposes. Although the risks are minimal for transfers between City accounts, reasonable controls should exist with regard to authorization, reconciliation, and review of these transactions.

f. Types of Payments Made via ACH:

- **Vendor Payments:** In its normal course of business, the City of Medina remits the following types of vendor payments via ACH: Supplier payments, Employee payroll and benefits, and routine payments to the WA State Treasurer.
- **Wire Transfers:** transfer for investment purchases, bond proceeds, interest payments and maturities are routinely processed by wire between the City and US Bank (custodial account) and between the city and the Local Government Investment Pool.
- **Customer Direct Debit:** Customers have the option to direct the city to directly debit their bank account to make their payments.
- **Travel and expenditure reimbursement for City Staff and City Officials/Volunteers.**

External Payment Verification:

An external payment verification policy outlines the procedures for confirming the legitimacy of transactions and the identity of the parties involved when processing payments from outside sources. It is a critical component of a company's fraud management strategy and is required for compliance in many industries. When any request is made to change the payment information, this will be confirmed by the City by calling the payee, using only information that is in the City's file, and requesting the submittal of a paper document to verify the updated payment information.

Employee Direct Deposit – For employee direct deposit verification, employees are required to submit a paper copy of their request directly to either the Finance Director, or the Assistance Finance Director. No form will be accepted electronically by email. If an employee requests to change the account deposit information, that update will be verified using the same procedures as setting up the initial deposit verification.

City Vendors – For all other vendors, the City requires that every change to a company's bank account information or mailing address shall be verified by either the Finance Director or the Assistant Finance Director by phone with a trusted point of contact using contact information located in the City's file and never by email alone. The City will also request the vendor submit paper documentation to verify the updated payment information.

For new vendors that are processed by ACH, the pre-note process may be utilized to ensure banking information is accurate prior to payment.

Capital Investment Policies:

- a. The City will make capital improvements in accordance with an adopted Capital Improvement Plan.

- b. It is the policy of the City to maintain a Capital Projects Fund to provide funding for future projects including debt repayment. The use of any funds within the Capital Projects Fund must be recommended by the City Manager or their designee and approved by City Council.
- c. The Capital Improvement Plan and the base budget will be reviewed at the same time to ensure that the City's capital and operating needs are funded and that the Capital Improvement Plan is aligned with the City's other long-range plans.
- d. The City will identify the estimated costs and potential funding sources for each capital project proposal, as well as estimated future maintenance and repair costs, before it is submitted to Council for approval.
- e. The City will comply with state and local laws regarding use of Real Estate Excise Tax (REET) Revenue.

Accounting, Auditing and Financial Reporting:

The City will maintain a system of financial monitoring, control, and reporting for all operations and funds in order to provide effective means of ensuring that overall City goals and objectives are met.

Accounting Records and Reporting: The City will maintain its accounting records in accordance with state and federal regulations. Budgeting, accounting and reporting will conform to Budgeting, Accounting and Reporting System (BARS) for Governments as prescribed by the Washington State Auditor's Office. Regular monthly and annual financial reports will present a summary of financial activity by fund type and will be provided to the City Council.

Auditing: The City shall prepare and submit in a timely manner, the Annual Financial Report to the Washington State Auditor's Office in accordance with the standards established for the Annual Financial Report. The Washington State Auditor's Office will perform the City's financial and compliance audits on an annual basis. Results of the audit will be provided to the City Council in a timely manner.

The Finance Department will develop, maintain, and consistently seek to improve cash management systems and processes which will ensure the accurate and timely accounting, investment and security of all cash assets. Cash received will be deposited in a timely manner and monies will be safeguarded (e.g. kept in a safe) until they are deposited.

The City will establish a Petty Cash Fund in the amount of \$200. The Petty Cash Fund is to be used solely for the purpose of making payment and/or small reimbursements for City related purchases.

Investment Policy:

1.0 Policy:

It is the policy of the City of Medina to invest public funds in a manner which will provide the maximum security of the principal; meet the daily cash flow demands of the City; provide the City with the highest investment return and conform to all Washington statutes governing the investment of public funds.

2.0 Objective:

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The City's investments will follow all statutes governing the eligible investments for public funds in the State of Washington, in accordance with the Revised Code of Washington (RCW) 35A.40.050.

The primary objectives, in priority order, of the City's investment activities shall be:

- a) Safety: Safety of principal is the foremost objective of the City of Medina. Investments of the City shall be undertaken in such a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- b) Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
- c) Return on Investment: The City's investment portfolio shall be designed with the objective of attaining a market rate of return considering the City's risk constraints and the cash flow requirements.

The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate all investment activities, and report promptly to the Council any adverse development with any investment.

3.0 Ethics and Conflicts of Interest:

Anyone involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and Council Member officials shall disclose to the City Manager and the City Council any material financial interests in financial institutions that conduct business with the City, and she/he shall further disclose any personal financial/investment positions that could be related to the performance of the City's portfolio. Employees and Council Member officials shall subordinate their personal investment transactions to those of the City, particularly with regard to the time of purchases and sales.

4.0 Authorized Financial Dealers/Institutions:

Authorized broker/dealers and financial institutions will be limited to those that are approved by the Finance Committee and meet one or more of the following:

- a) Financial institutions approved by the Washington Public Deposit Protection Commission (RCW 39.58); or,
- b) Primary dealers recognized by the Federal Reserve Bank; or,
- c) Non-primary dealers qualified under the U.S. Securities and Exchange Commission Rule 15c3-1, the Uniform Net Capital Rule, and a certified member of the National Association of Securities Dealers.

At the request of the City, financial institutions, brokers and dealers performing investment services for the City shall provide their most recent financial statements or Consolidated Report of Condition ("call report") for review.

5.0 Authorized Investments:

The City may invest in any of the securities identified as eligible investments as defined by RCW 35A.40.050. In general, these consist of:

- a) Investment deposits (certificates of deposits) with qualified public depositories as defined in Chapter 39.58 RCW.
- b) Certificates, notes or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States (such as the Government National Mortgage Association).
- c) Obligations of government-sponsored corporations which are eligible as collateral for advances to member banks as determined by the Board of Governors of the Federal Reserve System. (These include but are not limited to, Federal Home Loan Bank notes and bonds; Federal Farm Credit Bank consolidated notes and bonds, and Federal National Mortgage Association notes, bonds and guaranteed certificates of participation.)
- d) Bankers' acceptances purchased on the secondary market.
- e) Bonds of the State of Washington and any local government in the State of Washington which have, at the time of investment, one of the three highest credit ratings of a nationally recognized rating agency.
- f) Repurchase agreements for securities listed in 2, 3 and 4 above, provided that the transaction is structured so that the City of Medina obtains control over the underlying securities and a Master Repurchase Agreement has been signed with the bank or dealer.
- g) The State of Washington Local Government Investment Pool.
- h) For a complete list of eligible investments for public funds in the state of Washington, visit: http://www.tre.wa.gov/documents/inv_elig.pdf

6.0 Safekeeping and Custody

All securities transactions entered into by the City of Medina shall be conducted on a delivery versus-payment (DVP) basis. Securities will be held by a third-party financial institution designated by the Finance Director as custodian on the City's behalf. All securities purchased by the City of Medina shall be properly designated as an asset of the City and no withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Finance Director as authorized herein, or by the Director's designee.

7.0 Reporting:

The Finance Director will determine what investment information will be included in the monthly financial report.

Debt Policy:

The City will maintain adequate available debt capacity for specific priority projects.

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The objectives of the City's Debt Management Policy will be to minimize the need for debt by maintaining strong revenue sources which meet or exceed expenditures.

Debt may be utilized to address short-term cash flow needs and/or to finance significant capital or other obligations. Debt will not be used to fund long-term revenue shortages. City Council approval is required to approve the issuance of debt.

Current Operations will not be financed with long term debt. In the event that the need for long term debt arises, the term of the long-term debt will not exceed the life of the projects financed.

When evaluating the use of non-voted Councilmanic Debt and the associated debt service obligations, an analysis shall be performed to determine the City's ability to make debt service payments, considering revenue fluctuations associated with periodic economic cycles. Debt may be considered where the Director of Finance can demonstrate that there is sufficient projected discretionary revenue to service the debt without disrupting the City's existing service delivery or programs.

Voted and non-voted Councilmanic Debt will be used prudently in a manner to avoid an adverse impact on the City's credit rating or ability to issue subsequent or additional debt.

Upon the issuance of any debt, the Director of Finance will establish the appropriate procedures to assure compliance with bond/debt covenants and applicable federal, state and local laws, policies and regulations.

In the event that the use of debt is required, the City will raise capital at the lowest cost, consistent with the need to borrow. This will be accomplished by keeping a high credit rating and maintaining a good reputation in the credit markets by managing the annual budget responsibly.

Small and Attractive Asset Policy:

It is the policy of the City to maintain accountability over all tangible items that may have the likelihood of disappearing without being noticed.

A small and attractive item is an item that is easily concealed and carried off, priced between \$500 - \$4,999, and has a life expectancy of more than one year. This item also is not likely to be missed immediately upon disappearance. Examples include without limitation laptops, cellphones, cameras, projectors, shop tools, guns, etc.

Each department head, or their designee, will prepare an Inventory List annually of their small and attractive items. If an item from the previous year is deleted, the department head will note the reason and/or means of disposal. This inventory list will be provided to the Finance Director by June 30th each year for monitoring. The Finance Director or designee will do a physical inventory based on random selection representing approximately 10-25% of items not previously selected in the prior 2 years.

The asset list will contain the serial number, model or other identifying information. Whenever feasible, each piece of property will be engraved or marked with the city's name. Such markings will be removed or obliterated only when the item is sold, scrapped, cannibalized, or otherwise disposed of.

The City may acquire property via purchase, construction, donation, or lease. Regardless of how it is acquired, when the property is received, the department head or their designee will add it to their Small & Attractive Assets Inventory List and mark the item with the City's name.

Items missing without adequate or feasible explanation may require additional reports to the Police Department, City Manager and/or Insurance Company. Deletions brought about as a result of natural disasters or theft would require reporting to the insurance provider for an eventual reimbursement claim.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: Title 6 Amendments Dept. Origin: Police Category: Consent Prepared by: Jennifer S. Robertson, City Attorney Attachments: Ordinance No. 1060	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Other:
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Summary:

Regional Animal Services of King County (“RASKC”) provides regional animal control, sheltering, and licensing services through interlocal agreements with King County and participating cities. The City Council has considered participation in RASKC to allow the City to rely on a regional animal services system for licensing, animal control, sheltering, and certain appeal functions.

Chapter 6.04 of the Medina Municipal Code (“MMC”) currently regulates animal control within the City. MMC Section 6.04.010 adopted Chapter 11.04 of the King County Code (“KCC”), entitled “Animal Care and Control Regulations,” by reference as a portion of the MMC, including subsequent modifications to those County code provisions. KCC Chapter 11.04 includes animal control enforcement procedures and the designation and regulation of potentially dangerous and dangerous animals.

The proposed ordinance clarifies and conforms MMC Chapter 6.04 by expressly adopting KCC Title 11, entitled “Animal Care and Control,” in its current structure, subject to local modifications and exclusions. The ordinance is intended to support consistent administration, licensing, appeal processing, and enforcement by the City and RASKC.

The ordinance also clarifies the relationship between KCC Title 11 and Medina’s local animal regulations. For RASKC and KCC Title 11 enforcement purposes, KCC Title 11 definitions will apply unless expressly modified by MMC Chapter 6.04.

The ordinance updates several existing MMC provisions to conform to the current RASKC/KCC structure. These updates include amendments to redemption procedures and fees, dog and cat licensing, violations and penalties, and enforcement authority. Animal licenses required under MMC Chapter 6.04 would be administered through King County or RASKC, rather than through a separate City animal licensing program.

The ordinance includes continuity language providing that the ordinance shall not be construed to invalidate, reopen, waive, or otherwise affect prior or pending animal control notices, orders, infractions, declarations, designations, enforcement actions, or other animal control matters. The

ordinance also provides that nothing in the ordinance shall be construed as an admission that any prior or pending animal control action was invalid, unauthorized, or unsupported by the MMC or other applicable law.

Adoption of the ordinance will promote public health and safety, animal welfare, regional coordination, consistent licensing and enforcement, and efficient delivery of animal services within the City.

Attachment(s)

Exhibit 1: Ordinance No. 1060 clarifying and amending MMC Chapter 6.04 relating to animal control; expressly adopting by reference KCC Title 11, entitled “Animal Care and Control,” subject to local modifications and exclusions; authorizing enforcement by the City Manager or designee and RASKC; providing for continuity of prior and pending animal control actions; and providing for severability, corrections, publication, and an effective date.

Budget/Fiscal Impact: The proposed ordinance itself does not create a new standalone payment obligation to King County. Any payment obligations for RASKC services are addressed through the City’s participation in the regional animal services program and the applicable interlocal agreement or addendum.

The ordinance may reduce City administrative burden by allowing animal licensing to be administered through King County or RASKC rather than through a separate City licensing program.

Recommendation: Adopt Ordinance No. 1060 clarifying and amending MMC Chapter 6.04 relating to animal control and expressly adopting King County Code Title 11, entitled “Animal Care and Control,” subject to local modifications and exclusions.

City Manager Approval:



Proposed Council Motions:

MOTION: “I move to adopt Ordinance No. 1060, clarifying and amending Chapter 6.04 of the Medina Municipal Code relating to animal control; expressly adopting by reference Title 11 of the King County Code, entitled ‘Animal Care and Control,’ subject to local modifications and exclusions; authorizing enforcement by the City Manager or designee and Regional Animal Services of King County; providing for continuity of prior and pending animal control actions; providing for severability, corrections, publication, and an effective date.”

CITY OF MEDINA, WASHINGTON

Ordinance No. 1060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, CLARIFYING AND AMENDING CHAPTER 6.04 OF THE MEDINA MUNICIPAL CODE RELATING TO ANIMAL CONTROL; EXPRESSLY ADOPTING BY REFERENCE TITLE 11 OF THE KING COUNTY CODE, ENTITLED “ANIMAL CARE AND CONTROL,” SUBJECT TO LOCAL MODIFICATIONS AND EXCLUSIONS; AUTHORIZING ENFORCEMENT BY THE CITY MANAGER OR DESIGNEE AND REGIONAL ANIMAL SERVICES OF KING COUNTY; PROVIDING FOR CONTINUITY OF PRIOR AND PENDING ANIMAL CONTROL ACTIONS; PROVIDING FOR SEVERABILITY, CORRECTIONS, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has historically regulated animal control through Chapter 6.04 of the Medina Municipal Code (“MMC”); and

WHEREAS, MMC Section 6.04.010 adopted Chapter 11.04 of the King County Code (“KCC”), entitled “Animal Care and Control Regulations,” by reference as a portion of the MMC, including subsequent modifications to those County code provisions; and

WHEREAS, KCC Chapter 11.04 includes animal control enforcement procedures and the designation and regulation of potentially dangerous and dangerous animals; and

WHEREAS, the City’s prior adoption of KCC Chapter 11.04 has been administered and interpreted together with the related definitions, procedures, and administrative provisions necessary to give effect to and enforce the adopted animal control regulations within the City; and

WHEREAS, the City Council desires to clarify and conform MMC Chapter 6.04 by expressly adopting KCC Title 11, in its current structure, subject to local modifications and exclusions; and

WHEREAS, the City Council desires to participate in the regional animal services program through Regional Animal Services of King County (“RASKC”); and

WHEREAS, the City Council finds that expressly adopting KCC Title 11 will promote public health and safety, animal welfare, regional coordination, consistent licensing and enforcement, and efficient delivery of animal services within the City; and

NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN
AS FOLLOWS:**

Section 1. Recitals. The above recitals are hereby adopted as findings in support of this Ordinance.

Section 2. Amendment of MMC Section 6.04.005. MMC Section 6.04.005 is amended to read as follows:

A. *Intent.* The intent of this section is to clarify the relationship between the animal care and control provisions adopted by reference in MMC Section 6.04.010 and the City's local animal classifications and prohibitions, including those applicable to exotic animals and farm animals.

B. *King County Code Title 11 Definitions Control for KCC Enforcement.* For purposes of administering and enforcing King County Code Title 11 as adopted by reference in MMC Section 6.04.010, including administration and enforcement by Regional Animal Services of King County, the definitions in King County Code Title 11 shall apply unless expressly modified by this chapter.

C. *City Definitions.* For purposes of subsection D of this section and any other provision of the MMC that expressly references this section or the definitions set forth herein, the following City definitions and animal classifications shall apply:

1. Farm animal means any animal that may be considered or defined as a farm, barnyard, livestock, or grazing animal, whether kept in open or fenced fields or grounds, or in structures, and regardless of use or purpose. Farm animals include without limitation cows, horses, mules, hogs, sheep, goats, roosters, and turkeys.

D. *Local Prohibitions.* No farm animal shall be raised, kept, maintained, harbored, used, or bred within the City. A violation of this prohibition shall constitute a Class 1 civil infraction per RCW Chapter 7.80, which is incorporated by reference.

Section 3. Amendment of MMC Section 6.04.010. MMC Section 6.04.010 is amended to read as follows:

6.04.010 King County animal care and control provisions adopted by reference.

A. *Adoption by Reference.* Title 11 of the King County Code, entitled "Animal Care and Control," is adopted by reference as if set forth in full herein, except as expressly modified, excluded, or supplemented by this chapter.

B. *Exception.* King County Code Section 11.04.232, "Stock restricted area," is expressly not adopted.

C. Local Modifications and Supplements. The provisions of this chapter are intended to supplement and, where expressly stated, modify the provisions of King County Code Title 11 as adopted by this section. In the event of a direct conflict between a provision of this chapter and a provision of King County Code Title 11, as adopted by this section, the more specific provision of this chapter shall control unless otherwise required by state law or an applicable interlocal agreement.

D. Construction of County References. For purposes of administering and enforcing King County Code Title 11 within the City, references to King County, the manager, the animal care and control authority, the animal care and control officer, or other County officials shall be construed to include the City, the City Manager or designee, Regional Animal Services of King County, and/or other authorized officials, as applicable and consistent with this chapter, the King County Code provisions adopted by reference.

E. Future Amendments. Future amendments to King County Code Title 11, including animal license and registration fees established in King County Code Section 11.04.035, shall be automatically adopted and shall become effective within the City on the effective date established by King County, unless the City Council expressly provides otherwise by ordinance.

F. Copy on File. The City Clerk is directed to maintain a copy of King County Code Title 11, as adopted by reference and as subsequently amended, for public inspection and use as required by law.

Section 4. Amendment of MMC Section 6.04.030. MMC Section 6.04.030 is amended to read as follows:

6.04.030 Redemption procedures and fees.

Animals impounded under this chapter or King County Code Title 11 as adopted by reference in MMC Section 6.04.010 may be redeemed in accordance with the redemption, impoundment, kenneling, payment, and disposition procedures set forth in King County Code Title 11, and any other applicable law, as now in effect or as hereafter amended, unless otherwise provided by this chapter, by order of the City Manager or designee, by order of Regional Animal Services of King County, by order of a hearing examiner, or by order of a court.

Section 5. Amendment of MMC Section 6.04.040. MMC Section 6.04.040 is amended to read as follows:

6.04.040 Dog and cat licenses.

A. License Required. Dogs and cats required to be licensed within the City shall be licensed in accordance with King County Code Title 11 as adopted by reference in MMC Section 6.04.010.

B. *License Administration.* Animal licenses required under this chapter shall be administered through King County or Regional Animal Services of King County, unless otherwise authorized by the City Manager or designee.

C. *Fees.* Animal license, registration, renewal, replacement tag, late, and related licensing fees shall be the fees established by King County Code Section 11.04.035, as now in effect or as hereafter amended, unless otherwise established by ordinance or resolution of the City Council.

D. *City Licensing Support.* The City may support animal licensing compliance through public information, website links, referrals, coordination with King County or Regional Animal Services of King County, and other administrative measures approved by the City Manager or designee. Nothing in this section requires the City to maintain a separate City animal licensing program.

E. *Previously Issued City Licenses.* The City Manager or designee is authorized to coordinate with King County and Regional Animal Services of King County regarding the transition, recognition, or administration of any lifetime dog or cat license issued by the City before the effective date of this Ordinance. Nothing in this subsection requires the City to issue any new City animal license after the effective date of this Ordinance.

Section 6. Amendment of MMC Section 6.04.050. MMC Section 6.04.050 is amended to read as follows:

6.04.050 Violations; penalties; state law remedies preserved.

A. *Violations and Penalties.* Violations of this chapter and King County Code Title 11 as adopted by reference in MMC Section 6.04.010 shall be subject to the civil penalties, criminal penalties, impoundment authority, costs, fees, and other enforcement remedies set forth in King County Code Title 11, this chapter, and applicable law.

B. *Concurrent Remedies.* The remedies provided in this chapter are cumulative and not exclusive. The City may pursue any civil, criminal, administrative, legal, or equitable remedy authorized by this chapter, King County Code Title 11 as adopted by reference, or state law.

Section 7. New MMC Section 6.04.060 Added. A new Section 6.04.060 is added to Chapter 6.04 of the MMC to read as follows:

6.04.060 Enforcement.

The City Manager or designee and Regional Animal Services of King County are authorized to administer and enforce the provisions of this chapter and King County Code Title 11 as adopted by reference, consistent with the enforcement, notice, order, appeal, impoundment, redemption, licensing, registration, and penalty provisions set forth in King County Code Title 11, this chapter, and any applicable interlocal agreement.

Section 8. Continuity of Prior and Pending Actions. Nothing in this Ordinance shall be construed to invalidate, reopen, waive, or otherwise affect any animal control notice, order, citation, infraction, declaration, designation, registration, license, penalty, appeal, impoundment, enforcement action, or other animal control matter issued, commenced, pending, or final before the effective date of this Ordinance.

Nothing in this Ordinance shall be construed as an admission that any prior or pending animal control action was invalid, unauthorized, or unsupported by the Medina Municipal Code or other applicable law.

Section 9. Conforming Fee Schedule and Administrative Updates. The City Manager, City Clerk, and/or designee are authorized to make conforming updates to the City's master fee schedule, public-facing licensing materials, forms, and related administrative materials to reflect that animal licenses required under Chapter 6.04 MMC are administered through King County or Regional Animal Services of King County, and that applicable license, registration, renewal, replacement tag, late, and related licensing fees are established by King County Code Section 11.04.035, unless otherwise established by ordinance or resolution of the City Council.

To the extent the City's master fee schedule currently lists separate City animal license fees that conflict with this Ordinance or King County Code Title 11 as adopted by reference, the fees in the master fee schedule are superseded by those in Title 11 as of the effective date of this Ordinance.

Section 10. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 11. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 12. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 13. Effective Date. This ordinance shall take effect five days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THIS 27th DAY OF JULY, 2026 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE ON THE 27th DAY OF JULY, 2026.

Jessica Rossman, Mayor

Approved as to form:

Attest:

Inslee Best Doezie & Ryder, P.S.

Jennifer S. Robertson, City Attorney

Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.:1060 / AB 7th



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: 2027-2032 Six-Year CIP, TIP, Non-TIP Dept. Origin: Public Works Category: Consent Prepared by: Ryan Osada, Public Works Director Attachments: 2027-2032 Six Year CIP, TIP, Non TIP_07162026	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Other:
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Proposed Council Action: Approve.

Summary

The Six-Year Capital Improvement Plans (CIP) and Transportation Improvement Plans (TIP) are elements of the Comprehensive Plan. It serves as a planning and budgeting document for public works projects. State law requires all municipalities to hold a public hearing to receive public comments before adopting or amending the CIP/TIP. The city is required to provide an adopted Six-Year CIP/TIP to the State Department of Transportation by July of each year. The CIP/TIP is used to qualify for grant funding and requires each project for which funding is requested to appear in the adopted CIP/TIP. Because of our size, Medina merges the CIP and TIP into one document for more efficient overall fiscal planning.

The Proposed Six-Year CIP/TIP Plan for years 2027 through 2032 was developed from street and right-of-way improvement condition assessment, storm drainage deficiencies, public facility evaluations, and incorporates planned improvements such as street pavement overlays to restore street surfaces, bridge rehabilitation, storm drainage projects, sidewalk, and park improvements. The attached 2027 – 2032 CIP/TIP Project Summary lists the projects by year, project scope, budget, and revenue source.

Council Priorities

This proposal furthers Council Priorities 1-5.

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: The proposed annual expenditure for the plan ranges from \$740,000 to \$1,530,000 per year.

Recommendation: Approve

City Manager Approval:



Proposed Council Motions: I move to approve the proposed plan as presented and authorize staff to proceed with implementation of the 2027-2032 Six Year CIP, TIP, Non TIP.

CITY OF MEDINA

Updated 7/16/2026

2027 - 2032 SIX YEAR CAPITAL IMPROVEMENT PLAN (CIP)

2027 - 2032 SIX YEAR TRANSPORTATION IMPROVEMENT PLAN (TIP)

2027 - 2032 SIX YEAR NON-TRANSPORTATION IMPROVEMENT PLAN (NON-TIP)

DATE SUBMITTED:

Approved by: Medina City Council

Date:

Resolution Number:

NO.	YEAR	STREET / LOCATION	FROM / AT	TO	LENGTH (mi)	PROJECT SCOPE	PAVEMENT CONDITION	PROJECT BUDGET	REVENUE SOURCE
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I. STREET IMPROVEMENT PROJECTS (ACP Overlays, Sidewalks, Storm Drainage, etc.)

I - 1	2027	81st Ave NE	Overlake Dr W	NE 8th Street	0.09	Asphalt Overlay	68	\$70,000.00	REET Tax
I - 2	2027	Lake WA Blvd	88th Ave NE	NE 10th Street	0.11	Asphalt Overlay	64	\$110,000.00	REET Tax
I - 3	2028	NE 22nd St	Evergreen Pt Rd	East EOR	0.24	Asphalt Overlay	70	\$130,000.00	REET Tax
I - 4	2028	Overlake Dr Bridge	1014B		NA	Bridge Rehabilitation		\$100,000.00	REET Tax
I - 5	2028	Parking Lot	Medina Park	NE 82nd Street Lot	NA	Asphalt Overlay	71	\$50,000.00	REET Tax
I - 6	2028	NE 12th Street	Evergreen Pt Rd	84th Ave NE	0.5	Asphalt Overlay	70	\$225,000.00	REET Tax
I - 7	2029	NE 8th Street	Evergreen Pt Rd	82nd Ave NE	0.46	Asphalt Overlay	72	\$200,000.00	REET Tax
I - 8	2029	82nd Ave NE	NE 8th Street	NE 12th Street	0.29	Asphalt Overlay	72	\$180,000.00	REET Tax
I - 9	2029	Overlake Dr Bridge	1014B		NA	Bridge Rehabilitation		\$100,000.00	REET Tax
I - 10	2030	78th Ave NE	NE 21st Street	NE 28th Street	0.47	Asphalt Overlay	68	\$200,000.00	REET Tax
I - 11	2030	Overlake Dr Bridges			NA	Bridge Rehabilitation		\$100,000.00	REET Tax
I - 12	2031	Overlake Dr W	84th Ave NE	Overlake Dr E	0.28	Asphalt Overlay	68	\$160,000.00	REET Tax
I - 13	2031	Overlake Dr Bridges			NA	Bridge Rehabilitation		\$100,000.00	REET Tax
I - 14	2032	Overlake dr Bridges			NA	Bridge Rehabilitation		\$100,000.00	REET Tax
I - 15	2032	NE 24th St	Evergreen Pt Rd	84th Ave NE	0.5	Asphalt Overlay	81	\$250,000.00	REET Tax

II. STORM DRAINAGE PROJECTS (Not including storm drainage improvements in conjunction with street or path projects)

II - 1	2027	NE 28th St Water Quality Filter				Stormwater Outfall Filtration Vault / Biofiltration		\$470,000.00	REET Tax
II - 2	2028	NE 22nd St	Evergreen Pt Rd	Culdesac End		Stormwater Infrastructure Improvements		\$200,000.00	REET Tax
II - 3	2028	NE 12th Street	80th Ave NE	84th Ave NE		Stormwater Infrastructure Improvements		\$50,000.00	REET Tax
II - 4	2029	NE 8th Street	Evergreen Pt Rd	82nd Ave NE		Stormwater Infrastructure Improvements		\$50,000.00	REET Tax
II - 5	2029	82nd Ave NE	NE 8th Street	NE 12th Street		Stormwater Infrastructure Improvements		\$50,000.00	REET Tax
II - 6	2030	78th Ave NE	NE 21st Street	NE 28th Street		Stormwater Infrastructure Improvements		\$200,000.00	REET Tax
II - 7	2031	Overlake Dr W	84th Ave NE	Overlake Dr E		Stormwater Infrastructure Improvements		\$200,000.00	REET Tax
II - 8	2032	NE 24th Street	Biofiltration Swale			Stormwater Biofiltration Swale		\$200,000.00	REET Tax

Pavement Condition Legend for Part I. ACP Overlays:

NOTES:

Based on a 100 point rating with 0 being the worst.
 Rating is generated by the TIB Performance Management
 Dashboard
 *Rating is outdated - field verified

- 1) The above budget figures are to be considered preliminary project costs only.
 More precise budget figures will need to be determined once the final scope of each project is defined,
 which will require more extensive research, survey, and scope definition prior to the particular year's budgeting.
- 2) The projects identified above are preliminary in scope. Projects may be added to or deleted from this list.

III. SIDEWALK / PATH PROJECTS (Including storm drainage improvements as needed)

III - 1	2027	Evergreen Pt Rd	NE 12th Street	SR 520	1.18	Pedestrian Improvements - Draft Construction Plans <i>*Citywide Sidewalk Vision / align with comp plan</i>		\$200,000.00	REET Tax
III - 2	2028	Evergreen Point Rd	NE 12th Street	NE 16th Street	0.3	Pedestrian Improvements		\$200,000.00	REET Tax
III - 3	2029	Evergreen Point Rd	NE 16th Street	2000 block	0.4	Pedestrian Improvements		\$200,000.00	REET Tax
III - 4	2030	77th Ave NE	NE 22nd ST	NE 16th St	0.6	Pedestrian Improvements		\$100,000.00	REET Tax
III - 5	2030	Evergreen Point Rd	2000 Block	NE 22nd Street	0.2	Pedestrian Improvements		\$200,000.00	REET Tax
III - 6	2031	Evergreen Point Rd	NE 22nd Street	NE 24th Street	0.13	Pedestrian Improvements		\$200,000.00	REET Tax
III - 7	2032	Evergreen Point Rd	NE 24th Street	NE 28th Street	0.24	Pedestrian Improvements		\$200,000.00	REET Tax

NON-TRANSPORTATION IMPROVEMENT PROJECTS:

IV. BUILDING RESTORATION AND IMPROVEMENTS

IV - 1	2027	City Hall				Lobby & Workspace Planning and Design <i>Community-Oriented Design</i>		\$20,000.00	REET Tax
IV - 2	2028	Post Office				Re-Roof Building		\$40,000.00	REET Tax
IV - 3	2029	City Hall Bldg				Re-Roof Building		\$65,000.00	REET Tax
IV - 4	2030	Public Works Bldg				Exterior Painting		\$30,000.00	REET Tax
IV - 5	2031	Public Works Bldg				Re-Roof Building		\$70,000.00	REET Tax

V. PARKS PROJECTS

V - 1	2027	Medina Park	North Pond		N/A	Stormwater Pond Improvements		\$600,000.00	SROF
V - 2	2027	Unimproved ROW	Park		N/A	Hardscaping & Landscaping Improvements		\$50,000.00	Park Levy
V - 3	2027	Fairweather Park	Nature Preserve		N/A	Invasive Species Removal & Planting Plan		\$20,000.00	REET Tax
V - 4	2028	Unimproved ROW	Park		N/A	Hardscaping & Landscaping Improvements		\$50,000.00	Park Levy
V - 5	2028	Fairweather & Medina	Park		N/A	Tennis Court Resurfacing		\$60,000.00	REET Tax
V - 6	2028	Fairweather Park	Nature Preserve		N/A	Planting Plan		\$10,000.00	Park Levy
V - 7	2029	Medina Park	Playground		N/A	Wood Chip Rehabilitaion		\$20,000.00	Park Levy
V - 8	2029	Fairweather	Nature Preserve		N/A	Invasive Species Removal & Planting Plan		\$20,000.00	Park Levy
V - 9	2030	Fairweather Park	Playfield		N/A	Playfield Drainage Improvements		\$150,000.00	REET Tax & Park Levy
V - 10	2031	Fairweather	Nature Preserve		N/A	Invasive Species Removal & Planting Plan		\$20,000.00	Park Levy
V - 11	2032	Fairweather	Nature Preserve		N/A	Invasive Species Removal & Planting Plan		\$20,000.00	REET

SUMMARY TOTAL PROJECTED BUDGET BY YEAR:

2027	\$	1,540,000.00
2028	\$	1,115,000.00
2029	\$	885,000.00

NOTES:

1) The above budget figures are to be considered preliminary project costs only.
More precise budget figures will need to be determined once the final scope of each project is defined,
which will require more extensive research, survey, and scope definition prior to the particular year's budgeting.

2030	\$	990,000.00	2) The projects identified above are preliminary in scope. Projects may be added to or deleted from this list.
2031	\$	750,000.00	
2032	\$	770,000.00	
TOTAL SIX YEAR C.I.P. 2027 - 2032	\$	6,050,000.00	



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: Addendum for CSPA Agreement for UWPD to Join Dept. Origin: Police Category: Consent Prepared by: Jeff Sass Attachments: Addendum attached	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Other:
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Proposed Council Action: Approve

Summary

This addendum allows for the addition of UWPD to Join the Coalition of Small Police Agencies. We share training opportunities, work with each other if we need to borrow instructors, and work together to help each other out as in small agencies resources are limited. We participate in the Major Crimes Task Force, compromised by a detective from each agency that allows us to call in a team to help us with larger investigations. This has very little impact on the agency and no financial impact.

Council Priorities

This proposal furthers Council Priorities 3 and 4.

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: N/A

Recommendation: Approve

City Manager Approval:

Proposed Council Motions: Approve on Consent Agenda.

COALITION OF SMALL POLICE AGENCIES
INTERLOCAL COOPERATION AGREEMENT

ADDENDUM NO. 1

UNIVERSITY OF WASHINGTON POLICE DEPARTMENT

THIS ADDENDUM is entered into under the Interlocal Cooperation Act (Chapter 39.34 RCW) by and between the existing parties to the Coalition of Small Police Agencies Interlocal Cooperation Agreement dated December 2, 2002 ("ILA"), and the University of Washington Police Department ("UWPD").

WHEREAS, the participating agencies entered into the ILA for the purpose of providing mutual law enforcement assistance and cooperation pursuant to RCW 39.34 and RCW 10.93.130; and

WHEREAS, the ILA establishes the Coalition of Small Police Agencies (CSPA) and defines participating entities as "Cooperating Agencies"; and

WHEREAS, UWPD has requested to join the CSPA; and

WHEREAS, the participating agencies desire to allow UWPD to join as a full member for a limited term of one (1) calendar year for evaluation purposes;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

JOINDER.

UWPD hereby agrees to join and be bound by all terms, conditions, and provisions of the ILA and shall be considered a "Cooperating Agency" for all purposes during the term of this Addendum.

TERM.

This Addendum shall take effect upon full execution and shall remain in effect for a period of one (1) calendar year from the date of final signature. At the conclusion of the term, the Administrative Board shall reassess UWPD membership.

GOVERNANCE.

During the term of this Addendum, UWPD shall be a full member of the Administrative Board and shall have full voting rights equal to all other Cooperating Agencies.

LIABILITY AND INDEMNIFICATION.

UWPD agrees to all liability, indemnification, and insurance provisions contained within the ILA. Each agency shall remain responsible for the acts and omissions of its own officers, employees, and agents.

TERMINATION.

This Addendum may be terminated prior to expiration by majority vote of the Administrative Board or by withdrawal consistent with the ILA.

NO OTHER MODIFICATIONS.

Except as expressly modified herein, all terms and conditions of the ILA remain in full force and effect.

FILING.

This Addendum shall be filed or posted as required by RCW 39.34.040 prior to its entry into force.

**UNIVERSITY OF WASHINGTON POLICE
DEPARTMENT**

By: _____
Name: _____
Title: _____
Date: _____

CITY OF ALGONA

By: _____
Name: _____
Title: _____
Date: _____

CITY OF BLACK DIAMOND

By: _____
Name: _____
Title: _____
Date: _____

CITY OF CLYDE HILL

By: _____
Name: _____
Title: _____
Date: _____

CITY OF DUVALL

By: _____
Name: _____
Title: _____
Date: _____

CITY OF ENUMCLAW

By: _____
Name: _____
Title: _____
Date: _____

CITY OF ISSAQUAH

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF LAKE FOREST PARK

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF MEDINA

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF MERCER ISLAND

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF NORMANDY PARK

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF PACIFIC

By: _____
 Name: _____
 Title: _____
 Date: _____

CITY OF SNOQUALMIE

By: _____
 Name: _____
 Title: _____
 Date: _____



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: Ezee Fiber Telecommunications Franchise Dept. Origin: Public Works Category: Council Business Prepared by: Jennifer Robertson, City Attorney and Ryan Osada, Public Works Director Attachments: Ordinance No. XXX and Proposed Telecommunications Franchise Agreement	Proposed Council Action/Motion: ☒ Information ☐ Receive and File ☒ Discuss ☐ Provide Direction ☒ Public Hearing ☐ Adopt/Approve
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Summary***1. Application Overview.***

Ezee Fiber Washington Assets, LLC (“Ezee Fiber”) has applied for a non-exclusive telecommunications franchise in order to install and operate a high-speed fiber optic infrastructure network in the City of Medina rights of way. The non-exclusive franchise agreement is attached to Ordinance No. XXX. Ezee Fiber will provide internet services within the City of Medina and will provide more choices to Medina Residents. Ezee Fiber has represented to the City that at least a portion of the services it provides meet the definition of a “telephone business” as defined by RCW 82.16.010 or acts as a service provider as such term is defined in RCW Section 35.99.010. This means that Ezee Fiber is required to pay utility taxes on the services which are classified as a telephone business.

Ezee Fiber applied for the telecommunications franchise in accordance with MMC 15.06.020. Following review of the application, the Public Works Director found that Ezee Fiber met the requirements for a telecommunications franchise under Ch. 15.06 MMC and directed the City Attorney’s Office to negotiate and prepare a franchise agreement for Ezee Fiber. Ezee Fiber will reimburse the City for all costs of negotiating, preparing and processing the franchise agreement, including reimbursement for the City Attorney fees.

2. Agreement Summary.

This franchise agreement is consistent with franchise agreements that are offered to competing businesses as is required by law. Ezee Fiber will be required to serve the general public with its telecommunications services. MMC 15.06.010; 15.06.100.

The franchise agreement allows Ezee Fiber to utilize Medina rights of way for its fiber network. The agreement has an initial term of 10 years and allows two 5-year extensions. On year 5 of the

initial term, the parties can re-evaluate the franchise to determine if there are any pending issues. If this review initiated, the parties will discuss the issues in good faith.

The franchise agreement is non-exclusive, which means that Medina is not limited from granting franchises to other competitors.

Key agreement terms:

In order to install and maintain the fiber network, Ezee Fiber will need to obtain permits to work in Medina rights of way. The City and Ezee Fiber have agreed to seek to coordinate excavation work as feasible to avoid repeat work in the same right of way and reduce the frequency of cutting into the rights of ways. Ezee Fiber will also need to restore the rights of way following any construction and maintenance. (See Section 3 of Agreement.)

If the City requires Ezee Fiber to move its facilities for the City project, Ezee Fiber is required to do so at its own expense. (See Section 4 of Agreement.)

In areas where other facilities in the City are underground, Ezee Fiber agrees to also place its facilities underground. (See Section 5 of Agreement.)

Ezee Fiber will provide the City with the opportunity to obtain use of conduit or additional duct at Ezee Fiber's incremental cost. This conduit or duct would then belong to the City for its own uses. (See Section 9 of Agreement.)

Ezee Fiber is required to provide extensive insurance coverage (\$5 million) and indemnification to the City. (See Section 13 and 14 of Agreement.) Ezee Fiber also is required to post bonds when performing work in the rights of way. (See Section 16 of Agreement.)

The City has the authority to enforce the agreement, including terminating the agreement or fining Ezee Fiber for breach in the amount of \$250 per day (See Sections 2.5 and 17 of Agreement).

3. Procedures for Adoption.

The City's procedures require the Council to hold a public hearing on the franchise. In addition, state law requires a franchise agreement to be introduced at two City Council meetings prior to adoption (it can be approved at the second meeting). Franchise agreements must be passed by a majority of the entire council (four votes in the affirmative). In determining whether to grant a franchise, the Council is tasked to consider the factors under MMC 15.06.030 which are set forth below.

- A. Whether the applicant has received all requisite licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by the applicant;
- B. The capacity of the rights-of-way to accommodate the applicant's proposed facilities;
- C. The capacity of the rights-of-way to accommodate additional utility and telecommunications facilities if the franchise is granted;
- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted;

- E. The public interest in minimizing the cost and disruption of construction within the rights-of-way;
- F. Applicant's proposed compliance with all applicable development guidelines;
- G. The effect, if any, on public health, safety and welfare if the franchise requested is granted;
- H. The availability of alternate routes and/or locations for the proposed facilities;
- I. Such other factors as may demonstrate that the grant to use the rights-of-way will or will not serve the community interest.

The Public Works Director has determined that Ezee Fiber has met all of these factors. Outside of these factors, the Council does not have the authority to deny the franchise. If the Council denies the franchise, it is required to make written findings based on the above factors.

Council Priorities

This proposal furthers Council Priorities 2.

- 1. Financial Stability and Accountability
- 2. Quality Infrastructure
- 3. Efficient and Effective Government
- 4. Public Safety and Health
- 5. Neighborhood Character and Community Building

Budget/Fiscal Impact: Since some of the services offered by Ezee Fiber meet the definition of a “telephone business”, it is expected that Ezee Fiber will pay utility taxes to Medina.

Recommendation: This matter requires two readings and a public hearing. The public hearing will be held on July 27th after which the Council may review and discuss the franchise. The franchise will be brought back for passage at the August City Council meeting.

City Manager Approval:



Proposed Council Motions: N/A

Time Estimate: 10 minutes

CITY OF MEDINA, WASHINGTON

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, GRANTING TO EZEE FIBER WASHINGTON ASSETS, LLC THE RIGHT, PRIVILEGE AND AUTHORITY FOR A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF MEDINA, WASHINGTON, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 15.06 of the Medina Municipal Code (“MMC”) establishes procedures for granting telecommunications franchises in Medina; and

WHEREAS, Ezee Fiber Washington Assets, LLC (“Ezee Fiber”) has applied for a non-exclusive telecommunications franchise as shown in **Exhibit 1** (the “Proposed Franchise”) that will allow, subject to its terms and conditions, the Franchisee operate within the City’s rights of way; and

WHEREAS, Ezee Fiber has represented to the City that it provides a telephone business as defined by RCW 82.16.010 or acts as a service provider as such term is defined in RCW Section 35.99.010; and

WHEREAS, pursuant to RCW 35A.47.040, the City Council has the authority to grant franchises for telecommunication services in the City’s rights of way; and

WHEREAS, pursuant to Chapter 15.06 MMC, any person who desires to use the right of way for telecommunications facilities must first obtain a franchise from the City Council; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises within the boundaries of the City; and

WHEREAS, the 1934 Communications Act, as amended relating to telecommunications providers recognizes and provides local government authority to manage the public rights-of-way and to require fair and reasonable compensation on a competitively neutral and nondiscriminatory basis; and

WHEREAS, a franchise does not include, and is not a substitute for any other permit, agreement, or other authorization required by the City, including without limitation,

permits required in connection with construction activities in public ways which must be administratively approved by the City after review of specific plans; and

WHEREAS, Ezee Fiber as the Franchisee shall be responsible for its actual costs in using, occupying and repairing public ways; and

WHEREAS, the City and Ezee Fiber desire to effectuate good coordination of the use of the rights-of-way; and

WHEREAS, the City Council is willing to approve the Franchisee's request subject to the terms and conditions in the Proposed Franchise, which both the City Council and the Franchisee reviewed and deemed acceptable; and

WHEREAS, on July 13, 2026, the City Council held first reading of this Ordinance; and

WHEREAS, on July 27, 2026, the City Council held second reading of this Ordinance; and

WHEREAS, on July 27, 2026, the City Council held a duly-noticed public hearing to consider the Proposed Franchise, a report and recommendation by City staff and any public testimony; and

WHEREAS, on July 27, 2026, following the public hearing the City Council at a regular meeting approved the Proposed Franchise by a majority of the entire city council consistent with the requirements of RCW 35A.47.040; and

WHEREAS, the City Council finds that the franchise terms and conditions contained in this Ordinance and the Franchise Agreement are in the public interest; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as findings in support of this ordinance.

Section 2. Franchise Granted. The City Council approves the Proposed Franchise, as shown in **Exhibit A**, and grants the Franchisee a non-exclusive franchise to provide telecommunication services in, across, over, along, under, through and below the City's rights of way.

Section 3. Deadline for Acceptance. The rights and privileges granted pursuant to this Ordinance shall not become effective until the Franchisee accepts the terms and conditions in the Proposed Franchise. Such acceptance shall be filed with the City Clerk within thirty (30) days after the Effective Date (as defined in Section 7 below), and must

contain: (a) a true and correct copy of the Proposed Franchise executed by the Franchisee; (b) any required letter of credit or other security instrument required under the Proposed Franchise; (c) evidence of insurance required under the Proposed Franchise; and (d) full payment of any applicable application fees pursuant to MMC. Such instrument shall evidence the unconditional acceptance of the terms hereof and a promise to comply with and abide by the provisions, terms and conditions in the Proposed Franchise.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, all as required by law ("Effective Date").

**PASSED BY THE CITY COUNCIL ON THIS XX DAY OF _____, 2026
BY A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN
AUTHENTICATION OF ITS PASSAGE ON THE XX DAY OF _____, 2026.**

Jessica Rossman
Mayor

ATTEST/AUTHENTICATED:

Dawn Nations
City Clerk

APPROVED AS TO FORM:
INSLEE, BEST, DOEZIE and RYDER PS

Jennifer S. Robertson
City Attorney

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: XXXX

EXHIBIT A

PROPOSED FRANCHISE

[appears behind this coversheet (27pages)]

**NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE
WITH EZEE FIBER WASHINGTON ASSETS, LLC**

THIS TELECOMMUNICATIONS FRANCHISE (this “**Franchise**”) is entered into on _____, 2026, by and between the City of Medina, a municipal corporation (“**City**”) and EZEE FIBER WASHINGTON ASSETS, LLC, a Delaware limited liability company. (“**Franchisee**”).

Section 1. – Definitions. In addition to terms otherwise defined herein, the following definitions shall apply generally to the provisions of this Franchise.

- 1.1 “**Affiliate**” means any Person that now or in the future, directly or indirectly controls, is controlled with or by, or is under common control with Franchisee.
- 1.2 “**Applicable Laws**” means any local, federal, or state statute, law, regulation, or other legal authority governing any of the matters addressed in this Franchise, as all now exist or as later amended or superseded.
- 1.3 “**City**” means the City of Medina, Washington, a Washington municipal corporation.
- 1.4 “**City Manager**” means the City Manager or it’s designee.
- 1.5 “**Control**” means, with respect to: (i) a U.S. corporation, the ownership, directly or indirectly, of 50% or more of the voting power to elect directors thereof; or (ii) a non-U.S. corporation, if the voting power to elect directors thereof is less than 50%, the maximum amount allowed by Applicable Laws; and (iii) any other Person, 50% or more ownership interest in this Person, or the power to direct the management of such Person.
- 1.6 “**Emergency Situation**” means a condition posing an imminent threat to property, life, health, or safety of any Person or entity.
- 1.7 “**Facilities**” or “**Network**” means one or more elements of Franchisee’s fiber network, with all necessary underground fiber optic cables, lines, wires, or strands and associated appurtenances; underground conduits, vaults, access manholes and handholes; electronic equipment; power generators; batteries; pedestals; boxes; cabinets; vaults; and other similar facilities.
- 1.8 “**Force Majeure Event**” means natural disasters, civil disturbances, work stoppages or labor disputes, power outages, telephone network outages, and severe or unusual weather conditions which have a direct and substantial impact on the Franchisee’s ability to provide Services in the City and which was not caused and could not have been avoided by the Franchisee which used its best efforts in its operations to avoid such results.
- 1.9 “**Franchisee**” means Ezee Fiber Washington Assets, LLC, a Delaware limited liability company.
- 1.10 “**Hazardous Substances**” means any substance or material that is regulated by any current or future federal, state, or local statutes, regulations, ordinances, and rules relating to: the emission,

discharge, release, or threatened release of any hazardous substance into the air, surface water, groundwater, or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation, or investigation of a hazardous material; and the protection of human health, safety, or the indoor or outdoor environment, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et seq.; the Toxic Substances Control Act, 15 U.S.C. §§ 2601, et seq.; the Clean Water Act, 33 U.S.C. §§ 1251, et seq.; the Clean Air Act, 42 U.S.C. §§ 7401, et seq.; the Occupational Safety and Health Act, 29 U.S.C. §§ 651, et seq.; all applicable environmental statutes of the State of Washington; and all other federal, state, or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders, or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance, or material, as now or at any time hereafter in effect.

1.11 **“Mayor”** means the Mayor or Mayor’s designee.

1.12 **“Parties”** (singular **“Party”**) refers to both the City and Franchisee.

1.13 **“Person”** means any natural person, or public or private legal entity of any kind.

1.14 **“Public Improvement”** means the establishment and improvement of new Rights-of-Way, widening or improvement of existing Rights-of-Way or both, freeway construction, change or establishment of street grade, the modification, relocation, or removal of City electrical infrastructure, including utility poles, or the construction of any public infrastructure by any governmental agency acting in a governmental capacity as approved by the City, or as otherwise necessary for the operations of the City or other governmental entity.

1.15 **“Public Works Director”** means the Public Works Director or it’s designee.

1.16 **“Rights-of-Way”** (singular **“Right-of-Way”**) as used in this Franchise, means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle, pathways, spaces, or other public right-of-way, and over which the City has authority to grant permits, licenses, or franchises for use thereof, or has regulatory authority thereover. Right-of-Way does not include railroad right-of-way, airports, harbor areas, buildings, parks, poles, conduits, open spaces, nature trails, poles, dedicated but un-opened right-of-way, environmentally sensitive areas and any land, facilities, or property owned, maintained, or leased by the City in its governmental capacity, proprietary capacity, or as an operator of a utility.

1.17 **“Services”** (singular **“Service”**) means telecommunications services, including internet access services as defined in RCW 82.04.297. Services do not include cable services as defined in 47 U.S.C. § 522(6), wireless communication services, or multi-channel video programming services.

Section 2. – Franchise Granted.

2.1 **Franchise and Term.** Pursuant to RCW 35A.47.040, the City hereby grants to Franchisee, its successors, legal representatives, and assigns, subject to the terms and conditions set forth

herein, a non-exclusive Franchise for a period of ten (10) years, beginning on the effective date of the ordinance authorizing this Franchise (the “Effective Date”).

2.1.1. **Renewal Option of Term.** The Franchisee may renew this Franchise for two (2) additional five (5) year periods upon submission and approval of the application for such renewal. The application shall be reviewed for approval by the City Manager. Approval of any materials submitted by the Franchisee for a previous application may be considered by the City in reviewing a current application, and the Franchisee shall only submit those materials deemed necessary by the City to address changes in the Franchisee's Facilities or Services, or to reflect specific reporting periods mandated by the City Code.

2.1.2. **Failure to Renew Franchise – Automatic Extension.** If the Parties fail to formally renew this Franchise prior to the expiration of its term or any renewal thereof, the Franchise automatically continues month-to-month until renewed or either Party gives written notice at least one hundred and eighty (180) days in advance of intent not to renew the Franchise.

2.1.3 **Midterm Review.** On the fifth (5th) anniversary of this Franchise, if either Party identifies one or more specific issues that the Party believes may require a reevaluation of one or more of the material terms of this Franchise, the Parties agree to discuss such issues diligently and in good faith. Notwithstanding the foregoing, either Party may at any time during the term of this Franchise, request a clarification of a term, or seek an amendment to this Franchise.

2.2 **Franchise Purpose.** This Franchise grants Franchisee the right, privilege, and authority to construct, operate, maintain, replace, relocate, restore, upgrade, remove, excavate, acquire, sell, lease, and use all necessary Facilities for a fiber optic infrastructure network in, under, on, across, over, through, along, or below the public Rights-of-Way located in the City, and any other areas designated herein or added to the corporate limits of the City during the term of this Franchise (the “Franchise Area”) for the purpose of providing the Services.

2.3 **Limited Authorization.**

2.3.1 The authority granted by this Franchise is a limited, non-exclusive authorization to occupy and use the City’s Rights-of-Way and does not authorize Franchisee to use any property other than the Rights-of-Way as agreed herein. Nothing within this Franchise shall be construed to grant or convey any right, title, or interest in the Rights-of-Way of the City to Franchisee other than for the purpose of providing the Services. Franchisee’s use of any other City property, including City-owned or leased property, or poles, and conduits, must be governed under a separate agreement.

2.3.2 This Franchise shall not prevent the City from granting other franchises within its Rights-of-Way, nor shall it prevent or prohibit the City from using any Rights-of-Way, or affect its jurisdiction over any Rights-of-Way or any part of a Right-of-Way. The City retains power to make all necessary changes, relocations, repairs, maintenance, establishment, improvements, and dedication of Rights-of-Way as it deems fit, including the dedication, establishment, maintenance, and improvement of all new Rights-of-Way, thoroughfares, and other public properties of every type and description.

2.3.3 The City also reserves the right to amend this Franchise to conform to any hereafter enacted, amended, or adopted Applicable Laws relating to the public health, safety, and welfare, or relating to roadway regulation, upon providing Franchisee with thirty (30) days' written notice of its action setting forth the full text of the amendment and identifying the Applicable Laws. This amendment shall become automatically effective upon expiration of the notice period unless, before expiration of that period, Franchisee requests in writing to negotiate the terms of the amendment. If the Parties do not reach agreement as to the amendment terms within thirty (30) days of the request to negotiate, the City may enact the proposed amendment by incorporating Franchisee's concerns to the maximum extent that the City, in its sole discretion, deems reasonable.

2.4 Authorized Services.

2.4.1 Franchisee represents that it intends to provide the following services within the City: telecommunications services, including internet access services as defined in RCW 82.04.297 but excluding multi-channel video programming services, to residents, businesses, and governmental and educational entities within the City (the "Customers"). Franchisee may not offer cable services as that term is defined in 47 U.S.C. § 522(6). This Franchise does not authorize any wireless communications services.

2.4.2 Franchisee is authorized without prior City approval to offer or provide capacity or bandwidth, leased fiber or leased conduits, or any other Services set forth in this Section 2.4 to its Customers consistent with this Franchise provided:

- a. Franchisee at all times retains exclusive control over its Facilities and Services; remains responsible for constructing, installing, and maintaining its Facilities pursuant to the terms and conditions of this Franchise; and is solely responsible for providing and maintaining Services to its Customers;
- b. Franchisee may not grant rights to any Customer or lessee that are greater than any rights Franchisee has pursuant to this Franchise;
- c. Franchisee may not grant rights to any Customer or lessee allowing access or connection to the fiber optic connection points described in Section 2.4.2 above.
- d. Such Customer or lessee will not be construed to be a third-party beneficiary under this Franchise; and
- e. No Customer or lessee that accesses Franchisee's Facilities within the City limits may use the Facilities or Services for any purpose not authorized by this Franchise unless that Customer has a franchise with the City. Then, the Customer may use Franchisee's Facilities or Services consistent with the terms of its franchise.

2.5 Termination.

2.5.1 Termination by City. The City may terminate this Franchise if Franchisee is in material breach of the Franchise and has failed to cure the breach within the applicable notice and cure period as specified in Section 17. No termination under this subsection will be effective until

the applicable notice and cure period has expired. Additionally, if Franchisee fails to apply for any permits to install Facilities within two (2) years of the Effective Date of this Franchise, the City may terminate this Franchise after providing Franchisee with written notice ninety (90) days in advance of termination.

2.5.2 Termination by Franchisee. Franchisee may terminate this Agreement for convenience upon written notice provided to the City at least one hundred and eighty (180) days in advance of termination.

Section 3. – Work in the Rights-of-Way.

3.1 Location of Facilities. Franchisee may locate its Facilities within the Franchise Area consistent with the City's Design and Construction Standards and subject to the City's applicable permit requirements.

3.2 Permits Required. Franchisee shall not commence any work within any Rights-of-Way without first obtaining all necessary permits as required by Applicable Laws. Franchisee shall pay the standard permit fee, and all lawful processing, field marking, engineering, and inspection fees associated with the issuance of permits by the City.

3.3 Work Requirements. During any period of relocation, construction, or maintenance, all work performed by Franchisee or its contractors shall be accomplished in a safe and workmanlike manner and only after obtaining permits or other authorization pursuant to Section 3.2 and this Section 3.3. Franchisee shall minimize interference with the free passage of traffic and the free use of adjoining property, whether public or private. Franchisee shall at all times post and maintain proper traffic control to warn and direct the road users, consistent with the requirements of Applicable Laws. Traffic control devices include but are not limited to barricades, traffic cones, traffic drums, tubular markers, flags, certified flaggers, lights, flares, and other measures as required for the safety of all members of the general public. Franchisee shall also comply with all applicable safety regulations during such period of construction as required by all Applicable Laws, including, without limitation, RCW 39.04.180 for the requirement of trench safety systems for trench excavations.

3.4 Work of Contractors and Subcontractors. Franchisee's contractors and subcontractors shall be licensed and bonded in accordance with Applicable Laws. Work by contractors and subcontractors is subject to the same restrictions, limitations, and conditions as if the work were performed by Franchisee. Franchisee shall be responsible for all work performed by its contractors and subcontractors and others performing work on its behalf as if the work were performed by Franchisee and shall ensure that all such work is performed in compliance with this Franchise and Applicable Laws.

3.5 Maintenance of Facilities. Franchisee shall, at its own expense, maintain its Facilities in a safe condition, in good repair, and in a manner suitable to the City. Additionally, Franchisee shall keep its Facilities free of debris and anything of a dangerous, noxious, or offensive nature or which would create a hazard or undue vibration, heat, noise, or any interference with City services.

3.6 Shared Excavation. If either the City or Franchisee plans to make excavations in any area

covered by this Franchise and as described in this Section 3.6, the Party planning the excavation shall endeavor to afford the other an opportunity to share the excavation, PROVIDED THAT:

- a. The joint use shall not unreasonably delay the work of the Party causing the excavation to be made;
- b. The joint use shall be arranged and accomplished on terms and conditions satisfactory to both Parties; and
- c. The initiating Party may deny a request for constructability and/or safety reasons.

3.7 Coordination of Construction.

3.7.1 Except for Emergency Situations, Franchisee shall give advance written notice of intended construction to property owners and/or residents within one hundred (100) feet of the construction area as follows: if construction is ground disturbing, at least seven (7) days' notice shall be required; otherwise, forty-eight (48) hours' notice shall be required. The notice shall contain the dates, contact number, nature, and location of the work to be performed; a door hanger is permissible. At least forty-eight (48) hours before entering private property or streets or public easements adjacent to or on such private property, Franchisee shall physically post a notice on the property indicating the nature and location of the work to be performed; a door hanger is permissible. Nothing in this Franchise gives the Franchisee the right to enter onto private property without the permission of the private property owner.

3.7.2 Franchisee shall make a good faith effort to comply with the private property owner/resident's preferences, if any, on location or placement of underground installations, consistent with sound engineering practices. Following performance of the work, Franchisee shall restore the private property as nearly as possible to its condition prior to construction, except for any change in condition not caused by Franchisee. Any disturbance of landscaping, fencing, or other improvements on private property caused by Franchisee's work shall, at the sole expense of Franchisee, be promptly repaired and restored to the reasonable satisfaction of the property owner/resident.

3.7.3 Upon prior written notice from the City, Franchisee shall meet with the City and other franchise holders to schedule and coordinate construction in the Rights-of-Way and on City property where authorized. To minimize public inconvenience, disruption or damage, the Franchisee shall coordinate all construction locations, activities, and schedules as directed by the City.

3.8 One Call Locator Service. Before doing any work in the Rights-of-Way, the Franchisee shall follow established procedures, including contacting the Utility Notification Center in Washington and comply with all Applicable Laws regarding the One Call Locator Service pursuant to Chapter 19.122 RCW. Neither the City nor its contractors shall be liable for any damages to Franchisee's Facilities or for interruptions in service to Franchisee's Customers that are a direct result of Franchisee's failure to accurately locate its Facilities within the prescribed time limits and guidelines established by the One Call Locator Service regardless of whether the City issued a permit.

3.9 Restoration and Repair of Rights-of Way.

3.9.1 Franchisee shall repair any damage to the Rights-of-Way, and the property of the City or any third party, after installation, construction, relocation, maintenance, or repair of its Facilities or after abandonment approved pursuant to Section 15, within thirty (30) days following the date of any of these activities, at Franchisee's sole cost and expense. Franchisee shall restore the Rights-of-Way and the surface of the Rights-of-Way to the same or better condition as it was immediately prior to any installation, construction, relocation, maintenance, or repair by Franchisee. Franchisee shall not be responsible for any changes to the Rights-of-Way not caused by Franchisee or anyone doing work for Franchisee.

3.9.2 Franchisee agrees to complete all restoration work to the Franchise Area or other affected area at its sole cost and expense and according to the time and terms specified in the construction permit issued by the City or other agreement. Franchisee also agrees to repair any damage caused by work to the Franchise Area within fourteen (14) days unless otherwise approved by the Public Works Director. All work by Franchisee pursuant to this Franchise shall be performed in accordance with applicable City standards and shall be warranted. The warranty for Franchisee's work in a specified location will end if the (1) City completes a Public Improvement modifying or altering the pavement surface, including, but not limited to overlays, slurry seals, and chip seals; or (2) the pavement surface has reached the end of the industry recognized useful life of the type of pavement surface installed by Franchisee.

3.9.3 If conditions (*e.g.*, weather) make the complete restoration required under this Section 3 impracticable, Franchisee shall temporarily restore the affected Right-of-Way or property at its sole cost and expense to the City's satisfaction. Franchisee shall promptly undertake and complete the required permanent restoration as soon as conditions no longer make permanent restoration impracticable.

3.9.4 If Franchisee does not repair a Right-of-Way or an improvement in or to a Right-of-Way within the time prescribed by this Section 3, the City may repair the damage and shall be reimbursed its actual costs within sixty (60) days of submitting an itemized invoice to Franchisee in accordance with the provisions of Section 11. The City may also bill Franchisee for any expenses associated with the inspection of this repair work and for costs incurred by the City for delays impacting Public Improvements.

3.10 Survey Monuments. No survey monument may be removed (or replaced) without a professional land surveyor obtaining a permit in advance from the Washington State Department of Natural Resources and submitting a copy of the approved permit to the City. Franchisee shall restore all concrete encased monuments that will be disturbed or displaced by such work to City standards and specifications. The Public Works Director shall have final approval of the condition of the Rights-of-Way after repair or restoration by the Franchisee.

3.11 Graffiti Removal. Franchisee shall remove all graffiti on any of its Facilities no later than fourteen (14) days from the date Franchisee receives written notice from the City or is otherwise made aware of the graffiti. Facilities installed above ground, such as cabinets, shall have their exterior surface wrapped with an anti-graffiti gloss overlamine.

Section 4. – Relocation of Facilities.

4.1 Relocation Requirement.

4.1.1 Franchisee agrees to protect, support, temporarily disconnect and then reconnect, relocate, or remove from any Rights-of-Way any of its Facilities when required by the City, in its sole discretion, for Public Improvement.

4.1.2 If the City's request for relocation arises from a Public Improvement, in which Facilities must be either replaced, relocated, or removed, then Franchisee shall promptly relocate or remove its Facilities at its sole cost and expense, subject to the procedure in Section 4.3. Franchisee acknowledges and agrees that the placement of Facilities on third party-owned or City owned structures does not convey an ownership interest in these structures.

4.2 Design Locates. To facilitate the design of City street and Right-of-Way improvements, upon written request of the City, or a third party performing work in the Right-of-Way, Franchisee shall, at its sole cost and expense, locate, and if determined necessary by the City, excavate, and/or survey its Facilities so that as the Facilities' location may be taken into account in the design of the improvements. The decision as to whether any Facilities need to be relocated to accommodate the Public Improvement shall be made by the City, in its sole discretion. The Franchisee shall respond to the City's request for excavation and/or survey within thirty (30) days.

4.3 Notice and Relocation Procedure. If the City determines a Public Improvement necessitates the relocation of Franchisee's existing Facilities, the City shall:

- a. At least ninety (90) days before commencing the Public Improvement, provide Franchisee with written notice requiring such relocation and a date by which relocation must be complete; except that in the event of an Emergency Situation, the City shall give Franchisee written notice as soon as practicable; and
- b. At least ninety (90) days before commencing the Public Improvement, provide Franchisee with copies of pertinent portions of the plans and specifications for the improvement project and a proposed location for Franchisee's Facilities so that Franchisee may relocate its Facilities in other City Rights-of-Way in order to accommodate such improvement project; and
- c. After receipt of this notice and such plans and specifications, Franchisee shall complete relocation of its Facilities by the date established in accordance with this Section 4.3 at no charge or expense to the City, except as otherwise provided by law. Relocation shall be accomplished in such a manner as to accommodate the Public Improvement.

4.4 Alternative Arrangements. The Franchisee may make its own appropriate arrangements in response to a request for relocation of its Facilities from a Person or entity other than the City, so long as any improvements being constructed are not or will not become City-owned, operated or maintained; except that any such arrangements shall not delay a Public Improvement.

4.5 Public Improvement Delay Claims. Franchisee shall be solely responsible for the out-of-pocket costs incurred by the City for delays in a Public Improvement to the extent the delay is

caused by or arises out of Franchisee's failure to comply with the final schedule for the relocation (other than as a result of a Force Majeure Event or causes or conditions caused by the acts or omissions of the City or any third party unrelated to Franchisee; Franchisee vendors and contractors shall not be considered unrelated third parties). The out-of-pocket costs may include, but are not limited to, payment to the City's contractors and/or consultants for increased costs and associated court costs, interest, and reasonable attorneys' fees incurred by the City to the extent directly attributable to Franchisee's caused delay in the Public Improvement. In addition to recovery of the City's actual costs, the failure of Franchisee to timely remove its facilities by the deadline provided by the City shall result in liquidated damages in the amount of \$250 per day as set forth in Section 17.2. Franchisee shall pay all liquidated damages due no later than thirty (30) days after the date that the City invoices the same. Liquidated damages hereunder are in addition to any other penalties that may be imposed under other agreements between the Parties.

4.6 Moving of Buildings or Other Objects. Franchisee shall, on the request of any private individual or private entity holding a valid permit issued by a governmental authority, temporarily remove, raise, or lower its Facilities to permit the moving of buildings or other

objects. The expense of the temporary removal, raising, or lowering of Facilities shall be at the expense of the requestor if the requestor is not performing a Public Improvement, which is determined by the City in its sole discretion.

4.7 City's Costs. If Franchisee fails, neglects, or refuses to remove or relocate its Facilities as directed by the City following the procedures outlined in this Section 4, the City may perform this work or cause it to be done, and the Franchisee shall pay the City's costs in accordance with Section 11.

Section 5. – Undergrounding of Facilities.

5.1 Installation. Franchisee's Facilities shall be installed underground, including in those areas where existing fiber, telephone, cable, or electric services are underground at the time of Network construction. Franchisee shall also underground its Facilities in all new developments and subdivisions and in any development or subdivision where utilities are currently underground.

5.2 Utility Trench Access. Franchisee may be provided reasonable access to open utility trenches constructed as part of a Public Improvement, so long as this access does not interfere with the City's placement of utilities or increase the City's costs. Franchisee shall pay the City's actual costs of providing Franchisee access to an open trench, including without limitation the pro rata share of the costs of access to an open trench and any costs associated with the delay of the completion of the project. Franchisee shall reimburse the City in accordance with the provisions of Section 11.

5.3 Removal of Fiber. Franchisee shall not remove any underground cable or conduit that requires trenching or other opening of the Rights-of-Way along the extension of cable to be removed without a permit as may be required by Applicable Laws.

Section 6. – Information, Inventory, and Records.

6.1 Information Request.

6.1.1 Franchisee shall supply and maintain, at no cost to the City, any information reasonably requested by the City to coordinate its functions with the Franchisee's activities and fulfill any municipal functions under Applicable Laws. This required information may include, but is not limited to, any installation inventory, location of existing or planned Facilities, maps, plans, operational data, and as-built drawings of Franchisee's Facilities in the City. Franchisee shall warrant the accuracy of all information provided to the City.

6.1.2 Within thirty (30) days of a written request from the City Manager, but no more than once annually, the Franchisee shall furnish the City with information sufficient to demonstrate: 1) that the Franchisee has complied with all applicable requirements of this Franchise; and 2) that all utility taxes due to the City in connection with the Franchisee's Services and Facilities have been properly collected and paid by the Franchisee.

6.2 Current Inventory. Franchisee shall maintain a current inventory of Facilities throughout the Term of this Franchise. Franchisee shall provide a copy of the inventory report within sixty (60) days of a reasonable request by the City. The inventory report shall include a route map of those basic portions of the fiber system that are located within the Right-of-Way and be in a digital format and the location of the Facilities, including the depth below the finished surface. Franchisee shall cooperate with the City to furnish this information in an electronic mapping format compatible with the current City electronic mapping format.

6.3 Inspection. All books, records, maps, and other documents maintained by Franchisee with respect to its Facilities within the Rights-of-Way shall be made available for inspection by the City at reasonable times and intervals; except that nothing in this Section 6.3 shall be construed to require Franchisee to violate Applicable Laws regarding customer privacy, nor shall this Section 6.3 be construed to require Franchisee to disclose proprietary or confidential information without adequate safeguards for its confidential or proprietary nature. Unless otherwise permitted or required by Applicable Laws, nothing in this Section 6.3 shall be construed as permission to withhold relevant customer data from the City that the City requests in conjunction with a tax audit or review; except that Franchisee may redact identifying information such as names, street addresses (excluding City and zip code), Social Security Numbers, or Employer Identification Numbers related to any confidentiality agreements Franchisee has with third parties.

6.4 Public Records Act. Franchisee acknowledges that information submitted to the City is subject to the Washington Public Records Act, Chapter 42.56 RCW, and is open to public inspection, subject to any exceptions permitted by Applicable Laws.

6.4.1 Franchisee may identify documents submitted to the City that Franchisee believes are non-disclosable, such as trade secrets. Franchisee shall be responsible for clearly and conspicuously identifying the work as confidential or proprietary and shall provide a brief written explanation as to why the information is confidential and how it may be treated as such under Applicable Laws.

6.4.2 If the City receives a public records request under Chapter 42.56 RCW or similar law for the disclosure of the documents or any part of the documents Franchisee has designated as confidential, trade secret, or proprietary, the City shall provide Franchisee with written notice of

the request, including a copy of the request before disclosure so that Franchisee can take appropriate steps to protect its interests. Nothing in this Section 6.4 prohibits the City from complying with Chapter 42.56 RCW or any other Applicable Laws or court order requiring the release of public records, and the City shall not be liable to Franchisee for compliance with any law or court order requiring the release of public records. The City will not assert an exemption from disclosure or production on Franchisee's behalf.

6.4.3 The City shall comply with any injunction or court order obtained by Franchisee that prohibits the disclosure of any such confidential records. If a higher court overturns an injunction or court order and the higher court action is or has become final and non-appealable, Franchisee shall reimburse the City for any fines or penalties imposed for failure to disclose these records within forty-five (45) days of a request from the City, unless additional time is reasonably necessary under the circumstances and is agreed to by the Parties.

6.5 Annual Audit. On an annual basis, upon thirty (30) days' written notice, the City shall have the right to conduct an independent audit of Franchisee's records reasonably related to the administration or enforcement of this Franchise, in accordance with generally accepted accounting practices and any standards adopted by the Governmental Accounting Standards Board. If the audit shows that tax or fee payments have been underpaid by 3% or more, Franchisee shall pay the total cost of the audit.

Section 7. – Unauthorized Facilities.

7.1 Any Facilities installed in the City Right-of-Way that are not authorized under this Franchise or other required City Approval ("Unauthorized Facilities") will be subject to the payment of an Unauthorized Facilities charge by Franchisee. City shall provide written notice to Franchisee of any Unauthorized Facilities identified by City staff and Franchisee shall have thirty (30) days thereafter in which to establish that this installation was authorized or obtain the applicable permit. Failure to establish that the installation is authorized will result in the imposition of an Unauthorized Facilities charge in the amount of One Thousand Dollars (\$1,000.00) per Unauthorized Facility per day starting on the thirty-first (31st) day following notice. Franchisee may submit an application to the City under this Franchise for approval of the Unauthorized Facilities. If the application for the Unauthorized Facilities is denied, Franchisee shall remove the Unauthorized Facilities from the City's Right-of-Way within thirty (30) days after the expiration of all appeal periods for such denial. The City shall not refund any Unauthorized Facilities charges unless Franchisee is successful in an appeal. This Franchise remedy is in addition to any other remedy available to the City at law or equity.

Section 8. – Safety Requirements.

8.1 Safe Conditions. Franchisee shall at all times, at its own expense, maintain its Facilities in, over, under, and upon the Rights-of-Way in a safe condition, in good repair, and in a manner suitable to the City. Additionally, Franchisee shall keep its Facilities free of debris and anything of a dangerous, noxious, or offensive nature or which would create a hazard or undue vibration, heat, noise, or any interference with City services. Upon reasonable notice to Franchisee, the City reserves the general right to inspect the Facilities to evaluate if they are being maintained in a safe

condition. If an unsafe condition or a violation of this Section 8.1 becomes known to the City, the City agrees to give Franchisee written notice of the condition and afford Franchisee a reasonable opportunity to repair the condition. If Franchisee fails to start to make the necessary repairs and alterations within a reasonable time frame specified in the notice (and pursue the cure to completion), then the City may make the repairs or contract for them to be made. All costs, including but not limited to administrative costs, consultant costs, and attorneys' fees, incurred by the City in repairing any unsafe conditions shall be borne by Franchisee and reimbursed to the City.

8.2 Additional Safety Standards. Additional safety standards include:

- a. Franchisee shall maintain all equipment lines and Facilities in an orderly manner, including, but not limited to, the removal of all bundles of unused cable.
- b. All installations of equipment, lines, and ancillary Facilities shall be installed in accordance with industry-standard engineering practices and shall comply with all federal, State, and local regulations, ordinances, and laws.
- c. The Franchisee shall protect any opening or obstruction in the Rights-of-Way or other public places made by Franchisee in the course of its operations with adequate barriers, fences, or boarding, the bounds of which, during periods of dusk and darkness, shall be clearly marked and visible at night.

8.3 Hazardous Substances. Franchisee shall not introduce or use any Hazardous Substances in violation of any Applicable Laws, nor shall Franchisee allow any of its agents, contractors, or any Person under its control to do the same. Franchisee will be solely responsible for and will defend, indemnify, and hold the City, its officers, officials, employees, agents, and volunteers harmless from and against any claims, costs, and liabilities including reasonable attorney fees and costs, arising out of or in connection with the cleanup or restoration of the property to the extent caused by Franchisee's use, storage, or disposal of Hazardous Substances, whether or not intentional, and the use, storage, or disposal of such substances by Franchisee's agents, contractors, or other Persons acting under Franchisee's control, whether or not intentional. Franchisee shall have only that responsibility or liability for managing, monitoring, or abating a hazardous condition that it may have under state or federal law and this Franchise shall not be interpreted to expand Franchisee's legal obligations relating to any pre-existing Hazardous Substances undisturbed by Franchisee.

Section 9. – Provision of Conduit.

9.1 Except in Emergency Situations, Franchisee shall provide the Public Works Director with at least thirty (30) days' advance written notice of any construction, relocation, or placement of ducts or conduits in the Rights-of-Way and provide the City an opportunity to request that Franchisee provide the City with additional duct or conduit, and related structures necessary to access the conduit, pursuant to RCW 35.99.070, in one or more of the locations where Franchisee constructs, installs, or relocates Facilities underground. If so requested, the conduit shall be provided at Franchisee's incremental cost and per the terms of a separate agreement. Franchisee shall install a locator wire and cap off all conduit ends. Conduit ends shall be marked on any as-

built plans and maps requested pursuant to Section 6. Any conduit delivered to the City pursuant to this Section 9 will become property of the City, and Franchisee will have no ongoing maintenance, liability, or other obligations to the City or any third party with respect to the conduit. The City shall make any request for conduit per this Section 9 request in writing before issuance of the applicable permit to Franchisee.

Section 10. – Emergency Situations.

10.1 Immediate Action Required. In the event of any Emergency Situation in which any of Franchisee’s Facilities located in or under any street endangers the property, life, health, or safety of any Person, entity, or the City, or if Franchisee’s construction area is otherwise in such a condition as to immediately endanger the property, life, health, or safety of any Person, entity, or the City, Franchisee shall immediately repair its Facilities and cure or remedy the dangerous conditions for the protection of property, life, health, or safety of any Person, entity or the City, without first applying for and obtaining a permit as required by this Franchise. The Franchisee shall apply for any necessary permits on the next day Medina City Hall is open for business.

10.2 Lateral Support. Whenever the construction, installation, or excavation of Facilities authorized by this Franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, an adjoining public place, street utilities, City property, Rights-of-Way, or private property (collectively “Endangered Property”) or endangers the public, the Public Works Director may direct Franchisee, at Franchisee’s own expense, to take reasonable action to protect the Endangered Property or the public within a prescribed time. If Franchisee fails or refuses to promptly take the actions directed by the City, or fails to fully comply with the directions, or if an Emergency Situation exists that requires immediate action before the City can timely contact Franchisee to request Franchisee effect the immediate repair, the City may enter upon the Endangered Property and take such reasonable actions as are necessary to protect the Endangered Property or the public. Franchisee shall be liable to the City for the costs of any such repairs in accordance with the provisions of Section 11.

10.3 Reimbursement. Franchisee shall promptly reimburse the City in accordance with the provisions of Section 11 for any and all costs the City reasonably incurs in response to any Emergency Situation involving Franchisee’s Facilities, to the extent this emergency is not the fault of the City. The City agrees to simultaneously seek reimbursement from any other franchisee or permit holder who caused or contributed to the Emergency Situation.

Section 11. – Recovery of Costs.

11.1 Administrative and Other Costs. Franchisee shall be subject to a \$5,000 administrative fee as a fee deposit (the “Fee Deposit”) for the payment of costs associated with the preparation, processing, and approval of this Franchise Agreement, including wages, benefits, overhead expenses, meetings, negotiations, and other functions related to the approval. In addition, the Franchisee shall be responsible for reimbursement of all of the City’s attorney’s fees for this Agreement. The Franchisee shall also pay the cost of publication for this Franchise. To the extent that the Fee Deposit is not otherwise exhausted, the attorney’s fees shall be reimbursed from the Fee Deposit. However, to the extent that the City’s costs, including but not limited to attorney’s

fees, exceeds the Fee Deposit, Franchisee agrees to pay any additional costs as set forth in this section. The Fee Deposit excludes normal permit fees required for work in the Right-of-Way. Payment of all the City's expenses as set forth in this Section shall be made in full prior to Franchise approval. No construction permits shall be issued for the installation of Facilities authorized until the City has received the reimbursements as required by this Section.

11.2 Additional Costs. Franchisee shall further be subject to all permit fees associated with activities undertaken through the authority granted in this Franchise or under the laws of the City. Where the City incurs costs and expenses for review, inspection, or supervision of activities, including but not limited to reasonable fees associated with attorneys, consultants, City Staff and City Attorney time, undertaken through the authority granted in this Franchise or any ordinances relating to the subject for which a permit fee is not established, Franchisee shall pay these costs and expenses directly to the City in accordance with the provisions of Section 11.4.

11.3 City Project Costs. Franchisee shall reimburse the City for Franchisee's proportionate share of all actual, identified expenses incurred by the City in planning, constructing, installing, repairing, altering, or maintaining any City facility as the result of the presence of Franchisee's Facilities in the Rights-of-Way. These costs and expenses shall include but not be limited to Franchisee's proportionate cost of City personnel assigned to oversee or engage in any work in the Rights-of-Way as the result of the presence of Franchisee's Facilities in the Rights-of-Way. These costs and expenses shall also include Franchisee's proportionate share of any time spent reviewing construction plans in order to either accomplish the relocation of Franchisee's Facilities or the routing or rerouting of any utilities so as not to interfere with Franchisee's Facilities.

11.4 Payment of Costs. The time of City employees shall be charged at their respective rate of salary, including overtime if applicable, plus benefits and reasonable overhead. Any other costs will be billed proportionately on an actual cost basis. All billings will be itemized so as to specifically identify the costs and expenses for each project for which the City claims reimbursement. A charge for the actual costs incurred in preparing the billing may also be included in the billing. Franchisee shall reimburse the City within thirty (30) days of submittal by the City of an itemized billing for costs incurred under this Section 11.

Section 12. – City's Reservation of Rights.

12.1 Franchise Fees. The City is not seeking to impose any franchise fee or similar compensation for the benefits and privileges granted under this Franchise and in consideration of the permission to use the City's Rights-of-Way as of the effective date of this Franchise. However, the City reserves the right to impose a franchise fee upon one hundred and twenty (120) days' notice to Franchisee, if it believes it is consistent with Applicable Laws. Franchisee reserves the right to challenge the imposition of any such compensation if it believes it is inconsistent with Applicable Laws. Payment of a franchise fee under this Franchise shall not exempt Franchisee from the payment of any generally applicable fee, tax, or charge on the business, occupation, property, or income of Franchisee that may be imposed by the City. The City also reserves the right to require Franchisee to obtain a separate franchise for a change in use, which franchise may include provisions intended to regulate Franchisee's operations as allowed under Applicable Law.

Nothing contained within this Franchise shall preclude Franchisee from challenging any fee, this Franchise, or separate agreement under Applicable Laws.

12.2 Utility Taxes. Franchisee acknowledges that certain of its operations within the City may constitute a telephone business and may be subject to utility taxes permitted under Applicable Laws. Franchisee agrees it shall be responsible for the payment of any applicable utility taxes, including, without limitation, any utility taxes enacted by the City after the Effective Date of this Franchise. Franchisee's obligation to pay such taxes shall not be considered a franchise fee or in lieu of any other costs payable to the City as provided herein. Nothing in this Section 12.2 is intended to alter, amend, modify, or expand the taxes and fees that may lawfully be assessed on Franchisee's business activities under this Franchise under Applicable Laws.

Section 13. – Indemnification; Liability.

13.1 General Indemnification. Franchisee shall indemnify, defend, and hold the City, its officers, officials, boards, commissions, agents, volunteers, and employees, harmless from any action or claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and attorneys' fees or expenses, arising from any casualty or accident to Person or property, including, without limitation, damages in any way arising out of, or by reason of, any construction, excavation, operation, maintenance, reconstruction, or any other act done under this Franchise, by or for Franchisee, its agents, or its employees, or by reason of any neglect or omission of Franchisee. Franchisee shall consult and cooperate with the City while conducting its defense of the City under this Franchise. Franchisee shall not be obligated to indemnify the City for injuries or damages caused by the negligence or willful misconduct of the City.

13.2 Indemnification for Relocation. Franchisee shall defend, indemnify, and hold the City harmless for any damages, claims, additional costs or expenses and attorneys' fees, including contractor construction delay damages, assessed against or payable by the City contributing to Franchisee's failure to remove, adjust, or relocate any of its Facilities in the Rights-of-Way in accordance with any relocation required by the City, provided that Franchisee shall not be liable under this section if Franchisee's failure to remove, adjust, or relocate any of its Facilities is the result of a Force Majeure Event.

13.3 Procedures and Defense. If a claim or action arises, the City or any other indemnified party shall promptly notify Franchisee of such claim or action and tender the defense of the claim or action to Franchisee, which defense shall be at Franchisee's expense. The City's failure to notify and request indemnification shall not relieve Franchisee of any liability that Franchisee might have, except to the extent that such failure prejudices Franchisee's ability to defend such claim or suit. The City may participate in the defense of a claim, but if Franchisee provides a defense at Franchisee's expense, then Franchisee shall not be liable for any attorneys' fees, expenses, or other costs the City may incur if it chooses to participate in the defense of a claim, unless and until separate representation is necessary. Then, the provisions of Section 13.5 shall govern Franchisee's responsibility for City's attorney's fees, expenses, or other costs. In any event, Franchisee may not agree to any settlement of claims affecting the City without the City's consent, which will not be unreasonably withheld or delayed.

13.4 Avoidance. Inspection or acceptance by the City of any work performed by Franchisee at the time of completion of construction shall not be grounds for avoidance by Franchisee of any of its obligations under this Section 13. Whether Franchisee carries out any activities under this Franchise through independent contractors shall not constitute an avoidance of or defense to Franchisee's duty of defense and indemnification under this subsection.

13.5 Expenses. If separate representation to fully protect the interests of both Parties is or becomes necessary, such as a conflict of interest between the City and counsel selected by Franchisee to represent the City, Franchisee shall pay, from the date such separate representation is required forward, all expenses incurred by the City in defending itself with regard to any action, suit, or proceeding subject to indemnification by Franchisee. Except that, if separate representation is or becomes necessary, and the City desires to hire counsel or any other outside experts or consultants and desires Franchisee to pay those expenses, then the City shall be required to obtain Franchisee's consent to the engagement of such counsel, experts, or consultants, such consent not to be unreasonably withheld or delayed. The City's expenses shall include all out-of-pocket costs and expenses, such as consultants' fees and court costs, but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by Franchisee, except in the event of a conflict of interest where such duplication may be required. Each Party agrees to cooperate and to cause its employees and agents to cooperate with the other Party in the defense of any claim or action.

13.6 RCW 4.24.115. Should a court of competent jurisdiction determine that this Franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to Persons or damages to property caused by or resulting from the concurrent negligence of Franchisee and the City, its officers, officials, employees, and volunteers, Franchisee's liability shall be only to the extent of Franchisee's negligence. It is expressly understood that the indemnification provided herein constitutes Franchisee's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties.

Section 14. – Insurance.

14.1 Policies. Franchisee shall maintain in full force and effect at its own cost and expense each of the following policies of insurance:

- a. Commercial General Liability insurance with limits of no less than \$5,000,000 per occurrence and \$5,000,000 general aggregate. Coverage shall be at least as broad as that provided by ISO CG 00 01 1/96 or its equivalent and include severability of interests. Such insurance shall name the City, its officers, officials, and employees as additional insureds per ISO CG 2026 or its equivalent. There shall be a waiver of subrogation and rights of recovery against the City, its officers, officials, and employees. Coverage shall apply as to claims between insureds on the policy, if applicable. Coverage may take the form of a primary layer and a secondary or umbrella layer, but the combination of layers must equal \$5,000,000 at a minimum.
- b. Commercial Automobile Liability insurance with minimum combined single limits

of \$5,000,000.00 each occurrence with respect to each of Franchisee's owned, hired, and non-owned vehicles assigned to or used in the operation of the Facilities in the City. The policy shall contain a severability of interests provision.

- c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington and employer's liability with a limit of \$5,000,000 each accident/disease/policy limit.
- d. Contractors Pollution Liability insurance shall be in effect throughout the entire Franchise Agreement covering losses caused by pollution conditions that arise from the operations of the Franchisee. Contractors Pollution Liability shall cover bodily injury, property damage, cleanup costs and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims.
- e. Excess or Umbrella Liability insurance shall be excess over and at least as broad in coverage as the Franchisee's Commercial General Liability and Automobile Liability insurance. The City shall be named as an additional insured on the Franchisee's Excess or Umbrella Liability insurance policy.
- f. Contractors Pollution Liability insurance shall be written in an amount of at least \$2,000,000 per loss, with an annual aggregate of at least \$2,000,000.
- g. Excess or Umbrella Liability insurance shall be written with limits of not less than \$5,000,000 per occurrence and annual aggregate. The Excess or Umbrella Liability requirement and limits may be satisfied instead through Franchisee's Commercial General Liability and Automobile Liability insurance, or any combination thereof that achieves the overall required limits.

If the Franchisee maintains broader coverage and/or higher limits than the minimums within this Section 14.1, the City requires and shall be entitled to the broader coverage and/or the higher limits maintained by the Franchisee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

14.2 Deductibles. Any deductible related to the insurance policies in Section 14.1 shall not in any way limit Franchisee's liability to the City.

14.3 Requirements. All policies shall contain, or shall be endorsed so that:

- a. The City, its officers, officials, boards, commissions, employees, and agents are to be covered as, and have the rights of, additional insureds with respect to liability arising out of activities performed by, or on behalf of, Franchisee under this Franchise or Applicable Laws, or in the construction, operation or repair, or ownership of the Network;
- b. Franchisee's insurance coverage shall be primary insurance with respect to the City, its officers, officials, boards, commissions, employees, volunteers, and agents. Any insurance or self-insurance maintained by the City, its officers, officials, boards, commissions, employees, and agents shall be in excess of the Franchisee's

insurance and shall not contribute to it; and

- c. Franchisee's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.

14.4 Acceptability of Insurers. The insurance obtained by Franchisee shall be placed with insurers with a Best's rating of no less than "A VII."

14.5 Verification of Coverage. The Franchisee shall furnish the City with certificates of insurance and endorsements or a copy of the page of the policy reflecting blanket additional insured status. The certificates and endorsements for each insurance policy shall be signed by a Person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy shall be on forms that are consistent with standard industry practices.

14.6 Maintenance of Insurance. Franchisee's maintenance of insurance as required by this Section 14 shall not be construed to limit the liability of Franchisee to the coverage provided by such insurance or otherwise limit the City's recourse to any remedy available at law or equity. Further, Franchisee's maintenance of insurance policies required by this Franchise shall not be construed to excuse unfaithful performance by Franchisee.

Section 15. – Abandonment of Franchisee's Telecommunications Network.

15.1 Upon the expiration, termination, or revocation of the rights granted under this Franchise, Franchisee shall remove all of its Facilities from the Rights-of-Way within thirty (30) days of receiving written notice from the City Manager. The Facilities, in whole or in part, may not be abandoned by Franchisee without written approval by the City. Any plan for abandonment or removal of Franchisee's Facilities must be first approved by the Public Works Director, and all necessary permits must be obtained before this work. The plan for abandonment shall include a proposal and instruments for transferring ownership to the City. Any Facilities that are not permitted to be abandoned in place and that are not removed within thirty (30) days of receipt of the City's notice may be removed by the City and the area restored at Franchisee's cost. Franchisee shall pay these costs to the City within thirty (30) days of receiving an invoice. If Franchisee fails to pay the City within this timeframe, the City may avail itself of any remedy available at law or equity.

Section 16. – Bonds.

16.1 Construction Guarantee. As a condition of performing work in the Right-of-Way, the timely, complete, and faithful performance of all construction work in the Right-of-Way shall be guaranteed in an amount equal to 130% of the cost estimate (prepared by a licensed contractor, professional engineer, or architect) of the construction work, by either the Franchisee or the Franchisee's contractor performing the actual construction work. The guarantee shall be by performance bond. If Franchisee, in the sole judgment of the City, has a history of corrections or default, Franchisee must provide the full guarantee by assignment of funds. These funds shall guarantee the following: (1) timely completion of construction; (2) construction in compliance with all applicable plans, permits, technical codes, and standards; (3) proper location of the

Facilities as specified by the City; (4) restoration of the Rights-of-Way and other City properties affected by the construction; (5) repair and restoration of any damage to public or private property caused by the construction; (6) submission of as-built drawings after completion of construction; and (7) timely payment and satisfaction of all claims, demands, or liens for labor, materials, or services provided in connection with the work that could be asserted against the City or City property. The guarantee must remain in full force until the completion of construction and/or any necessary repairs, including final inspection, corrections, and final approval of the work, recording of all easements, provision of as-built drawings, and the posting of a maintenance guarantee as described in Section 16.2. Compliance with the performance guarantee requirement of the City's current Design and Construction Standards shall satisfy the provisions of this Section.

16.2 Maintenance Guarantee. Maintenance and the successful operation of the Right-of-Way improvements shall be bonded for a period of at least two (2) years (or other period as required by Medina Municipal Code, as may be amended) from the date of final construction approval. The bond shall be in an amount to be determined by the City. The minimum maintenance guarantee shall be Five Thousand Dollars (\$5,000.00) or 30% of the original performance construction guarantee as described in Section 16.1, whichever is greater. Franchisee will have thirty (30) days to correct any deficiencies identified by the City. The satisfactory correction of the work may commence a new two-year maintenance period for the improvements as corrected, as determined by the City. The City will initiate collection against the financial guarantee if deficiencies are not satisfactorily addressed by the end of the thirty (30) day response period. Compliance with the maintenance guarantee requirement of the City's current Design and Construction Standards shall satisfy the provisions of this Section 16.2. Original financial guarantee amounts described in Section 16.1 and this Section 16.2 may be reduced one time only before the maintenance period, at the discretion of the City. If an extension to any associated permits are granted, the financial guarantees may be increased based on an updated engineer's cost estimate or as determined by the City. Financial guarantees will be fully released only after all final punch list items are accomplished, final construction approval, and the lapse of the two (2) year maintenance guarantee period with all corrective actions complete and accepted by the City.

16.3 Franchise Bond. Franchisee shall provide City with a bond in the amount of Fifty Thousand Dollars (\$50,000.00) ("Franchise Bond") running or renewable for the term of this Franchise, in a form and substance reasonably acceptable to City. If Franchisee fails to substantially comply with any one or more of the provisions of this Franchise, following written notice and a reasonable opportunity to cure, then there shall be recovered jointly and severally from Franchisee and the bond any actual damages suffered by City as a result thereof, including but not limited to staff time, material and equipment costs, compensation or indemnification of third parties, and the cost of removal or abandonment of Facilities. Franchisee specifically agrees that its failure to comply with the terms of this Section 16.3 will constitute a material breach of this Franchise, subject to the notice and cure provisions of Section 17.2. Franchisee further agrees to replenish the Franchise Bond within thirty (30) days after written notice from the City that the amount of the Franchise Bond is deficient. The amount of the Franchise Bond shall not be construed to limit Franchisee's liability or to limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

16.4 Form of Bonds. All bonds provided to the City under this Section 16 shall be on forms provided by the City and with sureties registered with the Washington State Insurance Commissioner or other financial institutions acceptable to the City.

Section 17. – Remedies to Enforce Compliance.

17.1 Reservation of Rights.

17.1.1 In addition to the remedies provided in this Franchise, each Party reserves the right to pursue any remedy available at law or in equity to compel or require the other Party and/or its successors and assigns to comply with the terms of this Franchise. The pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a revocation for breach of the conditions of this Franchise.

17.1.2 All rights and remedies provided in this Franchise shall be in addition to and cumulative with any and all other rights and remedies available to either the City or Franchisee. These rights and remedies are not exclusive, and the exercise of one or more rights or remedies may not be deemed a waiver of the right to exercise any other right or remedy at any time. Neither Party intends to waive any other rights, remedies, or obligations as provided by law, equity, or otherwise, and nothing contained in this Franchise shall be construed to effect any such waiver.

17.2 Procedure upon Breach. If either Party violates or fails to comply with any of the provisions of this Franchise or a permit issued as required by Section 3.2, or fails to heed or comply with any notice given under the provisions of this Franchise (the “Defaulting Party”), the other Party (the “Non-defaulting Party”) shall provide the Defaulting Party with written notice specifying with reasonable particularity the nature of the breach and the Defaulting Party shall undertake all commercially reasonable efforts to cure the breach within thirty (30) days of receipt of notification. If the Non-defaulting Party reasonably determines the breach cannot be cured within thirty (30) days, the Non-defaulting Party may specify a longer cure period, and condition the extension of time on the Defaulting Party’s submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty (30) day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or the Defaulting Party does not comply with the specified conditions, the Non-Defaulting Party may pursue any available remedy at law or in equity. In the event Franchisee is the Defaulting Party, if Franchisee has failed to timely cure any breach, the City, at its sole discretion, may elect to: (1) terminate this Franchise pursuant to Section 2.5; (2) claim liquidated damages of Two Hundred Fifty Dollars (\$250.00) per day against Franchisee (and collect from the Franchise Bond if necessary) as an estimate for damages that the Parties understand will be difficult to calculate in the event of a default; or (3) extend the time to cure the breach if under the circumstances additional time is reasonably required.

Section 18. – Non-Waiver.

18.1 The failure of either Party to insist upon strict performance of any of the covenants and agreements of this Franchise or to exercise any option conferred in any one or more instances shall not be construed to be a waiver or relinquishment of any such covenants, agreements, or option or any other covenants, agreements, or option.

Section 19. – Police Powers and City Regulations.

19.1 Nothing within this Franchise may be deemed to restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this Franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to reasonably control by appropriate regulations, consistent with 47 U.S.C. § 253, the location, elevation, manner of construction, and maintenance of any Facilities by Franchisee, and Franchisee shall promptly conform with all such regulations, unless compliance would cause Franchisee to violate Applicable Laws. The City reserves the right to promulgate any additional regulations of general applicability as it may find necessary in the exercise of its lawful police powers consistent with 47 U.S.C. § 253. In the event of a conflict between the provisions of this Franchise and any other ordinance(s) enacted under the City's police power authority, the other ordinances(s) shall take precedence over this Franchise.

Section 20. – Acceptance.

20.1 This Franchise may be accepted by Franchisee by its filing with the City Clerk of an unconditional written acceptance, within sixty (60) days from the City's execution of this Franchise, in the form attached as **Exhibit A**. Failure of Franchisee to so accept this Franchise will constitute a rejection by Franchisee and the rights and privileges granted shall cease. In addition, Franchisee shall file the certificate of insurance and the additional insured endorsements obtained pursuant to Section 14, any construction guarantees and bonds, if applicable, as described in Section 16.

Section 21. – Survival.

21.1 All of the provisions, conditions, and requirements in Sections 3, 4, 5, and 13 of this Franchise shall be in addition to any and all other obligations and liabilities Franchisee may have to the City at common law, by statute, or by contract, and shall survive this Franchise, and any renewals or extensions, to the extent provided. All of the provisions, conditions, regulations, and requirements contained in this Franchise shall further be binding upon the successors, executors, administrators, legal representatives, and assigns of Franchisee and all privileges, as well as all obligations and liabilities of Franchisee shall inure to its successors and assigns equally as if they were specifically mentioned where Franchisee is named.

Section 22. – Assignment and Changes of Ownership or Control.

22.1 Written Consent. Except as set forth below, neither Party may assign or transfer its rights or obligations under this Agreement, in whole or part, to a third party, without the written consent of the other Party which shall not be unreasonably withheld, conditioned, or delayed. Any agreed upon assignee will take the place of the assigning Party, and the assigning Party will be released from all of its rights and obligations upon such assignment.

22.1.1 Notwithstanding the foregoing, Franchisee may at any time, on written notice to the City, assign this Franchise or any or all of its rights and obligations under this Franchise:

- (a) to any Affiliate of Franchisee;

- (b) to any successor in interest of Franchisee's business operations in the City in connection with any merger, acquisition, or similar transaction if Franchisee determines after a reasonable investigation that the successor in interest has the resources and ability to fulfill the obligations of this Franchise; or
- (c) to any purchaser of all or substantially all of Franchisee's Facilities in the City if Franchisee determines after a reasonable investigation that the purchaser has the resources and ability to fulfill the obligations of this Franchise.

The written notice required by this Section shall be at least thirty (30) days prior to the closing of the transaction under subsection (a), and ninety (90) days before the closing of any transaction under subsections (b) and (c). In connection with any proposed transaction under subsections (b) and (c), Franchisee shall cooperate with any requests from the City for any information related to the legal, technical, and/or financial ability of a proposed purchaser or successor in interest to comply with the terms of this Franchise.

22.2 Franchisee Responsibility. Following any assignment of this Franchise to an Affiliate pursuant to Section 22.1.1(a), Franchisee will remain responsible for the Affiliate's performance under the terms of this Franchise.

Section 23. – Eminent Domain.

23.1 The existence of this Franchise shall not preclude the City from acquiring by condemnation in accordance with Applicable Laws, all or a portion of Franchisee's Facilities for the fair market value. In determining the value of Facilities, no value shall be attributed to the right to occupy the area conferred by this Franchise.

Section 24. – Vacation.

24.1 If at any time the City, by ordinance and in accordance with Applicable Laws, vacates all or any portion of the area affected by this Franchise, the City shall not be liable for any damages or loss to the Franchisee by reason of the vacation. The City shall notify Franchisee in writing not less than sixty (60) days before vacating all or any portion of any such area. The City will, if practicable, reserve an easement for Franchisee's Facilities under the same terms and conditions as this Franchise at the location vacated by City, and if not practicable, the City may, after sixty (60) days' written notice to Franchisee, terminate this Franchise with respect to such vacated area.

Section 25. – Notice.

25.1 Any notice or information required or permitted to be given to the Parties under this Franchise shall be sent to the following addresses unless otherwise specified by personal delivery, overnight mail by a nationally recognized courier, or by U.S. certified mail, return receipt requested and shall be effective upon receipt or refusal of delivery:

City: City of Medina
Attn: City Manager
501 Evergreen Point Road
Medina, WA 98039

With a copy to: Inslee Best Doezie & Ryder, P.S.
Attn: Jennifer Robertson
10900 NE 4th Street, Suite 1500
Bellevue, WA 98004

Franchisee: Ezee Fiber Washington Assets, LLC
5959 Corporate Dr.
Houston, TX 77036

With a copy to: _____

Section 26. – Compliance with all Applicable Laws.

26.1 Each Party agrees to comply with all Applicable Laws. This Franchise is subject to ordinances of general applicability enacted pursuant to the City’s police powers. Franchisee acknowledges that it shall be solely responsible for compliance with any applicable law or regulation of the Federal Communications Commission (“FCC”) to engage in business associated with use of the Rights-of-Way.

Section 27. – Attorney’s Fees.

27.1 If a suit or other action is instituted in connection with any controversy arising out of this Franchise, each Party shall pay all its legal costs and attorney fees incurred in defending or bringing such claim or lawsuit, including all appeals, in addition to any other recovery or award provided by law; except that nothing in this section shall be construed to limit the City’s right to indemnification under Section 13 of this Franchise.

Section 28. – Licenses, Fees, and Taxes.

28.1 Before constructing any Facilities or providing Services within the City, Franchisee shall obtain a business or utility license from the City, if so required. Franchisee shall pay all applicable taxes on personal property and Facilities owned or placed by Franchisee in the Rights-of-Way and shall pay all applicable license fees, permit fees, and any applicable tax unless documentation of exemption is provided to the City and shall pay utility taxes and license fees properly imposed by the City under this Franchise. However, nothing in this Franchise is intended to alter, amend, modify, or expand the taxes and fees that may lawfully be assessed on Franchisee’s business activities under Applicable Laws.

Section 29. – Miscellaneous.

29.1 Entire Agreement. This Franchise constitutes the entire understanding and agreement between the Parties as to the subject matter herein and no other agreements or understandings, written or otherwise, will be binding upon the Parties upon execution of this Franchise.

29.2 Severability. If any section, sentence, clause, or phrase of this Franchise is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality will not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Franchise unless such invalidity or unconstitutionality materially alters the rights, privileges, duties, or obligations, in which event either Party may request renegotiation of those remaining terms of this Franchise materially affected by the court's ruling.

29.3 Authorized Signatories. The City and Franchisee respectively represent that their respective signatories are duly authorized and have full right, power, and authority to execute this Franchise on such Party's behalf.

29.4 Venue. This Franchise is governed by the laws of the State of Washington. The United States District Court for the Western District of Washington, and Pierce County Superior Court have proper venue for any dispute related to this Franchise.

29.5 Section Headings. Section headings are intended solely to facilitate the reading of this Franchise and may not affect the meaning or interpretation of the text within this Franchise.

29.6 No Third-Party Beneficiaries. There are no third-party beneficiaries to this Franchise.

29.7 Enforcement. This Franchise may be enforced at both law and in equity.

[Signatures on Following Page]

IN WITNESS WHEREOF, this Franchise is signed in the name of the City of Medina, Washington this ____ day of _____, 2026.

CITY OF MEDINA, WASHINGTON

Jeff Swanson, City Manager

ATTEST:

Dawn Nations, City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson, City Attorney

Accepted and approved this ____ day of _____, 2026.

EZEE FIBER WASHINGTON ASSETS, LLC

Name/Title:_____

STATE OF _____)
) ss.
County of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of Ezee Fiber Washington Assets, LLC, to be free and voluntary acts of such party for the uses and purposes mentioned in the instrument.

Dated this ____ day of _____, 2026.

Notary Public in and for the State of _____
residing at _____
My commission expires _____

EXHIBIT A**STATEMENT OF ACCEPTANCE**

EZEE FIBER WASHINGTON ASSETS, LLC, for itself, its successors and assigns, accepts, and agrees to be bound by all lawful terms, conditions and provisions of the Franchise attached and incorporated by this reference. Ezee Fiber Washington Assets, LLC, declares that it has carefully read the terms and conditions of this Franchise and unconditionally accepts all of the terms and conditions of the Franchise and agrees to abide by such terms and conditions. Ezee Fiber Washington Assets, LLC, has relied upon its own investigation of all relevant facts and it has not been induced to accept this Franchise and it accepts all reasonable risks related to the interpretation of this Franchise.

EZEE FIBER WASHINGTON ASSETS, LLC

By: _____

Date: _____

Name: _____

Title: _____



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

Subject/Topic: Outdoor Lighting Ordinance Dept. Origin: Development Services and Planning Consultant Category: City Business Prepared by: Kimberly Gunderson, Mahoney Planning LLC, Medina Planning Consultant Attachments: • Outdoor Lighting Slide Deck • Draft Outdoor Lighting Ordinance (clean) • Draft Outdoor Lighting Ordinance (redline) • Outdoor Lighting Interim Official Controls ○ Ordinance No. 1057 Outdoor Lighting Interim Official Control (extension of Ord. 1050) ○ Ordinance No. 1050 Outdoor Lighting Interim Official Control (extension of Ord. 1043) ○ Ordinance No. 1043 Outdoor Lighting Interim Official Control • Department of Commerce Notice of Intent to Adopt Ordinance & Approved Expedited Review • SEPA Environmental Checklist and DNS • Public Comment, Koh, January 27, 2026	Proposed Council Action/Motion: ☐ Information Only ☐ Receive and File ☒ Discuss ☐ Provide Direction ☒ Public Hearing ☒ Adopt/Approve ☐ Other:
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Proposed Council Action

The Council will be asked to adopt Outdoor Lighting Ordinance No. 1058.

Summary

Background

At its meeting on June 23, 2025 the City Council passed new outdoor lighting regulations. The need for this new Medina Municipal Code Chapter 16.25 comes from Council priorities established as a result of the recent adoption of the Middle Housing ordinance. Increased density which can result from Middle Housing could have adverse impacts on the Medina community. Impacts associated with outdoor lighting is seen as a high priority to address because we have already had lighting complaints even prior to the new density rules.

MMC 16.25 is adopted as an Interim Official Control which is a process having some similarities to a moratorium. An Interim Official Control is a process that adopts temporary (6-month) regulations and allows those temporary regulations to be extended by Council for additional 6-month periods following a public hearing with each extension. The benefit of an Interim Official Control is that it allows a City to immediately apply important changes to its Municipal Code while it studies the particulars that are appropriate of its permanent ordinance.

Amending Medina's Development Code Title 16 requires Planning Commission involvement. Planning Commission is required to review, approve, and forward to the Council with recommendation any new development ordinances. Because the outdoor lighting matter was considered a community priority, Council accepted an Interim Official Control proposal which does not require Planning Commission involvement. Council has given direction at its June 23, 2025 meeting for Planning Commission to study and process permanent outdoor lighting regulations to be brought to Council before the expiration of the interim official control on outdoor lighting. However, due to essentials of code amendment timing, two extension approvals by Council of the Interim Official Control (Ordinance 1050 and Ordinance 1057) were necessary and occurred on December 8, 2025 and June 8, 2026, extending the validity of the Interim Official Control until December 2026.

Kim Gunderson of Mahoney Planning, LLC is under contract with the City of Medina to provide on-call current and long-range planning support services, and has been tasked with preparing the permanent Outdoor Lighting Ordinance that will be recommended for adoption to City Council. Following the January, April, and May Planning Commission meetings, Kim and the City Attorney incorporated feedback offered by the Planning Commission into a draft permanent ordinance governing outdoor lighting. This feedback is reflected both in clean and in redline draft ordinance forms attached to this Agenda Bill which was presented to Planning Commission at their June 23, 2026 public hearing on the matter.

Following their public hearing, Planning Commission made the following motion: "I move to recommend approval of the Outdoor Lighting Ordinance and to direct staff to forward the Planning Commission's recommendation to the City Council."

Outdoor Lighting Project Components

Importantly, this project has been designed with the intention of efficiently building off of Medina's Interim Official Control as a template, a work product that has already been thoughtfully crafted to reflect feedback from City Council and now only needs refinement to capture remnant direction from City Council. Other key components of this project include: optimizing implementation of the Dark Sky Model Ordinance, ensuring the prevention of light trespass, and limiting the permanent ordinance to allow no more lighting than is allowed via the Interim Official Control.

As one of the project's key components is to model Medina's new ordinance on the Dark Sky Model Ordinance, a summary comparison of the two ordinances has been prepared and included as a demonstration of this effort:

Dark Sky Model Ordinance	Draft MMC Chapter 16.25
Definitions for: candela, CCT, IES, light level, lumen, seasonal lighting, and security lighting.	The definitions for candela, CCT, IES, light level, lumen, seasonal lighting, and security lighting were all sourced from the Dark Sky Model Ordinance. The definition for "shielding" was based on the IOC and was expanded on to include opaque fixtures, as discussed with Planning Commission at its May meeting. The definition for "temporary or periodic events" was crafted between the contract Planner and Planning Commission given Planning Commission's hope for short-term events to be a contemplated component of the new lighting ordinance.
Purpose statement: "...reduce lighting conflicts between property owners...and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment."	The IOC's purpose statement was added to as follows: "This chapter is intent on reducing lighting conflicts between property owners, and preserving the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment."
Exemptions for: 1. Security lighting (as determined by a municipal official with authority). 2. Temporary or semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat. 3. Seasonal lighting (can be restricted to certain dates)	Exemptions for: 1. Security lighting which is color-restricted and cannot cause light trespass. "Downward cast security lighting, provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less, unless the luminaire emits light only upon detected motion, in which case color temperature is not limited to 2,700K." 2. Temporary lighting which is color-restricted and cannot cause light trespass. "Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction, events on private property), provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less." 3. Seasonal lighting, which is exempted as was stated in the IOC and, after contemplation of the Planning Commission, does not include specific dates so as to be inclusive of all customs. Additional exemptions were added for in-pool lighting (since MMC 16.34.040 already allows this lighting type) and exterior stairway lighting consistent with the building code (since this is already allowed via IBC/IRC). All other exemptions remain from the IOC.
General provisions: 1. Spectrum: Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor luminaires is 3000 K.	General standards: 1. Outdoor lighting shall have a rated correlated color temperature of 2,700K or less. This metric was selected following public testimony by a Medina resident which was incorporated into Planning Commission's recommendation. Note: The Dark Sky Model Ordinance standard is 3,000K.

Permit application submittal: "projects to be documented using a spreadsheet format by listing the Luminaire identifications (i.e., manufacturer, model number, type), Luminaire quantities, installation locations, and Lumen outputs for each."	Permit application submittal: "A. Luminaire identifications (i.e., manufacturer, model number, correlated color temperature, type); B. Luminaire quantities; C. Correlated color temperature (Kelvin) for each fixture, and; D. Installation locations. The lighting schedule shall include both permanent luminaires and temporary luminaires used during construction" The MMC has been drafted to require CCT rather than lumen outputs since the City has not recommended an ordinance that governs total lumens per residence. This is based on direction to create an enforceable code and feedback from other cities with light ordinances, who advise that enforcing lumen output requires special equipment and nighttime code enforcement.
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The new ordinance will apply to new construction and is not retroactive to existing conditions.

Public and Agency Engagement

City Council will hold a public hearing on July 27, 2026, which has been noticed to the public in all manners required of MMC 16.81.070. As of the date of this Agenda Bill's preparation, no comments have been received from the public in response to the Notice of Public Hearing.

Planning Commission held a public hearing on June 23, 2026, which was noticed to the public in all manners required of MMC 16.81.070. No comments have been received from the public in response to the Notice of Public Hearing.

On May 21, 2026, Kim submitted a Notice of Intent to Adopt to the Washington Department of Commerce, as required by RCW 36.70A.106. Kim's Notice to Commerce included a request for the state's expedited review of Medina's Outdoor Lighting Ordinance, which was granted on June 4, 2026 (attached). No comments were received by any state agency during the Notice of Intent to Adopt period.

On May 22, 2026, the City's SEPA Responsible Official reviewed a SEPA Environmental Checklist prepared for the Outdoor Lighting Ordinance and issued a Determination of Nonsignificance (DNS) threshold determination (attached). The City noticed the SEPA DNS on May 26, 2026. No comments were received in response to the noticed DNS during the 14-day SEPA comment period.

The City has received public comments from Mr. and Mrs. Koh, owners of 3257 Evergreen Point Road (attached), and heard oral testimony from Mr. Yee Dawson at the January 2026 Planning Commission public meeting. Each of these comments urged greater protections against intrusive lighting and were considered by Planning Commission through the drafting of a permanent Outdoor Lighting Ordinance.

Council Priorities

This proposal furthers Council Priorities 2, 3, 4, and 5.

1. Financial Stability and Accountability
2. Quality Infrastructure

3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: None

Recommendation: Adopt Ordinance No. 1058.

City Manager Approval:



Proposed Council Motion: “I move approval of Ordinance No. 1058 creating Medina Municipal Code Chapter 16.25; revising MMC 16.34.040.C.5 for consistency with the new chapter 16.25 MMC, and amending MMC 16.80.030 for general housekeeping purposes, and terminating the interim official control that was imposed under Ordinance No. 1043 and extended under Ordinance Nos. 1050 and 1057.”

Time Estimate: 60 minutes



Medina Outdoor Lighting

Mahoney Planning, LLC
Kimberly Gunderson, Principal

City Council Regular Meeting
July 27, 2026

Agenda



01 Project Goals

02 Background

03 Project Framework

04 Council Input

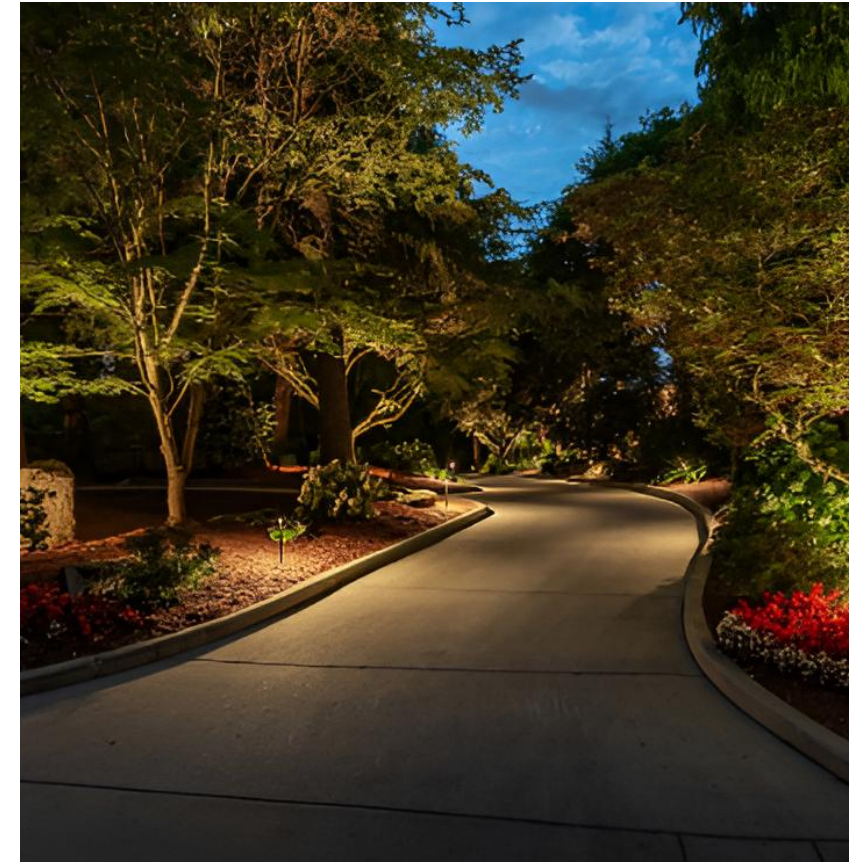
05 Permanent Ordinance
Progress

06 Next Steps

Project Goals

What are we trying to achieve?

- Ensure future growth protects Medina's sylvan nature
- Support "dark skies"
- Harmonize the built and natural environments
- Mitigate anthropologic impacts to Medina's natural setting
- Create an enforceable ordinance
- Ensure Medina can properly light public facilities for safety (pathways, signs, roads)



Background

In **response to citizen complaints**, Council took action by Interim Official Control (IOC)

- **6/23/2025** – City Attorney presented Council with IOC, Ord. 1043. Passed by Council.
 - **Motion:** “Direct the Planning Commission to study and process permanent outdoor lighting regulations to be brought to Council before the expiration of the interim official control on outdoor lighting.”
 - Created MMC Chapter 16.25
- **12/8/2025** – Extend IOC for 6 months via Ord. 1050.
- **6/8/2026** - Extend IOC for 6 months via Ord. 1057

Project Framework

- Use the IOC as the base to build from
- Optimize use of the Dark Sky Model Ordinance
- Ensure light trespass is prevented
- Do not create a lighting allowance beyond what is currently allowed in the IOC or existing code
- Ensure ordinance is enforceable

Early Council Input

Make Exceptions or Exemptions

- Lighting flag poles on City property
- Lighting at public facilities, where lighting is necessary for safety purposes
 - Otherwise, upgrade lighting at City-owned facilities to comply with Ord. Lead by example.
- Allow illuminations of park signs, entrance signs
- Allow motion sensor lights for property security
- Do not limit how broadly light can emanate on property
- Limit the height of outdoor lighting

Planning Commission Should Consider

- Pool lights should be allowed
- Preferred Kelvin color (5,000 or less)

Permanent Ordinance Progress

Building off the IOC, the Permanent Ordinance:

- ✓ Incorporates Dark Sky Model Ordinance
- ✓ Prohibits light trespass
- ✓ Controls construction/real estate lighting
- ✓ Controls color temperature
- ✓ Defines: color temperature, lumen, seasonal lighting, security lighting, temporary or periodic events, and other terms
- ✓ Allows security lighting, accent lighting, and stairway lighting when not cast upward and consistent with building code
- ✓ Prohibits all sport court lighting. Maintains current allowance for pool/hot tub vessel lighting
- ✓ Updates project vesting regulations
- ✓ Removes SMP edits
- ✓ Updates figures of acceptable/unacceptable lighting
- ✓ Creates enforceable code

Incorporates Dark Sky Model Ord

Dark Sky Model Ordinance	Draft MMC Chapter 16.25
Definitions for: candela, CCT, IES, light level, lumen, seasonal lighting, and security lighting.	➤ The definitions for candela, CCT, IES, light level, lumen, seasonal lighting, and security lighting were all sourced from the Dark Sky Model Ordinance. ➤ The definition for "shielding" was based on the IOC and was expanded on to include opaque fixtures, as discussed with Planning Commission at its May meeting. ➤ The definition for "temporary or periodic events" was crafted between the contract Planner and Planning Commission given Planning Commission's hope for short-term events to be a contemplated component of the new lighting ordinance.
Purpose statement: "...reduce lighting conflicts between property owners...and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment."	The IOC's purpose statement was added to as follows: "This chapter is intent on reducing lighting conflicts between property owners, and preserving the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment."
General provisions: Spectrum: Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor luminaires is 3000 K.	General standards: Outdoor lighting shall have a rated correlated color temperature of 2,700K or less. This metric was selected following public testimony by a Medina resident which was incorporated into Planning Commission's recommendation. Dark Sky Model Ordinance standard is 3,000K.

Incorporates Dark Sky Model Ord

Dark Sky Model Ordinance	Draft MMC Chapter 16.25
Exemptions for: 1. Security lighting (as determined by a municipal official with authority). 2. Temporary or semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat. 3. Seasonal lighting (can be restricted to certain dates)	Exemptions for: 1. Security lighting which is color-restricted and cannot cause light trespass. "Downward cast security lighting, provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less, unless the luminaire emits light only upon detected motion, in which case color temperature is not limited to 2,700K." 2. Temporary lighting which is color-restricted and cannot cause light trespass. "Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction, events on private property), provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less." 3. Seasonal lighting, which is exempted as was stated in the IOC and, after contemplation of the Planning Commission, does not include specific dates so as to be inclusive of all customs. ➤ Additional exemptions were added for in-pool lighting (since MMC 16.34.040 already allows this lighting type) and exterior stairway lighting consistent with the building code (since this is already allowed via IBC/IRC). ➤ All other exemptions remain from the IOC.
Permit application submittal: "projects to be documented using a spreadsheet format by listing the Luminaire identifications (i.e., manufacturer, model number, type), Luminaire quantities, installation locations, and Lumen outputs for each."	Permit application submittal: "A. Luminaire identifications (i.e., manufacturer, model number, correlated color temperature, type); B. Luminaire quantities; C. Correlated color temperature (Kelvin) for each fixture, and; D. Installation locations. The lighting schedule shall include both permanent luminaires and temporary luminaires used during construction."

Prohibits Light Trespass

Many exemptions are only applicable if they do not cause light trespass

- “*Downward cast security lighting, provided the lighting does not cause light trespass...*”

General Standards

- “*All light trespass is prohibited.*”

Pool Lighting limitations

- “*No lighting shall be allowed on sports courts or accessory recreational facilities, except lighting installed within the vessel of a pool, spa, or hot tub, provided the vessel lighting does not cause light trespass.*”

Light trespass does not include all visible light. Light is trespassing if the darkness at one property is affected by outdoor lighting at another property.

Controls Construction/Real Estate Lighting

Prohibits lighting at vacant residences

- *“This following fixtures are prohibited: Lighting at vacant residences, whether under construction or complete, except as authorized in Section 16.44.040 of this code.”*

MMC 16.44.040 is amended via Ord. 1052 and reads:

- *“Properties containing vacant dwellings, whether under construction or complete, shall, at a minimum, be maintained as follows: Interior lights that are visible to neighboring properties shall be kept turned off except when the structure is occupied. Exterior lights shall only be on after dark if they are shielded and angled away from other properties and dwelling units. Light shall not be permitted to trespass onto other properties.”*

Allowances for Acceptable Lighting

Accent Lighting

- *“Accent lighting shall be directed downward onto the illuminated object or area ...except that lighting used to accent landscaping or driveways may be directed at an upward angle that does not exceed 45 degrees from a horizontal plane parallel to the ground...”*

Security Lighting

- *“Downward cast security lighting, provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less, unless the luminaire emits light only upon detected motion, in which case color temperature is not limited to 2,700K.”*
- Motion detection lighting does not currently include a limitation on duration. **The Dark Sky Model Ordinance limits motion detection lights to 5 minutes.**

Stairway Lighting

- *“Exterior stairway illumination, provided the illumination is not cast upward and is otherwise consistent with adopted building codes.”*

Prohibits all Sport Court Lighting

Codifies the City's typical practice of prohibiting outdoor lighting at sport courts, both public and private.

Prohibited Lighting includes:

- *“No lighting shall be allowed on sports courts or accessory recreational facilities, whether the sport court or accessory recreational facility is public or private, except as allowed by MMC 16.25.040(I).”*

MMC 16.25.040(I) allows for in vessel pool lighting:

- *“Lighting installed within the vessel of a pool, spa, or hot tub, provided the lighting does not cause light trespass.”*
- Allowance aligns with early Council direction and continues an allowance already provided for in the code today.

Updates Project Vesting

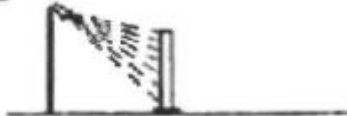
Clarifies vesting rights for applications subject to new Ordinance (MMC 16.80.030)

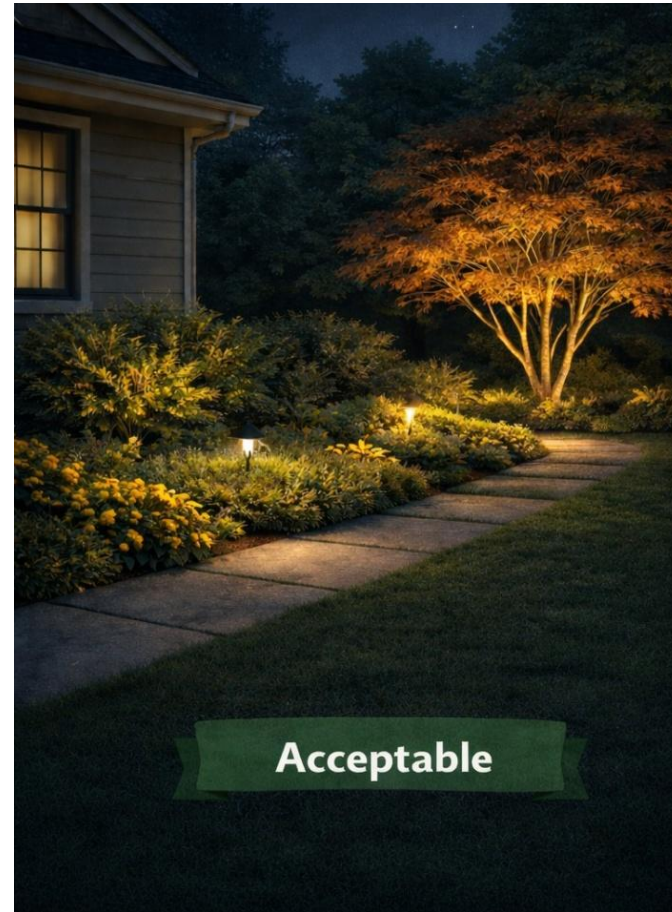
- *“Building permit applications shall vest in accordance with RCW 19.27.095. Subdivision applications shall vest in accordance with RCW 58.17.033. Other project permit applications shall not result in vesting for the project...~~however, all permits shall be processed under the development regulations in effect at the time of submission of a completed permit application as defined herein and all application fees are paid.~~”*

Removes SMP Edits

- Plans for SMP Lighting provision edits as part of **2029 Medina SMP Periodic Update**
- IOC's edits to **MMC 16.66.110** to be incorporated during required SMP Update (expected to begin meaningfully in 2027)
- MMC 16.60.070(C) still applies:
 - “In the event of a conflict between the regulations in this shoreline master program and any other applicable regulations of the city, the regulation that provides the greater protection of shoreline ecological functions and aquatic habitat shall prevail.”

Updates Figures

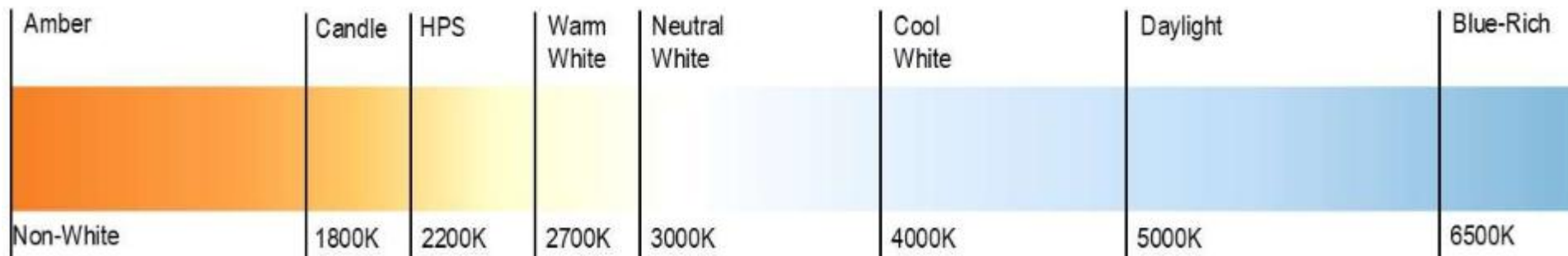
UNACCEPTABLE	ACCEPTABLE
☒  OFF-WALL	☒  OFF-WALL
☒  BUILDING	☒  BUILDING
☒  FOLIAGE	☒  FOLIAGE
☒  ESCARPMENT	☒  ESCARPMENT



Creates Enforceable Code

The Ordinance has been drafted to require **Correlated Color Temperature rather than lumen outputs**. This is based on:

1. Direction to create an enforceable code
2. Feedback from other cities with lighting ordinances, who advise that enforcing lumen output requires special equipment and nighttime code enforcement
3. Early Council feedback not to limit total lighting output at a site



Focused Planning Commission Discussion

1. Correlated color temperature (kelvin) standard: 2,700 or 3,000?
2. Sport court lighting
3. Flagpole lighting
4. Enforcement practices

Other matters discussed were typically met without debate (i.e., allowances for acceptable lighting, security lighting, etc.)

Public Participation

Planning Commission considered 2 public comments.
Each urged greater protections against intrusive lighting.

1. Mr. and Mrs. Koh, 3257 Evergreen Point Road
2. Mr. Yee Dawson (oral comments at January meeting)

Project Status and Next Steps

- Commerce Notice of Intent to Adopt ✓
 - Sent on May 21. Expedited review accepted June 4. No comments.
- SEPA Checklist and Threshold Determination ✓
 - Prepared May 22 and publicly noticed thereafter. No comments.
- Planning Commission Public Hearing ✓
 - Held on June 23. Hearing was properly noticed. No comments.
 - **Planning Commission Motion:** *“I move to recommend approval of the Outdoor Lighting Ordinance and to direct staff to forward the Planning Commission’s recommendation to the City Council.”*

Next Steps: Public Hearing with Council, Action Requested

Recommended Motion: “I move approval of Ordinance No. 1058 creating Medina Municipal Code Chapter 16.25; revising MMC 16.34.040.C.5 for consistency with the new chapter 16.25 MMC, and amending MMC 16.80.030 for general housekeeping purposes, and terminating the interim official control that was imposed under Ordinance No. 1043 and extended under Ordinance Nos. 1050 and 1057.”

CITY OF MEDINA, WASHINGTON

Ordinance No. 1058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RELATING TO ZONING, ADDING A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.34.040.C.5 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC, AND AMENDING MMC 16.80.030 FOR GENERAL HOUSEKEEPING PURPOSES; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; TERMINATING THE INTERIM OFFICIAL CONTROL THAT WAS IMPOSED UNDER ORDINANCE NO. 1043 AND EXTENDED UNDER ORDINANCE NOS. 1050 and 1057; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina is a code city operating under Title 35A RCW, among other laws; and

WHEREAS, in Title 16 of the Medina Municipal Code, the City Council has established the City's development regulations; and

WHEREAS, Medina is a code city which is governed by the provisions of the Growth Management Action (Chapter 36.70A RCW); and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, on December 8, 2025, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 in order to allow the Planning Commission to complete its work; and

WHEREAS, on June 8, 2026, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 by passage of Ordinance No. 1057 in order to allow the Planning Commission to complete its work; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for expedited review on May 21, 2026; and

WHEREAS, on May 22, 2026, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, over the past year, the Planning Commission has studied this issue, worked on a draft ordinance, and conducted a public hearing on the substance of this Ordinance on June 23, 2026; and

WHEREAS, following the public hearing, the Planning Commission recommended adoption by the City Council; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; and

WHEREAS, this Ordinance was considered at a regular City Council meeting on July 27, 2026 and the City Council deems it in the public interest to approve it as proposed; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of this ordinance.

Section 2. A new Chapter 16.25 is hereby added to the Medina Municipal Code to read as follows:

**Chapter 16.25 OUTDOOR LIGHTING ON PUBLIC AND PRIVATE
PROPERTY**

16.25.010 Purpose.

16.25.020 Definitions.

16.25.030 Applicability.

16.25.040 Exemptions.

16.25.050 General standards.

16.25.060 Prohibited.

16.25.070 Submittals.

**16.25.080 Figures of acceptable shielding and direction of
outdoor light fixtures.**

16.25.010 Purpose.

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment. This chapter is intent on reducing lighting conflicts between property owners, and preserving the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment.

16.25.020 Definitions.

The following terms have the following definitions for purposes of this chapter:

- A. *Accent lighting* means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. *Candela* means the unit of measure for luminous intensity.

- C. *Color temperature* means the color appearance of light emitted by a light source described using a nominal value stated in kelvins (K).
- D. *Cut-off angle* (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- E. *Director* means the director of development services for the City of Medina.
- F. *Fixture* (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- G. *Foot-candle* means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.
- H. *IES (Illuminating Engineering Society)* means an American National Standards Institute (ANSI)-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.
- I. *Lamp* means the light-producing source installed in the socket portion of a luminaire.
- J. *Light level* means the maintained luminance or illuminance value.
- K. *Light pollution* means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- L. *Light trespass* means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line. This term includes light extending above a commercial building from a sky light.
- M. *Lumen* means a unit of measure of the luminous flux of a light source.
- N. *Luminaire*. See definition for "fixture" (subsection D of this section).
- O. *Outdoor lighting fixture* means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- P. *Seasonal lighting* means outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and

traditions. This includes, but is not limited to, string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

- Q. *Security lighting* means illumination used specifically to protect people, property, and infrastructure from criminal threat.
- R. *Shielding* means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture. Shielding includes fixtures composed of opaque material as long as no light rays are emitted by the fixture above the horizontal plane running through the lowest point of the fixture.
- S. *Spotlight* means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- T. *Temporary or periodic event* means an occasion or activity that occurs for no more than 12 hours and relates to special events, festivals, community benefits, or personal celebrations.

16.25.030 Applicability.

- A. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, however, that if it is determined by the director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter. Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:
 - 1. Buildings and structures including, but not limited to, overhangs and canopies;
 - 2. Parking lot lighting;
 - 3. Security lighting;
 - 4. Landscape lighting;
 - 5. Driveway lighting;
 - 6. Patio or deck lighting;
 - 7. Lighting on docks and piers;
 - 8. Street lighting.
 - 9. Outdoor lighting employed during construction or development activities, which shall comply with Section 16.44.040 of this code.
- B. The city's departments of development services and public works shall administer and enforce this chapter.

- C. In the event of a conflict between the requirements of this chapter and any other requirement of the City of Medina Municipal Code, the more restrictive requirement shall apply.

16.25.040 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter;
- C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
- D. Moving vehicle lights;
- E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Medina Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
- F. Seasonal lighting does not have to be shielded; provided, that it does not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;
- G. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction, events on private property), provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less;
- H. Downward cast security lighting, provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less, unless the luminaire emits light only upon detected motion, in which case color temperature is not limited to 2,700K;
- I. Lighting installed within the vessel of a pool, spa, or hot tub, provided the lighting does not cause light trespass; and
- J. Exterior stairway illumination, provided the illumination is not cast upward and is otherwise consistent with adopted building codes.

16.25.050 General standards.

A. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

- 1. All light trespass is prohibited.

2. Outdoor lighting fixtures, other than accent lighting, must be shielded and aimed downward, and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in section 16.25.080. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.
3. Outdoor lighting shall have a rated correlated color temperature of 2,700K or less.
4. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Figure 3 in section 16.25.080).
5. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.
6. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4 in section 16.25.080), except that lighting used to accent landscaping or driveways may be directed at an upward angle that does not exceed 45 degrees from a horizontal plane parallel to the ground, provided that the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
7. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,020 lumens output).

16.25.060 Prohibited.

- A. The following fixtures (luminaires) are prohibited:
 1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license;
 2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane;
 3. Quartz lamps;
 4. Mercury vapor lamps; and
 5. Lighting at vacant residences, whether under construction or complete, except as authorized in Section 16.44.040 of this code.

B. No lighting shall be allowed on sports courts or accessory recreational facilities, whether the sport court or accessory recreational facility is public or private, except as allowed by MMC 16.25.040(I).

C. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this chapter.

16.25.070 Submittals.

All building permit applications which include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application. Building permit applications shall include an outdoor lighting plan with a lighting schedule that includes:

- A. Luminaire identifications (i.e., manufacturer, model number, correlated color temperature, type);
- B. Luminaire quantities;
- C. Correlated color temperature (Kelvin) for each fixture, and;
- D. Installation locations.

The lighting schedule shall include both permanent luminaires and temporary luminaires used during construction.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures:

Figure 1: Wall-Mounted Lighting Fixtures



Figure 2: Freestanding Outdoor Lighting Fixtures

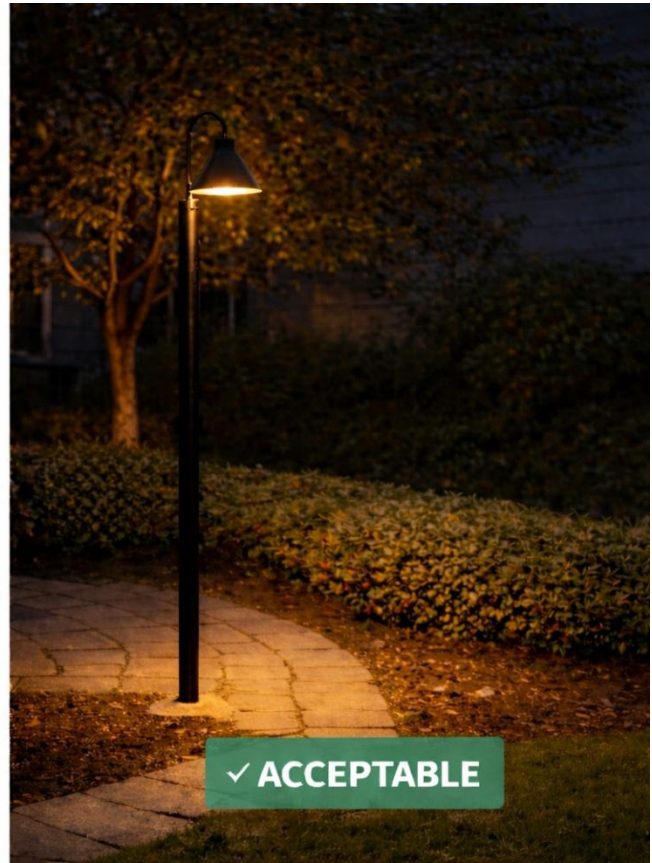
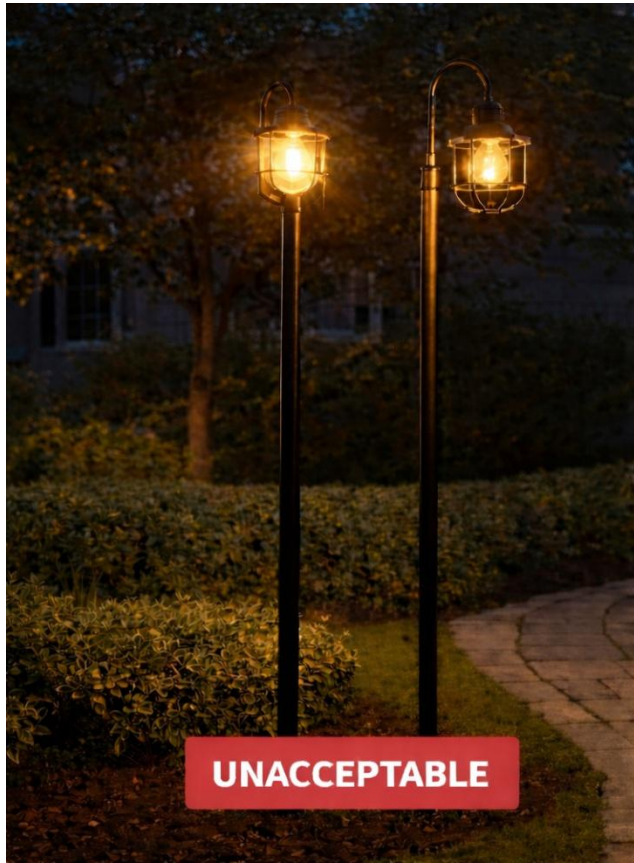


Figure 3: Outdoor Lighting Fixtures—Street and Lot Light Cut-Off at Property Line

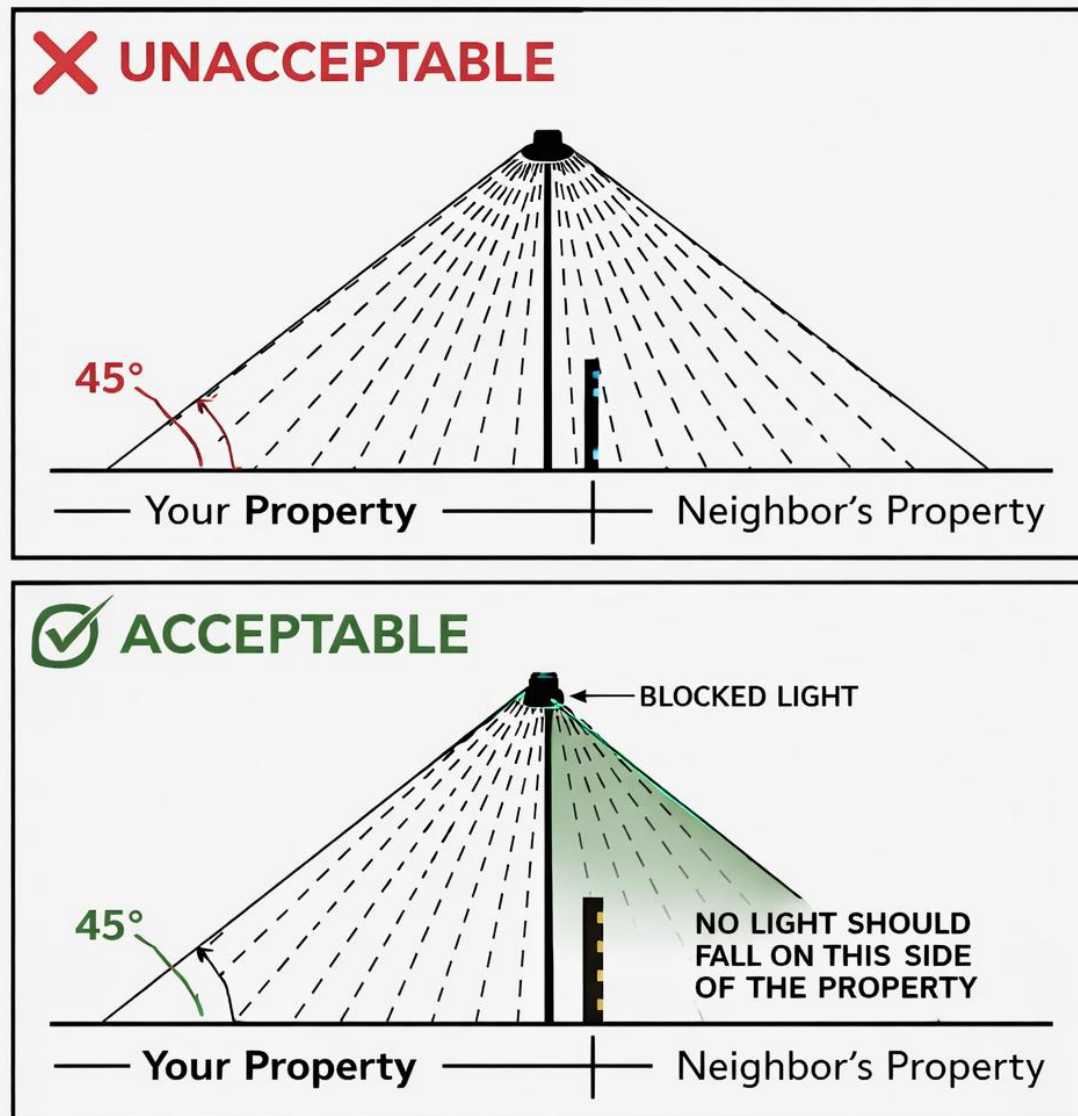
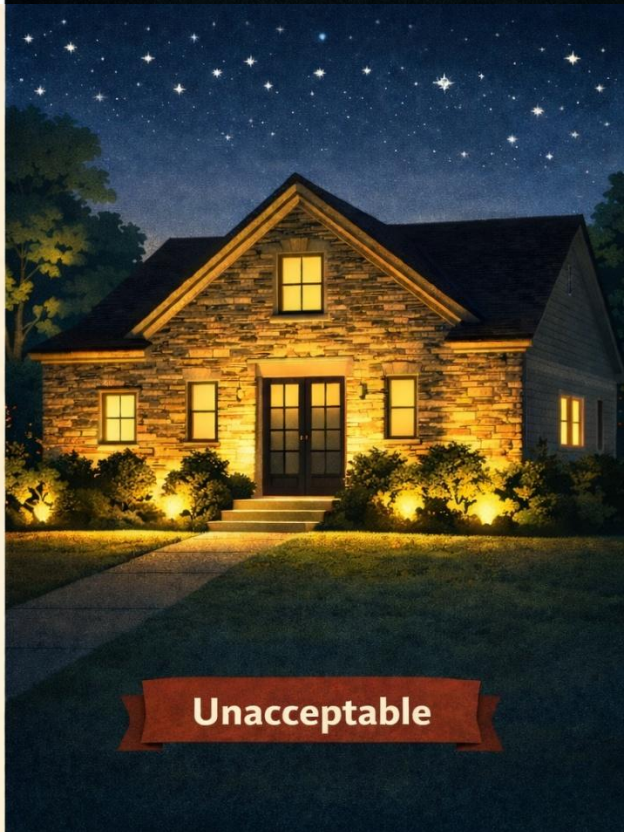
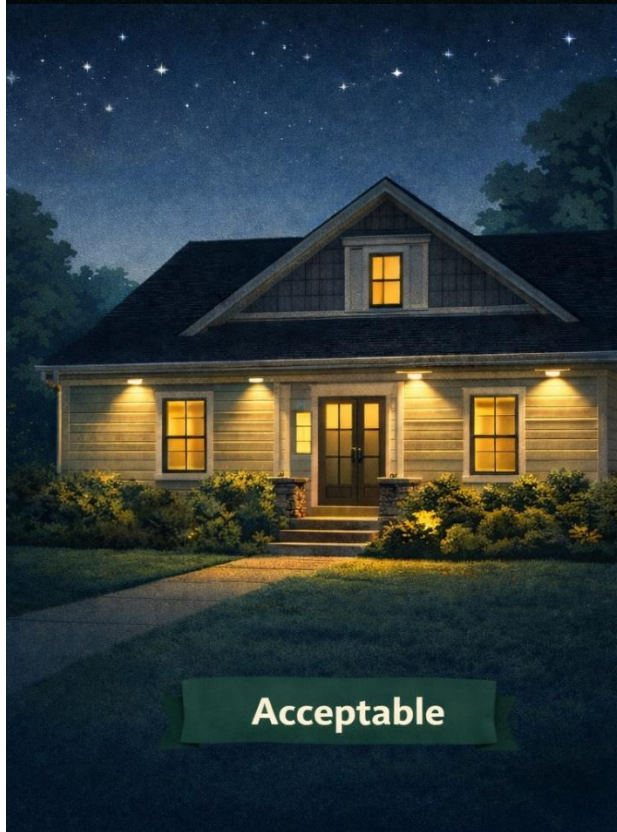
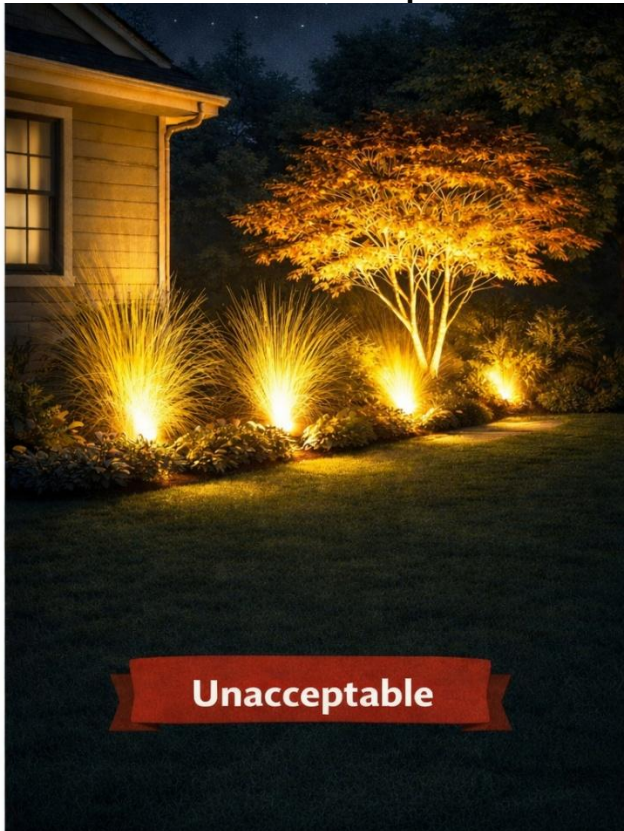
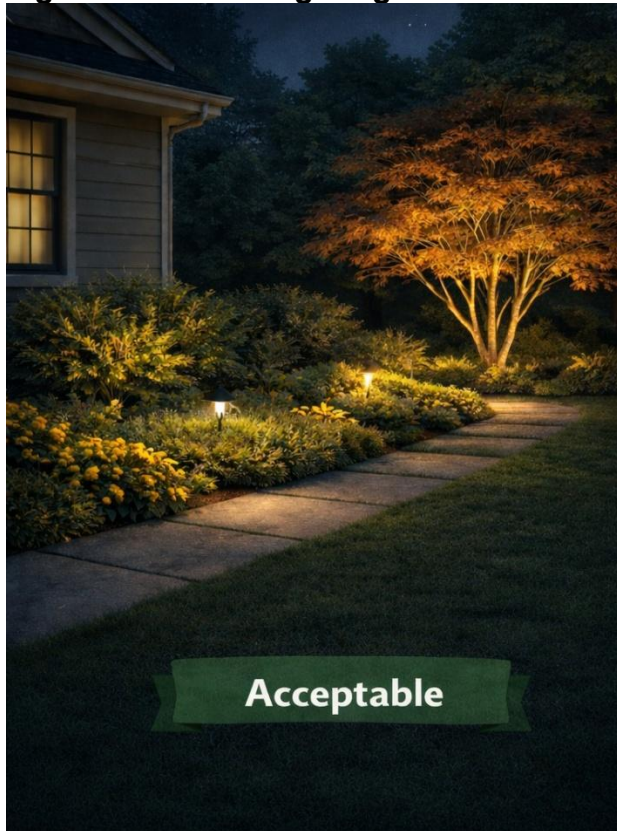


Figure 4: Accent Lighting: Shielded & Downcast vs. Unshielded & Upward Cast



Section 3. Subsection “C.5” of Section 16.34.040 of the Medina Municipal Code is hereby amended to read as follows:

16.34.040. Accessory Recreational Facilities.

* * * * *

C. Development standards.

* * * * *

5. Major recreational facilities that protrude into setback areas shall comply with the following requirements:

- a. Solid landscape screening pursuant to MMC 16.30.070 shall be installed along the perimeter of the lot from which the facility is set back, such that the use is concealed year-round from public streets, private lanes, and nearby properties;
- b. ~~All lighting shall be oriented or shielded such that the lighting does not shine or spill over onto neighboring properties or Lake Washington.~~ No lighting shall be allowed on sports courts or accessory recreational facilities, except lighting installed within the vessel of a pool, spa, or hot tub, provided the vessel lighting does not cause light trespass;
- c. Fences and barriers shall meet all development and building code requirements; and
- d. Additional mitigation measures may be required such as, but not limited to, restricted hours of use, limitations on lighting, increased screening, altered location, etc., to minimize any negative impacts generated by the use of the accessory recreational facility.

Section 4. Subsection “C” of Section 16.80.030 of the Medina Municipal Code is hereby amended to read as follows:

16.80.030. General Provisions.

* * * * *

C. Vesting. Building permit applications shall vest in accordance with RCW 19.27.095. Subdivision applications shall vest in accordance with RCW 58.17.033. Other project permit applications shall not result in vesting for the project.; ~~however, all permits shall be processed under the development regulations in effect at the time of submission of a completed permit application as defined herein and all application fees are paid.~~ In addition, vesting for a project only includes vesting to land use control ordinances and does not apply to fees, procedural regulations, or stormwater regulations.

* * * * *

Section 5. Repeal of Interim Official Control. The Interim Official Control which was imposed under Ordinance No. 1043 and extended under Ordinance Nos. 1050 and 1057 is hereby terminated upon the effective date of this Ordinance.

Section 6. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE __ DAY OF JULY, 2026 BY A VOTE OF __ FOR, __ AGAINST, AND __ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE __ DAY OF JULY, 2026.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB

CITY OF MEDINA, WASHINGTON

Ordinance No. 1058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RELATING TO ZONING, ADDING A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.34.040.C.5 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC, AND AMENDING MMC 16.80.030 FOR GENERAL HOUSEKEEPING PURPOSES; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; TERMINATING THE INTERIM OFFICIAL CONTROL THAT WAS IMPOSED UNDER ORDINANCE NO. 1043 AND EXTENDED UNDER ORDINANCE NOS. 1050 and 1057; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina is a code city operating under Title 35A RCW, among other laws; and

WHEREAS, in Title 16 of the Medina Municipal Code, the City Council has established the City's development regulations; and

WHEREAS, Medina is a code city which is governed by the provisions of the Growth Management Action (Chapter 36.70A RCW); and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, on December 8, 2025, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 in order to allow the Planning Commission to complete its work; and

WHEREAS, on June 8, 2026, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 by passage of Ordinance No. 1057 in order to allow the Planning Commission to complete its work; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for expedited review on May 21, 2026; and

WHEREAS, on May 22, 2026, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, over the past year, the Planning Commission has studied this issue, worked on a draft ordinance, and conducted a public hearing on the substance of this Ordinance on June 23, 2026; and

WHEREAS, following the public hearing, the Planning Commission recommended adoption by the City Council; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; and

WHEREAS, this Ordinance was considered at a regular City Council meeting on July 27, 2026 and the City Council deems it in the public interest to approve it as proposed; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of this ordinance.

Section 2. A new Chapter 16.25 is hereby added to the Medina Municipal Code to read as follows:

Chapter 16.25 OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY

16.25.010 Purpose.

16.25.020 Definitions.

16.25.030 Applicability.

16.25.040 Exemptions.

16.25.050 General standards.

16.25.060 Prohibited.

16.25.070 Submittals.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

16.25.010 Purpose.

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment. This chapter is intent on reducing lighting conflicts between property owners, and preserving the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment.

Commented [KG1]: Sourced from Dark Sky International model ordinance.

16.25.020 Definitions.

The following terms have the following definitions for purposes of this chapter:

- A. *Accent lighting* means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. Candela means the unit of measure for luminous intensity.

Commented [KG2]: Sourced from Dark Sky International model ordinance.

C. Color temperature means the color appearance of light emitted by a light source described using a nominal value stated in kelvins (K).

Commented [KG3]: Sourced from Dark Sky International model ordinance.

D. Cut-off angle (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

EE. Director means the director of development services for the City of Medina.

DE. Fixture (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

EG. Foot-candle means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.

FH. IES (Illuminating Engineering Society) means an American National Standards Institute (ANSI)-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.

Commented [KG4]: Sourced from Dark Sky International model ordinance.

I. Lamp means the light-producing source installed in the socket portion of a luminaire.

GJ. Light level means the maintained luminance or illuminance value.

Commented [KG5]: Sourced from Dark Sky International model ordinance.

K. Light pollution means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

HL. Light trespass means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line. This term includes light extending above a commercial building from a sky light.

IM. Lumen means a unit of measure of the luminous flux of a light source.

N. Luminaire. See definition for "fixture" (subsection D of this section).

JO. Outdoor lighting fixture means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

KP. Seasonal lighting means outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and

traditions. This includes, but is not limited to, string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

Q. Security lighting means illumination used specifically to protect people, property, and infrastructure from criminal threat.

R. Shielding means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture. Shielding includes fixtures composed of opaque material as long as no light rays are emitted by the fixture above the horizontal plane running through the lowest point of the fixture.

LS. Spotlight means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

T. Temporary or periodic event means an occasion or activity that occurs for no more than 12 hours and relates to special events, festivals, community benefits, or personal celebrations.

Commented [KG6]: Sourced from Dark Sky International model ordinance.

Commented [KG7]: Sourced from Dark Sky International model ordinance.

16.25.030 Applicability.

- A. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, however, that if it is determined by the director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter. Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:
 - 1. Buildings and structures including, but not limited to, overhangs and canopies;
 - 2. Parking lot lighting;
 - 3. Security lighting;
 - 4. Landscape lighting;
 - 5. Driveway lighting;
 - 6. Patio or deck lighting;
 - 7. Lighting on docks and piers;
 - 8. Street lighting.
- 9. Outdoor lighting employed during construction or development activities, which shall comply with Section 16.44.040 of this code.
- B. The city's departments of development services and public works shall administer and enforce this chapter.

- C. In the event of a conflict between the requirements of this chapter and any other requirement of the City of Medina Municipal Code, the more restrictive requirement shall apply.

16.25.040 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter;
- C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
- D. Moving vehicle lights;
- E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Medina Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;

~~F. Public recreational facilities;~~

- ~~G.F.~~ Seasonal ~~decorations—lighting~~ does not have to be shielded; provided, that ~~they-it~~ does not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;

- ~~H.G.~~ Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction, events on private property), provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less;

- H. Downward cast security lighting, provided the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less, unless the luminaire emits light only upon detected motion, in which case color temperature is not limited to 2,700K;

- I. Lighting installed within the vessel of a pool, spa, or hot tub, provided the lighting does not cause light trespass;

- J. Exterior stairway illumination, provided the illumination is not cast upward and is otherwise consistent with adopted building codes.

16.25.050 General standards.

- A. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All light trespass is prohibited.

2. Outdoor lighting fixtures, ~~other than~~ ~~and~~ accent lighting, must be shielded and aimed downward, and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in section 16.25.090080. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

2-3. Outdoor lighting shall have a rated correlated color temperature of 2,700K or less.

3-4. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Figure 3 in section 16.25.080).

4-5. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.

5-6. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4 in section 16.25.080), except that lighting used to accent landscaping or driveways may be directed at an upward angle that does not exceed 45 degrees from a horizontal plane parallel to the ground, provided that the lighting does not cause light trespass and has a rated correlated color temperature of 2,700K or less. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

7. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,020 lumens output).

~~6.~~

16.25.060 Prohibited.

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license;
2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane;
3. Quartz lamps;
4. Mercury vapor lamps.

4.5. Lighting at vacant residences, whether under construction or complete, except as authorized in Section 16.44.040 of this code.

B. No lighting shall be allowed on private sports courts or private accessory recreational facilities, whether the sport court or accessory recreational facility is public or private, except as allowed by MMC 16.25.040(I) in the City.

C. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this chapter.

16.25.070 Submittals.

All building permit applications which include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application. Building permit applications shall include an outdoor lighting plan with a lighting schedule that includes:

- A. Luminaire identifications (i.e., manufacturer, model number, correlated color temperature, type);
- B. Luminaire quantities;
- C. Correlated color temperature (Kelvin) for each fixture, and;
- D. Installation locations.

The lighting schedule shall include both permanent luminaires and temporary luminaires used during construction.

Commented [KG8]: Sourced from Dark Sky International model ordinance.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures ~~in the city~~:

Figure 1: Wall-Mounted Lighting Fixtures



Figure 2: Freestanding Outdoor Lighting Fixtures



Figure 3: Outdoor Lighting Fixtures—Street and Lot Light Cut-Off at Property Line

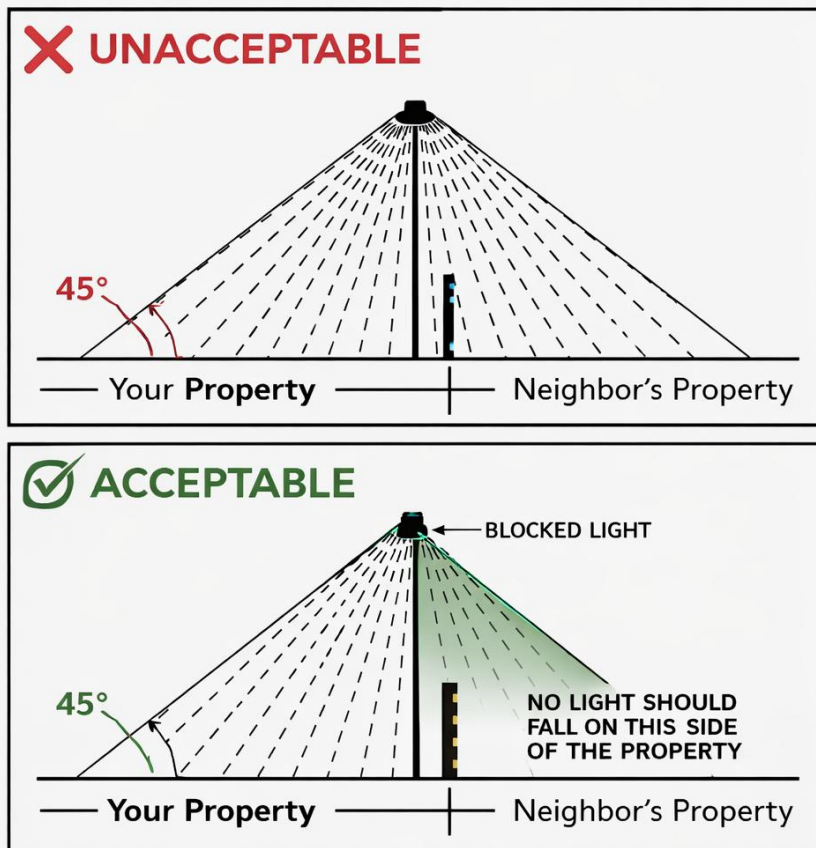


Figure 4: Accent Lighting: Shielded & Downcast vs. Unshielded & Upward Cast



Section 3. Subsection “C.5” of Section 16.34.040 of the Medina Municipal Code is hereby amended to read as follows:

16.34.040. Accessory Recreational Facilities.

* * * * *

C. Development standards.

* * * * *

5. Major recreational facilities that protrude into setback areas shall comply with the following requirements:

- a. Solid landscape screening pursuant to MMC 16.30.070 shall be installed along the perimeter of the lot from which the facility is set back, such that the use is concealed year-round from public streets, private lanes, and nearby properties;
- b. ~~All lighting shall be oriented or shielded such that the lighting does not shine or spill over onto neighboring properties or Lake Washington.~~ No lighting shall be allowed on sports courts or accessory recreational facilities, except lighting installed within the vessel of a pool, spa, or hot tub, provided the vessel lighting does not cause light trespass;
- c. Fences and barriers shall meet all development and building code requirements; and
- d. Additional mitigation measures may be required such as, but not limited to, restricted hours of use, limitations on lighting, increased screening, altered location, etc., to minimize any negative impacts generated by the use of the accessory recreational facility.

Section 4. Subsection “C” of Section 16.80.030 of the Medina Municipal Code is hereby amended to read as follows:

16.80.030. General Provisions.

* * * * *

C. Vesting. Building permit applications shall vest in accordance with RCW 19.27.095. Subdivision applications shall vest in accordance with RCW 58.17.033. Other project permit applications shall not result in vesting for the project; ~~however, all permits shall be processed under the development regulations in effect at the time of submission of a completed permit application as defined herein and all application fees are paid.~~ In addition, vesting for a project only includes vesting to land use control ordinances and does not apply to fees, procedural regulations, or stormwater regulations.

* * * * *

Section 5. Repeal of Interim Official Control. The Interim Official Control which was imposed under Ordinance No. 1043 and extended under Ordinance Nos. 1050 and 1057 is hereby terminated upon the effective date of this Ordinance. The public hearing for Ordinance No. 1057 on July 27, 2026 is hereby canceled.

Section 6. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE __ DAY OF JULY, 2026 BY A VOTE OF __ FOR, __ AGAINST, AND __ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE __ DAY OF JULY, 2026.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB

CITY OF MEDINA, WASHINGTON

Ordinance No. 1057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; EXTENDING AND RENEWING THE INTERIM OFFICIAL CONTROL ADOPTED UNDER ORDINANCE NO. 1043, RELATING TO ZONING, WHICH ADDED A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS EXTENSION AND RENEWAL OF THE INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, on December 8, 2025, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 in order to allow the Planning Commission to complete its work; and

WHEREAS, the Planning Commission has not yet completed work on the permanent regulations, however, the permanent regulation draft is scheduled for a public hearing before the Planning Commission on June 23, 2026 and therefore the Planning Commission and City Council need additional time to complete their work while the interim official control remains in effect; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to extend and renew the interim official control as set forth in this Ordinance;
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Extended and Renewed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby extends and renews the interim official control, as set forth in Ordinance No. 1043, which amends the Medina Municipal Code as set forth therein and established the procedures and vesting thereunder, as extended by Ordinance No. 1050.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before August 8, 2026. The Council hereby schedules the public hearing for July 27, 2026. However, if the permanent regulations have been adopted prior to the public hearing, the public hearing will be canceled.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This extension of the interim official control imposed under Ordinance No. 1043 and extended under Ordinance No. 1050 shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 8th DAY OF JUNE, 2026 BY A VOTE OF __ FOR, __ AGAINST, AND __ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 8th DAY OF JUNE, 2026.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 1057/ AB

CITY OF MEDINA, WASHINGTON

Ordinance No. 1043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING AN INTERIM OFFICIAL CONTROL RELATING TO ZONING, ADDING A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; PROVIDING FOR VESTED RIGHTS, INTERPRETATION AUTHORITY AND SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the interim official control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to update its code as required by State law and as set forth in this Ordinance;
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby imposes an interim official control, as described in Sections 3 through 4, to amend the Medina Municipal Code as set forth therein.

Section 3. A new chapter 16.25 is hereby added to the Medina Municipal Code to read as follows:

Chapter 16.25 OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY

16.25.010 Purpose.

16.25.020 Definitions.

16.25.030 Applicability.

16.25.040 Exemptions.

16.25.050 General standards.

16.25.060 Prohibited.

16.25.070 Submittals.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

16.25.010 Purpose.

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they

may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

16.25.020 Definitions.

The following terms have the following definitions for purposes of this chapter:

- A. *Accent lighting* means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. *Cut-off angle* (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. *Director* means the director of development services for the City of Medina.
- D. *Fixture* (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- E. *Foot-candle* means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.
- F. *Lamp* means the light-producing source installed in the socket portion of a luminaire.
- G. *Light pollution* means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- H. *Light trespass* means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line. This term includes light extending above a commercial building from a sky light.
- I. *Luminaire*. See definition for "fixture" (subsection D of this section).
- J. *Outdoor lighting fixture* means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- K. *Shielding* means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.
- L. *Spotlight* means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

16.25.030 Applicability.

- A. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, however, that if it is determined by the director that any interior lighting emitting light outside of the

building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter. Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

1. Buildings and structures including, but not limited to, overhangs and canopies;
 2. Parking lot lighting;
 3. Security lighting;
 4. Landscape lighting;
 5. Driveway lighting;
 6. Patio or deck lighting;
 7. Lighting on docks and piers;
 8. Street lighting.
- B. The city's departments of development services and public works shall administer and enforce this chapter.
- C. In the event of a conflict between the requirements of this chapter and any other requirement of the City of Medina Municipal Code, the more restrictive requirement shall apply.

16.25.040 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter;
- C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
- D. Moving vehicle lights;
- E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Medina Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
- F. Public facilities where lighting is necessary for public safety purposes;
- G. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;
- H. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction).

16.25.050 General standards.

A. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All light trespass is prohibited.
2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in section 16.25.090. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.
3. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Figure 3)
4. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.
5. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
6. Spotighting on landscaping and foliage shall be limited to 150 watts incandescent (2,020 lumens output).

16.25.060 Prohibited.

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license;
2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane;
3. Quartz lamps;
4. Mercury vapor lamps.

B. No lighting shall be allowed on private sports courts or private recreational facilities in the City.

C. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this chapter.

16.25.070 Submittals.

All building permit applications which include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the city:

Figure 1: Wall-Mounted Lighting Fixtures

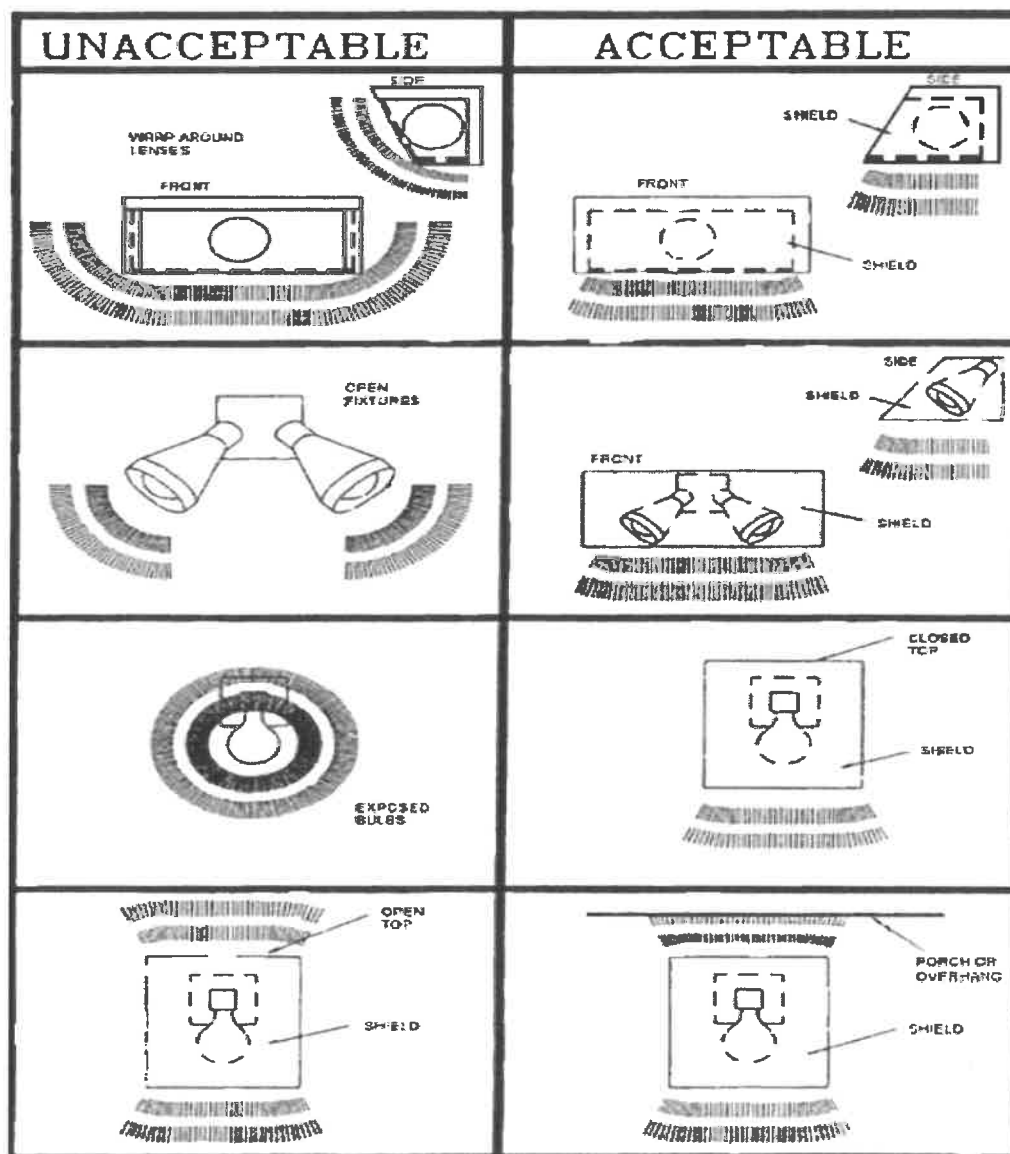


Figure 2: Freestanding Outdoor Lighting Fixtures

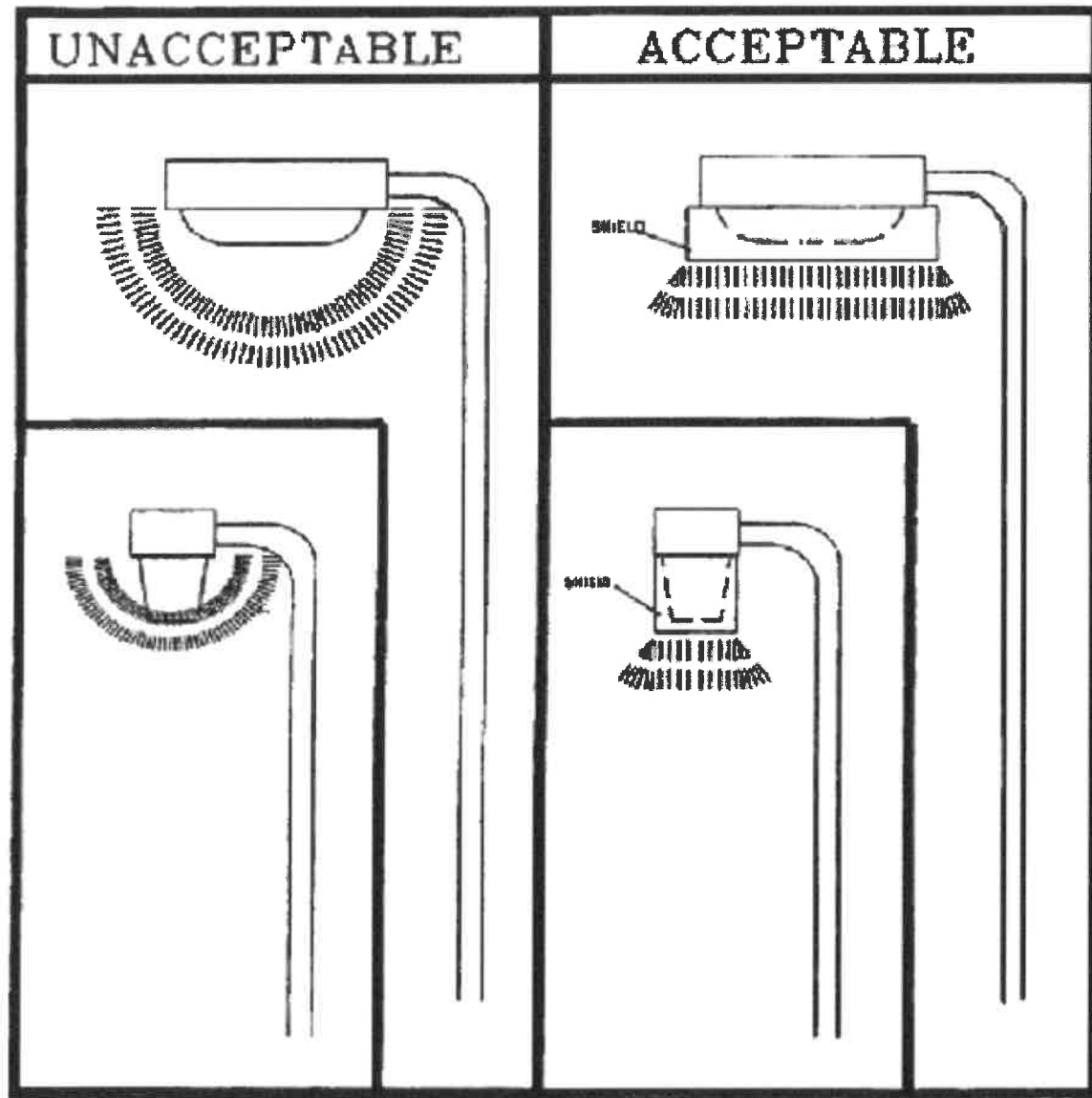
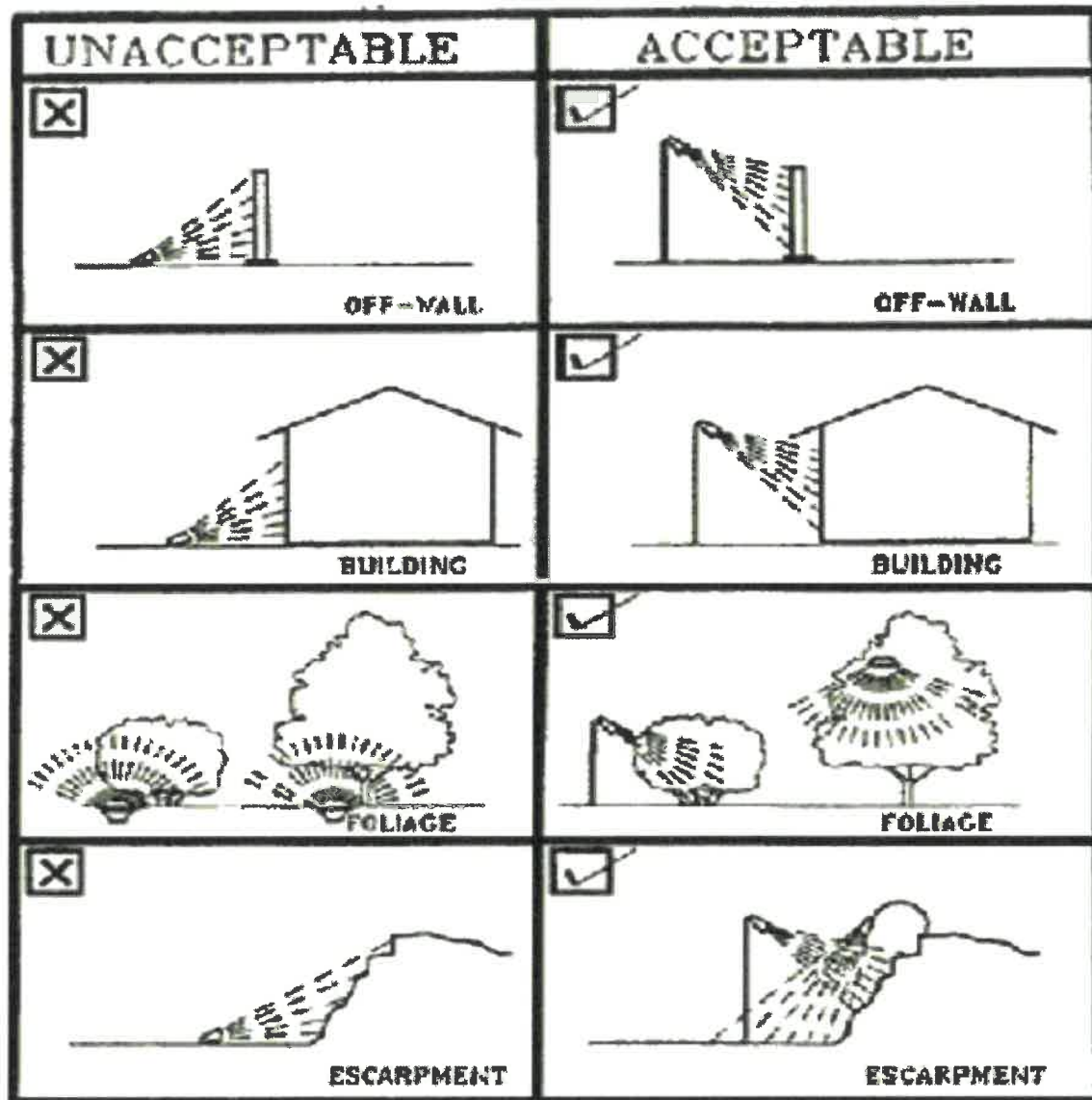


Figure 3: Accent Lighting



Section 4. Section 16.66.110 of the Medina Municipal Code is hereby amended to read as follows:

16.66.110. Lighting.

A. Exterior lighting shall be controlled using limits on height, light levels of fixtures, light shields, and other mechanisms that:

1. Prevent light pollution or other adverse effects that could infringe upon public enjoyment of the shoreline;

2. Protect residential uses from adverse impacts that can be associated with light trespass from adjoining properties; and

3. Prevent adverse effects on fish and wildlife species and their habitats.

B. Exterior lighting shall be directed downward and away from adjoining residential properties and Lake Washington and shall be consistent with the requirements of Chapter 16.25 of the Medina Municipal Code. Shielding may be required to conceal the light source.

C. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level and be designed to prevent lighting from spilling onto the lake water and shall be consistent with the requirements of Chapter 16.25 of the Medina Municipal Code.

D. ~~The following shall be exemptions set forth in Chapter 16.25 of the Medina Municipal Code shall also apply in the Shoreline area, from the lighting requirements in this section:~~

- ~~1. Emergency lighting required for public safety;~~
- ~~2. Lighting for public rights-of-way;~~
- ~~3. Outdoor lighting for temporary or periodic events (e.g., community events at public parks);~~
- ~~4. Seasonal decoration lighting; and~~
- ~~5. Lighting required by a state or federal agency for navigation purposes.~~

Section 5. Effect on Vested Rights. The interim official control imposed under Sections 3 and 4 of this Ordinance shall apply prospectively only and shall be all Permit Applications, Land Use Development Applications, and Variance Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Medina's regulations, provided that such an applicant has filed a complete Permit, Development or Variance Application before the effective date of this ordinance.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before August 22, 2025. The Council hereby schedules the public hearing for July 28, 2025.

Section 7. Interpretive Authority. The City of Medina Development Services Director, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 8. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 9. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 10. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

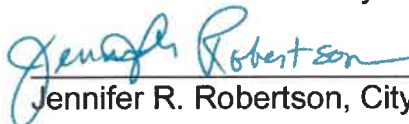
Section 11. Effective Date. This interim official control shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

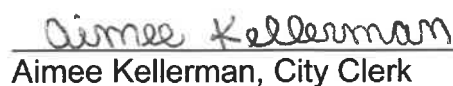
PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 23rd DAY OF JUNE, 2025 BY A VOTE OF 7 FOR, 0 AGAINST, AND 0 ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 23RD DAY OF JUNE, 2025.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:


Jennifer R. Robertson, City Attorney


Aimee Kellerman, City Clerk

PUBLISHED: 6/26/2025
EFFECTIVE DATE: 7/1/2025
ORDINANCE NO.: / AB

CITY OF MEDINA, WASHINGTON

Ordinance No. 1050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; EXTENDING AND RENEWING THE INTERIM OFFICIAL CONTROL ADOPTED UNDER ORDINANCE NO. 1043, RELATING TO ZONING, WHICH ADDED A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS EXTENSION AND RENEWAL OF THE INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the Planning Commission has not yet completed work on the permanent regulations and needs additional time to complete its work while the interim official control remains in effect; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to extend and renew the interim official control as set forth in this Ordinance;
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Extended and Renewed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby extends and renews the interim official control, as set forth in Ordinance No. 1043, which amends the Medina Municipal Code as set forth therein and established the procedures and vesting thereunder.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before February 6, 2025. The Council hereby schedules the public hearing for January 26, 2026.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

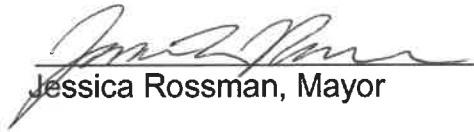
Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors,

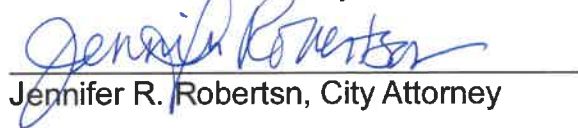
references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This extension of the interim official control imposed under Ordinance No. 1043 shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

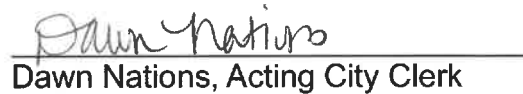
PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 8th DAY OF DECEMBER, 2025 BY A VOTE OF 1 FOR, 0 AGAINST, AND 0 ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 8th DAY OF DECEMBER, 2025.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.


Jennifer R. Roberts, City Attorney

Attest:


Dawn Nations, Acting City Clerk

PUBLISHED: 12/15/25
EFFECTIVE DATE: 12/20/25
ORDINANCE NO.: / AB / 1050



Outlook

City of Medina - Expedited Review Request Granted for Submittal ID: 2026-S-12853

From Van Etten Leupold, Sarah (COM) <sarah.vanettenleupold@commerce.wa.gov>

Date Thu 6/4/2026 2:14 PM

To kmahoney.planning@gmail.com <kmahoney.planning@gmail.com>

Dear Ms. Gunderson,

Your request for an Expedited Review has been granted for: The City of Medina is adopting an ordinance regulating outdoor lighting to protect and support dark skies. The ordinance creates a new chapter in the Medina Municipal Code (MMC 16.25) regulating outdoor lighting for both public and private property. Adoption of this ordinance is not required under any RCW. Therefore, the City of Medina requests expedited review of this Notice of Intent to Adopt

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact Lexine Long at (360) 725-2904 or by email at lexine.long@commerce.wa.gov.

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at <https://secureaccess.wa.gov/com/planview> where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at <https://www.commerce.wa.gov/growth-management/data-research/submitting-documents/>.

Sincerely,

Review Team  
Growth Management Services  
(360) 725-2904



## Notice of Intent to Adopt Amendment / Notice of Adoption (Cover Sheet)

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jurisdiction Name:                                                                  | City of Medina                                                                                                                                                                                                                                                                                                                                                                                           |
| Amendment Type:<br>Select Type of Amendment listed.<br>(Select One Only)            | <input type="checkbox"/> Comprehensive Plan Amendment<br><input checked="" type="checkbox"/> Development Regulation Amendment<br><input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments<br><input type="checkbox"/> Countywide Planning Policy<br><input type="checkbox"/> Critical Areas Ordinance Amendment<br><input type="checkbox"/> Shoreline Master Program        |
| Select Submittal Type:<br>Select the Type of Submittal listed.<br>(Select One Only) | <input type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment<br><input checked="" type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment (Only for use with Development Regulation Amendments)<br><input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment<br><input type="checkbox"/> Notice of Final Adoption of Amendment |

|                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Add Association</p> <p><i>If this amendment is related to additional submittals, please let us know here. IDs are included in your acknowledgment letter.</i></p> <p>Example 2022-S-....</p>                                                                                                                                                                                                     | <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Description</p> <p>Enter a brief description of the amendment.</p> <p>Begin your description with Proposed or Adopted, based on the type of Amendment you are submitting.</p> <p>Examples: <b><i>“Proposed comprehensive plan amendment for the GMA periodic update.”</i></b> or <b><i>“Adopted Ordinance 123, adoption amendment to the sign code.”</i></b></p> <p>(Maximum 400 characters)</p> | <p>The City of Medina is adopting an ordinance regulating outdoor lighting to protect and support dark skies. Predominantly, the ordinance creates a new chapter in the Medina Municipal Code (MMC 16.25) regulating outdoor lighting for both public and private property. The draft ordinance is inspired by the Dark Sky Model Ordinance and incorporates much of its content. The ordinance otherwise amends provisions elsewhere in the MMC that require revision to ensure consistency with the new outdoor lighting chapter.</p> <p>Adoption of this ordinance is an entirely voluntary endeavor and is not required action to be taken under any RCW. Therefore, the City of Medina requests an expedited review of this Notice of Intent to Adopt.</p> |
| <p>Is this action part of your 10-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</p>                                                                                                                                                                                                                                                                        | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>For Shoreline Master Programs (SMP): Is this action part of your 10-year periodic review required under RCW 90.58.080, a Comprehensive SMP, or a Locally Initiated amendment?</p>                                                                                                                                                                                                                | <p><input type="checkbox"/> Periodic Review</p> <p><input type="checkbox"/> Comprehensive SMP</p> <p><input type="checkbox"/> Locally Initiated Amendment</p> <p><input checked="" type="checkbox"/> N/A (Not an SMP)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Does your submittal include changes to Urban Growth Areas</p>                                                                                                                                                                                                                                                                                                                                    | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|                                                                                                                                                 |                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Proposed Dates:<br><br>Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission. | Planning Commission: June 23, 2026<br><br>City Council: July 13, 2026<br><br>Proposed / Date of Adoption: July 13, 2026 |
| Categorize your Submittal                                                                                                                       | See Last Page for Category List                                                                                         |
| Contact Information:                                                                                                                            |                                                                                                                         |
| Prefix/Salutation:<br><br>(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))                                                       | Ms.                                                                                                                     |
| Name:                                                                                                                                           | Kimberly Gunderson                                                                                                      |
| Title:                                                                                                                                          | Planning Consultant, City of Medina                                                                                     |
| Email:                                                                                                                                          | <a href="mailto:Kmahoney.planning@gmail.com">Kmahoney.planning@gmail.com</a>                                            |
| Work Phone:                                                                                                                                     | 253-389-1864                                                                                                            |
| Cell/Mobile Phone: (optional)                                                                                                                   | 253-389-1864                                                                                                            |
| Consultant Information:                                                                                                                         |                                                                                                                         |
| Is this person a consultant?                                                                                                                    | <input checked="" type="checkbox"/> Yes                                                                                 |
| Consulting Firm name?                                                                                                                           | Mahoney Planning, LLC                                                                                                   |
| Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?                                             | <input type="checkbox"/> Yes                                                                                            |

**REQUIRED:** Attach a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Commerce no longer accepts paper copies by mail. If you experience difficulty, please email the [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

~~~~ **ONLINE TRACKING SYSTEM AVAILABLE** ~~~~

Log in to our PlanView system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach the PlanView System Access Request Form.

To set up your Commerce PlanView Account:

Register for a [SAW](#) account and add the PlanView Service.

Please send completed [PlanView System Access Request Form](#) to reviewteam@commerce.wa.gov

Questions? Call the review team at (360) 725-3066.

- ☐ Airport Safety Zone
- ☐ Capital Facilities
- ☐ Climate
- ☐ Comprehensive Plan
- ☐ Conservation Element
- ☐ Critical Areas Ordinance
- ☐ Design Standards/Design Review
- ☒ Development Regulations
- ☐ Economic Development
- ☐ Emergency
- ☐ Environment
- ☐ Essential Public Facilities
- ☐ Historic Preservation
- ☐ Housing
- ☐ Impact Fee
- ☐ Land Use
- ☐ Military
- ☐ Open Space
- ☐ Parks and Recreation Element
- ☐ Periodic Review (SMP)
- ☐ Periodic Update
- ☐ Port Element
- ☐ Public Participation
- ☐ Recreation
- ☐ Resource Lands
- ☐ Rural Lands
- ☐ Schools
- ☐ Shoreline Master Program
- ☐ Solar Energy Element
- ☐ Subarea Plans
- ☐ Transfer of Development Rights
- ☐ Transportation
- ☐ Urban Growth Areas
- ☐ Utilities



DETERMINATION OF NON-SIGNIFICANCE

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-Project Legislative Action amending Medina Municipal Code (MMC) to permanently adopt Chapter 16.25 and amend related MMC sections for consistency throughout. This non-project action would create governance of outdoor lighting in the City.

File No. N/A

Applicant: City of Medina

Site Address: N/A – This non-project action applies Citywide

Lead Agency: City of Medina

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. This information is available to the public, upon request, by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd., Medina, WA 98039.

Date of Issuance and Publication: Tuesday, May 26, 2026

Deadline to Submit Comments: Tuesday, June 9, 2026

This Determination of Non-significance (DNS) is issued pursuant to WAC 197-11-340.

Responsible Official: Kimberly Gunderson

Title: Medina Planning Consultant and SEPA Responsible Official

Address: 501 Evergreen Point Rd., Medina, WA 98039 **Telephone:** 253-389-1864

Email: kmahoney.planning@gmail.com

Signature:

Date: May 22, 2026

Kimberly Gunderson, Planning Consultant

APPEAL PROCESS: Any party of record may appeal a Determination of Non-significance (DNS). The Appeal must be made to the City of Medina Hearing Examiner within **fourteen (14) days** of the Threshold Determination becoming final, per MMC 16.80.220. Appeals must be in writing and contain specific factual objections. Comments may be submitted along with the appropriate Appeal fee to the above address. This may be the only opportunity to comment on the environmental impacts of this proposal.

SEPA¹ Environmental Checklist

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

A. Background

[Find help answering background questions](#)²

1. Name of proposed project, if applicable:

City of Medina (City) Outdoor Lighting Ordinance

2. Name of applicant:

City of Medina

3. Address and phone number of applicant and contact person:

Applicant

Steven R. Wilcox, Medina Development Services Director
501 Evergreen Point Road, Medina, WA 98039
swilcox@medina-wa.gov
(425) 233-6409

Contact Person

Kimberly A. Gunderson, Medina Planning Consultant
Mahoney Planning, LLC
kmahoney.planning@gmail.com
(253) 389-1864

4. Date checklist prepared:

May 22, 2026

5. Agency requesting checklist:

City of Medina (Lead Agency)

6. Proposed timing of schedule (including phasing, if applicable):

Adoption of the proposed Outdoor Lighting Ordinance is expected to occur in July 2026.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A; this is a non-project action to create a new chapter in the Medina Municipal Code (MMC), Chapter 16.25, which will regulate the use and intensity of outdoor lighting in the City. Adoption of this ordinance is a voluntary endeavor to support dark skies and balance the anthropogenic effect on light pollution in the Medina community. No environmental information has been, or is required to be, prepared particularly for this non-project action.

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This non-project action is an amendment to the MMC, affecting all property in the City. The ordinance is not retroactive and will only apply to future development applications; therefore, no pending applications for government approvals are directly affected by this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposed non-project action is a Text Code Amendment subject to MMC Chapter 16.81. Accordingly, the project will require a recommendation by the Medina Planning Commission and a final decision by the Medina City Council. The process has involved public noticing, discussion at public meetings, invitation for public comment, and will include two public hearings. The City will issue a Notice of SEPA Threshold Determination following the Lead Agency SEPA Responsible Official's review of this SEPA Checklist, soliciting additional feedback from interested parties, other agencies, and the public at large. The City will also submit a Notice of Intent to Adopt its proposed CAO Update to the Department of Commerce for dissemination to all state agencies.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The City intends to adopt an ordinance that would permanently adopt revisions to an interim official control, which created MMC Chapter 16.25 governing outdoor lighting. The City wishes to support dark skies and balance the anthropogenic effect on light pollution in the Medina community. The City is undertaking the adoption of this ordinance voluntarily as a representation of its adopted goals, policies, and priorities, and in response to outspoken testimony of its citizenry. The ordinance would add limitations to the degree with which public and private property may install outdoor lighting and prohibits light trespass at all property. Any amendments to the Medina Shoreline Master Program (SMP) which could reinforce outdoor lighting provisions on the Medina shoreline will be made during the City's scheduled SMP periodic update in 2029.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This is a non-project action proposing edits to the MMC. The MMC is widely applicable throughout the entirety of the City of Medina. The City Boundary to which this CAO Update applies is depicted in the City's Zoning Map, included as Attachment 1 to this SEPA Checklist.

B.Environmental Elements

As per WAC 197-11-315(1)(e) and WAC 197-11-960, the Lead Agency has determined that the questions in Part B of this Checklist do not contribute meaningfully to the analysis of the proposed non-project action and, therefore, are not completed. Parts A, C, and D are otherwise completed, as required. For brevity, the questions in Part B of the SEPA Checklist have been deleted.

C.Signature

[Find help about who should sign](#)³

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X 

Type name of signee: Kimberly A. Gunderson

Position and agency/organization: Medina SEPA Responsible Official | Mahoney Planning, LLC

Date submitted: May 22, 2026

D.Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet](#)⁴

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

⁴ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

The proposed non-project action creates a new locally adopted chapter in the MMC governing outdoor lighting and, therefore, is not expected to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise.

- **Proposed measures to avoid or reduce such increases are:** None; as no increases to water discharge, air emissions, hazardous substance production, storage, or release, or noise production are expected from this non-project action, no measures to avoid or reduce such impacts are needed or proposed. In fact, the interaction between the built and natural environments is expected to improve with the application of the proposed outdoor lighting ordinance. Project actions that are carried out under this ordinance are distinct from this proposed non-project action and will be separately assessed for potential environmental impacts at the time of application.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed non-project action is not expected to affect plants, animals, fish, or marine life. Through project actions subject to the new outdoor lighting ordinance, it is expected that plants, animals, fish, and marine life present in the Medina community will be better protected than they are in a regulatory climate without governed outdoor lighting.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:** None; as no detrimental effect to plants, animals, fish, or marine life is expected from this non-project action, no measures to avoid or reduce such impacts are needed or proposed. In fact, the interaction between the built and natural environments is expected to improve with the application of the proposed outdoor lighting ordinance. Project actions that are carried out under this ordinance are distinct from this proposed non-project action and will be separately assessed for potential environmental impacts at the time of application.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed non-project action is not expected to deplete energy or natural resources.

- **Proposed measures to protect or conserve energy and natural resources are:** None; as no depletion of energy or natural resources is expected from this non-project action, no measures to avoid or reduce such impacts are needed or proposed. In fact, the interaction between the built and natural environments is expected to improve with the application of the proposed outdoor lighting ordinance. Project actions that are carried out under this ordinance are distinct from this proposed non-project action and will be separately assessed for potential environmental impacts at the time of application.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed non-project action is not expected to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, including

parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmland.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:** None; as no environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection are expected to be used or affected by this non-project action, no measures to avoid or reduce such impacts are needed or proposed. In fact, the interaction between the built and natural environments is expected to improve with the application of the proposed outdoor lighting ordinance. Project actions that are carried out under this ordinance are distinct from this proposed non-project action and will be separately assessed for potential environmental impacts at the time of application.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed non-project action is not expected to detrimentally affect land and shoreline use, and would not allow or encourage land or shoreline use incompatible with existing plans. The proposed outdoor lighting ordinance would add protections to the dark sky environment in the City and would not be a mechanism for allowing or encouraging incompatible land or shoreline uses.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:** None; as no use of land or shoreline is expected to be detrimentally affected by this non-project action, no measures to avoid or reduce such impacts are needed or proposed. In fact, the interaction between the built and natural environments is expected to improve with the application of the proposed outdoor lighting ordinance. Project actions that are carried out under this ordinance are distinct from this proposed non-project action and will be separately assessed for potential environmental impacts at the time of application.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed non-project action is not expected to increase demands on transportation or public services and utilities.

- **Proposed measures to reduce or respond to such demand(s) are:** None; as no increased demand on transportation, public services, or utilities is expected from this non-project action, no measures to avoid or reduce such impacts are needed or proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

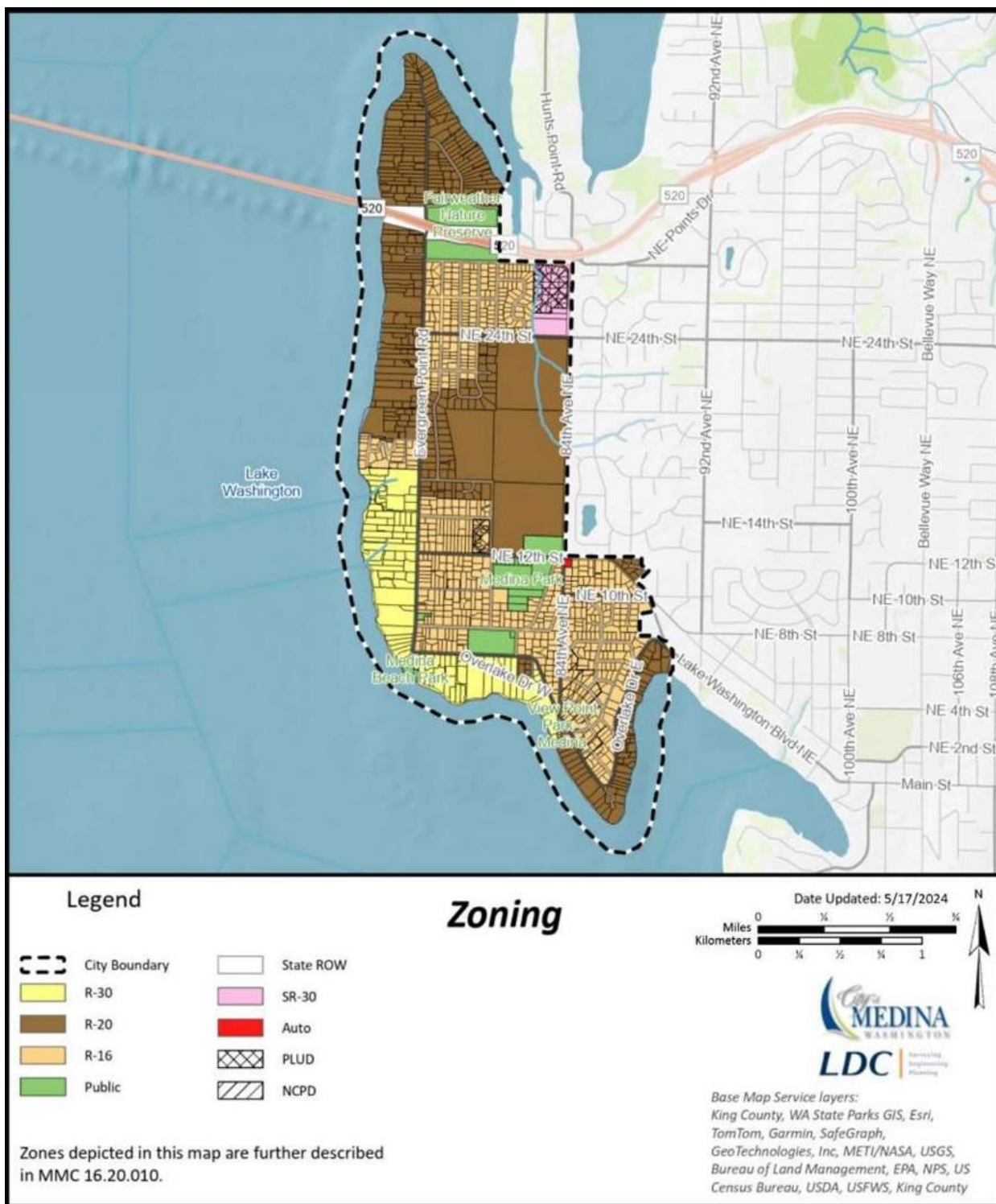
The proposed non-project action will not conflict with local, state, or federal laws or requirements for the protection of the environment. No laws are known to allow outdoor lighting which the City's ordinance would conflict with. The City understands that the Washington Shoreline Management Act (SMA) is actively being revised to inform local updates to SMPs due in 2029; at that time, the City will amend its adopted SMP to either

incorporate similar outdoor lighting provisions as are set forth in the proposed ordinance, or will otherwise comply with any conflict that could be created in the newly revised SMA applicable to Medina's regulated shoreline areas.

Attachments

Attachment 1 – Map of Medina Boundaries

Attachment 1 – Map of Medina Boundaries



Source: Medina Comprehensive Plan Land Use Element



Outlook

FW: January 26, 2026 Notice of Public Hearing Chapter 16.25 Outdoor Lighting on Public and Private Property.**From** Rebecca Bennett <rbennett@medina-wa.gov>**Date** Tue 1/27/2026 1:14 PM**To** Mark Nelson <mnelson@medina-wa.gov>; Mark Nelson <mark@nelsonarchitecture.net>; Shawn Schubring <ssschubring@medina-wa.gov>; Shawn Schubring <slschubring@gmail.com>; Julie Barrett <JBarrett@medina-wa.gov>; Julie Barrett <julie.wyman.barrett@gmail.com>; Li-Tan Hsu <LHsu@medina-wa.gov>; Li-Tan Hsu <litan1012@gmail.com>; Evonne Lai <ELai@medina-wa.gov>; Evonne Lai <evonne.lai@gmail.com>; Brian Pao <BPao@medina-wa.gov>; Brian Pao <brian.y.pao@gmail.com>**Cc** Steve Wilcox <swilcox@medina-wa.gov>; Kim Gunderson <kmahoney.planning@gmail.com>

Good afternoon, Commissioners,

Please see below public comment from Mr. Koh for tonight's meeting.

Best regards,
Rebecca*Rebecca Bennett*

Development Services Coordinator

City of Medina

PO Box 144 | 501 Evergreen Point Road

Medina, WA 98039

P: 425-233-6414

E: rbennett@medina-wa.gov

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From: Chris K <chrisk.coho@gmail.com>**Sent:** Tuesday, January 27, 2026 12:43 PM**To:** Dawn Nations <dnations@medina-wa.gov>**Cc:** India Fitting <INDIAFITTING@hotmail.com>**Subject:** Fwd: January 26, 2026 Notice of Public Hearing Chapter 16.25 Outdoor Lighting on Public and Private Property.

Dawn,

Good morning and my apologies for a snafu yesterday in attempting to share lighting comments via zoom.

Bellevue school kids had the day off, so it's my fault in overlooking contacting you by 2PM.

The notice we had suggested a 5PM start (see below), so I was first on zoom, waiting to be allowed in and then called in also.. Around 5:30PM after not gaining any access via either method, I searched public hearings online and found the 6PM start. However, by this time hauling our kids around started so all I could do was focus on driving and listen to the Council via cell, until miraculously getting back home at 7PM, to be able to chime in during public comments.

Could you kindly pass the following comments made last night on to the Planning Commission or whomever is reviewing this?

We're 3257 Evergreen PT Rd residents and have endured the unsold development of 3263 for over 7 years. Over the last several years, monster homes with flat roofs, without overhangs and maximum glass have been built to the 10' Minimum property line setback. These do not require landscaping or window coverings to shield what's going on inside. In an effort to market and present the property, all lights, including pathway or landscaping ones, nowhere near the home (and for no safety benefit), are turned and often left on. The bright LED lights we can easily see through our windows, despite having blinds and it being past 11PM. The effect is like a commercial office building or football stadium being next door to you w/ full illumination.

We reiterate the responsibility of shielding bright lights and conserving energy for our environment should fall on the property owner, not neighbors or the City. Here, there is no one at the property to complain to and police resources should not be wasted on locating light switches.

Per multiple suggestions w/ Honorable Council and the Medina Building Dept, projects exceeding a reasonable average should be required to have very complete "Big picture" detailed plans w/ landscaping, window covering and lighting. Trams, pools, docs repairs, etc should be included. so the public clearly is informed of what is planned. Piecemeal additions or design build should be prohibited based on the size of the project. (First finish what's started before trying to modify a large element under the radar). Development delays exceeding 2 years or a reasonable time frame should result in permit extension fees that deter delays, as this is a horrific impact on the City and neighbors and an attempt to be vested into the code at inception.

Thank you for your cooperation. My apologies again for hurriedly trying to share w/ Council within one minute.

Yours, Chris & India Koh

w. 206 577-3616

----- Forwarded message -----

From: **India Fitting** <indiafitting@hotmail.com>

Date: Wed, Jan 21, 2026 at 8:49 PM

Subject: Fwd: January 26, 2026 Notice of Public Hearing Chapter 16.25 Outdoor Lighting on Public and Private Property.

To: Chris K <chrisk.coho@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: City of Medina <wamedina@service.govdelivery.com>

Date: January 16, 2026 at 4:09:01 PM PST

To: indiafitting@hotmail.com

Subject: January 26, 2026 Notice of Public Hearing Chapter 16.25 Outdoor Lighting on Public and Private Property.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Medina will hold a Hybrid Public Hearing via Teleconference Zoom Meeting and In-Person at Medina City Hall on **MONDAY, JANUARY 26, 2026, at 5:00 PM** or as soon thereafter as called by the City Council, regarding the **Chapter 16.25 OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY.**

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation.

Please see below for ways to participate and comment during the Hybrid public hearing.

Register to Speak: Individuals wishing to speak live during the Hybrid Public Hearing will need to register their request with the Acting City Clerk at 425.233.6410 or email dnations@medina-wa.gov and leave a message [before 2PM](#) on the day of the January 26 Council meeting. Please reference Public Hearing for January 26 Council Meeting on your correspondence. The Acting City Clerk will call on you by name or telephone number when it is your turn to speak.

Telephone: To listen to the meeting or speak live during the Public Hearing via telephone, please call [1-253-215-8782](tel:1-253-215-8782) and enter 827 4432 1998 # when prompted.

Internet: To watch the meeting over the internet or speak live during Public Hearing, via your computer microphone, follow these steps:

Join Zoom Meeting <https://medina-wa.zoom.us/j/82744321998?pwd=oNyGHuaSIKurNS5fXbsbi5pOHT3RYH.1>

Meeting ID: 827 4432 1998 Passcode: 311113 +1-253-215-8782 (Tacoma)

Written Comments: Written comments may be submitted to the Acting City Clerk at dnations@medina-wa.gov. Written comments must be received [by 2PM on January 26, 2026](#). All comments timely received will be forwarded to the Council before the meeting. A brief summary of the comments will be included in the minutes of the meeting.

City of Medina
501 Evergreen Point Road
PO Box 144
Medina, WA 98039
(425) 233-6400 phone
(425) 451-8197 fax
www.medina-wa.gov

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This email was sent to indiafitting@hotmail.com using GovDelivery Communications Cloud on behalf of: City of Medina Washington
· 501 Evergreen Point Road · Medina, WA 98039



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MEDINA, WASHINGTON

AGENDA BILL

Monday, July 27, 2026

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| <p>Subject/Topic: Public Hearing on Interim Official Control – Outdoor Lighting</p> <p>Dept. Origin: Development Services</p> <p>Category: Public Hearing</p> <p>Prepared by: Jennifer Robertson, City Attorney</p> <p>Attachments:</p> <ol style="list-style-type: none"> 1. Ordinance No. 1043 2. Ordinance No. 1050 3. Ordinance No. 1057 | <p>Proposed Council Action/Motion:</p> <p>☐ Information Only</p> <p>☐ Receive and File</p> <p>☐ Discuss</p> <p>☐ Provide Direction</p> <p>☒ Public Hearing</p> <p>☐ Adopt/Approve</p> <p>☐ Other:</p> |
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Proposed Council Action

The Council is being asked to hold the statutorily required public hearing on the Outdoor Lighting Interim Official Control (IOC) that was extended by ordinance on June 8, 2026. If the public hearing is not held, then the IOC will cease being in effect after August 7, 2026. No other action is requested. Holding the public hearing satisfies state law and the IOC will remain in effect until December 5, 2026 unless terminated or extended by future Council action. Also, on tonight's agenda is proposed adoption of the final outdoor lighting regulations. If approved, that ordinance will terminate the IOC upon its effective date. Because the effective date is likely close to August 7th, holding the public hearing to ensure there is no lapse in the lighting regulations is recommended.

Summary

In 2024 and 2025 the City Council updated the Medina Comprehensive Plan and adopted land use code updates to comply with state-mandated Middle Housing legislation. As part of both of those processes, the City Council, Planning Commission and Development Services Department engaged in significant outreach and took public comment. One common comment addressed lighting and residents' concerns about excessive lighting with redevelopment and increased density. With the potential for significant increases in density and new construction, the Council also expressed a desire to address the impacts of the lighting from such future developments in order to protect the sylvan nature of Medina, support "dark skies", and make the new development more harmonious with the existing high quality natural and built environment in Medina.

Following the adoption of the Middle Housing legislation, the City Council directed staff to bring forward an outdoor lighting code to take effect with middle housing. On June 23, 2025, the City Council adopted Ordinance No. 1043 an "Interim Official Control" ("IOC") to address lighting and directed the "Planning Commission to study and process permanent outdoor lighting regulations to be brought to Council before the expiration of the interim official control on outdoor lighting."

An IOC is a zoning ordinance that can be in effect while the staff, Planning Commission, and City Council consider, process, and perform outreach on permanent lighting regulations. This ensures that development applications that are submitted prior to the permanent regulations will be required to meet the IOC standards. While the Planning Commission is working on permanent lighting regulations, the work was not yet completed prior to the expiration of the initial IOC. Therefore, the City Council passed Ordinance No. 1050 on December 8, 2025 to extend the initial IOC. The City Council extended the regulations again by passage of Ordinance No. 1057 on June 8, 2026. This required the Council to hold a public hearing within 60 days. Therefore, the public hearing was scheduled for July 27, 2026.

After holding the public hearing, no additional action by the Council is needed. The IOC will remain in effect until December 5, 2026 unless terminated or extended by future Council action.

Council Priorities

This proposal furthers Council Priorities 2, 3, 4 and 5.

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Budget/Fiscal Impact: None.

Recommendation: Hold the public hearing.

City Manager Approval:

Proposed Council Motions:

Hold public hearing. The Interim Official Control will remain in effect until December 5, 2026 without additional Council action but will terminate sooner once the permanent regulations take effect.

CITY OF MEDINA, WASHINGTON

Ordinance No. 1043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING AN INTERIM OFFICIAL CONTROL RELATING TO ZONING, ADDING A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; PROVIDING FOR VESTED RIGHTS, INTERPRETATION AUTHORITY AND SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the interim official control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to update its code as required by State law and as set forth in this Ordinance;
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby imposes an interim official control, as described in Sections 3 through 4, to amend the Medina Municipal Code as set forth therein.

Section 3. A new chapter 16.25 is hereby added to the Medina Municipal Code to read as follows:

Chapter 16.25 OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY

16.25.010 Purpose.

16.25.020 Definitions.

16.25.030 Applicability.

16.25.040 Exemptions.

16.25.050 General standards.

16.25.060 Prohibited.

16.25.070 Submittals.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

16.25.010 Purpose.

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they

may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

16.25.020 Definitions.

The following terms have the following definitions for purposes of this chapter:

- A. *Accent lighting* means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. *Cut-off angle* (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. *Director* means the director of development services for the City of Medina.
- D. *Fixture* (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- E. *Foot-candle* means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.
- F. *Lamp* means the light-producing source installed in the socket portion of a luminaire.
- G. *Light pollution* means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- H. *Light trespass* means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line. This term includes light extending above a commercial building from a sky light.
- I. *Luminaire*. See definition for "fixture" (subsection D of this section).
- J. *Outdoor lighting fixture* means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- K. *Shielding* means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.
- L. *Spotlight* means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

16.25.030 Applicability.

- A. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, however, that if it is determined by the director that any interior lighting emitting light outside of the

building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter. Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

1. Buildings and structures including, but not limited to, overhangs and canopies;
 2. Parking lot lighting;
 3. Security lighting;
 4. Landscape lighting;
 5. Driveway lighting;
 6. Patio or deck lighting;
 7. Lighting on docks and piers;
 8. Street lighting.
- B. The city's departments of development services and public works shall administer and enforce this chapter.
- C. In the event of a conflict between the requirements of this chapter and any other requirement of the City of Medina Municipal Code, the more restrictive requirement shall apply.

16.25.040 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter;
- C. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
- D. Moving vehicle lights;
- E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Medina Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
- F. Public facilities where lighting is necessary for public safety purposes;
- G. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;
- H. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction).

16.25.050 General standards.

A. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All light trespass is prohibited.
2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in section 16.25.090. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.
3. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Figure 3)
4. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.
5. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
6. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,020 lumens output).

16.25.060 Prohibited.

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license;
2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane;
3. Quartz lamps;
4. Mercury vapor lamps.

B. No lighting shall be allowed on private sports courts or private recreational facilities in the City.

C. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this chapter.

16.25.070 Submittals.

All building permit applications which include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application.

16.25.080 Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the city:

Figure 1: Wall-Mounted Lighting Fixtures

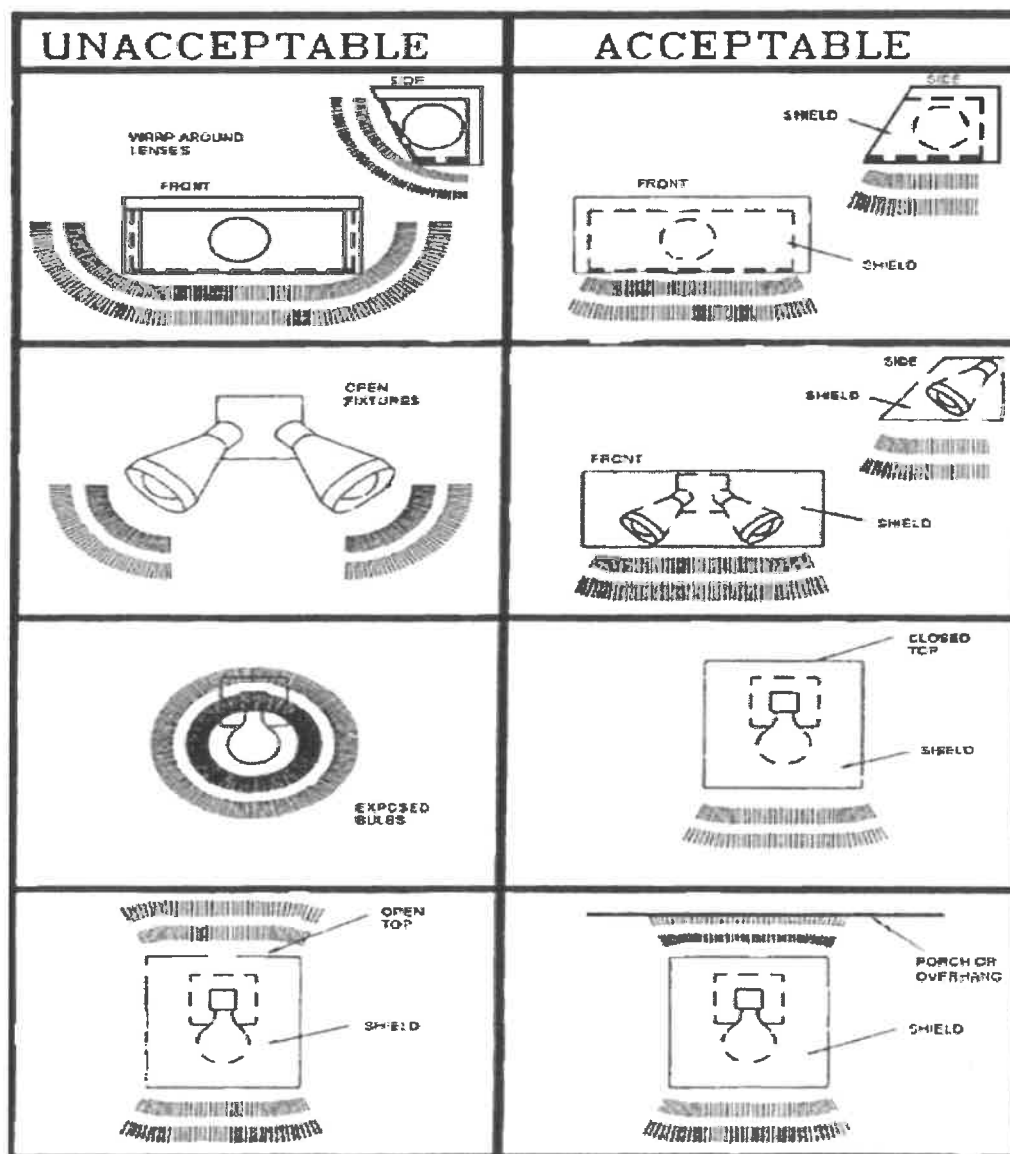


Figure 2: Freestanding Outdoor Lighting Fixtures

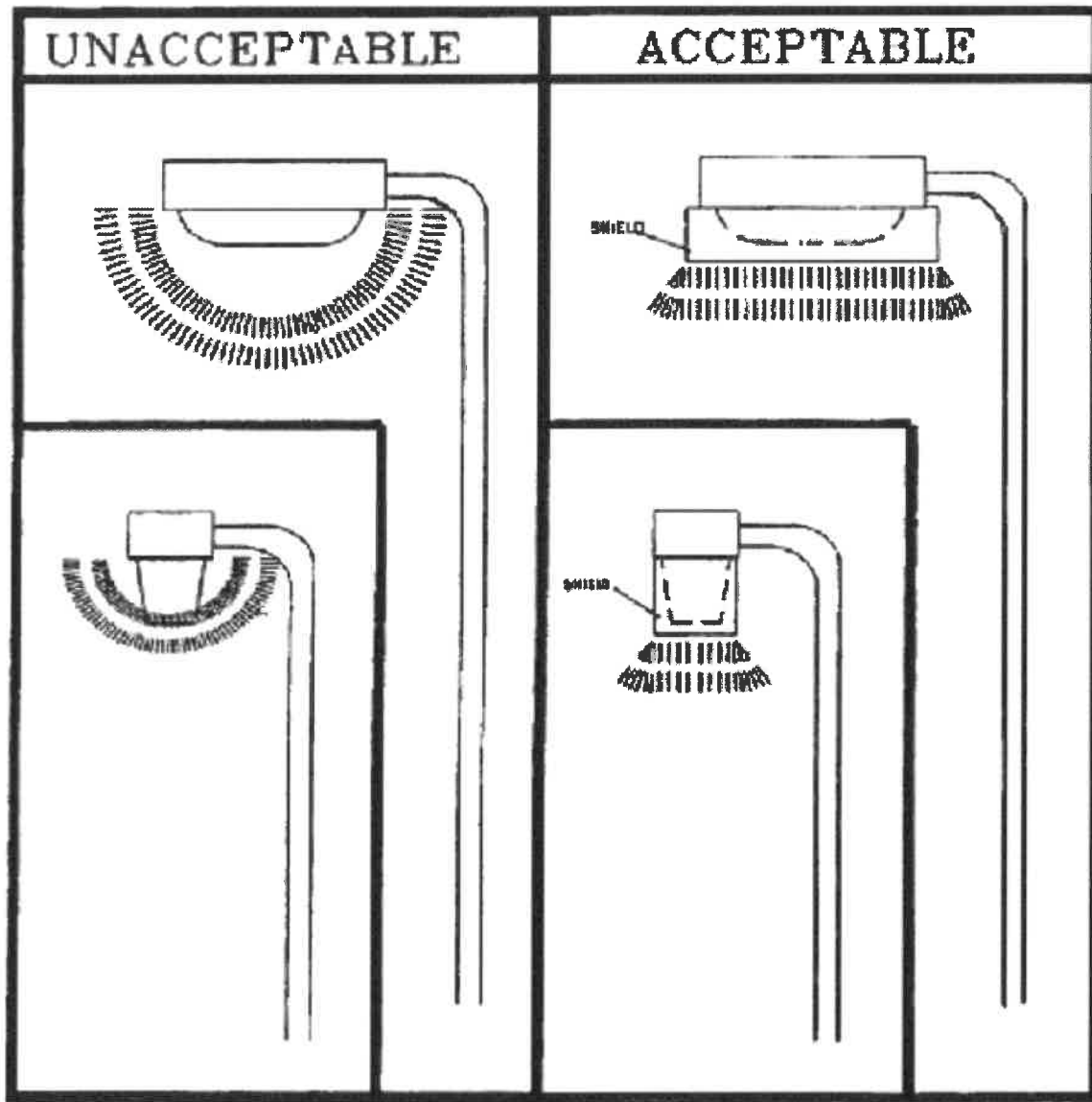
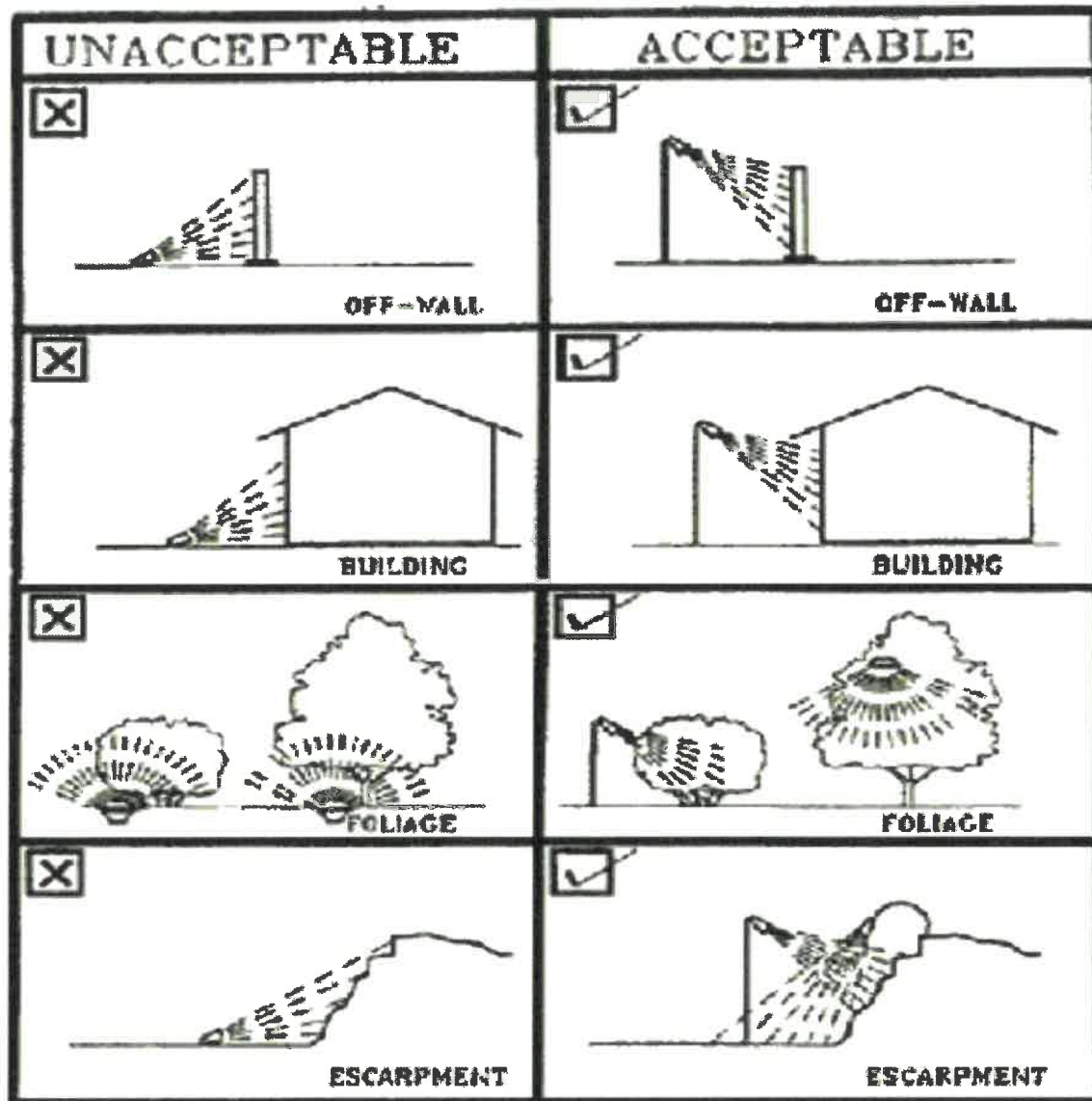


Figure 3: Accent Lighting



Section 4. Section 16.66.110 of the Medina Municipal Code is hereby amended to read as follows:

16.66.110. Lighting.

A. Exterior lighting shall be controlled using limits on height, light levels of fixtures, light shields, and other mechanisms that:

1. Prevent light pollution or other adverse effects that could infringe upon public enjoyment of the shoreline;

2. Protect residential uses from adverse impacts that can be associated with light trespass from adjoining properties; and

3. Prevent adverse effects on fish and wildlife species and their habitats.

B. Exterior lighting shall be directed downward and away from adjoining residential properties and Lake Washington and shall be consistent with the requirements of Chapter 16.25 of the Medina Municipal Code. Shielding may be required to conceal the light source.

C. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level and be designed to prevent lighting from spilling onto the lake water and shall be consistent with the requirements of Chapter 16.25 of the Medina Municipal Code.

D. ~~The following shall be exemptions set forth in Chapter 16.25 of the Medina Municipal Code shall also apply in the Shoreline area, from the lighting requirements in this section:~~

- ~~1. Emergency lighting required for public safety;~~
- ~~2. Lighting for public rights-of-way;~~
- ~~3. Outdoor lighting for temporary or periodic events (e.g., community events at public parks);~~
- ~~4. Seasonal decoration lighting; and~~
- ~~5. Lighting required by a state or federal agency for navigation purposes.~~

Section 5. Effect on Vested Rights. The interim official control imposed under Sections 3 and 4 of this Ordinance shall apply prospectively only and shall be all Permit Applications, Land Use Development Applications, and Variance Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Medina's regulations, provided that such an applicant has filed a complete Permit, Development or Variance Application before the effective date of this ordinance.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before August 22, 2025. The Council hereby schedules the public hearing for July 28, 2025.

Section 7. Interpretive Authority. The City of Medina Development Services Director, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 8. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 9. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 10. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

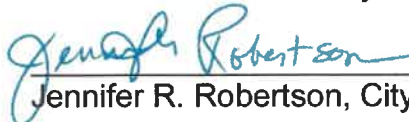
Section 11. Effective Date. This interim official control shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

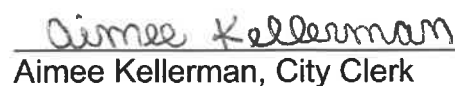
PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 23rd DAY OF JUNE, 2025 BY A VOTE OF 7 FOR, 0 AGAINST, AND 0 ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 23RD DAY OF JUNE, 2025.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:


Jennifer R. Robertson, City Attorney


Aimee Kellerman, City Clerk

PUBLISHED: 6/26/2025
EFFECTIVE DATE: 7/1/2025
ORDINANCE NO.: / AB

CITY OF MEDINA, WASHINGTON**Ordinance No. 1050**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; EXTENDING AND RENEWING THE INTERIM OFFICIAL CONTROL ADOPTED UNDER ORDINANCE NO. 1043, RELATING TO ZONING, WHICH ADDED A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS EXTENSION AND RENEWAL OF THE INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the Planning Commission has not yet completed work on the permanent regulations and needs additional time to complete its work while the interim official control remains in effect; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to extend and renew the interim official control as set forth in this Ordinance;
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Extended and Renewed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby extends and renews the interim official control, as set forth in Ordinance No. 1043, which amends the Medina Municipal Code as set forth therein and established the procedures and vesting thereunder.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before February 6, 2025. The Council hereby schedules the public hearing for January 26, 2026.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

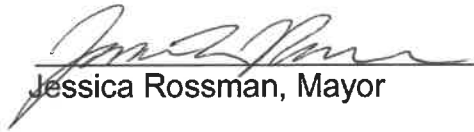
Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors,

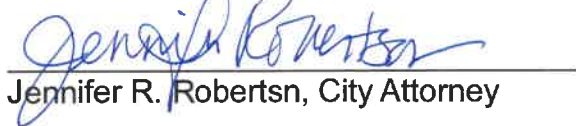
references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This extension of the interim official control imposed under Ordinance No. 1043 shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

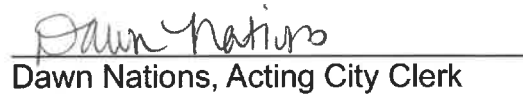
PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 8th DAY OF DECEMBER, 2025 BY A VOTE OF 1 FOR, 0 AGAINST, AND 0 ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 8th DAY OF DECEMBER, 2025.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.


Jennifer R. Roberts, City Attorney

Attest:


Dawn Nations, Acting City Clerk

PUBLISHED: 12/15/25
EFFECTIVE DATE: 12/20/25
ORDINANCE NO.: / AB / 1050

CITY OF MEDINA, WASHINGTON**Ordinance No. 1057**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; EXTENDING AND RENEWING THE INTERIM OFFICIAL CONTROL ADOPTED UNDER ORDINANCE NO. 1043, RELATING TO ZONING, WHICH ADDED A NEW CHAPTER 16.25 TO THE MEDINA MUNICIPAL CODE (MMC) TO REQUIRE OUTDOOR LIGHTING TO MEET CERTAIN STANDARDS THEREIN, REVISING MMC 16.66.110 FOR CONSISTENCY WITH NEW CHAPTER 16.25 MMC; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; SETTING A PUBLIC HEARING AS REQUIRED BY RCW 35A.63.220 AND RCW 36.70A.390 TO TAKE TESTIMONY ON THIS EXTENSION AND RENEWAL OF THE INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing lighting standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No. 1043 on June 23, 2025 which was an interim official control on lighting and directed the Planning Commission to work on permanent lighting regulations; and

WHEREAS, the interim official control imposed under Ordinance No. 1043 promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, on December 8, 2025, the City Council extended the interim official control imposed under Ordinance No. 1043 by adoption of Ordinance No. 1050 in order to allow the Planning Commission to complete its work; and

WHEREAS, the Planning Commission has not yet completed work on the permanent regulations, however, the permanent regulation draft is scheduled for a public hearing before the Planning Commission on June 23, 2026 and therefore the Planning Commission and City Council need additional time to complete their work while the interim official control remains in effect; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to extend and renew the interim official control as set forth in this Ordinance;
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Interim Official Control Extended and Renewed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby extends and renews the interim official control, as set forth in Ordinance No. 1043, which amends the Medina Municipal Code as set forth therein and established the procedures and vesting thereunder, as extended by Ordinance No. 1050.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before August 8, 2026. The Council hereby schedules the public hearing for July 27, 2026. However, if the permanent regulations have been adopted prior to the public hearing, the public hearing will be canceled.

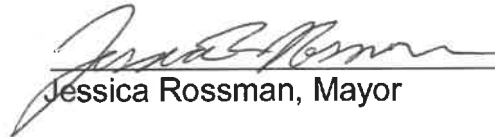
Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

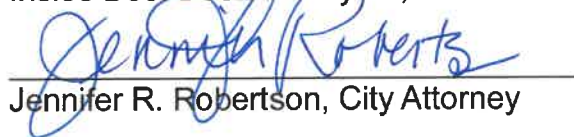
Section 6. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This extension of the interim official control imposed under Ordinance No. 1043 and extended under Ordinance No. 1050 shall take effect five days after publication as provided by law and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

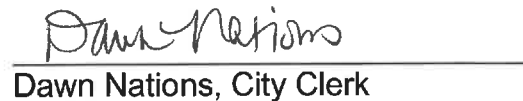
PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 8th DAY OF JUNE, 2026 BY A VOTE OF 5 FOR, 0 AGAINST, AND 0 ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 8th DAY OF JUNE, 2026.


Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.


Jennifer R. Robertson, City Attorney

Attest:


Dawn Nations, City Clerk

PUBLISHED: 6/11/2026
EFFECTIVE DATE: 6/16/2026
ORDINANCE NO.: 1057/AB



MEDINA, WASHINGTON

AGENDA BILL

Monday, June 8, 2026

| | |
|--|---|
| <p>Subject/Topic: Construction Impacts Mitigation Ordinance – Interim Official Control (Extension)</p> <p>Dept. Origin: Development Services</p> <p>Category: Council Business</p> <p>Prepared by: Jennifer S. Robertson, City Attorney and Steve Wilcox, Development Services Director, Kim Gunderson, Planning Consultant</p> <p>Attachments:</p> <ul style="list-style-type: none"> Ordinance 1059 Extending Construction Impacts Mitigation Interim Official Control | <p>Proposed Council Action/Motion:</p> <p>☐ Information Only</p> <p>☐ Receive and File</p> <p>☐ Discuss</p> <p>☐ Provide Direction</p> <p>☐ Public Hearing</p> <p>☒ Adopt/Approve</p> <p>☐ Other:</p> |
|--|---|

Summary:

The impacts of large private residential development projects on neighboring properties have been a topic for the City of Medina over the past several years. This is an overview of Medina's recent history regarding actions to address development project impacts which had previously been termed "bulk" and is now referred to as "construction impacts mitigation".

- A significant development project in the early 1990's caused the City to create a highly formalized construction mitigation process. This is the earliest record that the City discussed large development project impacts.
- March and June 2007 the Planning Commission discussed pitched roof incentives with the underlying goal of reducing building bulk near property lines. The topic originated from residents who complained about *"the look and feel of tall, boxy, flat roofed buildings, which are constructed 10 feet from their side yard property lines."*
- April 10, 2010 the City Council clarified that the topic was *"more about reducing the impact of building bulk on neighboring properties than it was about encouraging more pitched roof construction."* The Council directed the topic to the Planning Commission.
- September 29, 2010 the Planning Commission provided a report to the Council titled "Analysis of angled setbacks" in response to the April 10, 2010 direction.

The Planning Commission reviewed several options to reduce the impact of bulk including architectural design standards that affect the look and feel of a building, setback and height standards including the "wedding cake" setback standard or an angled setback

standard. Floor area ratio was discussed as a method of creating flexibility by moving bulk around on a property.

Planning Commission concluded that angled setbacks were the best method of reducing the impact of bulk on neighboring properties, however they did not recommend moving forward with angled setbacks as a solution due to the creation of nonconforming properties and other potential unintended consequences.

Over the next 3-4 years there were zoning code amendments made by the Development Services Director with much of this intended to address the impact of bulk on neighboring properties.

- June 25, 2019 the Planning Commission was introduced to the topic of “Regulating Bulk”. The issue was described as *“at its core, an issue about change in neighborhood character.”*

On the 2019 Planning Commission Calendar was the topic *“Review residential development policy re: bulk, second story setback.”*

The Planning Commission spent about 18-months evaluating the topic of regulating bulk with minor result.

With intention to protect residents from certain impacts of large new development projects, the City of Medina has made good faith attempts since at least 2007 to address the matter. The topic of development project impacts has unfortunately not gone away. Discussions involved in adoption of the state-mandated Middle Housing Ordinance 1040, along with recent resident complaints about large development project impacts have caused the City Council to once again take action.

On February 23, 2026 the Medina City Council adopted interim regulations under Ordinance No. 1052. Summary of Ordinance 1052:

- Amends Medina Municipal Code (MMC) Table 16.22.030 by increasing minimum side yard building setbacks in all zones, and adding required second story side yard setback from the property lines.

Intent: Increases the privacy of existing Medina residents adjacent to new development projects.

- Amends MMC 16.22.040 to require partial or solid landscape screening.

Intent: Enhances neighboring property privacy and soften the appearance of new development projects.

- Amends MMC 16.22.040 to require sound attenuation of permanently installed water features and similar to a level where neighboring properties do not hear them.

Intent: Protect Medina residents from nuisance sound.

- Amends MMC 16.23.050 and 16.23.060 to eliminate the Bonus Height Standard.

Intent: Remove an administrative decision-making process which has potential for resulting negative impacts on Medina residents who are adjacent to new development projects.

- Amends MMC 16.44.040 to regulate interior lighting which can be seen outside of a dwelling and regulates exterior light trespass on vacant homes.

Intent: Protect Medina residents from new development project lighting.

Work on Phase 1:

Since adoption of Ordinance 1052, the Planning Commission and Staff have been working diligently to engage with the public and industry professionals to develop recommendations to address the impacts of Ordinance 1052, particularly on narrow lots. A minor deviation code to address these issues will be presented to the Planning Commission on July 28th with the expectation that it will come to Council in September.

Extension of Interim Official Control and Next Steps:

Once that work is completed, the Council will establish the scope for Phase 2 work to be undertaken by the Planning Commission. In order to avoid a rush of applications that would become vested to the prior codes, an extension of the interim official control (IOC) is recommended. In addition, due to input from the public, Staff is proposing some minor changes to the IOC. These changes are outlined below:

Setbacks: The extension ordinance removes the second story setback from the IOC (Table 16.22.030).

Protrusions into Setbacks: Clarifying that for the purposes of measuring structures which are over 30 inches in height, that the measurement is “above the existing or finished grade, whichever is lower”. (MMC 16.22.040.)

Lighting for Vacant Residences: Revising the changes made to MMC 16.44.040.H to change the language from:

Interior lights which can be seen from outside of the dwelling shall be kept turned off except when the structure is occupied.

To: Interior lights ~~which can be seen from outside of the dwelling~~ that are visible to or from neighboring properties shall be kept turned off except when the structure is occupied.

Updating Minimum Lot Widths: Given that the narrow lots have created the most impacts and are therefore most impacted by the interim regulations. By modifying the minimum lot widths, no new lots that are narrow will be created during the period that the IOC is in effect. This helps alleviate future problems with impacts created by new narrow lots. (MMC 16.22.020.)

These proposed Ordinances meet and support Council's priorities 2, 3, 4 and 5.

Council Priorities:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Attachment(s)

Exhibit 1: Ordinance extending the interim official control for construction impacts mitigation as set forth in Ordinance No. 1052.

Exhibit 2: Ordinance No. 1059

Budget/Fiscal Impact: None

Recommendation: Adopt Ordinance to extend and renew the interim official control which was adopted on February 23, 2026 under Ordinance No. 1052.

City Manager Approval:



Proposed Council Motion:

Motion: "I move adoption of Ordinance No.1059, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; relating to zoning, extending and modifying an interim official control relating to zoning adopted under Ordinance No. 1052, which amended the Medina Municipal Code to provide for mitigation of construction impacts and increased privacy and peaceful enjoyment for residents in residential development standards, making additional amendments to MMC 16.22.030.A, 16.22.040, 16.44.040.H adding amendments to MMC 16.22.020.A, adopting findings in support of this ordinance; providing for vested rights, interpretation authority, and setting a public hearing as required by state law to take testimony on this extension and modification of the interim official control originally adopted under Ordinance No. 1052; providing for severability and corrections; directing the planning commission to work on permanent regulations for standards to mitigate construction impacts; and establishing an effective date."

Time Estimate: 20 minutes

CITY OF MEDINA, WASHINGTON

Ordinance No. 1059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; EXTENDING AND MODIFYING AN INTERIM OFFICIAL CONTROL RELATING TO ZONING ADOPTED UNDER ORDINANCE NO. 1052, WHICH AMENDED THE MEDINA MUNICIPAL CODE TO PROVIDE FOR MITIGATION OF CONSTRUCTION IMPACTS AND INCREASED PRIVACY AND PEACEFUL ENJOYMENT FOR RESIDENTS IN RESIDENTIAL DEVELOPMENT STANDARDS, WHICH AMENDING THE FOLLOWING SECTIONS OF THE MEDINA MUNICIPAL CODE FOR THIS PURPOSE: 16.22.030 (INCREASING SIDE YARD SETBACKS), 16.22.040 (REQUIRING LANDSCAPING FOR PROTRUSIONS INTO SETBACKS), 16.23.050 AND 16.23.060(C)&(D) (TO REMOVE THE BONUS HEIGHT OPTION), AND 16.44.040 (TO ADOPT LIGHTING LIMITATIONS FOR VACANT RESIDENCES); REVISING ORDINANCE NO. 1052 RO MAKE ADDITIONAL AMENDMENTS TO MMC 16.22.030.A, 16.22.040, 16.44.040.H ADDING AMENDMENTS TO MMC 16.22.020.A, ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; PROVIDING FOR VESTED RIGHTS, INTERPRETATION AUTHORITY, AND SETTING A PUBLIC HEARING AS REQUIRED BY STATE LAW TO TAKE TESTIMONY ON THIS EXTENSION AND MODIFICATION OF THE INTERIM OFFICIAL CONTROL ORIGINALLY ADOPTED UNDER ORDINANCE NO. 1052; PROVIDING FOR SEVERABILITY AND CORRECTIONS; DIRECTING THE PLANNING COMMISSION TO WORK ON PERMANENT REGULATIONS FOR STANDARDS TO MITIGATE CONSTRUCTION IMPACTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, in order to make sure such increased density and development does not vest to the existing bulk and development standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the City Council adopted Ordinance No 1052 on February 23, 2026 which is an interim official control on construction impacts mitigation (including impacts of bulk) and directed the Planning Commission to work on permanent regulations; and

WHEREAS, since that time, the Planning Commission has studied the issues and the Council has directed the project to be taken in phases with completion of Phase 1 expected to occur in the fall of 2026 with the adoption of permanent regulations that will provide additional options for owners to develop their property; and

WHEREAS, one issue that has been raised repeatedly by the public, by developers and by design professionals is the difficulty faced by narrow lots in developing without having the risk of impacts on the abutting neighbors. In order to avoid the issues of creation of new narrow lots, the City Council finds it the public interest to increase the standard width and frontage allowed for lots by amending MMC 16.22.020. This will avoid the creation of new lots that are narrow and will have significant impacts on abutting neighbors; and

WHEREAS, the interim official control imposed by Ordinance No. 1052 and extended and modified by this Ordinance promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to extend and modify the interim official control imposed by Ordinance No. 1052 as set forth in this Ordinance; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 7 below.

Section 2. Interim Official Control Extended, Modified, and Renewed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby extends, modifies, and renews the interim official control, as set forth in Ordinance No. 1052, which amends the Medina Municipal Code as set forth therein and established the procedures and vesting thereunder. Except as modified by this Ordinance, all provisions of Ordinance No. 1052 shall be extended and remain in effect as extended by this Ordinance.

Section 3. Subsection A of Section 16.22.030 of the Medina Municipal Code which was amended by Section 3 of Ordinance No. 1052 is further amended to read as follows:

16.22.030. Building and structure setbacks.

- A. Table 16.22.030 establishes the minimum distance required for any part of any building or structure to be set back from the pertinent property line. The minimum setback requirements are applied to each lot by the square footage of the lot area and the corresponding setback standards in the table. (See definition of "lot area" and the definitions of "property lines" in Chapter 16.12 MMC and Figures 16.22.030(B) and (C) for establishing and delineating setbacks.)

Table 16.22.030: Minimum Building/Structure Setbacks

| Square Footage of the Lot Area | Minimum Setback from the: | | | | |
|--------------------------------|---------------------------|--------------------|--------------------|---|---------------------------|
| | Front Property Line | Rear Property Line | Side Property Line | Side Property Line for portions of the structure above the first floor, or over 16 feet in height above finished grade, whichever is lower | Lake Washington Shoreline |
| Less than 10,001 | 25 feet | 25 feet | 15 feet | 20 feet | See MMC 16.63.030 |

| | | | | | |
|-----------------------|---------|---------|---|---|--|
| From 10,001 to 13,000 | 26 feet | 26 feet | | | |
| From 13,001 to 15,000 | 28 feet | 28 feet | | | |
| From 15,001 to 20,000 | 30 feet | 30 feet | | | |
| Greater than 20,000 | 30 feet | 30 feet | The greater of 15 feet or 20% of the lot width; not to exceed 20 feet | The greater of 20 feet or 25% of the lot width; not to exceed 25 feet | |

* * * * *

Section 4. Section 16.22.040 of the Medina Municipal Code was amended by Section 4 of Ordinance No. 1052. The first paragraph of Section 16.22.040 is further amended by this Ordinance to read as follows:

16.22.040. Protrusions into setback areas.

The following structures may be located within a setback area, except setbacks from Lake Washington, which are subject to Chapter 16.63 MMC. For structures located in side yard setbacks which are over 30 inches in height above the existing or finished grade, whichever grade is lower, the partial landscape screening standards set forth in MMC 16.30.070 shall be required:

* * * * *

Section 5. Section 16.44.040 of the Medina Municipal Code which was amended in Section 8 of Ordinance No. 1052 is further amended to read as follows:

16.44.040. Minimum maintenance standards for vacant residences.

Properties containing vacant dwellings, whether under construction or complete, shall, at a minimum, be maintained as follows:

- A. The premises shall be clean, safe, and sanitary, free from waste, garbage, litter and excessive vegetation.
- B. The building and structures shall be maintained in good repair and be structurally sound. Structural members shall be free from safety, health, and fire hazards.

- C. Doors, windows, and other openings shall be weather-tight and secured against entry by birds, vermin, and trespassers. Missing or broken doors, windows, and other openings shall be covered by glass, plywood, or other weather-resistant materials and tightly fitted and secured to the opening.
- D. Exterior walls shall be free of holes, breaks, and loose or rotting materials.
- E. Foundation walls shall be animal- and vermin-proof and be maintained in a structurally sound and sanitary condition.
- F. Chimneys, decks, balconies, canopies, awnings, exhaust ducts, cornices, corbels, trim, wall facings, drains, gutters, downspouts, and similar features shall be safely anchored.
- G. Roofs and flashings shall be maintained in good repair and be structurally sound.
- H. Interior lights ~~which can be seen from outside of the dwelling~~ that are visible to or from neighboring properties shall be kept turned off except when the structure is occupied.
- I. Exterior lights shall only be on after dark if they are shielded and angled away from other properties and dwelling units. Light shall not be permitted to trespass onto other properties.

Section 6. Subsection “A” of Section 16.22.020 of the Medina Municipal Code is hereby amended to read as follows:

16.22.020. - Lot development standards.

A. The pertinent requirements for minimum net lot area, minimum lot width, and minimum street frontage applicable to each lot is determined by the zoning district in which the lot is located and the corresponding standards in Table 16.22.020.

Table 16.22.020: Lot Development Standards

| Zoning District | Minimum Net Lot Area | Minimum Lot Width | Minimum Street Frontage |
|------------------------|-----------------------------|-----------------------------|--------------------------------|
| R-16 | 16,000 sq. ft. | 70 <u>90</u> ft. | 70 <u>90</u> ft. |
| R-20 | 20,000 sq. ft. | 70 <u>90</u> ft. | 70 <u>90</u> ft. |
| R-30 | 30,000 sq. ft. | 90 ft. | 90 ft. |

| Zoning District | Minimum Net Lot Area | Minimum Lot Width | Minimum Street Frontage |
|------------------------|-----------------------------|--------------------------|--------------------------------|
| SR-30 | 30,000 sq. ft. | 90 ft. | 90 ft. |
| N-A | 16,500 sq. ft. | 135 ft. | 135 ft. |
| Public | None | None | None |

* * * * *

Section 7. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before September 25, 2026. The Council hereby schedules the public hearing for August 24, 2026.

Section 8. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 9. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 10. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 11. Effective Date; Declaration of an Emergency. The City Council hereby declares an emergency exists which necessitates that this Ordinance take effect immediately upon passage in order to ensure consistency in land use decisions and to avoid vesting to amended code. Such declaration preserves public health, safety, and welfare. This interim official control ordinance shall take effect immediately upon passage of a majority plus one of the City Council and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 27th DAY OF JULY, 2026 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 27th DAY OF JULY, 2026.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.:1059 / AB