



MEDINA CITY COUNCIL

Monday, July 12, 2021

4:00 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 REGULAR MEETING

Virtual/Online

Monday, July 12, 2021 – 4:00 PM

AGENDA

MAYOR | Jessica Rossman

DEPUTY MAYOR | Cythnia F. Adkins

COUNCIL MEMBERS | Roger Frey, Jennifer Garone, Harini Gokul, Alex Morcos, Bob Zook

CITY MANAGER | Michael Sauerwein

CITY ATTORNEY | Scott Missall

CITY CLERK | Aimee Kellerman

Virtual Meeting Participation

With the passage of the City's Proclamation of Local Emergency, City Hall is closed to the public. Council participation in this meeting will be by teleconference/online only. Members of the public may also participate by phone/online. Individuals wishing to speak live during the Virtual City Council meeting will need to register their request with the City Clerk at 425.233.6411 or email akellerman@medina-wa.gov and leave a message before 2PM on the day of the July 12 Council meeting. Please reference Public Comments for July 12 Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit.

[Join Microsoft Teams Meeting](#)

[+1 360-302-2562](#) United States, Seattle (Toll)

Conference ID: 647 612 757#

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Adkins, Frey, Garone, Gokul, Morcos, Rossman and Zook

2. APPROVAL OF MEETING AGENDA

3. PUBLIC COMMENT PERIOD

Individuals wishing to speak live during the Virtual City Council meeting will need to register their request with the City Clerk at 425.233.6411 or email akellerman@medina-wa.gov and leave a message **before 2PM** on the day of the July 12 Council meeting. Please reference Public Comments for July 12 Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit.

4. PRESENTATIONS

- [4.1](#) Review All Departments 2021 Goals, Projects, and Objectives.
- 4.2 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

5. **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.

- [5.1](#) Check Register, June 2021
Recommendation: Approve.
Staff Contact: Julie Ketter, Director of Finance and HR
- [5.2](#) Draft June 14, 2021 City Council Regular Meeting Minutes
Recommendation: Adopt Minutes.
Staff Contact: Aimee Kellerman, CMC, City Clerk
- [5.3](#) Approved May 17, 2021 Park Board Meeting Minutes
Recommendation: Receive and file.
Staff Contact: Dawn Nations, Deputy City Clerk
- [5.4](#) Approved May 25, 2021 Planning Commission Meeting Minutes
Recommendation: Receive and file.
Staff Contact: Stephanie Keyser, Planning Manager
- [5.5](#) Medina Traffic Calming Purchase Approval
Recommendation: Approve.
Staff Contact: Steve Burns, Chief of Police
- [5.6](#) First Modification for Independent Force Investigation Team (IFIT) – King County
Recommendation: Approve.
Staff Contact: Steve Burns, Chief of Police

6. **LEGISLATIVE HEARING**

- [6.1](#) Ordinance adding New MMC Chapter 12.44 Street Vacations
Recommendation: Adopt Ordinance No. 1003 adding new Street Vacation Chapter 12.44
Staff Contact: Michael Sauerwein, City Manager, Steve Wilcox, Director of Development Service, Ryan Osada, Director of Public Works, Scott Missall, City Attorney
Time Estimate: 10 minutes

7. **PUBLIC HEARING**

[7.1](#) Medina Municipal Code Recodification: First Reading and Public Hearing
Recommendation: Conduct first reading; open and conduct hearing; continue hearing to September 13 Council meeting.
Staff Contacts: Aimee Kellerman, CMC, City Clerk; Scott Missall, City Attorney
Time Estimate: 10 minutes

[7.2](#) Ordinance Amending Animal Control and Development Code Regulations
Recommendation: Conduct the scheduled legislative hearing and adopt the attached Ordinance No. 996 amending Medina's Animal Control and Development Code regulations.
Staff Contact(s): Michel Sauerwein, City Manager, Seve Wilcox, Director of Development Services, Scott Missall, City Attorney
Time Estimate: 10 minutes

8. **CITY BUSINESS**
None.

9. **CITY MANAGER'S REPORT**
Time Estimate: 15 minutes

Police, Development Services, Finance, Central Services, Public Works, City Attorney

[9.1a](#) CM Monthly Report

[9.1b](#) Police Monthly Report

[9.1c](#) DS Monthly Report

[9.1d](#) Finance Monthly Report

[9.1e](#) CS Monthly Report

[9.1f](#) PW Monthly Report

10. **REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

11. **PUBLIC COMMENT**

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

12. **EXECUTIVE SESSION**

RCW 42.30.11.(1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

13. ADJOURNMENT

Next regular City Council Meeting: Monday, September 13, 2021 at 4 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

Monday, July 26, 2021 - City Council Meeting – ***Cancelled***
Monday, August 9, 2021 - City Council Meeting - ***Dark No Meeting***
Monday, August 23, 2021 - City Council Meeting - ***Dark No Meeting***
Monday, September 6, 2021 - Labor Day - City Hall Closed
Monday, September 13, 2021 - City Council Meeting (4:00 PM)
Monday, September 27, 2021 - City Council Meeting (4:00 PM)
Monday, October 11, 2021 - City Council Meeting (4:00 PM)
Monday, October 25, 2021 - City Council Meeting (4:00 PM)
Monday, November 8, 2021 - City Council Meeting (4:00 PM)
Monday, November 22, 2021 - City Council Meeting (4:00 PM)
Thursday, November 25, 2021 - Thanksgiving Holiday - City Hall Closed
Friday, November 26, 2021 - Day After Thanksgiving Holiday - City Hall Closed
Monday, December 13, 2021 - City Council Meeting (4:00 PM)
Monday, December 27, 2021 - City Council Meeting (4:00 PM)

CERTIFICATION OF POSTING AGENDA

The agenda for Monday, July 12, 2021 Regular Meeting of the Medina City Council was posted and available for review on Friday, July 9, 2021 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.

Mid-Year Update 2021 Goals, Projects, and Objectives

MEDINA CITY COUNCIL

JULY 12, 2021

First-Half 2021 Accomplishments

- **High-Level Overview**
 - Details included in the City Manager's Report
 - Department Director Reports
- **City Manager**
- **Public Works**
- **Police**
- **Development Services**
- **Finance & Human Resources**
- **Central Services and the City Clerk's Office**

City Manager

➤ **SR 520 Expansion-Joint** – Continue to aggressively manage SR 520 expansion-joint noise issue to achieve an agreeable resolution.

- Maintain regular and consistent communication with Washington State Legislators, WSDOT, and consultants.
- Continue to work with Legislators, WSDOT, and consultants to include Phase 2 of the University of Washington Engineering Department's Sound Mitigation Study in the State's Supplemental Budget.
- Funding for Phase 2 is included in the State's 2021-2022 Budget.
- Have the University of Washington Engineering Department to present the results of Phase 2 of their Sound Mitigation Study to the City Council. (2022).

➤ **Community Survey Timeline**

- Draft Survey circulated to the City Council for review and comments – August 2021.
- Survey questions finalized – September 13, 2021, City Council Meeting.
- Survey conducted – September 20, 2021-October 8, 2021.
- Survey results discussed – October 18, 2021, City Council Meeting.



City Manager Continued...

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- **Bi-Monthly Online Open House with the City Manager and Police Chief**
 - Emergency Preparedness and other Community Public Safety Concerns (1-14-2021)
 - Virtual Tour of 2021 Public Works Projects (3-22-2021)
 - Juvenile Safety Forum (3-31-2021)
 - Open House – Medina Park Playground (5-13-2021)
 - Community Forum – Gas Powered Lawn Equipment (6-24-2021)
 - Community Forum – Mental Health with Susie Kroll (7-20-2021)
 - **Park Use Permit**
 - **Labor Contract Negotiation**
 - **Leaf Blowers and Gas-Powered Lawn Equipment**
 - Discussed at City Council Meeting (4-12-2021)
 - Community Forum – Gas Powered Lawn Equipment (6-24-2021)
 - Discussed at the City Council Meeting (7-12-2021)
 - **Employee Training Programs**
 - Implicit Bias and Unlearning Racism
 - Preventing Harassment and Discrimination in the Workplace

City Manager Continued...

- **Undergrounding of Utilities**
- **Annual Review Process**
- **All Staff Meetings**
- **Continue working toward earning my PhD in Political Science**
- **Working with the City Council**
- **Maintain and Expand Visibility in the Community**



Public Works Department

➤ Streets and Sidewalks Projects

- 77 Ave NE Overlay.
- 84th Ave NE Overlay – NE 12th to Overlake Drive.
- NE 12th St Sidewalk Improvements – West Segment.

➤ Streets and Sidewalks Ongoing

- Trimming hedges and trees impacting sidewalk rights-of-way.
- Street sweeping and vactoring catch basins per Department of Ecology.
- Timely responses to any community complaints.



Public Works Continued...

➤ Parks

- Medina Park – Playground Addition.
- Medina Beach Park – Tree Re-Planting.
- Fairweather Park – Tennis Court Resurfacing.

➤ Other Projects

- Stormwater System Mapping and Evaluation Phase 2.
- Post Office Floors.
- Police Department Floors.



Police Department

- **Washington Association of Sheriffs and Police Chiefs (WASPC) Accreditation**
- **Training**
- **Emphasis on Traffic Safety**
- **Speeding and Traffic Calming**
- **Support and promote Medina Emergency Preparedness Committee including Schools Sub-Committee**





Development Services Department

- **Public Portal**
- **Staff Cross Training**
- **State Building Codes**
- **Right of Way Permit**

Development Services Continued...

- **Development Code and Process Complexity Reduction**
- **Cost vs. Service Analysis**
- **Professional Services Contracts**
- **Advance Deposit**
- **Code Enforcement**



Finance & Human Resources Department



- **Contingency Fund**
- **2022 Budget**
- **Labor Contract Negotiation**
- **Enterprise Fund for Development Services**
- **Stormwater Utility**
- **State Audit**
- **Community Forum on the City Budget Process**

Central Services and the City Clerk's Office

- **Service Level Agreement**

- **IT**

- **Records Management (on-going)**

- File System
- Development Services
- E-Records
- Cloud-Based System
- Public Access to City Records

- **Payment Portal**

- Research an Online Payment Portal (in conjunction with Development Services new on-line permitting portal)



Questions???

-
- Details included in the City Manager's Report
 - Department Director Reports

Check Register
June 2021

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
911 Supply Inc	INV-2-10424	Uniform, Chief Burns	\$6.61	62824	6/11/2021	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-10726	Uniform, Captain Sass	\$427.19	62824	6/11/2021	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-10929	Uniform, Gidlof	\$165.13	62824	6/11/2021	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-10423	Uniform, Captain Sass	\$326.40	62824	6/11/2021	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-10930	Uniform, Glenn	\$82.56	62824	6/11/2021	001-000-000-521-20-22-00	Uniforms
			\$1,007.89	62824 Total			
Alexander Gow Fire Equipment Co.	9496911	CH clean agent sys. svc	\$771.75	62825	6/11/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
Alexander Gow Fire Equipment Co.	9479173	CH fire alarm repairs	\$3,835.60	62825	6/11/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			\$4,607.35	62825 Total			
Bellevue, City of	39208	Fire protect svc, '21 1st half	\$388,977.00	62826	6/11/2021	001-000-000-522-20-41-00	Fire Control Services
			\$388,977.00	62826 Total			
Buenavista Services, Inc	8746	CH&PO janitorial svc	\$2,037.75	62827	6/11/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
Buenavista Services, Inc	8745	Park restroom janitorial	\$1,158.62	62827	6/11/2021	001-000-000-576-80-41-00	Professional Services
			\$3,196.37	62827 Total			
Car Wash Enterprises	Acct#59 April 2021	PD car washes	\$8.00	62828	6/11/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			\$8.00	62828 Total			
Centurylink	425-637-3989 759B 5/17-6/17/21	PD phone/fax	\$240.37	62829	6/11/2021	001-000-000-521-20-42-00	Communications (phone,Pagers)
Centurylink	425-454-2095 384B 5/8-6/8/21	Emergency line	\$137.80	62829	6/11/2021	001-000-000-521-20-42-00	Communications (phone,Pagers)
			\$378.17	62829 Total			
Code Publishing Co.	70004	MMC web update	\$433.86	62830	6/11/2021	001-000-000-518-10-41-00	Professional Services
			\$433.86	62830 Total			
Comcast	8498330130193264 5/16-6/15/21	PD camera NE 12th	\$241.36	62831	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	8498330130193223 5/16-6/15/21	PD camera NE 24th	\$251.36	62831	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	8498330130193587 5/25-6/24/21	PW internet svc	\$146.36	62831	6/11/2021	001-000-000-576-80-42-00	Telephone/postage
			\$639.08	62831 Total			
Crystal And Sierra Springs-Admin	11037150 052221	CH drinking water	\$29.50	62832	6/11/2021	001-000-000-518-10-31-00	Office And Operating Supplies
			\$29.50	62832 Total			
Crystal And Sierra Springs-Police	5296969 052221	PD drinking water	\$116.19	62833	6/11/2021	001-000-000-521-20-31-00	Office Supplies
			\$116.19	62833 Total			
Crystal And Sierra Springs-PW	5291929 052221	PW drinking water	\$11.00	62834	6/11/2021	001-000-000-576-80-31-00	Operating Supplies
			\$11.00	62834 Total			
CWA Consultants	21-166	Bldg plan review svc	\$220.00	62835	6/11/2021	001-000-000-558-60-41-00	Prof Services
			\$220.00	62835 Total			
Davidson-Macri Sweeping, Inc.	216706.	Street sweeping	\$2,295.86	62836	6/11/2021	101-000-000-542-67-41-00	Street Cleaning
			\$2,295.86	62836 Total			
DME Construction, Inc.	PW-ROW -21-004 Refund	ROW Bond Refund	\$10,000.00	62837	6/11/2021	001-000-000-582-10-00-01	Refund of Deposits - Dev. Svcs.
			\$10,000.00	62837 Total			
FCI - Custom Police Vehicles	13858	PD veh. lease, Jun'21	\$781.42	62838	6/11/2021	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	13857	PD veh. lease, Jun'21	\$666.99	62838	6/11/2021	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	13893	PD veh. lease, Jun'21	\$2,705.36	62838	6/11/2021	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	13859	PD veh. lease, Jun'21	\$744.57	62838	6/11/2021	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	13858	PD veh. lease, Jun'21	\$299.66	62838	6/11/2021	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
FCI - Custom Police Vehicles	13857	PD veh. lease, Jun'21	\$272.13	62838	6/11/2021	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
FCI - Custom Police Vehicles	13859	PD veh. lease, Jun'21	\$249.15	62838	6/11/2021	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
FCI - Custom Police Vehicles	13893	PD veh. lease, Jun'21	\$406.84	62838	6/11/2021	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
			\$6,126.12	62838 Total			

Check Register
June 2021

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
Gray & Osborne, Inc.	20561.00-2	Grading & drainage svc	\$236.64	62839	6/11/2021	001-000-000-558-60-41-07	Engineering Consultant
Gray & Osborne, Inc.	19412.01-21427.10 4/25-5/22/21	Grading & drainage svcs	\$9,207.95	62839	6/11/2021	001-000-000-558-60-41-07	Engineering Consultant
Gray & Osborne, Inc.	21416.00-5	NPDES compliance assist.	\$1,492.78	62839	6/11/2021	101-000-000-542-30-41-03	NPDES Grant
Gray & Osborne, Inc.	20487.00-12	Storm sys assess& mapping	\$4,545.51	62839	6/11/2021	307-000-000-595-30-63-02	Storm Sewer Improvements
Gray & Osborne, Inc.	21441.00-5	Engineering svcs	\$3,897.74	62839	6/11/2021	307-000-000-595-30-63-10	Sidewalk Improvements
			\$19,380.62	62839 Total			
Horizon	3M393130	PW supplies	\$352.75	62840	6/11/2021	001-000-000-576-80-31-00	Operating Supplies
			\$352.75	62840 Total			
Horticultural Elements, Inc.	5336	84th median landscaping	\$4,490.00	62841	6/11/2021	101-000-000-542-30-41-00	Professional Services
			\$4,490.00	62841 Total			
KC Dept of Water & Land Resources	112258	WRIA8 cost, 1st 2021	\$1,030.67	62842	6/11/2021	101-000-000-542-30-41-00	Professional Services
			\$1,030.67	62842 Total			
KC Finance-Mental Health, Chemical	2134124	Substance abuse fee, Q1'21	\$236.10	62843	6/11/2021	001-000-000-564-60-40-00	Mental Health Services-KC Substance Abuse
			\$236.10	62843 Total			
Kirkland Municipal Court	MAY21MED	Filling fees, Apr'21	\$576.12	62844	6/11/2021	001-000-000-512-50-40-10	Municipal Court-Traffic/NonTrf
			\$576.12	62844 Total			
Lakeside Industries, Inc, LB#1086	50011836 Retain	LWB overlay project	\$4,076.49	62845	6/11/2021	307-000-000-582-20-00-00	Refund of Retainage Deposits
			\$4,076.49	62845 Total			
Leadsonline.com	318855	Ann. investigation svc packet	\$1,668.00	62846	6/11/2021	001-000-000-521-20-49-40	Dues,Subscriptions,Memberships
			\$1,668.00	62846 Total			
Level 3 Communications, LLC	308423	CH phones	\$382.67	62847	6/11/2021	001-000-000-518-10-42-00	Postage/Telephone
			\$382.67	62847 Total			
LexisNexis Risk Management	1011660-20210430	Investigative tool, Apr'21	\$113.40	62848	6/11/2021	001-000-000-521-20-41-00	Professional Services
			\$113.40	62848 Total			
Michael & JJ , LLC	999 5/1-5/29/21	PD dry cleaning	\$96.36	62849	6/11/2021	001-000-000-521-20-22-00	Uniforms
			\$96.36	62849 Total			
Moberly & Roberts, PLLC	970	Prosecution svc, May'21	\$4,000.00	62850	6/11/2021	001-000-000-512-50-41-10	Prosecuting Attorney
			\$4,000.00	62850 Total			
Navia Benefit Solutions	10352230	Flex fee, May'21	\$50.00	62851	6/11/2021	001-000-000-514-20-49-10	Miscellaneous
			\$50.00	62851 Total			
Norcom	0001104	Norcom, Q3'21	\$14,725.40	62852	6/11/2021	001-000-000-521-20-41-15	Dispatch Services-Norcom Trans
			\$14,725.40	62852 Total			
Otak, Inc.	000005210127	Tree code admin	\$5,947.29	62853	6/11/2021	001-000-000-558-60-41-50	Landscape Consultant
			\$5,947.29	62853 Total			
Pacific Topsoils, Inc.	22-T1199915	Planting bed mulch	\$160.01	62854	6/11/2021	001-000-000-576-80-31-00	Operating Supplies
Pacific Topsoils, Inc.	22-T1199914	Dump brush	\$171.20	62854	6/11/2021	001-000-000-576-80-41-00	Professional Services
			\$331.21	62854 Total			
Puget Sound Energy	200048418620 4/21-5/19/21	CH gas/electric	\$1,290.68	62855	6/11/2021	001-000-000-518-10-47-00	Utility Serv-Elec,Water,Waste
Puget Sound Energy	200024956076 4/21-5/19/21	82nd NE camera	\$33.14	62855	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	200004844698 4/22-5/20/21	NE 10th St camera	\$30.58	62855	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	200004844904 3/23-4/21/21	ODE camera	\$33.29	62855	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	200004850133 4/15-5/14/21	NE 24th camera	\$24.10	62855	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	200004844904 4/22-5/20/21	ODE camera	\$32.20	62855	6/11/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	200004844466 4/22-5/20/21	View pt pk power	\$15.01	62855	6/11/2021	001-000-000-576-80-47-00	Utilities
Puget Sound Energy	200012316424 4/21-5/19/21	PW shop & Medina pk pwr	\$549.66	62855	6/11/2021	001-000-000-576-80-47-00	Utilities
			\$2,008.66	62855 Total			

Check Register
June 2021

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
Ricoh USA, Inc.	1088427339	Ricoh printer repair	\$443.44	62856	6/11/2021	001-000-000-518-10-48-00	Repairs & Maint-Equipment
			\$443.44	62856 Total			
RH dba Office Team	57776435	Temp DS coord. 5/24-5/28/21	\$1,768.40	62857	6/11/2021	001-000-000-558-60-41-00	Prof Services
RH dba Office Team	57831821	Temp DS coord. 5/31-6/4/21	\$1,768.40	62857	6/11/2021	001-000-000-558-60-41-00	Prof Services
RH dba Office Team	57728691	Temp DS coord. 5/17-5/21/21	\$1,768.40	62857	6/11/2021	001-000-000-558-60-41-00	Prof Services
			\$5,305.20	62857 Total			
Security Safe & Lock Inc	559685	CH entry door repair	\$1,083.93	62858	6/11/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			\$1,083.93	62858 Total			
Serpanok Construction, Inc.	Retention 5/19/2021	Middle ft brdg repl	\$5,083.92	62859	6/11/2021	307-000-000-582-20-00-00	Refund of Retainage Deposits
			\$5,083.92	62859 Total			
SHI International Corp	B13500041	Azure storage	\$443.75	62860	6/11/2021	001-000-000-594-14-64-00	City Hall IT HW/SW >\$5K Capital Outlay
			\$443.75	62860 Total			
Sound Uniform Solutions	202105SU003	Uniform supplies, Bell	\$535.64	62861	6/11/2021	001-000-000-521-20-22-00	Uniforms
			\$535.64	62861 Total			
Sound View Strategies, LLC	2443	Consulting svc, May'21	\$3,000.00	62862	6/11/2021	001-000-000-513-10-41-00	Professional Services
			\$3,000.00	62862 Total			
Spot-On Print & Design	55093	Mailing, stormwater ltr	\$137.64	62863	6/11/2021	001-000-000-518-10-49-30	Postcard, Public information
			\$137.64	62863 Total			
Staples Business Advantage	3478755891	PD office supplies	\$4.19	62864	6/11/2021	001-000-000-521-20-31-00	Office Supplies
Staples Business Advantage	3478755890	PD office supplies	\$77.43	62864	6/11/2021	001-000-000-521-20-31-00	Office Supplies
			\$81.62	62864 Total			
Statewide Security	210195	Camera repairs	\$1,028.88	62865	6/11/2021	001-000-000-594-21-64-10	Police HW/SW Equipment >\$5K Capital Outlay
			\$1,028.88	62865 Total			
Stewart MacNichols Harmell, Inc., PS	May 2021	Defender svc, May'21	\$250.00	62866	6/11/2021	001-000-000-515-91-40-00	Public Defender
			\$250.00	62866 Total			
Summit Law Group	126085	Legal svc, gen labor	\$1,139.00	62867	6/11/2021	001-000-000-515-45-40-00	Special Counsel
			\$1,139.00	62867 Total			
TIG Technology Integration Group	18289	IT support, Jun'21	\$10,255.82	62868	6/11/2021	001-000-000-518-80-41-50	Technical Services, Software Services
			\$10,255.82	62868 Total			
Tiki Car Wash	2021-0424	PD car washes	\$95.48	62869	6/11/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			\$95.48	62869 Total			
Turf Star, Inc.	7172183-00	Mower & workman parts	\$841.13	62870	6/11/2021	001-000-000-576-80-48-00	Repair & Maint Equipment
			\$841.13	62870 Total			
US Bank Voyager Fleet Sys.	869362426 5/8/21	PD fuel	\$1,636.90	62871	6/11/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			\$1,636.90	62871 Total			
WA Assoc of Building Officials	41250	Training material	\$748.61	62872	6/11/2021	001-000-000-558-60-43-00	Travel & Training
			\$748.61	62872 Total			
WA ST Dept of Ecology	RS-000000137	SAM NPDES compliance	\$1,499.00	62873	6/11/2021	101-000-000-542-30-41-03	NPDES Grant
			\$1,499.00	62873 Total			
WA ST Dept of Transportation	*FB91017011211	PW veh. fuel	\$281.90	62874	6/11/2021	001-000-000-576-80-32-00	Vehicle Fuel & Lube
			\$281.90	62874 Total			
WA ST Patrol	I21000074	Background checks, lifeguards	\$105.50	62875	6/11/2021	001-000-000-521-20-41-50	Recruitment-Background
WA ST Patrol	I21000115	Background checks, lifeguards	\$33.00	62875	6/11/2021	001-000-000-521-20-41-50	Recruitment-Background
			\$138.50	62875 Total			
Willard's Pest Control	356222	PO rodent svc	\$83.68	62876	6/11/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			\$83.68	62876 Total			

Check Register
June 2021

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
8X8, Inc.	3037629	CH phones	\$912.14	62877	6/25/2021	001-000-000-594-14-64-00	City Hall IT HW/SW >\$5K Capital Outlay
			\$912.14	62877 Total			
Car Wash Enterprises	Acct#59 May 2021	PD car wash	\$4.00	62878	6/25/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			\$4.00	62878 Total			
Centurylink	425-451-7838 049B 6/7-7/7/21	CH CC terminal	\$163.22	62879	6/25/2021	001-000-000-518-10-42-00	Postage/Telephone
Centurylink	425-454-2095 384B 6/8-7/8/21	Emergency phone line	\$137.80	62879	6/25/2021	001-000-000-521-20-42-00	Communications (phone,Pager)
Centurylink	425-454-8183 070B 6/8-7/8/21	PW fire alarm line	\$129.80	62879	6/25/2021	001-000-000-576-80-42-00	Telephone/postage
			\$430.82	62879 Total			
Comcast	8498330130193264 6/16-7/15/21	NE 12th camera	\$251.36	62880	6/25/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	8498330130193223 6/16-7/15/21	NE 24th camera	\$251.36	62880	6/25/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
			\$502.72	62880 Total			
CWA Consultants	21-190	Bldg plan review svc	\$220.00	62881	6/25/2021	001-000-000-558-60-41-00	Prof Services
CWA Consultants	21-191	Bldg plan review svc	\$220.00	62881	6/25/2021	001-000-000-558-60-41-00	Prof Services
CWA Consultants	21-192	Bldg plan review svc	\$220.00	62881	6/25/2021	001-000-000-558-60-41-00	Prof Services
			\$660.00	62881 Total			
Eastside Public Safety Communicat'n	10444	Radio fees, Jun'21	\$495.39	62882	6/25/2021	001-000-000-521-20-41-20	Dispatch-EPSCA
			\$495.39	62882 Total			
KC Office of Finance	11010183	KC I-Net, May'21	\$375.00	62883	6/25/2021	001-000-000-518-80-41-50	Technical Services, Software Services
			\$375.00	62883 Total			
Kirkland Municipal Court	JUNE21MED	Filing fees, May'21	\$743.92	62884	6/25/2021	001-000-000-512-50-40-10	Municipal Court-Traffic/NonTrf
			\$743.92	62884 Total			
Konica Minolta Premier Finance	37917060	Konica copier	\$533.61	62885	6/25/2021	001-000-000-518-10-31-00	Office And Operating Supplies
			\$533.61	62885 Total			
LexisNexis Risk Management	1011660-20210531	Investigative tool, May'21	\$113.40	62886	6/25/2021	001-000-000-521-20-41-00	Professional Services
			\$113.40	62886 Total			
Message Watcher, LLC	44425	Email archiving, May'21	\$127.60	62887	6/25/2021	001-000-000-518-80-41-50	Technical Services, Software Services
			\$127.60	62887 Total			
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, CC	\$2,437.50	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, Comcast Franch.	\$617.50	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, CS	\$922.50	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, DS	\$3,075.00	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, Exec.	\$90.50	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, Fairweather/PCHB	\$3,100.58	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, farm animals	\$1,300.00	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, Finance	\$225.00	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, NPDES	\$360.00	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	852039-852048, May 2021	Legal svcs, Street vac.	\$1,202.50	62888	6/25/2021	001-000-000-515-41-40-00	City Attorney
			\$13,331.08	62888 Total			
Original Watermen, Inc.	S72186	Lifeguard uniforms	\$1,103.69	62889	6/25/2021	001-000-000-571-00-30-00	Uniforms - Lifeguards
			\$1,103.69	62889 Total			
Otak, Inc.	000006210055	Tree code admin	\$5,104.50	62890	6/25/2021	001-000-000-558-60-41-50	Landscape Consultant
			\$5,104.50	62890 Total			
Pacific Power Group, LLC	904693-00	PW generator maint.	\$1,139.12	62891	6/25/2021	101-000-000-542-30-48-00	Equipment Maintenance
			\$1,139.12	62891 Total			
Pacific Topsoils, Inc.	22-T1203566	Planting bed mulch	\$160.01	62892	6/25/2021	001-000-000-576-80-31-00	Operating Supplies
			\$160.01	62892 Total			

Check Register
June 2021

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
Pro-shred	45327	CH shredding svc	\$53.00	62893	6/25/2021	001-000-000-518-10-41-00	Professional Services
			\$53.00	62893 Total			
Puget Sound Energy	200004850133 5/15-6/15/21	NE 24th camera	\$25.06	62894	6/25/2021	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	300000000087 5/1-6/1/21	Street light power	\$22.87	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	220013672732 5/1-6/1/21	Street light power	\$28.70	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	220014371912 5/1-5/31/21	Street light power	\$1,731.82	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	220013665165 5/1-6/1/21	Street light power	\$12.33	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	220014371946 5/1-6/1/21	Street light power	\$102.51	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	220014371912 4/1-4/30/21	Street light power	\$1,745.31	62894	6/25/2021	101-000-000-542-63-41-00	Street Light Utilities
			\$3,668.60	62894 Total			
RH dba Office Team	57910808	Temp DS coord.6/14-6/18	\$1,768.40	62895	6/25/2021	001-000-000-558-60-41-00	Prof Services
			\$1,768.40	62895 Total			
TIG Technology Integration Group	5409236	Thermal scanner, CH	\$4,513.68	62896	6/25/2021	001-000-000-518-80-31-00	IT HW, SW, Operating Supplies
TIG Technology Integration Group	5409314	Dell Storage VX Rail 4Node	\$19,112.26	62896	6/25/2021	001-000-000-594-14-64-00	City Hall IT HW/SW >\$5K Capital Outlay
			\$23,625.94	62896 Total			
Tiki Car Wash	2021-0531	PD car washes	\$65.64	62897	6/25/2021	001-000-000-514-20-32-00	Postage
			\$65.64	62897 Total			
US Bank Voyager Fleet Sys.	8693624262124	PD fuel	\$1,726.86	62898	6/25/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			\$1,726.86	62898 Total			
WAPRO	2851	Membership dues, Nations	\$25.00	62899	6/25/2021	001-000-000-518-10-49-20	Dues, Subscriptions
			\$25.00	62899 Total			
Willard's Pest Control	361203	PO rodent svcs	\$83.68	62900	6/25/2021	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			\$83.68	62900 Total			
Wood Envir. & Infr. Sltns, Inc.	S51702590	Geotech review svc	\$2,234.00	62901	6/25/2021	001-000-000-558-60-41-07	Engineering Consultant
			\$2,234.00	62901 Total			
US Bank	ACH, Bank Fees	Bank Fees	\$2,585.19	ACH, Bank Fees	6/30/2021	001-000-000-514-20-49-10	Miscellaneous
			\$2,585.19	ACH, Bank Fees Total			
WA ST Dept of Licensing	ACH, CPL Fees	CPL Fees	\$36.00	ACH, CPL Fees	6/30/2021	631-000-000-589-30-01-00	Dept Of Lic-Gun Permit
			\$36.00	ACH, CPL Fees Total			
Glenn, Tyler	REIMB 5/3-5/7/21	Field training, Glenn	\$605.54	EFT Pymt Total	6/11/2021	001-000-000-521-20-43-00	Travel & Training
			\$605.54	EFT Pymt Total			
US Bank	BURNS 5/4-6/1/21	Air purifier	\$413.92	EFT Payment	6/25/2021	001-000-000-521-20-31-00	Office Supplies
US Bank	NATIONS 5/4-6/1/2021	Bank Adj error	\$0.29	EFT Payment	6/25/2021	001-000-000-518-10-49-10	Miscellaneous
US Bank	CRICKMORE 5/4-6/1/21	Concrete mixing hoe	\$22.01	EFT Payment	6/25/2021	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	KETTER 5/4-6/1/21	Express mail for check	\$26.35	EFT Payment	6/25/2021	001-000-000-518-10-42-00	Postage/Telephone
US Bank	SAUERWEIN 5/4-6/1/21	Fraud chrg to be refunded	\$14.99	EFT Payment	6/25/2021	001-000-000-514-20-49-10	Miscellaneous
US Bank	KELLERMAN 5/4-6/1/21	Internet logs	\$0.26	EFT Payment	6/25/2021	001-000-000-518-80-41-50	Technical Services, Software Services
US Bank	OSADA 5/4-6/1/21	Medina pk restroom repair	\$533.99	EFT Payment	6/25/2021	001-000-000-576-80-41-00	Professional Services
US Bank	NATIONS 5/4-6/1/2021	Office supplies	\$104.06	EFT Payment	6/25/2021	001-000-000-518-10-31-00	Office And Operating Supplies
US Bank	BURNS 5/4-6/1/21	PD office supplies	\$477.17	EFT Payment	6/25/2021	001-000-000-521-20-31-00	Office Supplies
US Bank	BURNS 5/4-6/1/21	PD supplies	\$213.71	EFT Payment	6/25/2021	001-000-000-521-20-31-40	Police Operating Supplies
US Bank	BURNS 5/4-6/1/21	PD veh. charger mount	\$79.23	EFT Payment	6/25/2021	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
US Bank	CRICKMORE 5/4-6/1/21	PW supplies	\$332.48	EFT Payment	6/25/2021	001-000-000-576-80-31-00	Operating Supplies
US Bank	CRICKMORE 5/4-6/1/21	Seasonal workers uniforms	\$571.98	EFT Payment	6/25/2021	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	NATIONS 5/4-6/1/2021	WAPRO training, DCC	\$60.00	EFT Payment	6/25/2021	001-000-000-518-10-43-00	Travel & Training
US Bank	NATIONS 5/4-6/1/2021	WMCA membership, DCC	\$75.00	EFT Payment	6/25/2021	001-000-000-518-10-49-10	Miscellaneous
			\$2,925.44	EFT Pymt Total			
			\$576,766.46	AP Grand Total			

**Check Register
June 2021**

AGENDA ITEM 5.1

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
Payroll	June 2021 Payroll	Payroll	\$ 20,249.68	Total	6/30/2021	001-000-000-513-10-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	22,369.19	Total	6/30/2021	001-000-000-514-20-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	31,606.44	Total	6/30/2021	001-000-000-518-10-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	148,179.62	Total	6/30/2021	001-000-000-521-20-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	22,405.29	Total	6/30/2021	101-000-000-542-30-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	40,794.66	Total	6/30/2021	001-000-000-558-60-11-00	Salaries, Wages & Benefits
Payroll	June 2021 Payroll	Payroll	33,607.75	Total	6/30/2021	001-000-000-576-80-11-00	Salaries, Wages & Benefits
		Total	\$ 319,212.63	Payroll Total			
			\$895,979.09	Period Grand Total			



MEDINA, WASHINGTON

MEDINA CITY COUNCIL REGULAR MEETING

Virtual/Online

Monday, June 14, 2021 – 4:00 PM

MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the regular meeting to order at 4:00 p.m. via MS Teams.

PRESENT

Mayor Jessica Rossman
Deputy Mayor Cynthia Adkins
Councilmember Roger Frey
Councilmember Jennifer Garone
Councilmember Harini Gokul
Councilmember Alex Morcos
Councilmember Bob Zook

STAFF PRESENT

Michael Sauerwein, Scott Missall, Steve Burns, Ryan Osada, Steve Wilcox, Stephanie Keyser, Jeff Sass Julie Ketter, Dawn Nations, Aimee Kellerman

3. APPROVAL OF MEETING AGENDA

Mayor Rossman moved Agenda Item 2 Executive Session to the end of the meeting as Agenda Item 13 and moved Adjournment to Agenda Item 14.

By consensus, the meeting agenda was approved as amended.

4. PUBLIC COMMENT PERIOD

Mayor Rossman opened the Public Comment Period. The following individuals addressed the Council:

- Joy Stewart commented on the recently adopted on-leash/off-leash dog rules in Medina Park and asked Council for reconsideration of the on/off-leash hours.
- Julie Berg commented on the recently adopted on-leash/off-leash dog rules in Medina Park and asked Council for reconsideration of the on/off-leash hours.
- Linda Bracken comment on the recently adopted on-leash/off-leash dog rules in Medina Park and asked Council for reconsideration of the on/off-leash hours.
- Bill Neil commented on the recently adopted on-leash/off-leash dog rules in Medina Park and asked Council for reconsideration of the on/off-leash hours.

- Randi Leggett concurred with the speakers above regarding the recently adopted on-leash/off-leash dog rules in Medina Park and proposed the following new language: All dogs west of the bridges must be on-leash 9:00 AM to Midnight.
- Josh Beloff commented on the recently adopted on-leash/off-leash dog rules in Medina Park and asked Council for reconsideration of the on/off-leash hours.
- Heija Nunn commented in support of the recently adopted on-leash/off-leash dog rules in Medina Park.

Mayor Rossman closed the public comment period.

5. **PRESENTATIONS**

5.1 Medina Traffic Calming Presentation by Chief of Police, Steve Burns

Medina Police Chief Burns gave a presentation on the three phases of the Medina Traffic Calming project. Phase 1 of the traffic calming proposal includes digital speed signs NE 24th Street and NE 12th Street, speed limit pavement markings and additional speed limit signs in targeted areas of the city. Phase 2 of the Medina traffic calming will come in the fall where city staff will conduct a city-wide traffic study and closing out with phase 3 to review the study results, recommendations, and implementation of the recommendations from the study.

5.2 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

Park Board Vice Chair Collette McMullen reported on events and projects on the Park Board.

City Manager Michael Sauerwein gave a presentation on Off-Leash Dogs in Medina Park.

Planning Commission Chair Laurel Preston gave an update from the last Planning Commission meeting.

6. **CONSENT AGENDA**

ACTION: Motion Garone second Morcos and carried by a 7:0 vote; Council approved the Consent Agenda.

6.1 Check Register, May 2021

Recommendation: Approve.

Staff Contact: Julie Ketter, Director of Finance and HR

6.2 Approved April 19, 2021 Park Board Meeting Minutes

Recommendation: Receive and file.

Staff Contact: Dawn Nations, Deputy City Clerk

6.3 Approved April 27, 2021 Planning Commission Meeting Minutes

Recommendation: Receive and file.

Staff Contact: Stephanie Keyser, Planning Manager

6.4 Draft May 10, 2021, City Council Regular Meeting Minutes

Recommendation: Adopt Minutes.

Staff Contact: Aimee Kellerman, CMC, City Clerk

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

8.1 Ordinance Adopting Minor Code Amendments

Recommendation: Adopt Ordinance No. 1001.

Staff Contact: Stephanie Keyser, Planning Manager

Planning Manager Stephanie Keyser gave a presentation on the proposed Minor Code Amendments. Council asked questions and staff responded.

Mayor Rossman opened the public hearing. The following individual addressed the Council:

- Heija Nunn asked a clarifying question regarding ADU's.

Being no further comments, the public hearing was closed.

ACTION: Motion Frey second Zook and carried by a 7:0 vote; Council adopted Ordinance No. 1001.

8.2 Ordinance Adopting Bulk Regulations

Recommendation: Adopt Ordinance No. 1002.

Staff Contact: Stephanie Keyser, Planning Manager

Planning Manager Stephanie Keyser gave a presentation on Bulk Development Code Amendments. Council asked questions and staff responded.

The Mayor opened the public hearing. The following individual addressed the Council:

- Heija Nunn commented on the Bulk Development Code amendments.

Mayor Rossman closed the public hearing.

ACTION: Motion Frey second Garone and carried by a 7:0 vote; Council adopted Ordinance No. 1002.

8.3 2022 - 2027 Six-Year CIP/TIP and Non-TIP

Recommendation: Approve.

Staff Contact: Ryan Osada, Director of Public Works

Director of Public Works Ryan Osada gave a presentation on the proposed 2022-2027 Six-Year CIP/TIP and Non-TIP (Capital Improvement Plan, Transportation Improvement Plan and Non-Transportation Improvement Plan).

Mayor Rossman opened the public hearing. The following individual addressed the Council:

Heija Nunn commented on the priority of the plan.

Mayor Rossman closed the public hearing.

ACTION: Motion Morcos second Gokul and carried by a 7:0 vote; Council approved the 2022-2027 Six-Year CIP/TIP and Non-TIP as presented.

9. CITY BUSINESS

9.1 Medina Park Playground Replacement Project Update

Recommendation: Approve.

Staff Contacts: Ryan Osada, Director of Public Works and Michael Sauerwein, City Manager

Park Board Vice Chair Collette McMullen gave an introduction and brief overview of the Medina Park Playground Replacement Project.

Director of Public Works Ryan Osada gave a presentation on the proposed Medina Park Playground Project. Council asked questions and staff responded.

ACTION: Motion Adkins second Zook and carried by a 7:0 vote; Council approved the final playground design and directed staff to purchase and install equipment.

9.2 Street Vacation Regulations

Recommendation: Staff recommends Council set and conduct a legislative hearing on the Attachment at the Council's first meeting in July, followed by action thereon.

Staff Contacts: Michael Sauerwein, City Manager, Steve Wilcox, Director of Development Services, Ryan Osada, Director of Public Works, Scott Missall, City Attorney

City Attorney Scott Missall gave an update on the proposed Street Vacation regulations. Council asked questions and staff responded.

Motion Frey second Adkins to approve the street vacation regulations, asking city staff to accommodate the requested changes regarding neighborhood impacts and set the legislative hearing and final action on the proposed street vacation regulations for the Council's meeting first meeting in July. Motion carried by a 7:0 vote.

9.3 Medina Personnel Policy Updates, Financial Policy Update, and Public Works Purchasing Code Amendment

a) Resolution No. 418 Amending Financial Policies, adding EFT (Electronic Fund Transfer) Control Procedures

b) Ordinance No. 999 Amending MMC Chapter 2.64 Public Works Purchasing Policies

c) Approval of Medina Personnel Policies update, Section 7.02 Vacation Accruals

Recommendation: Adopt Resolution No. 418, Adopt Ordinance No. 999 and Approve Medina Personnel Policies update, Section 7.02 Vacation Accruals.

Staff Contact: Julie Ketter, Director of Finance and HR

Time Estimate: 10 minutes

Director of Finance and HR Julie Ketter gave a brief presentation on the proposed updates to the Medina Personnel Policy, Financial Policy, and Public Works Purchasing Code amendment.

Motion Adkins second Zook to adopt Resolution No. 418 amending the Financial Policies, adding EFT (Electronic Fund Transfer) control procedures. Motion carried 7:0.

Motion Adkins second Zook adopting Ordinance No. 999 amending MMC Chapter 2.64 Public Works Purchasing Policies. Motion carried 7:0.

Motion Frey second Gokul to approve the Medina Personnel Policies, Section 7.02 Vacation Accruals. Motion carried 7:0.

10. CITY MANAGER'S REPORT

Police, Development Services, Finance, Central Services, Public Works, City Attorney

Medina Police Chief Steve Burns gave an update on activities in the police department.

Director of Development Services Steve Wilcox gave an update on activities in Development Services.

Director of Finance and HR gave an update on the city's finances.

Director of Public Works gave an update on projects in the city and the stormwater inspection program.

City Manager Michael Sauerwein gave a summary of his report. As previously reported, the American Rescue Plan Act has allocated and estimated \$917,839 to the City of Medina. There are five eligible uses of the funding and staff recommended the following three priorities: 1) Maintain inventory of personal protective equipment; (2) Work with Bellevue Hopelink to address the medical and behavioral healthcare needs of our community; 3) Invest in improvements, repairs, and replacement of our stormwater infrastructure.

Council was not in agreement with the top 3 priorities and directed staff to come back to Council at a future meeting for further discussion and have a clear framework to work through the issues discussed.

11. REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE

Mayor Rossman gave an update on the ETP (Eastside Transportation Partnership) and upcoming business meeting with AWC (Association of Washington Cities).

12. PUBLIC COMMENT

Mayor Rossman opened the public comment period. The following individual addressed the Council:

- Heija Nunn commented on the Medina Park Playground replacement project and thanked the Medina Police Department for being more visible in the community.

Mayor Rossman closed the public comment period.

Council moved into Executive Session for an estimated time of 30 minutes at 7:58 p.m.

13. EXECUTIVE SESSION

RCW 42.30.11.(1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to

become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

ACTION: No action was taken following the Executive Session.

14. ADJOURNMENT

By consensus, the City Council adjourned the regular meeting at 8:10 p.m.

DRAFT



MEDINA, WASHINGTON

www.medina-wa.gov

PARK BOARD MEETING MINUTES

Monday, May 17, 2021

4:00 PM

MINUTES

1. CALL TO ORDER / ROLL CALL

Chair Sarah Gray called the meeting to order at 4:00 PM.

Board Present via Zoom: Bui, Dickmann, Gray, Johnston, McMullen, Moe, Stengel

Absent: Martin and Schubring

Staff Present via Zoom: Chief Burns, Crickmore, Osada, Nations, Sauerwein

2. ANNOUNCEMENTS

Sarah Gray thanked Barbara Moe and Ryan Osada for their work on the Playground Project Open House signage and postcards sent out to all Medina residents.

3. APPROVAL OF PARK BOARD MINUTES

ACTION: Motion McMullen second Johnston and carried by a 7-0 vote.

1. Park Board Meeting of April 19, 2021
Recommendation: Adopt Minutes.
Staff Contact: Dawn Nations, Deputy City Clerk

4. PUBLIC COMMENT

None.

5. PARK BOARD BUSINESS

1. Medina Park Playground Improvement Project Update
 - a) Open House feedback
 - b) Next Steps - Present to City Council at the June 14th Council meeting**Recommendation:** Discussion and direction.
Staff Contact: Ryan Osada, Public Works Director

Osada and Gray gave updates on the project. The revised design was well received. The installation timeline was discussed. The playground surface area was discussed,

and discussion will continue at the next board meeting. Gray thanked everyone for all their hard work on this project.

ACTION: Motion Johnston second Stengel and carried by a 7-0 vote.
Motion made to approve the playground design as shown.

2. Arbor Day Update

Recommendation: Update.

Staff Contact: Ryan Osada, Public Works Director

Collette McMullen gave update on the Arbor Day event. She noted due to the COVID-19 restrictions the Medina Elementary 1st graders were not able to attend this year. City employees, park board members and Mayor Rossman were in attendance. Mayor Rossman read the Arbor Day proclamation. Pat Crickmore gave description of the tree that was planted at Medina Park. McMullen reported it was a successful event and good tradition for the city. Sarah Gray thanked Public Works department for their hard work in the parks.

3. Weeding Project Updates

Sarah Gray and Gabriele Dickmann gave update on the weeding project at Medina Market and Medina Elementary planters. They reported watering needed and add mulch in the fall.

6. OTHER BUSINESS

Rebecca Johnston asked about the rocks in the parking lot at Medina Park. Osada gave an update on the rocks being removed. Osada reported there is signage regarding no large trucks allowed in the parking lot and gave explanation on why no large trucks are allowed due to weight and design/cost of the parking lot. The Park Board had additional discussion.

Katie Surbeck was allowed to give public comment regarding 12th Street parking lot.

Chief Burns gave input regarding the rocks and offered direction regarding solutions for visibility. City Manager Michael Sauerwein gave input and will review with City Staff on appropriate resolution for the parking lot.

Huan Bui asked about pickle ball court. Osada and Crickmore provided feedback – Fairweather (lower east) has stripping for pickle ball.

Gabriele Dickmann asked about new leash rules in Medina Park. Collette McMullen gave update on recent comments the city has received from the public regarding proposed changes.

Rebecca Johnston asked regarding status of going back to in person Park Board Meetings. Michael Sauerwein gave an update.

7. PARK REPORTS

Fairweather & Lid	McMullen thanked Stengel for trimming the bulbs. Stengel gave update on weeding.
Indian Trail	Gray reported looks good.
Lake Lane	No report
Medina Beach Park	Dickmann asked PW about weeding. PW weeding has started.
Medina Park	Dickmann asked about Bocce Ball. Osada and Crickmore gave update. Gray reported grass looks fabulous. Crickmore gave update. Gray thanked Chief Burns of patrolling and public outreach regarding updated dog leash rules. Chief Burns gave update on focused areas of patrol. Moe asked about the drinking fountains and asked about pond water. Crickmore gave update. Fountains will be turned on and signage is posted the guidelines/warning regarding the ponds.
Viewpoint Park	Moe reported looks great.

8. ADJOURNMENT

Meeting adjourned at 5:14 PM.

Meeting Minutes taken by:



Dawn Nations

MEDINA, WASHINGTON



PLANNING COMMISSION
SPECIAL MEETING MINUTES
ZOOM
Tuesday, May 25, 2021
2:00 PM

MINUTES

1. CALL TO ORDER/ROLL CALL

The Planning Commission Special Meeting of May 25, 2021 was called to order at 2:05 p.m. by Vice Chair Schubring.

Commissioners Present: Bustamante, Nelson, Reeves and Schubring.

Commissioners Absent: Langworthy, Preston, Raskin

Staff Present: Kellerman, Keyser, Minor, and Wilcox

2. ANNOUNCEMENTS

Keyser asked the Commissioners if they could move the discussion on the tree code to June.

ACTION: Motion Schubring Second Nelson Approved: 4-0

3. APPROVAL OF MINUTES

Minutes from April 27, 2021 Special Planning Commission Meeting.

ACTION: Motion Nelson Second Reeves Approved: 4-0

4. AUDIENCE PARTICIPATION

None.

5. PUBLIC HEARING

1. Bulk Development Code Amendments

Keyser presented the proposed bulk development code amendments to the Commissioners.

ACTION: Motion Reeves Second Nelson to approve the bulk development code amendments and forward to City Council with a recommendation from the Planning Commission to approve. Approved 4-0

2. Minor Code Amendments

Keyser presented the proposed minor code amendments to the Commissioners.

Jan Whitsitt, resident of Medina, spoke in favor of the proposal.

ACTION: Motion Nelson Second Reeves to approve the minor code amendments and forward to City Council with a recommendation from the Planning Commission to approve. Approved 4-0

6. DISCUSSION

Postponed until June 22nd meeting.

7. ADJOURNMENT

Motion Bustamante Second Nelson; The Special Planning Commission Meeting adjourned at 2:37 PM

Minutes taken by:



Stephanie Keyser



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 12, 2021

Subject: Medina Traffic Calming Purchase Approval

Category: Consent

Staff Contact: Steve Burns, Chief of Police

Summary

At the June 2021 Medina City Council Meeting, Chief Burns gave a presentation providing several traffic calming options. Specific traffic calming options discussed:

- Digital Speed Signs
- Speed Limit Pavement Markings
- Additional Speed Limit Signs

Staff is requesting approval to purchase the following items:

- Four Digital Speed Signs –
 - Each sign - \$19,790
 - Overall cost for purchase and installation - \$89,077
- Speed Limit Pavement Markings
 - Each marking - \$550/Eleven markings = \$6,050
- Additional Speed Limit Signs
 - Ten Signs - \$85/sign = \$850
- Mobile Speed Measuring Survey Device - \$6,000

The total cost will be \$101,977, using REET funds for “Road Improvement Project for Traffic Safety.” There are REET funds available with no impact to any other projects.

Attachment

- June 2021 Medina City Council Meeting Traffic Calming Presentation

Budget/Fiscal Impact: \$101,977 – REET Funds

Staff Recommendation: Approve

City Manager Approval:

Proposed Council Motion: “I move to approve the Medina Traffic Calming purchases to include four digital speed signs, speed limit pavement markings, additional speed limit signs, and a mobile speed measuring survey device.”

Time Estimate: 5 minutes.

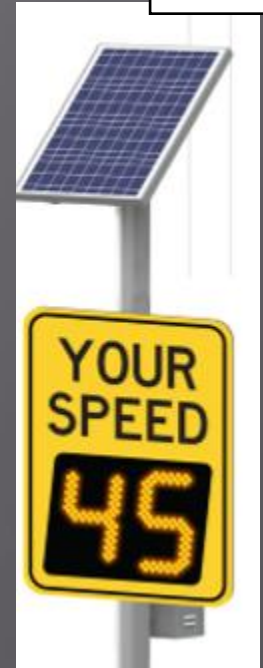


Medina Traffic Calming Phase 1 June 2021



Traffic Calming

- ▣ Medina Park Parking Lot
- ▣ Digital Speed Signs
- ▣ Speed Limit Pavement Markings
- ▣ Additional Speed Limit Signs



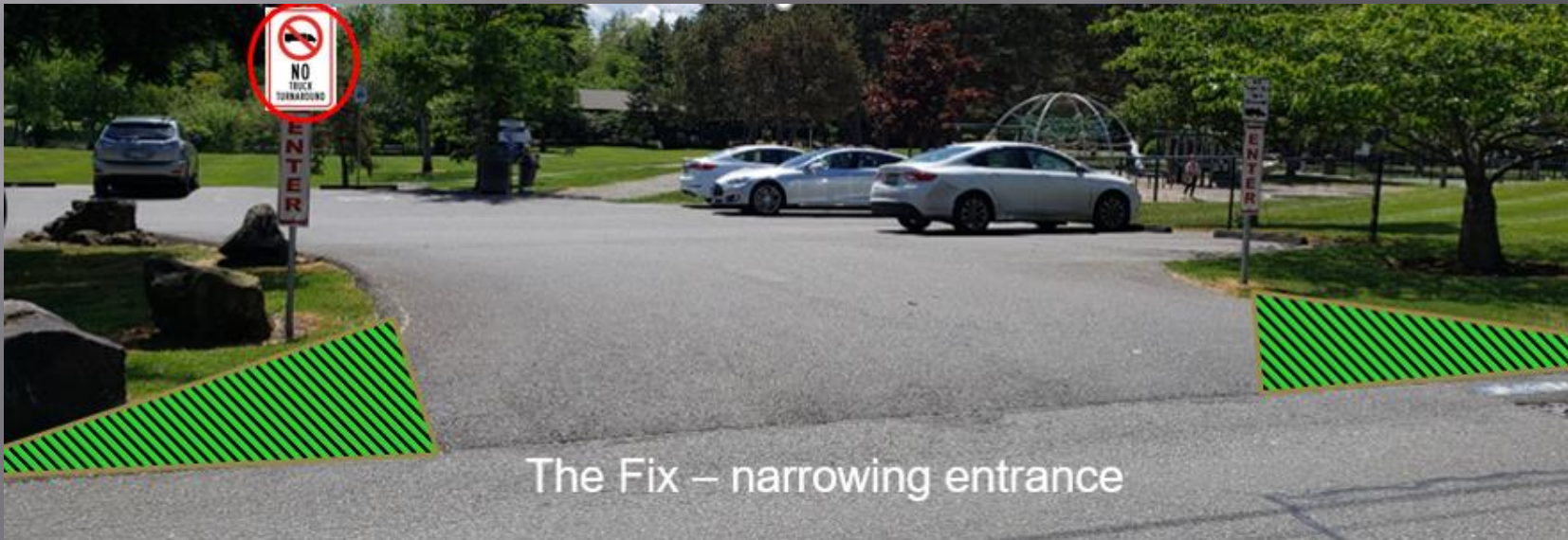
Medina Park Parking Lot



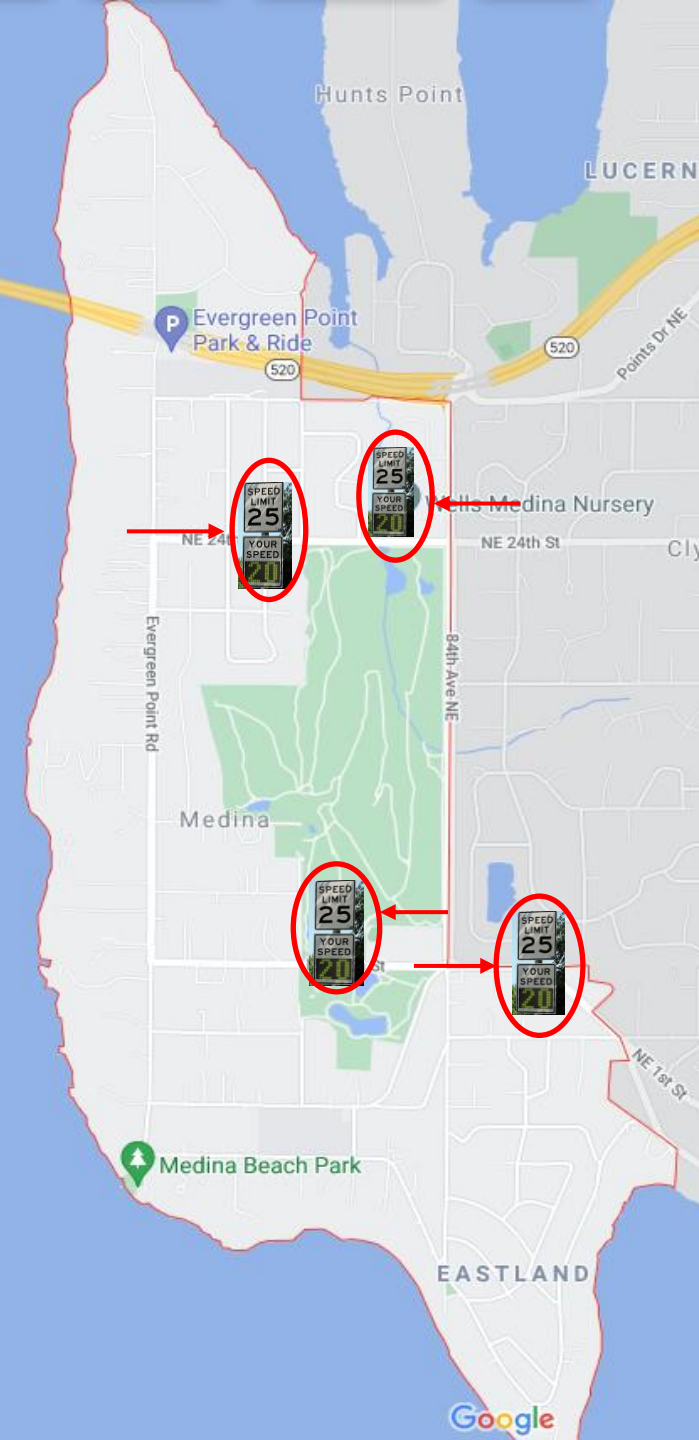
Medina Park



Before the Fix



The Fix – narrowing entrance



Digital Speed Signs –

1. W/B 24th west of 84th
2. E/B NE 24th between 79th and 80th
3. E/B NE 12th in the center island at 8500 block
4. W/B NE 12th across from Medina Park



Digital Signs – NE 24th



W/B west of 84th



E/B between 79th & 80th

Digital Signs – NE 12th

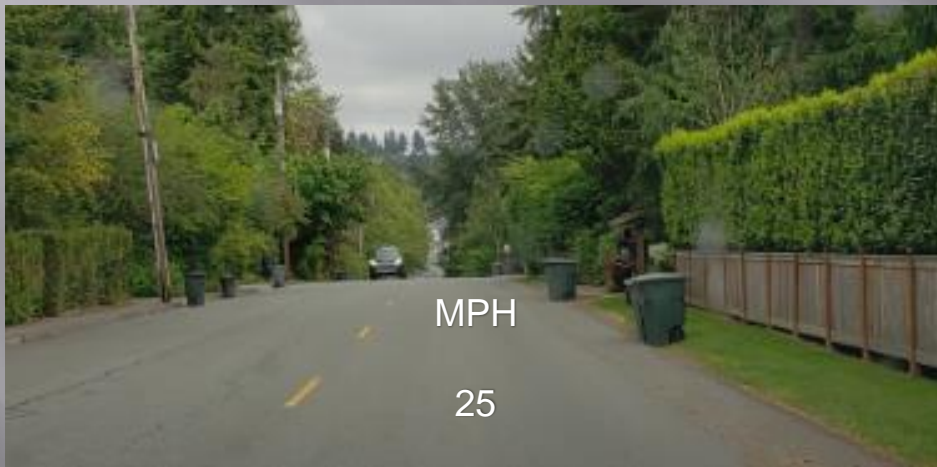


E/B east of 84th



W/B across from Medina Park

Speed Limit Pavement Markings



E/B NE 12th east of EPR



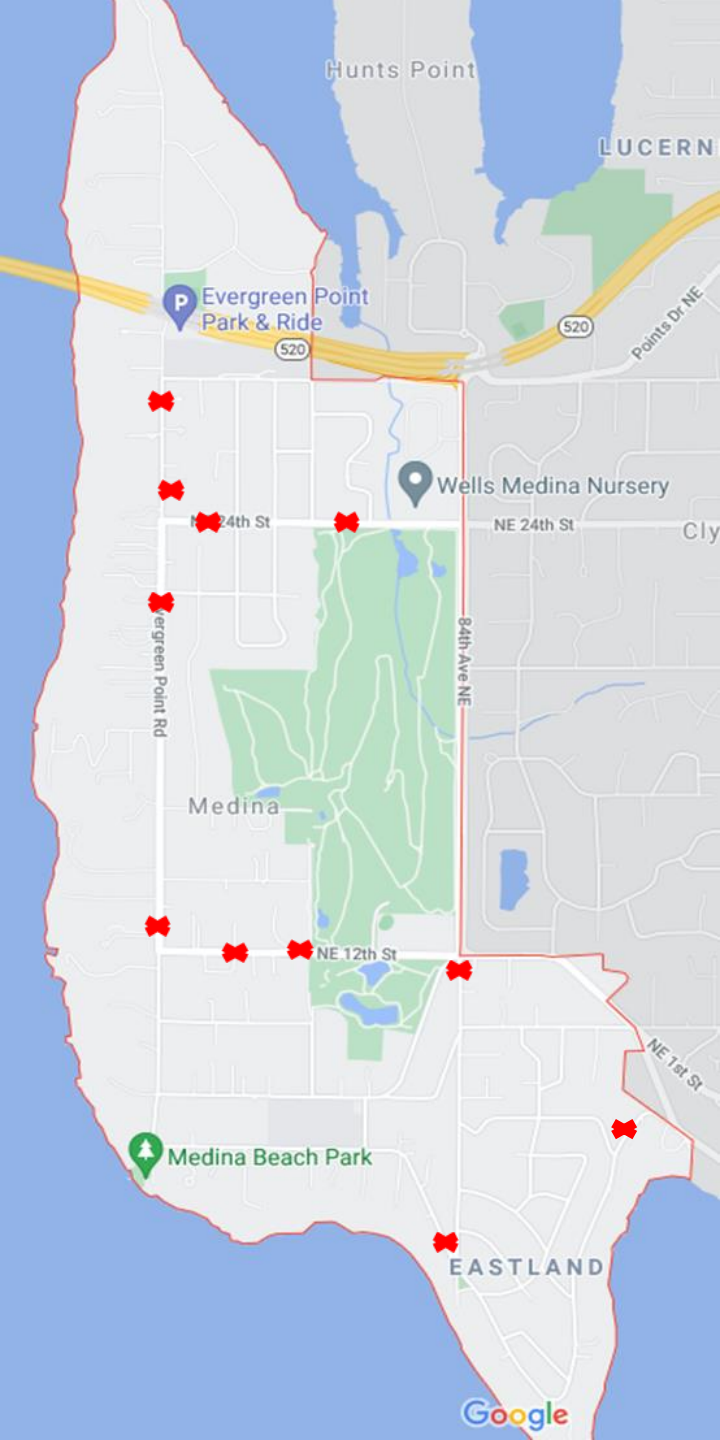
W/B NE 12th west of Medina Park

Speed Limit Pavement Markings



W/B Overlake Drive

Speed Limit Pavement Markings



Pavement Locations:

1. W/B OLD E entering the City
2. E/B OLD W just before 84th
3. 84th just south of the 5- way
4. W/B NE 12th near the park at the base of the hill
5. E/B 12th near 7800 block
6. W/B NE 24th between 82nd and 80th
7. E/B NE 24th near 78th
8. N/B EPR just north of NE 12th
9. S/B EPR near 22nd
10. N/B EPR north of 24th
11. S/B EPR south of NE 28th

Additional Speed Signs

- ▣ Addition Speed Limit Signs
 - Evergreen Point Road
 - NE 24th
 - Overlake Drive



Anticipated Projected Costs

- ▣ Digital Signs –
 - Each sign - \$19,790
 - Overall cost for purchase and installation - \$89,077
- ▣ Speed Limit Pavement Markings
 - Each marking - \$550
 - Eleven markings = \$6,050
- ▣ Additional Speed Limit Signs
 - Ten Signs - \$85/sign = \$850
- ▣ Mobile Speed Measuring Survey Device - \$6,000
- ▣ **Approximate Total Cost - \$101,977**
 - REET - *“Road Improvement Project for Traffic Safety”*
 - REET Funds available – no impact to any other projects



Questions





MEDINA, WASHINGTON

AGENDA BILL

Monday, July 12, 2021

Subject: First Modification for Independent Force Investigation Team (IFIT) – King County

Category: Consent

Staff Contact: Steve Burns, Chief of Police

Summary

At the February 8, 2021, Council Meeting the Medina City Council approved the City of Medina participation in the Independent Force Investigation Team – King County (IFIT-KC). IFIT-KC will handle independent and transparent investigations for officer-involved incidents where the use of deadly force by a police officer results in death, substantial bodily harm, or great bodily harm, occurring within the boundaries of Medina or Hunts Point.

Additional language is being requested by the Washington State Patrol so they can participate in IFIT-KC.

The following is being requested to be added to the agreement:

9. USE OF INFORMATION FOR CIVIL IMMIGRATION ENFORCEMENT IS PROHIBITED. Under Washington law, and local ordinance, state and local law enforcement agencies and their personnel are generally prohibited from enforcing or assisting federal agencies engaged in civil immigration proceedings pursuant to RCW 10.93.160. Primary jurisdiction for enforcement is with the United States federal immigration authority. See RCW 10.93.160. The purpose of this modification to the Agreement is to make clear that the parties interpret the Agreement as consistent with the Washington law, including RCW 10.93.160, in that no Party or its personnel shall engage in any acts proscribed by Washington law.

Consistent with RCW 10.93.160 and Washington Executive Order 17-01, applicable to the Washington State Patrol (WSP), the Parties agree not to use or share any information obtained from the WSP, its systems, or its personnel, with any third parties to support or engage in civil immigration enforcement activities.

Attachments

1. IFIT-KC Interlocal Agreement (ILA) First Modification
2. IFIT-KC Interlocal Agreement (ILA)

Budget/Fiscal Impact: None

Recommendation: Approve.

City Manager Approval:

Proposed Council Motion: "I move to approve the first modification for the Independent Force Investigation Team – King County (IFIT-KC)."

ATTACHMENT 1**FIRST MODIFICATION TO****THE INTERLOCAL COOPERATIVE AGREEMENT TO PROVIDE LAW ENFORCEMENT MUTUAL AID BETWEEN THE WASHINGTON STATE PATROL, KING COUNTY SHERIFF'S OFFICE, UNIVERSITY OF WASHINGTON, AND THE CITIES OF BELLEVUE, CLYDE HILL, DUVALL, KIRKLAND, ISSAQUAH, LAKE FOREST PARK, MEDINA, MERCER ISLAND, REDMOND, AND SNOQUALMIE/NORTH BEND FOR THE CREATION OF THE INDEPENDENT FORCE INVESTIGATION TEAM – KING COUNTY (IFIT-KC)****I. RECITALS.**

WHEREAS The following agencies entered into an INTERLOCAL AGREEMENT ("Agreement") to provide law enforcement mutual aid and mobilization between the Parties for incidents described more fully in the Agreement:

- King County Sheriff's Office;
- Bellevue PD;
- Duvall PD;
- Kirkland PD;
- Clyde Hill PD;
- Issaquah PD;
- Lake Forest Park PD;
- Medina PD;
- Mercer Island PD;
- Redmond PD; and
- Snoqualmie/North Bend PD
- University of Washington Police Department; AND

WHEREAS, the authority of the cooperating agencies entering into the Agreement is that authority provided by Washington law including, and subject to, the general powers of the Parties, the Washington Interlocal Cooperation Act as codified in Chapter 39.34 RCW, and the Washington Mutual Peace Officers Powers Act as codified in Chapter 10.93 RCW; and

WHEREAS, the Washington State Patrol (WSP) also seeks to join in the Agreement, but requires a modification of the Agreement consistent with RCW 10.93.160 and Washington Executive Order 17-01; and

WHEREAS, paragraph 8 of the Agreement provides for modification, so long as the modification is approved, in writing, by all parties to the Agreement;

NOW THEREFORE, in consideration of the terms and provisions herein, it is agreed between the Parties that the following shall become a term of the Agreement:

ATTACHMENT 1**II. MODIFICATION OF THE AGREEMENT**

The following shall be added to the General Provisions of the Agreement:

9. USE OF INFORMATION FOR CIVIL IMMIGRATION ENFORCEMENT IS PROHIBITED. Under Washington law, and local ordinance, state and local law enforcement agencies and their personnel are generally prohibited from enforcing or assisting federal agencies engaged in civil immigration proceedings pursuant to RCW 10.93.160. Primary jurisdiction for enforcement is with the United States federal immigration authority. See RCW 10.93.160. The purpose of this modification to the Agreement is to make clear that the parties interpret the Agreement as consistent with the Washington law, including RCW 10.93.160, in that no Party or its personnel shall engage in any acts proscribed by Washington law.

Consistent with RCW 10.93.160 and Washington Executive Order 17-01, applicable to the Washington State Patrol (WSP), the Parties agree not to use or share any information obtained from the WSP, its systems, or its personnel, with any third parties to support or engage in civil immigration enforcement activities.

No other terms of the Agreement, excepted as stated herein are modified.

Consistent with the Agreement, this modification may be signed in counterparts and, if so signed, shall be deemed one integrated agreement.

The WSP, by signing below, affirms that it has reviewed and agrees to comply with all terms of the Agreement, including this First Modification relating to RCW 10.93.160 and Washington Executive Order 17-01.

IN WITNESS WHEREOF, the Parties hereto have executed this First Modification as of the latest day and year written below.

CITY OF BELLEVUE**CITY OF DUVALL**

 Name:

 Name:

 Title:

 Title:

 Date:

 Date:

 Attest:

 Attest:

 City Clerk

 City Clerk

 Approved as to Form:

 Approved as to Form:

 City Attorney

 City Attorney

ATTACHMENT 1

CITY OF KIRKLAND

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF MEDINA

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF REDMOND

Name:

Title:

Date:

Attest:

CITY OF CLYDE HILL

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF MERCER ISLAND

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF SNOQUALMIE

Name:

Title:

Date:

Attest:

ATTACHMENT 1

City Clerk

Approved as to Form:

City Attorney

WASHINGTON STATE PATROL

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

UNIVERSITY OF WASHINGTON

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

City Clerk

Approved as to Form:

City Attorney

KING COUNTY SHERIFF'S OFFICE

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT 1

CITY OF ISSAQUAH

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF LAKE FOREST PARK

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT 2

INTERLOCAL COOPERATIVE AGREEMENT TO PROVIDE LAW ENFORCEMENT MUTUAL AID BETWEEN THE WASHINGTON STATE PATROL, KING COUNTY SHERIFF'S OFFICE, UNIVERSITY OF WASHINGTON, AND THE CITIES OF BELLEVUE, CLYDE HILL, DUVALL, KIRKLAND, ISSAQUAH, LAKE FOREST PARK, MEDINA, MERCER ISLAND, REDMOND, AND SNOQUALMIE/NORTH BEND FOR THE CREATION OF THE INDEPENDENT FORCE INVESTIGATION TEAM – KING COUNTY (IFIT-KC)

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and between the undersigned municipal corporations or towns organized or created under the laws of the State of Washington, the Washington State Patrol, University of Washington, and King County, collectively referred hereinafter as the "Parties" to provide law enforcement mutual aid and mobilization between the Parties. The "member agencies" of this Agreement are the following Law Enforcement Agencies:

- Washington State Patrol;
- King County Sheriff's Office;
- Bellevue PD;
- Duvall PD;
- Kirkland PD;
- Clyde Hill PD;
- Issaquah PD;
- Lake Forest Park PD;
- Medina PD;
- Mercer Island PD;
- Redmond PD;
- Snoqualmie/North Bend PD; and
- University of Washington Police Department.

I. RECITALS

WHEREAS, the authority of the cooperating agencies entering into this Agreement is that authority provided by Washington law including, and subject to, the general powers of the Parties, the Washington Interlocal Cooperation Act as codified in Chapter 39.34 RCW, and the Washington Mutual Peace Officers Powers Act as codified in Chapter 10.93 RCW; and

WHEREAS, RCW 10.114.011 requires that if deadly force by a peace officer results in death, great bodily harm, or substantial bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies; and

WHEREAS, RCW 10.114.011 requires that such investigation be carried out completely independent of the agency whose officer was involved in the use of deadly force; and

WHEREAS, the Washington State Criminal Justice Training Commission (CJTC) adopted and established criteria to determine what qualifies as an independent investigation (WAC Chapter 139-12, the Law Enforcement Training and Community Safety Act – Independent Investigations Criteria).

ATTACHMENT 2

NOW THEREFORE, in consideration of the terms and provisions herein, it is agreed between the Parties as follows:

II. AGREEMENT

1. **PURPOSE OF THE AGREEMENT.** The Parties signing below recognize the need to establish a regional independent investigative team in King County and a protocol for satisfying the independent investigation requirements of state law. The Parties seek to form a regional independent force investigation team, available for the purpose of conducting the criminal investigation into an officer involved shooting or use of deadly force by an officer or officers of an agency that is a member of the Independent Force Investigation Team of King County (IFIT-KC).
2. **DEFINITIONS.** For the purposes of this Agreement, the terms “deadly force,” “great bodily harm,” and “substantial bodily harm” are given the same meaning as defined in RCW 9A.16.010 and RCW 9A.04.110.

3. **ADMINISTRATION.**

The IFIT-KC governing body is the “Executive Board.” The Executive Board is comprised of the member agency Police Chiefs and Sheriff, with each agency providing one Board member on behalf of its organization. The Executive Board elects their Board Chair. The IFIT-KC Executive Board is authorized to draft, implement and amend policies and procedures consistent with the purposes of this Agreement and Chapter 139-12 WAC. Such policies and procedures will be known as the “Independent Force Investigations Team – King County Protocol and Guidelines” (“IFIT-KC Protocol”).

4. **MUTUAL AID AND LAW ENFORCEMENT SERVICES.** Each party will, to the best of its ability and as resources allow, furnish employees to work as part of IFIT-KC. The Parties agree to the following:
 - a. Consistent with RCW 10.114.011, when a member agency engages in conduct resulting in the use of deadly force by a peace officer resulting in death, substantial bodily harm, or great bodily harm, it shall contact the IFIT-KC to seek an independent investigation to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies.
 - b. IFIT-KC will provide independent investigative services to any member agency that requests assistance under this Agreement. IFIT-KC shall render those independent investigative services consistent with the IFIT-KC Protocol, purposes of this Agreement, and Chapter 139-12 WAC.
 - c. In order to maintain independence, no person employed by the agency which used deadly force (“Involved Agency”) may participate in the investigation of the use of deadly force, except as where allowed by the independent investigation protocols laid out in Chapter 139-12 WAC and the IFIT-KC Protocol.
 - d. Member agencies acknowledge that some member agencies may be required to provide some level of access at the scene to an independent oversight agency/committee. Member agencies with an oversight agency/committee shall prepare a list of practices and protocols, which will be made available to the commander of IFIT-KC as soon as practical.

ATTACHMENT 2

- e. The Parties expressly recognize that compelled statements by involved officers implicate certain legal rights under *Garrity v. New Jersey*, 385 U.S. 493 (1967). The parties agree that a statement by an involved officer may only be compelled by the officer's employing agency pursuant to that agency's policies and procedures. At no point during the investigation will a compelled statement, or information flowing directly therefrom, be disclosed to the IFIT-KC independent investigators or otherwise to the IFIT-KC. The Parties further recognize that the rights against self-incrimination established under *Garrity* do not extend to the observations of officers who witnessed, but were not involved in, a use of force incident. Accordingly, the restrictions set forth above do not extend to officers other than those using force.

5. INDEPENDENT CONTRACTOR; EMPLOYEE RESPONSIBILITY; PAYMENT.

Investigators provided by Parties shall meet the criterion established by the IFIT-KC Protocol and in compliance with WAC 139-12-030. Each member's employees shall be considered employees of their employing agency while participating in the investigation into the use of force. The member agencies shall be solely and exclusively responsible for the compensation and benefits for their employee(s) assigned to IFIT-KC. Each member agency shall generally be responsible for all costs of its participation, including overtime and/or back-fill requirements. All rights, duties, and obligations of the employer and employee shall remain with the party for which the employee works. Each member agency agrees to provide sufficient equipment needed by its participating employees to conduct a thorough investigation. Each party shall be responsible for ensuring compliance with all applicable laws with regard to its employees and with provisions of any applicable collective bargaining agreements and civil service regulations.

III. GENERAL PROVISIONS

1. INDEMNITY AND HOLD HARMLESS.

- a. Subject to Paragraph b below, each party to this Agreement agrees to indemnify and hold harmless the other member agencies and their elected officials, officers, employees, from any loss, claim, judgment, settlement of liability, including costs and attorneys' fees, arising out of and to the extent caused by the negligent acts or omissions of the indemnifying party. By mutual negotiation, each party hereby waives, as respects to IFIT-KC and all other non-indemnifying parties only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. In the event a non-indemnifying member incurs any judgment, award, and/or cost arising therefrom including attorneys' fees to enforce the provisions of this Section, all such fees. Expenses and costs shall be recoverable from the indemnifying party.
- b. Nothing herein shall require or be interpreted to cover or require indemnification or payment of any judgment against any individual or member agency/Party for intentionally wrongful conduct of any individual or for any judgment for punitive damages against any individual or member agency/Party. Payment of punitive damage awards shall be the sole responsibility of the individual who said judgment is rendered and/or his or her employer, should that employer elect to make said payment voluntarily and consistent with the requirements of Washington law.

ATTACHMENT 2

- c. Each member agency shall be responsible for selecting and retaining legal counsel for itself and or any employee of that agency which is named in a lawsuit alleging liability arising out of the operations of IFIT-KC. Each agency retaining counsel shall be responsible for payment of attorney's fees and costs incurred by that counsel. Should there be an agreement to share the costs of legal counsel, in lieu of the provisions above, such agreement shall be in writing.
- 2. **COUNTERPARTS.** This Agreement may be signed in counterparts and, if so signed, shall be deemed one integrated agreement.
- 3. **MERGER AND ENTIRE AGREEMENT.** This Agreement merges and supersedes all prior negotiations, representations, and/or agreements between the Parties relating to the subject matter of this Agreement and to independent investigative services for law enforcement-involved deadly uses of force, and it constitutes the entire contract between the Parties.
- 4. **NO THIRD-PARTY BENEFICIARIES.** There are no third-party beneficiaries to this Agreement, and this Agreement shall not impart any rights enforceable by any person or entity that is not a party hereto.
- 5. **SEVERABILITY.** If any part, paragraph, section, or provision of this Agreement is held to be invalid by any court of competent jurisdiction, such adjudication shall not affect the validity of any remaining section, part, or provision of this Agreement.
- 6. **TERM OF AGREEMENT AND TERMINATION.** This Agreement shall be effective on the date it is signed by two or more members and it shall become effective for a subsequently signing member on the date it is signed by the member. It shall remain effective until December 31, 2021, regardless of the date of execution, and shall be automatically renewed on the last day of December of each successive year for an additional one (1) year period. Additionally, any party may withdraw from this Agreement for any reason by providing written notice to each member agency of such withdrawal specifying the effective date thereof at least thirty (30) days prior to such date. The withdrawal of any party does not result in the dissolution of IFIT-KC, but rather the withdrawing party shall, after the effective date of the withdrawal, no longer be considered a party under this Agreement. This Agreement may be terminated, and the IFIT-KC dissolved at any time by unanimous agreement of the Executive Board.
- 7. **MODIFICATIONS.** The provisions of this Agreement may only be modified, amended, or supplemented by written agreement executed by all the Parties hereto.
- 8. **AGENCY CONTACTS**
 Contact between the Parties regarding Agreement administration will be between the representatives of each Party or their designee at the time of this Agreement. Updates to the IFIT-KC Agency Contact list shall be maintained by the Executive Board after execution of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement through their duly authorized officers as of the day and year written below for each.

ATTACHMENT 2

CITY OF BELLEVUE

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF DUVALL

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF KIRKLAND

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF CLYDE HILL

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF MEDINA

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF MERCER ISLAND

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

ATTACHMENT 2

CITY OF REDMOND

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

WASHINGTON STATE PATROL

 Name:

 Title:

 Date:

 Attest:
 Clerk

 Approved as to Form:

 Attorney

UNIVERSITY OF WASHINGTON

 Name:

 Title:

 Date:

 Attest:
 Clerk

 Approved as to Form:

 Attorney

CITY OF SNOQUALMIE

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

KING COUNTY SHERIFF'S OFFICE

 Name:

 Title:

 Date:

 Attest:
 Clerk

 Approved as to Form:

 Attorney

ATTACHMENT 2

CITY OF ISSAQUAH

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney

CITY OF LAKE FOREST PARK

 Name:

 Title:

 Date:

 Attest:
 City Clerk

 Approved as to Form:

 City Attorney



MEDINA, WASHINGTON

AGENDA BILL

July 12, 2021

Subject: Ordinance adding New MMC Chapter 12.44 Street Vacations

Category: Legislative Hearing and Adoption

Staff Contact: Scott Missall, City Attorney

Summary

The City Council completed its consideration of new MMC Chapter 12.44 (Street Vacations) at its June meeting, where it directed that final changes be made to Section 12.44.140 (Staff Report) to ensure a more thorough internal review and analysis of the vacation petition and a more complete presentation of such information for Council consideration. Those final changes are shown in underline and ~~strikeout~~ text in the following excerpt:

12.44.120 Staff report.

A. The planning manager and/or public works director or their designee(s) shall prepare a staff report which shall identify and address the requirements of this section, ~~and~~ the vacation criteria in MMC 12.44.140, and all other pertinent issues raised by or resulting from the vacation. The staff report shall be presented to the city council at the public hearing and as otherwise requested, appropriate or necessary, and may be supplemented as needed.

B. In preparing the staff report, the manager and/or director shall solicit comments and input from each of the city's ~~public works~~ departments, ~~and the police department,~~ and may solicit comments and input from other ~~city departments,~~ governmental agencies and entities, ~~and from~~ utility providers having an interest in or jurisdiction concerning ~~over or~~ utilities within the boundaries of the city, and from nearby or affected city residents.

C. The staff report shall minimally contain the following information:

1. All application materials submitted by the petitioner.
2. All comments regarding the vacation received by the city prior to distribution of the staff report.
3. Maps, diagrams and other information pertinent to and helpful for the city council's review, understanding and decision.
4. An analysis and evaluation of the proposed vacation relative to the following: the provisions of this chapter; applicable provisions of the MMC and Medina Comprehensive Plan, specifically including zoning and land use regulations; prior and pending vacations in the vicinity; and pertinent state laws and regulations.
5. A recent appraisal of the subject property in accordance with MMC 12.44.070.
6. A recommendation of the appropriate city council action regarding the petition.

D. Not less than five days prior to the hearing, the city clerk shall distribute the staff report to the city council and staff, each petitioner, and anyone submitting comments to the city regarding the petition or making a written request for a copy of the staff report.

These changes have been incorporated into the final ordinance presented for adoption today. Following the legislative hearing today, Staff recommends that Council adopt the ordinance as presented.

Attachment:

1. Final Ordinance No. 1003 adding new MMC Chapter 12.44,

Budget/Fiscal Impact: N/A

Staff Recommendation: Adopt Ordinance No. 1003 adding new Street Vacation Chapter 12.44

City Manager Approval: 

Proposed Council Motion: "I move to adopt Ordinance No. 1003 adopting new MMC Street Vacation Chapter 12.44 as presented."

Time Estimate: 10 minutes

ATTACHMENT 1

Ordinance No. 1003

MEDINA CITY COUNCIL

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, ADDING A NEW CHAPTER 12.44 TO THE MEDINA MUNICIPAL CODE REGARDING STREET VACATION POLICIES AND PROCEDURES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Medina Municipal Code (MMC) does not contain street vacation policies or procedures, which inhibits the City's efficient consideration and determination of petitions seeking vacation of City streets; and

WHEREAS, the City Council desires to establish street vacation policies, procedures, standards and criteria to better guide the City and the City Council in addressing street vacation petitions; and

WHEREAS, the Council engaged in a lengthy process of developing comprehensive street vacation policies and procedures, including legislative hearings regarding proposed new Chapter 12.44; and

WHEREAS, the City Council has duly considered **Exhibit A** to this Ordinance, comprising a new chapter 12.44 of the MMC entitled Street Vacations, and finds that it will provide the structure and guidance needed to address future street vacations, will reduce the City's costs and expenses in performing such actions, and will enable better decisions in the public interest;

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

Section 1. Adopt New MMC Chapter 12.44. For the reasons set forth above, the City Council hereby adopts new Chapter 12.44, entitled Street Vacations, into the Medina Municipal Code, all as set forth in attached **Exhibit A**, incorporated herein by this reference.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbering and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after such publication.

ATTACHMENT 1

APPROVED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 12TH DAY OF JULY, 2021 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 12TH DAY OF JULY, 2021.

Jessica Rossman, Mayor

Approved as to form:
Ogden Murphy Wallace, PLLC

Attest:

Scott M. Missall, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.:

EXHIBIT A**Medina Municipal Code
Title 12—Streets, Sidewalks and Public Places****New Chapter 12.44 Street Vacations**

- 12.44.010 Purpose.
- 12.44.020 Applicability.
- 12.44.030 Definitions.
- 12.44.040 Initiation of proceedings.
- 12.44.050 Petition by owners.
- 12.44.060 Resolution by council.
- 12.44.070 Appraisals.
- 12.44.080 Petition fees and costs; Compensation.
- 12.44.090 Date of public hearing.
- 12.44.100 Notice of public hearing.
- 12.44.110 Protest.
- 12.44.120 Staff report.
- 12.44.130 Hearing.
- 12.44.140 Vacation criteria.
- 12.44.150 Right to condition vacation and reserve public uses and easements.
- 12.44.160 Limitations on waterfront streets.
- 12.44.170 City Council decision.
- 12.44.180 Compensation for vacation.
- 12.44.190 Title to vacated public ROW.

12.44.010 Purpose.

The purpose of this chapter 12.44 is to establish procedures and criteria the city will use to review and decide upon the vacation of public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city. This chapter is intended to be consistent with, implement and supplement RCW Chapter 35.79, entitled Streets—Vacation.

12.44.020 Applicability.

This chapter applies to every request for vacation of public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city, and shall not apply to vacation or termination of other types of public property.

12.44.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not otherwise defined shall have their common and ordinary meaning:

A. “Owner” means the owners of fee title, mortgagors, and/or contract vendees of any interest in real estate.

B. "Petition" means a complete and sufficient petition meeting the requirements of this chapter and applicable state law.

C. "Petitioner" means any party who has filed a petition for vacation with the city clerk.

D. "Public right-of-way" or "public ROW" means public streets, alleys, sidewalks, trails and any other public grants, dedications and easements relating to street, pedestrian, or travel purposes within the city.

E. "Subject property" means the public street, alley, sidewalk, trail, and/or any other public property or easement, or portion thereof, sought to be vacated.

12.44.040 Initiation of proceedings.

A vacation may be initiated in two ways:

A. A resolution of the city council.

B. A petition of the owners of more than two-thirds of the property abutting or underlying the subject property as may be applicable.

12.44.050 Petition by owners.

The owners of an interest in real estate abutting upon or underlying public ROW may petition the city council for vacation thereof in accordance with requirements of this chapter.

A. The petitioner shall apply for a vacation by submitting the following to the city clerk:

1. A vacation petition with supporting affidavits on forms provided by the city.
2. A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, all prepared by a licensed surveyor registered in the state of Washington.
3. A legal description of the subject property prepared by a licensed surveyor registered in the state of Washington.
4. For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
5. The vacation fees as established by this chapter and city ordinance.
6. Any additional information or material the city determines is reasonably necessary for the city council to understand, consider and evaluate the requested vacation.

B. The petition shall be filed with the city clerk and shall be signed by owners of more than two-thirds of the property abutting the subject property (based on front footage) or underlying the subject property (based on square footage).

C. The city clerk shall determine the petition's compliance with this chapter. For the purpose of determining the sufficiency of signatures of owners of private property on a petition or a consent to vacate determined by the city council, the following rules shall govern as applicable:

1. The signature of an owner of property shall be as set forth in the King County assessor records and confirmed by a title report.
2. In the case of a property subject to a contract of purchase, the signature of the contract grantor and grantee shall be required.
3. In the case of property ownership by corporation or similar entity, the signature of the officer authorized by the bylaws and resolution of the board of directors evidenced by an excerpt of the bylaws and copy of the resolution, each duly certified by the secretary of the corporation, and granting such authority.
4. In the case of property owned or controlled by an estate, guardian or conservator of a decedent or incompetent, the signature of the duly qualified administrator, executor or guardian accompanied by a duly certified copy of his/her judicial appointment or designation.

12.44.060 Resolution by council.

The city council may initiate vacation procedures of public ROW by resolution, which shall contain a legal description and a survey of the subject property, and such other information as the city council may determine appropriate.

12.44.070 Appraisals.

Determinations of fair market value of the subject property shall be made by MAI appraisal of the subject property at the direction of the city manager or designee. Petitioners shall pay the cost of all such appraisals as established in MMC 12.44.080. Such appraisals shall take into account the full value of the released rights and of any rights retained by the city for future use(s) which would restrict the private use of the vacated property.

12.44.080 Petition fees and costs; Compensation.

A. The petition, properly signed, shall be filed with the city clerk and accompanied by payment of the application fee and the estimated appraisal cost, which amounts shall be paid into the general fund of the city to defray the costs and expenses incurred by the city to: appraise the subject property, determine the sufficiency of the petition, evaluate and investigate the petition, and report the facts, circumstances and conclusions concerning the petition to the city council. Fees and costs shall not be returned or refunded to the petitioners regardless of the city council's action on the petition.

B. The amount of the fees and costs due upon filing shall be as follows:

1. The minimum application fee established by the city's then current fee schedule.
2. An appraisal fee deposit of \$2,500, which may be adjusted by the city manager up to the amount of the MAI appraisal bid or estimate submitted to the city.

C. In the event that the application fee and/or the appraisal costs set forth in subsection (B) of this section is insufficient to reimburse the city for all of the city's costs and expenses incurred in

relation to the petition, the balance shall be paid by the petitioner immediately upon receipt of the city's invoice.

D. In the event the vacation is granted by the city council, the petitioner shall immediately pay upon receipt of an invoice the amount required by the city council as compensation for the area being vacated as provided in MMC 12.44.180. A vacation ordinance shall not be effective until such time as the petitioner pays all sums due to the city, including all compensation due to the city for the vacation and all costs and expenses of the city in processing the petition. The city shall not record an approved vacation ordinance until such time as all such compensation, fees, costs and reimbursements are paid in full. If any portion of such amount remains unpaid for 30 days after submittal of a final invoice to the petitioner, the city council shall rescind and vacate the approved vacation ordinance.

E. In the event that the city council initiates a vacation, fees shall not be required unless council directs otherwise.

12.44.090 Date of public hearing.

Upon determining the application for vacation is complete, or upon passage of a resolution by the city council seeking vacation, the council shall, by resolution, fix a time when the city will hold a public hearing on the proposed vacation. The hearing will be not more than sixty days nor less than twenty days after the date of passage of the resolution scheduling the public hearing.

12.44.100 Notice of public hearing.

A. Upon the passage of the council resolution fixing the date and time for a public hearing, the city clerk shall give twenty days' notice of the pendency of the petition.

B. The hearing notice shall contain the following information: a statement that a petition has been filed to vacate the subject property; the date, time and place fixed for the hearing of the petition; that interested persons may appear at the hearing and be heard for or against the petition; and that interested persons may submit written comment to the city clerk prior to or at the hearing.

C. The city clerk shall post and distribute the hearing notice as follows:

1. A copy shall be posted in three conspicuous public places in the city.
2. A copy shall be posted in a conspicuous place on the subject property or at a nearby location that can be viewed by the public.
3. A copy shall be posted on the city's website.
4. A copy shall be published in the official newspaper of the city.
5. A copy shall be mailed to each owner of property within 300 feet of the subject property, including all the petitioners, at a local address if a resident of the city, or otherwise to the last address showing on the records of the King County assessor.

12.44.110 Protest.

If fifty percent of the abutting property owners file written objection to a city council-initiated vacation with the city clerk prior to the time of the hearing, the city council shall be prohibited from proceeding with the vacation.

12.44.120 Staff report.

A. The planning manager and/or public works director or their designee(s) shall prepare a staff report which shall identify and address the requirements of this section, the vacation criteria in MMC 12.44.140, and all other pertinent issues raised by or resulting from the vacation. The staff report shall be presented to the city council at the public hearing and as otherwise requested, appropriate or necessary, and may be supplemented as needed.

B. In preparing the staff report, the manager and/or director shall solicit comments and input from each of the city's departments, and may solicit comments and input from other governmental agencies and entities, from utility providers having an interest or jurisdiction concerning utilities within the boundaries of the city, and from nearby or affected city residents.

C. The staff report shall minimally contain the following information:

1. All application materials submitted by the petitioner.
2. All comments regarding the vacation received by the city prior to distribution of the staff report.
3. Maps, diagrams and other information pertinent to and helpful for the city council's review, understanding and decision.
4. An analysis and evaluation of the proposed vacation relative to the following: the provisions of this chapter; applicable provisions of the MMC and Medina Comprehensive Plan, specifically including zoning and land use regulations; prior and pending vacations in the vicinity; and pertinent state laws and regulations.
5. A recent appraisal of the subject property in accordance with MMC 12.44.070.
6. A recommendation of the appropriate city council action regarding the petition.

D. Not less than five days prior to the hearing, the city clerk shall distribute the staff report to the city council and staff, each petitioner, and anyone submitting comments to the city regarding the petition or making a written request for a copy of the staff report.

12.44.130 Hearing.

A. At the day and time appointed for the hearing of the petition or city council resolution, or at such other day and time as the same may be continued or adjourned to by the city council, the matter shall be considered and persons desiring to speak for or against the vacation shall be heard in accordance with the council's usual rules.

B. The city council may deliberate on the merits of the petition in accordance with its usual rules, may adjourn from time to time and may recess to executive session as needed, may require additional information and evaluation from any petitioner or city staff, and may continue and resume the hearing as appropriate. At the conclusion of the city council's deliberations, the city council shall decide the petition in accordance with MMC 12.44.170.

12.44.140 Vacation criteria.

A. In determining whether to vacate the subject property, the city council shall consider, but shall not be limited to, the following criteria:

1. Whether a change of use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected needs.
2. Whether the subject property is no longer required for public use or public access.
3. Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.
4. Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.
5. Whether existing property access will be restricted or denied as a result of the vacation.
6. Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.

12.44.150 Right to condition a vacation and reserve public uses or easements.

Ordinances vacating all or any portion of the subject property may contain and require:

- A. Conditions on the allowed use(s) that the city council determines to be in the public interest.
- B. Provisions reserving, retaining or requiring conveyance of easements for any public use or purpose, including without limitation construction, repair and maintenance of existing and future public utilities and services.

12.44.160 Limitations on waterfront streets.

A. The city council shall not vacate public ROW governed by this chapter if any portion of the subject property abuts a body of fresh or salt water, unless:

1. The vacation is sought to enable the city to acquire the subject property for port purposes, beach or waterfront access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses; or
2. The city council, by resolution, declares that the subject property is not presently being used as a street, alley or public easement and that the subject property is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
3. The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the subject property abuts, had the subject property included in the plan not been vacated.

B. Before adopting a resolution vacating the subject property under subsection (A)(2) of this section, the city shall:

1. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the subject property;
2. Conduct a study to determine if the subject property is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education; and
3. Make a finding that the subject property is not suitable for any of the purposes listed under subsection (B)(2) of this section, and the vacation is in the public interest.

C. No vacation under this section shall be effective until the fair market value has been paid for the subject property and any other applicable provisions of this chapter have been met.

D. Moneys received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

12.44.170 City council decision.

The city council may grant or deny the petition in whole or in part and with or without conditions, reservations or requirements as the city council determines appropriate. Following the public hearing and conclusion of its deliberations, the city council shall either:

- A. Adopt an ordinance granting the vacation; or
- B. Adopt an ordinance denying the vacation; or
- C. Adopt a resolution of intent to vacate stating that the city council will, by ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

12.44.180 Compensation for vacation.

A. Ordinances vacating any public ROW shall not be adopted by the city council until the owners of the property abutting the subject property shall compensate the city in the amount required by this subsection.

B. Monetary compensation to be paid to the city in an amount of up to one-half of the appraised value for the subject property; provided, that compensation may be required in an amount of up to the full appraised value of the subject property if any of the following applies to the street, alley, or public easement:

1. The subject property has been part of a dedicated public right-of-way for twenty-five years or more; or
2. The subject property or portions thereof were acquired at public expense; or
3. The subject property abuts a body of water as outlined in MMC 12.44.160

C. In lieu of payment for monetary compensation, the petitioners may grant or dedicate to the city for street or other purposes, real property useful for that purpose where the property to be acquired by such exchange has a fair market value of at least equal to the amount of cash compensation that would otherwise be required.

1. The city shall not be obligated to accept such an exchange and the decision of the city manager on the acceptability of the alternative property offered shall be final.

D. Where a vacation was initiated by city council resolution, abutting property owners may not be required to make payment to the city for such vacation where:

1. The street, alley or public easement was not acquired at city expense;
2. The city determines the street, alley or public easement is not needed for public travel either now or in the foreseeable future;
3. The city's maintenance or upkeep of the subject property is unrelated to any use of the street, alley, or public easement for public travel.

E. Where a vacation is applied for by or on behalf of another governmental agency or jurisdiction, the city council may waive any compensation required by this code and may also waive filing fees, if the council deems such a waiver to be in the public's interest and advantage.

1. A vacation of property in which compensation has been waived on behalf of a governmental agency or jurisdiction shall be accompanied by a covenant providing the city shall be compensated by the fair market value of the interest conveyed or vacated at the time of any future sale or lease of the subject property by said other governmental agency.

12.44.190 Title to vacated public ROW.

Title to any vacated portion of the subject property shall pass in accordance with Washington State statutory and common law governing title to vacated rights-of-way.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 12, 2021

Subject: Medina Municipal Code Recodification: First Reading and Public Hearing

Category: Public Hearing

Staff Contacts: Aimee Kellerman, CMC, City Clerk; Scott Missall, City Attorney

Summary

Recodification Project. As part of Central Services technology software consolidation project and service level agreement introduced at the May 10 City Council meeting, the Medina Municipal Code has undergone a complete overhaul that includes removal, renumbering and/or editing of the Medina Municipal Code's current titles, chapters, and sections. This project specifically included the following:

- * Removal of all repealed and reserved titles, chapters, and sections, except for Title 7 which will remain reserved for future use.
- * Renumbering of chapters and sections accordingly throughout the Code.
- * Identification and conformance of internal references throughout the Code to conform with the new numbering.
- * Adding the newly-assigned section numbers to the history notes following each Code section to reflect the origin of each.
- * Text edits needed to facilitate the recodification, but without substantive changes to existing Code text.
- * Creation of a "Code Comparative Table – 1988 Code" which shows the old and new number of every section to facilitate location and conversion of Code references and material.
- * Addition of the following appendices: Ordinance List and Disposition Table; Code Comparative Table – 1988 Code; Code Comparative Table – Ordinances; and Code Index.

The complete recodification package comprises 656 pages and is available for public inspection prior to adoption as follows: (i) in pdf format as part of the Council's July 13 Agenda Packet; (ii) in pdf format on the City's website; and (iii) in physical hard copy at the City Clerk's Office. The Table of Contents for the recodification package is attached as **Attachment 1** to this Agenda Bill to provide a convenient reference as to the scope of the project. A draft Ordinance approving the recodification is attached as **Attachment 2**.

Process and Schedule. RCW 35A.21.130 requires a recodification project to comply with RCW 35.21.500-.570. Those statutes in turn require a first reading of the ordinance title, a public hearing, and adoption of an enacting ordinance. The schedule for these actions is as follows:

- * July 12 Council meeting: First reading of ordinance and public hearing on recodification
- * September 13 Council meeting: Completion of public hearing; adopt recodification

Attachments

- Table of Contents for the recodification package
- DRAFT Ordinance No. 1000 approving recodification; including **Exhibit A** Medina Code of Ordinances Recodification Proof (pdf format)

Budget/Fiscal Impact: varies on number of ordinances adopted throughout the year

Recommendation: Conduct first reading; open and conduct hearing; continue hearing to September 13 Council meeting.

City Manager Approval: 

Proposed Council Motion: "I move to continue the Public Hearing to the September 13 City Council meeting for final action."

Time Estimate: 10 minutes

ATTACHMENT 1

CODE OF ORDINANCES
CITY OF
MEDINA, WASHINGTON

Published in 2021 by Order of the City Council



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ATTACHMENT 1

ATTACHMENT 1

OFFICIALS

of the

CITY OF

MEDINA, WASHINGTON

AT THE TIME OF THIS REPUBLICATION

Jessica Rossman
Mayor

Cynthia Adkins
Deputy Mayor

Roger Frey
Jennifer Garone
Harini Gokul
Alex Morcos
Bob Zook
City Council

Michael Sauerwein
City Manager

Aimee Kellerman
City Clerk

Dawn Nations
Deputy City Clerk

ATTACHMENT 1

ATTACHMENT 1**PREFACE**

This Code constitutes a republication of the general and permanent ordinances of the City of Medina, Washington.

Source materials used in the preparation of the republication were the 1988 City Code, as updated through Ordinance 995 adopted February 8, 2021. The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the 1988 Code. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Code, as updated.

The Code has been arranged into titles, chapters, and sections. The various sections within each title have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this republication.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a title of the republication, the number to the left of the colon indicates the number of the title. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this republication at this time, and their corresponding prefixes:

CODE TITLE	T1:1
ORDINANCE DISPOSITION TABLE	ODT:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page

ATTACHMENT 1

or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This republication was under the direct supervision of Tassy Spinks, Vice President, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Aimee Kellerman, City Clerk, Dawn Nations, Deputy City Clerk, and Stephanie Keyser, Planning Manager, for their cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a republication of this Code of Ordinances which will make the active law of the borough readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Medina, Washington. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Medina, Washington.

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ATTACHMENT 1

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ATTACHMENT 2

Ordinance No. 1000

MEDINA CITY COUNCIL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RECONFIGURING, RECODIFYING AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF MEDINA PURSUANT TO RCW 35A.21.130; ELIMINATING PREVIOUSLY REPEALED TITLES, CHAPTERS AND SECTIONS; REARRANGING AND RENUMBERING TITLES, CHAPTERS AND SECTIONS; CONFORMING INTERNAL REFERENCES AND CROSS-REFERENCES ACCORDINGLY; PROVIDING TABLES AND INDICES TO FACILITATE LOCATION AND CONVERSION OF CODE REFERENCES AND MATERIAL; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2021 FOR THE NEW CITY OF MEDINA MUNICIPAL CODE HEREIN ADOPTED; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina Municipal Code (MMC or Code) has been compiled, adopted, effectuated, altered, and amended over several decades; and

WHEREAS, the City desires to recodify and republish the MMC to reestablish a coherent numbering and reference system; eliminate repealed titles, chapters and sections; rearrange and renumber titles, chapters and sections; and update and coordinate numbering and standard referencing of and within the Code; and

WHEREAS, the City has completed that work, which is reflected by and composed of the new Medina Municipal Code recodification package, attached hereto and available on the City website (in pdf format) and in hard copy at the City Clerk's office (hereinafter the Recodification); and

WHEREAS, RCW 35A.21.130 requires that compilation, codification and revision of city codes shall conform with RCW 35.21.500 through RCW 35.21.570, which statutes authorize recodification and provide a process to accomplish that involving a first reading, public inspection and hearing, and Council enactment of the recodification; and

WHEREAS, those actions were completed as follows: at the July 12, 2021 City Council meeting this Ordinance received its first reading and a public legislative hearing was commenced on the Recodification; the Recodification was posted on the City's website in pdf format and available in hard copy at the City Clerk's office for the purpose of public inspection; and at the September 13, 2021 City Council meeting the public legislative hearing was completed and this Ordinance was presented to the City Council for adoption and enactment of the Recodification; and

WHEREAS, the City Council has determined that the Recodification of the MMC as described and provided in this Ordinance meets and fulfills the statutory requirements and is ready for enactment; and

WHEREAS, the Recodification will enhance the utility of the Code, will facilitate administrative and legislative management and upkeep of the Code, and will take advantage of current technology enabling better integration with the City's other records systems, all of which will expedite the City's business and management tasks and increase the efficiency of City business; and

ATTACHMENT 2

WHEREAS, the City Council therefore desires to adopt and enact the new Medina Municipal Code Recodification package as attached hereto;

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

Section 1. Findings. The City Council adopts the foregoing recitals as its findings and conclusions in adopting this Ordinance and enacting the Medina Municipal Code Recodification package, attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. Adoption, Enactment and Effective Date. The Medina Municipal Code Recodification package, attached hereto as **Exhibit A**, is adopted and enacted as the formal and official City of Medina Municipal Code and shall be in full force and effect commencing as of 12:01 a.m. on October 1, 2021.

Section 3. Formal Title Designation: Future Amendment. As and from the date and time specified in Section 2 above, the Medina Municipal Code Recodification adopted by the Ordinance shall be known and referenced as the Medina Municipal Code (MMC), and may thereafter be further amended or modified pursuant to the City's usual procedures.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 7. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE XX DAY OF XX 20XX BY A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE XX DAY OF XX 20XX.

Jessica Rossman, Mayor

Approved as to form:
Ogden Murphy Wallace, PLLC

Attest:

Scott M. Missall, City Attorney

Aimee Kellerman, City Clerk

ATTACHMENT 2

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB

ATTACHMENT 2

EXHIBIT A
TO
ORDINANCE NO. 1000

Medina Municipal Code Recodification

[attached]

EXHIBIT A

CODE OF ORDINANCES
CITY OF
MEDINA, WASHINGTON

Published in 2021 by Order of the City Council



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EXHIBIT A

EXHIBIT A

OFFICIALS

of the

CITY OF

MEDINA, WASHINGTON

AT THE TIME OF THIS REPUBLICATION

Jessica Rossman
Mayor

Cynthia Adkins
Deputy Mayor

Roger Frey
Jennifer Garone
Harini Gokul
Alex Morcos
Bob Zook
City Council

Michael Sauerwein
City Manager

Aimee Kellerman
City Clerk

Dawn Nations
Deputy City Clerk

EXHIBIT A

EXHIBIT A**PREFACE**

This Code constitutes a republication of the general and permanent ordinances of the City of Medina, Washington.

Source materials used in the preparation of the republication were the 1988 City Code, as updated through Ordinance 995 adopted February 8, 2021. The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the 1988 Code. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Code, as updated.

The Code has been arranged into titles, chapters, and sections. The various sections within each title have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this republication.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a title of the republication, the number to the left of the colon indicates the number of the title. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this republication at this time, and their corresponding prefixes:

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Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page

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or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This republication was under the direct supervision of Tassy Spinks, Vice President, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Aimee Kellerman, City Clerk, Dawn Nations, Deputy City Clerk, and Stephanie Keyser, Planning Manager, for their cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a republication of this Code of Ordinances which will make the active law of the borough readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

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- 1.15.040. Remedies not exclusive.
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- 1.15.070. First contact—Warning notice.
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- 1.15.100. Citation.
- 1.15.110. Contents of a citation.
- 1.15.120. Response to a citation.
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- 1.15.140. Contested citation hearing.
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1.15.230.	Appeal hearing for a notice of violation.
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1.01.090**CHAPTER 1.01. CODE ADOPTION****1.01.010. Adoption.**

Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the "Medina Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Code 1988 § 1.01.010; Ord. No. 476 § 1, 1988)

1.01.020. Title—Citation—Reference.

This Code shall be known as the "Medina Municipal Code" and it shall be sufficient to refer to said code as the "Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portions thereof as an addition to, amendment to, correction or repeal of the "Medina Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Medina Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Code 1988 § 1.01.020; Ord. No. 476 § 2, 1988)

1.01.030. Codification authority.

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Medina, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Code 1988 § 1.01.030; Ord. No. 476 § 3, 1988)

1.01.040. Ordinance passed prior to adoption of Code.

The last ordinance included in the initial Code is Ordinance 469, passed January 11, 1988. The following ordinances, passed subsequent to Ordinance 469, but prior to the adoption of this Code, are adopted and made a part of this Code: Ordinances 470, 471, 472, 473, 474, 475. (Code 1988 § 1.01.040; Ord. No. 476 § 4, 1988)

1.01.050. Reference to apply to all amendments.

Whenever a reference is made to this Code as the "Medina Municipal Code" or to any portion thereof, or to any ordinance of the City of Medina, Washing-

ton, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Code 1988 § 1.01.050; Ord. No. 476 § 5, 1988)

1.01.060. Title, chapter and section headings.

Title, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Code. (Code 1988 § 1.01.060; Ord. No. 476 § 6, 1988)

1.01.070. Reference to specific ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Code 1988 § 1.01.070; Ord. No. 476 § 7, 1988)

1.01.080. Effect of Code on past actions and obligations.

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Code, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the revisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Code 1988 § 1.01.080; Ord. No. 476 § 8, 1988)

1.01.090. Effective date.

This Code shall become effective on the date the ordinance adopting this Code as the "Medina Municipal Code" shall become effective. (Code 1988 § 1.01.090; Ord. No. 476 § 9, 1988)

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1.01.100. Constitutionality.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(Code 1988 § 1.01.100; Ord. No. 476 § 10, 1988)

CHAPTER 1.04. GENERAL PROVISIONS**1.04.010. Definitions.**

The following words or phrases, whenever used in the ordinances of the city, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of the words and phrases:

- A. *City* and *town* each mean the City of Medina, Washington, or the area within the territorial limits of the City of Medina, Washington, and such territory outside Medina over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. *Council* means the city council of the City of Medina. "All its members" or "all councilpersons" means the total number of councilpersons holding office.
- C. *County* means the county of King.
- D. *Law* denotes applicable federal law, the Constitution and statutes of the State of Washington, the ordinances of the City of Medina, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. *May* is permissive.
- F. *Month* means a calendar month.
- G. *Must* and *shall* are each mandatory.

- H. *Oath* includes an affirmation or declaration in all cases in which, by law, an affirmation or declaration under penalties of perjury may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
 - I. *Owner*, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
 - J. *Person* includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
 - K. *Personal property* includes money, goods, chattels, things in action and evidences of debt.
 - L. *Preceding* and *following* mean next before and next after, respectively.
 - M. *Property* includes real and personal property.
 - N. *Real property* includes lands, tenements, and hereditaments.
 - O. *Sidewalk* means that portion of a street located anywhere between the curbline and the adjacent property line intended for the use of pedestrians.
 - P. *State* means the State of Washington.
 - Q. *Street* includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
 - R. *Tenant* and *occupant*, applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
 - S. *Written* includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
 - T. *Year* means a calendar year.
- (Code 1988 § 1.04.010; Ord. No. 468 § 1, 1988)

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1.08.030**1.04.020. Title of office.**

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of Medina.

(Code 1988 § 1.04.020; Ord. No. 468 § 2, 1988)

1.04.030. Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Code 1988 § 1.04.030; Ord. No. 468 § 3, 1988)

1.04.040. Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City of Medina, unless it is apparent from the context that a different construction is intended:

- A. *Gender.* Each gender includes the masculine, feminine, and neuter genders.
- B. *Singular and plural.* The singular number includes the plural and the plural includes the singular.
- C. *Tenses.* Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

(Code 1988 § 1.04.040; Ord. No. 468 § 4, 1988)

1.04.050. Acts by agents.

When an act is required by any ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent.

(Code 1988 § 1.04.050; Ord. No. 468 § 5, 1988)

1.04.060. Prohibited acts include causing and permitting.

Whenever in the ordinances of the City of Medina, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Code 1988 § 1.04.060; Ord. No. 468 § 6, 1988)

1.04.070. Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a holiday, in which case it shall also be excluded.

(Code 1988 § 1.04.070; Ord. No. 468 § 7, 1988)

1.04.080. Construction.

The provisions of the ordinances of the City of Medina, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(Code 1988 § 1.04.080; Ord. No. 468 § 8, 1988)

1.04.090. Repeal not to revive ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

(Code 1988 § 1.04.090; Ord. No. 468 § 9, 1988)

CHAPTER 1.08. FORM OF GOVERNMENT**1.08.010. Purpose of provisions.**

It is the purpose of this chapter to adopt for the city the classification of noncharter code city under RCW Title 35A, Optional Municipal Code, as the same may provide greater flexibility in the operation of the city's government and so ability to meet the governmental needs of the community.

(Code 1988 § 1.08.010; Ord. No. 258 § 1, 1970)

1.08.020. Classification.

The classification of noncharter code city under RCW Title 35A, is adopted for the city; the city having heretofore and on April 13, 1970, adopted its Resolution 100 declaring the council's intention to adopt such classification and the same having thereafter been published in a newspaper of general circulation within the city without the filing of any referendum petition within 90 days thereafter.

(Code 1988 § 1.08.020; Ord. No. 258 § 2, 1970)

1.08.030. Continuation of council-manager plan.

No new form or organization of the city's government is intended to be adopted with its reclassification

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as a noncharter code city, but the same shall continue under the council-manager plan as in Chapter 35A.13 RCW provided. In addition to duties as provided by law, the city manager shall be responsible for coordination of fire and marine protective services, emergency services, emergency medical services and such other related functions and duties, and may assign from time to time such responsibility to other city officers or employees, or may contract for performance of such services upon approval of the city council.
(Code 1988 § 1.08.030; Ord. No. 477 § 5, 1988; Ord. No. 258 § 3, 1970)

1.08.040. Scope of provisions.

It is the intention of the city that all rights and actions be preserved to it notwithstanding the adoption of the classification of noncharter code city as in RCW 35A.90.010 provided, including, without limitation, any direct, representative, or derivative rights it may have or have had in regard to local service districts serving areas embraced by the city or having property or facilities therein.
(Code 1988 § 1.08.040; Ord. No. 258 § 4, 1970)

CHAPTER 1.12. GENERAL PENALTY**1.12.010. Violation—Penalty.**

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the city is guilty of a violation. Except in cases where a different punishment is prescribed by ordinance, any person convicted of a violation of the ordinances of the city shall be punished by a fine not to exceed \$500.00.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Medina is committed, continued or permitted by any such person, and he is punishable accordingly.
(Code 1988 § 1.12.010; Ord. No. 467 § 1, 1988)

CHAPTER 1.15. CODE ENFORCEMENT**1.15.010. Purpose.**

The purpose of this chapter is to provide the authority and procedures to be used in enforcing the provisions set forth in this chapter.
(Code 1988 § 1.15.010; Ord. No. 848 § 3, 2010)

1.15.020. Definitions.

A. Words in this chapter used in the singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.

B. The following definitions shall apply to this chapter:

1. *Citation* means an order that represents a decision by a code enforcement officer that a violation has been committed.
2. *City* means City of Medina.
3. *Code enforcement officer* means the city employee designated by the city manager to enforce the provisions set forth in this chapter. The city employee shall have knowledge of the principles, practices, methods and techniques of code violation investigation and enforcement.
4. *Days* means calendar days.
5. *Fine* means a monetary sum imposed as punishment for an offense.
6. *Incidental expenses* means personnel costs, both direct and indirect, attorneys' fees, costs incurred in documenting the violation, hauling, storage and disposal expenses, restoration costs, and actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work and the costs of any required printing and mailing, and other expenses prescribed by law.
7. *Notice of violation* means a notification that denotes an activity and/or condition is in violation of the law.
8. *Person responsible for the violation* means any person who commits any act or omission which is a violation or causes or permits a violation of the city code to occur or remain upon property in the city, and includes but is not limited to owners, lessees, tenants, contractors, subcontractors or other persons entitled to control, use and/or occupy property where a violation occurs.

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9. *Repeat violations* means:

- a. The same or similar violation, as determined by the code enforcement officer, occurring on the same property within a consecutive 24-month time period.
- b. The same person committing the same violation or similar violation, as determined by the code enforcement officer, on a different property within the city limits of Medina within a consecutive 24-month time period.

10. *Violation* means an act or omission contrary to city code including a condition resulting from such act or omission.

(Code 1988 § 1.15.020; Ord. No. 848 § 3, 2010)

1.15.030. **Applicability.**

This chapter applies to any violations of:

- A. MMC Title 16, Unified Development Code;
- B. Chapter 8.04 MMC, Nuisances;
- C. Chapter 8.06 MMC, Noise;
- D. Chapter 12.08 MMC, Construction in Streets;
- E. Chapter 12.32 MMC, Structures in Unimproved Portions of Public Rights-of-Way;
- F. Chapter 13.06 MMC, Stormwater;
- G. Chapter 16.75 MMC, Construction Activity Permit;
- H. Chapter 16.50 MMC, Critical Areas; and
- I. Other Medina Municipal Code sections that make reference to this chapter.

(Code 1988 § 1.15.030; Ord. No. 939 § 2, 2016; amended by city 7/2014; Ord. No. 906 § 5, 2014; Ord. No. 900 § 6, 2013; Ord. No. 876 § 1, 2011; Ord. No. 874 § 1, 2011; Ord. No. 852 § 1, 2010; Ord. No. 848 § 3, 2010)

1.15.040. **Remedies not exclusive.**

The procedures set forth in this chapter are not exclusive and shall not in any manner limit or restrict the city from remedying violations or abating violations in any manner authorized by law.

(Code 1988 § 1.15.040; Ord. No. 848 § 3, 2010)

1.15.050. **Types of enforcement action.**

A. The following is a list of enforcement actions for achieving code compliance:

1. Warning notice issued pursuant to MMC 1.15.070;
2. Citation issued pursuant to MMC 1.15.100;
3. Notice of violation issued pursuant to MMC 1.15.200;
4. Misdemeanor pursuant to MMC 1.15.400.

B. Both a citation and a notice of violation shall not be issued for the same violation. However, a citation and a notice of violation can be issued for the same activity or condition if there are multiple violations and each citation or notice of violation issued is consistent with the provisions of this chapter.

(Code 1988 § 1.15.050; Ord. No. 848 § 3, 2010)

1.15.060. **Initiation—Investigation.**

The code enforcement officer may initiate an investigation of a violation in response to receipt of a complaint, field observations, or other reliable information. Any records associated with a complaint may be subject to the state Public Disclosure Law.

(Code 1988 § 1.15.060; Ord. No. 848 § 3, 2010)

1.15.070. **First contact—Warning notice.**

A. When a code enforcement officer confirms the existence of a violation, the code enforcement officer may provide a warning to secure correction of the violation by contacting the person responsible for the violation, explaining the violation, and requesting corrective action within a reasonable time period.

B. When written notice is provided, it shall be in the form of a warning notice and contain the following information:

1. The tax parcel number or street address where the violation occurred or is located;
2. A statement describing the violation and referencing the code section violated;
3. A date by which the violation must be corrected;
4. A statement of potential consequences for failure to complete the corrective action; and

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5. Other information, as determined necessary by the code enforcement officer.

C. A stop work order or an emergency order may serve as first contact in lieu of a warning notice. (Code 1988 § 1.15.070; Ord. No. 848 § 3, 2010)

1.15.080. Stop work order.

A. Whenever a code enforcement officer finds any work being performed in a manner in violation of the provisions set forth in MMC 1.15.030, or in a dangerous or unsafe manner, the code enforcement officer is authorized to issue a stop work order.

B. A stop work order shall be in writing on a form determined by the code enforcement officer and shall state the reason for the order and the conditions under which the work cited will be permitted to resume.

C. A stop work order shall be given to the owner of the property involved, and/or to the owner's agent, and/or to the person doing the work.

D. Upon issuance of a stop work order, the work cited shall immediately cease. (Code 1988 § 1.15.080; Ord. No. 848 § 3, 2010)

1.15.090. Correction agreement.

A. A correction agreement is a voluntary compliance agreement where the person responsible for the violation agrees to correct a violation within a specified time period and in accordance with specified conditions.

B. The city and the person responsible for the violation may enter into a correction agreement at any time.

C. A correction agreement shall contain the following:

1. The name and address of the person responsible for the violation;
2. The street address or other description that is sufficient to identify the location of the violation;
3. A statement of each code section or requirement violated, and a concise description of the violation;
4. The date the violation was observed;

5. A list of required corrective actions to remedy the violation, and a date and time by which the corrective actions must be completed;

6. A statement by the person responsible for the violation that:

- a. They committed the violation;
- b. They agree to waive the right to appeal the determination of a violation and the specified corrective action;
- c. The city may recover its costs and expenses, and monetary penalties from the person responsible for the violation if the terms of the correction agreement are not satisfied;

7. A statement by the property owner that the code enforcement officer may inspect the location of the violation as necessary to determine compliance with the correction agreement; and

8. Signature of the person to whom the correction agreement is directed and/or the property owner, as applicable.

D. If the code enforcement officer is not satisfied that the terms of the correction agreement are met, the person responsible for the violation shall be assessed monetary penalties consistent with MMC 1.15.330. Monetary penalties shall be assessed retroactively to the date the person responsible for the violation was first notified to take corrective actions.

E. The code enforcement officer may grant a time extension for correcting a violation, or may modify the conditions for corrective action, if:

1. The person responsible for the violation has shown due diligence or substantial progress towards correcting the violation; and
2. Unforeseen circumstances delayed correction under the original conditions; and
3. The person responsible for the violation requests in writing and establishes a clear need for a time extension or modification of the original conditions.

(Code 1988 § 1.15.090; Ord. No. 848 § 3, 2010)

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1.15.120**1.15.100. Citation.**

A. The following violations listed in MMC 1.15.030 shall be subject to the citation and/or criminal provisions set forth in this chapter:

1. Exceeding noise standards established in MMC 8.06.010 that are administered under the authority of the administrator or hearing examiner.
2. Failure to comply with the terms and conditions of a code of conduct or construction mitigation plan issued pursuant to Chapter 16.75 MMC.
3. Failure to comply with erosion control measures and erosion best management practices prescribed in Chapter 13.06 MMC.
4. Any illicit discharges of or into stormwater, illegal dumping of or into stormwater and/or illicit connections to a stormwater facility as prescribed in Chapter 13.06 MMC.
5. Failure to comply with a stop work order issued pursuant to MMC 1.15.080.
6. Failure to obtain a tree removal permit as prescribed in MMC 16.52.160.
7. Failure to obtain and/or comply with the terms and conditions of a right-of-way permit issued pursuant to MMC 12.08.010.
8. Placement of a structure or object in a city right-of-way in violation of Chapter 12.32 MMC.

B. A citation shall be issued in writing and carry a fine pursuant to MMC 1.15.330(A). Payment of the fine shall not relieve the person responsible for a violation from the obligation to correct, abate or stop the violation.

C. Each day a violation continues to exist shall constitute a separate violation upon which a new citation may be issued and another fine assessed. Nothing in this chapter shall be construed to restrict the city's ability to issue a new citation or pursue other enforcement actions prescribed by this chapter as long as the violation continues to exist.

(Code 1988 § 1.15.100; Ord. No. 959 § 2, 2018; Ord. No. 939 § 3, 2016; Ord. No. 876 § 2, 2011; Ord. No. 848 § 3, 2010)

1.15.110. Contents of a citation.

A. A citation shall contain the following:

1. The name and address of the person being cited;
2. The street address or other description that is sufficient to identify the location of the violation;
3. A statement of each code section or requirement violated;
4. The date of the violation;
5. A statement of the fine being imposed pursuant to MMC 1.15.330(A);
6. A statement that the person named in the citation must respond within 14 days after the citation was served;
7. A statement of the options to respond and the procedures to exercise these options;
8. A statement that the citation represents a final decision, unless contested as provided for in this chapter;
9. A certified statement by the code enforcement officer, authorized by RCW 9A.72.085, setting forth facts supporting the citation; and
10. Other pertinent information, as determined by the city.

B. The code enforcement officer may amend the citation at any time to correct clerical errors or to cite additional authority for a stated violation.

C. The code enforcement officer may withdraw a citation at any time if it was issued in error.

D. The citation shall be served upon persons responsible for a violation by one of the methods prescribed in MMC 1.15.310.

(Code 1988 § 1.15.110; Ord. No. 848 § 3, 2010)

1.15.120. Response to a citation.

A. A person named in a citation must respond to the citation by one of the following methods:

1. Pay the fine, in which case the record shall show the person named has committed the violation; or

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2. Request a mitigation of the fine, in which case the person named agrees they committed the violation, but want to present mitigating circumstances in determining the fine; or
3. Request a contested hearing and appeal the issuance of the citation and fine.

B. When requesting a mitigation of the fine, or a contested hearing, the person named in the citation shall make the request in writing and include an address and contact information where notices should be sent.

C. A response to a citation must be received no later than 14 days after the date the citation was served. The response shall be delivered by mail or by hand to the address listed on the citation. If mailed, the date post marked shall be considered the date of the response.

D. Failure to respond to the citation within the specified time period shall result in a final order being entered that the person named in the citation committed the violation stated and that the fine specified shall be assessed.

E. Payment of a fine shall not relieve the person named in the citation of the responsibility to cure, abate or stop the violation.

F. A request for a contested hearing shall not stay further enforcement action, or relieve the person responsible for the violation from correcting the violation.

(Code 1988 § 1.15.120; Ord. No. 848 § 3, 2010)

1.15.130. Mitigation of fines.

A. If a person named in a citation responds with a request for a mitigation of the fine, the person shall include a written explanation of the circumstances why the fine should be reduced.

B. By requesting a mitigation of the fine, the person named in the citation agrees to waive the right to appeal the citation and final determination of the fine.

C. The city manager or designee, after considering the written explanation of the circumstances, may reduce the fine by not more than 50 percent; provided, that the person named in the citation has:

1. Corrected the violation within the 14 days set forth in MMC 1.15.120(C).

2. Contacted the code enforcement officer to verify that the violation has been corrected.

D. The person named in the citation has the burden of proof to demonstrate the violation has been corrected.

E. The city manager or designee's decision to mitigate a fine shall be based on an evaluation of individual circumstances including, but not limited to:

1. Severity of the violation;
2. Repeat violations;
3. The public interest being protected; and
4. The responsiveness to correct, abate, or stop the violation.

F. The decision to mitigate the fine shall be made in writing. A copy of the decision shall be sent to the person named in the citation and any other party who requests in writing a copy of the decision.

(Code 1988 § 1.15.130; Ord. No. 848 § 3, 2010)

1.15.140. Contested citation hearing.

A. If a person named in a citation responds with a request for a contested hearing, they shall specify the reason why the cited violation did not occur, or why the person named in the citation is not responsible for the violation.

B. The hearing examiner shall hold a hearing within 60 days after the city's receipt of the response.

C. Notice of the time, place and date of the hearing shall be sent by first class mail at least ten days prior to the date of the hearing to the address provided in the response.

D. A contested hearing shall be conducted as an open record hearing in accordance with the rules set forth in MMC 2.72.060 and supplemented by this chapter.

E. Each party to the hearing shall be allowed to:

1. Call, examine and cross-examine witnesses on any matter relevant to the issues of the hearing, subject to reasonable limitation by the hearing examiner;
2. Offer evidence;
3. Rebut evidence; and

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4. Represent themselves or by anyone of their choice who is lawfully permitted to do so.

F. The city may request dismissal of a request for a contested hearing, and the hearing examiner is authorized to grant such dismissal if the response to the citation is untimely, incomplete, frivolous, or the reasons stated are beyond the hearing examiner's jurisdictional authority.

G. The certified statement or declaration, authorized by RCW 9A.72.085, submitted by the code enforcement officer shall be prima facie evidence that the stated violation occurred and that the person named is responsible. The certified statement or declaration of the code enforcement officer authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

H. The person named in the citation may rebut the city evidence and establish that the cited violation did not occur or that the person named is not responsible for the violation.

I. The hearing examiner shall consider the evidence and testimony presented at the hearing and based on this information shall reverse or affirm the citation and/or fine in whole or in part. The hearing examiner's decision shall be issued within 15 days following the close of the hearing.

J. The hearing examiner's decision is a final order pursuant to MMC 1.15.310. Any judicial review must be commenced in King County superior court within 21 days in accordance with RCW 36.70C.040.

K. A copy of the decision shall be sent to the person named in the citation and any party requesting in writing a copy of the decision.
(Code 1988 § 1.15.140; Ord. No. 848 § 3, 2010)

1.15.200. Notice of violation.

A. All violations of the Medina Municipal Code set forth in MMC 1.15.030, except as otherwise provided in MMC 1.15.100, shall be subject to the notice of violation and/or criminal provisions set forth in this chapter.

B. Whenever a warning notice issued pursuant to MMC 1.15.070, or other efforts, fails to gain correction of a violation, the code enforcement officer may initiate notice of violation procedures.

C. The issuance of a notice of violation shall be in writing and may carry monetary penalties pursuant to MMC 1.15.330(B). Payment of a monetary penalty shall not relieve the person responsible for the violation from the obligation to correct, abate or stop the violation.

D. The notice of violation represents a determination that the person named in the notice is responsible for the violation and must correct the violation by the date stated in the notice. A correction agreement as set forth in MMC 1.15.090 may be incorporated into the notice of violation at the discretion of the code enforcement officer.

E. Failure to respond to the notice of violation within the time period specified shall result in the person named in the notice of violation being found to have committed the violation stated in the notice and are responsible for paying any monetary penalties assessed in the notice. The code enforcement officer shall note in writing the failure to respond and this shall constitute a final order pursuant to MMC 1.15.310.

F. The code enforcement officer may at any time add to, rescind in part, or otherwise modify a notice of violation by issuing a supplemental notice of violation. The supplemental notice of violation shall be governed by the same procedures applicable to all notice of violations set forth in this chapter.

G. The code enforcement officer may withdraw a notice of violation if it was issued in error.

H. The notice of violation shall be served by one of the methods prescribed in MMC 1.15.320.

I. Each day a violation continues to exist shall constitute a separate violation. Nothing in this chapter shall be construed to restrict the city's ability to issue a new notice of violation or pursue other enforcement actions prescribed by this chapter as long as the violation continues to exist.
(Code 1988 § 1.15.200; Ord. No. 848 § 3, 2010)

1.15.210. Effective date and content of a notice of violation.

A. A notice of violation shall be effective on the date it is served.

B. A notice of violation shall contain the following:

1. The name and address of the person being cited;

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2. The street address or other description that is sufficient to identify the location of the violation;
 3. A statement of each code section or requirement that was violated;
 4. The date the violation was observed and a time and date for compliance;
 5. A list of suggested corrective actions to remedy the violation;
 6. A statement that the notice of violation shall become a final decision, unless appealed pursuant to MMC 1.15.220;
 7. A statement of the appeal procedures consistent with MMC 1.15.220;
 8. A statement that failure to file a timely and complete appeal shall constitute a waiver of the right to appeal the notice of violation;
 9. The signature of the code enforcement officer issuing the notice of violation; and
 10. Other pertinent information, as determined by the code enforcement officer.
- (Code 1988 § 1.15.210; Ord. No. 848 § 3, 2010)

1.15.220. Appeal of a notice of violation.

A. Upon service of a notice of violation, the person named in the notice of violation shall have 14 days to request an appeal hearing before the hearing examiner.

B. The request for an appeal hearing must be in writing and must be accompanied by the appropriate fee.

C. The content of the appeal must include the following information:

1. A brief statement of the grounds for the appeal;
2. Facts or evidence upon which the appeal is based;
3. A complete copy of the notice of violation; and
4. The mailing address and contact information where notices can be sent.

D. The appeal shall be filed at the address indicated on the notice of violation.

E. If an appeal is filed during the pendency of the appeal hearing, all activities associated with the alleged violation cited on the notice of violation shall cease. Any penalty accruing shall be stayed pending the outcome of the appeal hearing.
(Code 1988 § 1.15.220; Ord. No. 848 § 3, 2010)

1.15.230. Appeal hearing for a notice of violation.

A. The hearing examiner shall hold the appeal hearing within 90 days after the city's receipt of the request for an appeal hearing.

B. Notice of the time, place and date of the hearing will be sent by first class mail at least ten days prior to the date of the hearing to the address provided in the appeal.

C. The appeal hearing shall be conducted as an open record hearing in accordance with the rules for hearings set forth in MMC 2.72.060 and supplemented by this chapter.

D. Each party to the hearing shall be allowed to:

1. Call, examine and cross-examine witnesses on any matter relevant to the issue of the hearing, subject to reasonable limitations by the hearing examiner.
2. Introduce evidence.
3. Rebut evidence.
4. Represent themselves or anyone of their choice who is lawfully permitted to do so.

E. The city may request dismissal of a request for an appeal hearing, and the hearing examiner is authorized to grant such dismissal, if the filing of the appeal is untimely, incomplete, frivolous, or the reasons stated are beyond the hearing examiner's jurisdictional authority.

F. The city has the burden of proof by a preponderance of the evidence that the person named in the notice of violation committed the violation.

G. Following review of the submitted evidence, the hearing examiner shall make written findings and conclusions:

1. Affirming or modifying the notice of violation if the hearing examiner finds that a violation occurred and the person named in the notice of violation is responsible for the violation; or

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2. Reversing the notice of violation if the hearing examiner finds that either no violation occurred or the person named in the notice of violation did not commit the violation.

H. The hearing examiner's decision is a final order pursuant to MMC 1.15.310. Any judicial review must be commenced in King County superior court within 21 days in accordance with RCW 36.70C.040.

I. A copy of the hearing examiner's decision shall be provided to all parties involved in the appeal hearing and any party requesting in writing a copy of the decision.

J. Optional hearing examiner prehearing briefing process:

1. A prehearing briefing process may be conducted:
 - a. By agreement of the parties to the appeal; or
 - b. At the hearing examiner's own initiative.
 2. The purpose of a prehearing briefing is to facilitate a full and fair hearing on the merits in cases that may involve complex or confusing factual issues or legal arguments.
- (Code 1988 § 1.15.230; Ord. No. 848 § 3, 2010)

1.15.300. Failure to appear at a contested or appeal hearing.

A. Failure to appear at a hearing to contest a citation or appeal of a notice of violation shall result in a final order entered finding the person named to have committed the violation and the penalties assessed. In addition, the hearing examiner may include in the order an administrative fee for the cost of scheduling the hearing.

B. For good cause shown and upon terms the hearing examiner finds just, the hearing examiner may set aside an order entered for failure to appear.

(Code 1988 § 1.15.300; Ord. No. 848 § 3, 2010)

1.15.310. Final order for enforcement.

A. A final order constitutes a final determination that a violation has occurred, the person named is responsible for the violation, and administrative options to contest the decision are exhausted.

B. If after any order duly issued by the code enforcement officer or hearing examiner becomes final, and the person, firm or corporation to whom the order is directed does not obey the order, including refusal to pay monetary penalties assessed under the order, the city may:

1. Cause such person, firm, or corporation to be prosecuted under the provisions of this chapter;
2. Institute appropriate action to collect monetary penalties in accordance with the provisions of this chapter;
3. Abate the violation in accordance with provisions of this chapter and state law;
4. Pursue other reasonable remedies as allowed by law.

(Code 1988 § 1.15.310; Ord. No. 848 § 3, 2010)

1.15.320. Method of service.

A. Warning notices, citations and notice of violations shall be served upon the responsible person to whom it is directed by one or more of the following methods:

1. Personal service, or by leaving a copy at the person's usual abode with a person over the age of 18 who resides there;
2. Mailing a copy of the notice to such person at his/her last known address; and/or
3. Posting a copy of the notice in a conspicuous place on the affected property or structure.

B. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made.

C. Service by mail shall be effective on the date of postmark.

D. Failure of any person to actually receive the warning notice, citation, or notice of violation shall not invalidate any code enforcement action.

(Code 1988 § 1.15.320; Ord. No. 848 § 3, 2010)

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A. Monetary penalties for a citation shall be in accordance with Table 1.15.330:

Table 1.15.330

Code Provision	First Violation	Second Violation	Third and Subsequent Violations
Exceeding noise standards	\$100.00	\$200.00	\$500.00
Failure to comply with code of conduct or construction mitigation plan	\$100.00	\$400.00	\$750.00
Failure to comply with erosion control measures and best management practices	\$100.00	\$200.00	\$500.00
Illicit discharges of or into stormwater, illegal dumping of or into stormwater and/or illicit connections to a stormwater facility	\$300.00	\$600.00	\$900.00
Failure to comply with a stop work order	\$300.00	\$750.00	\$1,500.00
Failure to obtain a tree removal permit	\$300.00	\$500.00	\$750.00
Failure to obtain and/or comply with a right-of-way permit	\$100.00	\$400.00	\$750.00
Placement of a prohibited structure or object in city right-of-way	\$50.00	\$100.00	\$300.00

B. Monetary penalties for a notice of violation shall be as follows:

1. First day of each violation, \$100.00;
2. Second day of each violation, \$200.00;
3. Third day of each violation, \$300.00;
4. Fourth day of each violation, \$400.00;
5. Each additional day of violation beyond four days, \$500.00 per day.

C. Violations involving the tree regulations set forth in Chapter 16.52 MMC and the shoreline master program set forth in Chapters 16.60 through 16.67 MMC shall have the monetary penalties prescribed by this section assessed on a per tree basis.
(Code 1988 § 1.15.330; Ord. No. 959 § 2, 2018; Ord. No. 939 § 4, 2016; Ord. No. 909 § 4, 2014; Ord. No. 876 § 3, 2011; Ord. No. 848 § 3, 2010)

1.15.340. Collection of monetary penalties.

A. When an order becomes final, the city at its option may:

1. Collect the monetary penalties through its own efforts;
2. Assign to a collection agency the collection of any monetary penalties or cost of abatement that have been assessed under the provisions of this chapter; and/or
3. Commence a civil action in any court of competent jurisdiction to collect the monetary penalties and abatement costs assessed under the provisions of this chapter.

B. The monetary penalties and abatement costs are deemed public debt and the city may retain collection agencies to collect such debt pursuant to RCW 19.16.500, as presently existing or as subsequently may be amended.

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C. The city may convert the hearing examiner's order or final order into a judgment.
(Code 1988 § 1.15.340; Ord. No. 848 § 3, 2010)

1.15.350. Emergency order.

A. The code enforcement officer may issue an emergency order whenever the city becomes aware of a condition or activity that creates an immediate and emergent threat to the public health, safety or welfare or to the environment.

B. The emergency order shall state the reason for the order and the conditions that must be remedied.

C. Upon issuance of an emergency order, the cited activity shall cease and any unsafe or dangerous condition shall be immediately remedied, including by immediate abatement by the city if the code enforcement officer finds it necessary.

D. The person named in the emergency order may appeal the order within 14 days from the date of issuance of the order in accordance with the same procedures for appealing a notice of violation set forth in MMC 1.15.220.

E. An appeal of an emergency order shall not stay the requirement to immediately take action to remedy any dangerous or unsafe conditions.
(Code 1988 § 1.15.350; Ord. No. 848 § 3, 2010)

1.15.400. Criminal violations.

A. In addition to, or as an alternative to, the civil violation actions prescribed by this chapter, the code enforcement officer may refer a violation to the city prosecuting attorney who shall have the ability to file the violation as a criminal misdemeanor in a court of competent jurisdiction.

B. Any person who willfully or knowingly violates any city code or regulation by way of repeat violations, or by any act of commission or omission procures, aids or abets such violation, is guilty of a criminal misdemeanor and upon conviction shall be punishable by a fine not to exceed \$1,000.00, or imprisonment for a term not to exceed 90 days, or both. Each day during which a violation continues to exist shall be considered an additional violation.
(Code 1988 § 1.15.400; Ord. No. 848 § 3, 2010)

1.15.500. Abatement by the city.

A. The city may abate a condition which was caused by, or continues to be, a code violation when:

1. The terms of a correction agreement prescribed by this chapter have not been met; or
2. A citation was issued pursuant to this chapter, the period for filing a contested hearing has expired, and the required correction has not been completed; or
3. A notice of violation was issued pursuant to this chapter, the period for filing an appeal has expired, and the required correction has not been completed; or
4. The condition is subject to an emergency order and summary abatement as prescribed by this chapter, or other specific provisions of city or state law.

B. Whenever a violation of a regulation causes a condition, of which the continued existence constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily, and without prior notice, abate the condition.

1. Notice of the summary abatement shall be given after the abatement to the person responsible for the violation as soon as reasonably possible. The notice shall include the reason for the summary abatement.
2. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Using any lawful means, the city or its agents may enter upon the subject property for summary abatement, and may remove or correct the condition which is subject to the abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Any person who knowingly obstructs, impedes or interferes with the city or its agents, or with the person responsible for the violation, in the performance of duties imposed by this chapter shall be guilty of a misdemeanor punishable pursuant to MMC 1.15.400.

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E. The costs of the abatement, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and shall become due and payable to the city within 30 days. All such costs and expenses shall constitute a lien against the affected property.

F. Restoration costs may include, but are not limited to:

1. Replacement of all improperly removed trees and vegetation with approved species such that the biological and habitat values will be replaced to the greatest extent possible.
2. The cost of studies by qualified experts to determine the conditions which were likely to exist prior to alteration and the most effective means of restoration shall be included.
3. Costs of restoration shall also include installation of interim and emergency erosion control measures until such time as the restored site complies with city requirements.

(Code 1988 § 1.15.500; Ord. No. 848 § 3, 2010)

1.15.510. Entry to buildings and premises—Warrants.

A. Whenever it is necessary to make an inspection to determine if a violation has occurred or is occurring, or to enforce any provision of the Medina Municipal Code, or enforce any corrective actions issued under this chapter, the code enforcement officer may enter any building or premises at any reasonable time, provided:

1. If the subject building or premises is occupied, the code enforcement officer shall first present credentials and request entry; or
2. If the subject building or premises is not occupied, the code enforcement officer shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and request entry.
3. If such entry is refused or the owner or other person having charge of the building or premises cannot be located, the code enforcement officer shall have recourse to every remedy provided by law to secure entry, including recourse to a court of competent jurisdiction for issuance of a warrant authorizing such entry and inspection.

4. If the code enforcement officer believes that the conditions create an immediate and irreparable health or life safety hazard, the code enforcement officer may make entry.

B. It is unlawful for any owner, occupant or any other person having charge, care or control of any building, structure, property or portion thereof, after proper demand has been given, to fail or neglect to permit the code enforcement officer prompt entry.
(Code 1988 § 1.15.510; Ord. No. 848 § 3, 2010)

1.15.520. Lien authorized.

A. The city shall have a lien for any monetary penalty imposed, the cost of any abatement work done pursuant to this chapter, together with any costs including personnel costs, both direct and indirect, and attorney and expert witness fees against the real property on which the monetary penalty was imposed or any abatement work performed.

B. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on parity.

C. The code enforcement officer shall cause a claim for lien to be filed for record within 90 days from the date that the monetary penalty is due or the date the work is completed or the violations abated, whichever is later.

1. The claim of lien shall contain sufficient information regarding the notice of violation, as determined by the applicable code enforcement officer, description of the property to be charged with the lien and the owner of record, and the total amount of the lien.
2. Any such claim of lien shall be verified by the code enforcement officer, and may be amended from time to time to reflect changed conditions.
3. No such liens shall bind the affected property for a period longer than five years without foreclosure or extension agreed to by the property owner.
4. The code enforcement officer may record supplemental or modified liens as necessary.

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5. The city may foreclose any lien as if it were a mechanics lien.
(Code 1988 § 1.15.520; Ord. No. 848 § 3, 2010)

1.15.530. Suspension of permits.

A. The city manager or designee may temporarily suspend any permit issued by the city under any ordinance for failure of the holder or the holder's contractor or agent to comply with the requirements of an issued permit, an issued notice of violation or citation, or a stop work order or emergency order.

B. Such permit suspension shall be carried out by the notice of violation provisions of this chapter, and the suspension shall be effective upon service of the notice of violation on the holder or holder's contractors or agents. The holder or holder's contractors or agents may appeal such suspension as provided by this chapter for a notice of violation.

C. Notwithstanding any other provision of this chapter, whenever the city manager or designee finds that a violation of any city ordinance, or rules and regulations adopted hereunder, has created, or is creating, an unsanitary, dangerous or other condition which is deemed to constitute an immediate and irreparable hazard, suspension and termination of operations under the permit may be required immediately without service of a written notice of violation.
(Code 1988 § 1.15.530; Ord. No. 848 § 3, 2010)

1.15.540. Revocation of permit.

A. The city manager or designee may permanently revoke any permit issued by the city under any ordinance for any of the following reasons:

1. Failure of the holder or holder's contractors or agents to comply with the requirements of any issued permit; or
2. Failure of the holder or holder's contractors or agents to comply with any notice of violation issued pursuant to this chapter; or
3. Interference with the code enforcement officer in the performance of official duties; or
4. Discovery that a permit was issued on the basis of incorrect information supplied to the city.

B. Such permit revocation shall be carried out through the notice of violation provisions of this chapter and the revocation shall be effective upon service of the notice of violation upon the holder or holder's contractors or agents.

C. A revocation may be appealed as provided for by this chapter for a notice of violation.

D. A permit may be suspended pending its revocation or a hearing relative thereto.
(Code 1988 § 1.15.540; Ord. No. 848 § 3, 2010)

1.15.600. Duty not creating liability.

No provision or term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.
(Code 1988 § 1.15.600; Ord. No. 848 § 3, 2010)

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Title 2

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- 2.04.010. Regular meetings.
- 2.04.020. Place.
- 2.04.030. Rules of order.
- 2.04.040. Duties of presiding officer.
- 2.04.050. Authority of chair.
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ADMINISTRATION AND PERSONNEL

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2.04.060**CHAPTER 2.04. CITY COUNCIL MEETINGS****2.04.010. Regular meetings.**

Regular meetings of the city council will be held on the second and fourth Monday of each month, commencing at 4:00 p.m. or as soon thereafter as a council quorum is established by roll call of the city clerk, subject to the following:

- A. In the event a regular meeting date falls on a legal holiday, the regular meeting day shall be held on the Tuesday following the second and fourth Mondays of each month.
- B. The second meeting of the month is set as a regular meeting for the convenience of the council and the efficient performance of the council's duties and the city's business, and may be canceled in the event city or council business does not warrant convening such meeting.
- C. No regular meetings will be scheduled in the month of August.
- D. For the duration of the COVID pandemic or until further action of the city council, the council intends that commencement of the regular council meeting on such dates as they are held shall be preceded by the regular CEMP incident commander's COVID-19 briefing.
(Code 1988 § 2.04.010; Ord. No. 982 § 1, 2020; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 824 § 1, 2008; Ord. No. 518 § 1, 1990; Ord. No. 472 § 1, 1988; Ord. No. 28 § 1, 1956; Ord. No. 1 § 1, 1955)

2.04.020. Place.

The regular meeting place of the city council will be at the Medina City Hall, 501 Evergreen Point Road, Medina, WA 98039.
(Code 1988 § 2.04.020; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 1 § 2, 1955)

2.04.030. Rules of order.

Except as otherwise provided in this chapter, the procedure of the meetings of the city council shall be governed by Robert's Rules of Order Revised, current edition.
(Code 1988 § 2.04.030; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 1, 1955)

2.04.040. Duties of presiding officer.

It is the duty of the presiding officer of the council meeting to:

- A. Call the meeting to order.
- B. Keep the meeting to its order of business.
- C. Handle discussion in an orderly way:
 - 1. Give every councilmember who wishes a chance to speak;
 - 2. Permit audience participation at appropriate times;
 - 3. Keep all speakers to the rules of order, and to the questions;
 - 4. Give pro and con speakers alternating opportunities to speak.
- D. State each motion before it is discussed, and before it is voted upon.
- E. Put motions to a vote and announce the outcome.
- F. Appoint and participate in committees when authorized to do so.
(Code 1988 § 2.04.050; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 3, 1955)

2.04.050. Authority of chair.

All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.
(Code 1988 § 2.04.060; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 4, 1955)

2.04.060. Right to speak.

- A. No member of the council shall speak more than twice on the same subject without permission of the presiding officer.
- B. No person who is not a member of the council shall be allowed to address the council while in session without the permission of the presiding officer.
(Code 1988 § 2.04.070; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 5, 1955)

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A. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

B. A motion for adjournment shall always be in order, but adjournment may be by consensus at the end of a regular meeting and completion of the council's business.

C. Motions to reconsider must be by a member who voted with the majority on the action for which reconsideration is sought. Such motion shall be brought at the same or next succeeding meeting of the council. (Code 1988 § 2.04.080; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 10, 1955)

2.04.080. Ordinances, resolutions and motions to be written.

Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances shall be in writing. (Code 1988 § 2.04.090; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 9, 1955)

2.04.090. Suspension of rules.

The rules of the city council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present. (Code 1988 § 2.04.100; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 11, 1955)

2.04.100. Committees.

The city council may, from time to time, appoint temporary or long-term committees from among its membership. All committees shall dissolve at the time of the biennial election of council mayor and deputy mayor council elections.

The chairperson, if any, of each respective committee of the council, or the councilmember acting for her/him in her/his place, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council. (Code 1988 § 2.04.110; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 755 § 1, 2003; Ord. No. 2 § 8, 1955)

2.04.110. Attendance of officers.

The city manager, clerk, and city attorney, and such other officers or employees of the city as may by the council be requested to do so, shall attend all meetings of the council and shall remain in the council room for such length of time as the council may direct. (Code 1988 § 2.04.120; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 12, 1955)

2.04.120. Duty to vote.

Each member attending the meeting must vote on all questions put to the council, except as to any matter in which such councilmember has a personal financial interest. (Code 1988 § 2.04.140; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 7, 1955)

2.04.130. Duty of clerk.

The clerk shall keep a full and true account of all the proceedings of the council. (Code 1988 § 2.04.150; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 2 § 6, 1955)

2.04.140. Special meetings.

A. Special meetings may be called by the mayor or any three councilmembers by written notice delivered to each member of the council at least 24 hours before the time specified for the proposed meeting.

B. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or television station, as provided in RCW 42.30.080 as now or hereafter amended. (Code 1988 § 2.04.160; Ord. No. 981 § 1 (Exh. A), 2020; Ord. No. 460 § 1, 1988; Ord. No. 3 § 1, 1955)

CHAPTER 2.08. POLICE DEPARTMENT**2.08.010. Created.**

The creation of a city police department of the city government is hereby memorialized, said department

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to be under the general supervision and control of the head of the executive branch of the city, the city manager.

(Code 1988 § 2.16.010; Ord. No. 722 § 1, 2001; Ord. No. 254 § 1, 1970)

2.08.020. Organization.

The commissioned staff of the department shall consist of a chief of police and a sufficient number of command, supervisory, investigative and patrol officers to effectively and efficiently discharge the responsibilities of the department. A commissioned officer of the department shall be a full-time employee and certified as a law enforcement officer by the Washington State Criminal Justice Training Commission. The non-commissioned staff of the department shall consist of a records manager and a sufficient number of clerical support personnel as may be required to effectively and efficiently discharge the responsibilities of the department.

(Code 1988 § 2.16.020; Ord. No. 722 § 1, 2001; Ord. No. 477 § 3, 1988; Ord. No. 254 § 2, 1970)

2.08.030. Duties of the police chief.

The chief of police shall be chief executive officer of the department, responsible for the effectiveness thereof, enforcement of state and local laws and general protection of the safety and welfare of the community, its residents and the general public. The chief of police shall be appointed by and under the general supervision and control of the city manager, reporting to the city manager or to the council as the city manager directs. The chief of police shall be assisted by a staff as set forth in MMC 2.08.020, who shall have such duties and responsibilities as the chief shall assign. The chief of police shall meet all requirements of the Washington State Criminal Justice Training Commission related to certification of law enforcement officers.

In addition to the duties provided by law, the chief of police shall be responsible for coordination of fire and marine protective services, emergency medical services and other related functions and duties, unless the city manager contracts for such services or otherwise assigns these duties to other city employees.

(Code 1988 § 2.16.030; Ord. No. 722 § 1, 2001; Ord. No. 477 § 4, 1988; Ord. No. 254 § 3, 1970)

CHAPTER 2.12. CIVIL SERVICE SYSTEM**2.12.010. Civil service system adopted.**

Pursuant to the authorization of RCW 41.12.010, a civil service system for the City of Medina is hereby adopted. The civil service system shall consist of Chapter 41.12 RCW as previously adopted by the city, amended as explicitly set forth in this chapter. Three copies of Chapter 41.12 RCW were attached to Ordinance No. 183 when the original system was adopted in 1966.

(Code 1988 § 2.20.010; Ord. No. 794 § 1, 2006; Ord. No. 183 § 1, 1966)

2.12.020. Appointment of civil service commissioners.

Members of the civil service commission of the city shall be appointed by the city manager with the approval of the city council. If the city manager has recommended three persons for appointment to a particular position, none of whom have been approved by the city council, then he may select the appointee from among the number so recommended for appointment. (Code 1988 § 2.20.020; Ord. No. 183 § 2, 1966)

2.12.030. Filling of vacancies in police department.

A. In addition to any opportunity afforded the appointing authority to exercise a choice in the filling of a vacancy in the police department by the terms of Chapter 41.12 RCW, as amended, and as adopted by the city as set out in MMC 2.12.010 and 2.12.020, whenever requisition is made upon the civil service commission for the names of persons eligible for appointment to any vacancy, including both original appointments and promotions, the commission, instead of furnishing the name of the one person highest on the eligibility list, shall certify to the appointing authority the names of the three persons highest on such eligibility list for each vacancy, if there are three such persons available, and shall indicate the grade received by any such person in a civil service examination. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority shall then appoint one of the certified persons to such vacant position.

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B. Any rule or regulation of the civil service commission which might otherwise limit the certification of less than three applicants shall be construed and applied so as to allow and provide for the certification of three or more applicants as provided in this section. (Code 1988 § 2.20.030; Ord. No. 356 §§ 1, 2, 1979)

2.12.040. Chief of police exempt.

Pursuant to RCW 41.12.050, the chief of police shall be excluded from the civil service, and consistent with MMC 2.08.030 shall be appointed by the city manager. (Code 1988 § 2.20.040; Ord. No. 477 § 6, 1988)

2.12.050. Appointment of secretary and chief examiner.

The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may either be original and open to all properly qualified members of the public or promotional, and limited to persons already in the service of the city. The secretary and chief examiner need not be a citizen of the city. (Code 1988 § 2.20.050; Ord. No. 578 § 1, 1993)

2.12.060. Probationary periods.

The probationary period authorized by RCW 41.12.100 shall be 12 months of full-time service from the date of graduation from the Washington State Criminal Justice Training Commission Academy. Minor absences due to vacations, annual military leave, illness and similar causes shall not be construed as interrupting the probationary period. If an absence or absences are considered to be excessive the city may apply for and the secretary will approve for good cause shown a departmental request for interruption of the probationary period to a total probationary period not to exceed 18 months in length dating from the date of graduation from the academy. (Code 1988 § 2.20.060; Ord. No. 794 § 2, 2006)

CHAPTER 2.16. BOARDS AND COMMISSIONS**2.16.010. Election of chairpersons and vice-chairpersons.**

Commencing at its regularly scheduled meeting for the month of January, 1987, the members of the planning commission and park board shall select from

among their members by a majority vote, a chairperson and a vice-chairperson to serve for a one-year term. Previous service of nominees shall not affect their ability to serve. (Code 1988 § 2.24.010; Ord. No. 710 § 1, 2001; Ord. No. 436 § 1, 1986)

CHAPTER 2.20. MEETINGS AFFECTED BY PUBLIC HOLIDAYS**2.20.010. Rescheduling.**

When the regularly established time for meetings of the council or of boards, bureaus and commissions of the city falls upon a public holiday, then such meeting shall be held on the next succeeding weekday, and the council or the board, bureau or commission in question shall have full authority as if such meeting had been held on the regular date and such regular date had not been a public holiday. (Code 1988 § 2.28.010; Ord. No. 57 § 1, 1957)

CHAPTER 2.24. PARKS AND RECREATION BOARD**2.24.010. Parks and recreation board.**

There is created a parks and recreation board, consisting of seven regular voting members, to provide guidance in meeting the parks and recreational needs of the city by advising the city council and staff on matters relating to planning, acquisition, development and operation of park facilities and recreational programs within the city. (Code 1988 § 2.40.010; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 771 § 1, 2004)

2.24.020. Membership.

A. *Type and number of members.* The type and number of members of the parks and recreation board shall be as follows:

1. *Regular voting members.* The parks and recreation board shall consist of seven regular voting members, each of whom shall be appointed as set forth in this chapter for a term of four years. Terms shall expire on June 30th.
2. *Optional emeritus member.* An optional emeritus member may be appointed to the parks and recreation board as set forth in this chap-

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ter. The optional emeritus member shall be entitled to participate in all discussions and meetings of the parks and recreation board in an advisory capacity, but shall not vote, count toward the quorum, or serve as chairperson or vice chairperson. The term of the optional emeritus member shall be four years and shall expire on June 30th.

3. *Optional youth members.* Up to three optional youth members may be appointed to the parks and recreation board as set forth in this chapter. Youth members shall be between the ages of 15 and 18 and enrolled in high school. The optional youth members shall be entitled to participate in all discussions and meetings of the parks and recreation board in an advisory capacity, but shall not vote, count toward the quorum, or serve as chairperson or vice chairperson. The term of the optional youth member shall be one year and shall expire on June 30th.

B. Appointment—Residence—Compensation. The council personnel committee shall interview all candidates for membership and recommend appointment, which shall require confirmation by the city council, for membership on the parks and recreation board. Except for the optional emeritus member, all voting and youth members of the parks and recreation board must reside within the city limits of Medina. Parks and recreation board members shall be selected and serve without compensation.

C. Removal. Any member of the parks and recreation board may be removed at any time by the mayor, with the prior consent of the city council, for neglect of duty, conflict of interest, malfeasance in office or other just cause, or for unexcused absence for more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal.

D. Vacancies. Vacancies, occurring other than through the expiration of term, shall be filled for the unexpired term in the same manner as for appointments as provided by this chapter.
(Code 1988 § 2.40.020; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 957 § 1, 2018; Ord. No. 946 § 1, 2017; Ord. No. 771 § 1, 2004)

2.24.030. Meetings.

A. Election of officers. The parks and recreation board shall elect from among its voting members a chairperson, who shall preside at all meetings, and a vice chairperson, who shall preside in the absence of the chairperson. The chairperson and vice chairperson shall be elected each January.

B. Quorum. A majority of the parks and recreation board voting members appointed as set forth in this chapter shall constitute a quorum for the transaction of the board's business. In the case where the voting members are an even number, half of the voting members plus one additional voting member shall constitute a quorum for the transaction of business. A majority vote of those present shall be necessary to carry any motion.

C. Rules and regulations. The parks and recreation board shall adopt such rules and regulations as are necessary for the conduct of its business.

D. Time. The regular meeting of the parks and recreation board will be held on the third Monday of each month, commencing at 5:00 p.m.

E. Place. The regular meeting place of the parks and recreation board will be at Medina City Hall located at 501 Evergreen Point Road.

F. Special meetings. The parks and recreation board may, from time to time, provide for special meetings in accordance with Chapter 42.30 RCW, the Open Public Meetings Act.

G. Staffing. Staff provided to the parks and recreation board shall be advisory.

H. Documentation. The parks and recreation board shall ensure its meetings are recorded and a monthly summary of its actions and decisions are reflected in the board's minutes.
(Code 1988 § 2.40.030; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 902 § 1, 2013; Ord. No. 898 § 1, 2013; Ord. No. 839 § 1, 2009; Ord. No. 771 § 1, 2004)

2.24.040. Duties and responsibilities.

The parks and recreation board shall be an advisory board to the city council, responsible for providing guidance concerning the following matters:

- A. Comprehensive park planning.
- B. Acquisition of park land and/or facilities.

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- C. Development, design and operation of parks and recreation programming and facilities.
- D. Use fees and procedures for collecting fees.
- E. Park, play field and facility design.
- F. Capital improvements planning.
- G. Regulations and restrictions governing the hours of park and facilities use.
- H. Concessions.
- I. Contracts, interlocal agreements, and lease agreements regarding parks and recreation activities.
- J. Proposed annual budget for the acquisition, development and operation of parks and recreation facilities and programs.
- K. All matters as may from time to time be referred to the parks and recreation board by the city council or the city manager.

(Code 1988 § 2.40.040; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 771 § 1, 2004)

2.24.050. Reporting.

The parks and recreation board shall provide a written report to the city council at least once each quarter on progress made on established work plans of the board. The board shall report at other times to the city council such recommendations, events and activities as necessary or directed by the city council to carry out the board's established duties and responsibilities.

(Code 1988 § 2.40.050; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 771 § 1, 2004)

2.24.060. Severability.

If a court of competent jurisdiction should hold any section, sentence, clause or phrase of the ordinances or regulations codified in this chapter invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinances or regulations codified in this chapter.

(Code 1988 § 2.40.060; Ord. No. 986 § 1 (Exh. A), 2020; Ord. No. 771 § 1, 2004)

CHAPTER 2.28. PLANNING COMMISSION**2.28.010. Membership—Appointment—Term of office.**

A. The city planning commission shall consist of seven members who shall be appointed by the mayor and confirmed by the council.

B. The term of office of each member shall be four years. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms.

C. Members may be removed by the mayor, with the approval of the council, for such causes as the council may deem sufficient which shall be set forth in a letter to the member or members affected; provided, that should the member or members affected request public hearing thereon, there shall be such a hearing before removal.

D. The members shall be selected to represent a cross-section of the community thinking and they shall serve without compensation.

E. No person and no two members of the same household shall serve on both the planning commission and the board of adjustment at the same time.

(Code 1988 § 2.44.010; Ord. No. 408 § 1, 1985; Ord. No. 363 § 1, 1980; Ord. No. 26 § 1, 1956; Ord. No. 8 § 1, 1955)

2.28.020. Powers and duties.

The planning commission shall have all of the powers and perform each and all of the duties, subject to the limitations expressed therein, specified in Chapter 35A.63 RCW, as now or hereafter adopted, together with any other duties and authority which may hereafter be conferred on the commission by laws of the state. (Code 1988 § 2.44.020; Ord. No. 363 § 2, 1980; Ord. No. 8 § 2, 1955)

2.28.030. Advisory capacity.

The city council may refer to the planning commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter 35A.63

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RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel deemed proper.
(Code 1988 § 2.44.030; Ord. No. 363 § 3, 1980; Ord. No. 8 § 3, 1955)

2.28.035. Meetings.

A. *Time.* The regular meeting of the planning commission will be held on the fourth Tuesday of each month, commencing at 6:00 p.m.

B. *Place.* The regular meeting place of the planning commission will be at Medina City Hall located at 501 Evergreen Point Road.

C. *Special meetings.* The commission may, from time to time, provide for special meetings in accordance with Chapter 42.30 RCW, the Open Public Meetings Act.
(Code 1988 § 2.44.035; Ord. No. 839 § 2, 2009)

2.28.040. Quorum.

A. A majority of the membership appointed and confirmed pursuant to MMC 2.28.010(A) of the planning commission shall constitute a quorum for the transaction of business.

B. In the case where the appointed and confirmed membership is an even number, half of the appointed and confirmed membership plus one member shall constitute a quorum for the transaction of business.

C. Any action taken by a majority of those present at any regular or special meeting of the planning commission where a quorum is present shall be deemed and taken as the action of the commission. If a quorum is not present at any regular or special meeting of the planning commission, the member or members present may adjourn said meeting to a later date, not later than the regular meeting of the commission.
(Code 1988 § 2.44.040; Ord. No. 898 § 2, 2013; Ord. No. 363 § 4, 1980; Ord. No. 145 § 1, 1963; Ord. No. 8 § 6, 1955)

2.28.050. Secretary.

The city manager or designee shall act as secretary to the planning commission.
(Code 1988 § 2.44.050; Ord. No. 839 § 3, 2009; Ord. No. 8 § 5, 1955)

2.28.060. Annual report.

The planning commission shall, on or before the 31st day of January of each year, make a full report in writing to the city council of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters within its authority as may to it seem proper.
(Code 1988 § 2.44.060; Ord. No. 8 § 7, 1955)

CHAPTER 2.32. PUBLIC RECORDS**2.32.010. Relationship to Public Records Act.**

This chapter constitutes the city's rules and regulations to carry out and implement the Public Records Act, Chapter 42.56 RCW.
(Code 1988 § 2.48.010; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.020. Public records officer.

The city clerk shall serve as the city's public records officer. Contact information for the city clerk will be made available to the public in a manner reasonably calculated to provide notice of to whom members of the public may direct requests, such as posting such contact information at City Hall or on the city's website.
(Code 1988 § 2.48.020; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.030. Hours for inspection and copying.

Public records shall be available for inspection and copying during office hours.
(Code 1988 § 2.48.030; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.040. Index of public records—Findings.

A. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

B. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with agency operations.

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C. The city is comprised of numerous departments, their divisions and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.

D. Because the city has records which are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases, it is unduly burdensome, if not physically impossible, to maintain a current index of all records.

(Code 1988 § 2.48.040; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.050. Index of public records—Order.

Based upon the findings set forth in MMC 2.32.040, and pursuant to RCW 42.56.070(4), the city council orders the following:

- A. The city is not required to maintain an all-inclusive index of public records due to the undue burden and near impossibility of maintaining such an index.
- B. The city will make available for inspection and/or copying all public records, including any indexes that are maintained by the city, as set forth in MMC 2.32.040, except to the extent that such records are exempt from public disclosure.

(Code 1988 § 2.48.050; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.060. Disclosure of public records.

Unless exempt from disclosure under this chapter or other law, public records shall be available for inspection and copying in accordance with this chapter.

(Code 1988 § 2.48.060; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.070. Request for inspection or copying.

A. All persons desiring to inspect or obtain a copy of any public record should make their request in writing to the city clerk. At a minimum, the request should include the following:

1. Contact information for the requestor; and
2. A description of the record(s) requested.

B. The city clerk may create and provide for public use a standard form which a requestor may use to request public records. Reasonable assistance as may

be necessary to help a requestor locate particular records shall be provided either by the city clerk or by the city department maintaining the records; provided, that the provision of such assistance shall not unreasonably disrupt the normal operations of the city clerk, the department, or the assisting employee.

C. Except to the extent required or authorized by law, the city clerk shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate Chapter 42.56 RCW or other statute or ordinance that exempts or prohibits disclosure of specific information or records to certain persons.

(Code 1988 § 2.48.070; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.080. Processing public records requests.

A. Responses to requests for public records shall be made promptly pursuant to Chapter 42.56 RCW. Within five business days of the date of receipt by the city of a written request for a record, the city clerk shall:

1. Provide the record; or
2. Acknowledge that the city has received the request and (a) provide a reasonable estimate of the time the city will require to respond to the request, or (b) request clarification; or
3. Deny the public record request in whole or in part.

B. Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or copying. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a public records request is unclear, the city clerk may ask the requestor to clarify what records the requestor is requesting. If the requestor fails to clarify the request, the city need not further respond to or process the request. If copies of the records are provided in an installment and the records are not paid for in accordance with MMC 2.32.100 or reviewed within 30 days

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after the city provides notice of availability of the installment, the city is not obligated to fulfill the balance of the request.

C. If the city clerk determines that the responsive public record is exempt in part but can be made available after redaction of exempt portions, the request shall be granted; provided, that such exempt portions shall first be redacted and a written explanation with a citation to the statutory exemption permitting the redaction shall be provided to the requestor. If the city clerk denies the request, in whole or in part, a written explanation with a citation to the statutory exemption permitting the denial shall be provided to the requestor; provided, that nothing herein shall be construed as requiring the city to disclose portions of a requested record if the entire record is exempt from disclosure. (Code 1988 § 2.48.080; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.090. Exemptions.

The city adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law. (Code 1988 § 2.48.090; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.100. Fees.

A. No fee shall be charged for the inspection of public records. Any person who requests a copy of any public record from the city clerk shall pay to the city a copying fee in accordance with the fee schedule authorized in Chapter 3.60 MMC.

B. The city may, at its discretion, require the requestor to deposit a sum in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If the records are made available on a partial or installment basis, the city may charge for each part of the request as it is provided. (Code 1988 § 2.48.100; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

2.32.110. Model rules and administrative procedures.

The city may, in its discretion, follow the Public Records Act Model Rules promulgated under Chapter

44-14 WAC on file at the city clerk's office or the Public Records Policy adopted by city resolution. The city manager, upon recommendation of the city clerk, may issue additional administrative procedures for the implementation of this chapter. (Code 1988 § 2.48.110; Ord. No. 983 § 1 (Exh. A), 2020; Ord. No. 830 § 1, 2008)

CHAPTER 2.36. DOCUMENT SUBMISSION REQUIREMENTS**2.36.010. Definitions.**

For purposes of this chapter the words and phrases defined in this section shall mean as follows:

Professional means any architect, landscape architect, surveyor, engineer, or other professional examined and licensed or subject to licensing by the state. (Code 1988 § 2.52.010; Ord. No. 546 § 1, 1991)

2.36.020. Requirements—Exceptions.

A. Documents prepared, reviewed or submitted by a professional filed with the city shall carry the name of the individual, firm, company or corporation who prepared the documents and shall be signed and stamped or sealed by the professional responsible for its content on each sheet of the documents unless excepted by this chapter.

B. Exceptions.

1. Written correspondence and technical reports on the letterhead of the individual, firm, company or corporation need only be signed by the responsible professional.
2. Specifications, detail manuals, technical reports, calculations, or other notebook-size bound documents may be signed and stamped or sealed on page one of the index of contents. (Code 1988 § 2.52.020; Ord. No. 546 § 2, 1991)

2.36.030. Revisions to submitted documents.

Documents submitted to effect revisions to previous submittals shall have the signature and stamp or seal of the professional responsible for any part of the content affixed to each sheet of the documents at the time of submittal unless excepted by this chapter.

Revisions shall be made only by the professional signing the original document unless said professional

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notifies the city in writing that revisions to the documents have been approved by him or may be made without his approval.

(Code 1988 § 2.52.030; Ord. No. 546 § 3, 1991)

CHAPTER 2.40. TRAVEL AND EXPENSE REIMBURSEMENT

2.40.010. Reimbursement of expenses authorized.

A. Officials and employees of the city are entitled to reimbursement of certain expenditures incurred while on official city business. Reimbursable expenses shall include expenses for transportation, lodging, meals, tips and other actual and necessary expenses related to official business.

B. "Official business" means performance of officially assigned duties, travel for approved public purposes, attendance at approved meetings or training and education seminars, attendance at approved conferences and other approved sessions involving municipal affairs. Approval shall be obtained from the city manager or city council as appropriate.

(Code 1988 § 2.56.010; Ord. No. 551 § 1, 1992)

2.40.020. Reimbursement policy.

To qualify for reimbursement, expenses must be directly related to the conduct of city business and be actual, reasonable and necessary under the circumstances. Unnecessary or excessively costly expenditures will not be reimbursable. Exceptions to the policies and regulations set forth in this chapter may be made only for unusual or extenuating circumstances upon the written directive of the city manager, or in the case of the city manager and city councilmembers, by the council finance committee, but only when the claimed expenses reasonably relate to a benefit or service received by the city and compliance with these regulations was not feasible.

(Code 1988 § 2.56.020; Ord. No. 551 § 2, 1992)

2.40.030. Documentation of expenses—Receipts required.

No claim for reimbursement shall be paid unless it is accompanied by a bona fide receipt. Receipts should show the date, a description of the purchase, vendor identification and amount paid. Credit card receipts are required where available. Meal ticket stubs or in-

voices will be accepted as long as the name of the restaurant and date of issue are included. Other rules for documenting specific types of expenses are identified below.

(Code 1988 § 2.56.030; Ord. No. 551 § 3, 1992)

2.40.040. Reimbursement for meals.

A. Actual meal costs must be documented by a receipt. Meal costs shall not exceed \$60.00 per day (tip included). Additional amounts may be approved by the city manager on an individual case basis, where and as required for high cost areas. Payment for table service at a restaurant, commonly referred to as a tip, is reimbursable but may not exceed 15 percent of the restaurant price of the meal.

B. If meal costs for persons other than the claimant are included, those persons must be entitled to reimbursement in their own right, and they shall be listed by name and title in the claim documentation. If such persons are not city employees or officials, the credit card receipt or expense voucher must detail the nature of the topic or topics discussed.

C. Unauthorized and unpermitted meal costs include, but are not limited to, liquor and expenses of a spouse or other person not authorized to receive reimbursement under this chapter.

(Code 1988 § 2.56.040; Ord. No. 712 § 1, 2001; Ord. No. 551 § 4, 1992)

2.40.050. Reimbursement for travel.

The actual and necessary costs of travel for official business are reimbursable pursuant to the following guidelines:

- A. *City vehicles.* Necessary out of the area costs for operation of city vehicles, such as gas, tires and repair.
- B. *Personal vehicles.* Authorized use of private vehicles shall be reimbursed at the prevailing Internal Revenue Service reimbursement rate for actual miles traveled.
- C. *Rental vehicles.* Vehicle rentals must be approved in writing in advance by the city manager.
- D. *Air travel.* Advance arrangements and authorization for air travel should be made using a requisition and purchase order.

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- E. *Other travel expenses.* Other travel expenses such as bus and taxi fare, bridge or other tolls, parking, ferry, porter, bellman and the like (not including maid service) are reimbursable if itemized on the reimbursement form. Receipts shall be submitted where possible. If any individual item exceeds \$5.00, a receipt is required.

(Code 1988 § 2.56.050; Ord. No. 551 § 5, 1992)

2.40.060. Reimbursement for accommodations and lodging.

Actual and necessary hotel/motel accommodations will be reimbursed or paid in advance, limited to the maximum single room rate of the specific hotel or motel. A vendor's receipt is required for all accommodations. In the event the receipt includes nonreimbursable expenses, the claimant shall be responsible for such expenses.

(Code 1988 § 2.56.060; Ord. No. 551 § 6, 1992)

2.40.070. Reimbursement claims and approval procedure.

A. All claims for reimbursement shall be submitted on approved forms supplied by the finance officer. If a travel advance has been obtained, the amount of the advance and the actual costs incurred must be reconciled. All claims for reimbursement must be submitted within 30 days of incurring the expense or the claim will be denied.

B. Claims requiring special or written approval of the city manager or finance officer must include such approval.

C. All noncouncil reimbursement claims must be authorized by the claimant's department head and the city manager.

D. Claims of the city manager and councilmembers must be approved by the council finance committee.

E. All approved reimbursable expense claims shall be paid and charged to the fund and department responsible for the expenses of the claimant. Minor expense items may be paid out of the petty cash fund.
(Code 1988 § 2.56.070; Ord. No. 551 § 7, 1992)

2.40.080. Travel advances.

Whenever it becomes necessary for an employee or official to travel and incur expenses, a reasonable amount of funds may be drawn in advance of said expenditure subject to the approval of the finance officer. Said advance shall be calculated to include reasonably anticipated expenses for lodging, mileage and meals.

On or before the fifth working day following the close of the travel period for which expenses have been advanced, the official or employee shall submit to the finance officer a fully itemized travel expense voucher for all reimbursable items legally expended, accompanied by any unexpended portion of such advance. Any travel advance or portion thereof not repaid or accounted for in the time and manner specified herein shall be immediately reimbursed by check, cash or salary deduction and shall bear interest at the rate of ten percent per annum from the date of default until paid. A travel advance may not be issued for less than \$50.00.

(Code 1988 § 2.56.080; Ord. No. 551 § 9, 1992)

CHAPTER 2.44. CREDIT CARDS

2.44.010. System adopted.

The city council hereby adopts the following system as set out in this chapter for the issuance, use and control of credit cards by city officials and employees.
(Code 1988 § 2.58.010; Ord. No. 711 § 1, 2001)

2.44.020. Implementation.

The finance officer shall implement the following system for the distribution, authorization and control, credit limits and payment of bills related to the use of credit cards by city officials and employees.
(Code 1988 § 2.58.020; Ord. No. 711 § 1(A), 2001)

2.44.030. Distribution.

Credit cards may be distributed to those city officials and employees who, in the opinion of the finance officer, have job responsibilities which would be facilitated by the use of a credit card and the credit card use would benefit the city.
(Code 1988 § 2.58.030; Ord. No. 711 § 1(A)(1), 2001)

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The city manager shall develop and implement guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds.
(Code 1988 § 2.58.040; Ord. No. 711 § 1(A)(2), 2001)

2.44.050. Credit limits.

The finance officer shall set credit limits on each credit card issued. The credit limit shall not exceed \$2,500.00 without written approval of the city manager.
(Code 1988 § 2.58.050; Ord. No. 711 § 1(A)(3), 2001)

2.44.060. Payment of bills.

The finance officer shall establish and implement a written procedure for the payment of all credit card bills.
(Code 1988 § 2.58.060; Ord. No. 711 § 1(A)(4), 2001)

2.44.070. Unauthorized charges.

Any employee using a city-issued credit card for noncity business shall be billed for all charges on the credit card, and the city manager or his/her designee is directed and authorized to take all necessary legal actions to recover any unauthorized charges.
(Code 1988 § 2.58.070; Ord. No. 711 § 1(A)(5), 2001)

2.44.080. Cash advances.

No city-issued credit card shall be used to obtain a cash advance.
(Code 1988 § 2.58.080; Ord. No. 711 § 1(A)(6), 2001)

2.44.090. Additional procedures or policies.

The finance officer is authorized to adopt any additional procedures or policies necessary to implement the provisions of this chapter.
(Code 1988 § 2.58.090; Ord. No. 711 § 1(B), 2001)

CHAPTER 2.48. DISPOSITION OF SURPLUS CITY PROPERTY

2.48.010. Determination of surplus.

The city manager or department directors may authorize the disposition of property owned by the city and which is in the custody of their departments when they have declared in writing that the property is no

longer of public use to the city, and the disposition thereof would be in the best interest of the city; provided, that the city council must approve any declaration of surplus personal property with an estimated cumulative value in excess of \$10,000.00, and all declarations of surplus real property.
(Code 1988 § 2.60.010; Ord. No. 935 § 2, 2016; Ord. No. 851 § 1, 2010; Ord. No. 552 § 1, 1992)

2.48.020. Disposition of surplus property.

The city manager shall direct the disposition of surplus property by public auction, bid, negotiated sale, or other method of disposition on terms the city manager deems to be in the best interest of the city. If property is sold by auction, the city manager may determine whether such auction shall be by sealed bid, or by public, commercial, or Internet auction, and may establish administrative rules for the conduct of such auctions. Surplus property that has only nominal value may be dismantled, if necessary, and sold as scrap. Surplus property that has no marketable value or use may be discarded as refuse. All proceeds from disposition of surplus property shall be deposited into the city's general fund.
(Code 1988 § 2.60.020; Ord. No. 935 § 2, 2016; Ord. No. 851 § 1, 2010; Ord. No. 552 § 3, 1992)

2.48.030. Sale of surplus real property.

The decision to declare real property surplus shall rest solely with the city council. If the city council votes to declare the real property surplus, the city manager shall secure an appraisal of the property and proceed to sell the same by public auction, bidding, or negotiated sale as the city manager deems to be in the best interest of the city.
(Code 1988 § 2.60.030; Ord. No. 935 § 2, 2016)

2.48.040. Intergovernmental transfer.

The city manager may sell, transfer, or lease city property to another governmental agency, and may acquire or lease property from another governmental agency by means of negotiations, upon such terms as may be agreed upon, and for such consideration as may be deemed by the city manager to be in the best interests of the city and in accordance with Chapter 39.33

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RCW. If the value of the property to be sold or transferred exceeds \$50,000.00, a public hearing must be held in accordance with RCW 39.33.020.

(Code 1988 § 2.60.040; Ord. No. 935 § 2, 2016; Ord. No. 851 § 1, 2010; Ord. No. 552 § 5, 1992)

2.48.050. Rejection of bids—Bid deposits.

The city shall have the right to reject all bids received, whether by sealed bids or at public auction. When sealed bids are called for, the city shall have the right to require bid deposits.

(Code 1988 § 2.60.050; Ord. No. 935 § 2, 2016; Ord. No. 851 § 1, 2010; Ord. No. 552 § 6, 1992)

CHAPTER 2.52. SMALL WORKS ROSTER**2.52.010. MRSC rosters.**

The City of Medina has contracted with the Municipal Research and Services Center of Washington (MRSC) to adopt for City of Medina use those state-wide electronic databases for small works roster and consulting services developed and maintained by MRSC. In addition, paper and/or electronic rosters may be kept on file by appropriate City of Medina departments.

(Code 1988 § 2.64.010; Ord. No. 822 § 2, 2007)

2.52.020. Small works rosters.

The following small works roster procedures are established for use by the City of Medina pursuant to RCW 39.04.155:

- A. *Cost.* The City of Medina need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed \$300,000.00, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City of Medina may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.
- B. *Publication.* At least once a year, the City of Medina, on its own or through MRSC, shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate city or MRSC roster or rosters at any time that they submit a written request and necessary records. The City of Medina may require master contracts to be signed that become effective when a specific award is made using a small works roster.
- C. *Telephone or written quotations.* The City of Medina shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).
 1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.
 2. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City of Medina may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.
 3. If the estimated cost of the work is from \$150,000.00 to \$300,000.00, the City of

Medina may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City of Medina has the sole option of determining whether this notice to the remaining contractors is made by:

- a. Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- b. Mailing a notice to these contractors; or
- c. Sending a notice to these contractors by facsimile or e-mail.

4. At the time bids are solicited, the City of Medina representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

5. A written record shall be made by the City of Medina representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

D. *Limited public works process.* If a work, construction, alteration, repair, or improvement project is estimated to cost less than \$35,000.00, the City of Medina may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the City of Medina will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the City of Medina may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chap-

ter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under RCW Title 82 that may be due from the contractor for the limited public works project. However, the City of Medina shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The City of Medina shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

E. *Determining lowest responsible bidder.* The city council or designated city official shall award the contract for the public works project to the lowest responsible bidder; provided, that all bids may be rejected and the city may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City of Medina.

F. *Award.* The city manager shall be authorized to award and execute contracts in accordance with Chapter 2.56 MMC.

(Code 1988 § 2.64.020; Ord. No. 842 §§ 1, 2, 2009; Ord. No. 822 § 3, 2007)

2.52.030. Consulting services rosters.

A. *Consulting services.* Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

B. *Publication.* At least once a year, the City of Medina, on its own or acting through MRSC, shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a repre-

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sentative of the City of Medina who can provide further details as to the City of Medina's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate roster or rosters at any time that they submit a written request and necessary records. The City of Medina may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

C. Professional architectural and engineering services. The MRSC and city rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City of Medina's projected requirements for any category or type of professional or other consulting services. The City of Medina reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City of Medina departments.

(Code 1988 § 2.64.030; Ord. No. 822 § 4, 2007)

CHAPTER 2.56. CONTRACTS

2.56.010. Contract approval authorization.

The following procedure is hereby established for the approval of certain contracts and granting the city manager authority with respect to such contracts:

A. The city council authorizes the city manager to enter into and execute on behalf of the city the following contracts without individual approval of each contract by the city council, so long as the contract is consistent with the approved annual budget for the city, and the city's liability under the contract does not exceed available fund balances:

1. Contracts for purchases of goods, supplies, materials, or equipment involving a cost or fee (excluding sales tax) of less than \$50,000.00.
2. Professional service contracts, including contracts for architectural, engineering, legal, and consulting services involving a cost or fee (excluding sales tax) of less than \$50,000.00.

3. Maintenance contracts involving a cost or fee (excluding sales tax) of less than \$50,000.00 per year.
4. Public works projects involving a cost or fee of less than \$50,000.00.
5. Settlement agreements involving a cost or fee of less than \$50,000.00, including retention of legal counsel and expert consultants, involving damage claims or suits.
6. Other routine agreements where no expenditure is involved, or the cost, expenditure, or fee (excluding sales tax) does not exceed \$50,000.00.
7. Lease agreements for materials, supplies, and equipment where the expenditure or fee does not exceed \$50,000.00.
8. Sale of unneeded surplus personal property with an estimated cumulative value of \$50,000.00 or less, which has been certified for disposition, such sale or disposition to be made by the city manager in accordance with informal procedures and in the best interest of the city.
9. Contracts that carry out or implement a provision of the Medina Municipal Code or established city policy, e.g., maintenance or performance bonds for plat improvements.
10. Emergency contracts. "Emergency" means a set of unforeseen circumstances that either:
 - a. Presents a real, immediate threat to the proper performance of essential functions; or
 - b. May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; or
 - c. For public works projects, may result in a substantial loss to the city if the contract is not immediately entered into.
11. Employment and personnel contracts for positions that have been approved by the city council. All compensation, including wages, salaries and benefits such as health, dental and vision insurance, va-

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cation time, sick leave, severance pay and similar matters, shall be established by the city council through budget allocation, motion, resolution, ordinance or approval of a contract. Compensation may be established in a fixed sum or the city manager may determine the exact sum if the city council establishes a compensation range.

- B. The breaking down of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited. The amount of a contract includes all amendments; provided, however, that amendments that do not exceed in total ten percent of the contract amount may be entered into without prior city council approval.
- C. The city manager may present any contract to the city council for prior approval, even if the contract is allowed to be approved without prior city council approval.
- D. The city manager is authorized to execute on behalf of the city an agreement that is made pursuant to the Interlocal Cooperation Act (see Chapter 39.34 RCW), provided the agreement either imposes no financial obligation on the city or the contract is for less than \$5,000.00. The interlocal agreement shall be delivered to the city clerk's office in order that the interlocal agreement will be recorded for purposes of RCW 39.34.040.
- E. The city manager shall promptly, within ten days, provide the city council a copy (or summary) of any contract (or amendment, extension or renewal) that has not received prior approval by the city council.
- F. "Contract" means any agreement creating a legal relationship between the city and another person or entity, or any amendment, extension or renewal thereto.

(Code 1988 § 2.66.010; Ord. No. 973 § 2, 2019; Ord. No. 775 § 1, 2004)

CHAPTER 2.60. POTENTIAL CONFLICTS OF INTEREST

2.60.010. Declaration of policy.

This chapter is enacted to establish guidelines for standards of conduct which shall govern the perfor-

mance of city employees in the conduct of public project work and other city business, and to prevent potential conflicts of interest.

(Code 1988 § 2.68.010; Ord. No. 556 § 1, 1992)

2.60.020. Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the content, shall have the meaning subscribed:

- A. *Employee* means any person holding a regularly compensated position of employment with the city but does not include members of the city council and persons who serve without compensation on city boards and commissions.
- B. *Interest* means direct or indirect monetary or material benefit accruing to a city employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which confer similar benefits to all other persons and/or property similarly situated. For the purpose of this chapter, an employee shall be deemed to have an interest in the affairs of:
 1. Any person of the employee's family or any person with whom the employee has a close or ongoing business or social relationship;
 2. Any business entity in which the city employee is an officer, director or employee;
 3. Any person or business entity with whom a contractual relationship exists with the employee; provided, that a commercially reasonable loan made in the ordinary course of business or contract for a commercial retail sale shall not be deemed to create an interest in violation of this chapter.

(Code 1988 § 2.68.020; Ord. No. 556 § 2, 1992)

2.60.030. Use of public property.

No city employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit. Use is to be restricted to such services as are available to the public

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generally or for the authorized conduct of official business and for such purposes as and under such conditions as are directed by the city manager.
(Code 1988 § 2.68.030; Ord. No. 556 § 3, 1992)

2.60.040. Conflict of interest.

No city employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

- A. Receives or has any financial interest in any sale to the city of any service or property when such financial interest was received with prior knowledge that the city intended to purchase such property or obtain such service;
- B. Solicits, accepts or seeks anything of economic value as a gift, gratuity or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the city; provided, that the prohibition against gifts or favors shall not apply to:
 - 1. Attendance of an employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the employee as a staff representative is appropriate;
 - 2. An award publicly presented in recognition of public service; or
 - 3. Any gift which would have been offered or given to the employee if he or she were not a city employee;
- C. Participates in his or her capacity as a city employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the city;
- D. Influences the city's selection of, or its conduct of business with, a corporation, person or firm having business with the city if the employee has financial interest in or with the corporation, person or firm;
- E. Engages in, accepts private employment from or renders services for private interest when

such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;

- F. Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the city or a city officer in an official capacity is a part, or accepts a retainer or compensation that is contingent upon a specific action by the city;
- G. Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the city to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the city;
- H. Has a financial or personal interest in any legislation coming before the city council and participates in discussion with or gives an official opinion to the city council, unless the employee discloses on the record of the council the nature and extent of such interest;
- I. Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the city, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the city in regard to the regulation of land use or development; provided, that his prohibition shall not apply to:
 - 1. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family.

(Code 1988 § 2.68.040; Ord. No. 556 § 4, 1992)

2.60.050. Gifts and favors.

A. It is the policy of the city that no employee may give or accept gifts or favors of value in his business relationships with firms or persons with whom the city does business, except that the following shall be permitted:

- 1. Certain business courtesies, such as payment for a modest lunch or dinner to others under essentially the same business relationship with the donor.

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2. Advertising novelties of no appreciable value which are widely distributed to others under essentially the same business relationship with the donor.

B. It is the policy of the city and a rule of public employment that no city employee shall:

1. Take or use any city property, money nor the name or credit of the city for his own personal or private use or benefit, or for the personal or private use of any other person, where to do so would constitute a gift or lending of city property, credit or name;
2. No city employee shall use his position or authority as a public employee to secure for himself, his spouse, child or parents, any special privilege or exemption.

(Code 1988 § 2.68.050; Ord. No. 556 § 5, 1992)

2.60.060. Outside employment.

Employees shall not engage in, accept private employment for, or render services for private interest when such activity may (1) occur during working hours; (2) detract from the efficiency of the employee while performing city duties; (3) constitute a conflict of interest or create an appearance of impropriety as determined by the city manager; (4) stem from information or contacts made during city employment; (5) take preference over extra duty required by city employment; (6) interfere with emergency call-out duty; (7) tend to impair independence of judgement or action in performance of official duties; or (8) involve the use of any city resources such as copiers, telephones, supplies, other equipment or time. If an employee is unsure as to these criteria or the effect of his/her outside employment, he/she should contact the city manager prior to beginning outside employment.

(Code 1988 § 2.68.060; Ord. No. 556 § 6, 1992)

2.60.070. Contracts and purchasing.

A. No city employee shall make any purchase or contract for supplies, materials, equipment or contractual service other than in accordance with the purchasing regulations of the city. Any city employee making such purchase or contract contrary thereto or accepting for delivery to the city, any items purchased contrary thereto shall be personally responsible for payment of same. To the extent that the city may be

required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee.

B. No city employee shall be beneficially interested, directly or indirectly, in any contract or purchase which may be made by, through or under the supervision of the employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract or purchase.

C. Any contract made in violation of the provision of this chapter shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the city.
(Code 1988 § 2.68.070; Ord. No. 556 § 7, 1992)

2.60.080. RCW Title 42.

Nothing in this chapter shall be construed to permit, condone or allow any activity or practice prohibited by Chapter 42.20 RCW or Chapter 42.23 RCW relating to conflicts of interest, improper practices and codes of ethics for public officials and employees.

This chapter is not intended to address all prohibited behaviors that may constitute conflicts of interest for employees. For those situations not addressed in this chapter, employees should consult with the city manager to guide their actions.

(Code 1988 § 2.68.080; Ord. No. 556 § 8, 1992)

2.60.090. Violation.

Violation of any of the provisions of this chapter may be grounds for disciplinary action, including discharge.

(Code 1988 § 2.68.090; Ord. No. 556 § 9, 1992)

CHAPTER 2.64. BOARD OF LIBRARY TRUSTEES**2.64.010. Creation.**

There is created an advisory board for library services to be called the board of library trustees, hereinafter referred to as the "board."

(Code 1988 § 2.72.010; Ord. No. 557 § 1, 1992)

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2.64.020. Purpose.

The purpose of the board shall be to further library service for the city.

- A. The board shall serve as liaison between, and provide input to, King County library district, the Bellevue library board, the community and the city council, undertaking any activities feasible to increase library consciousness on the part of local citizens and to bring about maximum use of library facilities and services.
- B. The board shall cooperate with local, regional and national trustee associations, and the Bellevue Friends of the Library to participate in library matters of county, state and national scope.
- C. In the event that moneys or property are donated to the city for library purposes, the board shall advise the city council as to the appropriate use of such moneys or property. Moneys or property so received shall be held in trust for library purposes to be used, administered and expended as directed by the city council.

(Code 1988 § 2.72.020; Ord. No. 557 § 2, 1992)

2.64.030. Membership.

A. The board shall consist of five trustees appointed by the mayor with the consent of the city council. The trustees shall be selected from interested and qualified residents of the city.

B. The regular term of office for each trustee shall be three years except as to the initial membership which shall consist of two members appointed for four years and three members appointed for five years.

C. Trustees whose terms have expired may be reappointed subject to the limitations on reappointment set forth in MMC 2.16.010.

D. The mayor, with the consent of the city council, may appoint trustees to fill the unexpired terms of any positions that become vacant.

E. The position of a trustee shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the members of the board.
(Code 1988 § 2.72.030; Ord. No. 557 § 3, 1992)

2.64.040. Officers.

A. Officers shall consist of a chairperson, a vice-chairperson and secretary.

B. Officers shall be elected by the board from its membership for a term of one year to expire on January 31st of each year.
(Code 1988 § 2.72.040; Ord. No. 557 § 4, 1992)

2.64.050. Meetings.

A. A minimum of four meetings shall be held in every calendar year, on dates to be determined by the board. Special meetings may be called as necessary by the chairperson or a majority of the board, with proper notice to the public.

B. Three members shall constitute a quorum.

C. All meetings of the board shall be conducted in accordance with Robert's Rules of Order unless the board shall adopt its own rules of order.
(Code 1988 § 2.72.050; Ord. No. 557 § 5, 1992)

CHAPTER 2.68. INDEMNIFICATION OF EMPLOYEES AND OFFICIALS

2.68.010. Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

- A. *Employee* means any person who is or has been employed by the city. Consultants shall not be included within the meaning of the word "employee" unless they are employed on a full-time salaried basis.
- B. *Official* means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city.
- C. *Insurance* means and includes any program of self-insurance.
- D. *Insurance policy* means and includes any documents or agreements providing for or pertaining to any plan of self-insurance.

(Code 1988 § 2.76.010; Ord. No. 573 § 1, 1993)

2.68.020

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A. As a condition of service or employment, the city shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official or employee resulting from any conduct, act or omission of such official or employee performed or omitted on behalf of the city in their capacity as a city official or employee, which act or omission is within the scope of their service or employment with the city.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise;
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The city attorney determines that outside counsel should be retained.

C. In the event that outside counsel is retained under subsection (B) of this section, the city shall indemnify the employee from the reasonable costs of defense. (Code 1988 § 2.76.020; Ord. No. 573 § 2, 1993)

2.68.030. Exclusions.

A. In no event shall protection be offered under this chapter by the city for:

1. Any dishonest, fraudulent, criminal or malicious act or course of conduct of an official or employee;
2. Any act or course of conduct of an official or employee which is not performed on behalf of the city;
3. Any act or course of conduct which is outside the scope of an official's or employee's service or employment with the city; and/or
4. Any lawsuit brought against an official or employee by or on behalf of the city.

B. Nothing in this chapter shall be construed to waive or impair the right of the city to institute suit or counterclaim against any official or employee nor to limit the ability to discipline or terminate an employee.

C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official or employee is insured against loss or damages, provided the city shall, under the terms of this chapter, provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official or employee. The city shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter. (Code 1988 § 2.76.030; Ord. No. 573 § 3, 1993)

2.68.040. Determination of exclusion.

The determination of whether an official or employee shall be afforded a defense by the city under the terms of this chapter shall be made by the city manager. The determination of whether the city manager shall be afforded a defense by the city under the terms of this chapter shall be made by the city council. (Code 1988 § 2.76.040; Ord. No. 573 § 4, 1993)

2.68.050. Representation and payment of claims—Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

- A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official or employee involved shall, as soon as practicable, give the city written notice thereof, identifying the official or employee involved, all information known to the official or employee with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.
- B. Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city, and shall cooperate with the city attorney or an attorney designated by the city, and, upon request, assist in the defense or settlement of any suit and in enforcing any claim for any

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right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and attorneys' fees arising out of state or federal statute upon determination that the suit brought is frivolous in nature.

C. Such official or employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official or employee and, in the event that an employee has left the employ of the city, no fees or compensation shall be provided.

D. Such official or employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit; other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage.

(Code 1988 § 2.76.050; Ord. No. 573 § 5, 1993)

2.68.060. Effect of compliance with conditions.

If legal representation of an official or employee is undertaken by the city attorney or another attorney retained by the city, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may at its discretion appeal such judgment.

(Code 1988 § 2.76.060; Ord. No. 573 § 6, 1993)

2.68.070. Failure to comply with conditions.

In the event that any official or employee fails or refuses to comply with any of the conditions of this chapter, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation and the city shall have no liability in connection with such claims against the employee or official and shall have no liability for payment of attorneys' fees.

(Code 1988 § 2.76.070; Ord. No. 573 § 7, 1993)

2.68.080. Reimbursement of incurred expenses.

A. If the city determines that an official or employee does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official or employee and reasonable attorneys' fees incurred in defending against the claim. The city shall pay any costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter; provided, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, then the official or employee shall pay the city's costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.

B. If the city determines that a claim against a city official or employee does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter by such city official or employee.

(Code 1988 § 2.76.080; Ord. No. 573 § 8, 1993)

2.68.090. Conflict with provisions of insurance policies.

The indemnification provisions of this title do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is an insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

(Code 1988 § 2.76.090; Ord. No. 573 § 9, 1993)

2.68.100. Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against any official or em-

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ployee, or any such claim or lawsuit hereafter filed, without regard to the date of events or circumstances which are the basis of such claim or lawsuit.
(Code 1988 § 2.76.100; Ord. No. 573 § 10, 1993)

CHAPTER 2.72. HEARING EXAMINER**2.72.010. Purpose.**

A. Provide a single, efficient, integrated land use regulatory hearing system;

B. Provide a greater degree of due process in land use regulatory hearing;

C. Separate the land use policy formulation and the land use administration processes;

D. Provide a single, efficient integrated system for hearing appeals of administrative decisions;

E. Provide a forum to hear other matters as established by city code.
(Code 1988 § 2.78.010; Ord. No. 701, 2001)

2.72.020. Hearing examiner position established—Appointment—Compensation.

The city council creates the position of hearing examiner. The city council shall provide the city manager with comments regarding the qualifications of the final candidates for the position. The city manager shall employ or contract with one or more persons to fill this position.
(Code 1988 § 2.78.020; Ord. No. 701, 2001)

2.72.030. Qualifications.

The hearing examiner and examiner pro tem shall be appointed solely with regard to their qualification for the duties of the office. The hearing examiner and examiner pro tem shall have extensive legal experience in the area of land use management or administrative law.
(Code 1988 § 2.78.030; Ord. No. 701, 2001)

2.72.040. Hearing examiner pro tem.

In the event of the absence or the inability of the hearing examiner to act, the examiner pro tem shall have all the duties and powers of the hearing examiner.
(Code 1988 § 2.78.040; Ord. No. 701, 2001)

2.72.050. Conflict of interest.

The hearing examiner shall not conduct or participate in any hearing or decision in which the hearing examiner has a direct or indirect personal interest which might influence the examiner, interfere with the decision making process or raise an appearance of fairness concern. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery. In the event of a prehearing contact regarding a matter at issue, the hearing examiner shall disclose said contact and shall not participate in the hearing unless all parties agree in writing to have the matter heard by that hearing examiner. Nothing in this section may be construed to prohibit the city manager or any official or employee of the city from appearing before or submitting written information to the hearing examiner in the normal process of conducting public hearings for the city.
(Code 1988 § 2.78.050; Ord. No. 701, 2001)

2.72.060. Rules for hearings.

The examiner shall provide rules for scheduling and conduct of hearings and other matters relating to the duties of the office. Such rules shall provide for the admission of evidence, examination and cross-examination of witnesses, rebuttal evidence and all other matters relevant to the conduct of the hearing. The examiner may limit the time allowed to parties testifying on an equal basis, may establish time limits for initial or rebuttal evidence, may limit cross-examination of witnesses and may limit the number of witnesses to be heard.
(Code 1988 § 2.78.060; Ord. No. 701, 2001)

2.72.070. Hearing examiner—Duties.

The hearing examiner shall have the following duties and responsibilities:

- A. The hearing examiner shall conduct public hearings and make decisions or recommendations when authorized to do so under the Medina Municipal Code or by specific grant of authority from the city council;
- B. In carrying out the duties, the hearing examiner shall review available information, maintain an accurate record of the proceedings, determine findings of fact from the record, and form conclusions in support of recommendations or decisions;

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- C. The hearing examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by the city council.

(Code 1988 § 2.78.070; Ord. No. 900 § 8, 2013; Ord. No. 848 § 1, 2010; Ord. No. 846 § 1, 2009; Ord. No. 820 § 1, 2007; Ord. No. 817 § 2I, 2007; Ord. No. 798 § 2, 2006; Ord. No. 760 § 1, 2003; Ord. No. 701, 2001)

2.72.080. Recommendations or decision.

The examiner's recommendation or decision may be to grant or deny the application, or the hearing examiner may recommend or require of the applicant such conditions, modifications and restrictions as the hearing examiner finds necessary to make the application compatible with applicable state laws, and to carry out the objective and goals of the comprehensive plan, the zoning code, the subdivision code, and other codes and ordinances of the city. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screening in the form of landscaping and fencing, covenants, easements and dedications of additional road rights-of-way. Performance bonds or other financial assurances may be required to insure compliance with conditions, modifications and restrictions.

The examiner shall render a written decision within ten working days of the conclusion of the hearing, unless a longer period of time is agreed to in writing by the owner. The copy of such decision, including findings and conclusions shall be transmitted to the owner, applicant and other parties of record.
(Code 1988 § 2.78.080; Ord. No. 701, 2001)

2.72.090. Request for reconsideration.

A. Any party to the proceeding who is aggrieved by the hearing examiner's decision may submit a written request for reconsideration of the decision of the hearing examiner. Such request for reconsideration shall be submitted within 14 days following the date the notice of decision is issued pursuant to Chapter 16.80 MMC. The request shall provide facts and arguments to establish the applicability of one or more of the following:

1. Irregularity in the proceedings by which the moving party was prevented from having a fair hearing;
2. Newly discovered evidence of a material nature which the moving party applying for re-

consideration could not have discovered and produced at the hearing with reasonable diligence;

3. Errors in law or clear mistakes as to a fact that is material to the decision.

B. Following the closing date for accepting requests for reconsideration, the city staff shall forward the request for reconsideration to the hearing examiner. The city shall notify all parties of record of the request for reconsideration.

C. Within five business days from the date the hearing examiner receives a request for reconsideration, the hearing examiner shall issue a written notification that the request has been denied or granted.

D. Prior to the hearing examiner issuing a decision on a request for reconsideration, the hearing examiner may convene a hearing, allow for comment, or continue a proceeding in such a manner as the hearing examiner determines appropriate to ensure a fair, timely, and reasoned decision.

E. A hearing examiner's decision on a request for reconsideration is not subject to a request for reconsideration and shall be a final decision of the city.

F. If a timely request for reconsideration is filed, the time for appeal shall not commence to run until the issuance of a written decision denying or granting a request for reconsideration.
(Code 1988 § 2.78.090; Ord. No. 932 § 1, 2016; Ord. No. 701, 2001)

2.72.100. Appeal from examiner's decision.

The decision of the hearing examiner may be appealed as set forth in MMC 16.80.220.
(Code 1988 § 2.78.100; Ord. No. 932 § 2, 2016; Ord. No. 701, 2001)

2.72.110. Hearing examiner fee.

In addition to all other fees and costs required, each application for a permit which requires a hearing before the hearing examiner shall be assessed an additional fee established pursuant to MMC 16.14.040 to defer the expense of the hearing examiner.
(Code 1988 § 2.78.120; Ord. No. 900 § 10, 2013; Ord. No. 705 § 1, 2001)

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CHAPTER 2.76. PAYMENT OF CLAIMS OR OBLIGATIONS**2.76.010. Required.**

Payment of claims or obligations of the city shall be payable by check out of solvent funds. The public depository under which such funds are to be drawn shall be U.S. Bank, Bellevue Branch, or such other banking institutions as may be contracted with to provide primary banking services to the city. The finance officer and city manager, or such other officers or employees of the city as have been designated in writing by the city manager, shall be the officers of the city authorized to sign city checks.

(Code 1988 § 2.82.010; Ord. No. 697 § 1, 2000)

2.76.020. Agent appointed to receive claims.

The city clerk's office is hereby appointed to be the city agent responsible to receive claims for damages made under RCW Title 4. Other than vacation, sick leave, and other temporary absences, the city clerk's office shall be available to receive claims for damages during normal City Hall business hours at 501 Evergreen Point Road, Medina, Washington 98039.

(Code 1988 § 2.82.020; Ord. No. 840 § 1, 2009)

CHAPTER 2.80. EMERGENCY SERVICES**2.80.010. Proclamation of civil emergency—Emergency defined.**

Whenever a civil emergency, or the imminent threat thereof, occurs in the city and results in, or threatens to result in, the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare, the mayor shall forthwith proclaim in writing the existence of a civil emergency. In the absence of the mayor, such a civil emergency may be declared by the deputy mayor, and in the absence of the deputy mayor, by the city manager. For the purposes of this chapter, a civil emergency shall mean any natural or human caused disaster, including fire, flood, storm, explosion, chemical or biological hazard, earthquake, volcanic disturbance or other human or natural cause. For purposes of this chapter, disaster shall mean the actual or threatened existence of conditions that place life, property or

the environment in danger and potentially impact the provision of essential city services requiring an immediate response to protect life or property.

(Code 1988 § 2.84.010; Ord. No. 849 § 2, 2010)

2.80.020. Emergency management organization.

Pursuant to Chapter 38.52 RCW, there is established in the city, an emergency management organization for the purpose of performing local emergency management functions.

(Code 1988 § 2.84.020; Ord. No. 849 § 2, 2010)

2.80.030. Comprehensive emergency management plan—Powers.

The organization shall operate under the policy guidance of the most current approved Medina comprehensive emergency management plan and shall have all powers granted under Chapters 38.52 and 35A.33 RCW as now or hereafter amended and as may otherwise be provided by law.

(Code 1988 § 2.84.030; Ord. No. 849 § 2, 2010)

2.80.040. Emergency services officials—Roles and responsibilities.

The primary city emergency services officials shall be as follows:

- A. *Director of emergency services.* The city manager or designee shall serve as the director of emergency services. The director shall be directly responsible for the organization, administration and operation of the emergency management organization. The emergency operations plan and any amendments thereto shall be effective when approved by the director.
- B. *Emergency operations manager.* The chief of police or designee shall serve as the emergency operations manager. In a declared emergency, the emergency operations manager shall manage the emergency operations center and has the authority to direct all human or material resources within the city to combat the effects of a threatened or any actual emergency as well as the authority to request assistance from other governmental entities.
- C. *Emergency preparedness officer.* The emergency preparedness officer shall be appointed

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by the emergency operations manager in consultation with the director of emergency services, and may be a contracted consultant. The emergency preparedness officer will coordinate development, implementation and maintenance of the comprehensive emergency management plan. As part of this planning process, the emergency preparedness officer will seek to establish coordination with outside agencies and organizations involved in emergency planning, provide for public education and information, and perform such other functions as the emergency operations manager shall designate.

(Code 1988 § 2.84.040; Ord. No. 849 § 2, 2010)

2.80.050. Emergency response team.

A. There is created and established an emergency response team to oversee and provide policy recommendations to the city council during emergency and recovery periods, be responsible for development and maintenance of the emergency operations plan, and support emergency response operations.

B. The emergency response team shall consist of the following members:

1. City manager/director of emergency services, who shall be the chairperson;
2. Police chief/emergency operations manager;
3. Emergency preparedness officer;
4. All city department directors;
5. Any other persons appointed by the director of emergency services, including but not limited to other city personnel assigned emergency responsibilities, consultants, representatives from emergency support agencies such as the Red Cross, and representatives from neighboring governments and agencies supplying fire, sewer and water services to the city.

(Code 1988 § 2.84.050; Ord. No. 849 § 2, 2010)

2.80.060. Community emergency preparedness committee.

The emergency operations manager, in consultation with the director of emergency services, may convene a community emergency preparedness committee comprised of city residents. Committee members will be

appointed by the emergency operations manager based upon needed expertise, skills and availability as determined by the emergency operations manager.

- A. The committee will provide education and assistance in emergency preparedness to community residents, and provide recommendations to the emergency operations manager and emergency preparedness officer on emergency planning and operations, and the identification and coordination of community emergency resources including the identification and enrollment of local emergency response volunteers in accordance with state law.
- B. In the event of a declared emergency committee members who are enrolled emergency response volunteers under state law, and other properly enrolled volunteers within the city, may be utilized in emergency response activities under the direction and control of the emergency operations manager, and consistent with the comprehensive emergency management plan.

(Code 1988 § 2.84.060; Ord. No. 849 § 2, 2010)

CHAPTER 2.84. GIFTS, GRANTS, DONATIONS AND BEQUESTS**2.84.010. Acceptance authorized.**

The city may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may extend or use it for any municipal purpose.

(Code 1988 § 2.86.010; Ord. No. 810 § 1, 2007)

2.84.020. Policy—Procedure.

The city manager shall be responsible for creating policies and procedures for receiving, recording, accounting for, and safeguarding money or property received under this chapter, and such administrative guidelines shall be approved by the city council.

(Code 1988 § 2.86.020; Ord. No. 810 § 2, 2007)

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Title 3

REVENUE AND FINANCE**Chapter 3.08. Antirecession Fiscal Assistance Fund**

3.08.010. Created.

Chapter 3.12. Arterial Street Fund

3.12.010. Created.

Chapter 3.16. Capital Projects Fund

3.16.010. Created.

3.16.020. Purpose.

3.16.030. Amount.

Chapter 3.20. Reserves Fund

3.20.010. Created.

3.20.020. Source.

3.20.030. Purpose.

Chapter 3.24. Cumulative Reserve Funds

3.24.010. Cumulative reserve fund for fire protection and Civic Center facilities.

3.24.020. Cumulative reserve fund for parklands, structures and capital improvements.

Chapter 3.28. Federal Shared Revenue Fund

3.28.010. Created.

Chapter 3.32. Local Improvement Guaranty Fund

3.32.010. Created.

3.32.020. Tax levy.

3.32.030. Warrant issuance.

3.32.040. Purchase in event of default.

3.32.050. Protection of fund.

3.32.060. Use of revenue.

Chapter 3.36. Medical Pension Reserve Fund

3.36.010. Created.

Chapter 3.40. Petty Cash Fund

3.40.010. Established.

3.40.020. Amount.

Chapter 3.44. Suspense Fund

3.44.010. Created.

Chapter 3.48. Equipment Replacement Fund

3.48.010. Established.

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3.52.010. Established.

Chapter 3.56. Real Estate Excise Tax

3.56.010. Imposed.
 3.56.015. Additional real estate excise tax imposed.
 3.56.020. Applicability.
 3.56.030. Compliance with applicable provisions.
 3.56.040. Distribution of proceeds—Limitations on use.
 3.56.050. Seller's obligation.
 3.56.060. Lien on property.
 3.56.070. Notation of payment.
 3.56.080. Date payable.
 3.56.090. Overpayment—Underpayment.
 3.56.100. Violation—Penalty.

Chapter 3.60. Sales and Use Tax

3.60.010. Imposed.
 3.60.020. Rate.
 3.60.030. Administration and collection.
 3.60.040. Consent to inspection of records.
 3.60.050. Authorization to enter into contract with state.
 3.60.060. Failure to collect—Penalty.

Chapter 3.64. Additional Sales and Use Tax

3.64.010. Imposed.
 3.64.020. Rate.
 3.64.030. Administration and collection.
 3.64.040. Consent to inspection of records.
 3.64.050. Authorization to enter into contract with state.
 3.64.060. Special initiative.
 3.64.070. Violation—Penalty.

Chapter 3.68. Sales and Use Tax for Affordable Housing

3.68.010. Purpose.
 3.68.020. Imposition of sales and use tax.
 3.68.030. Penalty.

Chapter 3.72. Development Fee Waivers

3.72.010. Qualifications.
 3.72.020. Income defined.
 3.72.030. Fees to be waived.

Chapter 3.76. Fee Schedule

3.76.010. Schedule of fees.
 3.76.020. Adoption or revisions of fees.

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3.24.010**CHAPTER 3.08. ANTIRECESSION FISCAL ASSISTANCE FUND****3.08.010. Created.**

There is created a fund of the city to be known and designated as "Medina antirecession fiscal assistance fund," for the convenience of the city in making provision for handling federal funds under Public Law 94-369, "Public Works Employment Act of 1976." (Code 1988 § 3.08.010; Code 1988 § 3.08.010; Ord. No. 324 § 1, 1976)

CHAPTER 3.12. ARTERIAL STREET FUND**3.12.010. Created.**

There is created a special fund of the city in the office of the finance officer known as the "arterial street fund" all expenditures from which shall be exclusively for the construction, improvement and repair of arterial highways as required by Section 4 of Chapter No. 7, Laws of 1961 Extraordinary Session and any laws amendatory thereof. (Code 1988 § 3.12.010; Ord. No. 121 § 2, 1960)

CHAPTER 3.16. CAPITAL PROJECTS FUND**3.16.010. Created.**

There is created a fund of the city to be known and designated as "capital projects fund." (Code 1988 § 3.16.010; Ord. No. 403 § 1, 1984)

3.16.020. Purpose.

The purpose of the capital projects fund is to segregate the accounting of various storm drainage improvements so that different intergovernmental projects are financed and accounted for separately. (Code 1988 § 3.16.020; Ord. No. 403 § 2, 1984)

3.16.030. Amount.

The amount of funds to be set aside in the capital projects fund for this purpose shall be determined by the city council in accordance with applicable rules of the Division of Municipal Corporations Office of State Auditor. (Code 1988 § 3.16.030; Ord. No. 403 § 3, 1984)

CHAPTER 3.20. RESERVES FUND**3.20.010. Created.**

There is created for the city a fund to be known as the "reserves fund." (Code 1988 § 3.24.010; Ord. No. 615 § 1, 1996; Ord. No. 339 § 1, 1977)

3.20.020. Source.

The reserves fund shall be supported by a budgetary appropriation from any tax or revenue source not restricted to any use by law, and may also be supported by a transfer from any other unexpended or decreased fund made available by ordinance; provided, that the total amount accumulated in such fund at any time shall not exceed the equivalent of \$0.375 per \$1,000.00 of assessed valuation of property within the city at the time. Any moneys in the reserves fund at the end of the fiscal year shall not lapse except upon reappropriation by the city council to another fund in the adoption of a subsequent city budget. (Code 1988 § 3.24.020; Ord. No. 615 § 1, 1996; Ord. No. 339 § 2, 1977)

3.20.030. Purpose.

No money shall be withdrawn from the reserves fund except by transfer to an appropriate operating fund authorized by ordinance of the city council, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be and specifying the fund to which the withdrawn money shall be transferred. (Code 1988 § 3.24.030; Ord. No. 615 § 1, 1996; Ord. No. 339 § 3, 1977)

CHAPTER 3.24. CUMULATIVE RESERVE FUNDS**3.24.010. Cumulative reserve fund for fire protection and Civic Center facilities.**

A. There is established by the city a fund designated as "cumulative reserve fund for fire protection and Civic Center facilities"; said fund being created pursuant to the provisions of RCW 35A.37.010 to provide funds for the purchase of fire protection and Civic Center facilities, including land, the improvement thereof, supplies, materials and equipment, constitut-

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ing a part of such fire protection or Civic Center facilities; and for the planning, purchase, or construction thereof; or for the retirement of indebtedness incurred for the same.

B. Any and all expenditures from the cumulative reserve fund established by subsection (A) of this section shall be made only pursuant to further council approval expressed by ordinance and shall be limited to the purposes specified in subsection (A) unless and to the extent that any expenditure for a different purpose is approved by a vote by a majority of the electors of the city at a general or special election voting on a proposal submitted to such electors to allow other specified uses to be made of said fund. Moneys remaining in said fund at the end of the year shall not lapse but shall accumulate until expended as limited in this section.

(Code 1988 § 3.28.010; Ord. No. 100 §§ 1, 2, 1960)

3.24.020. Cumulative reserve fund for parklands, structures and capital improvements.

There is established by the city a fund designated as "cumulative reserve fund for parklands, structures and capital improvements" which fund may also be known and designated as "cumulative reserve fund No. 2." Said fund is created pursuant to provisions of RCW 35A.37.010 to provide funds for the purchase of real property or any interest therein for parks, park structures of any type and capital improvements to parks and, further; purchase of supplies, material, equipment and labor and services in connection with said purposes.

(Code 1988 § 3.28.020; Ord. No. 141 § 2, 1962)

CHAPTER 3.28. FEDERAL SHARED REVENUE FUND

3.28.010. Created.

There is created a fund of the city to be known and designated as "federal shared revenue fund" for the convenience of the city in receiving, budgeting, and appropriating moneys received under Title I of the State Local Fiscal Assistance Act of 1972, in accordance with federal regulations published under 31 Code of Federal Regulations, Subtitle B, Part 51, Federal Assistance to State and Local Governments.

(Code 1988 § 3.32.010; Ord. No. 285 § 1, 1972)

CHAPTER 3.32. LOCAL IMPROVEMENT GUARANTY FUND

3.32.010. Created.

Pursuant to Chapter 35.54 RCW, there is created a fund of the city to be known and designated as "local improvement guaranty fund" for the purpose of guaranteeing to the extent of such fund in the manner provided by law and this chapter the payment of local improvement bonds and warrants hereafter issued to pay the cost of improvements constructed in all local improvement districts of the city.

(Code 1988 § 3.36.010; Ord. No. 185 § 1, 1966)

3.32.020. Tax levy.

From time to time hereafter for the purpose of maintaining the local improvement guaranty fund, the city shall at the time of making its annual budget and tax levy provide for the levy of a sum sufficient, with the other sources of the fund, to pay the warrants issued against the fund during the preceding fiscal year and to establish a balance therein; provided, that the levy in any one year shall not exceed the greater of 12 percent of the outstanding obligations guaranteed by the fund, or the total amount of the delinquent assessments and interest accumulated on the delinquent assessments before the levy as of September first.

(Code 1988 § 3.36.020; Ord. No. 462 § 1, 1988; Ord. No. 185 § 2, 1966)

3.32.030. Warrant issuance.

Warrants drawing interest at a rate of not to exceed six percent shall be issued against the local improvement guaranty fund to meet any liability accruing against it. The warrants so issued shall at no time exceed five percent of the outstanding obligations guaranteed by the fund. At the time of making its annual budget and tax levy the city shall provide for the levying of a sum sufficient, with other resources of the fund, to pay warrants so issued during the preceding fiscal year.

(Code 1988 § 3.36.030; Ord. No. 185 § 3, 1966)

3.32.040. Purchase in event of default.

Defaulted bonds, interest coupons and warrants against local improvement district funds of the city shall be purchased out of the guaranty fund and as

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between the several issues of bonds, coupons or warrants no preference shall exist, but they shall be purchased in the order of their presentation.
(Code 1988 § 3.36.040; Ord. No. 185 § 4, 1966)

3.32.050. Protection of fund.

A. For the purpose of protecting the guaranty fund, so much of the guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments which underlie the bonds, coupons or warrants guaranteed by the fund or to purchase such property at county tax foreclosures or from the county after foreclosure.

B. The city, as trustee of the fund, may foreclose the lien of general taxes, certificates of delinquency and purchase the property at foreclosure sale. When doing so, the court costs, costs of publication, expense for clerical work and other expenses incidental thereto shall be charged to and paid from the local improvement guaranty fund.

C. After acquiring title to property by purchase at general tax foreclosure sale or from the county after foreclosure, the city may lease it or sell it at public or private sale at such price and on such terms as may be determined by resolution of the city council. All proceeds shall belong to and be paid into the local improvement guaranty fund.
(Code 1988 § 3.36.050; Ord. No. 185 § 5, 1966)

3.32.060. Use of revenue.

A. Interest and earnings from the local improvement guaranty fund shall be paid into the fund. If in any local improvement fund guaranteed by the local improvement guaranty fund there is a surplus remaining after the payment of all outstanding bonds and warrants payable therefrom, it shall be paid into the local improvement guaranty fund.

B. Whenever any sum is paid out of the local improvement guaranty fund on account of the principal or interest of a local improvement bond or warrant, the city, as trustee of the fund, shall be subrogated to all the rights of the holder of the bonds or interest coupon or warrant so paid and the proceeds thereof or of the underlying assessment shall become part of the guaranty fund.
(Code 1988 § 3.36.060; Ord. No. 185 § 6, 1966)

CHAPTER 3.36. MEDICAL PENSION RESERVE FUND**3.36.010. Created.**

There is created a fund of the city to be known and designated as "medical pension reserve fund," for the convenience of the city in making provision for future compliance with the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act 1970, RCW 41.26.150.
(Code 1988 § 3.40.010; Ord. No. 296 § 1, 1974)

CHAPTER 3.40. PETTY CASH FUND**3.40.010. Established.**

There is established in the City of Medina a fund to be known as the "petty cash fund." This fund is to be used solely for the purpose of making payments and/or small reimbursements for city-related purchases.
(Code 1988 § 3.42.010; Ord. No. 875 § 1, 2011; Ord. No. 593 § 1, 1994)

3.40.020. Amount.

The fund shall be established in the City of Medina in the initial sum of \$200.00.
(Code 1988 § 3.42.020; Ord. No. 875 § 2, 2011; Ord. No. 593 § 2, 1994)

CHAPTER 3.44. SUSPENSE FUND**3.44.010. Created.**

There is created a special fund of the city to be known as the "suspense fund." Such fund shall be used for the receipt of unanticipated revenue and other moneys which the ordinances of Medina require to be held as deposits for return in whole or in part upon the depositor's compliance with further provisions of the city's ordinances.
(Code 1988 § 3.44.010; Ord. No. 47 § 2, 1957)

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There is established in the City of Medina a fund to be known as the "equipment replacement fund," which fund is to provide funding for expenditures related to equipment replacement.

(Code 1988 § 3.45.010; Ord. No. 636 § 1, 1998)

CHAPTER 3.52. PARK PROPERTY ACQUISITION FUND**3.52.010. Established.**

There is established in the City of Medina a fund to be known as the "park property acquisition fund," which fund is to provide funding for payment on property purchased for parks purposes.

(Code 1988 § 3.46.010; Ord. No. 636 § 2, 1998)

CHAPTER 3.56. REAL ESTATE EXCISE TAX**3.56.010. Imposed.**

There is imposed a tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of the city.

(Code 1988 § 3.48.010; Ord. No. 409 § 1, 1985)

3.56.015. Additional real estate excise tax imposed.

In accordance with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed by MMC 3.56.010, there is hereby imposed an excise tax on each sale of real property located within the corporate limits of the city at the rate of one-quarter of one percent of the selling price to be collected by the county as described in RCW 82.46.060. Proceeds from this additional tax shall be deposited in a separate account in a municipal capital improvements fund and expended as authorized by law under RCW 82.46.035.

(Code 1988 § 3.48.015; Ord. No. 891 § 1, 2012; Ord. No. 745 § 1, 2002)

3.56.020. Applicability.

Taxes imposed in this chapter shall be collected from persons who are taxable by the state under Chapter

82.45 RCW and Chapter 458-61 WAC, upon the occurrence of any taxable event within the corporate limits of the city.

(Code 1988 § 3.48.020; Ord. No. 409 § 2, 1985)

3.56.030. Compliance with applicable provisions.

The taxes imposed in this chapter shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapter 82.45 RCW and Chapter 458-61 WAC. The provisions of those chapters, to the extent they are not inconsistent with this chapter, shall apply as though fully set forth herein.

(Code 1988 § 3.48.030; Ord. No. 409 § 3, 1985)

3.56.040. Distribution of proceeds—Limitations on use.

A. The King County treasurer shall place one percent of the proceeds of the tax imposed in this chapter in the King County current expense fund to defray the costs of collection.

B. The remaining proceeds from the city tax imposed herein shall be distributed to the city monthly and shall be placed in the municipal capital improvement fund which is created and is to be known as the "real property excise tax fund." This capital improvements fund shall be used by the city as authorized by RCW 82.46.010, as now enacted or hereafter amended.

C. This section shall not limit the existing authority of the city to impose special assessments on property benefited thereby in the manner prescribed by law.

(Code 1988 § 3.48.040; Ord. No. 890 § 1, 2012; Ord. No. 409 § 4, 1985)

3.56.050. Seller's obligation.

The taxes imposed in this chapter are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.

(Code 1988 § 3.48.050; Ord. No. 409 § 5, 1985)

3.56.060. Lien on property.

The taxes imposed in this chapter and any interest and penalties thereon are a specific lien upon each piece of real property sold from time of sale or until the tax is paid, which lien may be enforced in the manner pre-

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scribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

(Code 1988 § 3.48.060; Ord. No. 409 § 6, 1985)

3.56.070. Notation of payment.

The taxes imposed in this chapter shall be paid to and collected by the King County treasurer. The King County treasurer shall act as agent for the city. The King County treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the King County treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in MMC 3.56.040 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the King County auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the King County treasurer.

(Code 1988 § 3.48.070; Ord. No. 409 § 7, 1985)

3.56.080. Date payable.

The tax imposed under this chapter shall become due and payable immediately at the time of sale and, if not so paid within 30 days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

(Code 1988 § 3.48.080; Ord. No. 409 § 8, 1985)

3.56.090. Overpayment—Underpayment.

If, upon written application by the taxpayer to the King County treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the King County treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount

was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the city.

(Code 1988 § 3.48.090; Ord. No. 409 § 9, 1985)

3.56.100. Violation—Penalty.

Any person who fails or refuses to pay the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, is guilty of a misdemeanor, and upon conviction thereof, shall be fined no more than \$500.00 or imprisoned for not more than six months, or punished by both such fine and imprisonment.

(Code 1988 § 3.48.100; Ord. No. 409 § 10, 1985)

CHAPTER 3.60. SALES AND USE TAX**3.60.010. Imposed.**

There is imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the city, in the county of King. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Code 1988 § 3.52.010; Ord. No. 252 § 1, 1970)

3.60.020. Rate.

The rate of the tax imposed by MMC 3.60.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by King County, the rate of tax imposed by this chapter shall be 425/1000 of one percent.

(Code 1988 § 3.52.020; Ord. No. 252 § 2, 1970).

3.60.030. Administration and collection.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session.

(Code 1988 § 3.52.030; Ord. No. 252 § 3, 1970)

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MEDINA CODE OF ORDINANCES**3.60.040. Consent to inspection of records.**

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the department of revenue pursuant to RCW 82.32.330.

(Code 1988 § 3.52.040; Ord. No. 252 § 4, 1970)

3.60.050. Authorization to enter into contract with state.

The mayor of the city is authorized to enter into the contract with department of revenue for administration of the tax.

(Code 1988 § 3.52.050; Ord. No. 252 § 5, 1970)

3.60.060. Failure to collect—Penalty.

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either director indirect, and any buyer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. (Code 1988 § 3.52.060; Ord. No. 252 § 6, 1970)

CHAPTER 3.64. ADDITIONAL SALES AND USE TAX**3.64.010. Imposed.**

There is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the city. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW.

(Code 1988 § 3.56.010; Ord. No. 379 § 1, 1982)

3.64.020. Rate.

The rate of the tax imposed by MMC 3.64.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by King County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate equal to or greater than the rate imposed by this section, the county shall receive 15 percent of the tax imposed by MMC 3.64.010; provided further, that during such period as there is in effect a sales tax or use tax imposed by King County under Section 17(2), Chapter 49, Laws of 1982, First

Extraordinary Session at a rate which is less than the rate imposed by this section, the county shall receive from the tax imposed by this section, that amount of revenues equal to 15 percent of the rate of the tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session.

(Code 1988 § 3.56.020; Ord. No. 379 § 2, 1982)

3.64.030. Administration and collection.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050.

(Code 1988 § 3.56.030; Ord. No. 379 § 3, 1982)

3.64.040. Consent to inspection of records.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the department of revenue, pursuant to RCW 82.32.330.

(Code 1988 § 3.56.040; Ord. No. 379 § 4, 1982)

3.64.050. Authorization to enter into contract with state.

The mayor and clerk are authorized to enter into a contract with the department of revenue for the administration of this tax.

(Code 1988 § 3.56.050; Ord. No. 379 § 5, 1982)

3.64.060. Special initiative.

This chapter shall be subject to a special initiative. The number of registered voters needed to sign a petition for special initiative is 15 percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding municipal general election. If a special initiative petition is filed with the city council, the operation of this chapter shall not be suspended pending a final decision on the disposition of the special initiative. The procedures for initiative contained in RCW 35A.11.100 shall apply to any such special initiative petition.

(Code 1988 § 3.56.060; Ord. No. 384 § 1, 1983; Ord. No. 379 § 6, 1982)

3.64.070. Violation—Penalty.

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any

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tax due under this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$500.00 or imprisoned for not more than six months, or be punished by both such fine and imprisonment.
(Code 1988 § 3.56.070; Ord. No. 379 § 7, 1982)

CHAPTER 3.68. SALES AND USE TAX FOR AFFORDABLE HOUSING

3.68.010. Purpose.

The purpose of this chapter is to impose a local sales and use tax for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing as authorized by RCW 82.14.540.
(Code 1988 § 3.57.010; Ord. No. 985 § 2, 2020)

3.68.020. Imposition of sales and use tax.

A. *Imposition.* In addition to other taxes which may be imposed by the city, there is hereby authorized, fixed and imposed a separate sales and use tax in accordance with RCW 82.14.540. Such tax shall be assessed on the selling price in the case of a sales tax, or value of the article used in the case of a use tax, upon every taxable event that occurs within the city limits of Medina.

B. *Tax rate—Term.* The rate of the sales and use tax authorized by this chapter shall be 0.0073 percent of the selling price or value of the article used or such rate as authorized by RCW 82.14.540 as amended from time to time. The tax imposed by the city under this chapter shall expire 20 years after the date on which the tax is first imposed.

C. *Tax receipts—Administration.* The maximum amount to be received by the city from the tax in each year shall be equal to the taxable retail sales within the city limits of Medina in each fiscal year multiplied by the tax rate. The tax imposed by this chapter shall be deducted from the amount of tax otherwise required to be collected or paid to the Washington State Department of Revenue ("DOR") under Chapter 82.08 or 82.12 RCW, as the same now exists or may hereafter be amended. DOR shall collect and administer the tax on behalf of the city at no cost to the city. In the event that the amount of tax exceeds the maximum amount allowed to the city under RCW 82.14.540, any excess shall be remitted to the state treasurer in accordance

with RCW 82.14.540(5). The city manager is authorized to enter in an agreement with DOR for the administration of the tax.
(Code 1988 § 3.57.020; Ord. No. 985 § 2, 2020)

3.68.030. Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Code 1988 § 3.57.030; Ord. No. 985 § 2, 2020)

CHAPTER 3.72. DEVELOPMENT FEE WAIVERS

3.72.010. Qualifications.

In order to qualify for waiver of development fees, the applicant must meet all of the following qualifications:

- A. The total income for the applicant and all members of his/her immediate family (parents, siblings and decedents) residing with the applicant shall not exceed the following:

One person:	\$23,050.00
Two persons:	\$26,300.00
Three persons:	\$29,600.00
Four persons:	\$32,900.00
Five persons:	\$35,500.00
Six persons:	\$38,150.00
Seven persons:	\$40,800.00
Eight persons:	\$43,450.00

The total income amounts set forth here shall be adjusted annually to reflect the current HUD income categories.

- B. The applicant is 62 years of age or older or qualifies for Social Security disability benefits.
- C. The proposed construction constitutes repairs and maintenance only.
- D. The applicant owns and resides on the subject property.

(Code 1988 § 3.60.010; Ord. No. 741 § 1, 2002)

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"Income" shall mean the adjusted gross income, as defined in the Internal Revenue Code, of the applicant and all members of his/her immediate family residing in the same residence plus all the following items to the extent they are not included in or have been deducted from adjusted gross income:

- A. Capital gains;
- B. Pension and annuity receipts;
- C. Military pay and benefits;
- D. Veteran's benefits;
- E. Federal Social Security Act and railroad retirement benefits;
- F. Dividend receipts;
- G. Interest received on state and municipal bonds.

The applicant shall provide information and documentation as required by the city.

(Code 1988 § 3.60.020; Ord. No. 741 § 2, 2002)

3.72.030. Fees to be waived.

All building permit, planning and development fees shall be waived.

(Code 1988 § 3.60.030; Ord. No. 741 § 3, 2002)

CHAPTER 3.76. FEE SCHEDULE**3.76.010. Schedule of fees.**

In addition to development fees established as set forth in Chapter 16.14 MMC, authority is delegated to the city manager to establish, increase or decrease fees for other services provided by the city, including but not limited to the following: accident and case reports; audio duplications; computer printouts; copies; hearing examiner hearings; witness fees; jury service fees; municipal court fees; business license fees; franchise fees; animal impound and license fees; registration of home security systems; fireworks licenses (not to exceed the maximum amount set by state law, RCW 70.77.555); parking permits; bicycle licenses; oversize vehicle permits; overweight vehicle permits; tracked, spiked, cleated or lugged vehicle permits; construction vehicle parking permits; street excavation permits; street trench cut permits; right-of-way tree trimming or removal permits; permits for tree removal during new development or reconstruction; garage sale permits;

blanket utility permits; appeals of administrative decisions; administrative variances and permits; extension of building permits; renewal of building permits; burning permits; building moving permits; construction mitigation plans; accessory dwelling unit registration; special use permits; satellite receiving system permits; home occupation permits; adult family home permits; family day care permits; house trailer occupancy permits; sign permits; sign impound fees; waterfront construction fees; wireless communication facility permits; environmental reviews (SEPA and shoreline); shoreline development permits; concealed weapon permits; requests for reconsideration; reroofing permits; clarification or modification of decisions; comprehensive plan amendments; Endangered Species Act review; replacement permits; applications for variance renewal; amendments of zoning ordinances; returned checks; rezones and amendments to the comprehensive plan.

(Code 1988 § 3.64.010; Ord. No. 900 § 12, 2013; Ord. No. 766 § 1, 2003)

3.76.020. Adoption or revisions of fees.

Upon adoption or revision of a fee schedule, all prior fee schedules and portions of the Medina Municipal Code setting forth fees shall be deemed amended to conform with the newly adopted fee schedule.

(Code 1988 § 3.64.020; Ord. No. 766 § 2, 2003)

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Title 4

MUNICIPAL COURT**Chapter 4.01. Medina Municipal Court**

- 4.01.010. Creation.
- 4.01.020. General jurisdiction.
- 4.01.030. Exclusive original jurisdiction.
- 4.01.040. Court commencement date.
- 4.01.050. Creation of violations bureau.
- 4.01.060. Disposition of municipal court revenue.
- 4.01.070. Sessions.
- 4.01.080. Municipal judge—Pro tem judge—Judicial vacancies.
- 4.01.090. Court employees.
- 4.01.100. Witness fees.
- 4.01.110. Jury trial and fee.
- 4.01.120. Fees for services.
- 4.01.130. Municipal court seal.
- 4.01.140. Case transfers.
- 4.01.150. Sentencing.
- 4.01.160. Criminal process.
- 4.01.170. Complaints.
- 4.01.180. Pleadings, practice and procedure.
- 4.01.190. Adoption of Chapter 3.50 RCW.

Chapter 4.04. Standards for Public Defense Services

- 4.04.010. Adoption of standards for public defense services.

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MUNICIPAL COURT

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4.01.070**CHAPTER 4.01. MEDINA MUNICIPAL COURT****4.01.010. Creation.**

There is hereby created an inferior court, to be known and designated as a municipal court, which shall be entitled "The Municipal Court of Medina." (Code 1988 § 4.01.010; Ord. No. 664 § 1, 1999)

4.01.020. General jurisdiction.

The municipal court of Medina shall have jurisdiction and shall exercise all powers in accordance with Chapter 3.50 RCW, as it now exists or is hereafter amended, together with such other powers and jurisdiction as are generally conferred upon such court by either common law or express state statute. (Code 1988 § 4.01.020; Ord. No. 664 § 1, 1999)

4.01.030. Exclusive original jurisdiction.

The municipal court of Medina shall have exclusive original jurisdiction over the following matters: traffic infractions arising under city ordinances; criminal violations of city ordinances; actions brought to enforce or recover license penalties or forfeitures declared or given by city ordinance or state statute.

This exclusive original jurisdiction shall include the power to hear and determine all causes enumerated above arising under city ordinances, and to pronounce judgment thereon. The municipal court of Medina is also empowered to forfeit cash bail or bail bonds and issue execution thereon. (Code 1988 § 4.01.030; Ord. No. 664 § 1, 1999)

4.01.040. Court commencement date.

The Medina municipal court shall commence operations and shall have jurisdiction as outlined in MMC 4.01.030 and 4.01.040 for all actions occurring on or after 12:01 a.m. on January 1, 2000. (Code 1988 § 4.01.040; Ord. No. 664 § 1, 1999)

4.01.050. Creation of violations bureau.

A. Creation. The Medina violations bureau is hereby created to operate under the supervision of the municipal court to assist the court in processing traffic cases.

B. Processing. The violations bureau may process city traffic offenses/infractions in conformance with Chapter 46.63 RCW.

C. Posting of bail. The violations bureau may receive the posting of bail for specified offenses, and, to the extent authorized by court order, is permitted to accept forfeiture of bail and payment of penalties. Upon accepting the prescribed bail, the violations bureau shall issue a receipt therefor to the alleged violator, shall acknowledge the posting thereof, and shall inform the accused of the legal consequences of bail forfeiture.

D. Fines and penalties. Any person charged with any criminal traffic offense within the authority of the violations bureau as described in subsection (A) of this section may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs, and this shall have the same effect as a court conviction. All penalties and forfeitures paid to the violations bureau for violations of Medina ordinances shall be handled in accordance with MMC 4.01.060. (Code 1988 § 4.01.050; Ord. No. 664 § 1, 1999)

4.01.060. Disposition of municipal court revenue.

Costs in criminal actions may be imposed by the municipal court. All fees, costs, fines, forfeitures and other monetary requirements imposed by the municipal court for the violation of city ordinances shall be collected by the court clerk and, together with any revenues received by the clerk, shall be deposited with the city treasurer as part of the general fund of the city, or deposited in such other funds as may be designated by the laws of the State of Washington. These funds shall be retained or disbursed in accordance with RCW 3.50.100 and pursuant to city ordinances. (Code 1988 § 4.01.060; Ord. No. 664 § 1, 1999)

4.01.070. Sessions.

The municipal court shall be open for regular sessions as scheduled each week, except for nonjudicial days, as established by state law. The municipal judge shall establish the time for operation of court for regular and special sessions. The municipal judge shall have the authority to establish additional court dates if necessary to provide effective and efficient justice. This section shall not limit the actions of the municipal

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judge regarding items such as telephonic approval of search warrants, issuance of no contact orders or determinations as to probable cause.
(Code 1988 § 4.01.070; Ord. No. 664 § 1, 1999)

4.01.080. Municipal judge—Pro tem judge—Judicial vacancies.

A. *Appointment of judge.* Within 30 days of the effective date of the ordinance codified in this chapter and no later than December 1, 1999, the city manager shall appoint a municipal judge who is qualified in accordance with RCW 3.50.040. The appointment shall be made in writing and shall be confirmed by the city council. The municipal judge shall serve a term of four years. On or before December 1st of the year in which the municipal judge's term expires, the city manager shall fill the position of municipal judge by appointment, in accordance with this section.

B. *Additional judges.* Additional full- or part-time municipal judge positions may be filled in accordance with subsection (A) of this section, when the public interest and the administration of justice make such additional judge or judges necessary.

C. *Judges pro tem.* Within 30 days of the effective date of the ordinance codified in this chapter, the mayor shall appoint one or more pro tem municipal judges who are qualified in accordance with RCW 3.50.040 to act in the absence, disability or disqualification of the regular municipal judge(s). The appointment shall be made in writing, shall be confirmed by the city council, and shall specify the term of the appointment.

D. *Vacancies.* Any vacancy in the municipal court due to death, disability, removal or resignation of a judge shall be filled for the remainder of the unexpired term in accordance with the procedure set forth in subsection (A) of this section. The appointed judge shall be qualified to hold the position of judge in accordance with RCW 3.50.040.

E. *Removal.* A municipal judge or pro tem judge shall be removed only upon conviction or misconduct or malfeasance in office, removal by the Commission on Judicial Conduct or the Washington Supreme Court, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. The municipal judge is subject to discipline by the Commission on Judicial Conduct and the Washington Supreme Court, as described in Chapter 2.64 RCW.

F. *Oath.* Every judge of the Medina municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the City of Medina, according to the best of my ability.

The oath shall be filed in the office of King County records and elections and with the Medina city clerk.

G. *Compensation.* The salary for said municipal judge and the pro tem municipal judge shall be set by ordinance of the city council.

H. *Bond.* Each municipal judge or pro tem judge shall give such bonds to the state and city for the faithful performance of the judge's duties as required by state law or city ordinance.
(Code 1988 § 4.01.080; Ord. No. 664 § 1, 1999)

4.01.090. Court employees.

All employees of the municipal court shall be deemed employees of the city, and are subject to applicable provisions of city personnel rules and state laws.
(Code 1988 § 4.01.090; Ord. No. 664 § 1, 1999)

4.01.100. Witness fees.

Each witness who appears as directed by subpoena on city cases shall receive a witness fee of \$10.00 plus mileage for each day's attendance at the Medina municipal court. These fees may be included in the costs that are imposed by the court upon a defendant.
(Code 1988 § 4.01.100; Ord. No. 664 § 1, 1999)

4.01.110. Jury trial and fee.

Jury trials shall be allowed in accordance with RCW 3.50.135 or in accordance with state law applicable to a particular matter. In accordance with RCW 3.50.135, each juror shall receive \$10.00 plus mileage at the rate determined under RCW 43.03.060, as it may be amended from time to time, for each day in attendance upon the Medina municipal court. These fees may be included in the costs that are imposed by the court upon a defendant.
(Code 1988 § 4.01.110; Ord. No. 664 § 1, 1999)

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4.01.180**4.01.120. Fees for services.**

A. The clerk shall collect the following fees for court services:

1. Filing fee for any case or matter to be filed or commenced (other than by the City of Medina): \$31.00;
2. Transcript of judgment: \$6.00;
3. Certifying any document on file: \$5.00, plus \$0.10 per page;
4. Preparing the record of a case for appeal to superior court: \$40.00, excluding any costs of tape duplication as governed by the Rules of Appeal for Courts of Limited Jurisdiction;
5. Duplication of part or all of the electronic tape of a proceeding: \$10.00 per tape;
6. Probation fee: \$50.00 per month;
7. Stop payment fee for court-issued checks: \$25.00 per check;
8. Nonsufficient funds fee for returned checks: \$25.00 per check;
9. Vehicle impound hearing fee: \$31.00 per case;
10. Proof of insurance/administrative dismissal: \$25.00 per case;
11. Electronic home detention: \$25.00 set-up, plus \$105.00 per week, unless another amount is set by court order;
12. Work release: \$25.00 set-up, plus \$20.00 per day, unless another amount is set by court order;
13. Day detention: \$10.00 per day, unless another amount is set by court order;
14. Failure to respond: \$25.00 for parking cases; \$47.00 for infraction cases.

B. The fees imposed under this section may be included in the costs that are imposed by the court upon a defendant.
(Code 1988 § 4.01.120; Ord. No. 684 § 1, 1999; Ord. No. 664 § 1, 1999)

4.01.130. Municipal court seal.

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of Medina, State of Washington," surrounding the vignette.
(Code 1988 § 4.01.130; Ord. No. 664 § 1, 1999)

4.01.140. Case transfers.

A transfer of a case from the municipal court to either another Medina municipal judge or a judge pro tem shall be allowed as provided by RCW 3.50.125.
(Code 1988 § 4.01.140; Ord. No. 664 § 1, 1999)

4.01.150. Sentencing.

The municipal judge shall have the broadest authority and discretion consistent with the Medina Municipal Code and state law with respect to sentencing and probation. In matters of execution of sentence, deferral of sentence, continuing jurisdiction after sentencing, and termination of probation, the municipal judge shall follow applicable state law, including RCW 3.50.300 through 3.50.340 and 3.50.440.
(Code 1988 § 4.01.150; Ord. No. 664 § 1, 1999)

4.01.160. Criminal process.

All criminal process issued by the municipal court shall be in the name of the State of Washington and run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any city or to any sheriff in the state.
(Code 1988 § 4.01.160; Ord. No. 664 § 1, 1999)

4.01.170. Complaints.

All criminal prosecutions for violation of any city ordinance shall be conducted in the name of the city and may be upon the complaint of any person, subject to the procedures set forth in all applicable ordinances or statutes.
(Code 1988 § 4.01.170; Ord. No. 664 § 1, 1999)

4.01.180. Pleadings, practice and procedure.

Pleadings, practice and procedure in cases not governed by Chapter 3.50 RCW or other statutes or rules specifically applicable to municipal courts shall, inso-

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far as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to district courts. (Code 1988 § 4.01.180; Ord. No. 664 § 1, 1999)

4.01.190. Adoption of Chapter 3.50 RCW.

The city hereby adopts Chapter 3.50 RCW, and any amendments thereto. The city clerk is hereby directed to maintain a complete copy of Chapter 3.50 RCW available for public inspection. (Code 1988 § 4.01.190; Ord. No. 664 § 1, 1999)

CHAPTER 4.04. STANDARDS FOR PUBLIC DEFENSE SERVICES**4.04.010. Adoption of standards for public defense services.**

The "Standards for Indigent Defense," attached to the ordinance codified in this chapter as Exhibit A and by this reference fully incorporated herein, are hereby adopted in its entirety. (Code 1988 § 4.04.010; Ord. No. 922 § 1, 2015; Ord. No. 837 § 1, 2008)

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Title 5.

BUSINESS LICENSES AND REGULATIONS**Chapter 5.04. Business and Occupation Taxes and Licenses**

5.04.010.	Generally.
5.04.020.	License required.
5.04.025.	Definitions.
5.04.030.	Tax—Imposed.
5.04.040.	Tax—Payment.
5.04.050.	Tax—Deductions and computation.
5.04.060.	Recordkeeping.
5.04.070.	Refunds.
5.04.080.	Promulgation of rules and regulations.
5.04.090.	Violation—Penalty.

Chapter 5.06. Franchise Fees

5.06.010.	Reservation of rights.
5.06.020.	Franchise fees—Amount.
5.06.030.	Fees and compensation not a tax.
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Chapter 5.08. Cable System Regulations

5.08.010.	Short title.
5.08.020.	Definitions.
5.08.030.	Franchise grant.
5.08.040.	Franchise purposes.
5.08.050.	Nonexclusive franchise.
5.08.060.	Application.
5.08.070.	Duration.
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5.08.090.	Police powers.
5.08.100.	Use of rights-of-way.
5.08.110.	Pole or conduit agreements.
5.08.120.	Franchise fees.
5.08.130.	Taxes.
5.08.140.	Customer service standards.
5.08.150.	Other authorizations.
5.08.160.	Rules and regulations of the city.
5.08.170.	Delegation of powers.
5.08.180.	Coverage.
5.08.190.	Technical standards.
5.08.200.	Construction standards.
5.08.210.	Street cut or repair.
5.08.220.	Safety requirements.
5.08.230.	Regulation of rates and charges.
5.08.240.	Privacy.
5.08.250.	Discriminatory practices prohibited.
5.08.260.	Equal employment opportunity.
5.08.270.	Reimbursement.
5.08.280.	Franchise renewal.
5.08.290.	Franchise revocation.
5.08.300.	Miscellaneous provisions.

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Chapter 5.12. Peddlers and Solicitors

- 5.12.010. Purpose.
- 5.12.020. Definitions.
- 5.12.030. Trespassing prohibited.
- 5.12.040. Remaining on private property after a request to leave.
- 5.12.050. Violation—Penalty.
- 5.12.060. Hours of solicitation.

BUSINESS LICENSES AND REGULATIONS

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5.04.030**CHAPTER 5.04. BUSINESS AND OCCUPATION
TAXES AND LICENSES****5.04.010. Generally.**

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license businesses and occupations for revenue and regulatory purposes. (Code 1988 § 5.04.010; Ord. No. 962 § 2, 2018; Ord. No. 303 § 1, 1974)

5.04.020. License required.

After April 1, 1975, no person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by MMC 5.04.030 without first having obtained, and being the holder of, a license to do so, to be known as an occupation license. Each such person, firm or corporation shall promptly apply to the city clerk for such license upon such forms as the clerk shall prescribe, giving such information as the clerk shall deem reasonably necessary to enable said clerk's office to administer and enforce this chapter; and, upon acceptance of such application by the clerk, said clerk shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in said business and shall comply with this chapter. (Code 1988 § 5.04.020; Ord. No. 303 § 2, 1974)

5.04.025. Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

Person means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club company, joint stock company, business trust, municipal corporation, political subdivision of the State of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise and the United States or any instrumentality thereof.

Telephone business means the business of providing by any person of access to a telephone network, telephone network switching service, toll service, or coin

telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. This includes the provision of transmission to and from the site of an Internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. It does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of Internet access as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the Internet service provider.

Total gross income means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(Code 1988 § 5.04.025; Ord. No. 882 § 1, 2011)

5.04.030. Tax—Imposed.

There is levied upon and there shall be collected from every person engaged in carrying on the following business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city the tax for the privilege of so doing business as hereinafter defined:

- A. Upon every person engaging in or carrying on telephone business there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business in the city. In computing the tax imposed under this subsection, there shall be deducted from total gross income the amounts derived from transaction in interstate or foreign commerce and any amounts upon which the city is prohibited from imposing such tax under the Constitution or laws of the United States or the Constitution or laws of the State of Washington.
- B. Upon every person, firm or corporation engaged alone or in conjunction with another in

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the business of selling or leasing telephone or telegraph or related communication equipment at retail or to or for the public and thereafter installing, maintaining or repairing the same, a fee equal to six percent of the total gross income from such business in the city; provided further, that this fee or tax shall not be imposed on any business otherwise subject to fee or tax under this chapter nor on the business of selling or installing telephone or telegraph or related communication equipment to telephone or telegraph companies taxed under this chapter.

- C. There is levied a tax on the sale, delivery or distribution of electricity or electrical energy and for the privilege of carrying on said business, such tax to be equal to six percent of the total gross revenue derived from sales of such electricity to ultimate users within the city; provided, however, that there shall not be any tax levied for the installation charges of electrical units.
- D. There is levied a tax on the sale, delivery, distribution or furnishing of natural gas for domestic, business or industrial consumption and for the privilege of carrying on said business, such tax to be equal to six percent of the total gross income from such business in the city; provided, however, that there shall not be any tax levied for installation charges of gas energy units, nor on any business that is exempt under RCW 35.21.870.
- E. There is levied a tax on the business of solid waste collection, transportation, or disposal and for the privilege of carrying on said business, such tax to be equal to six percent of the total gross revenue derived from solid waste collection, transportation, or disposal within the city.
- F. There is levied upon and there shall be collected from every person engaged in the business of providing cable television service for a monetary consideration, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to six percent of the total gross income derived from subscribers' revenues from such cable television service provided in the city.

"Cable television services" means the one-way transmission of video programming and associated nonvideo signals to subscribers together with subscriber interaction, if any, which is provided in connection with video programming.

- G. There is levied upon and shall be collected from every business engaged in the sale, delivery, distribution, or furnishing of water for domestic, farm, and other uses a tax equal to six percent of the total gross income derived from the operation of such business within the city; provided, however, that the tax imposed by this subsection shall not apply to any entity which the city is prohibited from taxing under applicable federal or state law.
 - H. There is levied upon and shall be collected from every business engaged in the operation and sale of sewer utility services a tax equal to six percent of the total gross income derived from the operation of such business within the city; provided, however, that the tax imposed by this subsection shall not apply to any entity which the city is prohibited from taxing under applicable federal or state law.
 - I. Leasehold excise tax. Pursuant to the authorization of RCW 82.29A.040, from and after 12:01 a.m. on January 8, 2011, there is hereby imposed a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property within the city, through a leasehold interest as defined in RCW 82.29A.020. The tax shall be paid, collected, and remitted to the Washington State Department of Revenue at the time and in the manner prescribed in RCW 82.29A.050, as it now exists or may hereafter be amended. The rate of the leasehold excise tax imposed shall be six percent of the taxable rent, as defined in RCW 82.29A.020(2) as it now exists or may hereafter be amended; provided, that the credits specified in RCW 82.29A.120, as it now exists or may hereafter be amended, shall be allowed in determining the tax payable. Leasehold interests exempted by Chapter 82.29A RCW, as it now exists or may hereafter be amended, shall be exempt from the leasehold excise tax imposed pursuant to this section.
- (Code 1988 § 5.04.030; Ord. No. 962 § 3, 2018; Ord. No. 951 § 1, 2017; Ord. No. 941 § 1, 2016; Ord. No. 927 § 1,

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2015; Ord. No. 912 § 1, 2014; Ord. No. 903 § 1, 2013; Ord. No. 893 § 1, 2012; Ord. No. 882 § 2, 2011; Ord. No. 879 § 1, 2011; Ord. No. 869 § 1, 2010; Ord. No. 861 § 1, 2010; Ord. No. 860 § 2, 2010; Ord. No. 618 § 1, 1996; Ord. No. 599 § 1, 1994; Ord. No. 526 § 1, 1990; Ord. No. 419 § 1, 1986; Ord. No. 389 § 1, 1983; Ord. No. 380 § 1, 1983; Ord. No. 340 § 1, 1978; Ord. No. 303 § 3, 1974)

5.04.040. Tax—Payment.

A. The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

1. First quarter, January, February, March;
2. Second quarter, April, May, June;
3. Third quarter, July, August, September;
4. Fourth quarter, October, November, December.

B. The first payment made under this section shall be made by July 30, 1975, for the three-month period ending June 30, 1975. On or before said due date the taxpayer shall file with the city clerk a written return, upon such form and setting forth such information as the clerk shall reasonably require, together with the payment of the amount of the tax.

(Code 1988 § 5.04.040; Ord. No. 303 § 4, 1974)

5.04.050. Tax—Deductions and computation.

In computing said tax there shall be deducted from said gross operating revenue amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitutions of the United States and the state.

(Code 1988 § 5.04.050; Ord. No. 303 § 5, 1974)

5.04.060. Recordkeeping.

Each taxpayer shall keep records reflecting the amount of his said gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city clerk, or his duly authorized

subordinates, for verification of said tax returns or for the fixing of the tax of a taxpayer who shall fail to make such returns.

(Code 1988 § 5.04.060; Ord. No. 303 § 6, 1974)

5.04.070. Refunds.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer.

(Code 1988 § 5.04.070; Ord. No. 303 § 8, 1974)

5.04.080. Promulgation of rules and regulations.

The clerk for the city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it is a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

(Code 1988 § 5.04.080; Ord. No. 303 § 10, 1974)

5.04.090. Violation—Penalty.

If any person, firm or corporation subject to this chapter shall fail to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 15 percent of the amount of such tax and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies.

(Code 1988 § 5.04.090; Ord. No. 303 § 7, 1974)

CHAPTER 5.06. FRANCHISE FEES**5.06.010. Reservation of rights.**

The City of Medina hereby reserves any and all of its right and authority to impose franchise fees in consideration for the city's authorization given to a franchisee to use or occupy the public rights-of-way.

(Code 1988 § 5.06.010; Ord. No. 860 § 3, 2010)

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MEDINA CODE OF ORDINANCES**5.06.020. Franchise fees—Amount.**

A. All persons given a grant pursuant to a franchise, license, permit or other authorization to use and occupy the public rights-of-way to provide services, whether or not such services are provided to the general public, shall, in consideration for such grant and to the extent the city may lawfully require such persons to do so, pay franchise fees to the city in accordance with the terms and conditions of the applicable franchise agreement, license, permit or other authorization.

B. Except as may be otherwise provided in the franchise, license, permit or other authorization, the obligation of such person to pay such franchise fees to the city shall survive the expiration, termination or revocation of the franchise, license, permit or other authorization and shall be in full force and effect until such time as a new franchise, license, permit or other authorization granting use and occupancy of the public rights-of-way becomes effective or such person removes its facilities, if any, from the public rights-of-way.

C. Franchise fees imposed pursuant to this section that are imposed upon gross revenues derived from services provided within the city shall not exceed a percentage of four percent of such gross revenues. Franchise fees imposed upon gross revenues derived from services provided within the city pursuant to a franchise, license, permit or other authorization granted prior to the effective date of the ordinance codified in this section shall not be assessed or collected to the extent such franchise fees exceed four percent of such gross revenues.

(Code 1988 § 5.06.020; Ord. No. 895 § 1, 2012; Ord. No. 878 § 1, 2011; Ord. No. 860 § 3, 2010)

5.06.030. Fees and compensation not a tax.

Franchise fees, and any other compensation charged and paid for use or occupancy of the public rights-of-way provided for in a franchise, license, permit or other authorization, whether financial or in-kind, are separate from, and additional to, any and all federal, state, local, and city taxes as may be levied, imposed or due from a franchisee, permittee or licensee, its customers or subscribers or on account of the lease, sale, delivery or transmission of services.

(Code 1988 § 5.06.030; Ord. No. 860 § 3, 2010)

5.06.040. Franchise fee—Payment.

A. Except as may be otherwise provided in an applicable franchise, license, permit or other authorization, the fee imposed by this chapter shall be due and

payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

1. First quarter, January, February, March;
2. Second quarter, April, May, June;
3. Third quarter, July, August, September;
4. Fourth quarter, October, November, December.

B. On or before said due date the person required to pay such franchise fees shall file with the city clerk a written return, upon such form and setting forth such information as the clerk shall reasonably require, together with the payment of the amount of the franchise fee.

C. Recordkeeping. Except as may be otherwise provided in an applicable franchise, license, permit or other authorization or when franchise fees are not based upon revenues (e.g., linear feet of occupancy), each franchisee, licensee and permittee shall keep records reflecting the amount of revenues subject to the franchise fee, and such records shall be open at all reasonable times to the inspection of the city clerk, or his duly authorized subordinates, for verification of said franchise fee payment or for the fixing of the franchise fee of a person who shall fail to make such returns.

D. Promulgation of rules and regulations. The clerk for the city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it is a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter; provided, that in the event of a conflict between a term, condition, or provision of an applicable franchise, license, permit or other authorization and a rule or regulation authorized hereunder, the term, condition or provision of the franchise, license, permit or other authorization shall control to the extent of the conflict.

(Code 1988 § 5.06.040; Ord. No. 860 § 3, 2010)

5.06.050. Unauthorized use.

Any person occupying or using the public rights-of-way who is required under the Medina Municipal Code to obtain a franchise, license, permit or other authori-

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zation from the city prior to such use or occupancy as a condition of such use and occupancy to provide services shall be subject to payment of franchise fees for the period of such unauthorized use and occupancy, to the extent that the city would have authority to impose franchise fees if such person had obtained a franchise prior to such use or occupancy. Such franchise fees shall be assessed and calculated in the same manner and rate or amount as provided for under similar franchises, licenses, permits or other authorizations in the city, and if no such similar franchises, licenses, permits or other authorizations exist in the city, in the same manner at the highest rate or amount as may be provided for under similar franchises, licenses, permits or other authorizations in comparable jurisdictions in Washington State.

(Code 1988 § 5.06.050; Ord. No. 860 § 3, 2010)

5.06.060. Violation—Penalty.

Except as may be otherwise provided in an applicable franchise, if any person subject to this chapter shall fail to pay any franchise fee required by this chapter within 30 days after the due date thereof, there shall be added to such franchise fee a penalty of 15 percent of the amount of such franchise fee, and any franchise fee due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies and penalties provided for in the Medina Municipal Code, the applicable franchise, permit, license or other authorization, or as provided at law or in equity.

(Code 1988 § 5.06.060; Ord. No. 860 § 3, 2010)

CHAPTER 5.08. CABLE SYSTEM REGULATIONS*

5.08.010. Short title.

This chapter shall constitute the "cable system regulations" of the City of Medina and may be referred to as such.

(Code 1988 § 5.08.010; Ord. No. 814 § 2, 2007)

5.08.020. Definitions.

For the purposes of this chapter, the following words, terms, phrases and their derivations have the meanings

*Prior legislation—Ord. No. 376.

given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the singular number include the plural number and words in the plural number include the singular number.

Applicant means any person or entity that applies for an initial franchise.

Cable Act means the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, and as any of them may be amended.

Cable operator means any person or group of persons, including a franchisee, who provide(s) cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system or who otherwise control(s) or is (are) responsible for, through any arrangement, the management and operation of such a cable system.

Cable service means the one-way transmission to customers of video programming or other programming service, and customer interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system means any facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple customers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves customers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Federal Communications Act (47 U.S.C. 201 et seq.), except that such facility shall be considered a cable system (other than for purposes of Section 621(c) (47 U.S.C. 541(c)) to the extent such facility is used in the transmission of video programming directly to customers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with federal statutes and regulations; or (E) any facilities of any electric utility used solely for operating its electric utility systems.

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City means the City of Medina, a municipal corporation of the State of Washington, and all of the area within its boundaries, as such may change from time to time.

City council means the Medina city council, or its successor, the governing body of the city.

Customer means any person who elects to subscribe to, for any purpose, cable service provided by a franchisee by means of or in connection with the cable system and whose premises are physically wired and lawfully activated to receive cable service from the franchisee's cable system.

Customer service representative or *CSR* shall mean any person employed by the cable operator to assist or provide service to customers, whether by answering public telephone lines, answering customers' questions or performing other customer service-related tasks.

Customer service standards means those customer service standards set forth herein and as hereafter amended that are applicable to cable operators.

FCC means the Federal Communications Commission.

Franchise means an agreement that authorizes a person or entity to construct, operate, maintain or reconstruct a cable system. Upon the written acceptance by a franchisee, the agreement constitutes a contract between the city and franchisee.

Franchise area means the area within the jurisdictional boundaries of the city to be served by a franchisee as specified in the franchise.

Franchisee means the person, firm, corporation or entity to whom or which a franchise, as hereinabove defined, is granted by the city council under this chapter and the lawful successor, transferee or assignee of said person, firm, corporation or entity.

Normal business hours shall mean those hours during which most similar businesses in the city are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

Normal operating conditions shall mean those service conditions that are within the control of the cable operator. Those conditions that are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power out-

ages, telephone network outages and severe or unusual weather conditions. Those conditions that are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the cable system.

Right-of-way or *rights-of-way* means all of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and are located within the city: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, easements and similar public property and areas.

Service interruption shall mean the loss of picture or sound on one or more cable channels.

(Code 1988 § 5.08.020; Ord. No. 814 § 3, 2007)

5.08.030. Franchise grant.

It is unlawful to engage in or commence construction, operation or maintenance of a cable system in the city without a franchise issued under this chapter. The city council may, by ordinance, issue a nonexclusive franchise to construct, operate and maintain a cable system within all or any portion of the city to any person or entity, whether operating under an existing franchise or not, who applies for authority to furnish cable service which complies with the terms and conditions of this chapter; and provided, that such person or entity also agrees to comply with all of the provisions of the franchise. However, this shall not be deemed to require the grant of a franchise to any particular person or entity. The city council may restrict the number of franchises should it determine such a restriction would be in the public interest.

(Code 1988 § 5.08.030; Ord. No. 814 § 4, 2007)

5.08.040. Franchise purposes.

A franchise granted by the city under the provisions of this chapter shall:

- A. Permit the franchisee to engage in the business of operating a cable system and providing cable service within the city;
- B. Permit the franchisee to erect, install, construct, repair, reconstruct, replace and retain wires, cables, related electronic equipment, conduits and other property in connection with

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the operation of the cable system in, on, over, under, upon, along and across rights-of-way within the city; and

- C. Set forth the obligations of the franchisee under the franchise.
(Code 1988 § 5.08.040; Ord. No. 814 § 5, 2007)

5.08.050. Nonexclusive franchise.

Any franchise granted pursuant to this chapter shall be nonexclusive and shall not preclude the city from granting other or future franchises or permits.
(Code 1988 § 5.08.050; Ord. No. 814 § 6, 2007)

5.08.060. Application.

A. An applicant for an initial franchise shall submit to the city a written application on a form provided by the city, at the time and place specified by the city for accepting applications, and accompanied by the designated application fee. An application fee in the amount of \$20,000.00 shall accompany the application to cover costs associated with processing the application, including, without limitation, costs of administrative review, financial, legal and technical evaluation of the applicant, the costs of consultants, notice and publication requirements, and document preparation expenses. In the event such costs exceed the application fee, the applicant shall pay the difference to the city within 30 days following receipt of an itemized statement of such costs. Conversely, if such costs are less than the application fee, the city shall refund the difference to the applicant.

B. An application for an initial franchise for a cable system shall contain, at a minimum:

1. A statement as to the proposed franchise and information relating to the characteristics and location of the proposed cable system;
2. A resume of prior history of the applicant, including the expertise of the applicant in the cable system field;
3. Information demonstrating the applicant's legal, technical and financial ability to construct and operate the proposed cable system;
4. A list of the partners, general and limited, of the applicant, if a partnership; members, if a limited liability company; or the percentage of

stock owned or controlled by each stockholder having a five percent or greater interest, if a corporation;

5. A list of officers, directors and key employees of the applicant, together with a description of the background and experience of all such persons;
6. The names and addresses of any parent entity or subsidiary of the applicant or any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant;
7. A proposed construction and service schedule;
8. Any other reasonable information that the city may request.

The city shall be allowed the opportunity to ask relevant follow-up questions and obtain further information from whatever source. A refusal by an applicant to cooperate or provide requested information is sufficient grounds for the city to deny an application.

C. Upon receipt of an application for an initial franchise and after obtaining any additional information the city in its sole discretion deems appropriate from any source, a hearing shall be scheduled to allow public comment. At the hearing, the city council shall receive public comment regarding the following:

1. Whether the public will benefit from granting a franchise to the applicant;
2. Whether the applicant appears to have adequate legal, financial and technical qualifications and capabilities to build, operate and maintain a cable system in the city;
3. Whether the applicant has any conflicting interests, either financial or commercial, that will be contrary to the interests of the city;
4. Whether the applicant will comply with all of the terms and conditions placed upon a franchisee by the franchise, this chapter and other applicable local laws and regulations;
5. Whether the applicant will comply with all relevant federal and state laws and regulations pertaining to the construction, operation and maintenance of the cable system.

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D. Within 60 days after the close of the hearing, the city council shall decide whether to grant a franchise and on what conditions. The city council's decision shall be based upon the application, any additional information submitted by the applicant or obtained by the city from any source and public comments. The city council may grant one or more franchises or may decline to grant any franchise.

(Code 1988 § 5.08.060; Ord. No. 814 § 7, 2007)

5.08.070. Duration.

The term of any franchise, and all rights, privileges, obligations and restrictions pertaining thereto, shall be specified in the franchise. The effective date of any franchise shall be as specified in the franchise.

(Code 1988 § 5.08.070; Ord. No. 814 § 8, 2007)

5.08.080. Franchise territory.

The franchise territory shall include all areas within the city or a lesser area as specified in the franchise.

(Code 1988 § 5.08.080; Ord. No. 814 § 9, 2007)

5.08.090. Police powers.

In accepting any franchise, the franchisee acknowledges that its rights thereunder are subject to the police powers of the city to adopt and enforce ordinances necessary for the health, safety and welfare of the public, and it agrees to comply with all applicable laws enacted by the city pursuant to such power.

(Code 1988 § 5.08.090; Ord. No. 814 § 10, 2007)

5.08.100. Use of rights-of-way.

For the purposes of operating and maintaining a cable system in the city, a franchisee may place and maintain within the rights-of-way such property and equipment as are necessary and appurtenant to the operation of the cable system. Prior to construction of the cable system in the rights-of-way, the franchisee shall procure all necessary permits, pay all applicable fees in connection therewith and comply with all applicable laws, regulations, resolutions and ordinances, including, but not limited to, land use and zoning requirements.

(Code 1988 § 5.08.100; Ord. No. 814 § 11, 2007)

5.08.110. Pole or conduit agreements.

No franchise shall relieve franchisee of any of its obligations involved in obtaining pole or conduit agreements from any department of the city, any utility company or from others maintaining facilities in the rights-of-way.

(Code 1988 § 5.08.110; Ord. No. 814 § 12, 2007)

5.08.120. Franchise fees.

The franchisee shall pay the city franchise fees in accordance with the terms of the franchise.

(Code 1988 § 5.08.120; Ord. No. 814 § 13, 2007)

5.08.130. Taxes.

Nothing in this chapter shall limit the franchisee's obligation to pay applicable local, state and federal taxes.

(Code 1988 § 5.08.130; Ord. No. 814 § 14, 2007)

5.08.140. Customer service standards.

A. *Policy.* A cable operator will first resolve customer inquiries and complaints without delay and without involvement of the city. Where a given complaint is not addressed by the cable operator to the customer's satisfaction, the city may intervene.

These standards are intended to be of general application. A cable operator is free to exceed these standards for the benefit of its customers. However, the cable operator shall be relieved of obligations hereunder if it is unable to perform due to a force majeure event affecting a significant portion of the franchise area.

B. Customer service.

1. *Courtesy.* All employees of the cable operator shall be courteous, knowledgeable and helpful and shall provide effective and satisfactory service in all contacts with customers.
2. *Availability and accessibility—In person.* The cable operator must maintain, at a minimum, one full service customer service center or, alternatively, two co-location customer service locations conveniently located on the Eastside. The full service customer service location shall at all times allow customers to make payments, return equipment or get assistance from knowledgeable staff. The full service customer

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service center or other locations shall be open Monday through Saturday, excluding legal holidays, with sufficient hours necessary to meet customer demand. If the full service customer service center or other locations is/are required to relocate, the cable operator shall be allowed a reasonable period of time to establish a new location.

3. *Availability and accessibility—On the telephone.* A CSR will be available to respond to customer inquiries during normal business hours. The cable operator shall maintain local or toll free telephone access lines that shall be available during normal business hours for service/repair requests and billing inquiries.

The cable operator shall retain sufficient CSRs and telephone line capacity to ensure that, during normal operating conditions, telephone calls to service/repair and billing inquiry lines are answered within 30 seconds or less, and that any transfers are made within 30 seconds. This standard shall be met no less than 90 percent of the time, measured on a quarterly basis under normal operating conditions. Under normal operating conditions, the total number of calls receiving busy signals shall not exceed three percent of the total telephone calls.

The cable operator shall not be required to acquire equipment or perform surveys to measure compliance with any of the telephone answering standards above unless and until the city requests such actions based on a historical record of customer complaints indicating a clear failure to comply.

C. *Responsiveness.*

1. The cable operator shall complete all standard installations within seven business days after an order has been placed, unless otherwise requested by the customer. "Standard" installations shall include those that are located within 125 aerial feet of the cable operator's distribution system. This standard must be met 95 percent of the time under normal operating conditions as measured on a quarterly basis. If the customer requests a nonstandard installation, or the cable operator determines that a nonstandard installation is required, the cable operator shall provide the customer in advance with a total installation cost estimate and an estimated date of completion.

2. Under normal operating conditions, all temporary cable drops shall be converted to a permanent drop within no more than three calendar weeks from the initial installation or at a time mutually agreed upon between the cable operator and customer.
3. Customers requesting installation of cable service or repair service to an existing installation may choose any available four-hour block of time for the appointment during normal business hours.
4. The cable operator shall be deemed to have responded to a request for service under the provisions of this subsection when a technician arrives within the agreed upon time. If the customer is absent when the technician arrives, the technician shall leave written notification of timely arrival. A record that notice was provided shall be kept by the cable operator.
5. If a cable operator representative fails to keep an installation or service appointment for any reason, the cable operator will contact the customer before the end of the scheduled appointment and reschedule the appointment at a time convenient for the customer.
6. The cable operator shall respond to a customer's letter in writing within one week of receipt of the letter. The cable operator shall respond to a customer's inquiry, complaint, general question or comment made by telephone or e-mail within 48 hours.
7. Any difficulties that cannot be resolved by the CSR shall be referred to the appropriate supervisor who shall use his/her best efforts to contact the customer within eight hours of initial contact and resolve the problem within a mutually agreeable timeframe.

D. *Repairs and outages.*

1. The cable operator shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions that the cable operator anticipates will last more than four hours shall occur during periods of minimum use of the cable system as reasonably determined by the cable operator.

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2. If a customer calls to report poor signal quality or interruptions attributable to the cable operator's equipment, the cable operator shall begin working on the problem no later than the next day following the customer's call, provided, that the customer is available, or at such later time as is convenient for the customer. If an appointment is necessary, the customer may choose a four-hour block of time during normal business hours or such other time that is convenient for the customer.
3. Upon discovery of an outage affecting three or more customers, the cable operator shall initiate its outage repair process within two hours, under normal operating conditions.
4. The cable operator shall initiate repairs to customer reported service interruptions, for any cause beyond the control of the cable operator, within 24 hours after the conditions beyond its control have been corrected.
5. Under normal operating conditions, if after 24 hours service is not restored to a customer, the cable operator shall, upon a customer's request, provide a refund or credit or other compensation of equal or greater value.
6. The cable operator will track and record all outages and service interruptions that occur within the franchise area.
7. The cable operator shall endeavor to notify the city the next business day of any outage of at least one continuous hour that affects 100 or more of its customers.

E. *Bills, credits, refunds and deposits.*

1. The cable operator shall provide a clear and concise bill every month.
2. If a customer requests disconnection of any or all services, billing for affected services shall end on the same day as the request, or on the future date for which the disconnect is ordered. However, the customer may continue to be billed for equipment until returned to the cable operator. The cable operator shall issue a credit or refund to a customer within 30 business days after the close of the billing cycle following the return of the equipment and request for disconnection. If a customer was

required to provide a deposit, that deposit must be returned with any interest accrued on the deposit.

F. *Treatment of property.*

1. Removal or trimming of trees and shrubs in the right-of-way will be subject to the regulations of the city.
2. The cable operator shall repair any damage or restore any property to as good a condition as before the work causing such damage or disturbance was initiated. The cable operator shall repair, replace or compensate all property owners for damages resulting from the cable operator's installation, construction, service or repair activities.
3. Except in the case of an emergency involving public safety or service interruption to a large number of customers, the cable operator shall give reasonable notice to property owners or legal tenants prior to entering upon private premises and the notice shall specify the work to be performed; provided, that in the case of planned construction operations, such notice shall be delivered or provided at least 24 hours prior to entry. All work done in the right-of-way shall be subject to time requirements of the permit.
4. Nothing herein shall be construed as authorizing access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law.
5. For the installation of pedestals or other major construction or installation projects, the cable operator shall notify by mail or door hanger the adjacent property owners/legal tenants in advance of the right-of-way work. In the case of an emergency, the cable operator shall attempt to contact the property owner or legal tenant in person, and in the event personal contact is not made, the cable operator shall leave a door hanger notice.
6. The cable operator shall clean all areas surrounding any work site of debris caused by the cable operator's activities and ensure that all cable materials are disposed of properly.

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5.08.140G. *Services for customers with disabilities.*

1. For any customer with a disability, the cable operator shall at no charge deliver and pick up converters at the customer's home. In the case of malfunctioning equipment, the cable operator's service technician shall provide and install substitute equipment, ensure that it is working properly and recover the defective equipment for the cable operator at that time.
2. The cable operator shall provide TDD/TTY service with trained operators who can provide every type of assistance for any hearing-impaired customer at no charge.
3. The cable operator shall provide free use of a remote control unit to mobility-impaired customers.
4. Any customer with a disability may request the remote control unit or special services described above by providing the cable operator with a letter from the customer's physician stating the need, any other official certification of disability or by making the request to the cable operator's installer or service technician, where the need for the special equipment or services can be visually confirmed.

H. *Customer information.*

1. The cable operator shall provide to customers an accurate, comprehensive service agreement and customer installation packet for use in establishing customer service. The installation packet shall also be provided during any reconnection or cable service upgrade requiring a home visit by the cable operator (excluding reconnections to the same customer within 12 months). Upon installation and annually thereafter or at any time the customer requests, the cable operator shall provide the following information, in clear, concise written form:
 - a. Products and services offered by the cable operator, including channel positions of programming carried on the cable system.
 - b. The cable operator's complete range of service options and the prices for those services and conditions of subscription to programming and other services.

- c. Installation and service maintenance policies, including the customer's and cable operator's responsibilities for equipment.
 - d. Billing and complaint procedures for investigation and resolution of customer service complaints, including the address and telephone number of the cable operator's office(s), the cable operator's policies on deposits, credit balances and returned check charges.
 - e. Policies concerning protection of customer privacy.
 - f. The availability of a parental control/lock out device and the procedures for channel blocking.
 - g. Days, hours of operation and customer service location(s).
 - h. Information on how to contact the city person who is responsible for administering the franchise including the address, telephone number and e-mail address.
 - i. Service termination procedure.
 - j. A description of the manner that will be used to provide notice of changes in rates, services or service terms and conditions.
 - k. The address and phone number of the customer service department that is responsible for handling cable questions and complaints for the cable operator. This information shall be prominently displayed in the installation packet.
2. Upon request by the city, a sample of the required notices provided to the customer shall be provided to the city.
 3. The cable operator shall provide customers with written notification of any changes in rates, programming, services or channel positions as soon as possible in writing. Customers shall be given a description of the changes, their options for changing services they receive, a phone number for questions and the effective date. Notice must be given to customers a minimum of 30 days in advance of such changes if the change is within the control of the cable operator. In addition, the cable oper-

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ator shall notify customers 30 days in advance of any significant changes in the other information required by subsection (H)(1) of this section. Within 30 days following material policy changes, information regarding the changes will be provided to customers.

4. All officers, agents and employees of the cable operator, its contractors and subcontractors who are in personal contact with customers shall have visible identification cards bearing their name and photograph.
5. Every vehicle of the cable operator used for providing services to customers shall be clearly identified to the public as working for the cable operator.

I. *Safety.*

1. The cable operator shall install and locate its facilities, cable system and equipment in compliance with all federal, state, local and company safety standards, and in such manner as shall not unduly interfere with or endanger persons or property.
2. Whenever the cable operator receives notice that an unsafe condition exists with respect to its equipment, the cable operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.

J. *Complaint procedure.*

1. The cable operator shall establish written procedures for receiving, acting upon and resolving customer complaints, and crediting customer accounts in accordance with company policies, and shall publicize such procedures through printed documents at the cable operator's sole expense.
2. The written procedures shall describe a simple process by which any customer may submit a complaint in person or by telephone, electronic mail or by letter to the cable operator regarding an alleged violation of any provision of these customer service standards, any terms or conditions of the customer's contract with the cable operator or reasonable business practices.

3. The cable operator will use its best efforts to resolve customer concerns or complaints at the first contact.
4. The cable operator shall also notify the customer of the customer's right to file a complaint with the city in the event the customer is dissatisfied with the cable operator's decision.
5. Complaints to the city. Any customer shall be entitled to lodge any complaint directly with the city. The customer may lodge the complaint either by calling the city or by filing a written complaint, by letter or in electronic form.
6. If the city decides that further action is warranted, the city may intercede and attempt to help reach a resolution and/or require the cable operator to address the inquiry within 24 hours. Upon request by the city, the cable operator shall notify the city of the status of the inquiry within 48 hours and any subsequent resolution.
7. The cable operator shall maintain, in a manner consistent with the privacy rights of customers, an accurate and comprehensive file of complaints regarding the cable system or the cable operator's operation of the cable system, by number and type and their disposition; service requests, identifying the number and nature of the requests and their disposition; outages, service interruptions and their disposition; and customer privacy information.
8. Overall quality of service. The city may evaluate the overall quality of customer service provided by the cable operator to customers in the city, at its sole discretion, based on the number of customer complaints received directly by the city or reported by the cable operator in its reports.

K. *Verification of compliance.* Upon written request by the city, the cable operator shall document its compliance with all of the standards required through quarterly reports.

L. *Noncompliance with standards.* Noncompliance with any provision of these standards may result in a violation of the franchise.

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M. *Remedying violations.* If the city has reason to believe that the cable operator has failed to comply with any of these standards, or has failed to perform in a timely manner, or if similar complaints repetitively arise, the city may require in writing that the cable operator remedy the alleged noncompliance. If the alleged noncompliance is denied or not remedied to the satisfaction of the city, the city may opt to follow the liquidated damages procedures or seek other remedies set forth in the franchise, or pursue any other remedies at law or in equity.
(Code 1988 § 5.08.140; Ord. No. 814 § 15, 2007)

5.08.150. Other authorizations.

Franchisee shall comply with and obtain, at its own expense, all permits, licenses and other authorizations required by federal, state and local laws, rules, regulations and applicable resolutions and ordinances which are now existing or hereafter lawfully adopted.
(Code 1988 § 5.08.150; Ord. No. 814 § 16, 2007)

5.08.160. Rules and regulations of the city.

In addition to the inherent powers of the city to regulate and control any franchise it issues, the authority granted to it by the Cable Act, and those powers expressly reserved by the city, or agreed to and provided for in a franchise, the right and power is reserved by the city to promulgate such additional rules and regulations as it may find necessary in the exercise of its lawful powers and in furtherance of the terms and conditions of a franchise and this chapter, and as permitted by applicable state and federal law.
(Code 1988 § 5.08.160; Ord. No. 814 § 17, 2007)

5.08.170. Delegation of powers.

Any right or power of the city may be delegated by the city to any officer, employee, department or board of the city, or to such other person or entity as the city may designate to act on its behalf.
(Code 1988 § 5.08.170; Ord. No. 814 § 18, 2007)

5.08.180. Coverage.

Franchisee shall design, construct and maintain its cable system to pass every residential dwelling unit in the franchise area, subject to any density requirements contained within the franchise.
(Code 1988 § 5.08.180; Ord. No. 814 § 19, 2007)

5.08.190. Technical standards.

Franchisee shall construct, install, operate and maintain its cable system in a manner consistent with all applicable federal, state and local laws and regulations, FCC technical standards and any other applicable standards set forth in the franchise.
(Code 1988 § 5.08.190; Ord. No. 814 § 20, 2007)

5.08.200. Construction standards.

A. All facilities constructed or operated under this chapter shall be installed and maintained at such places in or upon such rights-of-way and public places as shall not interfere with the free passage of traffic and the free use of adjoining property, and shall conform to federal standards, state requirements, and city regulations.

B. Franchisee shall be subject to any and all requirements established by the city with regard to the placement and screening of franchisee's facilities and equipment located in the rights-of-way and on other public property. Such requirements may include, but are not limited to, the use of landscaping to screen pedestals and cabinets and a requirement that construction be flush with the natural grade of the surrounding area.

C. The franchisee shall comply with any applicable ordinances, resolutions and regulations of the city regarding geographic information systems mapping for users of the rights-of-way; provided, that all similarly situated users of the rights-of-way must also accordingly comply.
(Code 1988 § 5.08.200; Ord. No. 814 § 21, 2007)

5.08.210. Street cut or repair.

The franchisee shall guarantee the durability and structural integrity of any street cut or repair made by it or its agents which is necessary for the construction, installation, operation, repair or maintenance of franchisee's facilities for the life of the street; provided, that no action by an unrelated third party materially affects the integrity of franchisee's street cut or repair. Franchisee shall repair or replace, at no expense to the city, any failed street cut or repair which was completed by franchisee or franchisee's agent(s), as determined by the city.
(Code 1988 § 5.08.210; Ord. No. 814 § 22, 2007)

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The franchisee shall, at all times, employ professional care and install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. In furtherance thereof, the franchisee must comply with the city's traffic control requirements, including, for example, but without limitation, the use of signal devices, warning signs and flaggers when appropriate. All of franchisee's structures, cables, lines, equipment and connections in, over, under and upon the rights-of-way and public ways or other places in the franchise area, wherever situated or located, shall at all times be kept and maintained in a safe condition.

(Code 1988 § 5.08.220; Ord. No. 814 § 23, 2007)

5.08.230. Regulation of rates and charges.

The city may regulate franchisee's rates and charges to the full extent permitted by law.

(Code 1988 § 5.08.230; Ord. No. 814 § 24, 2007)

5.08.240. Privacy.

The franchisee will be bound by all of the provisions of applicable federal, state and local privacy laws.

(Code 1988 § 5.08.240; Ord. No. 814 § 25, 2007)

5.08.250. Discriminatory practices prohibited.

A. The franchisee shall not deny cable service or otherwise discriminate against customers or others on the basis of race, color, religion, national origin, sex, age, disability or other protected classes.

B. Access to cable service shall not be denied to any group of potential residential customers because of the income of the residents of the local area in which such group resides.

(Code 1988 § 5.08.250; Ord. No. 814 § 26, 2007)

5.08.260. Equal employment opportunity.

The franchisee shall strictly adhere to and comply with the equal employment opportunity requirements of federal, state and local laws.

(Code 1988 § 5.08.260; Ord. No. 814 § 27, 2007)

5.08.270. Reimbursement.

To the extent allowed by applicable law, the city may require a franchisee to reimburse the city for the city's reasonable processing and review expenses, such costs not to exceed \$20,000.00, in connection with a sale or transfer of a franchise or a change in control of a franchise or franchisee, including, without limitation, costs of administrative review, financial, legal and technical evaluation of the proposed transferee or controlling party, costs of consultants, notice and publication costs, and document preparation expenses. In connection with the foregoing, the city will send the franchisee an itemized description of all such charges, and the franchisee shall pay such amount within 30 days after the receipt of such description.

(Code 1988 § 5.08.270; Ord. No. 814 § 28, 2007)

5.08.280. Franchise renewal.

Franchise renewals shall be conducted in accordance with applicable law. The city and franchisee, by mutual consent, may enter into renewal negotiations at any time during the term of a franchise.

(Code 1988 § 5.08.280; Ord. No. 814 § 29, 2007)

5.08.290. Franchise revocation.

Any franchise granted by the city may be revoked during the period of such franchise, as provided in the franchise, subject to the procedural requirements provided for therein. A failure by the franchisee to comply with any of the material provisions of this chapter shall be deemed a material violation of a franchise.

(Code 1988 § 5.08.290; Ord. No. 814 § 30, 2007)

5.08.300. Miscellaneous provisions.

A. This chapter shall be construed in a manner consistent with all applicable federal, state and local laws, and shall apply to any franchise hereafter accepted by a franchisee.

B. The captions throughout this chapter are intended to facilitate the reading hereof. Such captions shall not affect the meaning or interpretation of any part of this chapter.

C. A franchisee shall not be relieved of its obligations to comply with any or all of the provisions of this chapter by reason of any failure of the city to demand prompt compliance.

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D. The provisions of this chapter shall apply to all cable operators and cable systems to the greatest extent permissible under applicable law.
(Code 1988 § 5.08.300; Ord. No. 814 § 31, 2007)

CHAPTER 5.12. PEDDLERS AND SOLICITORS**5.12.010. Purpose.**

The purpose of this chapter is to establish reasonable time, place and manner restrictions on peddlers and solicitors in order to protect and promote the public health, safety and welfare. It is not the intent of this chapter to regulate the content of speech or expressive activities. To that end, this chapter employs the least restrictive means necessary to serve its purposes.
(Code 1988 § 5.12.001; Ord. No. 652 § 2, 1999)

5.12.020. Definitions.

Peddler means every person who shall sell, offer for sale or expose for sale, or who shall trade, deal or traffic in any personal property at retail in the city, including sales by sample or for future delivery, by going from house to house, or from place to place, or by standing in a doorway, or in any other place not used by such person as a permanent place of business, or by approaching individuals.
(Code 1988 § 5.12.002; Ord. No. 718 § 1, 2001; Ord. No. 652 § 2, 1999)

5.12.030. Trespassing prohibited.

No peddler or solicitor shall trespass, go upon or enter the property or premises of another where the owner or occupant has indicated his or her desire by displaying a sign which states "No Trespassing," "No Peddlers," "No Soliciting" or the like. Any person failing to comply with this section shall be in violation of this chapter and shall also be subject to criminal prosecution under RCW 9A.52.080.
(Code 1988 § 5.12.003; Ord. No. 718 § 1, 2001; Ord. No. 675 § 1, 2000; Ord. No. 652 § 2, 1999)

5.12.040. Remaining on private property after a request to leave.

A peddler or solicitor who remains on private property after being requested to leave by the owner or

occupant thereof shall be in violation of this chapter and shall also be subject to criminal prosecution under RCW 9A.52.080.
(Code 1988 § 5.12.004; Ord. No. 652 § 2, 1999)

5.12.050. Violation—Penalty.

Violation of any of the provisions of this chapter or failure to comply with any of the provisions of this chapter shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment for not to exceed 90 days, or by both such fine and imprisonment. Any such violation of any provisions of this chapter shall also be grounds for revocation of a license previously approved.
(Code 1988 § 5.12.020; Ord. No. 675 § 2, 2000; Ord. No. 612 § 1, 1996)

5.12.060. Hours of solicitation.

Peddling and solicitation shall only be allowed during the hours of 9:00 a.m. to 9:00 p.m.
(Code 1988 § 5.12.040; Ord. No. 675 § 4, 2000; Ord. No. 612 § 1, 1996)

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ANIMALS**Chapter 6.04. Animal Control**

- 6.04.010. County provisions adopted by reference.
- 6.04.015. County Code Section 11.04.190 repealed.
- 6.04.020. County Code Section 11.04.230(C) amended—Nuisances defined.
- 6.04.030. County Code Section 11.04.280 amended—Redemption procedures.
- 6.04.040. Dog and cat licenses.
- 6.04.050. Penalties.

EXHIBIT A

ANIMALS

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6.04.040**CHAPTER 6.04. ANIMAL CONTROL****6.04.010. County provisions adopted by reference.**

Chapter 11.04 of the King County Code, one copy of which shall be filed with the city clerk, entitled "Animal Care and Control Regulations" and providing for such control and the licensing of dogs and cats and animal shelters and hobby kennels, is adopted by reference as and for a portion of this Code as if set forth in full in this chapter. Also adopted by reference are all subsequent modifications to said county code provisions as the same may be changed, amended or added to.

(Code 1988 § 6.04.010; Ord. No. 838 § 1, 2009; Ord. No. 410 § 1, 1985; Ord. No. 404 § 1, 1984)

6.04.015. County Code Section 11.04.190 repealed.

King County Code Section 11.04.190 previously adopted by reference and relating to penalties for violation of the animal control code is repealed.
(Code 1988 § 6.04.015; Ord. No. 513 § 1, 1990)

6.04.020. County Code Section 11.04.230(C) amended—Nuisances defined.

King County Code Section 11.04.230(C) is modified to read as follows:

(11.04.230 Nuisances defined. For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:)

- (C) Any domesticated animal, whether licensed or not, who comes or is brought upon: a. school grounds during school hours; b. church grounds during times of assembly at the church; or c. Medina City Hall Park located on Lake Washington at the south extreme of Evergreen Point Road in the City at any time OR any such animal which is found at any place within the City except upon the property of its owner or the private property of another where it is kept with that owner's permission and is not under the restraint of a leash, tether or chain in length no greater than eight (8) feet, or otherwise within the immediate vicinity of its owner or a competent person authorized by the owner, to the commands of whom it responds promptly. Provided, however, that this section shall not apply to any blind person using a trained seeing-eye dog, to animal shows, exhibi-

tions or organized dog training classes where at least twenty four hours advance notice has been given to the City, by such persons requesting to hold such animal shows, exhibits or dog training classes.

(Code 1988 § 6.04.020; Ord. No. 410 § 1, 1985)

6.04.030. County Code Section 11.04.280 amended—Redemption procedures.

King County Code Section 11.04.280 is modified to read as follows:

11.04.280 Redemption procedures. Any animal impounded pursuant to the provisions of 11.04.210 may be redeemed upon payment of the redemption fee and compliance with the other requirements provided herein. The redemption fee for any particular dog or cat shall be \$45.00 for the first impound, \$85.00 for the second impound, \$90.00 for the third impound, and Two Hundred Dollars (\$200.00) for the fourth or subsequent impound which shall occur within any one (1) year period commencing after the effective date of this ordinance, together with an additional fee of \$12.00 for each twenty-four (24) hour period, or portion thereof, during which such dog or cat is retained by the impounding agency. The redemption fee for livestock shall be \$100.00 per animal. Livestock not redeemed may be sold at public auction by the impounding agency. The boarding cost for livestock impounded shall be in accordance with the rate established by contract between King County and the given stockyard used for holding such animal. All redemption fees must be paid prior to redemption to the City of Medina or to such other person or entity to whom authority to collect redemption fees is delegated by the Medina City Manager.

(Code 1988 § 6.04.030; Ord. No. 838 § 2, 2009; Ord. No. 410 § 1, 1985)

6.04.040. Dog and cat licenses.

A. *License required.* A license shall be required for all dogs and cats over the age of six months owned by any person residing within the city. License tags shall be securely attached or affixed to the licensed animal at all times. Failure to obtain a license shall constitute an infraction, punishable by a fine of \$25.00.

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B. *Exceptions.* The licensing provisions of this chapter shall not apply to any animal:

1. Whose owner is a nonresident temporarily within the city; or
2. Which is properly trained to assist persons with disabilities, when such animal is actually being used by such a person or persons.

C. *Licenses—Issuance.*

1. No license shall be issued under the provisions of this chapter except upon written application by the owner of the animal sought to be licensed and accompanied by a lifetime license fee.
2. A lifetime license may be purchased at any time, is good for the lifetime of the original animal only, and may not be transferred to another animal or to another person.
3. The fee for an original license application shall be due and payable for any animal required to be licensed under this chapter within 30 days after such animal comes into the charge, care or control of the person who resides in the city.
4. All animals required to be licensed by this chapter shall be vaccinated against rabies. As a condition of permit, owners must agree to keep rabies vaccinations current for the duration of the permit period. All vaccinations shall be performed in accordance with the standards contained in the Compendium of Animal Rabies Control as amended, published by the National Association of State Public Health Veterinarians, Inc.
5. Failure to maintain current rabies vaccinations for animals licensed in the city shall constitute a civil infraction punishable by civil penalty of not less than \$25.00 nor more than \$500.00.

D. *License fees.* The following fees shall be paid for licenses required under this chapter:

1. Spayed females or neutered males with a veterinarian's certificate or signed affidavit attesting to the fact of such spaying or neutering.		
	<i>Dog</i>	<i>Cat</i>
a. Lifetime:	\$30.00	\$20.00

b. Senior citizen lifetime: (62 years or older)	\$20.00	\$12.00
2. Unspayed females and unneutered males.		
a. Lifetime:	\$60.00	\$36.00
b. Senior citizen lifetime: (62 years or older)	\$40.00	\$25.00
3. Replacement of license tag: \$5.00		

(Code 1988 § 6.04.040; Ord. No. 838 § 3, 2009; Ord. No. 633 § 1, 1997; Ord. No. 502 § 1, 1990)

6.04.050. **Penalties.**

A. *Cruelty to animals—Misdemeanor.* Any person who violates the provisions of County Code Section 11.04.250 relating to cruelty to animals is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for a term not to exceed 90 days.

B. *Vicious animals—Misdemeanor.* Any person who violates the provision of County Code Section 11.04.230(H) or (I) relating to vicious animals is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for a term not to exceed 90 days.

C. *Miscellaneous violations—Infractions.* Any person who allows an animal to be maintained in violation of any provision of this chapter, except those persons guilty of misdemeanors as set forth in subsections (A) and (B) of this section, shall be guilty of an infraction, punishable by a fine of not more than \$500.00.
(Code 1988 § 6.04.050; Ord. No. 513 § 2, 1990)

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Title 8

HEALTH AND SAFETY**Chapter 8.04. Nuisances**

8.04.010.	Definitions.
8.04.020.	Nuisances designated.
8.04.030.	Prohibited acts.
8.04.040.	Disposal of dead animals.
8.04.050.	Abatement—Notice.
8.04.060.	Abatement by city—Generally.
8.04.070.	Abatement by city—Appeal.
8.04.080.	Abatement by owner.
8.04.090.	Summary abatement.
8.04.100.	Abatement by city—Lien.
8.04.110.	Violation—Penalty.

Chapter 8.06. Noise

8.06.010.	Policy.
8.06.020.	Findings of special conditions.
8.06.030.	Administration.
8.06.040.	Definitions.
8.06.100.	Environmental sound levels—Unlawful sounds.
8.06.110.	Environmental sound levels—Maximum permissible sound levels.
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8.06.125.	Reductions for pure tone and impulsive sounds.
8.06.130.	Exemptions—Sounds exempt at all times.
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8.06.150.	Exemptions—Temporary construction sounds.
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8.06.200.	Public disturbance noise.
8.06.300.	Motor vehicles—Maximum permissible sound levels.
8.06.310.	Motor vehicles—Mufflers.
8.06.320.	Motor vehicles—Modification to motor vehicles.
8.06.330.	Motor vehicles—Tire sounds.
8.06.340.	Motor vehicles—Exemptions.
8.06.400.	Watercraft—Maximum permissible sound limits.
8.06.410.	Watercraft—Mufflers.
8.06.500.	Noise variance.
8.06.600.	Enforcement.

Chapter 8.10. Prohibited Acts

8.10.010.	Urinating or defecating in public.
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Chapter 8.12. Home Security Alarms

8.12.010.	Purpose.
8.12.020.	Definitions.
8.12.030.	Fees, corrective action.
8.12.040.	Administrative decisions—Notice.
8.12.050.	Appeal from administrative decision—Finality.
8.12.060.	Payment of civil penalties required.

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- 8.12.070. Automatic dialing device—Certain interconnections prohibited.
- 8.12.080. Automatic reset required.

Chapter 8.16. Fireworks

- 8.16.010. State provisions adopted.
- 8.16.020. Amendment of RCW 70.77.395—Purchase, sale, use and discharge prohibited.
- 8.16.030. Local fire official designated.
- 8.16.040. Restrictions on discharge.
- 8.16.045. Restrictions on public displays.
- 8.16.050. Seizure of fireworks.
- 8.16.060. Violation—Penalty.

Chapter 8.20. Solid Waste Management

- 8.20.010. Comprehensive solid waste management plan adopted.
- 8.20.020. County powers restricted.
- 8.20.030. Definitions.
- 8.20.040. Yard waste—Separation—Collection.
- 8.20.050. Penalties.
- 8.20.060. City manager powers.

Chapter 8.24. Hazardous Waste Management

- 8.24.010. Local hazardous waste management plan adopted.
- 8.24.020. Powers of mayor.

Chapter 8.28. Radon Detectors

- 8.28.010. Radon detectors required.
- 8.28.020. Charging of fee.
- 8.28.030. Collection of fee.
- 8.28.040. Amount of fee.
- 8.28.050. Compliance with provisions.

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CHAPTER 8.04. NUISANCES**8.04.010. Definitions.**

A. *Abate* means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

B. *Building materials* means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete, concrete block, roofing material, cans of paint, construction debris, and similar materials.

C. *Enforcement officer* means the city employee designated by the city manager to enforce the provisions set forth in this chapter.

D. *Premises* means any building, lot parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips and rights-of-way.

E. *Owner* means any person having an ownership interest in the property where the nuisance occurs listed in the records of the King County assessor.

F. *Person* means any natural person, joint venture, partnership, association, corporation, trust or any other legal person and the managers, officers, employees or agents of such legal person.

G. *Person in control* of the property where the nuisance occurs means any person in actual or constructive possession of the property including, but not limited to, an owner, occupant, agent, or property manager of the property.

H. *Responsible person* means any person in control of the property where the nuisance occurs.
(Code 1988 § 8.04.010; Ord. No. 848 § 4, 2010; Ord. No. 458 § 1, 1987)

8.04.020. Nuisances designated.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any

premises or in any lake, river, stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this section:

- A. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof, vehicles and pedestrians;
- B. The existence of any tree, shrub or foliage, which is apt to destroy, or to substantially impair, interfere or restrict:
 - 1. Streets, sidewalks, sewers, utilities or other public improvements;
 - 2. Visibility on, or free use of, or access to such improvements;
 - 3. Reasonable visibility for vehicular traffic at intersections;
- C. The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;
- D. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;
- E. The existence of any obstruction to a street, lane, crossing or sidewalk, and any excavation in or under any street, lane, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, is kept and maintained after the purpose thereof has been accomplished for an unreasonable length of time;
- F. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, lane, sidewalk, park, parkway, or other public or private place in the city, any one or more of the

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following disorderly, disturbing, unsanitary, fly-producing, rat-harboring or disease-causing places, conditions, or things:

1. Any putrid, unhealthy or unwholesome, bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish or animal matter in any quantity; but nothing herein shall prevent the temporary retention of common household waste in approved covered receptacles;
 2. Any privies, vaults, cesspools, sumps, pits or like places;
 3. Any poison oak or poison ivy, Canadian thistle, nightshade, water hemlock or other noxious weeds, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles;
 4. Accumulation of bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in covered bins or galvanized iron receptacles;
 5. Accumulation of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;
- G. The depositing or burning or causing to be deposited or burned in any street, lane, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, yard clippings, branches, manure or other rubbish or material;
- H. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;
- I. The existence on any premises of any abandoned or unusable trailer, house trailer, automobile, boat or other vehicle or major parts thereof;
- J. The existence on any premises of any dilapidated or unused well, cistern or storage tank without demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereof or without filling any well or cistern or capping the same with sufficient security to prevent access thereby by children;
- K. Stagnant water that affords a breeding place for mosquitoes and other insect pests;
- L. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, waste or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;
- M. Existence of premises that are in such a state or condition as to cause offensive odor or that are in an unsanitary condition;
- N. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator, other large appliances and attractive nuisances;
- O. The existence of any dangerous building as now or hereafter defined in the Uniform Building Code;
- P. Noise that:
1. Unreasonably annoys, injures, interferes with or endangers the comfort, repose, health or safety of a community or neighborhood; and
 2. The noise need not exceed the maximum permissible sound levels or be a public disturbance noise, as described in Chapter 8.06 MMC, to be a public nuisance;
- Q. The existence of building materials, not incorporated in a structure or stored in a fully enclosed area for a period in excess of 30 days from the last date substantial construction activities occurred on the premises;
- R. Marijuana uses (as defined in MMC 16.12.140) including processing, producing, retailing and/or researching of marijuana, and estab-

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lishment of medical marijuana cooperatives on any commercial, residential, or public building or premises, notwithstanding a state license or other recognition pursuant to RCW Title 69;

S. Growth of more marijuana plants in a residence than authorized for personal, medical use by RCW 69.51A.210(1) through (3), or growth of an authorized number of personal, medical marijuana plants in a manner that can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another;

T. The existence of every other thing, substance or act that is determined by the city council to be injurious or detrimental to the public health, safety or welfare of the city.

(Code 1988 § 8.04.020; Ord. No. 945 § 1, 2017; Ord. No. 933 § 1, 2016; Ord. No. 532 § 1, 1991; Ord. No. 531 § 2, 1991; Ord. No. 458 § 1, 1987)

8.04.030. Prohibited acts.

A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or in any lake, river, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be public nuisances.

B. It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance.
(Code 1988 § 8.04.030; Ord. No. 458 § 1, 1987)

8.04.040. Disposal of dead animals.

Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground or cause the same to be consumed by fire. No person shall sell or offer to sell or give away the carcass of any animal which died or was killed on account of disease.

(Code 1988 § 8.04.040; Ord. No. 458 § 1, 1987)

8.04.050. Abatement—Notice.

A. An enforcement officer having knowledge of any public nuisance shall cause any owner or other responsible person to be notified of the existence of a public

nuisance on any premises and shall direct the owner or other responsible person to abate the condition within ten days after notice or other reasonable period.

B. If the enforcement officer determines that an emergency exists, the nuisance may be ordered to be abated within 24 hours.

C. If the enforcement officer is unable to deliver personal notice to the owner or other responsible person, notice requirements shall be satisfied by posting a copy of the order on the premises and mailing a copy to the owner or responsible person at the address of the premises or at any other address known to the enforcement officer.

D. The notice shall be in substantially the following form:

**NOTICE TO ABATE
UNSAFE OR UNLAWFUL CONDITION**

As the person in control of the property at _____ (Street Address) _____, you are hereby notified that the undersigned pursuant to the Medina Municipal Code has determined that there exists upon or adjoining said property the following condition contrary to the provisions of subsection ____ of Section 8.04.020: (Fill in the condition causing the nuisance)

You are hereby notified to abate said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not abate such condition within 10 days, the City may abate the condition at your expense.

Abatement is to be accomplished in the following manner:

Appeal: You may appeal this determination to abate unsafe or unlawful conditions to the Medina hearing examiner pursuant to MMC 8.04.070.

Dated: (Name of Enforcement Officer)

By: _____

(Code 1988 § 8.04.050; Ord. No. 848 § 5, 2010; Ord. No. 458 § 1, 1987)

8.04.060. Abatement by city—Generally.

In all cases where the enforcement officer has determined to proceed with abatement, ten days after giving notice, the city shall acquire jurisdiction to abate the

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condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing to the city. (Code 1988 § 8.04.060; Ord. No. 458 § 1, 1987)

8.04.070. Abatement by city—Appeal.

A. Any owner or responsible person may appeal an order determining a nuisance by filing a written appeal with the city stating the basis for the appeal.

B. Appeals shall be governed by the provisions set forth in MMC 1.15.220 and 1.15.230 for a notice of violation.

C. If the enforcement officer determines an emergency exists, appeals shall be governed by the provisions set forth in MMC 1.15.030 for an emergency order. (Code 1988 § 8.04.070; Ord. No. 848 § 6, 2010; Ord. No. 458 § 1, 1987)

8.04.080. Abatement by owner.

If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is a violation of this chapter for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (Code 1988 § 8.04.080; Ord. No. 458 § 1, 1987)

8.04.090. Summary abatement.

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the

owner or other responsible party and may be collected as provided herein or in any other manner allowed by law.

(Code 1988 § 8.04.090; Ord. No. 458 § 1, 1987)

8.04.100. Abatement by city—Lien.

A. The enforcement officer shall forward to the owner and responsible person, by registered or certified mail, a notice setting forth the total costs of abatement.

B. If the abatement costs are not paid within 30 days from the date of the notice, the cost of abatement shall constitute a lien on the property from which the nuisance was removed.

C. Such lien may be enforced in the same manner as a mortgage and shall bear interest at the legal rate of interest from the date of notice of the lien. (Code 1988 § 8.04.100; Ord. No. 848 § 7, 2010; Ord. No. 458 § 1, 1987)

8.04.110. Violation—Penalty.

Any person violating or failing to comply with any provision of this chapter shall be subject to the provisions and penalties set forth in Chapter 1.15 MMC. The abatement of nuisance is not a penalty for violating this chapter, but an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. (Code 1988 § 8.04.110; Ord. No. 848 § 8, 2010; Ord. No. 458 § 1, 1987)

CHAPTER 8.06. NOISE**8.06.010. Policy.**

It is the policy of the city to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the city council to control the level of noise in a manner that promotes the use, value and enjoyment of property; sleep and repose; and the quality of the environment. The City of Medina is a small community with limited resources for effective enforcement of its noise ordinance, especially the expensive-to-enforce decibel-related provisions. These factors point to a need to revise the city's approach to controlling excessive noise. Similar to the approach King County has taken with controlling excessive noise, the city can

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better protect, promote and preserve the public's health, safety and welfare by decreasing reliance on decibel provisions and improving its public disturbance-based enforcement system.

(Code 1988 § 8.06.010; Ord. No. 945 § 3, 2017)

8.06.020. Findings of special conditions.

The Medina comprehensive plan establishes as its first goal to maintain the high-quality residential setting and character of the community. To guard Medina's high-quality residential setting and character from the adverse impacts of excessive noise, it is necessary to adopt specific provisions that reflect the community's unique residential character and protect the public health, safety, and welfare.

(Code 1988 § 8.06.020; Ord. No. 945 § 3, 2017)

8.06.030. Administration.

The police department serves an important function in maintaining public health, safety and welfare by responding to resident complaints, typically in the context of neighborhood noise disturbances. The director also plays an important role in noise control through oversight of permitted activities that generate noise, such as construction work. The police chief and the director each have authority to enforce this chapter pursuant to its provisions.

(Code 1988 § 8.06.030; Ord. No. 945 § 3, 2017)

8.06.040. Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

Commercial construction and development activities means the performance of construction activities as defined herein, including any associated or subsidiary action or the use or movement of equipment or heavy equipment, performed in exchange for compensation or payment.

Construction means any site preparation, grading, building, demolition, substantial repair, alteration or similar action.

dB(A) means the sound level measured in decibels, using the "A" weighting network.

Director means the director of development review services or another person designated by the city manager.

District means the land use zones to which this chapter is applied. For the purposes of this chapter:

1. *Residential districts* are Class A EDNA environments and include the R-16, R-20, R-30 and SR-30 zoning districts set forth in MMC Title 16;
2. *Commercial districts* are Class B EDNA environments and include the N-A and public zoning districts as well as lands designated as State ROW set forth in MMC Title 16.

EDNA means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established using the criteria set forth in WAC 173-60-030.

Equipment means any stationary or portable device or any part thereof capable of generating sound.

Equipment, heavy means large pieces of machinery or vehicles used in the building industry.

Impulsive sound means sound having the following qualities: the peak of the sound level is less than one second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than ten dB(A).

Leq means the equivalent sound level that is the constant sound level in a given time that conveys the same sound energy as the actual time-varying, A-weighted sound. The applicable time-period must be specified.

Lmax means the maximum sound level over a measurement interval determined by using a sound level meter set to "fast" response time.

Muffler means a device consisting of a series of chambers or other mechanical designs for receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas, and that is effective in reducing sound resulting therefrom.

Noise means the intensity, duration and character of sounds from any and all sources.

Off-highway vehicle means any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon highways nor required to be licensed under RCW 46.16.010. The term "off-highway vehicle" does not include special construction vehicles.

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Person means any individual, firm, association, partnership, corporation or any other entity, public or private.

Professional yard maintenance and landscaping means any outdoor work intended to change, improve, repair, or maintain a yard or grounds of a property that is performed in exchange for compensation or payment and is audible from any location outside the legal boundary of the property where such work is being performed.

Public highway means the entire width between the boundary lines of every way publicly maintained by the Washington State Department of Transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Real property means an interest or aggregate of rights in land that is guaranteed and protected by law. "Real property" includes a leasehold interest.

Receiving property means real property within which sound originating from outside the property is received.

Sound level means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1983.

Sound level meter means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2 or Type 3 standards as specified in the American National Standards Institute (ANSI) Specification S1.4-1983. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter, which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1983.

Use means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

Watercraft means any contrivance, including aircraft taxiing, but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water, powered by an internal or external combustion engine.

Weekday means any day Monday through Friday that is not a legal holiday.

Weekend means any Saturday, Sunday and any legal holiday as set forth in RCW 1.16.050(1).

(Code 1988 § 8.06.040; Ord. No. 989 § 1, 2020; Ord. No. 945 § 3, 2017)

8.06.100. Environmental sound levels—Unlawful sounds.

It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the maximum permissible sound levels established by this chapter.

(Code 1988 § 8.06.100; Ord. No. 945 § 3, 2017)

8.06.110. Environmental sound levels—Maximum permissible sound levels.

A. For sound sources located within the city limits, the maximum permissible sound levels are set forth in Table 8.06.110.

Table 8.06.110 Maximum Permissible Sound Levels

District of Sound Source	District of Receiving Property	
	Residential	Commercial
Residential	55 dB(A)	57 dB(A)
Commercial	57 dB(A)	60 dB(A)

B. During a measurement interval, Lmax may exceed the sound level limits of this section by no more than 15 dB(A).

(Code 1988 § 8.06.110; Ord. No. 945 § 3, 2017)

8.06.120. Environmental sound levels—Maximum permissible nighttime sound levels.

A. Between 10:00 p.m. and 7:00 a.m. on weekdays, and between 10:00 p.m. and 9:00 a.m. on weekends, the maximum permissible sound levels in Table 8.06.110 shall be reduced to the levels set forth in Table 8.06.120.

Table 8.06.120 Nighttime Maximum Permissible Sound Levels

District of Sound Source	District of Receiving Property	
	Residential	Commercial
Residential	45 dB(A)	47 dB(A)
Commercial	47 dB(A)	50 dB(A)

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B. During any measurement interval, L_{max} shall not exceed 60 dB(A) during the hours set forth in this section.

C. The following sounds are exempt from the nighttime maximum permissible sound levels in Table 8.06.120 and the L_{max} level in MMC 8.06.120(B):

1. Sounds created by existing stationary equipment used in the conveyance of water, wastewater, or natural gas by a utility;
2. Sounds created by electrical substations.
(Code 1988 § 8.06.120; Ord. No. 989 § 2, 2020; Ord. No. 945 § 3, 2017)

8.06.125. Reductions for pure tone and impulsive sounds.

A. For any source of sound that has a "pure tone component," the levels established by Tables 8.06.110 and 8.06.120 shall be reduced by five dB(A), except this reduction shall not be imposed on any electrical substation. "Pure tone component" means sound having the following qualities: a one-third octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by:

1. Five decibels for center frequencies of 500 Hz and above;
2. Eight decibels for center frequencies between 160 and 400 Hz; and
3. Fifteen decibels for center frequencies less than or equal to 125 Hz.

B. For any source of sound that is impulsive and not measured with an impulse sound level meter, the levels established by Table 8.06.110 and 8.06.120 are reduced by five dB(A).

(Code 1988 § 8.06.125; Ord. No. 945 § 3, 2017)

8.06.130. Exemptions—Sounds exempt at all times.

The following sounds are exempt from the maximum permissible sound levels set forth in this chapter:

- A. Sounds originating from aircraft in flight;
- B. Sounds created by normal docking and undocking operations of all watercraft that otherwise meet the requirements of MMC 8.06.400 and 8.06.410;
- C. Sounds created by watercraft picking up or dropping off water skiers;

D. Sounds created by safety and protective devices, if noise suppression would defeat the safety intent of the device;

E. Fire alarms;

F. Sounds created by warning devices of not more than five minutes in duration per incident. "Warning device" means a device that is working as intended to provide public warning of potentially hazardous, emergency or illegal activities such as, but not limited to, security alarms and the emergency alert system;

G. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or for the health, safety or welfare of the community. "Emergency work" means any one of the following:

1. Work required for restoring property to a safe condition following a disaster;
2. Work required for protecting persons or property from an imminent danger;
3. Work by private or public utilities for providing or restoring immediately necessary utility service; or
4. Work to address other emergencies as determined by the director;

H. Sounds caused by natural phenomena and unamplified human voices;

I. The operation of snow removal equipment by governmental agencies and commercial entities.

(Code 1988 § 8.06.130; Ord. No. 989 § 3, 2020; Ord. No. 945 § 3, 2017)

8.06.140. Exemptions—Sounds exempt during daylight hours.

The following sounds are exempt from this chapter between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends, unless different hours are specified:

- A. Sounds created by bells, chimes, or carillons not operating for more than five minutes during any one-hour time frame;

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- B. Sounds created by blasting, provided their operations are between 8:00 a.m. and 4:30 p.m. on weekdays, and between 9:00 a.m. and 2:00 p.m. on Saturday;
 - C. Sounds originating from lawful pickets, marches, parades, rallies and other similar public events;
 - D. Sounds created by powered equipment when used by a resident or by the Overlake Golf and Country Club for the temporary or periodic maintenance or repair of their property or its appurtenances, including lawnmowers, leaf blowers, powered hand tools, and snow-removal equipment, provided such use is between 7:00 a.m. and 7:00 p.m. on weekdays and between 9:00 a.m. and 7:00 p.m. on weekends;
 - E. Sounds originating from the required testing of emergency equipment such as generators.
- (Code 1988 § 8.06.140; Ord. No. 989 § 4, 2020; Ord. No. 945 § 3, 2017)

8.06.150. Exemptions—Temporary construction sounds.

A. Normal and usual sounds created by temporary construction activity, including on or by watercraft, are exempt from the maximum permissible sound levels set forth in this chapter provided:

1. The operation of heavy equipment on a construction site occurring between the hours of 7:00 a.m. and 7:00 p.m. weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturday, including crawlers, tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors and other similar equipment;
2. The operation of impact types of construction equipment on a construction that create impulse noise or impact noise occurring between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturday, including pavement breakers, pile drivers, jackhammers, sandblasting tools or other types of equipment or devices;
3. All other construction activities that occur during the hours set forth in MMC 8.06.160(A)(1).

B. The exemptions in subsection (A) of this section shall not apply to any temporary construction sounds exceeding an Lmax of 85 dB(A) as measured at the real property line of receiving properties, or 50 feet from the equipment, whichever is greater.

C. Exterior sound levels caused by construction activity heard inside of a building after efforts to reduce the noise levels have been taken, such as closing windows and doors, must not be unreasonable. Whether construction sound levels are within the maximum permissible sound levels when measured inside of the building can be a factor for determining reasonableness.

(Code 1988 § 8.06.150; Ord. No. 945 § 3, 2017)

8.06.160. Work hours for commercial construction and development activities and professional yard maintenance and landscaping.

A. *General.* Commercial construction and development activities and professional yard maintenance and landscaping may take place only between 7:00 a.m. and 7:00 p.m. on weekdays. On Saturdays, commercial construction and development activities may occur between 8:00 a.m. and 5:00 p.m. and professional yard maintenance and landscaping may occur between 9:00 a.m. and 5:00 p.m. No such work is allowed on Sundays or legal holidays set forth in RCW 1.16.050(1).

B. *Exceptions.* The city manager or designee may authorize in writing the conduct of commercial construction and development activities or professional yard maintenance and landscaping outside the hours specified in subsection (A) of this section provided such work will not unreasonably interfere with any residential use and is an emergency. The city manager may attach such conditions as necessary to minimize the interference and protect the public health, safety and welfare.

(Code 1988 § 8.06.160; Ord. No. 989 § 5, 2020; Ord. No. 945 § 3, 2017)

8.06.170. Sound measurement.

A. If the measurement of sound is made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirements for a Type 1 or Type 2 instrument, as described in American National Standards Institute Specifications Section 1.4-1983, as it now exists or as hereafter amended. If the measurements are made with other

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instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in Section 1.4-1983, as it now exists or as hereafter amended for Type 2 instruments.

B. Except where specified otherwise in this chapter, sound level measurements shall be based on Leq during the measurement interval using a minimum measurement interval of one minute for constant sound sources, or a 30-minute measurement for noncontinuous sound sources.

C. When the location, distance or technique prescribed in this chapter for measurement of sound is impractical, or would yield misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors. (Code 1988 § 8.06.170; Ord. No. 945 § 3, 2017)

8.06.180. Receiving properties within more than one district.

Where a receiving property lies within more than one district, the maximum permissible sound level shall be determined by the district within which the measurement is made. (Code 1988 § 8.06.180; Ord. No. 945 § 3, 2017)

8.06.200. Public disturbance noise.

A. It is unlawful for any person to cause or make, or for any person in possession of property to allow or originate from the property, sound that is a public disturbance noise; and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer or city official authorized by the city manager to enforce provisions of this chapter. For the purposes of this section, "public disturbance noise" means any sound that unreasonably disturbs or interferes with the peace, comfort or repose of a person or persons. The hour of the day at which the sound occurs may be a factor in determining reasonableness. Sounds that are public disturbance noises may include, but not be limited to:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
2. Frequent, repetitive or continuous sounds in connection with the starting, operation, re-

pair, rebuilding or testing of any motor vehicle, motorcycle, off highway vehicle, watercraft or internal combustion engine;

3. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;
4. Loud and raucous sound generated within 1,000 feet of any school;
5. Loud and raucous sound that emanates frequently, repetitively or continuously from any building, structure or property, including watercraft, located within a residential district or on an adjoining body of water, such as sounds originating from a band session or social gathering;
6. Frequent, repetitive or continuous sound, including but not limited to impulsive or amplified sound such as emanates from an audio device, where the sound is plainly audible or can be felt at 50 feet or more from the source of sound, or 300 feet or more if the source of sound is from a watercraft, when the sound is received in a residential district. For the purposes of this subsection, "plainly audible" means any sound that can be detected by unaided hearing faculties of normal acuity, including, but not limited to, being able to detect the rhythmic bass component of music coming from a sound amplifier regardless of whether the title, specific words or artist performing the song can be identified;
7. Any sound out of doors that interferes with normal conversation at a distance of 50 feet or more from the source of the sound when the sound is received in a residential district;
8. Any sound originating from real property between the hours of 10:00 p.m. and 7:00 a.m. that is amplified noise plainly audible to a person of normal hearing when measured inside a receiving dwelling unit; and

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9. Any other unreasonably loud, disturbing, continuous, irritating or unnecessary noise, whether emanating from a human, animal or mechanical source.

B. A noise need not exceed the maximum permissible sound levels of this chapter or be a public nuisance noise under Chapter 8.04 MMC to be a public disturbance noise.

(Code 1988 § 8.06.200; Ord. No. 945 § 3, 2017)

8.06.300. Motor vehicles—Maximum permissible sound levels.

A. It is unlawful for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the maximum permissible sound levels for the category of vehicle in Table I of WAC 173-62-030, as measured at a distance of 50 feet from the center of the lane of travel within the speed limits specified, by measurement procedures established by the state commission on equipment.

B. The maximum permissible sound levels set forth in this section shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

(Code 1988 § 8.06.300; Ord. No. 945 § 3, 2017)

8.06.310. Motor vehicles—Mufflers.

It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle upon the public highways, which is not equipped with a muffler in good working order and in constant operation.

(Code 1988 § 8.06.310; Ord. No. 945 § 3, 2017)

8.06.320. Motor vehicles—Modification to motor vehicles.

It is unlawful for any person to modify or change any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to remove or

render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.

(Code 1988 § 8.06.320; Ord. No. 945 § 3, 2017)

8.06.330. Motor vehicles—Tire sounds.

It is unlawful for any person to operate a motor vehicle in such a manner as to cause, or allow to be emitted, squealing, screeching or other such a sound, from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason. However, sound resulting from emergency braking to avoid imminent danger is exempt from this section.

(Code 1988 § 8.06.330; Ord. No. 945 § 3, 2017)

8.06.340. Motor vehicles—Exemptions.

Sounds created by motor vehicles are exempt from the maximum permissible sound levels of MMC 8.06.110 and 8.06.120, except that sounds created by any motor vehicle operated off public highways shall be subject to the sound levels of MMC 8.06.110 and 8.06.120, when such sounds are received in a residential district.

(Code 1988 § 8.06.340; Ord. No. 945 § 3, 2017)

8.06.400. Watercraft—Maximum permissible sound limits.

A. It is unlawful for any person to operate any watercraft on the water within the City of Medina's jurisdiction in such a manner as to exceed the following maximum sound limits when measured within 50 feet of the shoreline or anywhere within a receiving property:

1. At any hour of the day or night, the limit for any receiving property shall be 74 dB(A); and
2. Between the hours of 10:00 p.m. and 7:00 a.m., the limit for sounds received within a residential district shall be 64 dB(A).

B. Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging or pile driving is governed under the provisions applicable to construction sounds.

C. Chapter 352-67 WAC relating to vessel sound level measurement procedures is adopted by reference. (Code 1988 § 8.06.400; Ord. No. 945 § 3, 2017)

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A. It is unlawful for any person to operate any watercraft, except aircraft, on the waters inside the city limits, which is not equipped with a functioning under-water exhaust or a properly installed and adequately maintained muffler. Any one or more of the following defects in the muffling system shall constitute a violation of this section:

1. The absence of a muffler;
2. The presence of a muffler cut out, bypass, or similar device, which is not standard or normal equipment for the exhaust system being inspected;
3. Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted through areas of the muffler or pipes;
4. The presence of equipment that will produce excessive or unusual noise from the exhaust system.

B. Dry stacks or water injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers.
(Code 1988 § 8.06.410; Ord. No. 945 § 3, 2017)

8.06.500. Noise variance.

A. The purpose of a noise variance is to provide relief where immediate compliance with the requirements of this chapter cannot be achieved because of special circumstances rendering immediate compliance unreasonable.

B. Temporary noise variance.

1. *Procedures.* Temporary noise variance applications are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC. The director is appointed as the decision authority to decide requests for temporary noise variances.
2. *Limitations.* A temporary noise variance may only be granted if all of the following are satisfied:
 - a. The exemption is limited to one 24-hour period;

- b. No more than one temporary noise variance per month may be granted, not to exceed four in any 12-month consecutive period;
 - c. The Lmax does not exceed 85 dB(A); and
 - d. There are no active or future applications within the next six months for a noise variance under subsection (C) or (D) of this section applicable to the site.
3. *Criteria for approval.* The director may approve a temporary noise variance if the director determines that the requested variance will not endanger public health or safety.
 4. *Conditions of approval.* The director may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
 5. *Lapse of approval.* An administrative noise variance shall expire three months after being issued. There is no administrative appeal of a temporary noise variance.

C. Administrative noise variance.

1. *Procedures.* Administrative noise variance applications are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC. The director is appointed as the decision authority to decide requests for administrative noise variances.
2. *Limitations.* An administrative noise variance may be granted only for the following:
 - a. The exemption is limited to a period not to exceed 14 days during any 12-month consecutive period; and
 - b. A project may not have more than one administrative noise variance granted for the entire project. A site containing multiple projects occurring during any five-year consecutive period shall be deemed a single project for purposes of qualifying for an administrative noise variance.
3. *Criteria for approval.* The director may approve an administrative noise variance if the director determines that the requested vari-

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ance does not significantly affect a substantial number of people or endanger public health or safety.

4. *Conditions of approval.* The director may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
5. *Lapse of approval.* An administrative noise variance shall expire after one year from the later date of the decision being issued or an appeal becoming final.

D. Nonadministrative noise variance.

1. *Procedures.* Nonadministrative noise variance applications are processed as Type 3 decisions pursuant to the review procedures set forth in Chapter 16.80 MMC. The hearing examiner is designated as the decision authority to decide non-administrative noise variances.
2. *Criteria for approval.* The hearing examiner may approve a nonadministrative noise variance if the following criteria are satisfied:
 - a. Strict enforcement of this chapter creates an unnecessary hardship where immediate compliance with this chapter is unreasonable;
 - b. The noise variance is necessary because of:
 - i. Unique circumstances caused by other regulatory or contractual requirements;
 - ii. The type of project or special construction requirements; or
 - iii. For a public agency project, the granting of the variance is in the overall best interests of the public;
 - c. There is no reasonable economically or technically feasible way to achieve compliance with this chapter;
 - d. The request for relief is the minimum necessary;
 - e. The granting of the variance is not materially detrimental or injurious to the public welfare.

3. *Conditions of approval.* The hearing examiner may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

4. *Lapse of approval.* A nonadministrative noise variance shall expire after one year from the later date of the decision being issued or an appeal becoming final. However, the hearing examiner may grant a longer period for the variance provided the longer period is the minimum necessary.

E. *Submission requirements.* A request for a nonadministrative noise variance shall meet the submission requirements set forth in MMC 16.80.070 plus the following:

1. Identify the specific section or sections of the noise regulations for which the variance is being requested;
2. Identify all property owners who will be impacted by sound levels exceeding the maximum permissible sound levels if the administrative noise variance is granted;
3. Include written analyses and supporting documentation demonstrating that the project or activity will not impact a substantial number of people or endanger public health or safety; and
4. Proposed mitigation measures to minimize noise impacts on nearby properties.

F. *Noticing requirements.* In addition to the noticing requirements set forth in Chapter 16.80 MMC for a Type 2 or Type 3 decision, mailed notice shall be sent to all property owners impacted by sound levels exceeding the maximum permissible sound levels.

G. *Exemption.* Any applicant granted a noise variance in accordance with the procedures of this section shall be exempt from the maximum permissible sound levels or public disturbance provisions established by this chapter, to the extent provided in the variance. (Code 1988 § 8.06.500; Ord. No. 945 § 3, 2017)

8.06.600. Enforcement.

A. *Violations.*

1. All offenses defined in this chapter relating to the operation of motor vehicles shall consti-

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tute traffic infractions. Other violations of the provisions of this chapter shall constitute Class 1 civil infraction per Chapter 7.80 RCW, which is hereby incorporated by reference, except as provided in subsection (A)(3) of this section.

2. Each day of violation shall be deemed a separate infraction.
3. If the same violator has been found, in any court of competent jurisdiction, to have previously committed an infraction for the same or similar conduct three or more separate times within any six-month consecutive period, with the infraction violations occurring at the same location and involving the same or similar sections of the code, any further violations shall constitute misdemeanors. For the purposes hereof, it shall be prima facie evidence that the same violator has previously been found to have committed any infraction if a certified copy of the judgment, docket or other court document showing that such violation was found committed is filed with the court.

B. *Alternative enforcement.* Nothing in this section shall limit the city's ability to apply the procedures and pursue remedies available under Chapter 8.04 or 1.15 MMC, or any party's right to seek relief from any alleged nuisance under state or common law. (Code 1988 § 8.06.600; Ord. No. 945 § 3, 2017)

CHAPTER 8.10. PROHIBITED ACTS**8.10.010. Urinating or defecating in public.**

A. It is unlawful for any person to urinate or defecate in a public place other than a washroom or toilet room or other facility specifically designated and intended for that use.

B. All offenses defined in this section shall constitute a Class 1 civil infraction pursuant to Chapter 7.80 RCW, which is hereby incorporated by reference, and shall be enforced in accordance therewith. (Code 1988 § 8.10.010; Ord. No. 964 § 1, 2018)

CHAPTER 8.12. HOME SECURITY ALARMS**8.12.010. Purpose.**

It is the intent of this chapter to reduce the number of false alarms occurring within the city and the resul-

tant waste of city resources by providing for corrective administrative action including fees. Home security alarm systems are encouraged as a valuable tool for homeowners, police and fire personnel in preventing loss of life and property. But repeated false alarms are wasteful of police and fire department time and resources. The prevalence of false alarms can also endanger the lives of police personnel by creating an expectation that an alarm will be false. For these reasons, testing and proper maintenance of home security systems are required by this chapter. Following one false alarm, to which the police and/or fire department responded within a six-month period, fines will be imposed by the city as established herein.

(Code 1988 § 8.12.010; Ord. No. 926, 2015; Ord. No. 653 § 2, 2000; Ord. No. 576 § 1, 1993)

8.12.020. Definitions.

In this chapter, unless a different meaning plainly is required, the definitions contained in this section shall apply:

- A. *Alarm business* means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- B. *Alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an unauthorized or illegal entry or other activity requiring urgent attention and to which police are expected to respond.
- C. *Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind of control of any building, structure or facility wherein an alarm system is maintained.
- D. *Automatic dialing device* means a device which is interconnected and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.
- E. *Chief of police* includes his designee.

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- F. *False alarm* means an alarm signal eliciting a response by police when a situation requiring a response by police does not in fact exist. It does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- G. *Interconnect* means to connect an alarm system, including an automatic dialing service, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon activation of the alarm system.
- H. *Response* shall be deemed to have occurred when the police department begins to proceed towards the premises as a result of the activation of the alarm.
- (Code 1988 § 8.12.020; Ord. No. 926, 2015; Ord. No. 576 § 2, 1993)

8.12.030. Fees, corrective action.

For police response to any false alarm, the city shall charge and collect from the alarm user such fees as are established herein. In addition to the imposition of fees, the city is authorized to collect information as to the cause of the alarm and remedial steps taken.

- A. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no civil penalty shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the alarm user or occupant of the premises on which the false alarm occurred.
- B. For a second response to premises within six months after the first response, a civil penalty of \$50.00 shall be charged. The alarm user shall, within five working days after notice to do so, make a written report to the city on prescribed forms setting forth:
1. The cause of such false alarm;
 2. The corrective action taken;
 3. Whether and when such alarm has been inspected by authorized service personnel; and

4. Such other information as may be reasonably required to determine the cause of such false alarm, and any mitigating circumstances that may permit the city to reduce the penalty.
- C. For a third response to premises within six months, after a second response, and for all succeeding responses within six months of the last response, a civil penalty shall be charged as follows:
- 1st—Free
 - 2nd—\$50.00
 - 3rd—\$100.00
 - 4th—\$150.00
 - 5th—\$200.00
 - 6th and subsequent—\$250.00
- (Code 1988 § 8.12.030; Ord. No. 926, 2015; Ord. No. 653 § 4, 2000; Ord. No. 576 § 4, 1993)

8.12.040. Administrative decisions—Notice.

A. Notice of excessive alarms, including the imposition of a civil penalty under the provisions of this chapter, shall be sent by mail or delivered personally to the alarm user or a person of suitable age and discretion at the premises; provided, that with respect to business premises, schools or churches, mailing or personal delivery to the manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be delivery to the alarm user.

B. The notice shall specify the sanctions imposed and shall advise the alarm user that unless a hearing is requested with the city manager, as set forth in MMC 8.12.050, the sanctions will be deemed final and nonappealable.

(Code 1988 § 8.12.040; Ord. No. 926, 2015; Ord. No. 653 § 5, 2000; Ord. No. 576 § 5, 1993)

8.12.050. Appeal from administrative decision—Finality.

A. Any person subject to the imposition of a civil penalty shall have a right of appeal therefrom to the city manager upon filing a timely written notice.

B. The notice of appeal must be made in writing and filed with the city manager within 15 days of the date of the notice of excessive alarms provided for in

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MMC 8.12.040 or the decision shall be deemed final. The notice shall describe all facts relied upon in support of the appeal. Upon receipt of a timely written notice the city manager shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the city manager determines that the false alarm user or alarm user's employees or agents have established the cause of the false alarm and that reasonable steps have been taken to correct the problem, the civil penalty or other sanction may be suspended, in whole or in part. The city manager shall keep a written report of the hearing including a statement of reasons for whatever action is taken. Any appeal from the city manager's decision shall be to a court having jurisdiction and must be perfected by filing the same within ten days of the issuance date of the city manager's decision or be barred. The city manager may delegate any of his or her responsibilities under this section.
(Code 1988 § 8.12.050; Ord. No. 926, 2015; Ord. No. 653 § 6, 2000; Ord. No. 576 § 6, 19930)

8.12.060. Payment of civil penalties required.

The city manager may authorize the city attorney to collect the fees by appropriate legal action. The person responsible for payment of the civil penalties shall also be responsible for payment of all costs incurred by the city, including reasonable attorneys' fees.
(Code 1988 § 8.12.060; Ord. No. 926, 2015; Ord. No. 576 § 7, 1993)

8.12.070. Automatic dialing device—Certain interconnections prohibited.

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city. It is unlawful for any person to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the chief of police to disconnect or reprogram the automatic dialing device. Any person violating this section shall be guilty of a misdemeanor.
(Code 1988 § 8.12.070; Ord. No. 926, 2015; Ord. No. 576 § 8, 1993)

8.12.080. Automatic reset required.

Within 180 days after the effective date of this section, all alarm systems maintained on any premises in the city shall have an automatic reset device which will

cause the alarm to reset after ten minutes of continuous audible operation. Any alarm user failing to install such an automatic reset device as required in this section shall be guilty of a misdemeanor.
(Code 1988 § 8.12.080; Ord. No. 926, 2015; Ord. No. 576 § 9, 1993)

CHAPTER 8.16. FIREWORKS**8.16.010. State provisions adopted.**

Chapter 70.77 RCW as now stated or hereafter amended is adopted by reference, except as amended in this chapter, and a copy of the same shall be kept on file in the office of the city clerk for public use and inspection.
(Code 1988 § 8.16.010; Ord. No. 448 § 1, 1987)

8.16.020. Amendment of RCW 70.77.395—Purchase, sale, use and discharge prohibited.

RCW 70.77.395 is amended to read as follows:

Except as provided in RCW 70.77.311, no consumer fireworks shall be purchased, sold, used or discharged within the City of Medina at any time.
(Code 1988 § 8.16.020; Ord. No. 736 § 1, 2002; Ord. No. 605 § 1, 1995; Ord. No. 603 § 1, 1995; Ord. No. 448 § 2, 1987)

8.16.030. Local fire official designated.

The local fire official for the city is the chief of the Bellevue fire department or such person as he may designate to fulfill the duties of a local fire official as set forth in Chapter 70.77 RCW.
(Code 1988 § 8.16.030; Ord. No. 448 § 3, 1987)

8.16.040. Restrictions on discharge.

No common fireworks designated to discharge more than eight feet above the ground, including but not limited to fireworks commonly known as aerals and roman candles, shall be ignited within 100 feet of any building, structure, residence or wooded area or in any other area where such fireworks cannot be safely ignited.
(Code 1988 § 8.16.040; Ord. No. 448 § 4, 1987)

8.16.045. Restrictions on public displays.

No public display permits, whether to pyrotechnic operators or others, shall be issued with the city except

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for licensed public displays where the launching site is on Lake Washington, at least 300 feet from the nearest shoreline, dock or other structure, where all aerial displays are directed away from the shoreline.
(Code 1988 § 8.16.045; Ord. No. 571 § 1, 1993)

8.16.050. Seizure of fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter, Chapter 70.77 RCW, or the rules and regulations of the director of community development, through the director of fire protection, shall be subject to seizure by the police department. The provisions for seizure of fireworks, petition for return, hearing, decision and judicial action for recovery shall be as set forth in RCW 70.77.435 and 70.77.440; provided, that the chief of police shall have the powers and obligations set forth in said statutes for the director of fire protection.
(Code 1988 § 8.16.050; Ord. No. 448 § 6, 1987)

8.16.060. Violation—Penalty.

Any violation of this chapter or of Chapter 70.77 RCW incorporated in this chapter by reference, shall constitute a civil infraction punishable by a fine not to exceed \$300.00.
(Code 1988 § 8.16.060; Ord. No. 605 § 2, 1995; Ord. No. 448 § 6, 1987)

CHAPTER 8.20. SOLID WASTE MANAGEMENT**8.20.010. Comprehensive solid waste management plan adopted.**

The city adopts the comprehensive solid waste management plan with addenda as recommended by the solid waste interlocal forum through Resolution No. 89-005.
(Code 1988 § 8.20.010; Ord. No. 501 § 1, 1990)

8.20.020. County powers restricted.

Pursuant to RCW 70.95.160, the city determines that the county shall not exercise any powers regarding the levels and types of service for any aspect of solid waste handling in the city. County regulations and ordinances regarding levels and types of service for any

aspect of solid waste handling shall not apply within the corporate limits of the city as may be now or hereafter determined by the city.
(Code 1988 § 8.20.020; Ord. No. 501 § 2, 1990)

8.20.030. Definitions.

For purposes of this chapter, the following words shall have the meaning hereinafter provided:

- A. *Solid waste* means and includes all garbage, rubbish, trash, refuse, debris, scrap, waste materials, and discarded materials of all types whatsoever, except the following: (1) hazardous wastes; (2) recyclable materials; and (3) yard waste.
- B. *Yard waste* means and includes materials such as sod, grass, weeds, flowers, as well as branches and prunings less than three inches in diameter. It excludes food waste, plastics and synthetic fibers, lumber, any wood or tree limbs over three inches in diameter or three feet in length and soil contaminated with hazardous waste.

(Code 1988 § 8.20.030; Ord. No. 510 § 1, 1990)

8.20.040. Yard waste—Separation—Collection.

The deposit of yard waste in solid waste containers or recycling containers for collection by the licensed collection service is prohibited. No solid waste, nor recyclable materials that are mixed with yard waste will be collected by the licensed collection service. Yard waste will only be collected by the collection service if the yard waste is separated and contained in approved containers or bundled in an approved manner and the resident is participating in the city's yard waste collection program.

(Code 1988 § 8.20.040; Ord. No. 510 § 2, 1990)

8.20.050. Penalties.

Violation of MMC 8.20.040 shall constitute an infraction punishable by a fine not to exceed \$100.00.
(Code 1988 § 8.20.050; Ord. No. 510 § 3, 1990)

8.20.060. City manager powers.

The city manager or his designee is authorized and directed to take all action necessary to implement the provisions of this chapter, including the amendment of any solid waste, recycling or yard waste agreement

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necessary to achieve the purposes of this chapter and to modify or establish new rules for the collection of solid waste, recyclable materials or yard waste.
(Code 1988 § 8.20.060; Ord. No. 510 § 4, 1990)

CHAPTER 8.24. HAZARDOUS WASTE MANAGEMENT

8.24.010. Local hazardous waste management plan adopted.

The city adopts the local hazardous waste management plan with addenda as recommended by the solid waste interlocal forum through Resolution No. 90-001; provided, that such adoption is contingent on agreement being reached through the interlocal forum on the first year's budget, the details of the funding mechanism, the evaluation strategy to be used and the manner of representation on the management coordination committee by participating cities.
(Code 1988 § 8.24.010; Ord. No. 508 § 1, 1990)

8.24.020. Powers of mayor.

The mayor or his designee is authorized to enter into such interagency agreements or memoranda of understanding as may be necessary to conduct said project, said agreements to be in such form as may be approved by legal counsel.
(Code 1988 § 8.24.020; Ord. No. 508 § 2, 1990)

CHAPTER 8.28. RADON DETECTORS

8.28.010. Radon detectors required.

The city shall purchase and obtain radon measuring devices approved by the state and the building official of the city shall deliver said device to each single-family residence for which it is required by state law at the time of final inspection consistent with the provisions of Chapter 132, Laws of 1992 of the State of Washington.
(Code 1988 § 8.28.010; Ord. No. 562 § 1, 1992)

8.28.020. Charging of fee.

The city shall add to the fee charged for a building permit for any single-family residence requiring said device a fee equal to the cost incurred by the city to purchase, provide and deliver the device to the owner of the property.
(Code 1988 § 8.28.020; Ord. No. 562 § 2, 1992)

8.28.030. Collection of fee.

Fees shall be collected at time of permit issue for new permits issued after the effective date of the ordinance codified in this chapter. Fees for detectors required for permits already issued, but now required by the state to be furnished by the city shall be collected before final inspection is made.
(Code 1988 § 8.28.030; Ord. No. 562 § 3, 1992)

8.28.040. Amount of fee.

The fee for purchasing, providing and delivering the device shall be initially set at \$20.00 which fee may be later adjusted by the building official with the concurrence of the city manager to more accurately reflect the actual costs incurred by the city.
(Code 1988 § 8.28.040; Ord. No. 562 § 4, 1992)

8.28.050. Compliance with provisions.

The owner of property receiving a radon measuring device shall install, maintain and remove the device in accordance with the instructions provided with the device and shall be solely responsible for compliance with the instructions furnished and for delivering the device in a timely manner to the testing agency. Neither the city nor any of its officials shall be deemed responsible for any of the provisions of this section.
(Code 1988 § 8.28.050; Ord. No. 562 § 5, 1992)

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PUBLIC PEACE, MORALS AND WELFARE**Chapter 9.04. General Provisions**

9.04.010.	Title.
9.04.030.	Statutes adopted by reference.
9.04.040.	Amendment of adopted statutes.
9.04.050.	Violation—Penalty.
9.04.060.	Violation—Prosecution.
9.04.070.	Violation—Forfeiture of property.
9.04.080.	Description of offense.

Chapter 9.20. Alcohol and Drugs*Article I. Alcoholic Beverages*

9.20.010.	Construction of provisions.
9.20.020.	Applicability of provisions.

Article II. Controlled Substances

9.20.160.	RCW chapters adopted by reference.
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Chapter 9.28. Unfair Housing Practices

9.28.010.	Definitions.
9.28.020.	Prohibition—Generally.
9.28.030.	Prohibitions—Specific.
9.28.040.	Applicability of provisions.
9.28.050.	Enforcement procedures.
9.28.060.	Violation—Penalty.

Chapter 9.32. Possession of Burglar Tools

9.32.010.	Making and having burglar tools.
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Chapter 9.40. Special Events

9.40.010.	Definitions.
9.40.020.	Special event permit.
9.40.030.	Exemptions from permits.
9.40.040.	Application—Form—Required information.
9.40.050.	Special event permit fees.
9.40.060.	Findings required.
9.40.070.	Conditions to permit.
9.40.080.	Prior application.
9.40.090.	Notice of issuance or denial.
9.40.100.	Appeal procedure.
9.40.110.	Contents of permit.
9.40.120.	Duty of permittee.
9.40.130.	Revocation or suspension of permit.
9.40.140.	Public conduct during a special events activity.
9.40.145.	Cost recovery for unlawful special event.
9.40.150.	Violation—Penalty.
9.40.160.	Severability.

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9.04.030**CHAPTER 9.04. GENERAL PROVISIONS****9.04.010. Title.**

This chapter and any amendments or revisions thereof shall be known as the "penal code of the city." (Code 1988 § 9.04.010; Ord. No. 267, 1971)

9.04.030. Statutes adopted by reference.

The following statutes as set forth in the Revised Code of Washington are adopted by reference as and for a portion of the criminal code of the city as if set forth in full in this title. Also adopted by reference are all subsequent modifications to the sections or chapters of the Revised Code of Washington set forth in this chapter as the same may be changed, amended or added to:

RCW

9.01.055 Immunity—Aiding officer
 9.01.110 Failure to act
 9.01.120 Civil remedies preserved
 9.01.130 Sending criminal letter
 9.01.160 Existing civil rights
 9.03.010 Abandoning, discarding refrigeration equipment
 9.03.020 Permitting unused equipment to remain on premises
 9.03.030 Violation of RCW 9.03.010 or 9.03.020
 9.04.010 False advertising
 9A.04.010 Title, effective date, application, severability, captions
 9A.04.020 Purpose—Principles of construction
 9A.04.030 State criminal jurisdiction
 9A.04.040 Classes of crimes
 9A.04.050 People capable of committing crimes
 9A.04.060 Common law to supplement statutes
 9A.04.070 Who amenable to criminal statutes
 9A.04.080 Limitation of actions
 9A.04.090 Application of general provisions of code

RCW

9A.04.100 Proof beyond reasonable doubt
 9A.04.110 Definitions
 9.08.020 Diseased animals
 9.08.030 False representation animals
 9.08.065 Definitions
 9.08.070 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty
 9A.08.010 General requirements of culpability
 9A.08.020 Liability for conduct of another—Complicity
 9A.08.030 Criminal liability of corporations and persons action on under a duty to act in their behalf
 9.16.030 Counterfeiting trademarks, brand, etc.
 9.16.040 Displaying goods with false trademarks
 9.16.050 When deemed affixed
 9.16.060 Fraudulent registration of trademark
 9.16.070 Form and similitude defined
 9.16.080 Sales of petroleum products improperly labeled or by wrong grade
 9.16.150 Marked, stamped or branded defined
 9A.16.010 Definitions
 9A.16.020 Use of force—When lawful
 9A.16.030 Homicide—When excusable
 9A.16.040 Justifiable homicide by police officer
 9A.16.060 Duress
 9A.16.070 Entrapment
 9A.16.080 Action for being detained on mercantile establishment premises for investigation "reasonable grounds" as defense
 9A.16.090 Intoxication
 9A.16.100 Use of force on children—Policy—Actions presumed unreasonable

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9A.16.110 Defense of person or property against heinous crime—Indemnification or reimbursement by state for expenses of defendant

9.18.120 Suppression of competitive bidding

9.18.130 Collusion to prevent competitive bidding

9.18.140 Penalty

9A.20.010 Classification and designation of crimes

9A.20.020 Authorized sentences of offenders

9A.20.021 Maximum sentences for crimes committed July 1, 1984, and after

9A.20.030 Alternatives to a fine—Restitution

9.26A.090 Telephone credit cards—Prohibited acts

9.26A.100 Definitions

9.26A.110 Fraud in obtaining telecommunications service—Penalty

9.26A.120 Fraud in operating coin-box telephone or other receptacle

9.26A.130 Penalty for manufacture or sale of slugs to be used for coin

9.27.015 Obstructing court, building or residence

9A.28.020 Criminal attempt

9A.28.030 Criminal solicitation

9A.28.040 Criminal conspiracy

9A.36.041 Assault in fourth degree

9A.36.050 Reckless endangerment

9A.36.070 Coercion

9.38.010 False representation concerning credit

9.38.020 False representation concerning title

9.40.040 Spark emitting engines

9.40.100 Injuring or tampering with fire alarm apparatus or equipment—False alarm—Penalty

9.41.010 Terms defined

RCW

9.41.030 Being armed prima facie evidence of intent

9.41.040 Certain persons forbidden to possess arms

9.41.045 Possession by offender

9.41.050 Carrying pistol

9.41.060 Exceptions

9.41.070 Issue of license to carry

9.41.080 Delivery to minors and others forbidden

9.41.090 Sales regulations

9.41.093 Exemptions

9.41.095 Denial of application

9.41.098 Forfeiture of firearm, order by courts—Disposition—Confiscation by law enforcement officer

9.41.100 Dealers to be licensed

9.41.110 Dealer's licenses, by whom granted and conditions thereof

9.41.120 Certain transfers forbidden

9.41.130 False information forbidden

9.41.140 Alteration of identifying marks prohibited

9.41.150 Exemptions

9.41.160 Penalty

9.41.170 Alien's license to carry firearms

9.41.180 Setting spring gun

9.41.190 Machine guns prohibited

9.41.200 Machine guns—Defined

9.41.220 Machine guns and parts contraband

9.41.230 Aiming and discharging firearms

9.41.240 Use of firearms by minor

9.41.250 Dangerous weapons—Evidence

9.41.260 Dangerous exhibitions

9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful—Penalty—Exceptions

9.41.280 Carrying dangerous weapons on school facilities—Penalty—Exceptions

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RCW		RCW	
9.41.300	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty	9A.52.070	Criminal trespass in the first degree
9.44.080	Misconduct in signing a petition	9A.52.080	Criminal trespass in the second degree
9A.44.096	Sexual misconduct with a minor in the second degree	9A.52.090	Criminal trespass—Defenses
9.45.060	Encumbered, leased or rented personal property	9A.52.100	Vehicle prowling in the second degree
9.45.062	Failure to deliver leased personal property	9A.52.120	Computer trespass in the second degree
9.45.070	Mock auctions	9A.56.010	Definitions—Theft and robbery
9.45.080	Fraudulent removal of property	9A.56.020	Theft—Definition defense
9.45.090	Knowingly receiving fraudulent conveyance	9A.56.050	Theft in third degree
9.45.100	Fraud of creditors	9A.56.060	Unlawful issuance of checks or drafts
9A.46.010	Legislative finding	9A.56.100	Theft and larceny equated
9A.46.020	Definition—Penalties	9A.56.140	Possessing stolen property—Definitions—Credit cards, presumption
9A.46.030	Place where committed		
9A.46.040	Court-ordered requirements upon person charged with crime—Violation	9A.56.170	Possessing stolen property in the third degree
9A.46.050	Arraignment—No-contact order	9A.56.180	Obscuring identity of machine
9A.46.060	Crimes included in harassment	9A.56.220	Theft of cable television services
9A.46.070	Enforcement of orders restricting contact	9A.56.230	Unlawful sale of cable television services
9A.46.080	Order restricting contact—Violation	9A.56.240	Forfeiture and disposal of device used to commit violation
9A.46.090	Nonliability of peace officer	9A.56.260	Connection of channel converter
9A.46.100	"Convicted," time when	9A.60.010	Definitions—Fraud
9A.46.110	Stalking	9A.60.040	Criminal impersonation
9.47A.010	Glue sniffing—Definitions	9A.60.050	False certification
9.47A.020	Unlawful inhalation	9.61.140	Endangering life and property by explosives—Penalty
9.47A.030	Possession of certain substance prohibited—When	9.61.230	Telephone calls to harass, intimidate, torment or embarrass
9.47A.040	Sale of certain substances prohibited	9.61.240	Permitting telephone to be used
9.47A.050	Penalty	9.61.250	Offense, where deemed committed
9A.48.090	Malicious mischief in the third degree	9A.61.010	Definitions
9A.48.100	Malicious mischief—"Physical damage" defined	9A.61.020	Defrauding a public utility
9A.52.010	Definitions—Burglary and trespass	9A.61.050	Defrauding a public utility in the third degree
		9A.61.060	Restitution and costs
		9.62.010	Malicious prosecution

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9.62.020 Instituting suit in name of another

9.66.010 Public nuisance

9.66.020 Unequal damage

9.66.030 Maintaining or permitting nuisance

9.66.040 Abatement of nuisance

9.66.050 Deposit of unwholesome substance

9.68.015 Exemptions

9.68.030 Indecent articles, etc.

9.68.050 Erotic material—Definitions

9.68.060 Determination by court—Labeling—Penalties

9.68.070 Prosecution for violation of RCW 9.68.060—Defense

9.68.080 Unlawful acts

9.68.100 Exception to provisions of RCW 9.68.050 through 9.68.120

9.68A.090 Communication with a minor for immoral purposes

9.68A.110 Certain defenses barred, permitted

9.69.100 Duty of witness of offense against child or any violent offense—Penalty

9A.72.010 Definitions—Perjury and interfering with official proceedings

9A.72.040 False swearing

9A.72.050 Perjury and false swearing—Inconsistent statements

9A.72.060 Perjury and false swearing—Retraction

9A.72.070 Perjury and false swearing—Irregularities—No defense

9A.72.080 Statement of what one does not know to be true

9A.72.140 Jury tampering

9A.72.150 Tampering with physical evidence

9.73.020 Opening sealed letter

9A.76.010 Definitions—Obstructing governmental operation

9A.76.020 Obstructing a public servant

RCW

9A.76.030 Refusing to summon aid for a peace officer

9A.76.040 Resisting arrest

9A.76.050 Rendering criminal assistance—Definition of term

9A.76.060 Relative defined

9A.76.070 Rendering criminal assistance in the first degree

9A.76.080 Rendering criminal assistance in the second degree

9A.76.090 Rendering criminal assistance in the third degree

9A.76.100 Compounding

9A.76.130 Escape in the third degree

9A.76.160 Introducing contraband in the third degree

9A.76.170 Bail jumping

9A.80.010 Official misconduct

9A.84.010 Public disturbance—Riot

9A.84.020 Failure to disperse

9A.84.030 Disorderly conduct

9A.84.040 False reporting

9.86.010 Flags, etc. defined

9.86.020 Improper use of flag prohibited

9.86.030 Desecration of flag

9.86.040 Application of provisions

9.86.050 Penalty

9A.88.010 Indecent exposure

9A.88.030 Prostitution

9A.88.050 Prostitution—No defense

9A.88.060 Promoting prostitution—Definitions

9A.88.090 Permitting prostitution

9A.88.110 Patronizing a prostitute

9.91.025 Unlawful bus conduct

9.91.060 Leaving children unattended in parked vehicle

9.92.020 Punishment of gross misdemeanor when not fixed by statute

9.92.030 Punishment of misdemeanor when not fixed by statute

9.92.040 Punishment for contempt

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RCW

10.99 Domestic violence
26.09 Domestic violence
26.50 Domestic violence
29A.84.040 Political advertising, removing or defacing

(Code 1988 § 9.04.030; Ord. No. 782 § 1, 2005; Ord. No. 586 § 1, 1994; Ord. No. 548 § 2, 1992; Ord. No. 474 §§ 1, 2, 1988; Ord. No. 470 § 1, 1988; Ord. No. 466 § 1, 1988; Ord. No. 414 § 1, 1985; Ord. No. 398 § 1, 1984; Ord. No. 318 § 1, 1976; Ord. No. 267, 1971)

9.04.040. Amendment of adopted statutes.

Amendment of any of the statutes adopted herein by reference shall not affect criminal liability for acts or omissions proscribed by the language of the statute both prior to and after amendment.

(Code 1988 § 9.04.040; Ord. No. 267, 1971)

9.04.050. Violation—Penalty.

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor or gross misdemeanor and upon conviction thereof shall be fined or imprisoned as set forth in the statutes adopted by reference in this title. All violations of the provisions of this title for which no other penalty is established shall be deemed misdemeanors and shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000.00, or by both such imprisonment and fine. Each day such violation is committed or permitted to continue shall constitute a separate offense.

(Code 1988 § 9.04.050; Ord. No. 586 § 3, 1994; Ord. No. 267, 1971)

9.04.060. Violation—Prosecution.

Whenever anyone is convicted of a misdemeanor under this title, in addition to the fine imposed he must pay the costs of prosecution; and the same shall be payable in the same manner and as if it were part of any fine so imposed.

(Code 1988 § 9.04.060; Ord. No. 267, 1971)

9.04.070. Violation—Forfeiture of property.

There shall be no property rights of any kind whatsoever in any liquors, vessels, appliances, fixtures, furniture, implements, automobiles, vehicles, or any other things or devices used or kept for the purpose of violating any of the provisions of this title and any appliances, fixtures, furniture, implements, wagons, automobiles, vehicles, contrivances or other things or devices used and seized shall be ordered disposed of, as personal property is sold under execution, and the proceeds thereof shall be applied first in the payment of the costs of the prosecution and of any fine imposed, and the balance, if any, paid into the general fund of the city.

(Code 1988 § 9.04.070; Ord. No. 267, 1971)

9.04.080. Description of offense.

The description of any offense in this title, in the words of this title, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provisions, excuse or qualification, whether it occurs by way of proviso or in the description of the offense in this title, may be proved by the defendant, but need not be specified or negated, no proof in relation to the matter so specified or negated shall be required on the part of the complainant.

(Code 1988 § 9.04.080; Ord. No. 267, 1971)

CHAPTER 9.20. ALCOHOL AND DRUGS

ARTICLE I. ALCOHOLIC BEVERAGES

9.20.010. Construction of provisions.

This article shall be deemed an exercise of the police power of the city as an aid to the enforcement of the Washington State Liquor Act, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

(Code 1988 § 9.20.010; Ord. No. 267, 1971)

9.20.020. Applicability of provisions.

Nothing in this section shall apply to wine or beer manufactured in any home for consumption therein, but not for sale; nor to any liquor in the possession of any person kept for personal use but not for sale, at the

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effective date of the Washington State Liquor Act, nor to any liquor or preparations exempted under the Washington State Liquor Act.
(Code 1988 § 9.20.020; Ord. No. 267, 1971)

ARTICLE II. CONTROLLED SUBSTANCES

9.20.160. RCW chapters adopted by reference.

The following sections of the Revised Code of Washington, together with any future amendments thereto, are adopted by reference:

RCW

Chapter 69.50	The Uniform Controlled Substance Act
Chapter 69.41	Legend Drugs—Prescription Drugs
Chapter 66.44	Alcohol Beverage Control

(Code 1988 § 9.20.160; Ord. No. 499 § 1, 1990)

CHAPTER 9.28. UNFAIR HOUSING PRACTICES

9.28.010. Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- A. *Dwelling* includes any building containing one or more dwelling units.
- B. *Dwelling unit* includes a suite of rooms for occupancy by one family containing space for living, sleeping and preparation of food, and containing toilet and bathing facilities.
- C. *Housing accommodations* includes any dwelling, or dwelling unit, rooming unit, roominghouse, lot or parcel of land in the city which is used, intended to be used, or, as improved with a residential structure for one or more human beings.
- D. *Lender* includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair or maintenance of a housing accommodation.

- E. *Occupant* includes any person who has established residence or has the right to occupancy in a housing accommodation.
- F. *Owners* include persons who own, lease, sublease, rent, operate, manage, have charge of, control or have the right of ownership, possession, management, charge or control of the housing accommodation, on their own behalf or on behalf of another.
- G. *Person* includes one or more individuals, partnership or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers.
- H. *Person aggrieved* means any person against whom any alleged unfair housing practice has been committed.
- I. *Prospective borrower* includes any person who seeks to borrow money to finance the acquisition, construction, repair or maintenance of a housing accommodation.
- J. *Prospective occupant* includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.
- K. *Real estate agent, salesman or employee* includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.
- L. *Real estate broker* includes any person who for a fee, commission or other valuable consideration lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.
- M. *Respondent* means any person who is alleged to have committed an unfair housing practice.
- N. *Rooming unit* includes one or more rooms within a dwelling unit or roominghouse containing space for living and sleeping.

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O. *Unfair housing practice* means any act prohibited by this chapter.
(Code 1988 § 9.28.010; Ord. No. 229 § 1, 1968)

9.28.020. Prohibition—Generally.

"Unfair housing practices," as defined in this chapter, in the sale and offering for sale, and in the rental and offering for rent of housing accommodations are contrary to the public peace, health, safety and general welfare and are prohibited by the city in the exercise of its police power.
(Code 1988 § 9.28.020; Ord. No. 229 § 2, 1968)

9.28.030. Prohibitions—Specific.

A. No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons, such housing accommodations, or otherwise deny to, or withhold from any person or group of persons, such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin of such person or persons, or discriminate against or segregate any person because of his race, color, religion, ancestry or national origin, in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

B. A real estate broker, agent, salesman or employee shall not, because of race, color, religion, ancestry or national origin of an occupant, purchaser, prospective occupant or prospective purchaser:

1. Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease or sublease;
2. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease or sublease;

3. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation;
4. Otherwise discriminate against an occupant, prospective occupant, purchaser or prospective purchaser of a housing accommodation.

C. No person, bank, banking organization, mortgage company, insurance company or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation shall:

1. Discriminate against any person or group of persons because of race, color, religion, ancestry or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or in the extension of services in connection therewith; or
2. Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance, which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry or national origin.

(Code 1988 § 9.28.030; Ord. No. 229 § 3, 1968)

9.28.040. Applicability of provisions.

Nothing in this chapter shall:

- A. Apply to the renting, subrenting, leasing or subleasing of single-family dwellings, wherein the owner or person entitled to possession thereof normally maintains, or intends to maintain, his residence, home or abode.
- B. Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than race, color, religion, ancestry or national origin.

(Code 1988 § 9.28.040; Ord. No. 229 § 4, 1968)

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A. A statement alleging a violation of this chapter may be made by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the city council within 90 days after the alleged discriminatory act, and shall contain such particulars as the council, by regulation, may require. The council shall promptly furnish a copy of such statement to the party charged.

B. The council shall cause to be made an investigation of all charges filed with it, proceeding in each case in such manner as it deems appropriate. If, after such inquiry and hearings as the council considers proper, the council determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

C. If the council determines, after such investigation, that probable cause exists to believe that an unfair housing practice has occurred, it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

D. If, upon all the evidence, the council finds that the respondent has engaged in any unfair practice, it shall forward its file to the city attorney for appropriate enforcement action, including prosecution for a violation of this chapter.

E. The council, in the performance of its functions, may enlist the aid of the city manager who is directed to render such aid.

F. The council may adopt such rules and regulations as it deems necessary, not inconsistent with the provisions of this chapter.

(Code 1988 § 9.28.050; Ord. No. 229 § 5, 1968)

9.28.060. Violation—Penalty.

Upon conviction of violation of this chapter, the guilty party or parties shall be subject to a fine of not more than \$300.00 or imprisonment for not more than 90 days, or both such fine and imprisonment.

(Code 1988 § 9.28.060; Ord. No. 229 § 7, 1968)

CHAPTER 9.32. POSSESSION OF BURGLAR TOOLS**9.32.010. Making and having burglar tools.**

Every person who makes or mends or causes to be made or mended, or has in his possession in the day or

nighttime, any engine, machine, tool, false key, pick lock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used, is guilty of a gross misdemeanor. The possession thereof except as a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, is prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of crime.

(Code 1988 § 9.32.010; Ord. No. 548 § 1, 1992)

CHAPTER 9.40. SPECIAL EVENTS**9.40.010. Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. *Special event* means:

1. A temporary or ongoing activity organized by any individual or organization that affects the ordinary use of parks, public streets, rights-of-way, sidewalks, traffic, etc. and will generate or invite considerable public participation and/or spectators;
2. An event that is reasonably expected to cause or result in more than 50 people gathering in a park or other public place;
3. An event that is reasonably expected to have a substantial impact on a park or other public place; or
4. An event held on private property that is reasonably expected to have a substantial impact by requiring city-provided emergency or protective services such as police, fire, public works or other city services.

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- B. *Parade* means a march or procession of any kind.
- C. *Public meeting or assembly* means a planned or organized gathering of a group of persons, or any ceremony, demonstration, show, exhibition, dance or pageant, which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.
- D. *Special expressive event* means a special event organized primarily to convey ideas, opinions, or thoughts through words or conduct. Examples of special expressive events include political demonstrations and/or rallies, picketing, and similar types of speech or conduct typically given a higher level of constitutional protection than commercial speech.
- E. *City* shall refer to the City of Medina.
- F. *City-operated event* means a public event which is directly related to a recognized governmental or proprietary city function and which is in major part initiated, financed and executed by the City of Medina.
- G. *Co-sponsored event* means an event in which the City of Medina is merely listed as a co-sponsor, but does not carry a major share of the burden of initiating, financing and executing the event.
- H. *Nonprofit event* means an event which is directly related to a nonprofit organization and which is in major part initiated, financed and executed by the nonprofit organization.
- I. *For-profit event* means an event, which is operated by for-profit sponsors, which are beneficial to the city and the public.
- J. *Commercial filming* means the process of video or film production of any location and/or activity, which is intended for use as public entertainment, documentary or educational purposes.
- K. *Substantial impact* means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or simi-

lar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

(Code 1988 § 9.40.010; Ord. No. 910 § 1, 2014; Ord. No. 786 § 1, 2005)

9.40.020. Special event permit.

It shall be unlawful for any person to conduct or sponsor any special event as defined in this chapter unless and until a permit to conduct such special event has been obtained in compliance with the provisions of this chapter, except as herein provided.

(Code 1988 § 9.40.020; Ord. No. 786 § 1, 2005)

9.40.030. Exemptions from permits.

The following special events shall be exempt from the requirement to obtain a permit:

- A. Funeral processions;
- B. A governmental agency acting within the scope of its functions;
- C. Dances and other special events conducted by schools or churches;
- D. Students going to and from school classes or participating in educational activities; provided, that such special event is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such special event; and
- E. Garage sales and rummage sales when conducted entirely upon private property.

(Code 1988 § 9.40.030; Ord. No. 786 § 1, 2005)

9.40.040. Application—Form—Required information.

Any person desiring to apply for a special event permit shall do so by filing a written application therefor with the city clerk. The application shall be made on forms provided by the city and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant;
- B. The name, address and telephone number of the person who will be directly in charge of and responsible for the special event;

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- C. A full and complete description of the special event sought to be held and the duration of such special event;
- D. The proposed location of the special event and the dimensions and plans for any structure to be erected or constructed in connection with the special event;
- E. Whether the special event will require the use of any city street or right-of-way and if so, the location and dimensions of the proposed use, together with a statement as to the dimensions of remaining unobstructed street or right-of-way;
- F. The approximate number of spectators and persons who will or are expected to participate in the special event and the number and kind of vehicles, equipment and animals which will be used;
- G. If the permit sought is for the use of a city street not connected with a special event, a full and complete description of the use sought to be made of the street by the applicant and the duration of such use;
- H. Plans for the assembly and dispersal of the special event, including times and locations thereof including setup/takedown times; and
- I. Any additional information, which the city manager or city manager's designee shall find reasonably necessary to a determination of the findings required by MMC 9.40.060.

(Code 1988 § 9.40.040; Ord. No. 786 § 1, 2005)

9.40.050. Special event permit fees.

All applications shall be accompanied by a nonrefundable application fee as set forth in the city fee schedule. Special event permit fees shall not be imposed when all of the following conditions are met:

- A. The activities are conducted by a nonprofit organization;
- B. The activities are open to the public without discrimination;
- C. The activities will benefit the public health safety or welfare; and

- D. There is no charge for admission, participation, or a vendor fee (except for pledges for events such as a walkathon).

(Code 1988 § 9.40.050; Ord. No. 786 § 1, 2005)

9.40.060. Findings required.

A. All permits issued under this policy shall be issued by the city manager or city manager's designee. A permit may be issued to the applicant only if all of the following criteria and conditions for issuance are met:

1. The proposed special event will not unreasonably endanger the participants, spectators, or the public;
2. The proposed special event will not unreasonably interfere with vehicular or pedestrian traffic flow at the proposed location;
3. The concentration of persons, spectators, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the special event will take place or areas contiguous to such area;
4. The conduct of such special event will not unduly interfere with the movements of emergency response equipment en route to a call for service;
5. Such special event is not to be held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor;
6. Adequate plans for parking exist to meet the need generated by the proposed special event;
7. Proper arrangements have been made for setup/takedown and cleanup following the special event;
8. The proposed special event or proposed use of the street will not intrude onto or over any portion of a public right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians. In addition, in the event the requested permit involves encroachment or partial obstruction of a sidewalk or other walk-

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way open to the public, a minimum of three feet of unobstructed sidewalk or other walkway shall be maintained at all times;

9. If the special event or use of the street involves an obstruction of a portion of a public sidewalk or other walkway, the city manager shall establish the specific period of the permit;
10. In the case of special events such as fun runs, marathons, etc., or in the case of any street use which requires the closure of any public street or walkway, the proposed event or use will not require closure for a period longer than that established by the city manager;
11. Whenever the requested permit is for an action which will require the use of any city street, or other city property, whether or not such use is connected with a special event, the applicant must agree to indemnify, defend and hold the city harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted special event or use;
12. Whenever the requested permit is for an action which will require the use of any street or other city property, whether or not such use is connected with a special event, the applicant must secure and maintain in full force and effect throughout the duration of the permit comprehensive general liability insurance for bodily injury and property damage in such amounts as the city manager deems necessary, and shall have the City of Medina named as an additional named insured on the policy of insurance, which shall include a provision prohibiting cancellation of said policy except upon 30 days' prior written notice to the city;
13. Whenever any special event or other use requires provision of additional city services, including, but not limited to, the employment of police officers to direct or block pedestrian or vehicular traffic, or the provisions of standby aid car or fire protection services, the applicant shall agree to reimburse the city for the same; and
14. Such other and further conditions as the city manager deems necessary to reasonably en-

sure that the proposed special event does not in any way create a likelihood of endangering those who may participate or be spectators.

B. If any of the above criteria are not met by the proposal, the city manager shall deny the permit or may issue the permit with such conditions as the city manager deems necessary for the application to meet all of the criteria set forth above.

C. All conditions of the permit shall be subscribed on or attached to the permit.

D. Notwithstanding any provisions in this chapter, the city may only impose constitutionally permissible time, place and manner restrictions on special expressive events as are necessary to protect the public health, safety and welfare.

(Code 1988 § 9.40.060; Ord. No. 786 § 1, 2005)

9.40.070. Conditions to permit.

The city manager or city manager's designee may prescribe conditions to the issuance of a permit, including, but in no way limited to the following:

- A. Execution of an agreement to indemnify and hold the city harmless from and on any claim that may be made or brought against the city for loss, injury or damage to any persons or property arising out of or in connection with the special event.
- B. Entry forms for special event participants that require each individual participant to release the city from liability that might be occasioned on account of any injury to the participant or damage to the participant's property, except those which occur due to the city's sole negligence. If the special event will involve minors, said entry form shall provide for a release of such liability on behalf of the minor, by the minor and the minor's parents or guardian.
- C. Requirement(s) for the prompt and orderly removal of any signs, booths, barricades and any other articles or items erected or used in connection with the special event and any trash or debris occasioned by the special event.
- D. Reimbursement, upon presentment of the city's statement, for all reasonable costs incurred by the city for expenditure of funds, manpower or equipment to ensure the safe and orderly

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conduct of special event or disassembly or removal of any articles erected or used in connection with the special event or collection of trash or debris occasioned by the special event. The city manager may waive such reimbursement if such waiver does not constitute a gift of public funds and, in the opinion of the city manager, the imposition of such fee will create an undue hardship for the applicant.

- E. Provision of a performance bond or cash deposit, in an amount to be set by the city manager or city manager's designee to ensure that all of the findings and conditions to the permit exist and/or have been met during the continuation of or after the special event, including without limitation, to ensure that the expenses of cleaning up will be paid by the sponsoring organization. The city manager or city manager's designee shall determine the bond amount by such factors as type of event, projected number of participants and spectators, and the sponsor's experience.

(Code 1988 § 9.40.070; Ord. No. 786 § 1, 2005)

9.40.080. Prior application.

If a prior permit application shall have been made for a special event proposed to be held at the same time or place, the city manager or city manager's designee may refuse approval of the later application. In case of such refusal, written notice shall be sent to the applicant with the opportunity to apply for an alternate time, date and/or place.

(Code 1988 § 9.40.080; Ord. No. 786 § 1, 2005)

9.40.090. Notice of issuance or denial.

The city manager or city manager's designee shall act upon the permit application within ten business days of the filing thereof. If the permit application is denied, a written notice of the decision, including reason(s) for the decision, shall be mailed to the applicant no later than five business days after the decision has been made.

(Code 1988 § 9.40.090; Ord. No. 786 § 1, 2005)

9.40.100. Appeal procedure.

All decisions of the city manager with respect to issuance, denial, revocation or suspension of any permit under this policy shall be final unless appealed by

any aggrieved party to the city council. A notice of appeal shall be filed with the city clerk within two business days after receipt of notice of denial or date of posting of the notice of decision. The city council shall act upon the appeal at its next regularly scheduled meeting following receipt of the notice of appeal.

(Code 1988 § 9.40.100; Ord. No. 786 § 1, 2005)

9.40.110. Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit.

(Code 1988 § 9.40.110; Ord. No. 786 § 1, 2005)

9.40.120. Duty of permittee.

A. A permittee hereunder shall comply with all terms and conditions of said permit and with all applicable laws and ordinances.

B. The written permit obtained pursuant to this policy shall be carried on-site at the special event at all times during the special event by the person heading or leading the special event for which the permit was issued.

(Code 1988 § 9.40.120; Ord. No. 786 § 1, 2005)

9.40.130. Revocation or suspension of permit.

A. All permits issued pursuant to this policy shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the city manager or city manager's designee as follows:

1. The permit may be immediately revoked by the city manager or city manager's designee in the event of a violation of any of the terms or conditions of the permit or any provision of the Medina Municipal Code; or
2. The permit may be immediately revoked by the city manager or city manager's designee in the event the permitted special event or street use shall become, for any reason, dangerous to person or property, or if any structure or obstruction permitted becomes insecure or unsafe; or
3. The permit may be revoked by the city manager or city manager's designee upon 30 days' notice if the permit was not for a specified period of time and is not covered by either of the preceding subsections.

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B. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the city manager or city manager's designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same.
(Code 1988 § 9.40.130; Ord. No. 786 § 1, 2005)

9.40.140. Public conduct during a special events activity.

A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any special event or with any person, vehicle or animal participating in such special event for which a permit has been granted in accordance with the provisions of this policy.

B. The city manager or city manager's designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, highway, roadway or alleyway or part thereof constituting part of the route of the special event.
(Code 1988 § 9.40.140; Ord. No. 786 § 1, 2005)

9.40.145. Cost recovery for unlawful special event.

Whenever a special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all city costs incurred as a result of the adverse impacts of the special event or the violation of the special event permit, including the city's collection costs and attorneys' fees related to cost recovery.
(Code 1988 § 9.40.145; Ord. No. 910 § 2, 2014)

9.40.150. Violation—Penalty.

Any person convicted of a violation of this policy shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in jail for a period not to exceed six months, or both such fine and imprisonment. In addition, each and every day during which any violation of

any provision of this policy is committed, continued or permitted by any person or organization constitutes a separate offense.
(Code 1988 § 9.40.150; Ord. No. 786 § 1, 2005)

9.40.160. Severability.

If any section, sentence, clause or phrase of this chapter 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 chapter.
(Code 1988 § 9.40.160; Ord. No. 786 § 1, 2005)

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Title 10

VEHICLES AND TRAFFIC**Chapter 10.04. Model Traffic Ordinance**

- 10.04.010. Adopted—Certain portions not adopted.
- 10.04.020. Amendments.

Chapter 10.08. Streets and Roads

- 10.08.010. Functional classification of the City of Medina's streets and roads.

Chapter 10.12. Load Restrictions

- 10.12.010. Ordinary load restrictions.
- 10.12.020. Emergency load restrictions.
- 10.12.030. Violation—Penalty.

Chapter 10.14. Driving While under Influence of Intoxicating Liquor or Drug

- 10.14.010. Washington state law adopted.
- 10.14.020. Additional sections of the 1994 Omnibus Drunk Driving Act adopted.

Chapter 10.20. Speed Limits

- 10.20.010. Speed limits in certain zones.

Chapter 10.32. Pedestrians

- 10.32.010. Use of crosswalks.

Chapter 10.36. Walkways

- 10.36.020. Applicability of traffic regulations.
- 10.36.030. Violation—Penalty.

Chapter 10.40. Parking

- 10.40.010. Parallel parking required—Exceptions.
- 10.40.015. Flaggers.
- 10.40.020. Stopping, standing, or parking prohibited in specified places—Reserving portion of highway prohibited.
- 10.40.030. Parking adjacent to schools.
- 10.40.040. Unattended vehicles—Towing.
- 10.40.050. Marginal area of N.E. 8th and 82nd N.E.—Parking prohibited.
- 10.40.060. Permit parking.
- 10.40.065. Restricted parking.
- 10.40.070. Infraction—Fine—Failure to appear—Penalty.

Chapter 10.48. Bicycles

- 10.48.010. Bicycle lane—Established.
- 10.48.020. Bicycle lane—Use by vehicles prohibited.

Chapter 10.56. Play Streets

- 10.56.010. Authority to establish.
- 10.56.020. Traffic restricted.

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- 10.60.010. General regulations.
- 10.60.020. Violation—Penalty.

Chapter 10.64. Driving Restrictions

- 10.64.010. Inattentive driving prohibited.

Chapter 10.72. Oversized, Overweight and Construction Vehicles

- 10.72.010. Parking and standing—Permit required.
- 10.72.020. Operation restrictions—Permit required.
- 10.72.030. Construction vehicles—Restrictions.
- 10.72.040. Temporary permits—Procedure.
- 10.72.050. Violation—Penalty.

Chapter 10.76. Traffic Infractions

- 10.76.010. Failure to respond.

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10.12.020**CHAPTER 10.04. MODEL TRAFFIC
ORDINANCE****10.04.010. Adopted—Certain portions not adopted.**

A. The Washington Model Traffic Ordinance adopted by the Department of Licensing, Chapter 308-330 WAC, as hereinafter modified and amended, is adopted by reference as if set forth in full in this chapter.

B. The following sections of the Washington Traffic Ordinances are not adopted and are excluded from the Medina Municipal Code:

1. WAC 308-330-210 and 308-330-215 providing for a traffic division;
2. WAC 308-330-230 through 308-330-245 delegating duties to the traffic division;
3. WAC 308-330-260 through 308-330-275 establishing the office of traffic engineer and a traffic safety commission;
4. WAC 308-330-500 through 308-330-540 requiring licensing of bicycles.

(Code 1988 § 10.04.010; Ord. No. 583 §§ 1, 4, 1994)

10.04.020. Amendments.

Pursuant to RCW 46.90.010 and WAC 308-330-010, the addition of any new section to, or amendment or repeal of any section in, the Washington Model Traffic Ordinance shall add to, amend or repeal this chapter without the necessity for any action by the city council. (Code 1988 § 10.04.020; Ord. No. 591 § 2(3), 1994; Ord. No. 583 § 2, 1994)

CHAPTER 10.08. STREETS AND ROADS**10.08.010. Functional classification of the City of Medina's streets and roads.**

Applying the definitions as established by the Federal Highway Administration (FHWA), U.S. Department of Transportation, for a minor arterial, collector, and local access transportation route, the following designations are adopted for the City of Medina's streets and roads:

A. Minor arterial.

1. 84th Avenue NE, from NE 12th Street to NE 28th Street.

B. Collector.

1. Evergreen Point Road, from Overlake Drive West to 78th Place NE.
2. Overlake Drive West, from Evergreen Point Road to Groat Point Drive.
3. Overlake Drive East, from Groat Point Drive to Lake Washington Boulevard.
4. NE 12th Street, from Evergreen Point Road to Lake Washington Boulevard.
5. Lake Washington Boulevard, from NE 12th Street to the Medina city limit near 851 Lake Washington Boulevard.
6. NE 24th Street, from Evergreen Point Road to 84th Avenue NE.

C. Local access.

1. All other streets and roads within the City of Medina.

(Code 1988 § 10.08.010; Ord. No. 763 § 1, 2003; Ord. No. 42 § 31, 1956)

CHAPTER 10.12. LOAD RESTRICTIONS**10.12.010. Ordinary load restrictions.**

No person shall operate any type of vehicle upon any public street within the city when the weight of such vehicle is such as to put an average gross load on each tire in excess of the following limits:

Conventional Tires		Tubeless or Special with .5 Marking	
Tire Width (in inches)	Average Load Each Tire (in pounds)	Tire Width (in inches)	Average Load Each Tire (in pounds)
7.00	1800	8-22.5	2250
7.50	2250	9-22.5	2800
8.25	2800	10-22.5	3400
9.00	3400	11-22.5	4000
10.00	4000	11-24.5	4000
11.00	4500	12-22.5	4500
12.00 or over	4500	12-24.5 or over	4500

(Code 1988 § 10.12.010; Ord. No. 143 § 1, 1963)

10.12.020. Emergency load restrictions.

The street superintendent is authorized and required to determine when emergency conditions exist

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having reference to weather conditions, state of the water table, the condition of surfacing, and extraordinary use in regard to the loading of all public streets within the city, and in the event of a determination that such an emergency exists posing a particular threat to the maintenance of such streets, no person shall operate any type of vehicle thereon when the weight thereof is such as to place an average gross load per tire in excess of the following limits:

Conventional Tires		Tubeless or Special with .5 Marking	
Tire Width (in inches)	Average Load Each Tire (in pounds)	Tire Width (in inches)	Average Load Each Tire (in pounds)
7.00	1800	8-22.5	1800
7.50	1800	9-22.5	1900
8.25	1900	10-22.5	2250
9.00	2250	11-22.5	2750
10.00	2750	11-24.5	2750
11.00 or over	3000	12-22.5 or over	3000

Further, in the event of a finding by the street superintendent of emergency conditions due to such circumstances posing an extreme threat, the street superintendent may require load restrictions greater than those set forth in this section and have authority to post streets so affected by the use of prominently displayed "emergency" or "extreme emergency" load limit signs, whereupon no person shall operate any vehicle thereon in violation of the appropriate limit expressed herein or upon said posted signs.

(Code 1988 § 10.12.020; Ord. No. 143 § 2, 1963)

10.12.030. Violation—Penalty.

Violation of any of the provisions of this chapter is a misdemeanor, and shall be punishable by a fine of not to exceed \$300.00 or imprisonment for not to exceed 90 days, or both.

(Code 1988 § 10.12.030; Ord. No. 143 § 3, 1963)

CHAPTER 10.14. DRIVING WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUG

10.14.010. Washington state law adopted.

Chapter 275, Sections 1, 2, 3, 4, 5, 6, 7, 9, 21, 22, 23, 24, 25, 26, 32 and 40, Laws of 1994, are hereby adopted by reference as and for a portion of the Medina Traffic Code.

(Code 1988 § 10.14.010; Ord. No. 591 § 1, 1994)

10.14.020. Additional sections of the 1994 Omnibus Drunk Driving Act adopted.

The following additional sections of the 1994 Omnibus Drunk Driving Act as they now read or hereafter may be amended, are adopted by reference:

- A. Section 10, making it unlawful for a person under the age of 21 to drive, operate, or be in physical control of a motor vehicle while having alcohol in his system in a concentration of 0.02 or above.
- B. Section 11, providing provisions for stopping and identifying persons suspected of violating Section 10.
- C. Section 12, relating to confiscation, suspension and revocation of driving privileges.
- D. Section 23, relating to ignition interlock devices.

(Code 1988 § 10.14.020; Ord. No. 590 § 2, 1994)

CHAPTER 10.20. SPEED LIMITS

10.20.010. Speed limits in certain zones.

It is determined on the basis of engineering and traffic investigations that the speed permitted by state law upon the following street is less than is necessary for safe operation of vehicles thereon and it is declared that the speed limit shall be as set forth in this section, on those streets or parts of streets herein designated according to signs erected giving notice thereof:

Name of Street	Speed Limit (mph)
84th Avenue N.E. (N.E. 12th to N.E. 28th Street)	35

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(Code 1988 § 10.20.010; Ord. No. 671 § 1, 1999; Ord. No. 592 § 1, 1994; Ord. No. 226 § 1, 1968; Ord. No. 142 § 1, 1962; Ord. No. 45 § 1, 1957; Ord. No. 42 § 24, 1956)

CHAPTER 10.32. PEDESTRIANS**10.32.010. Use of crosswalks.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(Code 1988 § 10.32.010; Ord. No. 42 § 45, 1956)

CHAPTER 10.36. WALKWAYS**10.36.020. Applicability of traffic regulations.**

For the purpose of all traffic regulations of the city, walkways within any street right-of-way of the city shall be deemed to be, and be treated like, sidewalks.

(Code 1988 § 10.36.020; Ord. No. 131 § 2, 1962)

10.36.030. Violation—Penalty.

Any violation of this chapter shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(Code 1988 § 10.36.030; Ord. No. 131 § 3, 1962)

CHAPTER 10.40. PARKING**10.40.010. Parallel parking required—Exceptions.**

A. No person shall stand or park a vehicle in or adjacent to a roadway other than parallel with the edge thereof headed in the direction of lawful traffic movement and with all four wheels of the vehicle off the surfaced portion of the roadway, with these exceptions:

1. These community arterials (surfacing at least 36 feet wide, curb or gutter to gutter):
 - a. Lake Washington Boulevard, 84th to city limit;
 - b. N.E. 12th, Evergreen Point Road, (76th) to 84th.
2. This neighborhood collector street:
 - a. Evergreen Point Road, (76th N.E.), Overlake Drive to 28th, but only in special indented parking areas.

3. These residential streets (with surfacing at least 32 feet wide, curb or gutter to gutter):
 - a. 77th Place N.E. (all);
 - b. 77th N.E., 16th to end of curbing;
 - c. N.E. 21st, 78th to 79th;
 - d. 78th N.E., 21st to 22nd, but only where curbed;
 - e. 79th Place N.E.;
 - f. 79th, 21st to 28th;
 - g. 80th N.E., 8th to 10th;
 - h. 88th N.E. (all).

Provided, that parking shall there be confined to the curbed side or sides of the street, if any, and sides not posted against parking.

B. A limited exception may be secured on written permit of the police department for a significant assembly or gathering of people and according to the reasonable conditions and limitations thereof in respect to time, the hours of light and darkness, peak traffic conditions and reasonable access for emergency vehicles, especially firefighting equipment.

(Code 1988 § 10.40.010; Ord. No. 253 § 1, 1970; Ord. No. 226 § 2, 1968; Ord. No. 202 § 2, 1966; Ord. No. 42 § 53, 1956)

10.40.015. Flaggers.

Flaggers shall be used to direct pedestrian and vehicular traffic at the site of any activity, construction related or not, which occurs on or adjacent to the traveled portion of any city right-of-way or private lane and interferes with the normal and safe flow of vehicular and pedestrian traffic, including the parking, standing or movement of vehicles and equipment thereon.

(Code 1988 § 10.40.015; Ord. No. 756 § 1, 2003)

10.40.020. Stopping, standing, or parking prohibited in specified places—Reserving portion of highway prohibited.

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

1. Stop, stand, or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

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- b. On a sidewalk or street planting strip;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway;
 - h. In the area between roadways of a divided highway including crossovers;
 - i. At any place where official signs prohibit stopping; or
 - j. Within a private land in such a manner or under such conditions as to leave available less than eight feet of width of the roadway for the free movement of vehicle traffic or in such a position as to block the driveway entrance to any abutting property.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway; or
 - e. At any place where official signs prohibit standing.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers at any place where official signs prohibit parking.

B. Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitation and restriction shall be by city ordinance or county resolution or order of the Secretary of Transportation upon highways under their respective jurisdictions.

C. No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

D. It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

(Code 1988 § 10.40.020; Ord. No. 901 § 1, 2013; Ord. No. 42 § 57, 1956)

10.40.030. Parking adjacent to schools.

A. The city traffic engineer is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Code 1988 § 10.40.030; Ord. No. 42 § 59, 1956)

10.40.040. Unattended vehicles—Towing.

It is unlawful to leave any motor vehicle unattended for more than 48 hours within the public right-of-way. Any vehicle found in violation of this section may be impounded.

(Code 1988 § 10.40.040; Ord. No. 42 § 61, 1956)

10.40.050. Marginal area of N.E. 8th and 82nd N.E.—Parking prohibited.

The area upon the southerly margin of the paved roadway of N.E. 8th Street and southeasterly margin of 82nd Ave. N.E., as defined by roadway buttons, is reserved for bicycles and pedestrians only, and it is a misdemeanor, punishable as such, to at any time park a motor vehicle therein or to drive any such vehicle along,

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or over, or across the same except for the limited purpose of entering or leaving an established driveway crossing the same.
(Code 1988 § 10.40.050; Ord. No. 288 § 1, 1973)

10.40.060. Permit parking.

A. The city manager or his delegate may, from time to time, designate areas within the city for permit parking only. Following posting of the area, no person shall stop, stand or park a vehicle on a street in the posted area without a valid permit visibly displayed on the vehicle. Permanent permits shall be issued for each vehicle owned by an occupant of the posted area. Each household within the posted area shall be issued temporary permits upon application, to authorize parking within the posted area, for purposes of visiting or performing services at each household. Such permits may be revoked if the city manager or his delegate finds that they are being used for purposes other than those authorized.

B. Impounding. In addition to other penalties, vehicles parking in violation of this section may be impounded at the owner's expense.
(Code 1988 § 10.40.060; Ord. No. 440 §§ 1, 2, 1987)

10.40.065. Restricted parking.

The city manager may, from time to time, designate areas within the city for restricted parking. Restricted parking may include restrictions upon the length of time that a vehicle may be parked and restrictions upon the types of vehicles which may be parked such as "employee parking" or "police vehicles only." Following the erection of signs designating a restricted parking area, no person shall stop, stand or park a vehicle in violation of the posted restrictions.
(Code 1988 § 10.40.065; Ord. No. 579 § 1, 1993)

10.40.070. Infraction—Fine—Failure to appear—Penalty.

A. Any person violating any section of this chapter shall be fined in the amount of \$45.00.

B. There shall be a penalty of \$25.00 for any person failing to pay the fine or to appear for any court proceedings scheduled in response to an infraction for a parking violation.
(Code 1988 § 10.40.070; Ord. No. 884 § 1, 2012; Ord. No. 864 § 1, 2010; Ord. No. 445 § 1, 1987)

CHAPTER 10.48. BICYCLES

10.48.010. Bicycle lane—Established.

An eight-foot-wide lane located on or near the westerly boundary of 84th Avenue Northeast between the intersection of Northeast 24th Street and Northeast 12th Street is declared to be a bicycle lane.
(Code 1988 § 10.48.010; Ord. No. 934 § 2, 2016; Ord. No. 481 § 1, 1989)

10.48.020. Bicycle lane—Use by vehicles prohibited.

It is unlawful for any person, other than public transit operators, to drive, ride or propel any vehicle, other than a bicycle, upon and along any bicycle lane constructed within the city except at street intersections or entries to private driveways which intersect bicycle lanes. A person violating the provisions of this section is guilty of a violation punishable by a fine not to exceed \$500.00.
(Code 1988 § 10.48.020; Ord. No. 934 § 2, 2016; Ord. No. 481 § 2, 1989)

CHAPTER 10.56. PLAY STREETS

10.56.010. Authority to establish.

The city engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.
(Code 1988 § 10.56.010; Ord. No. 42 § 19, 1956)

10.56.020. Traffic restricted.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except operators of vehicles having business or whose residences are within such closed area, and then any said operator shall exercise the greatest care in driving upon any such street or portion thereof.
(Code 1988 § 10.56.020; Ord. No. 42 § 20, 1956)

CHAPTER 10.60. AIR TRAFFIC

10.60.010. General regulations.

It is unlawful for any person to navigate any aircraft otherwise than in conformity with the air traffic rules

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now or hereafter established by the Civil Aeronautics Board of the United States for the navigation of aircraft subject to the jurisdiction of the United States. (Code 1988 § 10.60.010; Ord. No. 33 § 1, 1956)

10.60.020. Violation—Penalty.

Any violation of the provisions hereof shall be a misdemeanor punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or both. (Code 1988 § 10.60.020; Ord. No. 33 § 2, 1956)

CHAPTER 10.64. DRIVING RESTRICTIONS**10.64.010. Inattentive driving prohibited.**

It is unlawful for any person to operate a motor vehicle in an inattentive manner over the streets of the city. For the purpose of this section, "inattentive" means the operation of a vehicle upon a city street in a lax, careless or slack manner, that threatens or causes bodily harm or property damage. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than but included in the offense of operating a vehicle in a negligent manner. Any person violating the provision of this section shall be guilty of an infraction, and shall be subject to a penalty of \$125.00. (Code 1988 § 10.64.010; Ord. No. 858 § 1, 2010; Ord. No. 500 § 1, 1990)

CHAPTER 10.72. OVERSIZED, OVERWEIGHT AND CONSTRUCTION VEHICLES**10.72.010. Parking and standing—Permit required.**

No person shall stand or park a truck, truck/tractor, semi-trailer or truck/tractor and semi-trailer over eight feet in width, over 30 feet in length, or over 32,000 pounds licensed gross weight, upon any improved or unimproved city right-of-way or private lane without a permit as provided in MMC 10.72.040. (Code 1988 § 10.72.010; Ord. No. 519 § 1, 1991)

10.72.020. Operation restrictions—Permit required.

No vehicle which shall have wheels, tracks or tires so constructed, formed or so equipped with spikes, cleats, lugs or other attachments or projections which have the potential to damage or destroy the improved or unim-

proved surface shall be operated upon any improved or unimproved city right-of-way or private lane without a permit as provided in MMC 10.72.040. (Code 1988 § 10.72.020; Ord. No. 519 § 2, 1991)

10.72.030. Construction vehicles—Restrictions.

A. No person performing building site development or construction related activities, including, but not limited to, owners, contractors, subcontractors, suppliers and employees thereof, shall park any vehicles or equipment on any city right-of-way or private lane, whether improved or unimproved, in a manner which impedes traffic, or obstructs access to residences or mail boxes without a permit as provided in MMC 10.72.040.

B. No person performing building site development or construction related activities, including, but not limited to, owners, contractors, subcontractors, suppliers and employees thereof, shall park any vehicles or place any equipment, trailers or construction materials on any city right-of-way or private lane, whether improved or unimproved, without a permit as provided in MMC 10.72.040. (Code 1988 § 10.72.030; Ord. No. 519 §§ 3, 4, 1991)

10.72.040. Temporary permits—Procedure.

Temporary permits for parking, standing, loading and unloading of vehicles and construction equipment and supplies may be issued by the city police department upon satisfactory showing that said activities will not unreasonably create congestions or obstruct access to residences and mail boxes and will not damage any surface, improved or unimproved, or other part of the right-of-way or private lane unless satisfactory arrangements are made to mitigate against, restore or repair any such damage. In the event of prolonged usage, or substantial damage, mitigation measures may include landscaping to city standards in consultation with all abutting land owners. (Code 1988 § 10.72.040; Ord. No. 519 § 5, 1991)

10.72.050. Violation—Penalty.

Violation of any section of this chapter shall constitute a civil infraction, punishable by a fine not to exceed \$500.00. Every day in which a violation shall occur shall constitute a separate civil infraction. (Code 1988 § 10.72.050; Ord. No. 519 § 6, 1991)

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10.76.010**CHAPTER 10.76. TRAFFIC INFRACTIONS****10.76.010. Failure to respond.**

It is unlawful for a person who has been issued a traffic infraction relating to parking, standing, stopping or pedestrian infractions, defined by city ordinance, to fail to respond in the manner directed on the notice of infraction. Unless otherwise specified by state law or city ordinance, the penalty for such failure to respond shall be \$25.00. This penalty is in addition to penalties imposed for the underlying infraction. (Code 1988 § 10.76.010; Ord. No. 884 § 2, 2012; Ord. No. 864 § 2, 2010; Ord. No. 682 § 1, 1999)

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Title 11

HARBORS

Chapter 11.04. Harbor Code

- 11.04.010. Provisions adopted.
- 11.04.020. Failure to register—Penalty.
- 11.04.030. Violation—Penalty.

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11.04.030**CHAPTER 11.04. HARBOR CODE****11.04.010. Provisions adopted.**

Title 11 of the Mercer Island Municipal Code, "Harbors," including Chapter 11.30, "Decriminalization of Certain Offenses—Infractions," as revised on May 11, 1999, and on June 5, 2000, is adopted by this reference as governing activities upon all portions of Lake Washington located within the jurisdiction of the City of Medina.

(Code 1988 § 11.04.010; Ord. No. 694 § 1, 2000; Ord. No. 668 § 1, 1999; Ord. No. 545 § 1, 1991; Ord. No. 397 § 1, 1984)

11.04.020. Failure to register—Penalty.

A person liable for the tax imposed by King County Ordinance 6595, as amended, who fails or refuses to pay the tax and display proper evidence of compliance with the provisions of that ordinance shall be guilty of a violation punishable by a fine of up to \$55.00. A person, other than the owner, who operates a vessel, the use of which is subject to taxation under King County Ordinance 6595, as amended, who does not display proper evidence of compliance with the provisions of that ordinance shall be guilty of a violation punishable by a fine of up to \$55.00. Any fines shall be in addition to the tax required.

(Code 1988 § 11.04.020; Ord. No. 397 § 2, 1984)

11.04.030. Violation—Penalty.

Any person failing to pay the appropriate fine or to appear for any court proceeding scheduled in response to a citation for a violation of this chapter is guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine in a sum not exceeding \$500.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment.

(Code 1988 § 11.04.030; Ord. No. 444 § 1, 1987)

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Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES**Chapter 12.04. Prohibited Activities**

- 12.04.010. Obstructing streets.
- 12.04.020. Spilling of vehicle loads.
- 12.04.030. Depositing or burning materials on streets.
- 12.04.040. Violation—Penalty.

Chapter 12.06. Street Excavation

- 12.06.010. Definitions.
- 12.06.020. Right-of-way permit required.
- 12.06.030. Application.
- 12.06.040. Excavation permit fees.
- 12.06.050. Franchise required.
- 12.06.060. Surety bond.
- 12.06.070. Routing traffic.
- 12.06.080. Clearance for fire equipment.
- 12.06.090. Protection of traffic.
- 12.06.100. Removal and protection of utilities.
- 12.06.110. Protection of adjoining property.
- 12.06.120. Sidewalk excavations.
- 12.06.130. Protective measures.
- 12.06.140. Attractive nuisance.
- 12.06.150. Care of excavated material.
- 12.06.160. Damage to existing improvements.
- 12.06.170. Property lines and easements.
- 12.06.180. Clean-up.
- 12.06.190. Protection of watercourses.
- 12.06.200. Breaking through pavement.
- 12.06.210. Tunnels.
- 12.06.220. Backfilling.
- 12.06.230. Backfilling by water settling.
- 12.06.240. Dry backfilling.
- 12.06.250. Backfill material.
- 12.06.260. Backfilling at the surface.
- 12.06.270. Restoration of surface.
- 12.06.280. City's right to restore surface.
- 12.06.290. Trenches in pipe laying.
- 12.06.300. Prompt completion of work.
- 12.06.310. Urgent work.
- 12.06.320. Emergency action.
- 12.06.330. Noise, dust and debris.
- 12.06.340. Preservation of monuments.
- 12.06.350. Inspections.
- 12.06.360. Maintain drawings.
- 12.06.370. Insurance.
- 12.06.380. Liability of city.
- 12.06.390. Penalties.
- 12.06.400. Severability.

Chapter 12.08. Construction in Streets

- 12.08.005. General provisions.
- 12.08.010. Street work—Permit required.
- 12.08.020. Restoration of street by city—Fees.

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- 12.08.030. Road and Bridge Construction Standards—Adopted.
- 12.08.035. Interim street design standards.
- 12.08.040. Road and Bridge Construction Standards—Variance.
- 12.08.050. Road and Bridge Construction Standards—Inspection and testing.
- 12.08.060. Trench cutting specifications.

Chapter 12.10. Moving of Buildings

- 12.10.010. Applicability.
- 12.10.020. Permit—Required.
- 12.10.040. Security deposit—Generally.
- 12.10.050. Other security guarantees.
- 12.10.060. Permit—Conditions.
- 12.10.070. Inspections.
- 12.10.080. Permit—Grounds for refusal.
- 12.10.090. Return of fees and deposits.
- 12.10.100. Determination of route.
- 12.10.110. Responsibilities of applicant.
- 12.10.120. Enforcement.

Chapter 12.12. Use of Streets by Public Utilities

- 12.12.010. Public utilities defined.
- 12.12.020. Franchise required.
- 12.12.030. Map of facilities required.
- 12.12.040. Permit required when.
- 12.12.050. Accommodation of city work.
- 12.12.060. Conditions of franchise.
- 12.12.070. Violation—Penalty.

Chapter 12.16. Storm Drainage

- 12.16.010. Correction of improperly installed driveways.

Chapter 12.20. Public Parks

- 12.20.010. Rules applying to all public parks.
- 12.20.015. Rules applying to all public tennis courts.
- 12.20.020. Rules applying to Medina Beach Park.
- 12.20.025. Rules applying to Medina Park and Fairweather Park and Nature Preserve regarding pets.
- 12.20.030. Violation—Penalty.

Chapter 12.24. Park Preservation Program

- 12.24.010. Established.
- 12.24.020. Additional actions authorized.

Chapter 12.28. Structures in Unimproved Portions of Public Rights-of-Way

- 12.28.005. Definitions.
- 12.28.010. Purpose of provisions—Liability limitations.
- 12.28.020. Unlawful structures—Exceptions designated.
- 12.28.030. Nonconforming structures permitted when.
- 12.28.040. Removal conditions.
- 12.28.050. Wooden and steel sign posts.
- 12.28.060. Unacceptable objects.
- 12.28.070. Violation—Penalty.

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Chapter 12.32. Garage Sales

- 12.32.010. Restrictions.
- 12.32.020. Violation—Penalty.

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CHAPTER 12.04. PROHIBITED ACTIVITIES**12.04.010. Obstructing streets.**

It is unlawful to place or construct any structure, vehicle, device or natural or artificial thing which threatens or endangers the whole or any portion of any street or roadway, or which tends to endanger or obstruct persons and vehicles traveling thereon, on or in close proximity to said street or roadway.

(Code 1988 § 12.04.010; Ord. No. 9 § 1, 1955)

12.04.020. Spilling of vehicle loads.

It is unlawful to haul or carry over the streets, roadways, or sidewalks any rock, sand, gravel or other substances in trailers, trucks, or other vehicles or containers that will permit such substance to spill or drop upon said streets, roadways, or sidewalks.

(Code 1988 § 12.04.020; Ord. No. 9 § 3, 1955)

12.04.030. Depositing or burning materials on streets.

It is unlawful to deposit any rock, sand, gravel, coal, wood or other substance upon the streets, roadways, or sidewalks of the city or to deposit or accumulate any refuse or other substance or to burn the same thereon.

(Code 1988 § 12.04.030; Ord. No. 9 § 4, 1955)

12.04.040. Violation—Penalty.

Violation of any of the provisions of this chapter shall be a misdemeanor, and shall be punishable by a fine of not to exceed \$300.00 or by imprisonment for not to exceed 90 days, or both.

(Code 1988 § 12.04.040; Ord. No. 9 § 5, 1955)

CHAPTER 12.06. STREET EXCAVATION**12.06.010. Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. *Applicant* is any person making written application to the city's designee for an excavation permit hereunder.

- B. *City* is the City of Medina.

- C. *City council* or *council* is the city council of the City of Medina.

- D. *City's designee* is the city engineer of the City of Medina, the city manager of the City of Medina or the public works superintendent of the City of Medina.

- E. *Excavation work* is the excavation and other work permitted under an excavation permit and required to be performed under this chapter.

- F. *Permittee* is any person who has been granted and has in full force and effect an excavation permit issued hereunder.

- G. *Person* is any person, firm, partnership, association, corporation, company or organization of any kind.

- H. *Street* is any street, highway, sidewalk, alley, avenue, easement made to the city for public use, or other public way or public grounds in the city.

(Code 1988 § 12.06.010; Ord. No. 709 § 1, 2001)

12.06.020. Right-of-way permit required.

It shall be unlawful for any person to dig up, cut into, mar, deface, alter, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained a right-of-way permit pursuant to MMC 16.70.020 and the provisions of this chapter.

(Code 1988 § 12.06.020; Ord. No. 900 § 13, 2013; Ord. No. 855 § 6, 2010; Ord. No. 709 § 1, 2001)

12.06.030. Application.

No right-of-way permit shall be issued unless a written application for the issuance of a right-of-way permit is submitted to the city engineer or designee. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may reasonably be required by the city's designee. The application shall be accompanied by plans showing the

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extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the city's designee.

(Code 1988 § 12.06.030; Ord. No. 855 § 7, 2010; Ord. No. 709 § 1, 2001)

12.06.040. Excavation permit fees.

Fees charged for issuance of right-of-way permits are specified in the fee schedule adopted pursuant to Chapter 3.76 MMC.

(Code 1988 § 12.06.040; Ord. No. 855 § 8, 2010; Ord. No. 709 § 1, 2001)

12.06.050. Franchise required.

It is unlawful for any public utility to use the city street rights-of-way of the city without a valid and effective franchise granted by the city or the state and applicable to the city street rights-of-way.

(Code 1988 § 12.06.050; Ord. No. 709 § 1, 2001)

12.06.060. Surety bond.

Before a right-of-way permit as herein provided is issued, the applicant shall deposit with the city clerk a surety bond in such reasonable amount as set by the city's designee payable to the city. The required surety bond must be:

- A. With good and sufficient surety;
- B. By a surety company authorized to transact business in the state;
- C. Satisfactory to the city attorney in form and substance;
- D. Conditioned upon the permittee's compliance with this chapter to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the city's designee, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement of the surface within said two-year period shall be deemed conclusive evidence of defective back-

filling by the permittee. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the city if such repairs should prove defective. Any owner of real estate repairing or engaging another to repair his own sidewalk shall not be required to give such bond. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one year from said date.

(Code 1988 § 12.06.060; Ord. No. 855 § 9, 2010; Ord. No. 709 § 1, 2001)

12.06.070. Routing traffic.

The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public; provided, that the city's designee may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the city police department. The following steps shall be taken before any street may be closed or restricted to traffic:

- A. The permittee must receive the approval of the city's designee and the police department therefor;
- B. The permittee must notify the chief of the fire department of any street so closed;
- C. Upon completion of construction work the permittee shall notify the city's designee and city police department before traffic is moved back to its normal flow so that any necessary adjustments may be made;
- D. Where flag persons are deemed necessary by the city's designee, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the city's designee will designate detours. The city shall maintain road-

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way surfaces of existing streets designated as detours without expense to the permittee but in case there are no existing streets the permittee shall construct all detours at its expense and in conformity with the specifications of the city's designee. The permittee will be responsible for any unnecessary damage caused to any streets by the operation of its equipment.

(Code 1988 § 12.06.070; Ord. No. 709 § 1, 2001)

12.06.080. Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstructions.

(Code 1988 § 12.06.080; Ord. No. 709 § 1, 2001)

12.06.090. Protection of traffic.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon streets as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across streets under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of plank, timbers and blocking of adequate size to accommodate vehicular traffic safely. Decking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three inches thick, 12 inches wide and of adequate length, together with necessary blocking. The walk shall be not less than three feet in width and shall be provided with a railing as required by the city's designee.

(Code 1988 § 12.06.090; Ord. No. 709 § 1, 2001)

12.06.100. Removal and protection of utilities.

The permittee shall not interfere with any existing utility without the written consent of the city's designee and the utility company or person owning the utility. No utility owned by the city shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee

unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility and its bond shall be liable therefor. The permittee shall be responsible for contacting the appropriate agency for underground utility locations with surface markings to be performed prior to any excavation work. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

(Code 1988 § 12.06.100; Ord. No. 709 § 1, 2001)

12.06.110. Protection of adjoining property.

The permittee shall at all times and at its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose and if permittee cannot obtain a license from such owner the city's designee may authorize permittee to enter the private premises solely for the purpose of making the property safe. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or streets resulting from its failure properly to protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed

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before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner, or in the case of public property the appropriate city department or city official having control of such property.
(Code 1988 § 12.06.110; Ord. No. 709 § 1, 2001)

12.06.120. Sidewalk excavations.

Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over said excavation on the line of the sidewalk, which bridge shall be at least three feet wide and securely railed on each side so that foot passengers can pass over safely at all times.
(Code 1988 § 12.06.120; Ord. No. 709 § 1, 2001)

12.06.130. Protective measures.

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the city street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.
(Code 1988 § 12.06.130; Ord. No. 709 § 1, 2001)

12.06.140. Attractive nuisance.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.
(Code 1988 § 12.06.140; Ord. No. 709 § 1, 2001)

12.06.150. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those

working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be in the case in a narrow alley, the city's designee shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal.
(Code 1988 § 12.06.150; Ord. No. 709 § 1, 2001)

12.06.160. Damage to existing improvements.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials and workmanship for such repair shall conform with the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the city's designee shall have the authority to cause said necessary labor and materials to be furnished by the city and the cost shall be charged against the permittee, and the permittee shall also be liable on its bond therefor.
(Code 1988 § 12.06.160; Ord. No. 709 § 1, 2001)

12.06.170. Property lines and easements.

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the right-of-way permit and it shall be the permittee's responsibility to confine excavation work within these limits.
(Code 1988 § 12.06.170; Ord. No. 855 § 10, 2010; Ord. No. 709 § 1, 2001)

12.06.180. Clean-up.

As the excavation work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city's designee. From time to time as may be ordered by the city's designee and in any event immediately after completion of said work, the permit-

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tee shall at its own expense clean up and remove all refuse and unused materials of any kind resulting from said work and upon failure to do so within 24 hours after having been notified to do so by the city's designee, said work may be done by the city's designee and at the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.
(Code 1988 § 12.06.180; Ord. No. 709 § 1, 2001)

12.06.190. Protection of watercourses.

The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the city's designee may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, muck, silt, slicking or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide. Permittee shall be responsible for protection and/or cleaning of all downstream catch basins, pipes and ditches within 300 feet of excavation prior to final inspection approval of issued permit. Any runoff or liquid resulting from the cleaning of poured concrete products, concrete trucks, sluice chutes or equipment is not allowed to enter the city's storm drain system, ditches, etc.
(Code 1988 § 12.06.190; Ord. No. 709 § 1, 2001)

12.06.200. Breaking through pavement.

Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be four feet or over in depth, the pavement in the base shall be removed to at least 12 inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a 12-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.
(Code 1988 § 12.06.200; Ord. No. 709 § 1, 2001)

12.06.210. Tunnels.

Tunnels under pavements shall not be permitted except by permission of the city's designee. Where pipes or cables are placed under main thoroughfares, concrete streets, state highways, first grade asphalt streets, or wherever designated by the city's designee, such work shall be done by jacking or boring casings under street surfaces and placing said pipes or cables inside of the casing.
(Code 1988 § 12.06.210; Ord. No. 709 § 1, 2001)

12.06.220. Backfilling.

Backfilling in any street opened or excavated pursuant to a right-of-way permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug (or compacted to 95 percent of modified proctor (ASTM D1557) whichever is greater). Compacting shall be done by mechanical tappers or vibrators, by rolling in layers, or by water settling, as required by the soil in question and sound engineering practices generally recognized in the construction industry. When water is taken from a hydrant, the permittee shall assign one person to operate the hydrant and shall make certain that said person has been instructed in the operation of the hydrant. The city water purveyor shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrants can be checked on both occasions. Any damage done to the hydrant during the excavation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the city water purveyor.
(Code 1988 § 12.06.220; Ord. No. 855 § 11, 2010; Ord. No. 709 § 1, 2001)

12.06.230. Backfilling by water settling.

When backfilling is to be done by water settling and before any compacting of the trenches is attempted, the permittee shall cause the loose material to be wetted by forcing a head of water of not less than 30 feet in height, down into the soft material so that the end of the pipe is not more than three feet above the bottom of the excavation. The permittee shall allow the water to run until the material is saturated as indicated by the water rising and running out on the surface of the ground around the pipe. After each hole has been saturated the jet pipe shall be moved along the trench line a distance of approximately four or five feet, but in

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no case more than eight feet, and the process repeated for the entire length of the backfill trench. All work shall be done in such a manner as to obtain a relative compaction throughout the entire depth of the backfill of not less than existing adjacent to the excavation. (Code 1988 § 12.06.230; Ord. No. 709 § 1, 2001)

12.06.240. Dry backfilling.

Backfilling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed four inches in thickness. Layers that are power tamped shall not exceed six inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be flooded or tamped as specified above to a depth of 18 inches above the top of the pipe before any additional backfilling is placed thereon. Any deviation from the method set forth above shall have prior written approval of the city's designee. (Code 1988 § 12.06.240; Ord. No. 709 § 1, 2001)

12.06.250. Backfill material.

Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six inches above the rock bottom of the trench and the space under, around and six inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or one-quarter-inch minus gravel. Broken pavement, large stones, and debris shall not be used in the backfill. (Code 1988 § 12.06.250; Ord. No. 709 § 1, 2001)

12.06.260. Backfilling at the surface.

Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least five tons until the surface is unyielding. Care shall be taken that material being compacted has proper moisture content for maximum compatibility. The surface shall then be graded as required. (Code 1988 § 12.06.260; Ord. No. 709 § 1, 2001)

12.06.270. Restoration of surface.

The permittee shall restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the city's designee. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the city's designee. If in the judgment of the city's designee it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions the city's designee may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.

Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the city's designee to restore the street to its original and proper condition, or as near as may be.

Acceptance or approval of any excavation work by the city's designee shall not prevent the city from asserting a claim against the permittee and its surety under the surety bond required hereunder for incomplete or defective work if discovered within 24 months from the completion of the excavation work. The city's designee's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder. (Code 1988 § 12.06.270; Ord. No. 709 § 1, 2001)

12.06.280. City's right to restore surface.

If the permittee shall have failed to restore the surface of the street to its original and proper condition

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upon the expiration of the time fixed by such permit or fails to prosecute the work in accordance with the requirements of this chapter or shall otherwise have failed to complete the excavation work covered by such permit, the city's designee, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25 percent of such cost in addition for general overhead and administrative expenses. The city shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and the city shall also enforce its rights under the permittee's surety bond provided pursuant to this chapter.

It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two years after restoring it to its original condition.
(Code 1988 § 12.06.280; Ord. No. 709 § 1, 2001)

12.06.290. Trenches in pipe laying.

Except by special permission from the city's designee, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 250 feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.
(Code 1988 § 12.06.290; Ord. No. 709 § 1, 2001)

12.06.300. Prompt completion of work.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefor.
(Code 1988 § 12.06.300; Ord. No. 709 § 1, 2001)

12.06.310. Urgent work.

If in the city's designee's judgment traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work

be performed as emergency work, the city's designee shall have full power to order, at the time the permit is granted, that a crew of employees and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

(Code 1988 § 12.06.310; Ord. No. 709 § 1, 2001)

12.06.320. Emergency action.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the city is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

(Code 1988 § 12.06.320; Ord. No. 709 § 1, 2001)

12.06.330. Noise, dust and debris.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavations work, noise, dust and unsightly debris, and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the city's designee or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

(Code 1988 § 12.06.330; Ord. No. 709 § 1, 2001)

12.06.340. Preservation of monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the city's designee. All street

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monuments, property corners, bench marks and other monuments disturbed during the progress of the work shall be replaced by the city's designee and the cost of the same shall be paid by the permittee.

(Code 1988 § 12.06.340; Ord. No. 709 § 1, 2001)

12.06.350. Inspections.

The city's designee shall make such inspections as are reasonably necessary in the enforcement of this chapter. When so made, the permittee shall pay for such inspections at the city's cost. The city's designee shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

(Code 1988 § 12.06.350; Ord. No. 709 § 1, 2001)

12.06.360. Maintain drawings.

Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the city's designee within 60 days after new installations, changes or replacements are made. Such surety bond as required in MMC 12.06.060 shall be maintained until as-built drawings are submitted to the city.

(Code 1988 § 12.06.360; Ord. No. 709 § 1, 2001)

12.06.370. Insurance.

A permittee shall procure and maintain, for the duration of the agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the permittee, their agents, representatives, employees or subcontractors.

The permittee shall provide a certificate of insurance evidencing commercial general liability insurance written on an occurrence basis with limits no less than \$1,000,000.00 combined single limit per occurrence and \$2,000,000.00 aggregate for personal injury, bodily injury and property damage. Coverage shall include, but not be limited to, blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if applicable; and employer's liability.

The city shall be named as an additional insured on the insurance policy, as respects work performed by or on behalf of the permittee and a copy of the endorsement naming the city as additional insured shall be attached to the certificate of insurance.

(Code 1988 § 12.06.380; Ord. No. 709 § 1, 2001)

12.06.380. Liability of city.

This chapter shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

(Code 1988 § 12.06.390; Ord. No. 709 § 1, 2001)

12.06.390. Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$300.00 or be imprisoned in the city jail for a period not exceeding 90 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Code 1988 § 12.06.400; Ord. No. 709 § 1, 2001)

12.06.400. Severability.

If any section, paragraph, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter. The city council hereby declares that they would have passed this chapter and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases be unconstitutional or invalid.

(Code 1988 § 12.06.410; Ord. No. 709 § 1, 2001)

CHAPTER 12.08. CONSTRUCTION IN STREETS**12.08.005. General provisions.**

A. All uses and activities associated with construction and excavation within the rights-of-way shall comply with the requirements prescribed by the Medina

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Municipal Code, as well as other requirements promulgated by the city engineer and/or the city manager or designee.

B. In addition to other requirements, the city may condition allowance of uses and activities associated with construction and excavation impacting the rights-of-way with applicable mitigation measures set forth in Chapter 16.75 MMC.

(Code 1988 § 12.08.005; Ord. No. 876 § 4, 2011; Ord. No. 857 § 1, 2010)

12.08.010. Street work—Permit required.

A. It is unlawful to dig or cut into or mar, deface or alter any road or street right-of-way, whether improved or unimproved, without first obtaining, and in compliance with the terms of, a right-of-way permit pursuant to MMC 16.70.020 and the provisions of this chapter. Additionally, the city engineer and/or the city manager or designee may require a right-of-way permit to use the city's right-of-way when a construction or excavation activity is anticipated to negatively impact the city's streets.

- B. 1. No permit shall be issued unless the action proposed is reasonably necessary and is consistent with the comprehensive plan and the street design standards referenced therein.
2. All such permits shall require that adequate warning or protective structures, signs, signals or devices will be maintained until the right-of-way is restored and that restoration will be accomplished in a reasonable time specified therein to a condition substantially equal to its prior condition, to the decided satisfaction of the city manager.
3. In the event of failure to restore the right-of-way as set forth above, the city shall have the right, but not the obligation, to restore the right-of-way to its prior condition and to charge all costs thereof to the applicant. A lien for such costs may be placed against any property of the applicant within the city and enforced as a mechanics' lien pursuant to the laws of the state.

C. Any permit issued under this section shall state the location of the proposed action, why it is necessary, whether or not warning or protective structures, signs, signals or devices shall be maintained, the time within

which the road or street right-of-way must be restored, and the deposit or bond, if any, required to protect the city in its restoration.

D. Fees charged for issuance of right-of-way permits are specified in the fee schedule adopted pursuant to Chapter 16.14 MMC and, where there is any cutting of the surfaced portion, a deposit or bond may be required in an amount sufficient to assure adequate and timely restoration. Upon such restoration, any deposit shall be returned or bond released; otherwise, the person authorized may withhold so much of the deposit as may be necessary to assure such restoration or instruct the city attorney to bring action against the permittee and/or his surety.

E. Any violation of this chapter shall be subject to the enforcement provisions and penalties set forth in Chapter 1.15 MMC.

(Code 1988 § 12.08.010; Ord. No. 900 § 15, 2013; Ord. No. 876 § 5, 2011; Ord. No. 855 § 12, 2010; amended during 4/94 supplement; Ord. No. 542 § 1, 1991; Ord. No. 257 § 1, 1970; Ord. No. 82 § 1, 1959; Ord. No. 9 § 5, 1955)

12.08.020. Restoration of street by city—Fees.

Notwithstanding the provisions of MMC 12.08.010, when the city manager or other person to whom his responsibility may be delegated so elects, the applicant for a permit under such section may be required to pay an additional fee to the city equal to the approximate cost of the city itself restoring the street surfacing affected and be relieved of that portion of the restoration. Such election shall not relieve the permittee of the requirement of meeting the other conditions of his permit such as warning or protective structures, signs, signals or devices in relation to his work in the streets, until in the decided judgment of the city manager, the street has been restored to a condition safe in its entirety for the use of the public and lacking only the surfacing to be done by the city. In this regard, the city manager shall predetermine, insofar as possible, a schedule of fees necessary to cover the city's costs in restoring street surfacing in the case of typical permits.

(Code 1988 § 12.08.020; Ord. No. 92 § 1, 1960)

12.08.030. Road and Bridge Construction Standards—Adopted.

A. All construction, excavation and other work conducted within the rights-of-way of the city, whether surfaced or un-surfaced, methods and materials shall

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be governed by the Washington State Department of Transportation Standard Specifications for Road and Bridge Construction, 2010 Edition, together with subsequent amendments, revisions and additions and, to the extent not inconsistent therewith, by the remaining provisions of this chapter.

B. The engineering construction standards set forth in subsection (A) of this section may be amended, supplemented, and revised by the city engineer to promote uniform and standardized construction over, on, and under any street, highway, sidewalk, alley, avenue, easement made to the city for public use, or other public way or public grounds in the city, and which conform with the goals and policies set forth in the Medina comprehensive plan.

C. Where there may be a conflict between the requirements in the Standard Specifications, the city engineer's amendments and the code shall prevail. (Code 1988 § 12.08.030; Ord. No. 857 § 2, 2010; Ord. No. 383 § 1, 1982)

12.08.035. Interim street design standards.

A. The engineering street standard details set forth in Attachment A of Ordinance No. 859 are adopted as the interim Medina street design standards.

B. The city engineer may approve deviations in writing from the engineering standards, provided:

1. The deviation is necessary due to geotechnical, topographical, or other physical constraints;
2. The public safety and welfare will not be adversely impacted by the deviation; and
3. The deviation will not detract from the intent and purpose of this chapter or the engineering standards.

C. The city engineer may adopt and incorporate by reference into the Medina street design standards other federal, state and local design standards and specifications and other professionally accepted engineering standards and specifications. (Code 1988 § 12.08.035; Ord. No. 859 § 1, 2010)

12.08.040. Road and Bridge Construction Standards—Variance.

Exemptions from the application of the standard specifications described in this chapter may be granted

by the city engineer upon receipt of evidence satisfactory to said city engineer that alternatives proposed will be adequate to meet the objectives of said specifications.

(Code 1988 § 12.08.040; Ord. No. 383 § 2, 1982)

12.08.050. Road and Bridge Construction Standards—Inspection and testing.

All inspection and testing to assure compliance with said standard specifications shall be at the expense of the person performing work within the city's right-of-way. Inspection shall be conducted by the city engineer and/or the city building official, as designated by the city. At the request of the city engineer or the city building official, the person performing the work shall obtain such testing as may be required from an independent certified materials testing laboratory. At least one test by an independent certified materials testing laboratory to demonstrate compliance with backfill compaction requirements shall be required wherever a trench has been excavated under an improved roadway surface.

(Code 1988 § 12.08.050; Ord. No. 383 § 3, 1982)

12.08.060. Trench cutting specifications.

All trench cutting within the paved portion of streets of the city shall comply with the following requirements:

- A. *Method of cutting.* All trench cuts shall be made in a solid straight line with a saw. No trench shall be cut with a jackhammer, pick, or by any skip-cutting method. This subsection shall not apply where a full-width overlay is required.
- B. *Overlay requirements on longitudinal cuts.* Any longitudinal trench cut in excess of 100 feet must be covered by a full-width overlay of the roadway surface. Said overlay shall comply with all applicable city street requirements and shall extend ten feet beyond each end of the longitudinal cut. The city manager, with the consent of the city council, may waive the requirements of this provision for the benefit of public utilities replacing underground facilities within one year prior to the time scheduled for overlay of the roadway surface by the city. All such waivers shall be in writing.

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- C. *Backfilling.* All backfill material must be free-draining granular material, free of debris and clay. All backfill material shall be compacted by a mechanical compactor to 95 percent of maximum density, to be determined in accordance with ASTM designation D1557, in one-foot stages to within four inches of the existing road grade.
- D. *Tack coat.* Tack coat shall be applied on all edges of the cut surface.
- E. *Temporary patch.* A temporary patch consisting of four inches of Class "B" asphaltic concrete shall be placed in the cut, bringing the excavated area back to the grade of the road.
- F. *Permanent patch.* After settlement is complete, and a minimum of three months has elapsed, the temporary patch shall be replaced with a permanent patch. This permanent patch shall consist of Class "B" asphaltic concrete. The permanent patch shall extend at least two feet beyond either side of the trench. All cutting of the permanent patch perimeters shall meet the requirements set forth herein regarding the method of cutting and the requirement of tack coat. A patch of at least 1½ inches of Class "B" asphaltic concrete shall be installed, rolled and brought up to the existing roadway grade.
- G. *Fee.* A \$50.00 nonrefundable fee will be required for each trench cut in addition to the cost of inspection and testing described in MMC 12.08.050.
- H. *Bond.* All persons seeking to obtain a permit for a trench cut must post a bond in the amount of \$1,000.00 with the city clerk specifying that the roadway surface will be repaired to the satisfaction of the city engineer. Said bonds will not be released until at least three months have elapsed from the installation of the permanent patch and said permanent patch has been approved by the city engineer or the city manager. Said bond shall not be required from any public utility.
(Code 1988 § 12.08.060; Ord. No. 491 § 1, 1989; Ord. No. 396 § 1, 1984)

CHAPTER 12.10. MOVING OF BUILDINGS

12.10.010. Applicability.

This chapter is applied in conjunction with the building codes set forth in Chapter 16.40 MMC and shall apply to the movement of any building using city rights-of-way or property.
(Code 1988 § 12.10.010; Ord. No. 852 § 2, 2010)

12.10.020. Permit—Required.

No person, corporation, firm, or organization shall move any building over, along or across a city right-of-way or property without first obtaining a building permit from the city as set forth in MMC 16.70.010.
(Code 1988 § 12.10.020; Ord. No. 900 § 16, 2013; Ord. No. 852 § 2, 2010)

12.10.040. Security deposit—Generally.

Upon receipt of an application, the city shall calculate an estimate of the expenses that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. The applicant shall be required to provide a cash security deposit to the city in the amount equal to twice the estimated expenses.
(Code 1988 § 12.10.040; Ord. No. 852 § 2, 2010)

12.10.050. Other security guarantees.

- A. An application hereunder shall be accompanied by:
 - 1. A cash deposit or corporate surety bond in the sum to be determined by the city as indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street, or alley, sidewalk or other property of the city, which may be caused by or be incidental to the moving of any building over, along or across any street in the city; and
 - 2. A public liability insurance policy, naming the city as an additional insured, providing a sum determined by the city to satisfy any claim by private individuals, firms, corporations or other

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entities arising out of, caused by or incidental to the moving of any building over, along, or across any street in the city; and

3. By a cash deposit or corporate surety performance bond in the sum of \$2,000.00, conditioned upon the applicant, within six months from the date of the issuance of such permit:
 - a. Completing the construction, painting and finishing of the exterior of the building; and
 - b. Faithfully complying with all requirements of this chapter, the building code, and the other ordinances then in effect within the city, including but not limited to applicant completing such work within six months from the date of the issuance of such permit;

B. In the event the provisions of subsection (A)(3) of this section are not complied with within the time specified, the sum of \$2,000.00 shall be forfeited to the city as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply with the terms of this chapter.

(Code 1988 § 12.10.050; Ord. No. 852 § 2, 2010)

12.10.060. Permit—Conditions.

As a condition of securing the permit:

- A. The applicant shall furnish the city with a set of plans and specifications for the completed building; and
- B. The applicant shall, prior to making any application for such permit, or within ten days after making such application, cause all of the interior or exterior walls, ceilings or flooring to be removed to such extent as may be necessary to permit the city building inspector to examine the materials and type of construction of such building to ascertain whether it does or can be rehabilitated to comply with all existing building codes and ordinances of the city when located on a new site within the city. Said inspection shall be at the applicant's expense; and
- C. The applicant shall, after receiving a permit to move the structure on city streets, notify the administrator of the proposed date and time of such move. Such proposed date and time

must be approved by the city before any structure is moved on any city highway, street or alley.

(Code 1988 § 12.10.060; Ord. No. 852 § 2, 2010)

12.10.070. Inspections.

The city's building official shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(Code 1988 § 12.10.070; Ord. No. 852 § 2, 2010)

12.10.080. Permit—Grounds for refusal.

The city may refuse to issue a permit if it is found that:

- A. Any application requirement or any fee or deposit requirement has not been complied with;
- B. The building is too large to move without endangering persons or property in the city;
- C. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons or property in the city;
- D. The building is structurally unsafe or unfit for the purpose for which moved, if the building is to be located in the city;
- E. The applicant's equipment is unsafe and that persons and property would be endangered by its use;
- F. Zoning or other ordinances would be violated by the building in its new location;
- G. For any other reason persons or property in the city would be endangered by the moving of buildings.

(Code 1988 § 12.10.080; Ord. No. 852 § 2, 2010)

12.10.090. Return of fees and deposits.

A. *Return upon nonissuance.* Upon the refusal of the administrator to issue a permit, the administrator shall return to the applicant all fees, deposits and bond.

B. *Return upon allowance for expense.* After the building has been moved, the city shall prepare a written statement of all expenses incurred in removing and replacing all property belonging to the city, and all material used in the making of the removal and replace-

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ment together with a statement of all damage caused to or inflicted upon property belonging to the city. The city shall return to the applicant all deposits after deduction of a sum sufficient to pay for all of the cost and expenses and for all damage done to property of the city by reason of the building.

(Code 1988 § 12.10.100; Ord. No. 852 § 2, 2010)

12.10.100. Determination of route.

The city engineer or designee shall designate the streets over which the building may be moved. The designation of the streets shall be made with input from the city police department. In designating the streets, the city shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

(Code 1988 § 12.10.110; Ord. No. 852 § 2, 2010)

12.10.110. Responsibilities of applicant.

Every applicant under this chapter shall:

- A. *Use designated streets.* Move a building only over streets designated for such use in the permit;
- B. *Notify of revised moving time.* Notify the city in writing of a desired change in moving date and hours as proposed in the application;
- C. *Notify of damage.* Notify the city in writing of any and all damage done to property belonging to or located within the city within 24 hours after the damage or injury has occurred;
- D. *Display lights.* Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from danger or injury by reason of the moving of the building;
- E. *Street occupancy period.* Remove the building from the city streets after 12 hours of such occupancy, unless an extension is granted by the administrator;
- F. *Comply with governing law.* Within six months from the date of issuance of the permit, comply with all city building, fire and zoning ordi-

nances, and all other applicable ordinances and laws upon relocating the building in the city;

- G. *Safeguard installation site.* Provide adequate barriers and warnings at any site within the city where a building is to be located, sufficient to prevent access to any construction or excavation site, by children or adults, during all phases of construction;
- H. *Pay expense of officer.* Pay the expenses of a traffic officer ordered by the administrator to accompany the movement of the building to protect the public from injury;
- I. *Clear premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site and at the site at which the building is relocated so that the premises are left in a safe and sanitary condition.

(Code 1988 § 12.10.120; Ord. No. 852 § 2, 2010)

12.10.120. Enforcement.

A. *Notice of violation procedures; nuisance provisions.* Enforcement shall be pursuant to the notice of violation procedures set forth in Chapter 1.15 MMC and the nuisance provisions in Chapter 8.04 MMC.

B. *Applicant liable for expense above deposit.* The applicant shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney may prosecute an action against the applicant in a court of competent jurisdiction for the recovery of such excessive amounts.

C. *Premises left unsafe.* The city may proceed with an abatement action pursuant to Chapter 8.04 MMC to do any work necessary to put the original premises, or the site at which the building is relocated, in a safe and sanitary condition, where applicant does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit.

D. *Cost of enforcement.* The applicant shall be responsible for all costs, including reasonable attorneys' fees, incurred by the city in enforcing the requirements of this chapter.

(Code 1988 § 12.10.130; Ord. No. 852 § 2, 2010)

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MEDINA CODE OF ORDINANCES**CHAPTER 12.12. USE OF STREETS BY PUBLIC UTILITIES****12.12.010. Public utilities defined.**

For the purpose of this chapter, a "public utility" is defined as any person, firm, or corporation supplying electricity, water, or gas or distributing the same, or supplying telephone, telegraph or sewer service by the use of pipes, poles, lines, cables or other fixed equipment under, upon, along or above city street rights-of-way in the city; and for the purposes of all ordinances of the city any public utility shall be deemed to include any employee, nominee or independent contractor thereof performing work upon such facilities in the streets or in public places of the city whether under contract, direction, request or authority of said public utility.

(Code 1988 § 12.12.010; Ord. No. 32 § 1, 1956)

12.12.020. Franchise required.

From and after 90 days following the effective date of the ordinance codified in this chapter, it is unlawful for any public utility to use the city street rights-of-way of the city without a valid and effective franchise granted by the city or the state and applicable to the city street rights-of-way.

(Code 1988 § 12.12.020; Ord. No. 32 § 2, 1956)

12.12.030. Map of facilities required.

A. At the request of the street superintendent or other person to whom his responsibility may be delegated any public utility using street rights-of-way within the city shall supply a map or maps to a uniform scale, if such is specified, showing as near as may be the then nature and location of its facilities within the city street rights-of-way or public places and if such facilities are underground, the depth thereof.

B. Any public utility shall, with or without any request therefor, keep at its office (local office, if any) such an up-to-date map showing its facilities within the city streets or public places.

(Code 1988 § 12.12.030; Ord. No. 32 § 3, 1956)

12.12.040. Permit required when.

A. Any work affecting the location of its poles, pipes, conduits in, upon, or along city streets by or at the instance of a public utility as defined in this chap-

ter, shall be done only upon approval of a right-of-way permit pursuant to MMC 16.70.020 and according to any applicable ordinances or resolutions of the city.

B. Such applications shall be accompanied by at least two maps to the same scale as the map required under MMC 12.12.030, if such is requested by the city and the permit shall be in addition to that required where cutting into the surface of, or altering, city streets is involved.

(Code 1988 § 12.12.040; Ord. No. 900 § 18, 2013; Ord. No. 32 § 4, 1956)

12.12.050. Accommodation of city work.

Whenever it is deemed necessary to accommodate city work including, without limitation, the change of, or improvement to, grade of any city street, its vacation or relocation; or in the absence of city work, if it is deemed necessary to satisfy the public need as determined by the city council, any public utility shall move its equipment and facilities within the street rights-of-way or other public places to conform to such work or public need.

(Code 1988 § 12.12.050; Ord. No. 32 § 5, 1956)

12.12.060. Conditions of franchise.

Franchises granted by the city for the use of city streets shall be uniformly conditioned as follows:

- A. Any franchise granted a public utility for the use of city streets shall include a provision wherein the grantee holds the city harmless from any liability by reason of the construction, operation or maintenance of its facilities under, upon, along or over city street rights-of-way or other public places.
- B. Any franchise granted a public utility for the use of city streets shall include a provision wherein the grantee assumes the risk of injury to its facilities within city street rights-of-way or other public places, by the city.
- C. Any franchises granted a public utility hereafter for the use of city streets shall include a provision wherein the grantee by its acceptance thereof acknowledges that all rights conferred thereby are subject to the police power of the city to adopt and enforce general ordinances necessary for the safety and welfare of

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the people of Medina; and that the grantee agrees to comply with all such general ordinances insofar as applicable to it.

- D. Any franchise granted a public utility for the use of city streets shall include a provision that if within 60 days after the granting of such franchise, the grantee has failed to file its written acceptance thereof with the clerk of the city, then such franchise shall be null and void.
 - E. Any franchise granted a public utility, which is not also a municipal corporation, for the use of city streets shall include a provision requiring the consent of the city to any transfer thereof and shall provide that any transfers be equally bound by the terms thereof.
 - F. Any franchise granted a public utility for the use of city streets shall include a provision whereby such franchise may by the city council be declared forfeited when, after 60 days' notice to the local manager thereof, the grantee has not cured a deficiency in its discharge of the obligation created by the franchise and all other applicable laws of the city.
 - G. Any franchise granted a public utility, which is not also a municipal corporation, for the use of city streets will include a provision that such franchise in no way limits the city in its exercise of the right of eminent domain; and, that in any purchase or condemnation of any of the grantee's property during the term of the franchise, the addition to the sum of all other elements of value of such property by reason of the element which is the right to occupy the public ways evidenced by such franchise, shall be no greater than the actual cost of obtaining such franchise as related to such property.
- (Code 1988 § 12.12.060; Ord. No. 32 § 6, 1956)

12.12.070. Violation—Penalty.

Violation of any of the provisions of this chapter shall be a misdemeanor, and shall be punishable by a fine not to exceed \$300.00 or by imprisonment not to exceed 90 days, or both.

(Code 1988 § 12.12.070; Ord. No. 32 § 7, 1956)

CHAPTER 12.16. STORM DRAINAGE**12.16.010. Correction of improperly installed driveways.**

A. Where a driveway has been opened onto a city street without the installation of a drain tile or culverting with the effect of impairing storm drainage or where the owner or occupant of abutting land has laid drain tile or culverting or placed catchbasins in the street right-of-way to collect or convey storm drainage and such installations are inadequate or improperly installed under city standards for private work in the street rights-of-way, the city may cause such defects to be remedied in the following manner:

1. Where the street superintendent or other person to whom his authority may be delegated finds such a defect to require correction, he may cause a notice to be served upon the occupant of the abutting property or if it is unoccupied, upon the owner thereof as indicated by the latest tax rolls, directing the occupant or owner to secure a permit for alterations within the street right-of-way and commence remedial work under such permit within 30 days of the receipt of such notice for the installation or replacement of drain tile, culverting or catchbasins according to such city standards or, upon his failure to do so, that the city may do the work and may assess against the property and recover against its owner in a civil suit, the cost thereof including a reasonable fee, not to exceed \$25.00 for its expense in arranging and supervising the same.
2. The notice provided for herein may be served personally or by registered mail.

B. Nothing in this section is intended to abridge the city's right to remove, replace or alter structures within the city street rights-of-way.

(Code 1988 § 12.16.010; Ord. No. 58 § 1, 1957)

CHAPTER 12.20. PUBLIC PARKS**12.20.010. Rules applying to all public parks.**

The following rules shall apply and be enforced in all public parks:

- A. No alcoholic beverages shall be allowed.

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- B. There shall be no loitering in or about the vicinity of bathhouses or restroom facilities.
- C. There shall be no overnight camping.
- D. No fireworks shall be allowed except for licensed displays.
- E. No firearms, airguns or weapons shall be displayed or used, except when displayed or used by duly authorized law enforcement officers in the performance of their duties.
- F. No privately owned motor-powered vehicles shall be allowed in other than designated parking or loading areas.
- G. No motor boats shall operate upon waters within 300 feet of the shore of a park facility at a speed in excess of seven knots, or approach within 50 feet of a roped-off swimming area, except in case of an emergency; provided, that motor boats may approach city docks at a slow rate of speed for the purpose of picking up or dropping off passengers only. No boats that cannot be hand-carried to the water shall be launched from any Medina park.
- H. Except as provided in MMC 12.20.020 (Medina Beach Park) and 12.20.025 (Medina Park), no pets shall be allowed that are not under the restraint of a leash, tether or chain in length no greater than eight feet, or within 35 feet of their owner or a competent person authorized by the owner, to the commands of whom they respond promptly; no pets shall be allowed which are annoying bystanders or other animals or causing physical damage.
- I. No fires shall be allowed in other than approved cooking containers or in designated areas.
- J. Park sites shall be closed between 10:00 p.m. and 6:00 a.m.
- K. No domesticated pets other than dogs complying with subsection (H) of this section shall be allowed.
- L. All dog feces shall be picked up by the owner or handler and removed from the public park and/or adjacent private property.
- M. Reserved.

- N. No loud music or vulgar language shall be allowed.
- O. No littering of any type, including throwing away of cigarette butts, shall be allowed.
- P. No dogs shall be allowed within designated playground areas, except when under the restraint of a leash, tether or chain.
- Q. Handlers must be in possession of one leash per dog at all times.

(Code 1988 § 12.24.010; Ord. No. 988 § 1 (Exh. A), 2020; Ord. No. 790 § 1, 2005; Ord. No. 774 § 1, 2004; Ord. No. 563 §§ 1, 2, 1993; Ord. No. 515 § 1, 1990; Ord. No. 489 § 1, 1989; Ord. No. 488 § 1, 1989)

12.20.015. Rules applying to all public tennis courts.

A. The following rules, along with all other rules applicable to Medina public parks, shall apply to and be enforced at all public tennis courts:

- 1. Players shall observe posted tennis court rules and shall observe courtesies as well as rules of good conduct on and around the courts.
- 2. Playing on the courts without tennis shoes is prohibited. A tennis shoe is a heelless rubber-soled shoe.
- 3. No bicycles, skateboards, rollerskates, rollerblades or pets are allowed on the courts. Food and beverages are restricted to use on the sidelines of the courts.
- 4. Only racquet sports are permitted on the courts. No ball sports, including but not limited to basketball, soccer or baseball are allowed on the courts.
- 5. Whenever there are tennis players waiting to use the courts, the total play time of the parties on the court shall be limited to 1½ hours. Winners shall have no prior rights to remain on the courts.

(Code 1988 § 12.24.015; Ord. No. 988 § 1 (Exh. A), 2020)

12.20.020. Rules applying to Medina Beach Park.

A. The following rules, along with all other rules applicable to Medina public parks, shall apply to and be enforced in Medina Beach Park:

- 1. Walking on, jumping or diving from the jetty is prohibited.

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2. Children under the age of eight years must be accompanied by an adult.
3. No swimming under docks or rafts.
4. Aggressive behavior is not permitted.
5. No dogs shall be allowed.

B. When a swimming area has been designated and lifeguards are on duty, typically late June through late August, the following additional rules shall apply and be enforced in Medina Beach Park:

1. Swimming is permitted only within the designated swimming area.
2. All floatation devices must be kept within the designated swimming area.
3. Front jumps only off the raft, keep ladders clear.
4. Lifeguard equipment is for official use only.
5. No boats, including paddle boards, or boat launching are allowed within the designated swimming area.
6. No throwing of hard objects in the swimming area.
7. No sitting on float lines.

(Code 1988 § 12.24.020; Ord. No. 954 § 1, 2018)

12.20.025. Rules applying to Medina Park and Fairweather Park and Nature Preserve regarding pets.

A. The following rules shall apply to and be enforced in Medina Park:

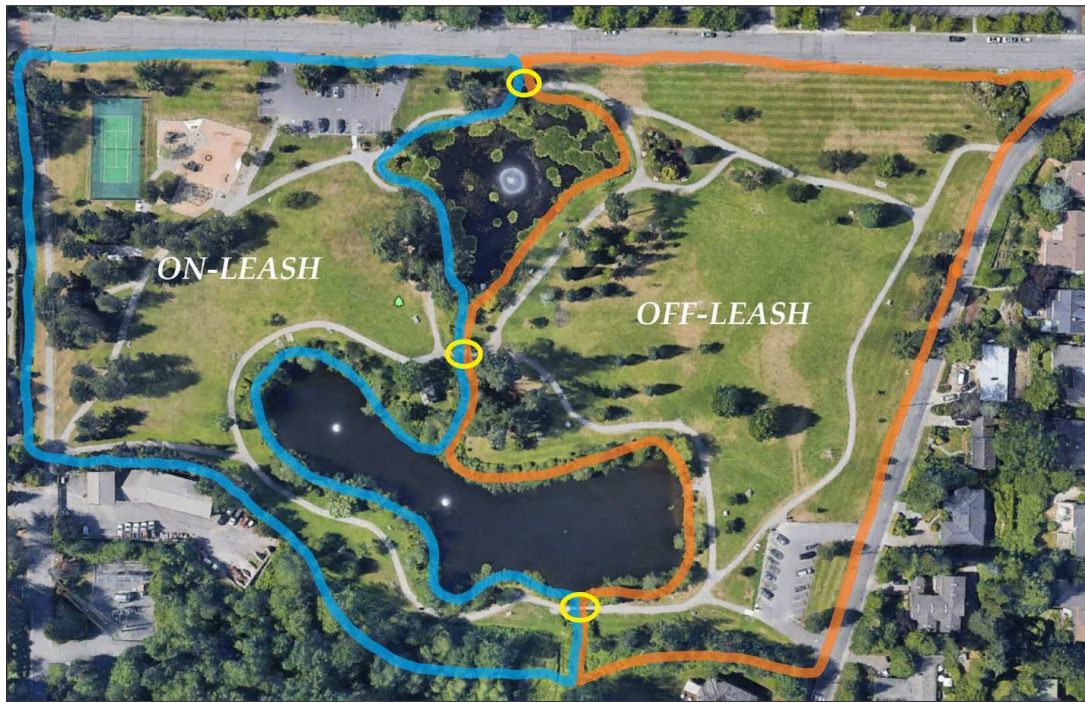
1. The area to the west of the dividing line shown on Exhibit A is declared to be an on-leash area. All dogs in this area must be on a leash, tether or chain not to exceed eight feet in length.
2. The area east of the dividing line shown on Exhibit A is declared to be an off-leash area. Dogs in off-leash areas of the park must be within positive voice control of their owner or handler and must respond promptly to the commands of the owner or handler.
3. No owner or handler shall have more than two dogs in the park at any time.

4. No dogs shall be permitted in the north pond at any time.

B. In Fairweather Park and Nature Preserve, no owner or handler shall have more than three dogs in the park at any time. Dogs shall be within positive voice control of their owner or handler and must respond promptly to the commands of the owner or handler.

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(Code 1988 § 12.24.025; Ord. No. 990 § 1 (Exh. A), 2020; Ord. No. 937 § 1, 2016; Ord. No. 790 § 3, 2005; Ord. No. 774 § 3, 2004)

12.20.030. Violation—Penalty.

Violation of the public park, Medina Beach Park, or Medina Park rules shall constitute a Class 1 civil infraction per Chapter 7.80 RCW, which is incorporated by reference.

(Code 1988 § 12.24.030; Ord. No. 990 § 1 (Exh. A), 2020; Ord. No. 937 § 2, 2016; Ord. No. 774 § 2, 2004; Ord. No. 488 § 3, 1989)

CHAPTER 12.24. PARK PRESERVATION PROGRAM

12.24.010. Established.

All lands and facilities held now or in the future by the City of Medina for park and recreation purposes, whether designated as park, lane, street end or nature preserve, shall be preserved for such use; and no such

land or facility shall be sold, transferred or changed from park use to another usage, unless the city shall first hold a public hearing regarding the necessity of such a transaction and then enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and the city shall, at the same time or before, receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.

(Code 1988 § 12.26.010; Ord. No. 721 § 1, 2001)

12.24.020. Additional actions authorized.

MMC 12.24.010 permits, by duly enacted ordinance after a public hearing: a boundary adjustment of equivalents with an adjoining owner. MMC 12.24.010 also permits, by duly enacted ordinance after a public hearing and without providing replacement property: a

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transfer to the federal, state or county governments for park and recreation uses; the opening of an unimproved street for street use; a subsurface or utility easement compatible with park use; and franchises of concessions that further the public use and enjoyment of a park.

(Code 1988 § 12.26.020; Ord. No. 721 § 2, 2001)

CHAPTER 12.28. STRUCTURES IN UNIMPROVED PORTIONS OF PUBLIC RIGHTS-OF-WAY

12.28.005. Definitions.

Bin means a storage receptacle or container, including garbage cans, yard waste containers and/or recycling containers.

Dumpster means a bin capable of being loaded onto a truck chassis.

Rock landscaping structure means any combination of two or more contiguously placed rocks as in a planter, rockery or similar feature.

Temporary covered areas for cars, boats or RVs means temporary shelters of any type, not including tarps, which are not supported independently of the car, boat or RV they are attached to.

Timber landscaping structure means any combination of two or more contiguously placed timbers as in a planter or retaining wall.

(Code 1988 § 12.32.005; Ord. No. 959 § 1, 2018; Ord. No. 687 § 3, 2000)

12.28.010. Purpose of provisions—Liability limitations.

A. This chapter is enacted as an exercise of the police power of the city to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes, giving consideration to the legal and equitable rights of persons who own property adjoining rights-of-way.

B. It is in the public interest of the citizens of Medina to regulate the construction of improvements in public rights-of-way in order to prevent unnecessary structures which detract from the natural beauty of public rights-of-way within the city and result in the removal of vegetation from the rights-of-way, contrary to the Medina comprehensive plan.

C. This chapter is intended to be of general application for the benefit of the public at large; it is not intended for the particular benefit of any individual person or group of persons other than the general public and it is not intended to impose liability on the city or its officers or employees running to individual members of the public.

D. Nothing contained in this chapter is intended to or shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any person's failure to comply with the provisions of this chapter or by reason of or in consequence of any act or omission in connection with the implementation or enforcement of this chapter.

(Code 1988 § 12.32.010; Ord. No. 541 § 1, 1991)

12.28.020. Unlawful structures—Exceptions designated.

It is unlawful to place or construct in the unimproved portions of any public rights-of-way any structure or artificial thing other than:

- A. Signs authorized under the provisions of MMC 16.30.020 and 16.30.030;
- B. Street construction authorized by the provisions of Chapter 12.08 MMC;
- C. Improvements constructed by public utilities authorized under the provisions of Chapter 12.12 MMC;
- D. Sidewalks, driveways and other forms of paving consistent with comprehensive plan and the street design standard referenced therein and authorized by a right-of-way permit issued under the provisions of Chapter 12.08 MMC;
- E. Culverts and pipes authorized by a right-of-way permit issued under the provisions of Chapter 12.08 MMC;
- F. Structures consisting solely of a single or multiple mail box and/or newspaper boxes and the supports therefor;
- G. Street signs consistent with established design standards;
- H. Fences, walls and other structures located in the public right-of-way on the effective date of the ordinance codified in this chapter, to the extent permitted by MMC 12.28.030;

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- I. Garbage, yard waste, and/or recycling bins placed in the right-of-way for a total maximum period not longer than 24 hours surrounding the designated date and collection or pickup time of the bin owner's municipal waste service.

(Code 1988 § 12.32.020; Ord. No. 959 § 1, 2018; Ord. No. 948 § 1, 2017; Ord. No. 541 § 2, 1991)

12.28.030. Nonconforming structures permitted when.

A. Fences, walls and other structures existing within the public right-of-way on the effective date of the ordinance codified in this chapter may be maintained, repaired or reconstructed if the length, or the extent of the encroachment into the public right-of-way, are not increased and if a right-of-way permit is obtained under the provisions of Chapter 12.08 MMC; provided, however, except for retaining walls authorized by this section, any fence, wall or other structure located within the public right-of-way on said effective date shall be removed if a new residence is built on the property being served by the encroaching fence, wall or other structure, or if the residence on the property undergoes a remodel/addition which:

1. Increases the lot coverage of the residence and its accessory structures, as prescribed in MMC 16.23.020, by 50 percent or more; or
2. Increases the total floor area of the residency by 50 percent or more; or
3. Results in the alteration of 50 percent or more of the exterior wall surface of the residence.

B. For the purpose of this section, "alteration of an exterior wall surface" means a change in the location, alignment or surface composition of the exterior wall, but not the mere refurbishment or resurfacing of an existing exterior wall.

(Code 1988 § 12.32.030; Ord. No. 541 § 3, 1991)

12.28.040. Removal conditions.

Any structure or artificial thing lawfully placed in or on a public right-of-way shall be removed, upon written request of the city. Grounds for removal include but are not limited to:

- A. Location or relocation of streets, sidewalks, utilities or other improvements;

- B. Interference with public use of the right-of-way;

- C. Failure to maintain.

The owner of the real property adjoining a right-of-way shall remove any prohibited structure or object, installed after November 13, 2000, from the right-of-way within ten days of mailing of notice from the city to do so. If the property owner fails to remove said structure or object, the city may remove it at the expense of the property owner. The city may file a lien against the property to recover all costs incurred and enforce said lien in the same manner as enforcement of a mechanics lien.

(Code 1988 § 12.32.050; Ord. No. 687 § 2, 2000; Ord. No. 541 § 5, 1991)

12.28.050. Wooden and steel sign posts.

The following criteria shall apply to posts used to support signs, mail boxes, newspaper boxes and similar items:

- A. Timber sign posts with cross sectional areas greater than 16 square inches (i.e., a four-inch by four-inch post) located in the right-of-way and not located behind a city installed barrier, must have breakaway features as shown in the WSDOT Standard Plans, Detail G-4a and G-8, including drilling and notching as shown in the WSDOT Standard Plans, Detail G-4a.
- B. Steel sign posts shall be as shown in the WSDOT Standard Plans, Detail G-8, to provide necessary breakaway or yielding characteristics.

- C. One copy of the WSDOT Standard Plans shall be maintained for public use by the city clerk.
- (Code 1988 § 12.32.060; Ord. No. 687 § 3, 2000)

12.28.060. Unacceptable objects.

The following objects shall not be placed or installed within rights-of-way:

- A. Rock or timber landscaping structures (does not include individually placed rock or timber used as landscaping features).
- B. Objects larger than six inches in any dimension located within 24 inches of a paved roadway surface, except those objects permitted by MMC 12.28.020.

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- C. Temporary covered areas for cars, boats or RVs.
- D. Trees, bushes and other vegetation are allowed but must be maintained so as to provide a safe line of sight for vehicles attempting to enter the street and for pedestrians. Nothing in this section shall be construed to allow trimming or removal of trees in the right-of-way without a permit if required by Chapter 12.20 MMC.
- E. Dumpsters, bins, portable toilets, construction materials or unlicensed equipment, except that garbage, yard waste, and/or recycling bins may be placed in the right-of-way in accordance with MMC 12.28.020(I). All garbage shall be placed in and contained within a bin.

(Code 1988 § 12.32.070; Ord. No. 959 § 1, 2018; Ord. No. 687 § 3, 2000)

12.28.070. Violation—Penalty.

Violation of any provision of this chapter shall be subject to the enforcement provisions and penalties set forth in Chapter 1.15 MMC.

(Code 1988 § 12.32.080; Ord. No. 848 § 11, 2010; Ord. No. 687 § 3, 2000)

CHAPTER 12.32. GARAGE SALES**12.32.010. Restrictions.**

Garage sales are restricted as follows:

- A. Garage sales shall include all events occurring at, in or near private residences during which more than one item of personal property is displayed or offered for sale.
- B. No garage sales shall be allowed until the person responsible for conducting the sale has registered the sale with the city.
- C. Only two garage sales per calendar year may be held at any one residence. No sale may last more than two days.
- D. Sale items may not be displayed on public streets, sidewalks or rights-of-way.

(Code 1988 § 12.36.010; Ord. No. 570 § 1, 1993)

12.32.020. Violation—Penalty.

Violation of this chapter shall constitute a civil infraction punishable by a fine not to exceed \$250.00. Notices of infraction may be issued to all persons responsible for the conduct of the garage sale, including renters and tenants in possession of the property as well as all persons conducting the sale. Before issuing the initial notice of infraction at any particular residential site, the persons responsible for conducting the sale shall be advised of the contents of this chapter and given two hours to cancel the sale or to comply with the requirements of this chapter.

(Code 1988 § 12.36.020; Ord. No. 570 § 2, 1993)

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PUBLIC SERVICES**Chapter 13.04. Sewers**

- 13.04.010. Connection required.
- 13.04.020. Unauthorized disposal of wastes prohibited.
- 13.04.030. Violation—Penalty.

Chapter 13.06. Stormwater

- 13.06.010. Purpose, scope and intent.
- 13.06.020. Stormwater management manual adopted.
- 13.06.030. Definitions.
- 13.06.040. Seasonal work limitations.
- 13.06.050. Minimum stormwater pollution prevention for all projects.
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- 13.06.090. Allowable discharges.
- 13.06.100. Conditional discharges.
- 13.06.110. Prohibition of illicit connections.
- 13.06.120. Compliance required.
- 13.06.130. Maintenance required.
- 13.06.140. Inspection authority and procedure.
- 13.06.150. Maintenance covenant required for stormwater flow control and water quality treatment facilities.
- 13.06.160. Inspection and maintenance schedule for stormwater flow control and water quality treatment facilities.
- 13.06.170. Inspection and maintenance records required for stormwater flow control and water quality treatment facilities.
- 13.06.180. Enforcement authority, procedure, and penalties.

Chapter 13.08. Fire Hydrants

- 13.08.010. Provisions adopted.

Chapter 13.12. Blanket Utility Permits

- 13.12.010. Granting.
- 13.12.020. Terms and conditions.
- 13.12.030. Notice of action required.
- 13.12.040. Compliance—Fees.
- 13.12.050. Forfeiture.

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13.06.010**CHAPTER 13.04. SEWERS****13.04.010. Connection required.**

A. Within 180 days of the availability of operable public sewers adjacent to any property within the city, the owner thereof shall cause a direct connection of the sanitary plumbing system in such manner that all sewage or other liquid wastes from said property is discharged into said public sewer system.

B. Any violation of this section is declared to be a nuisance.
(Code 1988 § 13.04.010; Ord. No. 85 § 1, 1959)

13.04.020. Unauthorized disposal of wastes prohibited.

A. It is unlawful for any person to cause or permit the disposal of sewage, human excrement, or other liquid wastes, in any place or manner except through and by means of an approved plumbing and drainage system, installed and maintained in accordance with the specifications of the city health officer or other person to whom his authority may be delegated.

B. Any violation of this section is declared to be a nuisance.
(Code 1988 § 13.04.020; Ord. No. 14 § 1, 1955)

13.04.030. Violation—Penalty.

Violation of any of the provisions of this chapter is a misdemeanor, and any person found guilty thereof shall be punished by a fine of not to exceed \$300.00 or by imprisonment not to exceed 90 days, or both. It is a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
(Code 1988 § 13.04.030; Ord. No. 85 § 2, 1959; Ord. No. 14 § 2, 1955)

CHAPTER 13.06. STORMWATER**13.06.010. Purpose, scope and intent.**

A. The purposes of this chapter are as follows:

1. Provide standards and procedures for the installation, management, inspection and maintenance of public and private stormwater fa-

cilities in the city to ensure an effective, functional stormwater drainage system that complies with city, state and federal law.

2. Authorize the Medina public works director to require that public and private stormwater drainage systems be installed, managed, inspected and maintained in conformance with this chapter.
3. Establish the minimum required level of compliance for public and private stormwater systems which must be met. The standards shall be liberally construed to serve the purposes of this chapter. A person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary or required to minimize the hydrologic impact of development and the pollution of receiving waters.
4. Provide guidance to those who install, manage, inspect, maintain, and repair stormwater facilities.
5. Prevent pollutants from leaking, spilling, draining, entering, or being dumped into any public or private stormwater drainage system, into ground water, or directly into surface water bodies.
6. Implement the requirements of the city's NPDES permit.

B. This chapter shall apply to all development occurring within the city. The application of this chapter shall be the minimum stormwater management requirements and shall not constitute nor be deemed a limitation, amendment or repeal of any other powers granted by state and federal statute. The city shall be responsible for the implementation, coordination, and enforcement of the provisions of these regulations.

C. To meet the city's NPDES permit requirement to ensure treatment of stormwater discharges, the city shall require that all applicants for all development projects implement low impact development (LID) practices and standards in their stormwater site plan. LID standards are set forth in MMC Title 16 and the Medina stormwater management manual. The city may waive LID practices determined to be inapplicable or infeasible for a particular project in accordance with the requirements of this chapter.

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D. The intent of this chapter is to place the obligation of complying with its requirements upon the stormwater facility owner. Neither the city nor its officers, agents, or employees shall incur liability or be held liable by reason of taking any action required or permitted hereunder.

E. The intent of this chapter is not to repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(Code 1988 § 13.06.010; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.020. Stormwater management manual adopted.

A. The 2019 Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology is hereby adopted by reference and is hereafter referred to as the "stormwater manual."

B. The director may approve amendments to the stormwater manual following the procedures set forth in MMC 16.10.050, provided such amendments do not conflict with the NPDES permit.

C. All new development, redevelopment, and new construction within the City of Medina shall comply with the requirements of the stormwater manual as amended by the director, as well as other requirements described in the Medina Municipal Code.
(Code 1988 § 13.06.020; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.030. Definitions.

A. The definitions set forth in the stormwater manual adopted under MMC 13.06.020 are adopted by reference and incorporated into this chapter.

B. The following terms shall have the following meanings in this chapter unless the context clearly requires otherwise:

AKART means all known, available, and reasonable methods of prevention, control, and treatment. See also the State of Washington Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

Best management practices (BMPs) means schedules of activities and prohibitions of practices ap-

proved by Ecology that singly, or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

City means the City of Medina.

Clean Water Act means the Federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

Construction stormwater pollution prevention plan or SWPPP means a document which describes the best management practices and activities to be implemented by a person during construction to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Down drain means a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

Director means the City of Medina director of public works and/or designees.

Flow control facility means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

Ground water means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. See also Chapter 173-200 WAC.

Hard surface means an impervious surface, a permeable pavement, or a vegetated roof.

Hazardous substance means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

Hyperchlorinated means water that contains more than ten mg/liter chlorine.

Illicit connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or

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nonstormwater discharges allowed as specified in the NPDES permit, Sections S5.C.5 and S6.D.3. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit discharge means any discharge to the city's storm drain system that is not composed entirely of stormwater or of nonstormwater discharges allowed pursuant to this chapter.

Impervious surface means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; or nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

LID manual means the most recent Low Impact Technical Guidance Manual for Puget Sound.

Minimum maintenance standards means the maintenance, inspection and repair standards that are described in the city's stormwater manual.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by the City of Medina;
2. Designed or used for collecting or conveying stormwater;
3. Which is not part of a publicly owned treatment works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

4. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single system.

National Pollution Discharge Elimination System stormwater discharge permit or NPDES permit means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Permanent stormwater control plan or PSC means a plan which includes permanent best management practices (BMPs) for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Replaced impervious surface means, for structures, the removal and replacement of impervious surfaces down to the foundation and, for other impervious surfaces, the removal down to bare soil or base course and replacement.

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Storm drainage system means publicly or privately owned facilities which collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention tanks/basins, natural and human-made or altered drainage channels, reservoirs, proprietary treatment systems and other drainage structures.

Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff and drainage or interflow.

Stormwater site plan means the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the stormwater site plan will vary with the type and size of the project, and individual site characteristics. It includes a SWPPP and a permanent stormwater control plan.

Water quality treatment facility means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are wetponds, oil/water separators, biofiltration swales, and constructed wetlands. These can also include proprietary filter-based systems.

C. If a conflict arises between a definition set forth in this section and a definition adopted under subsection (A) of this section, the definition in the city's stormwater manual adopted at MMC 13.06.020 shall apply.
(Code 1988 § 13.06.030; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.040. Seasonal work limitations.

Any work or activity conducted pursuant to this chapter shall comply with seasonal work limitations set out in MMC 16.43.070.
(Code 1988 § 13.06.040; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.050. Minimum stormwater pollution prevention for all projects.

A. Projects which result in 2,000 square feet or more of new plus replaced hard surface area, or which disturb 7,000 square feet or more of land area, must

prepare a construction stormwater pollution prevention plan consistent with the requirements set forth in the stormwater manual.

B. Projects that result in less than 2,000 square feet of new and/or replaced hard surface area, or disturb less than 7,000 square feet of land area, are not required to prepare a construction stormwater pollution prevention plan, but must consider the elements in subsection (C) of this section and develop controls for the elements that pertain to the project site.

C. The following are minimum stormwater pollution prevention requirements applicable to all development and redevelopment projects, except as provided for in subsection (D) of this section. The requirements listed below do not replace the minimum requirements set forth in the manual and are presented here for informational purposes.

1. *Mark clearing limits.* Clearly mark all clearing limits, sensitive areas and their buffers, and tree protective measures prior to any land disturbing activity.
2. *Preserve existing vegetation.* Retain the duff layer, native topsoil, and existing natural vegetation to the extent feasible.
3. *Establish construction access.* This includes limiting construction access and exit to one route if possible, and using quarry spalls, crushed rock, and other best management practices to minimize tracking dirt and sediment onto public roads.
4. *Control flow rates.* Install as needed retention or detention facilities to protect properties and waterways downstream from erosion and increased flow rate of stormwater runoff from the project site.
5. *Install sediment controls.* Design, install and maintain effective erosion control and sediment control measures (such as sediment ponds, traps, filters, etc.) to minimize discharge of pollutants. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

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6. *Stabilize soils.* Stabilize exposed and unworked soils by applying effective best management practices that prevent erosion.
7. *Protect slopes.* Design and construct cut-and-fill slopes in a manner to minimize erosion.
8. *Protect drain inlets.* Protect all storm drain inlets made operable during construction so that stormwater runoff shall not enter the conveyance system without first being filtered or treated to remove sediment. Clean or remove and replace inlet protection devices when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).
9. *Stabilize channels and outlets.* Design, construct, and stabilize all on-site conveyance channels to prevent erosion from expected peak flows.
10. *Control pollutants.* Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants and prevent contamination of stormwater.
11. *Control dewatering.* Discharge foundation, vault, and trench dewatering water, which has similar characteristics to stormwater runoff at the site, into a controlled conveyance system before discharge to a sediment trap or sediment pond.
12. *Maintain best management practices.* Maintain and repair all temporary and permanent erosion and sediment control best management practices as needed to assure continued performance of their intended function in accordance with best management practice specifications.
13. *Manage the project.*
 - a. Inspect, maintain and repair all best management practices as needed to assure continued performance of their intended function.
 - b. Maintain, update as needed, and implement the construction stormwater pollution prevention plan.
14. *Protect low impact development best management practices.* Protect all bioretention and rain garden best management practices from

sedimentation through installation and maintenance of erosion and sediment control best management practices on portions of the site that drain into the bioretention and/or rain garden best management practices.

D. The stormwater manual lists exemptions from minimum stormwater pollution prevention requirements which include paving of potholes and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road/driveway prism, pavement preservation activities that do not expand the road/driveway prism; provided, that the work does not:

1. Remove and replace a paved surface to base course or lower, or involve repairing the pavement base;
2. Resurface by upgrading from dirt to a harder surface material including gravel.

(Code 1988 § 13.06.050; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.060. Pump system for drainage facilities.

A. Where the applicant demonstrates that a pump system is the only feasible alternative available to provide drainage, the following requirements shall apply:

1. Footing drains or basement ring drains that do not convey roof or surface water runoff may be served by a simplex pump system without automatic alarm and automatic backup power facilities; or
2. Pumped systems that convey water from roof drains or other surface water runoff are required to be served by a duplex pump system with automatic alarm and automatic backup power facilities.

B. The requirements for a duplex pump system under subsection (A)(2) of this section may be modified or waived by the director where no critical areas and/or no downstream properties will be potentially affected by site drainage.

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C. Design data for the pump system shall include the pump, motor control, and alarm equipment cut sheets.

(Code 1988 § 13.06.060; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.070. Pump system requirements for private property.

Where the provisions for a pump system are for stormwater drainage on private property, the following requirements shall apply:

- A. The pump system shall be located on private property and be privately owned, operated and maintained by the property owner.
- B. The pump system shall be used to convey water from one location or elevation on the property to another within the boundaries of the lot prior to gravity discharge into the public storm drainage system.
- C. The pump system shall be designed by a licensed civil engineer and incorporate the following design elements:
 - 1. Force mains from the pump system shall be connected to a catch basin located on the private property and gravity flow to the public storm drainage system at a connection point approved by the city;
 - 2. No force mains shall connect directly to the public storm drainage system;
 - 3. Force mains shall have backflow prevention valves;
 - 4. If a stormwater detention system is not required, the pump system shall have a storage facility sized to hold 25 percent of the total volume of stormwater runoff for the two-year, 24-hour design storm;
 - 5. If a stormwater detention system is required, contingency design in the event of a system failure is required, including a safe emergency overflow path having a minimum 25 feet distance to the downstream property line.

D. The applicant shall prepare a maintenance and operation plan and obtain approval from the city prior to issuance of the grading and drainage permit.

E. The following notes shall be included on the drainage plan drawings:

- 1. Pump systems shall be owned, operated, maintained, repaired and replaced as needed by the property owner or property owners served by the pump system; and
- 2. Property owners served by the pump system assume all responsibilities for all claims for injuries or damage due to the operation or nonoperation of the pump system.

(Code 1988 § 13.06.070; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.080. Prohibited discharges.

A. Nonstormwater runoff discharges to the storm drainage system, surface water bodies, or ground water are prohibited, unless such discharges are authorized in accordance with Chapter 173-216 WAC (State Waste Discharge Permit Program) or Chapter 173-220 WAC (National Pollutant Discharge Elimination System Permit Program).

B. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge pollutants into a storm drainage system, surface water bodies or ground water. If a pollutant discharge is identified it shall cease immediately and be reported to the city immediately. Failure to report any discharge within 24 hours is a violation of this chapter.

C. Examples of prohibited pollutants include but are not limited to the following:

- 1. Trash or debris.
- 2. Construction materials.
- 3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- 4. Antifreeze and other automotive products.
- 5. Metals in either particulate or dissolved form.
- 6. Flammable or explosive materials.

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7. Radioactive material.
 8. Batteries.
 9. Acids, alkalis, or bases.
 10. Paints, stains, resins, lacquers, or varnishes.
 11. Degreasers and/or solvents.
 12. Drain cleaners.
 13. Pesticides, herbicides, or fertilizers.
 14. Steam cleaning wastes.
 15. Soaps, detergents, or ammonia.
 16. Swimming pool or spa filter backwash.
 17. Chlorine, bromine, or other disinfectants.
 18. Heated water.
 19. Domestic animal wastes.
 20. Sewage.
 21. Recreational vehicle waste.
 22. Animal carcasses.
 23. Food wastes.
 24. Bark and other fibrous materials.
 25. Lawn clippings, leaves, or branches.
 26. Silt, sediment, concrete, cement or gravel.
 27. Dyes.
 28. Chemicals not normally found in uncontaminated water.
 29. Any other process-associated discharge except as otherwise allowed in this section.
 30. Any hazardous material or waste not listed above.
- (Code 1988 § 13.06.080; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.090. Allowable discharges.

A. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface or ground water:

1. Diverted stream flows.
2. Rising ground waters.

3. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005(5)(20).
4. Uncontaminated pumped ground water.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural sources that is commingled with urban stormwater.
8. Springs.
9. Uncontaminated water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and wetlands.
12. Nonstormwater discharges authorized by another NPDES or state waste discharge permit.
13. Discharges from emergency firefighting activities.

(Code 1988 § 13.06.090; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.100. Conditional discharges.

A. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

1. Discharges from potable water, including water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;
2. Discharges from lawn watering and other irrigation runoff are permitted but shall be minimized;
3. Dechlorinated swimming pool, spa and hot tub discharges limited to a concentration of 0.1 ppm or less, pH-adjusted and reoxygen-

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ized if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;
5. Nonstormwater discharges. The discharge shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed and approved by the city, which addresses control of such discharges by applying all known and reasonable methods of prevention, control, and treatment (AKART) to prevent contaminants from entering surface or ground waters.

(Code 1988 § 13.06.100; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.110. Prohibition of illicit connections.

A. The construction, use, maintenance, or continued existence of illicit connections to the public storm drainage system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to a public storm drainage system or allows such a connection to continue.

(Code 1988 § 13.06.110; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.120. Compliance required.

Property owners are responsible for the maintenance, operation and repair of stormwater drainage systems within their property. Property owners shall maintain, operate and repair stormwater drainage systems in compliance with the requirements of this chapter and the stormwater manual.

(Code 1988 § 13.06.120; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.130. Maintenance required.

A. All stormwater drainage systems in the city shall be maintained according to this chapter and the minimum maintenance standards detailed in the stormwater manual.

B. All stormwater drainage systems shall be inspected on a periodic basis, as described in the stormwater manual. If, during an inspection, a stormwater drainage system is found not to be in compliance with the minimum required standards, the owner or operator of the stormwater drainage system shall immediately repair the system and return it to proper operating condition in compliance with this chapter and any applicable covenant. Inspections may be scheduled more frequently to assure the stormwater drainage system continually functions as designed.

C. Where abatement is found necessary to correct health or safety problems, to control pollutants from entering the stormwater drainage system, to prevent surface water or ground water quality degradation, or to remove pollutants that have entered the stormwater drainage system, such work shall be completed immediately by the owner or operator of the stormwater drainage system. If the owner does not complete the work, the city is authorized to enter the property and abate the problem in accordance with MMC 13.06.180.

D. Where regular maintenance and/or repair is found necessary during inspection, maintenance shall be performed in accordance with the maintenance schedule established by the stormwater manual.

(Code 1988 § 13.06.130; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.140. Inspection authority and procedure.

A. *Inspection authority.* Whenever implementing the provisions of this chapter or whenever there is cause to believe that a violation of this chapter has been or is being committed, the director is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the city to determine compliance with the provisions of this chapter.

B. *Inspection procedure.* The procedure outlined below shall be followed when inspections occur:

1. Prior to making any inspections on private property, the director shall present identification credentials, state the reason for the inspection and request entry.

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2. If the property or any building or structure on the property is unoccupied or inaccessible, the director shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.
 3. If after reasonable effort the director is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the director may enter.
 4. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the director shall obtain a search warrant, prior to entry, as authorized by the laws of the State of Washington.
 5. The director may inspect the stormwater drainage system without obtaining a search warrant provided for in subsection (B)(4) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.
 6. The director shall investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly to surface water or ground water, inspection and investigation of that site will be initiated in compliance with the inspection procedures defined in this section. If the discharge is an imminent threat to public safety or the environment, emergency action shall be taken in accordance with this section.
- (Code 1988 § 13.06.140; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.150. Maintenance covenant required for stormwater flow control and water quality treatment facilities.

A. Prior to the issuance of any permit for which a construction stormwater pollution prevention plan is required, the city shall require the applicant or property owner to complete and submit a Declaration of

Covenant for Inspection and Maintenance of Stormwater Facilities and BMPs ("covenant") for the city's review and approval, warranting that the property owner will manage, inspect, and maintain the stormwater flow control and water quality treatment facilities per the conditions required by this chapter and the covenant.

B. Once approved by the city, the covenant shall be signed by the applicant or property owner and promptly recorded on title with King County department of records and elections. A copy of the recorded covenant shall be provided to the director prior to the final inspection.

C. The covenant shall be included in any instrument of conveyance of the subject property, shall run with the land, and shall be binding upon such owner's heirs, successors, and assigns.
(Code 1988 § 13.06.150; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.160. Inspection and maintenance schedule for stormwater flow control and water quality treatment facilities.

A. The director shall establish inspection and maintenance scheduling and standards for all publicly and privately owned stormwater flow control and water quality treatment facilities. The maintenance of the stormwater flow control and water quality facilities shall be guided by the stormwater manual. The base frequency for inspection and maintenance shall be in accordance with the NPDES permit currently in effect.

B. The city requires all inspections to be paid for by the owner and conducted by a city-approved third-party inspector unless approved otherwise by the director.

C. Adjustment to a less than annual inspection frequency may be revised as approved by the director based upon maintenance records of double the length of time of the proposed inspection frequency.
(Code 1988 § 13.06.160; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.170. Inspection and maintenance records required for stormwater flow control and water quality treatment facilities.

Owners of private flow control or water quality treatment facilities shall keep a maintenance log and an

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operation and maintenance plan (as defined by the city's adopted stormwater manual per MMC 13.06.020) on site or within reasonable access to the site. Operation and maintenance plans shall be transferred with ownership of the property and include a log of maintenance activities. Maintenance logs, and any record drawing or drainage system plan, shall be provided to the city upon request.

(Code 1988 § 13.06.170; Ord. No. 987 § 4 (Exh. B), 2020)

13.06.180. Enforcement authority, procedure, and penalties.

A. The director shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement.

B. The director shall have the authority to issue an enforcement order to an owner or responsible party to abate an illicit discharge, and/or maintain or repair a component of a stormwater drainage system in accordance with the provisions of this chapter. The order shall include:

1. A description of the specific nature, extent, date, and time of the violation and the damage or potential damage that reasonably might occur;
2. A notice to cease and desist the violation or the potential violation and, in appropriate cases, the specific corrective actions to be taken; and
3. A reasonable time to comply, depending on the circumstances.

C. The director may impose an inspection fee for any stormwater drainage system found not to be in compliance with this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance with this chapter. Inspection fees shall also be applied if the city is required to inspect a stormwater drainage system because the property owner failed to complete the required annual inspection. Inspection fees shall be established by resolution of the city council.

D. If the enforcement order is not adhered to, the city may provide such actions as needed to repair, restore or maintain the stormwater drainage system. If at any time the city determines that the existing system

creates any imminent threat to public health or welfare, the city may take immediate measures to remedy said threat. Under such circumstances no notice to the owner of the system shall be required.

E. The owner of the stormwater drainage system shall assume all responsibility for the cost of any maintenance and for repairs to the system. Such responsibility shall include reimbursement to the city within 30 days of the receipt of the invoice for any work the city performs pursuant to subsection (D) of this section. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the city will be borne by the parties responsible for said reimbursements.

F. In the event the property owner fails to pay the city within 30 days from the date that the costs were incurred, the city shall have the right to file a lien against the real property for all charges and expenses incurred. Such lien shall specify the expenses incurred, provide a legal description of the premises and will be filed with the county auditor within 90 days from the date of the completion of the work. Payment may at any time thereafter be sought by foreclosure procedures of liens under the laws of the State of Washington.

G. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an order issued by the director shall be subject to a civil penalty as provided in Chapter 1.15 MMC. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

(Code 1988 § 13.06.180; Ord. No. 987 § 4 (Exh. B), 2020)

CHAPTER 13.08. FIRE HYDRANTS

13.08.010. Provisions adopted.

A. Ordinance 1877 of the City of Bellevue, denominated "Bellevue Fire Hydrant Ordinance," three copies of which have heretofore been filed with the city clerk, are adopted by reference for application throughout the city, with penalties for violation thereof as set forth therein.

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B. Amendment of any portion of said ordinance, as adopted by reference, shall not affect criminal liability, for acts proscribed by the language thereof, both prior to and after such amendment.
(Code 1988 § 13.08.010; Ord. No. 289 § 1, 1973)

utility permit or any other applicable ordinance of the city shall forfeit its rights under the blanket utility permit and will not be eligible for renewal thereof.
(Code 1988 § 13.12.050; Ord. No. 473 § 5, 1988)

CHAPTER 13.12. BLANKET UTILITY PERMITS**13.12.010. Granting.**

The city may grant blanket utility permits for installations and relocations in the right-of-way to utility companies holding a valid franchise for installations which do not cause major disruptions in the public use of the right-of-way or create hazards which cannot be guarded against by moderate controls.
(Code 1988 § 13.12.010; Ord. No. 473 § 1, 1988)

13.12.020. Terms and conditions.

The extent of permitted activities, the length of term not to exceed one year, renewal and any other reasonable requirements may be established in the blanket utility permit.
(Code 1988 § 13.12.020; Ord. No. 473 § 2, 1988)

13.12.030. Notice of action required.

Each holder of a blanket utility permit must notify the city of each blanket utility permit activity.
(Code 1988 § 13.12.030; Ord. No. 473 § 3, 1988)

13.12.040. Compliance—Fees.

All blanket utility permit activities shall be subject to all current and future city ordinances including but not limited to those ordinances which establish construction standards and procedures. Fees for blanket utility activities shall be identical to those charged to others performing similar activities in the right-of-way. The blanket utility permit may establish a procedure for payment of fees in quarterly, semiannual or annual installments.
(Code 1988 § 13.12.040; Ord. No. 473 § 4, 1988)

13.12.050. Forfeiture.

A franchise holder who fails to conform with the provisions of its franchise, this chapter, its blanket

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- 14.04.010. SEPA procedures.
- 14.04.020. SEPA policies.
- 14.04.030. Conditioning or denial of permits and approvals.
- 14.04.040. Timing of decision on nonexempt actions.
- 14.04.050. Modifications to Washington Administrative Code.

Chapter 14.08. Trees—View and Sunlight Obstruction

- 14.08.010. Purpose and findings.
- 14.08.020. Definitions.
- 14.08.030. Rights established.
- 14.08.040. Unreasonable obstruction—Nuisance.
- 14.08.050. City guidelines concerning restorative action.
- 14.08.060. Objective criteria to govern.
- 14.08.070. Methods of relief.
- 14.08.080. Limitations on relief.
- 14.08.090. Limitations on pruning.
- 14.08.100. Process for resolution of obstruction disputes.
- 14.08.110. Tree claim preparation.
- 14.08.120. Binding arbitration.
- 14.08.130. Litigation.
- 14.08.140. Apportionment of costs.
- 14.08.150. Limitation.
- 14.08.160. Application.

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14.04.020**CHAPTER 14.04. SEPA MODEL ORDINANCE****14.04.010. SEPA procedures.**

A. Pursuant to Chapter 43.21C RCW, this chapter is hereby amended and readopted as set forth below, as the environmental procedures for the City of Medina. Any and all administrative implementing rules now in effect regarding environmental procedures that have been adopted pursuant to King County Code Chapter 2.98, Rules of County Agencies, are hereby adopted by reference. In addition, the City of Medina may adopt additional administrative rules to implement these procedures.

1. *Adoption—Optional sections.* The model ordinance, except as may be otherwise modified by this chapter, and not including the optional portions except as referenced in this section, adopted by the State Department of Ecology as Chapter 173-806 WAC, is adopted by this reference as governing the implementation of the State Environmental Policy Act in the city. The terms "city," "Medina" and "City Council" to be inserted therein as appropriate together with the following:
 - a. In WAC 173-806-040(1), adopt option 1 and insert "the City Manager or his delegate";
 - b. Adopt optional section WAC 173-806-053;
 - c. Adopt optional section WAC 173-806-070 establishing the following exempt levels for minor new construction under WAC 197-11-800(1)(b):
 - i. For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to four dwelling units;
 - ii. For agricultural structures in WAC 197-11-800(1)(b)(ii): Up to 10,000 square feet;
 - iii. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): Up to 4,000 square feet and up to 20 parking spaces;
 - iv. For parking lots in WAC 197-11-800(1)(b)(iv): Up to 20 parking spaces;
 - v. For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to 100 cubic yards;
 - d. Adopt optional section WAC 173-806-120(2);
 - e. In WAC 173-806-130(1), adopt subsections (b)(i) and (ii) as alternate requirements for notice;
 - f. In WAC 173-806-130(2), adopt subparagraphs (b) and (c) as alternate requirements for notice;
 - g. In WAC 173-806-140, insert "City Manager or his delegate";
 - h. In WAC 173-806-160(5), insert "Subtitle 16.6 MMC";
 - i. Adopt WAC 173-806-200, inserting "Fifty Dollars (\$50.00)" in section (1).
2. *Copies on file.* The city clerk is directed to maintain on file for public use and examination three copies of the sections of the Washington Administrative Code adopted by this chapter as the model ordinance with the insertions as set out in subsection (A)(1) of this section, and those further sections adopted by reference in said model ordinance.
 - B. To the extent that any provision of the Washington Administrative Code, or any other law, rule or regulation referenced in sections incorporated by reference in this chapter is necessary to establish the validity, enforceability or interpretation of these environmental procedures, then such provision of the Washington Administrative Code, or other law, rule or regulation, is hereby adopted by reference. (Code 1988 § 18.04.010; Ord. No. 888 § 1, 2012; Ord. No. 658 § 1, 1999)

14.04.020. SEPA policies.

A. The policies and goals set forth in this chapter are supplementary to those already existing in the laws, regulations or other authorization of the city.

B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(1), the following policies, plans, rules and regulations, and all amendments thereto, are adopted

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by reference and designated as possible bases for the exercise of the city's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240:

1. RCW 43.21C.010 as now in effect or as may subsequently be amended, and which currently reads as follows:

43.21C.010 Purposes. The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation.

2. RCW 43.21C.020 as now in effect or as may subsequently be amended, and which currently reads as follows:

43.21C.020 Legislative Recognitions—Declaration—Responsibility. (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the State of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

- (2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the State of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

- (3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The city formally designates the following regulations, plans, studies, reports or codes, as presently constituted or as may be amended,

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as possible bases for the exercise of authority pursuant to the State Environmental Policy Act of 1971 as amended:

- a. Medina Comprehensive Plan, appendices and documents referenced therein; and
- b. Medina Shoreline Master Program; and
- c. The Medina Municipal Code; and
- d. Washington State Department of Transportation Pavement Guide, February 1995; and
- e. Highway Capacity Manual, Special Report 209, Transportation Research Board 1985; and
- f. Institute of Transportation Engineers, Trip Generation, 5th Edition, 1991; and
- g. King County Surface Water Runoff Policy and the King County Surface Water Design Manual, Revised November, 1995; and
- h. Shoreline Management Guide Book; and
- i. Code of the King County Board of Health; and
- j. Washington State Flood Reduction Plan (1993 DCD); and
- k. Lake Washington Regional Shoreline Goals and Policies (1973), as amended; and
- l. Guide to Conducting Wetland Inventories (DOE); and
- m. Washington State Shoreline Management Act of 1971; and
- n. Endangered Species Act, 16 USCS § 1531, et seq., and federal regulations issued pursuant thereto; and
- o. Washington State Growth Management Act, RCW 36.70A.172 through 36.70A.175; and sources of information on the best available science for use by local governments, identified in ESA Listing and Planning, How Critical Areas Regulations Can Help Ensure Protection of Salmon Habitat, Washington State Department of Community, Trade and Economic Development; any future

amendments, including but not limited to: the Wild Salmonid Policy; the Washington Department of Fish and Wildlife Draft Report, "Management Recommendations for Washington's Priority Habitats"; the Ecology Model Wetland Ordinance; the Ecology report, Wetland Buffers: Uses and Effectiveness; the Tri-County Initiative to Recover the Puget Sound Chinook, dated March 16, 1999; and

- p. Washington State Department of Community Trade and Economic Development critical area guidelines, Chapter 365-190 WAC; and
- q. King County Department of Transportation Road Maintenance Best Practices Manual (draft); and
- r. Standard specification for Construction of Trails (Forest Service, 1984); and
- s. Puget Sound Water Quality Management Plan; and
- t. King County Division of Parks and Recreation Play Area Design and Inspection Handbook; and
- u. King County Code 20.44.080(B); and
- v. Any and all administrative implementing rules now in effect regarding environmental procedures that have been adopted pursuant to King County Code Chapter 2.98, entitled "Rules of County Agencies"; and
- w. Air quality standards as established by state and federal law including, but not limited to, the Federal Clean Air Act, 42 USCS § 7401 et seq., the Washington Clean Air Act, RCW 70.94.010 et seq., and all standards and regulations developed thereunder.

(Code 1988 § 18.04.020; Ord. No. 658 § 2, 1999)

14.04.030. Conditioning or denial of permits and approvals.

A. The city may attach conditions to a permit or approval so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

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2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more of the policies or policy sources identified in this chapter and cited in the permit, license or other decision document.

B. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final environmental impact statement or final supplemental environmental impact statement prepared pursuant to SEPA; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impacts; and
3. The denial is based on one or more policies or policy sources identified in this chapter and identified in writing in the decision document.

C. It is the city's policy to protect its residents and businesses from the long-term consequences of successive incremental, or cumulative, adverse environmental impacts associated with a specific proposal or its connected action(s). Accordingly, the city may condition or deny proposals in order to mitigate or prevent such long-term impacts, if they are significant.

D. Unusual circumstances related to a site, a proposal, or a connected action, as well as probable significant adverse environmental impacts not capable of adequate mitigation using the foregoing provisions, may be cause for denial of a proposal or development of site-specific or project-specific SEPA mitigation.

E. If it is determined, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the city has authority other than SEPA to deny an application, the project can be denied outright without

reference to SEPA, and the relevant plans, policies, rules or regulations relied upon shall be cited in writing. The proposed actions which are subsequently modified, amended or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA rules and this chapter.

(Code 1988 § 18.04.030; Ord. No. 658 § 3, 1999)

14.04.040. Timing of decision on nonexempt actions.

A. For nonexempt actions, the procedural requirements of SEPA, the SEPA rules and this chapter shall be completed prior to the city's issuance of a license, permit or other approval, prior to the city committing to a particular course of action, or prior to the city making a decision that would either have adverse environmental impacts or limit the choice of reasonable alternatives.

B. A final decision on a nonexempt action for which a declaration of nonsignificance has been issued or an environmental impact statement has been required, shall not be made until after expiration of the environmental appeal period if not appealed, or if appealed, shall not be made until the decision on appeal becomes final.

(Code 1988 § 18.04.040; Ord. No. 658 § 4, 1999)

14.04.050. Modifications to Washington Administrative Code.

A. Unless the context requires otherwise, the Washington Administrative Code, as adopted in MMC 14.04.010, shall be modified as follows:

1. All costs of preparing environmental documents shall be borne by the applicant in accordance with the City of Medina fee schedule.

(Code 1988 § 18.04.050; Ord. No. 658 § 5, 1999)

CHAPTER 14.08. TREES—VIEW AND SUNLIGHT OBSTRUCTION**14.08.010. Purpose and findings.**

This chapter is enacted to provide a voluntary mechanism for the resolution of disputes involving preserving and enhancing views and access to sunlight between Medina neighbors. It should not be construed to provide rights beyond those entitled under Washington

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law. The city has no right or obligation to enforce any of the provisions in MMC 14.08.030 through 14.08.150. This chapter is enacted in recognition of the importance of views and sunlight to properties within the City of Medina and to provide a fair and structured mechanism for resolving disputes relating to views and sunlight. The Medina comprehensive plan recognizes the importance of views and access to sunlight as well as the importance of preservation of trees and other vegetation. This chapter is based upon the following findings which are adopted by the city council of Medina following extensive study and public input from multiple public hearings.

- A. Among the features that contribute to the attractiveness and livability of the City of Medina are its trees, both native and introduced, and the views obtained from a variety of elevations throughout the city.
- B. Trees, whether growing singly, in clusters or in woodland settings, provide a wide variety of psychological and tangible benefits for both residents and visitors. Trees contribute to the natural environment by modifying temperatures and winds, replenishing oxygen to the atmosphere and water to the soil, controlling soil erosion, and providing wildlife habitat. Trees contribute to the visual environment by providing scale, color, silhouette and mass, by creating visual screens and buffers to separate structures, and by promoting individual privacy. Trees contribute to the economic environment of the city by stabilizing property values and reducing the need for surface drainage systems. Trees contribute to the cultural environment by becoming living landmarks of the city's history and providing a critical element of nature in the midst of urban development.
- C. Views also produce a variety of significant and tangible benefits for both residents and visitors to the city. Views contribute to the economic environment by substantially enhancing property values. Views contribute to the visual environment by providing inspiring panoramic vistas. Views of attractive subjects with significant horizontal expanse add substantial value to real property. Such views are considered significant in adding to the value of real property by the King County assessor. Access

to plentiful sunlight enhances livability and promotes the general welfare of the entire community.

- D. Trees, views and access to sunlight and the benefits to be derived from each may come into conflict. Tree planting locations and species selections may produce both intended beneficial effects on the property where they are planted, and unintended deleterious effects on neighboring properties. Trees may block light, cause the growth of moss, harbor plant disease, retard the growth of grass and interfere with the enjoyment of views and sunlight, leading to the lessening of property values.
- E. With appropriate safeguards requiring consideration of all the factors set forth herein, affected property owners requesting view or sunlight access improvement can be given substantial relief without infringing upon the rights of the owners of properties containing trees.
- F. It is in the interest of the public welfare, health and safety to establish standards for the resolution of view and sun obstruction claims and to establish a structure for resolution of such claims which will provide a reasonable balance between the values of tree ownership and view and sunlight related values.
- G. When a view or sunlight obstruction dispute arises, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise and other traditional means. Those disputes which are not resolved through such means may be resolved by following the procedures established herein.
- H. It is the intent of the city that the provisions of this chapter receive thoughtful and reasonable application. It is not the intent of the city to encourage clear-cutting or substantial denuding of any property of its trees by overzealous application of the provisions of this chapter.
(Code 1988 § 18.16.010; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 1, 2007)

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14.08.020. Definitions.

The definitions contained in Chapter 16.12 MMC shall apply to this chapter except that the definitions of this section shall apply in the case of any conflict with the definitions in Chapter 16.12 MMC.

- A. *Complainant* means a complaining property owner in the City of Medina who alleges that trees located on the property of another are causing an unreasonable obstruction of preexisting views or sunlight.
- B. *Owner* means any individual, firm, partnership, corporation, trust or other legal entity owning property in the City of Medina.
- C. *Tree* means a woody perennial plant which usually, but not necessarily, has a single trunk and a height of 15 feet or more, or has a diameter of five inches measured one foot above the root crown; references herein to "tree" shall include the plural. "Tree" shall also include any plant material or shrubbery planted or growing in a dense continuous line 20 feet in length or longer so as to form a thicket or naturally grown fence with an average height in excess of eight feet.
- D. *Historic tree* means any tree whose age precedes the incorporation of Medina in 1955.
- E. *Tree owner* means the record owner of the real property on which a tree is located.
- F. *View* means an actual or potential vista.
- G. *Significant view* means an actual or potential vista observable from within a primary living or entertaining area of a residence which has a significant horizontal expanse and which includes a vista of the surface of Lake Washington, the opposite shore of Lake Washington, Mercer Island, a bridge, the Olympic or Cascade Mountains, Mount Rainier, the golf course or the skylines of Seattle or Bellevue.
- H. *Substantial deprivation of sunlight* means the loss of a substantial portion of direct or indirect sunlight in a primary living or entertaining area or in a significant portion of the complainant's real property.
- I. *Primary living or entertaining area* means an area located between the exterior walls of a residence from which a view is observed most

often by the occupants relative to other portions of the residence. The determination of primary living or entertaining area is to be made on a case-by-case basis.

- J. *Dense screening* means trees which are planted or growing closely together which combine to block views or obstruct access to sunlight.
- K. *Objective evaluation* means an evaluation based upon the values assigned to tree ownership, views and access to sunlight by reasonable persons in the community as opposed to the views of individual parties.
- L. *Windowing* means a form of thinning by which openings or "windows" are created to restore views or sunlight.

(Code 1988 § 18.16.020; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 2, 2007)

14.08.030. Rights established.

A person shall have the right to use the processes set forth in this chapter and to seek to preserve and restore views or sunlight which existed at any time since he or she purchased or occupied a property, when such views or sunlight are from the primary living or entertainment area and have subsequently been unreasonably obstructed by the growth of trees.

In addition to the rights described in this section, private parties have the right to seek remedial action for imminent danger caused by trees.

All persons are advised that trees which are located within public rights-of-way are governed by Chapter 16.52 MMC and that properties undergoing development are subject to the tree preservation and landscaping requirements of Chapter 16.52 MMC.

(Code 1988 § 18.16.030; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 3, 2007)

14.08.040. Unreasonable obstruction—Nuisance.

The unreasonable obstruction of views or sunlight by planting, uncontrolled growth or maintenance of trees satisfying the minimum requirements for relief in MMC 14.08.050(A) constitutes a private nuisance subject to redress as provided in this chapter. If a person shall plant, maintain or permit to grow any tree which unreasonably obstructs the view from or sunlight reaching the primary living or entertainment area of any

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other parcel of property within the City of Medina as set forth in MMC 14.08.050, then a complainant shall have the rights set forth in this chapter. (Code 1988 § 18.16.040; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 4, 2007)

14.08.050. City guidelines concerning restorative action.

A. *Minimum requirements.* No complainant shall be entitled to seek restorative action unless the complainant meets one of the following minimum criteria:

1. If the application is based on loss of view: that the claimant has a significant view as defined herein or has had a significant view at some time since purchasing the property; that the tree alleged to be interfering with a significant view is located within 300 feet of the exterior wall of a primary living or entertaining area from which the significant view could be seen; and that more than 60 percent of the horizontal expanse of that portion of the view which is seen over the property of the tree owner is obscured by trees or structures located on the tree owner's property.
2. If the application is based on interference with access to sunlight: that the claimant suffers from a substantial deprivation of access to sunlight which had existed at some time subsequent to purchasing the property; and that the tree allegedly causing the substantial deprivation of sunlight is located within 50 feet of the complainant's property line.

B. *Additional elements for consideration.* No claimant shall be entitled to seek restorative action unless the claimant's view or access to sunlight is unreasonably obstructed based upon an objective evaluation. In determining whether view or access to sunlight is unreasonably obstructed, the following guidelines, if relevant, shall be considered:

1. The extent of the alleged view obstruction, expressed as percentage of the total view, and calculated by means of a survey or by photographs or both;
2. The extent to which one or more of the unique view features described in MMC 14.08.020(G) are obstructed;

3. The extent to which the tree causes shade, reducing access to sunlight;
4. The extent to which the tree provides benefits to the tree owner or others including but not limited to visual screening, wildlife habitat, soil stability (as measured by soil structure, degree of slope and extent of root system), energy conservation and/or climate control;
5. The extent to which the tree affects neighboring vegetation;
6. The visual quality of the tree, including but not limited to species characteristics, size, form, texture, color, vigor, location and other tree factors, including such items as indigenous tree species, specimen tree quality and rare tree species;
7. The extent to which the provisions of Chapter 16.50 MMC, Critical Areas, and of Chapter 16.52 MMC, Tree Management Code, may be inconsistent with any portion of the relief requested;
8. The extent to which the proposed action may have an adverse affect on the health or stability of other trees.

(Code 1988 § 18.16.050; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 5, 2007)

14.08.060. Objective criteria to govern.

In determining whether relief may be granted, the objective criteria set forth in this chapter shall govern. No party shall be entitled to an unobstructed view. (Code 1988 § 18.16.060; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 6, 2007)

14.08.070. Methods of relief.

Methods of relief that may be granted include pruning, thinning, windowing, topping, or removal of the tree. (Code 1988 § 18.16.070; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 7, 2007)

14.08.080. Limitations on relief.

Any relief which may be granted shall be limited by the following standards:

- A. No relief shall be granted unless the relief will substantially improve a significant view or access to sunlight.

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- B. Only the least invasive procedure which would grant reasonable relief can be required.
- C. Removal will not be required unless pruning or topping would not provide adequate relief.
- D. If removal or topping are required, on the request of the tree owner, the tree shall be replaced at the complainant's expense. The replacement tree shall be chosen by the tree owner from a list of trees established by the city which will not cause a reoccurrence of the unreasonable obstruction.
- E. If one or more methods of relief would provide reasonable relief to the complainant, the reasonable desires of the tree owner shall govern.

(Code 1988 § 18.16.080; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 8, 2007)

14.08.090. Limitations on pruning.

All pruning ordered to be performed will conform to the following limitations:

- A. No more than one-third of the tree canopy shall be removed during any growing season.
- B. If the tree canopy is raised, removal of the lower branches shall not exceed 25 percent of the total tree canopy.
- C. In pruning to reduce the height of a tree, all cuts shall be made to strong laterals or to the parent limb. Whenever possible, limbs shall be cut back to laterals that are at least one-third the size of the parent limb.
- D. Pruning shall be evenly distributed throughout a tree's canopy.
- E. When appropriate based on the genus of the tree, pruning shall be performed only during the horticulturally approved times.
- F. In addition to the standards set forth herein, pruning shall comply with guidelines for pruning established by the National Arborist Association.

(Code 1988 § 18.16.090; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 9, 2007)

14.08.100. Process for resolution of obstruction disputes.

The following process shall be used in the resolution of view and sunlight obstruction disputes:

- A. *Initial reconciliation.* A complainant who believes that tree growth on the property of another has caused unreasonable obstruction of views or sunlight from a primary living or entertaining area shall notify the tree owner in writing of such concerns. Notification should, if possible, be accompanied by a personal discussion to enable the complainant and tree owner to attempt to reach a mutually agreeable solution.
- B. *Mediation.* If the initial reconciliation attempt fails, the complainant shall propose mediation as a timely means to settle the obstruction dispute.

Acceptance of mediation by the tree owner shall be voluntary, but the tree owner shall have no more than 30 days from service of notice to either accept or reject the offer of mediation. If mediation is accepted, the parties shall mutually agree upon a mediator within 10 days.

It is recommended that the services of a professionally trained mediator be employed. Mediation may be arranged through the Seattle-King County Alternate Dispute Resolution Center.

The mediation meeting may be informal. The mediation process may include the hearing of the viewpoints of lay or expert witnesses and shall include a site visit to the properties of the complainant and the tree owner. The parties are encouraged to contact immediate neighbors and solicit input. The mediator shall consider the purposes and policies set forth in this chapter in attempting to help resolve the dispute. The mediator shall not have the power to issue binding orders for restorative action, but shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for binding arbitration or litigation.

(Code 1988 § 18.16.100; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 10, 2007)

14.08.110. Tree claim preparation.

In the event that the initial reconciliation process fails, and mediation either is declined by the tree owner

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or fails, the complainant must prepare a tree claim and provide a copy to the tree owner in order to pursue either binding arbitration or litigation as set forth in this chapter. A tree claim shall consist of all of the following:

- A. A description of the nature and extent of the alleged obstruction, including pertinent and corroborating physical evidence. Evidence may include, but is not limited to, photographic prints, negatives or slides. Evidence of the date of property acquisition by the complainant must be included.
- B. The location of all trees alleged to cause the obstruction, the address of the property upon which the trees are located, name and address.
- C. Evidence of the failure of initial reconciliation to resolve the dispute. The complainant must provide evidence that written attempts at reconciliation have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence.
- D. Evidence that mediation has been attempted and has failed, or has been declined by the tree owner.
- E. The specific restorative actions proposed by the complainant to resolve the unreasonable obstruction.

(Code 1988 § 18.16.110; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 11, 2007)

14.08.120. Binding arbitration.

In those cases where the initial reconciliation process fails and where mediation is declined by the tree owner or has failed, the complainant must offer in writing to submit the dispute to binding arbitration, and the tree owner may elect binding arbitration.

The tree owner shall have 30 days from service of notice to accept or reject binding arbitration. If accepted, the parties shall agree on a specific arbitrator within 21 days, and shall indicate such agreement in writing.

The arbitrator shall use the provisions of this chapter to reach a fair resolution of the dispute and shall submit a complete written report to the complainant and the tree owner. The report shall include the arbi-

trator's findings with respect to MMC 14.08.050(A) and (B), a pertinent list of all mandated restorative actions with any appropriate conditions concerning such actions, and a schedule by which the mandates must be completed. A copy of the arbitrator's report shall be filed with the city clerk. The decision of the arbitrator is binding on the parties. Any decision of the arbitrator may be enforced by civil action, as provided by law.

(Code 1988 § 18.16.120; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 12, 2007)

14.08.130. Litigation.

In those cases where binding arbitration is declined by the tree owner, then civil action may be pursued by the complainant for resolution of the view or sunlight obstruction dispute under the provisions and guidelines set forth in this chapter.

The complainant must state in the lawsuit that mediation and arbitration were offered and not accepted. A copy of any final resolution of the litigation shall be filed with the city clerk.

(Code 1988 § 18.16.130; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 13, 2007)

14.08.140. Apportionment of costs.

A. *Mediation and arbitration.* The complainant and tree owner shall each pay 50 percent of mediation or arbitration fees, unless they agree otherwise or allow the mediator or arbitrator discretion to allocate costs.

B. *Restorative action.* The costs of restorative action shall be determined by mutual agreement or through mediation, arbitration, court decision or settlement.

(Code 1988 § 18.16.140; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 14, 2007)

14.08.150. Limitation.

This chapter shall not be construed to affect obligations imposed by easement, covenants or agreements.

(Code 1988 § 18.16.150; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 15, 2007)

14.08.160. Application.

A. This chapter shall not apply to trees located on property owned by the city (not including rights-of-way). Individuals who are adversely affected by trees located on property owned by the city may approach

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the city park board for requested relief. The potential for obstruction of views or substantial obstruction of sunlight shall be considered by the city when planting trees on property owned by the city.

B. This chapter shall not apply to trees located within city rights-of-way which trees shall continue to be subject to the requirements of Chapter 16.52 MMC.

C. This chapter shall not apply to historic trees.
(Code 1988 § 18.16.160; Ord. No. 958 § 1 (Exh. A), 2018; Ord. No. 816 § 16, 2007)

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CHAPTER 15.02. GENERAL PROVISIONS

15.02.010. Purpose and intent.

The purpose and intent of this title is to:

- A. Establish a local policy concerning telecommunications providers and service;
- B. Establish guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;
- C. Promote competition in telecommunications;
- D. Minimize unnecessary local regulation of telecommunications providers and services;
- E. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the city and the region;
- F. Permit and manage reasonable access to the rights-of-way of the city for telecommunications purposes on a competitively neutral basis;
- G. Conserve the limited physical capacity of the rights-of-way of the city;
- H. Assure that the city's current and ongoing costs of granting and regulating private access to and use of the rights-of-way are fully paid by the persons seeking such access and causing such costs;
- I. Secure fair and reasonable compensation to the city for permitting private use of the rights-of-way;
- J. Assure that all telecommunications carriers providing facilities or services within the city comply with the ordinances, rules and regulations of the city; and
- K. Enable the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

(Code 1988 § 19.02.010; Ord. No. 692 § 1, 2001)

15.02.020. Definitions.

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

Access easement means any lane, road, avenue, driveway, etc., that is shared among one or more residents and dedicated for private ingress and egress purposes in a legal document which is recorded with King County property records.

Affiliate means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

Antenna means an apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

Applicant means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title.

Cable Act means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992.

Cable facilities means equipment and wiring used to transmit audio and video signals to subscribers.

Cable operator means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the Cable Act.

Cable service, for the purpose of this title, shall have the same meaning provided by the Cable Act.

Cable system means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers.

City means the City of Medina, Washington.

City property means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all

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property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising.

Collocation means (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided, that for purposes of eligible facilities requests, "collocation" means the mounting or installing of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes.

Council means the city council of the City of Medina, Washington, acting in its official capacity.

Director means the development services director or his/her designee.

Emergency means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars.

Excess capacity means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

FCC or Federal Communications Commission means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

Fiber optics means the technology of guiding and projecting light for use as a communications medium.

Franchise shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city.

Franchisee means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title.

Grantee means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation.

Grantor means the City of Medina acting through its city council.

Open video system or OVS refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successors have certified as compliant with Part 76 of its rules, 47 CFR, Part 76, as amended from time to time.

Operator means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title.

Overhead facilities means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

Person means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

Property of franchisee means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title.

Proposal means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city.

Public right-of-way or right-of-way means land acquired or dedicated for public roads and streets but does not include:

1. State highways;
2. Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;

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3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. 912 and related provisions of federal law that are not open for motor vehicle use.

Service provider is defined consistently with RCW 35.99.010(6). "Service provider" shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services.

Small wireless and *small wireless facility* shall have the same meaning as "small wireless facility" as set forth in 47 CFR 1.6002(1).

State means the State of Washington.

Structure means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

Surplus space means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment.

Telecommunications carrier means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service.

Telecommunications facilities means the plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services.

Telecommunications provider means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities.

Telecommunications service means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications system. See "telecommunications facilities".

Traffic signal poles means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

Transmission equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Underground facilities means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

Unified enclosure means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

Universal service means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act.

Usable space means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations.

Utility facilities means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services.

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Utility pole means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

Washington Utilities and Transportation Commission or *WUTC* means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the State of Washington to the extent prescribed by law.

Wireline means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

(Code 1988 § 19.02.020; Ord. No. 974 § 2, 2019; Ord. No. 967 § 3, 2019; Ord. No. 692 § 1, 2001)

15.02.030. Telecommunications right-of-way use authorization required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any public way of the city for the sole purpose of providing telecommunications service to persons and areas outside the city shall first obtain a telecommunications right-of-way use authorization granting the use of such rights-of-way from the city pursuant to Chapter 15.04 MMC. (Code 1988 § 19.02.030; Ord. No. 692 § 1, 2001)

15.02.040. Telecommunications franchise required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any public way of the city, and to also provide telecommunications service to persons or areas in the city, shall first obtain a telecommunications franchise granting the use of such rights-of-way from the city pursuant to Chapter 15.06 MMC.

(Code 1988 § 19.02.040; Ord. No. 692 § 1, 2001)

15.02.050. Cable television franchise required.

Except as otherwise provided herein, any telecommunications carrier or other person who desires to construct, install, operate, maintain or locate cable or telecommunications facilities in any public way in the

city for the purpose of providing cable service to persons in the city shall first obtain a cable franchise from the city. Said franchises shall be negotiated on a case-by-case basis taking into account the terms and provisions of existing such franchises and the requirements of the Cable Acts of 1984 and 1992; provided, however, unless otherwise authorized or exempted by the terms of an unexpired franchise, lease or agreement, cable service operators shall comply with the relevant provisions of Chapters 15.10 and 15.12 MMC.

(Code 1988 § 19.02.050; Ord. No. 692 § 1, 2001)

15.02.060. Facilities lease required.

No telecommunications carrier or other entity who desires to locate telecommunications or other equipment on city property shall locate such facilities or equipment on city property unless granted a facilities lease from the city pursuant to Chapter 15.08 MMC. The city council reserves unto itself the sole discretion to lease city property for telecommunications and other facilities, and no vested or other right shall be created by any provision of this title.

(Code 1988 § 19.02.060; Ord. No. 692 § 1, 2001)

15.02.070. Construction permits required.

Except as otherwise provided herein, the holder of an authorization, franchise, or lease granted pursuant to this title, and the holders of cable franchises granted by the city, and telecommunication providers claiming to have a state-wide grant to occupy the rights-of-way, shall, in addition to said authorization, franchise, or lease, be required to obtain a construction permit from the city pursuant to Chapter 15.12 MMC. No work, construction, development, excavation, or installation of any equipment or facilities shall take place within the rights-of-way or upon city property until such time as the construction permit is issued.

(Code 1988 § 19.02.070; Ord. No. 692 § 1, 2001)

15.02.080. Application to existing franchise ordinances, agreements, leases, and permits—Effect of other laws.

A. These provisions shall have no effect on any existing franchise ordinance, franchise agreement, lease, permit, or other authorization to use or occupy a public way in the city until:

1. The expiration of said franchise ordinance, agreement, lease, permit, or authorization; or

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2. An amendment to an unexpired franchise ordinance, franchise agreement, lease, permit, or authorization that has been approved, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.

B. Nothing in these provisions shall be deemed to create an obligation upon any person for which the city is forbidden to require pursuant to federal, state, or other law.

(Code 1988 § 19.02.080; Ord. No. 692 § 1, 2001)

15.02.090. Universal service.

Except as otherwise provided herein, all cable operators, telecommunications carriers, and telecommunications providers engaged in the business of transmitting, supplying or furnishing telecommunications service of any kind originating or terminating in the city are subject to the city's right, which is expressly reserved, to require said operator, carrier, or provider to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law.

(Code 1988 § 19.02.090; Ord. No. 692 § 1, 2001)

15.02.100. General penalties.*A. Civil penalty.*

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the provisions of this title shall be subject to a penalty in an amount not less than \$100.00 nor more than \$1,000.00 per day for each violation from the date set for compliance until compliance with the order is achieved.
2. In addition to any penalty which may be imposed by the city, any person violating or failing to comply with any of the provisions of this title shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area in accordance with the city's development guidelines.
3. The penalty imposed by this section shall be collected by civil action brought by the city attorney.

B. *Criminal penalty.* Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the applicable provisions of this title shall be subject to criminal prosecution and upon conviction of such violation shall be fined in a sum not exceeding \$5,000.00 or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the applicable provisions of the title shall constitute a separate offense.

C. *Additional relief.* The city may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the applicable provisions of this title when civil or criminal penalties are inadequate to effect compliance. In addition to the penalties set forth in this section, violation of the terms of this title may also result in the revocation of any authorization, franchise, approval, lease, or permit issued or granted hereunder, as set forth in this title.

(Code 1988 § 19.02.100; Ord. No. 692 § 1, 2001)

15.02.110. Initial inquiry/responsibilities.

Initial inquiries regarding cable television and telecommunications franchises, telecommunications right-of-way authorizations or facilities leases shall be directed to the city manager or designee for determination of which type or types of agreements and permits are required. The city manager or designee shall have lead responsibility for negotiating authorizations, franchises and leases.

(Code 1988 § 19.02.110; Ord. No. 692 § 1, 2001)

15.02.120. Other remedies.

Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this title.

(Code 1988 § 19.02.120; Ord. No. 692 § 1, 2001)

15.02.130. Fees and compensation not a tax.

The fees, charges and fines provided for in this title and any compensation charged and paid for the right-of-way provided for herein, whether financial or in-kind, are separate from, and additional to, any and all federal, state, local, and city taxes as may be levied, imposed or due from a telecommunications carrier or

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provider, its customers or subscribers or on account of the lease, sale, delivery or transmission of telecommunications services.

(Code 1988 § 19.02.130; Ord. No. 692 § 1, 2001)

15.02.140. Small wireless facility permit required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate a small wireless facility, as defined in MMC 15.02.020, in, under, over or across any public way of the city or on any public structure for the purposes of providing telecommunication services to persons and areas in or outside the city shall first obtain a small cell permit pursuant to Chapters 15.14 and 16.38 MMC.

(Code 1988 § 19.02.140; Ord. No. 967 § 4, 2019)

CHAPTER 15.04. TELECOMMUNICATIONS RIGHT-OF-WAY USE AUTHORIZATIONS

15.04.010. Telecommunications right-of-way use authorization.

A telecommunications right-of-way use authorization shall be required of any telecommunications carrier or provider who desires to occupy specific rights-of-way of the city for the sole purpose of providing telecommunications services to persons or areas outside the city.

(Code 1988 § 19.04.010; Ord. No. 692 § 2, 2001)

15.04.020. Telecommunications right-of-way use authorization application.

Any person that desires a telecommunications right-of-way use authorization pursuant to this chapter shall file an application with the city clerk which shall include the following information:

- A. The name of the applicant, including all affiliates of the applicant;
- B. A description of the telecommunications services that are or will be offered or provided by the applicant over its telecommunications facilities;
- C. A description of the transmission medium that will be used by the applicant to offer or provide such telecommunications services;

D. Preliminary engineering plans, specifications and a network map of the facilities to be located within the city, all in sufficient detail to identify:

1. The location and route requested for applicant's proposed telecommunications facilities;
2. The location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way along the proposed route;
3. The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers; and
4. The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;

E. If applicant is proposing to install overhead facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route;

F. If applicant is proposing an underground installation in existing ducts or conduits within the rights-of-way, information in sufficient detail to identify:

1. The excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities;
2. The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities; and
3. Evidence of ownership or a right to use such ducts or conduits;

G. If applicant is proposing an underground installation within new ducts or conduits to be constructed within the rights-of-way:

1. The location proposed for the new ducts or conduits; and

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- 2. The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
 - H. A preliminary construction schedule and completion date;
 - I. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities, and to offer or provide the telecommunications services, including, but not limited to, evidence that the applicant has registered with the Washington Utilities and Transportation Commission or is not required to so register;
 - J. All deposits or charges required pursuant to this chapter; and
 - K. An application fee which shall be set by the city council by resolution.
- (Code 1988 § 19.04.020; Ord. No. 692 § 2, 2001)

15.04.030. Issuance/denial of telecommunications right-of-way use authorization.

Within 120 days after receiving a complete application, the city manager or designee shall issue a written determination granting or denying the authorization in whole or in part. The 120-day limitation may be waived by the applicant and shall not apply if action by the city council is requested. If the authorization is denied, the written determination shall include the reason(s) for denial. The decision to grant or deny an application for a telecommunications right-of-way use authorization shall be based upon the following standards:

- 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, cable, and telecommunications facilities if the authorization is granted;

- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the authorization is granted and efforts proposed to mitigate such damages or disruption;
- E. The public interest in minimizing the cost and disruption of construction within the rights-of-way;
- F. Applicant's proposed compliance with the city's development guidelines;
- G. The effect, if any, on public health, safety and welfare if the authorization 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.

(Code 1988 § 19.04.030; Ord. No. 692 § 2, 2001)

15.04.040. Appeal of city manager's decision.

Any person aggrieved by the granting or denying of a telecommunications right-of-way authorization or the renewal thereof pursuant to this chapter shall have the right to appeal to the board of adjustment as follows:

- A. All appeals filed pursuant to this section must be filed in writing with the city clerk within ten days of the date of the decision appealed from;
- B. All appeals filed pursuant to this section shall specify the error of law or fact, or new evidence which could not have been reasonably available at the time of the city manager's decision, which shall constitute the basis of the appeal;
- C. Unless substantial relevant information is presented which was not considered by the city manager, such decision shall be accorded substantial weight, but may be reversed or modified by the board of adjustment if, after considering all of the evidence in light of the applicable goals, policies, and provisions of this title, the board of adjustment determines that a mistake has been made. Where substantial new relevant information which was not considered in the making of the decision appealed from has been presented, the board of

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adjustment shall make its decision only upon the basis of the facts presented at the hearing of the appeal, or may elect to remand the matter for reconsideration by the city manager in light of the additional information.

(Code 1988 § 19.04.040; Ord. No. 692 § 2, 2001)

15.04.050. Agreement.

No authorization shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the grantee has been granted the right to occupy and use rights-of-way of the city.

(Code 1988 § 19.04.050; Ord. No. 692 § 2, 2001)

15.04.060. Nonexclusive grant.

No authorization granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the rights-of-way of the city for delivery of telecommunications services or any other purposes.

(Code 1988 § 19.04.060; Ord. No. 692 § 2, 2001)

15.04.070. Rights granted.

No authorization granted under this chapter shall convey any right, title or interest in the rights-of-way, but shall be deemed an authorization only to use and occupy the rights-of-way for the limited purposes and term stated in the authorization. Further, no authorization shall be construed as any warranty of title.

(Code 1988 § 19.04.070; Ord. No. 692 § 2, 2001)

15.04.080. Term of telecommunications right-of-way use authorization.

Unless otherwise specified in an authorization, no authorization granted hereunder shall be in effect for a term exceeding five years.

(Code 1988 § 19.04.080; Ord. No. 692 § 2, 2001)

15.04.090. Specified route.

A telecommunications right-of-way use authorization granted under this chapter shall be limited to a grant for use of specific rights-of-way and defined portions thereof.

(Code 1988 § 19.04.090; Ord. No. 692 § 2, 2001)

15.04.100. Service to city users.

A grantee shall be permitted to offer or provide telecommunications services to persons or areas within the city upon approval of an application for a telecommunications franchise pursuant to Chapter 15.06 MMC.

(Code 1988 § 19.04.100; Ord. No. 692 § 2, 2001)

15.04.110. Compensation to the city.

Each authorization granted pursuant to this chapter is subject to the city's right under the 1996 Federal Telecommunications Act, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the right to occupy and use the rights-of-way of the city granted under such authorization; provided, that nothing in this chapter shall prohibit the city and a grantee from agreeing to the compensation to be paid; provided further, that the compensation required from any telecommunications provider shall be consistent with state law.

(Code 1988 § 19.04.110; Ord. No. 692 § 2, 2001)

15.04.120. Amendment of authorization.

A new application shall be required of any telecommunications carrier or provider who desires to extend or locate its telecommunications facilities in rights-of-way of the city which are not included in an authorization previously granted under this title. If ordered by the city to locate or relocate its telecommunications facilities in rights-of-way not included in a previously granted authorization, the city shall grant an amendment to the authorization without further application.

(Code 1988 § 19.04.120; Ord. No. 692 § 2, 2001)

15.04.130. Renewal of telecommunications right-of-way use authorization.

A grantee that desires to renew its authorization under this chapter for an additional term shall, not more than 180 days nor less than 90 days before expiration of the current authorization, file an application with the city for renewal which shall include the following:

- A. The information required pursuant to MMC 15.04.020;
- B. Any information required pursuant to the authorization agreement between the city and the grantee;

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- C. All deposits or charges required pursuant to this chapter; and
 - D. An application fee which shall be set by the city council by resolution.
- (Code 1988 § 19.04.130; Ord. No. 692 § 2, 2001)

15.04.140. Standards for renewal of authorization.

Within 90 days after receiving a complete application for renewal, the city manager or designee shall issue a written determination granting or denying the renewal application in whole or in part. If the renewal application is denied, the written determination shall include the reason(s) for denial. The decision to grant or deny an application for the renewal of a telecommunications right-of-way use authorization shall, in addition to the standards set forth in MMC 15.04.030, be based upon the following standards:

- A. The continuing capacity of the rights-of-way to accommodate the applicant's existing facilities; and
 - B. The applicant's compliance with the requirements of this title and the authorization.
- (Code 1988 § 19.04.140; Ord. No. 692 § 2, 2001)

15.04.150. Obligation to cure as a condition of renewal.

No authorization shall be renewed until any ongoing violations or defaults in the grantee's performance under the authorization, or of the requirements of this title, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city manager.

(Code 1988 § 19.04.150; Ord. No. 692 § 2, 2001)

15.04.160. Universal service.

Each telecommunications right-of-way use authorization granted under this chapter is subject to the city's right, which is expressly reserved, to require the telecommunication carrier or provider to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law.

(Code 1988 § 19.04.160; Ord. No. 692 § 2, 2001)

15.04.170. Annual fee for recovery of city costs.

Each authorization granted under this chapter is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be

paid as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the rights-of-way on behalf of the public and existing or future users.

(Code 1988 § 19.04.170; Ord. No. 692 § 2, 2001)

15.04.180. Other city costs.

All grantees shall, within 30 days after written demand, reimburse the city for all direct and indirect costs, expenses and consultant fees incurred by the city in connection with any modification, amendment, renewal or transfer of the authorization or any authorization agreement. In addition, all grantees shall, within 30 days after written demand, reimburse the city for any and all costs the city reasonably incurs in response to any emergency involving the grantee's telecommunications facilities. All grantees shall, within 30 days after written demand, reimburse the city for the grantee's proportionate share of all actual, identified expenses incurred by the city in planning, constructing, installing, repairing or altering any city facility as a result of the construction or the presence in the right-of-way of the grantee's telecommunications facilities.

(Code 1988 § 19.04.180; Ord. No. 692 § 2, 2001)

CHAPTER 15.06. TELECOMMUNICATIONS FRANCHISE

15.06.010. Telecommunications franchise.

A telecommunications franchise shall be required of any telecommunications provider or carrier or other person who currently occupies or desires in the future to occupy rights-of-way of the city and to provide telecommunications services to any person or area in the city; provided, however, that no franchise shall be required for de minimis uses of rights-of-way made in conjunction with the placement of a wireless telecommunications facility.

(Code 1988 § 19.06.010; Ord. No. 692 § 3, 2001)

15.06.020. Franchise application.

Any person who desires a telecommunications franchise pursuant to this chapter shall file an application with the city clerk which, in addition to the information required by MMC 15.04.020, shall include the following:

- A. Whether the applicant intends to provide cable service, video dialtone service, other video

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programming service or telecommunication services, and sufficient information to determine whether such service is subject to cable franchising;

- B. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease;
- C. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational and governmental institutions;
- D. A description of applicant's access and line extension policies;
- E. The area or areas of the city the applicant desires to serve and a schedule for build-out to the entire franchise area;
- F. All fees, deposits or charges required pursuant to this chapter;
- G. Such other and further information as may be requested by the city; and
- H. An application fee which shall be set by the city council by resolution.

(Code 1988 § 19.06.020; Ord. No. 692 § 3, 2001)

15.06.030. Determination by the city.

Within 120 days after receiving a complete application under MMC 15.06.020, unless additional time is reasonably necessary for action by the city council, the city shall issue a written determination granting or denying the application in whole or in part. Prior to granting or denying a franchise under this chapter, the city council shall conduct a public hearing and make a decision based upon the standards set forth below. Pursuant to RCW 35A.47.040, the city council shall not approve any franchise hereunder until the next regularly scheduled council meeting following the public hearing. If the application is denied, a written determination shall be included setting forth the reason for denial:

- 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.

(Code 1988 § 19.06.030; Ord. No. 692 § 3, 2001)

15.06.040. Agreement.

No telecommunications franchise shall be deemed to have been granted hereunder until the applicant and the city have executed a written franchise agreement setting forth the particular terms and provisions under which the franchisee has been granted the right to occupy and use rights-of-way of the city. If the city determines it is in the public interest, the city and a franchisee may enter into an agreement that differs from one or more specific provisions of this chapter.

(Code 1988 § 19.06.040; Ord. No. 692 § 3, 2001)

15.06.050. Nonexclusive grant.

No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the rights-of-way of the city for delivery of telecommunications services or any other purposes.

(Code 1988 § 19.06.050; Ord. No. 692 § 3, 2001)

15.06.060. Term of franchise grant.

Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of five years.

(Code 1988 § 19.06.060; Ord. No. 692 § 3, 2001)

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15.06.070. Rights granted.

No franchise granted under this chapter shall convey any right, title or interest in the rights-of-way, but shall be deemed a franchise only to use and occupy the rights-of-way for the limited purposes and term stated in the grant. Further, no franchise shall be construed as any warranty of title.

(Code 1988 § 19.06.070; Ord. No. 692 § 3, 2001)

15.06.080. Franchise territory.

Unless otherwise provided in the franchise agreement, a telecommunications franchise granted under this chapter shall be limited to the specific geographic area of the city to be served by the franchisee, and the specific rights-of-way necessary to serve such areas.

(Code 1988 § 19.06.080; Ord. No. 692 § 3, 2001)

15.06.090. Compensation to the city.

Each franchise granted under this chapter is subject to the city's right under the 1996 Telecommunications Act, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the franchise rights granted to the franchisee; provided, that nothing in this chapter shall prohibit the city and a franchisee from agreeing to the compensation to be paid; provided, further, that the compensation required from any telecommunications provider or carrier shall be consistent with state law.

(Code 1988 § 19.06.090; Ord. No. 692 § 3, 2001)

15.06.100. Nondiscrimination.

A franchisee which purports to serve the general public shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for the franchisee's services; provided, however, that nothing in this title shall prohibit a franchisee from making any reasonable classifications among differently situated customers.

(Code 1988 § 19.06.100; Ord. No. 692 § 3, 2001)

15.06.110. Amendment of franchise grant.

Except as otherwise provided within a franchise agreement, a new franchise application and grant shall be required of any telecommunications carrier or provider that desires to extend its franchise territory or to locate its telecommunications facilities in rights-of-way

of the city which are not included in a franchise previously granted under this chapter. If ordered by the city to locate or relocate its telecommunications facilities in rights-of-way not included in a previously granted franchise, the city shall grant a franchise amendment without further application.

(Code 1988 § 19.06.110; Ord. No. 692 § 3, 2001)

15.06.120. Renewal application.

A franchisee that desires to renew its franchise under this chapter for an additional term shall, not more than 180 days nor less than 120 days before expiration of the current franchise, file an application with the city for renewal of its franchise which shall include the following:

- A. The information required pursuant to MMC 15.06.020;
- B. Any information required pursuant to the franchise agreement between the city and the grantee;
- C. All deposits or charges required pursuant to this chapter; and
- D. An application fee which shall be set by the city council by resolution.

(Code 1988 § 19.06.120; Ord. No. 692 § 3, 2001)

15.06.130. Renewal determination.

Within 120 days after receiving a complete application for renewal under MMC 15.06.120, unless additional time is reasonably necessary for action by the city council, the city shall issue a written determination granting or denying the renewal application in whole or in part. Prior to granting or denying renewal of a franchise under this chapter, the city council shall conduct a public hearing and make a decision based upon the standards set forth below. If the renewal application is denied, the written determination shall include the reasons for nonrenewal.

- A. The continuing capacity of the rights-of-way to accommodate the applicant's existing facilities.
- B. The applicant's compliance with the requirements of this chapter and the franchise agreement.
- C. Applicable federal, state and local telecommunications laws, rules and policies.

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D. Such other factors as may demonstrate that the continued grant to use the rights-of-way will or will not serve the community interest. (Code 1988 § 19.06.130; Ord. No. 692 § 3, 2001)

15.06.140. Obligation to cure as a condition of renewal.

No franchise shall be renewed until any ongoing violations or defaults in the franchisee's performance of the franchise agreement, or of the requirements of this title, have been cured, or a plan detailing the corrective action to be taken by the franchisee has been approved by the city. (Code 1988 § 19.06.140; Ord. No. 692 § 3, 2001)

15.06.150. Universal service.

Each franchise granted under this chapter is subject to the city's right under the 1996 Telecommunications Act, which is expressly reserved, to require the franchisee to make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service to the extent permitted by state and federal law. (Code 1988 § 19.06.150; Ord. No. 692 § 3, 2001)

15.06.160. Annual fee for recovery of city costs.

Subject to the 1996 Telecommunications Act, each franchise granted under this chapter is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the rights-of-way on behalf of the public and existing or future users. (Code 1988 § 19.06.160; Ord. No. 692 § 3, 2001)

15.06.170. Other city costs.

All franchisees shall, within 30 days after written demand, reimburse the city for all direct and indirect costs, expenses and consulting fees incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement. In addition, all franchisees shall, within 30 days after written demand, reimburse the city for any and all costs the city reasonably incurs in response to any emergency involving the franchisee's telecommunications facilities. Finally, all franchisees shall, within 30 days after written demand, reimburse this city for the franchisee's proportionate share of all actual, identi-

fied expenses incurred by the city in planning, constructing, installing, repairing or altering any city facility as a result of the presence in the right-of-way of the franchisee's telecommunications facilities. (Code 1988 § 19.06.170; Ord. No. 692 § 3, 2001)

CHAPTER 15.07. SPECIAL RULES APPLICABLE TO OPEN VIDEO SYSTEMS

15.07.010. Open video systems franchise required.

No person, partnership, corporation or other entity shall offer open video system programming or operate an open video system as defined in MMC 15.02.020 without first obtaining a franchise from the City of Medina. (Code 1988 § 19.07.010; Ord. No. 692 § 4, 2001)

15.07.020. Open video system franchise—Contents of application for initial or renewal franchise.

In order to obtain an initial or renewal franchise, an operator of an open video system must apply for a franchise. The application must contain the following information, and such information as the city may from time to time require:

- A. Identity of the applicant; the persons who exercise working control over the applicant; and the persons who control those persons, to the ultimate parent.
- B. A proposal for construction of the open video system that includes at least the following:
 1. A description of the services that are to be provided over the facility;
 2. Identification of the area of the city to be served by the proposed system, including a description of the proposed franchise area boundaries;
 3. The location of the proposed facility and facility design, including a description of the miles of plant to be installed, and a description of the size of equipment cabinets, shielding and electronics that will be installed along the plant route, the power sources that will be used and a description of the noise, exhaust and pollutants, if any, that will be generated by the operation of the same;

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4. A map of the route the facility will follow; a description of the portions of the system that will be placed aboveground and the portions that will be placed underground, and the construction techniques that the operator proposes to use in installing the system aboveground and underground; a schedule for construction of the facility, describing when and where construction will begin, how it will proceed, and when it will be completed; and the expected effect on right-of-way usage, including information on the ability of the public rights-of-way to accommodate the proposed system, including, as appropriate given the system proposed, an estimate of the availability of space in conduits and an estimate of the cost of any necessary rearrangement of existing facilities;
 5. A description, where appropriate, of how services will be converted from existing facilities to new facilities, and what will be done with existing facilities;
 6. Evidence satisfactory to the city that the applicant has the financial resources to complete the proposed project, and to construct, operate and repair the proposed facility over the franchise term. It is not the intent of the city to require an applicant to prove that the services it proposes to offer will succeed in the marketplace;
 7. Evidence satisfactory to the city that applicant is technically qualified to construct, operate and repair the proposed facility. At a minimum, the applicant must show that it has experience or resources to ensure that work is to be performed adequately, and can respond to emergencies during and after construction is complete;
 8. Evidence satisfactory to the city that the applicant is legally qualified, which proof must include a demonstration that the applicant:
 - a. Has received, or is in a position to receive, necessary authorizations from state and federal authorities;
 - b. Has not engaged in conduct (fraud, racketeering, violation of antitrust laws, consumer protection laws, or similar laws) that allows the city to conclude the applicant cannot be relied upon to comply with requirements of franchise, or provisions of this title;
 - c. Is willing to enter into a franchise, to pay required compensation and to abide by the provisions of applicable law, including those relating to the construction, operation or maintenance of its facilities, and has not entered into any agreement that would prevent it from doing so;
 9. An affidavit or declaration of the applicant or authorized officer thereof certifying the truth and accuracy of the information in the application, and certifying that the application meets all requirements of applicable law;
 10. An application or renewal fee which shall be set by the city council by resolution.
- C. An applicant may show that it would be inappropriate to deny it a franchise under subsection (B)(8)(b) of this section, by virtue of the particular circumstances surrounding the acts or omissions at issue; the steps taken by the applicant to cure all harms flowing therefrom and to prevent their recurrence; and the lack of involvement of the applicant's principals, or the remoteness of the acts or omissions from the operation of open video system facilities.
- D. To the extent that the applicant is in any respect relying on the financial or technical resources of another person, including another affiliate, the proofs required by subsections (B)(5) through (B)(7) of this section should be provided for that person. An applicant will be presumed to have the requisite financial, or technical or legal qualifications to the extent such qualifications have been reviewed and approved by a state agency of competent jurisdiction; or if applicant is a holder of a franchise in the city for a cable system or open

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video system, and conduct under such other franchise provides no basis for additional investigation.

(Code 1988 § 19.07.020; Ord. No. 692 § 4, 2001)

15.07.030. Applications for transfer.

An application for the transfer of an existing franchise must contain the same information required by MMC 15.07.020, except that, if the transferor submitted an application under MMC 15.07.020, to the extent information provided by the transferor under MMC 15.07.020(B) remains accurate, the transferee may simply cross-reference the earlier application.

(Code 1988 § 19.07.030; Ord. No. 692 § 4, 2001)

15.07.040. City review.

The city may request such additional information as it finds necessary, and require such modifications to the application as may be necessary in the exercise of the city's authority over open video systems. Once the information required by the city has been provided, the application shall be subject to review by the city and any approval will also be subject to a city determination that:

- A. The applicant has the qualifications to construct, operate and repair the system proposed in conformity with applicable law;
- B. The applicant will accept the modifications required by the city to its proposed system;
- C. The applicant will enter into a franchise and comply with any required conditions, including but not limited to the obligation to establish interconnections for provision of local access channels designated by the city;
- D. In the case of a transfer, the approval is also subject to a determination that:
 1. There will be no adverse effect on the public interest, or the city's interest in the franchise;
 2. Transferee will agree to be bound by all the conditions of the franchise and to assume all the obligations of its predecessor; and
 3. Any outstanding compliance and compensation issues will be resolved to the satisfaction of the city;

- E. An applicant shall not be issued a franchise if it files or has in the previous three years filed materially inaccurate or misleading information in a franchise application or intentionally withheld information that the applicant lawfully is required to provide.

(Code 1988 § 19.07.040; Ord. No. 692 § 4, 2001)

15.07.050. Compensation.

Every operator of an open video system shall pay compensation to the city in the amount set forth in the franchise, which amount shall be subject to annual adjustment.

To the extent that the open video system is used for the provision of telecommunications services, the open video system operator shall pay the fee required for telecommunications providers.

(Code 1988 § 19.07.050; Ord. No. 692 § 4, 2001)

15.07.060. Annual reports.

No later than 90 days after the end of its fiscal year, a cable operator shall submit a written report that shall contain such information as may be required from time to time by the city, and at least the following, unless the city waives the requirement:

- A. A summary of the previous year's activities in the development of the open video system, including descriptions of services begun or discontinued, the number of subscribers gained or lost for each category of cable service;
- B. A revenue report from the previous calendar year for the open video system, certified by the operator's chief financial officer;
- C. An ownership report, including all persons who at the time of filing control or own an interest in the open video system operator of ten percent or more;
- D. A list of officers and members of the board of directors of the franchisee and any affiliates directly involved in the operation or the maintenance of the open video system;
- E. A complete report on its plant. This plant report shall state the physical miles of plant construction and plant in operation during the prior calendar year categorized as aerial and underground, identify any cases where sub-

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scribers contributed to plant extension, provide revisions to the open video system maps filed with the city, and report the results of appropriate electronic measurements to show conformity with FCC technical standards;

- F. Once the information required by subsections (A) through (E) of this section has been filed, it need be refiled only if it changes.
(Code 1988 § 19.07.060; Ord. No. 692 § 4, 2001)

CHAPTER 15.08. FACILITIES LEASE

15.08.010. Facilities lease.

The city council may, in its sole discretion which is hereby reserved, approve facilities leases for the location of telecommunications facilities and other facilities upon city property other than rights-of-way. Neither this section nor any other provision of this title shall be construed to create an entitlement or vested right in any person or entity of any type. Facilities leases granted for the installation and/or construction of wireless communications facilities shall also comply with the terms and provisions of Chapter 16.37 MMC. (Code 1988 § 19.08.010; Ord. No. 900 § 29, 2013; Ord. No. 692 § 5, 2001)

15.08.020. Lease application.

Any person that desires to solicit the city's approval of a facilities lease pursuant to this chapter shall file a lease proposal with the city's clerk which, in addition to the information required by MMC 15.04.020, shall include the following:

- A. A description of the telecommunications facilities or other equipment proposed to be located upon city property;
- B. A description of the city property upon which the applicant proposes to locate telecommunications facilities or other equipment;
- C. Preliminary plans and specifications in sufficient detail to identify:
 - 1. The location(s) of existing telecommunications facilities or other equipment upon the city property, whether publicly or privately owned;

- 2. The location and source of electric and other utilities required for the installation and operation of the proposed facilities;
- D. Accurate scale conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed telecommunications facilities or other equipment;
- E. Whether the applicant intends to provide cable service, video dialtone service or other video programming service, and sufficient information to determine whether such service is subject to cable franchising;
- F. An accurate map showing the location of any existing telecommunications facilities in the city that the applicant intends to use or lease;
- G. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational, and governmental institutions;
- H. Such other and further information as may be requested by the city; and
- I. An application fee which shall be set by the city council by resolution.
(Code 1988 § 19.08.020; Ord. No. 692 § 5, 2001)

15.08.030. Determination by the city.

Recognizing that the city is under no obligation to grant a facilities lease for the use of city property, the city shall strive to consider and take action on applications for facilities leases within 120 days after receiving a complete application for such a lease unless additional time is reasonably necessary for action by the city council. When such action is taken, the city shall issue a written determination granting or denying the lease in whole or in part, applying the standards set forth below, or any other such criteria as the city council may choose to apply. If the lease application is denied, the determination shall include the reason for denial, if any.

- A. The capacity of the city property and rights-of-way to accommodate the applicant's proposed facilities;

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- B. The capacity of the city property and rights-of-way to accommodate additional utility and telecommunications facilities if the lease is granted;
- C. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the lease is granted;
- D. The public interest in minimizing the cost and disruption of construction upon city property and within the rights-of-way;
- E. The service that applicant will provide to the community and region;
- F. The effect, if any, on public health, safety, and welfare if the lease requested is approved;
- G. The availability of alternate routes and/or locations for the proposed facilities;
- H. Whether the applicant is in compliance with applicable federal and state telecommunications laws, regulations and policies, including, but not limited to, the registration requirements administered by the Washington Utilities and Transportation Commission;
- I. The potential for radio frequency and other interference with existing public and private telecommunications or other facilities located upon the city property;
- J. The potential for radio frequency and other interference or impacts upon residential, commercial, and other uses located within the vicinity of the city property;
- K. Such other factors, such as aesthetics, as may demonstrate that the lease to use the city property will or will not serve the community interest;
- L. The maximization of co-location opportunities with other similar uses.

(Code 1988 § 19.08.030; Ord. No. 692 § 5, 2001)

15.08.040. Agreement.

No facilities lease shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particu-

lar terms and provisions under which the lessee has been granted the right to occupy and use the city property.

(Code 1988 § 19.08.040; Ord. No. 692 § 5, 2001)

15.08.050. Nonexclusive lease.

No facilities lease granted under this chapter shall confer any exclusive right, privilege, license, or franchise to occupy or use city property for delivery of telecommunications services or any other purposes.

(Code 1988 § 19.08.050; Ord. No. 692 § 5, 2001)

15.08.060. Term of facilities lease.

Unless otherwise specified in a lease agreement, a facilities lease granted hereunder shall be valid for a term of one year, subject to annual renewal as provided in this chapter.

(Code 1988 § 19.08.060; Ord. No. 692 § 5, 2001)

15.08.070. Rights granted.

No facilities lease granted under this chapter shall convey any right, title or interest in the city property, but shall be deemed a license only to use and occupy the city property for the limited purposes and term stated in the lease agreement. Further, no facilities lease shall be construed as any warranty of title.

(Code 1988 § 19.08.070; Ord. No. 692 § 5, 2001)

15.08.080. Interference with other users.

No facilities lease shall be granted under this chapter unless it contains a provision which is substantially similar to the following:

The City has previously entered into or may enter into leases with other tenants for their equipment and antenna facilities. Lessee acknowledges that the City may lease the City property for the purposes of transmitting and receiving telecommunication signals from the City property. The City, however, is not in any way responsible or liable for any interference with Lessee's use of the City property which may be caused by the use and operation of any other tenant's equipment, even if caused by new technology. In the event that any other tenant's activities interfere with the Lessee's use of the City property, and the Lessee cannot work out this interference with the other tenants, the Lessee may, upon 30 days' notice to the City, terminate this lease and restore the City property to its original condition, reason-

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able wear and tear excepted. The Lessee shall cooperate with all other tenants to identify the causes of and work towards the resolution of any electronic interference problem. In addition, the Lessee agrees to eliminate any radio or television interference caused to City-owned facilities or surrounding residences at Lessee's own expense and without installation of extra filters on City-owned equipment. Lessee further agrees to accept such interference as may be received from City operated telecommunications or other facilities located upon the City property subject to this lease.

(Code 1988 § 19.08.080; Ord. No. 692 § 5, 2001)

15.08.090. Ownership and removal of improvements.

No facilities lease shall be granted under this chapter unless it contains a provision which states that all buildings, landscaping, and all other improvements, except telecommunications equipment, shall become the property of the city upon expiration or termination of the lease. In the event that the city requires removal of such improvements, such removal shall be accomplished at the sole expense of the lessee and completed within 90 days after receiving notice from the city requiring removal of the improvements. In the event that telecommunications facilities or other equipment are left upon city property after expiration or termination of the lease, they shall become the property of the city if not removed by the lessee upon 30 days' written notice from the city.

(Code 1988 § 19.08.090; Ord. No. 692 § 5, 2001)

15.08.100. Compensation to the city.

Each facilities lease granted under this chapter is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the rights granted to the lessee; provided, nothing in this title shall prohibit the city and a lessee from agreeing to the compensation to be paid. Such compensation shall be payable in advance of the effective date of the lease and on or before January 31st of each calendar year. Any payments received after the due date shall include a late payment penalty of two percent of the annual rental fee for each day or part thereof past the due date. The compensation shall be negotiated by the city manager or designee, subject to the city council's final approval, based on the following criteria:

- A. Comparable lease rates for other public or private property;

- B. In the case land is leased, the value of the land and any associated air space;
- C. If structure of another user is involved, any amount needed to reimburse that user, in addition to the above;
- D. A yearly escalator rate commonly used in comparable leases;
- E. Any unique characteristics of the leased area tending to affect the value of the leasehold.

(Code 1988 § 19.08.100; Ord. No. 692 § 5, 2001)

15.08.110. Amendment of facilities lease.

Except as provided within an existing lease agreement, a new lease application and lease agreement shall be required of any telecommunications carrier or other entity that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon city property. If ordered by the city to locate or relocate its telecommunications facilities or other equipment on the city property, the city shall grant a lease amendment without further application. (Code 1988 § 19.08.110; Ord. No. 692 § 5, 2001)

15.08.120. Renewal application.

A lessee that desires to renew its facilities lease under this chapter shall, not more than 180 days nor less than 120 days before expiration of the current facilities lease, file an application with the city for renewal of its facilities lease which shall include the following:

- A. The information required pursuant to MMC 15.08.020;
- B. Any information required pursuant to the facilities lease agreement between the city and the lessee;
- C. All deposits or charges required pursuant to this chapter; and
- D. A renewal fee which shall be set by the city council by resolution.

(Code 1988 § 19.08.120; Ord. No. 692 § 5, 2001)

15.08.130. Renewal determination.

Recognizing that the city is under no obligation to grant a renewal of a facilities lease for the use of city property, the city shall strive to consider and take action on applications for renewal of such leases within 60 days after receiving a complete application for such

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a lease renewal unless additional time is reasonably necessary for action by the city council. When such action is taken, the city shall issue a written determination granting or denying the lease renewal in whole or in part, applying the standards set forth below, or any other such criteria as the city council may choose to apply. If the renewal application is denied, the written determination shall include the reason for denial, if any:

- A. The financial and technical ability of the applicant;
- B. The legal ability of the applicant;
- C. The continuing capacity of the city property to accommodate the applicant's existing facilities;
- D. The applicant's compliance with the requirements of this chapter and the lease agreement;
- E. Applicable federal, state and local telecommunications laws, rules and policies;
- F. Such other factors as may demonstrate that the continued grant to use the city property ways will or will not serve the community interest.

(Code 1988 § 19.08.130; Ord. No. 692 § 5, 2001)

15.08.140. Obligation to cure as a condition of renewal.

No facilities lease shall be renewed until any ongoing violations or defaults in the lessee's performance of the lease agreement, or of the requirements of this title, have been cured, or a plan detailing the corrective action to be taken by the lessee has been approved by the city.

(Code 1988 § 19.08.140; Ord. No. 692 § 5, 2001)

**CHAPTER 15.10. CONDITIONS OF
TELECOMMUNICATIONS RIGHT-OF-WAY
USE AUTHORIZATIONS, FRANCHISES, AND
FACILITIES LEASES**

15.10.010. Purpose.

The purpose of this chapter is to set forth certain terms and conditions which are common to all telecommunications right-of-way use authorizations, telecommunications franchises, and facilities leases. Except as otherwise provided in this title or in such an authoriza-

tion, franchise, or lease, the provisions of this chapter apply to all such authorizations, franchises, and leases approved or granted by the city.

(Code 1988 § 19.10.010; Ord. No. 692 § 6, 2001)

15.10.020. Acceptance.

No authorization, franchise, or lease granted pursuant to the provisions of this title shall become effective unless and until the ordinance or other city action granting the same has become effective. Within 30 days after the effective date of the ordinance or other city action granting an authorization, franchise, or lease, or within such extended period of time as the council in its discretion may authorize, the applicant shall file with the city administrator an unconditional written acceptance of the authorization, franchise, or lease, in a form satisfactory to the city attorney, together with the bonds, insurance policies, and security fund required by this chapter.

(Code 1988 § 19.10.020; Ord. No. 692 § 6, 2001)

15.10.030. Police power.

In accepting any authorization, franchise or lease, the grantee, franchisee, or lessee acknowledges that its rights hereunder are subject to the legitimate rights of the police power of the city to adopt and enforce general ordinances necessary to protect the safety and welfare of the public, and it agrees to comply with all applicable general laws enacted by the city pursuant to such power.

(Code 1988 § 19.10.030; Ord. No. 692 § 6, 2001)

15.10.040. Rules and regulations by the city.

In addition to the inherent powers of the city to regulate and control any authorization, franchise, or lease it issues, the authority granted to it by the Cable Act and the Telecommunications Act of 1996, and those powers expressly reserved by the city, or agreed to and provided for in any authorization, franchise, or lease, the right and power is hereby reserved by the city to promulgate such additional regulations as it may find necessary in the exercise of its lawful powers giving due regard to the rights of grantees, franchisees, and lessees. Except as provided in this title, the foregoing does not allow for amendment by the city of material

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terms of any authorization, franchise, or lease it issues without the consent of the grantee, franchisee, or lessee.

(Code 1988 § 19.10.040; Ord. No. 692 § 6, 2001)

15.10.050. Location of facilities.

All facilities shall be constructed, installed, and located in accordance with the following terms and conditions, unless otherwise specified in an authorization, franchise, or lease agreement:

- A. Unless otherwise provided in an authorization, franchise, or lease, a grantee, franchisee, or lessee with permission to occupy a public way must locate its cable or telecommunications facilities underground.
- B. Whenever any new or existing electric utilities, cable facilities, or telecommunications facilities are located or relocated underground within a public way of the city, a grantee, franchisee, or lessee that currently occupies the same public way shall relocate its facilities underground at no expense to the city. Absent extraordinary circumstances or undue hardship as determined by the city manager, such relocation shall be made concurrently to minimize the disruption of the rights-of-way. No extension granted by the city manager under this subsection shall exceed a period of 12 months.
- C. At the option of the city, whenever new ducts or conduit are constructed, relocated or placed, the grantee, franchisee or lessee may be required to provide the city with additional duct or conduit and related structures necessary to access the duct and conduit. The cost of such items shall be recovered as provided in state law.
- D. Any overhead facilities will be installed as part of the backbone system only. No service leads will be installed overhead.

(Code 1988 § 19.10.050; Ord. No. 692 § 6, 2001)

15.10.060. Conduit occupancy.

In furtherance of the public purpose of reduction of rights-of-way excavation, it is the goal of the city to encourage both the shared occupancy of underground

conduit as well as the construction, whenever possible, of excess conduit capacity for occupancy of future right-of-way occupants.

(Code 1988 § 19.10.060; Ord. No. 692 § 6, 2001)

15.10.070. Occupancy of city-owned conduit.

In furtherance of the same objectives of MMC 15.10.060, if the city owns or leases conduit in the path of grantee's proposed telecommunications facilities, and provided it is technologically feasible for grantee to occupy the conduit owned or leased by the city, grantee shall be required to occupy the conduit owned or leased by the city in order to reduce the necessity to excavate the rights-of-way. Grantee shall pay to the city a fee for such occupancy which shall be the cost grantee would have expended to construct its own conduit from the outset, as certified by the grantee's engineer and approved by the city engineer. The city and grantee may agree to amortize the fee through annual payments to the city over the term of the license or franchise, including the time value of money.

(Code 1988 § 19.10.070; Ord. No. 692 § 6, 2001)

15.10.080. Compliance with One Number Locator Service.

All grantees, franchisees, and lessees shall, before commencing any construction in the rights-of-way, comply with the provisions of the One Number Locator Service.

(Code 1988 § 19.10.080; Ord. No. 692 § 6, 2001)

15.10.090. Construction permits.

All grantees, franchisees, and lessees are required to obtain construction permits for cable and telecommunications facilities as required by this Code. However, nothing in this title shall prohibit the city and a grantee, franchisee, or lessee from agreeing to alternative plan review, permit, and construction procedures for an authorization, franchise, or lease granted under this title, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

(Code 1988 § 19.10.090; Ord. No. 692 § 6, 2001)

15.10.100. Interference with rights-of-way.

No grantee, franchisee, or lessee may locate or maintain its cable or telecommunications facilities so as to unreasonably interfere with the use of the rights-of-

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way by the city, by the general public or by other persons authorized to use or be present in or upon the rights-of-way. All such facilities shall be moved by the grantee, franchisee, or lessee, at the grantee, franchisee, or lessee's cost, temporarily or permanently, as determined by the city engineer, subject to any restrictions imposed by state law.

(Code 1988 § 19.10.100; Ord. No. 692 § 6, 2001)

15.10.110. Damage to property.

No grantee, franchisee, or lessee, nor any person acting on a grantee, franchisee, or lessee's behalf shall take any action or permit any action to be done which may impair or damage any city property, rights-of-way of the city or other property, whether publicly or privately owned, located in, on or adjacent thereto. This section shall not apply to necessary street cuts approved by the city.

(Code 1988 § 19.10.110; Ord. No. 692 § 6, 2001)

15.10.120. Notice of work.

Unless otherwise provided in an authorization, franchise, or lease agreement, no grantee, franchisee, or lessee, nor any person acting on the grantee, franchisee, or lessee's behalf, shall commence any nonemergency work in or about the rights-of-way or upon city property without ten working days' advance notice to the city.

(Code 1988 § 19.10.120; Ord. No. 692 § 6, 2001)

15.10.130. Repair and emergency work.

In the event of an unexpected repair or emergency, a grantee, franchisee, or lessee may commence such repair and emergency response work as required under the circumstances, provided the grantee, franchisee, or lessee shall notify the city as promptly as possible, before such repair or emergency work commences or as soon thereafter as possible if advance notice is not practicable.

(Code 1988 § 19.10.130; Ord. No. 692 § 6, 2001)

15.10.140. Maintenance of facilities.

Each grantee, franchisee, or lessee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(Code 1988 § 19.10.140; Ord. No. 692 § 6, 2001)

15.10.150. Relocation or removal of facilities.

Within 30 days following written notice from the city, a grantee, franchisee, or lessee shall provide a schedule to the city indicating the estimated completion date for temporarily or permanently removing, relocating, changing, or altering the position of any cable or telecommunications facilities within the rights-of-way or upon city property whenever the city engineer shall have determined that such removal, relocation, change, or alteration is reasonably necessary for:

- A. The construction, repair, maintenance, or installation of any city or other public improvement in or upon the rights-of-way either by the city or a developer as required by development approval; and
- B. The operations of the city or other governmental entity in or upon the rights-of-way.
- C. This work shall generally be completed within 90 days following the original notice by the city unless a different duration is specifically authorized by the city.

(Code 1988 § 19.10.150; Ord. No. 692 § 6, 2001)

15.10.160. Building moving.

Whenever any person shall have obtained permission from the city to use any street or public way for the purpose of moving any building, a grantee, franchisee, or lessee, upon 15 days' written notice from the city, shall raise or remove, at the expense of the person desiring to move the building, any of the grantee, franchisee, or lessee's facilities which may obstruct the removal of such building; provided, that the person desiring to move the building shall comply with all requirements of the city for the movement of buildings.

(Code 1988 § 19.10.160; Ord. No. 692 § 6, 2001)

15.10.170. Removal of unauthorized facilities.

Within 90 days following written notice from the city, any telecommunications carrier or provider or other person who owns, controls, or maintains any unauthorized cable or telecommunications system, facility, or related appurtenances within the rights-of-way of the city shall, at its own expense, remove such facilities or appurtenances from the rights-of-way of

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the city. A cable or telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

- A. Upon expiration or termination of the grantee or franchisee's authorization or franchise;
- B. Upon abandonment of a facility within the rights-of-way of the city. Any property of a grantee or franchisee shall be deemed abandoned if left in place 90 days after expiration or termination of an authorization or franchise;
- C. If the system or facility was constructed or installed without the prior grant of an authorization or franchise;
- D. If the system or facility was constructed or installed without the prior issuance of a required construction permit; and
- E. If the system or facility was constructed or installed at a location not permitted by the authorization or franchise.

Provided, however, that the city may, in its sole discretion, allow a grantee, franchisee, or other such persons who may own, control, or maintain cable or telecommunications facilities within the rights-of-way of the city to abandon such facilities in place. No facilities of any type may be abandoned in place without the express written consent of the city. Any plan for abandonment or removal of a grantee or franchisee's facilities must be first approved by the city manager, and all necessary permits must be obtained prior to such work. Upon permanent abandonment of the property of such persons in place, the property shall become that of the city, and such persons shall submit to the city an instrument in writing, to be approved by the city attorney, transferring to the city the ownership of such property. The provisions of this section shall survive the expiration, revocation, or termination of an authorization or franchise granted under this title.
(Code 1988 § 19.10.170; Ord. No. 692 § 6, 2001)

15.10.180. Emergency removal or relocation of facilities.

The city retains the right and privilege to cut or move any cable or telecommunications facilities located within the rights-of-way of the city and upon city property, as the city may determine to be necessary, appropriate or useful in response to any public health

or safety emergency. The city shall not be liable to any cable operator, telecommunications carrier or provider, or any other party for any direct, indirect, or any other such damages suffered by any person or entity of any type as a direct or indirect result of the city's actions under this section.

(Code 1988 § 19.10.180; Ord. No. 692 § 6, 2001)

15.10.190. Damage to facilities.

Unless directly and proximately caused by the willful, intentional, or malicious acts by the city, the city shall not be liable for any damage to or loss of any cable or telecommunications facility upon city property or within the rights-of-way of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind on such city property or within the rights-of-way by or on behalf of the city.

(Code 1988 § 19.10.190; Ord. No. 692 § 6, 2001)

15.10.200. Restoration of rights-of-way, other ways, and city property.

A. When a grantee, franchisee, lessee, or any person acting on its behalf, does any work in or affecting any rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the city.

B. If weather or other conditions do not permit the complete restoration required by this section, the grantee, franchisee, or lessee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the grantee, franchisee, or lessee's sole expense and the grantee, franchisee, or lessee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

C. A grantee, franchisee, lessee or other person acting in its behalf shall adhere to traffic control measures established by the Manual of Uniform Traffic Control Devices, latest edition, and use suitable barricades, flags, flagmen, lights, flares, and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle, or property by reason of such work in or affecting such ways or property.

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D. The city engineer shall be responsible for inspection and final approval of the condition of the rights-of-way and city property following any construction and restoration activities therein. Further, the provisions of this section shall survive the expiration, revocation, or termination of an authorization, franchise, lease, or other agreement granted pursuant to this title. (Code 1988 § 19.10.200; Ord. No. 692 § 6, 2001)

15.10.210. Facilities maps.

For all new or relocated facilities, each grantee, franchisee, and lessee shall provide the city with a map or maps accurately reflecting the horizontal and vertical location and configuration of all of their telecommunications facilities within the rights-of-way and upon city property. Each grantee, franchisee, and lessee shall provide the city with updated maps annually or upon request by the city. (Code 1988 § 19.10.210; Ord. No. 692 § 6, 2001)

15.10.220. Duty to provide information.

Within ten days of a written request from the city, each grantee, franchisee, or lessee shall furnish the city with information sufficient to demonstrate:

- A. That the grantee, franchisee, or lessee has complied with all requirements of this title; and
- B. That all sales, utility and/or telecommunications taxes due the city in connection with the cable or telecommunications services and facilities provided by the grantee, franchisee, or lessee have been properly collected and paid by the grantee, franchisee, or lessee.

All books, records, maps and other documents, maintained by the grantee, franchisee, or lessee with respect to its facilities within the rights-of-way and upon city property shall be made available for inspection by the city at reasonable times and intervals; provided, however, that nothing in this section shall be construed to require a grantee, franchisee, or lessee to violate state or federal law regarding subscriber privacy, nor shall this section be construed to require a grantee, franchisee, or lessee to disclose proprietary or confidential information without adequate safeguards for its confidential or proprietary nature. (Code 1988 § 19.10.220; Ord. No. 692 § 6, 2001)

15.10.230. Leased capacity.

A grantee, franchisee, or lessee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to another telecommunications provider consistent with such permit, franchise, or lease; provided:

- A. The grantee, franchisee, or lessee shall furnish the city with a copy of any such lease or agreement between the grantee, franchisee, or lessee and the provider; and
- B. The telecommunications provider has complied, to the extent applicable, with the requirements of this title.

(Code 1988 § 19.10.230; Ord. No. 692 § 6, 2001)

15.10.240. Insurance.

Unless otherwise provided in an authorization, franchise, or lease agreement, each grantee, franchisee, or lessee shall, as a condition of the permit or grant, secure and maintain the following liability insurance policies insuring both the grantee, franchisee, or lessee and the city, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as co-insureds against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges, and authority granted to the grantee, franchisee, or lessee:

- A. Comprehensive general liability insurance, written on an occurrence basis, with limits not less than:
 - 1. Five million dollars for bodily injury or death to each person;
 - 2. Five million dollars for property damage resulting from any one accident; and
 - 3. Five million dollars for all other types of liability;
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$3,000,000.00 for each person and \$3,000,000.00 for each accident;
- C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000.00;

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- D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.00;
- E. The liability insurance policies required by this section shall be maintained by the grantee, franchisee, or lessee throughout the term of the authorization, franchise, or lease, and such other period of time during which the grantee, franchisee, or lessee is operating without an authorization, franchise, or lease hereunder, or is engaged in the removal of its telecommunications facilities. The grantee, franchisee, or lessee shall provide an insurance certificate, together with an endorsement naming the city, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as additional insureds, to the city prior to the commencement of any work or installation of any facilities pursuant to said authorization, franchise, or lease. Any deductibles or self-insured retentions must be declared to and approved by the city. Payment of deductibles and self-insured retentions shall be the sole responsibility of the grantee, franchisee, or lessee. The insurance certificate required by this section shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The grantee, franchisee, or lessee's insurance shall be primary insurance as respects the city, its officers, officials, employees, agents, consultants, and volunteers. Any insurance maintained by the city, its officers, officials, employees, consultants, agents, and volunteers shall be in excess of the grantee, franchisee, or lessee's insurance and shall not contribute with it;
- F. In addition to the coverage requirements set forth in this section, each such insurance policy shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 60 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew.
- G. Within 30 days after receipt by the city of said notice, and in no event later than 15 days prior to said cancellation or intent not to renew, the grantee, franchisee, or lessee shall obtain and furnish to the city replacement insurance policies meeting the requirements of this section;
- H. For those companies who are self-insured, they must provide documentation acceptable to the city demonstrating that the coverage provided meets or exceeds that described above.
(Code 1988 § 19.10.240; Ord. No. 692 § 6, 2001)

15.10.250. General indemnification.

No authorization, franchise, or lease shall be deemed to be granted under this title unless it includes an indemnity clause substantially conforming to the following:

The grantee, franchisee, or lessee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected and appointed officials, officers, employees, agents, representatives, engineers, and consultants from any and all claims, costs, judgments, awards, or liability to any person, including claims by the grantee, franchisee, or lessee's own employees to which the grantee, franchisee, or lessee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the negligent acts or omissions of the grantee, franchisee, or lessee, its agents, servants, officers, or employees in performing under this authorization, franchise, or lease are the proximate cause. The grantee, franchisee, or lessee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected and appointed officials, officers, employees, agents, representatives, engineers, and consultants from any and all claims, costs, judgments, awards, or liability to any person including claims by the grantee, franchisee, or lessee's own employees, including those claims to which the grantee, franchisee, or lessee might otherwise have immunity under Title 51 RCW, arising against the City solely by virtue of the City's ownership or control of the rights-of-way or other public properties, by virtue of the grantee, franchisee, or lessee's exercise of the rights granted herein, or by virtue of the City's permitting the franchisee, or lessee's use of the City's rights-of-way or other public property, based upon the City's inspection or lack of inspection.

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tion of work performed by the grantee, franchisee, or lessee, its agents and servants, officers or employees in connection with work authorized on the City's property or property over which the City has control, pursuant to this authorization, franchise, or lease, or pursuant to any other permit or approval issued in connection with this authorization, franchise, or lease. This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of the negligent acts or omissions of the grantee, franchisee, or lessee, its agents, servants, officers, or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any public right-of-way or other public place in performance of work or services permitted under this authorization, franchise, or lease.

Inspection or acceptance by the City of any work performed by the grantee, franchisee, or lessee at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that the grantee, franchisee, or lessee refuses the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification clauses contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of the grantee, franchisee, or lessee, then the grantee, franchisee, or lessee shall pay all of the City's costs for defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fees of recovering under this indemnification clause.

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 the grantee, franchisee, or lessee, and the City, its officers, employees and agents, the grantee, franchisee, or lessee's liability hereunder shall be only to the extent of the grantee, franchisee, or lessee's negligence. It is further specifically and ex-

pressly understood that the indemnification provided herein constitutes the grantee, franchisee, or lessee's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this Section shall survive the expiration or termination of this authorization, franchise, or lease agreement.

Notwithstanding any other provisions of this Section, the grantee, franchisee, or lessee assumes the risk of damage to its facilities located in the City's rights-of-way, easements, and property from activities conducted by the City, its officers, agents, employees, and contractors. The grantee, franchisee, or lessee releases and waives any and all claims against the City, its officers, agents, employees, or contractors for damage to or destruction of the grantee, franchisee, or lessee's facilities caused by or arising out of activities conducted by the City, its officers, agents, employees, and contractors, in the rights-of-way, easements, or property subject to this authorization, franchise, or lease, except to the extent any such damage or destruction is caused by or arises from the sole negligence or any willful or malicious action on the part of the City, its officers, agents, employees, or contractors. The grantee, franchisee, or lessee further agrees to indemnify, hold harmless and defend the City against any claims for damages, including, but not limited to, business interruption damages and lost profits, brought by or under users of the grantee, franchisee, or lessee's facilities as the result of any interruption of service due to damage or destruction of the user's facilities caused by or arising out of activities conducted by the City, its officers, agents, employees, or contractors, except to the extent any such damage or destruction is caused by or arises from the sole negligence or any willful or malicious actions on the part of the City, its officers, agents, employees, or contractors.

(Code 1988 § 19.10.250; Ord. No. 692 § 6, 2001)

15.10.260. Performance and construction surety.

Before an authorization, franchise, or lease granted pursuant to this title is effective, and as necessary thereafter, the grantee, franchisee, or lessee shall provide and deposit such moneys, bonds, letters of credit, or other

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instruments in form and substance acceptable to the city as may be required by this title or by an applicable authorization, franchise, or lease agreement.
(Code 1988 § 19.10.260; Ord. No. 692 § 6, 2001)

15.10.270. Security fund.

Each grantee, franchisee, or lessee shall establish a permanent security fund with the city by depositing the amount of \$20,000.00, or such lesser amount as deemed necessary by the city engineer with the city manager in the form of an unconditional letter of credit, or other instrument acceptable to the city, which fund shall be maintained at the sole expense of the grantee, franchisee, or lessee so long as any of the grantee, franchisee, or lessee's cable or telecommunications facilities are located within the rights-of-way of the city or upon city property.

- A. The fund shall serve as security for the full and complete performance of this chapter, including any costs, expenses, damages, or loss the city pays or incurs, including civil penalties, because of any failure attributable to the grantee, franchisee, or lessee to comply with the codes, ordinances, rules, regulations, or permits of the city.
- B. Before any sums are withdrawn from the security fund, the city shall give written notice to the grantee, franchisee, or lessee:
 1. Describing the act, default or failure to be remedied, or the damages, costs or expenses which the city has incurred by reason of grantee, franchisee, or lessee's act or default;
 2. Providing a reasonable opportunity for grantee, franchisee, or lessee to first remedy the existing or ongoing default or failure, if applicable;
 3. Providing a reasonable opportunity for grantee, franchisee, or lessee to pay any moneys due the city before the city withdraws the amount thereof from the security fund, if applicable; and
 4. That the grantee, franchisee, or lessee will be given an opportunity to review the act, default or failure described in the notice with the city manager or designee.

- C. Grantees, franchisees and lessees shall replenish the security fund within 14 days after written notice from the city that there is a deficiency in the amount of the fund.
(Code 1988 § 19.10.270; Ord. No. 692 § 6, 2001)

15.10.280. Restoration bond.

Unless otherwise provided in an authorization, franchise, or lease agreement, a performance bond written by a corporate surety acceptable to the city equal to at least 100 percent of the estimated cost of removing the grantee, franchisee, or lessee's telecommunications equipment and facilities and restoring the rights-of-way of the city and/or city-owned property to its preconstruction condition shall be deposited before any construction is commenced. Said bond shall be required to remain in full force until 60 days after completion of the construction and/or improvements within the rights-of-way of the city or upon city-owned property, and shall warrant all such restoration work for a period of two years. The purpose of this bond is to guarantee removal of partially completed and/or non-conforming telecommunications facilities and to fully restore the rights-of-way of the city and city-owned property to its preconstruction condition.
(Code 1988 § 19.10.280; Ord. No. 692 § 6, 2001)

15.10.290. Coordination of construction activities.

All grantees and franchisees are required to cooperate with the city and with each other.

- A. By February 1st of each year, grantees and franchisees shall provide the city with a schedule of their proposed construction activities in, around, or that may affect the rights-of-way.
- B. Each grantee and franchisee shall meet with the city, other grantees and franchisees and users of the rights-of-way annually or as determined by the city to schedule and coordinate construction in the rights-of-way.
- C. All construction locations, activities and schedules shall be coordinated, as ordered by the city engineer, to minimize public inconvenience, disruption or damages.
(Code 1988 § 19.10.290; Ord. No. 692 § 6, 2001)

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Ownership or control of a cable or telecommunications system, license, authorization, franchise, or lease may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee or franchisee, by operation of law or otherwise, without the prior written consent of the city, which consent shall not be unreasonably withheld or delayed, except as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein. This obligation shall not apply to involuntary mergers or acquisitions.

- A. No authorization, franchise, lease, or other grant shall be assigned or transferred in any manner within 12 months after the initial grant of the authorization or franchise, unless otherwise provided in the authorization or franchise agreement.
- B. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.
- C. The grantee, franchisee, or lessee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the city not less than 150 days prior to the proposed date of transfer:
 - 1. Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment;
 - 2. All information required of an authorization, franchise, or lease applicant pursuant to this title with respect to the proposed transferee or assignee;
 - 3. Any other information reasonably required by the city; and
 - 4. An application fee which shall be set by the city council by resolution.
- D. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to own, hold and operate the cable or telecommunications system pursuant to this title.
- E. Unless otherwise provided in an authorization, franchise, or lease agreement, the grantee,

franchisee, or lessee shall reimburse the city for all direct and indirect costs, expenses and consultant fees reasonably incurred by the city in considering a request to transfer or assign an authorization, franchise, or lease. No approval shall be deemed approved until all such costs and expenses have been paid.

- F. Any transfer or assignment of an authorization, franchise, lease, system, or integral part of a system without prior written approval of the city under this section or pursuant to an authorization, franchise, or lease agreement shall be void and is cause for revocation of the grant.

(Code 1988 § 19.10.300; Ord. No. 692 § 6, 2001)

15.10.310. Transactions affecting control of grant.

Any transactions which singularly or collectively result in a change of 50 percent or more of the ownership or working control of the grantee, franchisee, lessee, of the ownership or working control of a cable or telecommunications system, of the ownership or working control of affiliated entities having ownership or working control of the grantee, franchisee, or lessee or of a telecommunications system, or of control of the capacity or bandwidth of the grantee, franchisee, or lessee's cable or telecommunication system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring city approval pursuant to MMC 15.10.300. Transactions between affiliated entities are not exempt from city approval. A grantee, franchisee, or lessee shall promptly notify the city prior to any proposed change in, or transfer of, or acquisition by any other party of control of a grantee, franchisee, or lessee's company. Every change, transfer, or acquisition of control of a grantee, franchisee, or lessee's company shall cause a review of the proposed transfer. In the event that the city adopts a resolution or other appropriate order denying its consent and such change, transfer or acquisition of control has been effected, the city may cancel the authorization, franchise, or lease. Approval shall not be required for mortgaging purposes or if said transfer is from a grantee, franchisee, or lessee to another person or entity controlling, controlled by, or under common control with a grantee, franchisee, or lessee.

(Code 1988 § 19.10.310; Ord. No. 692 § 6, 2001)

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15.10.320. Revocation or termination of grant.

An authorization, franchise, or lease granted by the city to use or occupy rights-of-way of the city or city property may be revoked for the following reasons:

- A. Construction or operation in the city or in the rights-of-way of the city or upon city property without a grant of authority from an authorization, franchise, or lease;
- B. Construction or operation at an unauthorized location;
- C. Unauthorized substantial transfer of control of a grantee, franchisee or lessee;
- D. Unauthorized assignment of an authorization, franchise or lease;
- E. Unauthorized sale, assignment or transfer of a grantee, franchisee, or lessee's authorization, franchise, lease, assets, or a substantial interest therein;
- F. Misrepresentation by or on behalf of a grantee, franchisee, or lessee in any application or written or oral statement upon which the city relies in making the decision to grant, review or amend any authorization, franchise, or lease pursuant to this title;
- G. Abandonment of cable or telecommunications facilities in the rights-of-way or upon city property;
- H. Failure to relocate or remove facilities as required in this title;
- I. Failure to pay taxes, compensation, fees or costs when and as due the city;
- J. Insolvency or bankruptcy of the grantee, franchisee, or lessee;
- K. Violation of any material provision of this title; and
- L. Violation of the material terms of an authorization, franchise, or lease agreement.

(Code 1988 § 19.10.320; Ord. No. 692 § 6, 2001)

15.10.330. Notice and duty to cure.

In the event that the city believes that grounds exist for revocation of an authorization, franchise, or lease, the grantee, franchisee, or lessee shall be given written notice of the apparent violation or noncompliance,

providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee, franchisee, or lessee a reasonable period of time not exceeding 30 days to furnish evidence:

- A. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. That rebuts the alleged violation or noncompliance; and
- C. That it would be in the public interest to impose some penalty or sanction less than revocation.

(Code 1988 § 19.10.330; Ord. No. 692 § 6, 2001)

15.10.340. Hearing.

In the event that a grantee, franchisee, or lessee fails to provide evidence reasonably satisfactory to the city as provided in MMC 15.10.330, the city shall refer the apparent violation or noncompliance to the city council. The city council shall provide the grantee, franchisee, or lessee with notice and a reasonable opportunity to be heard concerning the matter.

(Code 1988 § 19.10.340; Ord. No. 692 § 6, 2001)

15.10.350. Standards for revocation or lesser sanctions.

If the city council determines that a grantee, franchisee, or lessee willfully violated or failed to comply with any of the provisions of this title or an authorization, franchise, or lease granted under this title, or through willful misconduct or gross negligence failed to heed or comply with any notice given the grantee, franchisee, or lessee by the city under the provisions of this title, then the grantee, franchisee, or lessee shall, at the election of the city council, forfeit all rights conferred hereunder and the authorization, franchise, or lease may be revoked or annulled by the city council. The city council may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to pursue other remedies, including obtaining an order from the superior court having jurisdiction compelling the grantee, franchisee, or lessee to comply with the provisions of this title and any authorization, franchise, or lease granted hereunder, and to recover damages and costs incurred by the city by reason of the grantee, franchisee, or lessee's failure to comply. The city council shall utilize the following

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factors in analyzing the nature, circumstances, extent, and gravity of the violation and in making its determination under this section:

- A. Whether the misconduct was egregious;
- B. Whether substantial harm resulted;
- C. Whether the violation was intentional;
- D. Whether there is a history of prior violations of the same or other requirements;
- E. Whether there is a history of overall compliance; and
- F. Whether the violation was voluntarily disclosed, admitted or cured.

(Code 1988 § 19.10.350; Ord. No. 692 § 6, 2001)

15.10.360. Incorporation by reference.

The provisions of this title shall be incorporated by reference in any authorization, franchise, or lease approved hereunder. Failure to so incorporate by reference shall not affect the binding effect of the provisions of this title. However, in the event of any conflict between the proposal, this title, and the authorization, franchise, or lease, the authorization, franchise, or lease shall be the prevailing document.

(Code 1988 § 19.10.360; Ord. No. 692 § 6, 2001)

15.10.370. Notice of entry on private property.

If directed by the city, at least 24 hours prior to entering private property or streets or public easements adjacent to or on such private property to perform new construction or reconstruction, a notice indicating the nature and location of the work to be performed shall be physically posted, at no expense to the city, upon the affected property by the grantee or franchisee. A door hanger may be used to comply with the notice and posting requirements of this section. A grantee or franchisee shall make a good faith effort to comply with the property owner/resident's preferences, if any, on location or placement of underground installations (excluding aerial cable lines utilizing existing poles and existing cable paths), consistent with sound engineering practices; provided, however, that nothing in this chapter shall permit a grantee or franchisee to unlawfully enter or construct improvements upon the property or prem-

ises of another. Underground installations on private property shall be located such as to not kill or damage significant trees as defined in this Code.

(Code 1988 § 19.10.370; Ord. No. 692 § 6, 2001)

15.10.380. Safety requirements.

A grantee, franchisee, or lessee, in accordance with applicable federal, state, and local safety requirements shall, at all times, employ ordinary care and shall install and maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public and/or workers. All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys, and rights-of-way or places of a permit, franchise, or lease area, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition, and in good order and repair. The city reserves the general right to see that the system of a grantee, franchisee, or lessee is constructed and maintained in a safe condition. If a violation of the National Electrical Safety Code or other applicable regulation is found to exist by the city, the city will, after discussions with a grantee, franchisee, or lessee, establish a reasonable time for a grantee, franchisee, or lessee to make necessary repairs. If the repairs are not made within the established time frame, the city may make the repairs itself or have them made and collect all reasonable costs thereof from a grantee, franchisee, or lessee.

(Code 1988 § 19.10.380; Ord. No. 692 § 6, 2001)

15.10.390. Most favored community.

In the event that a grantee, franchisee, or lessee enters into any agreement, franchise or other understanding with any other city, town or county in the State of Washington which provides terms or conditions more favorable to the city, town or county than those provided in its agreement with the city, such as, but not limited to, free or reduced fee hookups, access or service, the city shall be entitled to request at the city's option, and the grantee, franchisee, or lessee in question shall be required to execute, an amendment to its agreement which incorporates the more favorable terms and conditions.

(Code 1988 § 19.10.390; Ord. No. 692 § 6, 2001)

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If grantee shall file, pursuant to Chapter 80.28 RCW, with the Washington Utilities and Transportation Commission (or such other regulatory agency having jurisdiction) any tariff affecting the city's rights under its grant or franchise or relating to charges for facility relocations, the provider shall give the city manager written notice thereof within five days of the date of such filing. If, during the term of this grant or franchise, grantee shall file and the Washington Utilities and Transportation Commission (or such other regulatory agency having jurisdiction) shall permit to become effective, a schedule or tariff which conflicts with or is inconsistent with any portion of this grant or franchise, the city may, within 30 days of the effective date of such schedule or tariff, notify grantee in writing that the franchise is terminated, effective on receipt of the notice. Thereafter, the city and grantee shall conduct negotiations concerning the terms and conditions of a new franchise, at reasonable times, in a reasonable manner, in good faith and with due regard to all pertinent facts and circumstances.

(Code 1988 § 19.10.400; Ord. No. 692 § 6, 2001)

CHAPTER 15.12. CONSTRUCTION STANDARDS

15.12.010. General construction standards.

Notwithstanding any other provision of this Code, no person shall commence or continue with the construction, installation, maintenance, or repair of cable or telecommunications facilities within rights-of-way of the city or upon city-owned property, except as provided in this chapter. At the discretion of the city, directional drilling or boring may be required as opposed to cuts or trenches.

(Code 1988 § 19.12.010; Ord. No. 692 § 7, 2001)

15.12.020. Construction codes.

Cable and telecommunications facilities shall be constructed, installed, operated, and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including the City of Medina right-of-way construction requirements, latest edition. (Code 1988 § 19.12.020; Ord. No. 692 § 7, 2001)

15.12.030. Construction permits.

No person shall construct, install, repair, or maintain any cable or telecommunications facilities within the rights-of-way of the city or upon city property without first obtaining the appropriate construction permit therefor; provided, however:

- A. No permit shall be issued for the construction or installation of cable or telecommunications facilities without payment of any applicable construction permit fee; and
- B. No permit shall be issued for the construction or installation of telecommunications or other equipment on city property unless the telecommunications carrier or provider has applied for and received a facilities lease from the city. The city council reserves unto itself the sole discretion to lease city property for telecommunications and other facilities, and no vested or other rights shall be created by this section or any provision of this title applicable to such facilities leases.

(Code 1988 § 19.12.030; Ord. No. 692 § 7, 2001)

15.12.040. Applications.

Applications for permits to construct cable or telecommunications facilities shall be submitted to the city building permit coordinator and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

- A. That the facilities will be constructed in accordance with the Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction, latest edition, and all applicable codes, rules and regulations;
- B. The location and route of all facilities to be installed on existing utility poles;
- C. The location, route, and configuration of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the rights-of-way;
- D. The location of all existing underground utilities, conduits, ducts, pipes, mains, and instal-

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lations which are within the rights-of-way along the underground route proposed by the applicant;

- E. The location of all other facilities to be constructed within the city, but not within the rights-of-way;
- F. The construction methods to be employed for protection of existing structures, fixtures, streets and facilities within or adjacent to the rights-of-way;
- G. The location, dimension and types of all trees within or adjacent to the rights-of-way along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction;
- H. Proposed construction schedule and work hours; and
- I. The location of all survey monuments which may be displaced or disturbed by the proposed construction.

(Code 1988 § 19.12.040; Ord. No. 692 § 7, 2001)

15.12.050. Engineer's certification.

Where required by the city engineer, permit applications shall be accompanied by drawings, plans and specifications bearing the certification of a registered professional engineer.

(Code 1988 § 19.12.050; Ord. No. 692 § 7, 2001)

15.12.060. Traffic control plan.

All permit applications which involve work on, in, under, across, or along any rights-of-way shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the Manual of Uniform Traffic Control Devices, latest edition, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.

(Code 1988 § 19.12.060; Ord. No. 692 § 7, 2001)

15.12.070. Issuance of permit.

After submission of all plans and documents required of the applicant and payment of the permit fees required by this title, the city engineer, if satisfied that

the applications, plans and documents comply with all requirements of this title, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he or she may deem necessary or appropriate.

(Code 1988 § 19.12.070; Ord. No. 692 § 7, 2001)

15.12.080. Compliance with permit.

All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city engineer and his or her representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.

(Code 1988 § 19.12.080; Ord. No. 692 § 7, 2001)

15.12.090. Display of permit.

The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the city engineer or his or her representatives at all times when construction work is occurring.

(Code 1988 § 19.12.090; Ord. No. 692 § 7, 2001)

15.12.100. Survey of underground facilities.

If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the permittee shall cause the location of such facilities to be verified by a state registered land surveyor. The permittee may be required to relocate any facilities which are not located in compliance with permit requirements.

(Code 1988 § 19.12.100; Ord. No. 692 § 7, 2001)

15.12.110. Noncomplying work.

Upon order of the city engineer, all work which does not comply with the permit, the approved plans and specifications for the work, or the requirements of this chapter, shall be remedied or removed.

(Code 1988 § 19.12.110; Ord. No. 692 § 7, 2001)

15.12.120. Completion of construction.

The permittee shall promptly complete all construction activities so as to minimize disruption of the public and other ways and other public and private prop-

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erty. All construction work authorized by a permit within public and other ways, including restoration, must be completed within 120 days of the date of issuance.

(Code 1988 § 19.12.120; Ord. No. 692 § 7, 2001)

15.12.130. As-built drawings.

Within 60 days after completion of construction, the permittee shall furnish the city with two complete sets of plans, drawn to scale and certified to the city as accurately depicting the horizontal and vertical location and configuration of all cable or telecommunications facilities constructed pursuant to the permit. The city engineer shall have the discretion to prescribe the format and/or media of said as-built drawings, consistent with city codes and policies.

(Code 1988 § 19.12.130; Ord. No. 692 § 7, 2001)

15.12.140. Restoration after construction.

Upon completion of any construction, maintenance, or repair work, the permittee shall promptly repair any and all public and private property improvements, fixtures, structures, and facilities in the public or other ways or otherwise damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction. All survey monuments disturbed or displaced shall be referenced and replaced as required by Chapter 332-120 WAC and city policy. The referencing and replacement of survey monuments shall be performed by a licensed land surveyor. The city engineer shall have final approval of the completeness of all restoration work and all permittees shall warrant said restoration work for a period of one year.

(Code 1988 § 19.12.140; Ord. No. 692 § 7, 2001)

15.12.150. Landscape restoration.

A. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair, or replacement of cable or telecommunications facilities, whether such work is done pursuant to a franchise, permit, or lease shall be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.

B. All landscape restoration work within the rights-of-way shall be done in accordance with landscape plans approved by the city landscape architect.

(Code 1988 § 19.12.150; Ord. No. 692 § 7, 2001)

15.12.160. Construction surety.

Prior to issuance of a construction permit, the permittee shall provide a performance bond, as provided in MMC 15.10.280.

(Code 1988 § 19.12.160; Ord. No. 692 § 7, 2001)

15.12.170. Exceptions.

Unless otherwise provided in an authorization, franchise, or lease agreement, all cable operators and telecommunications carriers are subject to the requirements of this title.

(Code 1988 § 19.12.170; Ord. No. 692 § 7, 2001)

15.12.180. Responsibilities of the owner.

The owner of the facilities to be constructed and, if different, the grantee, franchisee, or lessee, are responsible for performance of and compliance with all provisions of this title.

(Code 1988 § 19.12.180; Ord. No. 692 § 7, 2001)

15.12.190. Use permit.

A construction permit shall be considered the equivalent of a use permit for purposes of state law (ESSB 6676, Law of 2000).

(Code 1988 § 19.12.190; Ord. No. 692 § 7, 2001)

CHAPTER 15.14. SMALL WIRELESS FACILITY DEPLOYMENT**15.14.010. Application process.**

A. Any application for a small wireless facility both inside and outside of the city's right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the city right-of-way, the applicant must also comply with the requirements pursuant to Chapter 15.12 MMC.

B. Consistent with MMC 15.14.060 all permits, and leases necessary for the deployment of small wireless facilities and, if applicable, an application for franchise, shall be consolidated for review and a decision rendered to the full extent feasible consistent within the presumptive time frames established within federal and state law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless facility permit.

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C. The city and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. Accordingly, in order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the city, the City of Medina has adopted this administrative process for the deployment of small wireless facilities. Applicants are encouraged and expected to provide all related applications listed in subsection (D) of this section for each facility in one submittal, unless they have already obtained a franchise or lease.

D. The director is authorized to establish franchise and other application forms to gather the information required by this chapter from applicants and to determine the completeness of an application as provided herein.

1. *Franchise.* The process typically begins with and depends upon approval of a franchise for the use of the city right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the city right-of-way. An applicant with a franchise for the deployment of small wireless facilities in the city may apply directly for a small wireless facility permit and related approvals. An applicant at its option may utilize phased deployment.
2. *Small wireless facility permits.* The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in MMC 15.14.020. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the city council and adopted by resolution, or the actual costs incurred by the city in reviewing such permit application.
3. *Associated permit(s).* The applicant shall attach all associated required permit applications including but not limited to applications required under Chapter 15.12 MMC, and applications or checklists required under the city's critical areas, shoreline or SEPA ordinances. Applicants for deployment of small wireless

facilities in city design zones or for new poles shall also comply with the requirements in MMC 16.38.080.

4. *Leases.* An applicant who desires to attach a small wireless facility to any structure owned by the city shall include an application for a lease as a component of its application. Leases for the use of public property, structures, or facilities shall be submitted to the city council for approval.

(Code 1988 § 19.14.010; Ord. No. 974 § 3, 2019)

15.14.020. Small wireless facility permit application.

The following information shall be provided by all applicants for a small wireless facility permit:

- A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground-mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:
 1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed project area.
 2. The specific trees, structures, facilities, lines and equipment, and obstructions,

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- if any, that the applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
3. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings shall include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.
 4. Compliance with the aesthetic requirements of MMC 16.38.070 or with MMC 16.38.080 as applicable.
- B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For locations outside the city right-of-way, to extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the city prior to or concurrent with the small wireless facility permit application and must submit as part of the application the information required in the lease for the city to evaluate the usage of a specific pole or structure.
- C. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch small wireless facility sites when they are proposed for approval at the same time and are in a contiguous service area or use the same design.
- D. Any application for a small wireless facility located in the city right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:
1. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant shall demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.
 2. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.
- E. Any application for a small wireless facility permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 14.04 MMC. Further, any application proposing small wireless facilities in shoreline management zones (pursuant to Chapter 16.60 MMC) or in critical areas (pursuant to Chapter 16.50 MMC) must indicate that the application is exempt or comply with the review processes in such codes.
- F. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless facility permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report

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for the entire small wireless facility deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

- G. The applicant shall provide proof of FCC license and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- H. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand required loads as well as wind and seismic loads, or in the case of a utility owned structure, written confirmation that the pole will support the additional loads.
- I. Applicant materials required for a building permit and a right-of-way permit to the extent applicable.
- J. An initial build out plan as of the date of the application that includes the applicant's proposed plan for deployment of small wireless facilities within the city. The city's preference is for the applicant to provide a two-year proposed build out plan. The initial build out plan shall include the following:
 - 1. A list of the actual and proposed locations of the applicant's small wireless facilities.
 - 2. A 500-scale map (one inch equals 500 feet) of the city depicting the geographic location and boundaries of the actual and proposed locations of the applicant's small wireless facilities.
- K. Recognizing that small wireless facility technology is rapidly evolving, the director is authorized to adopt and publish standards for the technological and structural safety of city-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to city-owned structures.
- L. Such other information as the director, in his/her discretion, shall deem appropriate to effec-

tively evaluate the application based on technical, engineering, and aesthetic considerations. (Code 1988 § 19.14.020; Ord. No. 974 § 3, 2019)

15.14.030. Review process.

A. *Review.* The following provisions relate to review of applications for a small wireless facility permit:

- 1. In any zone, upon application for a small wireless facility permit, the city will permit small wireless facility on existing or replacement utility poles or other structures conforming to the city's generally applicable development and design standards adopted pursuant to MMC 16.38.070.
- 2. Vertical clearance shall be reviewed by the director to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-way.
- 3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), city construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.
- 4. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.
- 5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. *Final decision.* Small wireless facilities on existing, replacement, or new infrastructure shall be reviewed and approved by the director. The director's decision is final.

C. *Eligible facilities requests.* The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an eligible facilities request described

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in MMC 16.37.180 when the modification does not defeat the concealment elements of the small wireless facility.

D. Review of facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. 253 and 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. Collaborative review. The director may request the applicant produce a representative to collaboratively review application materials with city staff on an as needed basis no more than once per week during the course of the city's review. The required applicant representative may include an engineer and/or a siting specialist with sufficient understanding of the project to knowledgeably address questions or concerns the city may have on the application. The city must provide seven days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.

F. Public notice and informational meeting requirement. Within 15 days of submission of a complete application, the applicant shall provide written notification for each application, or batch applications to all property owners within 500 feet of the proposed location(s) and notice of the informational meeting, as part of the permit submittal. Only one informational meeting per application or batched application is required. The notice shall include the following:

1. The date and time for the informational meeting. All informational meetings shall be held at Medina City Hall with at least one city staff member present.
2. A description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location, identification of alternative locations that would meet project objectives, and the date of the informational meeting. In lieu of providing all

of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.

3. A rendering of the proposed facility shall be included in the notification.
4. The applicant shall provide the city with a distribution list of property owners and a copy of the materials distributed.

The applicant shall hold the informational meeting for the public within 30 days of submission of a complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.

G. Withdrawal. Any applicant may withdraw an application submitted pursuant to MMC 15.14.020 at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the director's decision, there shall be no refund of all or any portion of such fee.

H. Supplemental information. Failure of an applicant to provide additional information as requested pursuant to MMC 15.14.020 by the director within 60 days of notice by the director shall be deemed a denial of that application, unless an extension period has been approved by the director.
(Code 1988 § 19.14.030; Ord. No. 974 § 3, 2019)

15.14.040. Permit requirements.

A. Compliance. The permit holder shall comply with all of the requirements within the small wireless permit.

B. Post-construction as-builts. Within 60 days after construction of the small wireless facility, the permit holder shall provide the city with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

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C. *Permit time limit.* Construction of the small wireless facility must be completed within 12 months after the approval date by the city. The permit holder may request one extension to be limited to six months, if the permit holder cannot construct the small wireless facility within the original 12-month period.

D. *Site safety and maintenance.* The permit holder must maintain the small wireless facilities in safe and working condition. The permit holder shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. *Operational activity.* The permit holder shall commence operation of the small wireless facility no later than six months after installation. The grantee may request one extension to be limited to six months if the permit holder can show that such operational activity is delayed due to factors outside the control of the grantee.

F. *Security.* Security of the small wireless facility is an integral component of operation. The applicant shall comply with any federal order regarding the security of its telecommunications network.
(Code 1988 § 19.14.040; Ord. No. 974 § 3, 2019)

15.14.050. Modifications.

A. If a small wireless facility permit holder desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, the applicant shall apply for a small wireless facility permit or eligible facilities request as may be required by MMC 16.37.180.

B. Each small wireless facility permit holder shall conduct new RF emissions testing upon modification of a permitted small wireless facility or if the FCC requires a new NIER report for the activity undertaken. The purpose of this test is to validate that the RF emissions are in compliance with the FCC's regulations and standards.

1. All such tests required by this section shall be performed and certified by a licensed electrical engineer, or by a person with equivalent capabilities approved by the city engineer.

2. Copies of each and every RF emissions test shall be submitted to the city engineer on the first day of the month following the month in which the test is performed.
3. If at any time a RF emissions test shows that the RF emissions emanating from a small wireless facility exceed the standards established by the FCC, the permit holder shall immediately notify the city and shall take any and all action to remediate the problem as required by the FCC. The small wireless facility shall not be reconnected until the permit holder demonstrates compliance with the FCC requirements.

C. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight, and height; provided, that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with Chapter 15.12 MMC.

(Code 1988 § 19.14.050; Ord. No. 974 § 3, 2019)

15.14.060. Consolidated permit.

A. The issuance of a small wireless facility permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services departments. If the applicant requires a new franchise to utilize the city right-of-way, the franchise approval shall be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the city will endeavor to issue small wireless facility permit within the presumptively reasonable time limits established by federal law for small wireless facilities.

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B. The general standards applicable to the use of the rights-of-way described in this title shall apply to all small wireless facility permits.
(Code 1988 § 19.14.060; Ord. No. 974 § 3, 2019)

15.14.070. Annual inspection required.

Each grantee shall conduct an annual inspection of its facilities located within the city, at the grantee's expense, and complete a written report of its inspection for submission to the city engineer. The report shall indicate whether the facility is operational and whether it is operating. In addition, if the inspection reveals any problems, the report shall include a proposed fix or correction action plan.
(Code 1988 § 19.14.070; Ord. No. 974 § 3, 2019)

15.14.080. Appeals.

Small wireless facilities permit decisions are final decisions appealable to the King County Superior Court. Applicant may proceed forward with a permitted project that has been appealed at applicant's own risk and subject to any subsequent court decision that may impact applicant's ability to install such facilities.
(Code 1988 § 19.14.080; Ord. No. 974 § 3, 2019)

15.14.090. Removal of abandoned facilities.

A. Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of 12 months shall be considered abandoned.

B. The telecommunication carrier of such abandoned small wireless facility shall remove the same within 90 days of receipt of a notice from the city notifying the owner or operator of such abandonment.

C. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the pole upon which the small wireless facility is located, unless the city determines that such pole shall remain. Failure to remove such an abandoned facility shall result in declaring the small wireless facility a public nuisance. If there are two or more users of a single pole, then this subsection shall not become effective until all users cease using the pole.
(Code 1988 § 19.14.090; Ord. No. 974 § 3, 2019)

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- 16.00.020. Statement of purpose.

Subtitle 16.1. Administration of Unified Development Code**Chapter 16.10. Administration—General Provisions**

- 16.10.010. Compliance.
- 16.10.020. Minimum requirements.
- 16.10.030. Conflicts.
- 16.10.040. Administrative authority.
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- 16.10.060. Compliance with other laws.
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Chapter 16.12. Definitions

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- 16.81.010. Purpose.
- 16.81.020. Applicability.
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Chapter 16.82. Area-Wide Zoning Map Amendments

- 16.82.010. Purpose.
- 16.82.020. Applicability.
- 16.82.030. Initiation.
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Chapter 16.83. Comprehensive Plan Amendments

- 16.83.010. Purpose.
- 16.83.020. Applicability.
- 16.83.030. Initiation.
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- 16.90.010. Lot requirements.
- 16.90.020. Maximum length of blocks.
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Chapter 16.91. Private Lanes

16.91.010.	Access by private lane authorized.
16.91.020.	Easement required.
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EXHIBIT A
16.10.050**CHAPTER 16.00. INTRODUCTION TO THE
UNIFIED DEVELOPMENT CODE****16.00.010. Title.**

This title shall be known as, and may be cited as, the "Medina Unified Development Code" and may be cited as the UDC.
(Code 1988 § 20.00.010; Ord. No. 900 § 4 (Att. A), 2013)

16.00.020. Statement of purpose.

A. The UDC is a comprehensive set of regulations that governs the physical development of all land and water within the City of Medina, except where state-owned properties are exempt under state law, for the purpose of orderly development within the community. The UDC consolidates the city's zoning, platting, environmental, construction and other development regulations into a one-book source with the goal of providing consistency between different regulations, and making the ability to find information related to development easier.

B. The primary purpose of the regulations under this title is to:

1. Encourage and guide development consistent with the goals, policies and intent of the Medina comprehensive plan;
2. Protect the community's single-family residential nature and the natural aesthetic quality of the community;
3. Address both natural and manmade environmental considerations as part of the project permitting processes;
4. Protect the public's health, safety and welfare as a whole and not create a duty of protecting any person or class of persons; and
5. Provide appropriate procedures for enforcement of the regulations of this title.

(Ord. No. 997, § 1, 4-26-2021; Code 1988 § 20.00.020; Ord. No. 900 § 4 (Att. A), 2013)

**SUBTITLE 16.1. ADMINISTRATION OF
UNIFIED DEVELOPMENT CODE****CHAPTER 16.10. ADMINISTRATION—
GENERAL PROVISIONS****16.10.010. Compliance.**

No building or other structure shall be constructed, improved, altered, enlarged, or moved, nor shall any use or occupancy of premises within the city be commenced or changed, nor shall any condition of or upon real property be caused or maintained, except in conformity with the conditions prescribed within this title.
(Code 1988 § 20.10.010; Ord. No. 900 § 4 (Att. A), 2013)

16.10.020. Minimum requirements.

The regulations set forth in this title shall constitute the minimum requirements necessary to promote the public health, safety, morals, and general welfare.
(Code 1988 § 20.10.020; Ord. No. 900 § 4 (Att. A), 2013)

16.10.030. Conflicts.

The requirements of this title shall govern when this Code imposes a greater restriction than is required by other ordinances, regulations, easements, covenants, or other agreements. In the case of internal conflicts within this Code, the most restrictive provision shall prevail unless prescribed otherwise by law.
(Code 1988 § 20.10.030; Ord. No. 900 § 4 (Att. A), 2013)

16.10.040. Administrative authority.

The director has authority to make and issue orders, rules, requirements, permits, interpretations, decisions, or determinations as necessary in the administration and enforcement of the regulations in this title, except where specified otherwise by law.
(Code 1988 § 20.10.040; Ord. No. 900 § 4 (Att. A), 2013)

16.10.050. Interpretations.

A. The director is authorized to make written interpretations of these codes whenever necessary for clarification, or to resolve a conflict within these regulations, so as to provide consistent interpretation and application of this title. However, interpretations shall not be made for the purpose of superseding unambiguous regulations.

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B. Code interpretations are a Type 1 decision subject to the review procedures set forth in Chapter 16.80 MMC.

C. Any person may submit a written request for a code interpretation, or the director may issue a code interpretation at the director's own initiative.

D. A written request shall include the following:

1. Specify the regulation for which a code interpretation is requested, including reference to sections of the code subject to the interpretation;
2. A statement on why an interpretation is necessary;
3. Any reason or any materials that support making an interpretation; and
4. Payment of fees adopted pursuant to the fee schedule in Chapter 16.14 MMC.

E. Decision criteria. Code interpretations shall be in writing and made based on an analysis of the following:

1. The defined or common meaning of the words of the regulation;
2. The general purpose of the regulation as expressed in the provision; and
3. The logical or likely meaning of the regulation viewed in relation to the comprehensive plan, if applicable.

F. Effect. A written interpretation shall be enforced as if it is part of this title.

G. A record of all written interpretations shall be maintained by the city and be available for public inspection during regular business hours.
(Code 1988 § 20.10.050; Ord. No. 900 § 4 (Att. A), 2013)

16.10.060. Compliance with other laws.

Nothing in this title shall be construed to excuse compliance with other applicable federal, state, or local laws or regulations.
(Code 1988 § 20.10.060; Ord. No. 900 § 4 (Att. A), 2013)

16.10.070. City liability.

Nothing in this title shall be construed to impose any duty upon the city or any of its officers or employ-

ees so as to subject them to liability for damages not otherwise imposed by law to protect individuals from personal injuries or property damage.
(Code 1988 § 20.10.070; Ord. No. 900 § 4 (Att. A), 2013)

16.10.080. Responsibility for compliance.

A. Regardless of any review, approval, inspection or other action of the city or its agents, consultants or employees, it is the responsibility of developers, applicants, owners and occupiers of land within the city to ensure that all work, actions or conditions comply with the requirements of this title and all other applicable laws.

B. An applicant for a permit or any other approvals from the city is responsible for providing accurate and complete information that complies with the requirements of this title and all applicable laws and regulations. The city is not responsible for the accuracy of information or plans provided by an applicant.
(Code 1988 § 20.10.080; Ord. No. 900 § 4 (Att. A), 2013)

16.10.090. Severability.

If any section, subsection, clause or phrase of this title or amendment thereto, or its application to any person or circumstance, is held by a court of competent jurisdiction to be invalid, the remainder or application to other persons or circumstances shall not be affected.
(Code 1988 § 20.10.090; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.12. DEFINITIONS**16.12.010. General provisions.**

A. For the purpose of this title, the terms in this chapter shall have the meaning indicated in this chapter, except where the context clearly indicates a different meaning.

B. Words used in the singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.

C. Where a term prescribed in this chapter conflicts with a definition of the same term adopted under a specific chapter, the definition adopted under the specific chapter shall control when applied to that specific chapter.

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D. Terms not defined herein shall take their meaning from definitions in the comprehensive plan, building codes, and other ordinances incorporated by reference. If a specific term is not defined or referenced, it shall take its normal and customary meaning within the context of how it is used.
(Code 1988 § 20.12.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.12.020. "A" definitions.

Abandoned means the knowing relinquishment of right or claim to the subject property or structure on that property.

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Access means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory means a use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.

Accessory building means a detached building, the use of which is incidental or secondary to that of the main building.

Accessory dwelling unit means a dwelling unit subordinate to a single-family dwelling unit which is:

1. Located within the single-family dwelling unit; or
2. Located within an accessory building on the lot with a principal single-family dwelling.

Adjoining means property that touches or is directly across a street or private lane from the subject property.

Adult family home means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the city from making reasonable accommodations to disabled persons in order to afford such

persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

Agriculture means the use of land for agricultural purposes including any one or more of farming, apiculture, horticulture, floriculture, and viticulture, but excluding the raising of animals and the farming of marijuana regardless of whether farmed for medicinal, recreational or research purposes.

Alter or alteration means:

1. Any change, addition or modification in construction or occupancy.
2. When used with Chapter 16.50 MMC—any human-induced action which changes and/or impacts the existing conditions of a critical area or buffer. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, cutting of trees, clearing (vegetation), paving, construction, compaction, excavation, dumping, demolition, or any other activity that changes the character of the critical area.

Anadromous fish means fish that spawn and rear in fresh water and mature in the marine environment.

Ancillary facilities means the equipment required for operation of wireless communications, including, but not limited to, repeaters, radios, cabling, power meters, ventilation, generators, and other related equipment.

Ancillary use means a use essential for the proper and/or effective function of another use.

ANSI means the American National Standards Institute.

Antenna means an electrical conductor or group of electrical conductors that transmit or receive radio waves or microwaves.

Antenna, directional (or *panel*) means an antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.

Antenna, omni-directional (or *whip*) means an antenna that receives and transmits signals in a 360-degree pattern, and which is four inches or less in diameter and 15 feet or less in height.

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Antenna, parabolic (or *dish*) means a bowl-shaped device that receives and transmits signals in a specific directional pattern.

Antenna, tubular panel means an antenna which is 18 inches or less in diameter and less than eight feet in height, and which is capable of receiving or transmitting signals in a 360-degree pattern. This includes a configuration of multiple panel antennas located within a single shroud that gives the appearance of a single antenna.

Applicant means a person who applies for any permit or approval to do anything governed by this Code and who is the owner of the subject property, the authorized agent of the owner, or the city.

Arbor, bower, trellis means light, open, garden-type structures composed of vertical and/or horizontal elements without a room which may or may not attach to a building which is designed, established and installed as a part of the landscape of the property.

Arborist, city means a person appointed by the city manager or designee with the criteria that the person is a member of the American Society of Consulting Arborists or similar professional organization and is an ISA certified arborist. The city arborist is responsible for evaluating trees according to the International Society of Arboriculture in evaluating hazardous trees in urban areas.

Auditor, county means the person defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

Automobile mechanical repair means general repair, rebuilding, or recondition of engines, motor vehicles, or trailers including incidental repairs and replacement of parts and motor services. This does not include painting and body work.

Automobile service station means a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, washing, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed; and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally. For the purpose of this definition, the sale of associated sundry items and the sale of prepared foods for consumption off the premises may be allowed

in conjunction therewith provided the gross floor area devoted to the sale of such sundry items and prepared foods does not exceed 160 square feet.

(Code 1988 § 20.12.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 948 § 2, 2017; Ord. No. 933 § 2, 2016; Ord. No. 924 § 4, 2015; Ord. No. 911 § 1, 2014; Ord. No. 909 § 5, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.030. "B" definitions.

Bay window means a projecting bay from an exterior wall of a structure that contains window glazing over at least 50 percent of any surface of the bay that does not lie perpendicular to the exterior wall. The bay window may be directly supported by a foundation or it may be cantilevered out from an exterior wall.

Berm means a manmade earthen or other type of mound erected to provide a visual interest, visual screening and/or decrease noise.

Best available science means current scientific information used in the process to designate, protect, or restore critical areas, that are derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the Washington State Department of Commerce.

Best management practices means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands;
3. Protect trees and vegetation designated to be retained during and following site construction; and
4. Provide standards for proper use of chemical herbicides within critical areas.

The City of Medina shall monitor the application of best management practices to ensure that the standards and policies of this title are adhered to.

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Biofiltration treatment means a type of treatment best management practice that is vegetated (typically with grass) and is designed to remove pollutants from stormwater by means of sedimentation, filtration, soil sorption, and/or plant uptake.

Bioretention means a type of low impact development best management practice that is engineered and is designed to store and treat stormwater by passing it through a specified soil profile, and either retains or detains the treated stormwater for flow attenuation.

Block means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Bond means a satisfactory security to insure performance and/or warranty. The form of the security shall be determined by the director.

Buffer means an area contiguous to a critical area that is required for the continued protection, maintenance, functioning, and/or structural stability of a critical area.

Buildable lot means a tract or parcel of land, legally created, which may be used for the placement of structures separate from other parcels.

Building means any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy.

Building envelope means the space defined by the vertical, horizontal and mixed planes of an existing or proposed structure, including that portion of the structure which is at or under the ground.

Building official means the same as the term that is defined in the building codes adopted in Chapter 16.40 MMC.

Building site means a parcel of land or lot under single ownership and control and otherwise qualified as a building site under regulations of the city, which, at the time of filing for a building permit, is designated by its owners or developers as the site to be used, developed or built upon as a unit.

Bulkhead means a wall or embankment used for retaining earth. For properties located within the jurisdiction of the Shoreline Management Act see the Medina shoreline master program.

Business day means Monday through Friday, except for legal holidays as set forth in RCW 1.16.050(1). (Code 1988 § 20.12.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 955 § 1, 2018; Ord. No. 924 § 5, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.040. "C" definitions.

Caliper, tree means synonym for trunk diameter used to measure the size of nursery trees. Caliper measurement of the trunk is taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper is measured at 12 inches above the ground.

Carport means a building or structure or part thereof which is not wholly enclosed and is used for the parking or storage of passenger vehicles.

Channel migration zone (CMZ) means the lateral extent of active stream channel movement over the past 100 years. Evidence of active movement over the 100-year time frame can be inferred from aerial photos or from specific channel and valley bottom characteristics. A time frame of 100 years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time. A CMZ is not typically present if the valley width is generally less than two bank full widths, is confined by terraces, no current or historical aerial photographic evidence exists of significant channel movement, and there is no field evidence of secondary channels with recent scour from stream flow or progressive bank erosion at meander bends. Areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ.

City means City of Medina.

Clearing means cutting, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, "cutting" means the severing of the main trunk or stem of woody vegetation at any point.

Closed-record appeal means an administrative appeal on the record on a project permit application following an open-record hearing with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

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Clubhouse means a building used by a club, being an association of persons with a common interest meeting periodically for shared activity.

Co-location means the use of a single support structure and/or site by more than one telecommunication carrier of wireless communication.

Commercial means the use of land, building or structure relating to the buying and selling of goods and services.

Compatible means a building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

Compensatory mitigation means replacing project-induced critical area losses or impacts, and includes, but is not limited to, the following:

1. *Restoration.* Actions performed to reestablish critical area functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a critical area.
2. *Creation.* Actions performed to intentionally establish a critical area at a site where it did not formerly exist.
3. *Enhancement.* Actions performed to improve the condition of existing degraded critical areas so that the functions they provide are of a higher quality.

Comprehensive plan means the adopted Medina comprehensive plan, listing the goals and policies regarding land use within the city.

Conditional use, special use means a use permitted in a particular zone only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified and authorized by law.

Coniferous trees means those trees that are called evergreen, have needles or scales for leaves, and bear seeds in protective cones. This includes conifer trees that lose their needles in the fall.

Contour line means the interconnection of points having the same height above sea level.

Cost of construction (including maintenance and repairs) means the true value in the open market of all work required to accomplish the proposed construction, as defined by the International Building Code for the purpose of computing building permit fees. The true value shall include reasonable true market values for the materials and labor and include normal contractor profit and overhead and design fees, but exclude Washington State and local sales taxes and permit fees.

Cottage means a detached single-family dwelling unit used as a secondary dwelling on a property.

Court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or buildings.

Court of competent jurisdiction means the judicial body empowered to adjudicate the question under consideration.

Critical areas means critical areas as defined in RCW 36.70A.030 and amendments thereto, and this title. (Code 1988 § 20.12.040; Ord. No. 975 § 2, 2019; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 6, 2015; Ord. No. 909 § 6, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.050. "D" definitions.

Day means calendar days.

Deciduous trees means perennial trees that lose all of their leaves at one time of the year.

Deck means a structure attached to a wall of a building designated, established, and/or installed to provide for entrance or exit, outdoor living, cooking, and/or recreation, some sides of which are open and which may or may not have a permanent overhead covering. (See definitions for "porch" and "veranda.")

Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Development means a change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.

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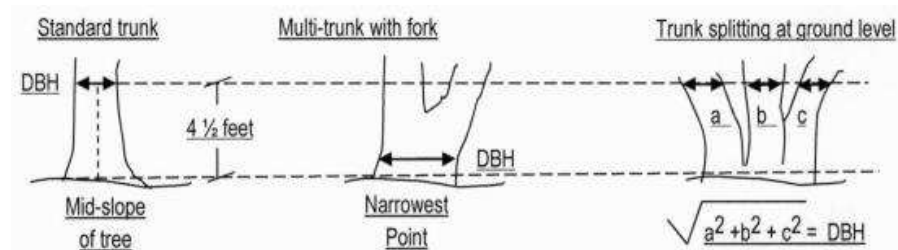
Development permits means all permits and associated approvals administered by the city associated with development.

Development regulations means the controls placed on development or land use activities including but not limited to building codes, zoning, critical areas, shoreline master programs, official controls, and subdivisions, together with any amendments thereto.

Diameter breast height or *DBH* means the diameter measurement in inches of the outside bark of a tree

trunk, measured at 4½ feet above the surrounding existing ground surface. The vertical measurement is taken at the mid-slope of the surrounding ground surface. The DBH for multi-trunk trees forking below the 4½-foot mark is determined by measuring the diameter of the tree trunk at the narrowest part of the main stem below the tree fork. The DBH for multi-trunk trees splitting at ground level is determined by taking the square root of the sum of all squared stem caliper. See Figures below.

Figures Measuring DBH



Diameter of replacement tree means the replacement tree diameter using caliper as the measurement. Multi-trunk trees shall be measured by taking one-half the caliper of up to the three largest trunks and summing them.

Director means the city manager or designee appointed by the city manager to administer this title or parts of this title.

Dispersion means a type of low impact development best management practice designed to release surface and stormwater runoff such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying granular soils.

Division of land means any segregation of land that creates lots, tracts, parcels, or sites not otherwise exempted by this title that alters or affects the shape, size or legal description of any part of the owner's land.

Drainage facility means the system of collecting, conveying and storing surface and storm runoff. Drainage facilities shall include but not be limited to all

surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances.

Driveway means an area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.

Driveway apron means that portion of a driveway connecting to a public roadway or to a private lane. The driveway apron provides a transition between the street, driveway, and sidewalk (if present).

Dwelling means a building used or intended for residential occupancy.

Dwelling unit means one or more rooms or structures providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation. (Code 1988 § 20.12.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 7, 2015; Ord. No. 923 § 1, 2015; Ord. No. 909 § 7, 2014; Ord. No. 900 § 4 (Att. A), 2013)

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16.12.060. "E" definitions.

Easement means a negotiated interest in the land of another which allows for the easement holder specified uses or rights without actual ownership of the land.

Eave means a roof overhang, free of enclosing walls, without supporting columns.

Electric utility facilities, as used in Chapter 16.73 MMC, means unstaffed facilities except for the presence of security personnel that are used for or in connection with, or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

Emergent wetland means a regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Environmental review means all reviews administered pursuant to Chapter 43.21 RCW and Chapter 14.04 MMC.

Equipment housing structure means the structure used to shelter equipment (i.e., electronics, cooling and heating devices, emergency generators, etc.) necessary for processing wireless communication signals including, but not limited to, vaults, cabinets and similar assemblies.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion hazard areas means at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.

Excessive vegetation means the following:

1. Weeds more than eight inches in height;
2. Uncared-for grass more than eight inches in height; and
3. Any vegetation or weed that poses a health hazard, a fire hazard, or that impairs the view of a public road right-of-way or renders use of the road otherwise hazardous.

Existing nonresidential building means an existing building or structure that contains a nonresidential use or supports a nonresidential use.

Exotic means any species of plants or animals which are foreign to the planning area.

(Code 1988 § 20.12.060; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 8, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.070. "F" definitions.

Failure or failure mode when used for assessing hazard trees means the breakage of stem, branches, roots, or loss of mechanical support in the root system.

Failure, consequences when used for assessing hazard trees means an estimate by the city arborist on the value of the target and the harm that may be done to it by a tree failure. The consequence depends on the part size, fall characteristics, fall distance, and other factors that may protect the risk target from harm. The consequence of failure can be categorized as follows:

1. *Negligible* are those consequences that involve low-value property damage or disruption that can be replaced or repaired, and do not involve personal injury;
2. *Minor* are those consequences that involve low to moderate property damage, small disruptions to traffic or a communication utility, or very minor personal injury;
3. *Significant* are those consequences that involve property damage of moderate to high value, considerable disruption, or personal injury; or
4. *Severe* are those consequences that involve serious personal injury or death, damage to high-value property, or disruption of important activities such as a strike on an occupied house, disruption of high-voltage distribution and transmission lines, or disruption of arterial traffic or motorways.

Failure, likelihood when used for assessing hazard trees means the chance of an event occurring. The likelihood of failure can be categorized as follows:

1. *Improbable*. The tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions within a reasonable time period;
2. *Possible*. Failure could occur, but is unlikely during normal weather conditions within a reasonable time period;

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3. *Probable*. Failure may be expected under normal weather conditions within a reasonable time period; or
4. *Imminent*. Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Family means one or more persons living together as a single housekeeping unit in a dwelling unit.

Family day care home means a person who regularly provides child care and early learning services during part of the 24-hour day to 12 or fewer children. Children include both the provider's children, close relatives and other children irrespective of whether the provider gets paid to care for them. They provide their services in the family living quarters of the day care provider's home.

Feasible means an action, such as a development project, mitigation, or preservation requirement that meets all of the following criteria:

1. Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. Provides a reasonable likelihood of achieving its intended purpose; and
3. Does not physically preclude achieving the project's primary intended legal use.

Fence means a wall or barrier structure of any material or combination of materials erected to enclose, screen, or separate areas of land, excluding retaining walls and rockeries.

Fish and wildlife habitat conservation means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

2. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;
3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
4. Waters of the state, including lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;
5. State natural area preserves and natural resource conservation areas; and
6. Land essential for preserving connections between habitat blocks and open spaces.

Fish and wildlife habitat conservation area means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.

Floor area, gross means the total floor area measured between the exterior faces of the exterior walls.

Footprint means the entire area of ground surface covered by a structure, including any areas directly beneath a structure that is above the ground surface, measured along the outermost parameter of the structure, including any outer elements such as gutters.

Forested wetland means a regulated wetland with at least 30 percent of the surface area covered by woody vegetation greater than 20 feet in height that is at least partially rooted within the wetland.

Freestanding wall means a wall structure standing alone or on its own foundation free of support or

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attachment or affiliation with other structures in close proximity and built to act as a fence or to provide buffering from noise or other undesirable impacts.

Functions and values means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; and recreation. These beneficial roles are not listed in order of priority.

(Code 1988 § 20.12.070; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 932 § 3, 2016; Ord. No. 924 § 9, 2015; Ord. No. 923 § 2, 2015; Ord. No. 916 § 1, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.080. "G" definitions.

Gazebo or pavilion means a fully or partly roofed or covered freestanding structure fully or partly open at the sides designed, established and installed to provide outdoor living, cooking and/or recreation.

Geologically hazardous areas means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geologic events as designated by WAC 365-190-120. In the City of Medina, types of geologically hazardous areas include erosion, landslide, and seismic hazards.

Golf course means an area with at least nine holes for playing golf, including improved tees, greens, fairways, hazards, and a driving range. Facility may include a clubhouse with related pro-shop, restaurant/food, and alcohol service.

Grade, existing; existing grade means the ground elevation existing on a lot at the time an application for a building or other development permit is filed at the city.

Grade, finished; finished grade means the ground elevation after any lot development is completed.

Grade, original; original grade means the natural ground elevation that existed prior to any lot development or manmade modifications in the first instance. (See MMC 16.23.080.)

Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grading when used with Chapter 16.50 MMC means any excavation, filling, removal of topsoil, or any combination thereof.

Greenhouse means a building wherein the temperature and humidity can be regulated for the cultivation of plants.

Grid system means a type of permeable pavement made with a concrete or plastic grid that contains and stabilizes gravel or topsoil and grass and allows water to infiltrate.

Ground water means water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growth Management Act means Chapter 36.70A RCW, as amended.

Grubbing means to clear by digging up roots and or stumps. See "clearing."

Guests means those who occupy upon invitation of the owner or lessee without charge or other consideration for such occupancy.

Gutter, depending on its context, means:

1. On a roof, a gutter is a shallow trough fixed to the edge of a roof or eave for the carrying off of rainwater; or
2. On grade, a gutter is a channel for draining off water at the edge of a street or road.

(Code 1988 § 20.12.080; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 932 § 4, 2016; Ord. No. 924 § 10, 2015; Ord. No. 923 § 3, 2015; Ord. No. 909 § 8, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.090. "H" definitions.

Habitat conservation areas means areas designated as fish and wildlife habitat conservation areas.

Hardscape means any inorganic decorative landscape materials, including but not limited to stones, boulders, cobbles, pavers, decorative concrete incorporated into an overall landscape design of the grounds. This definition includes, but is not limited to, patios, walkways, steps, and other paved areas on the ground.

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Hazard areas means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, or other geologic condition.

Hazard tree means a tree designated by the city arborist as having a high to extreme risk using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) system. A hazard tree must have a likely or very likely potential to fail and a target that might sustain injury or damage. Hazard trees are created through a variety of circumstances including human influences, disease, and weather.

Hearing body means the body designated by the city council to preside over an open-record hearing or closed-record appeal.

Hearing examiner means the person appointed pursuant to MMC 2.72.020 with the powers and duties prescribed in Chapter 2.72 MMC.

Height means a vertical distance measured between two points.

Home business means an economic enterprise to make a product or perform a service, or to undertake any activity that requires a business license from the State of Washington, that is conducted or operated pursuant to MMC 16.31.010 within a single family dwelling by the resident occupant or owner thereof, which use or activity shall be clearly incidental and secondary to the residential use of the dwelling, including the use of the dwelling as a business address in a directory or as a business mailing address.

Horticulture means the occupation of cultivating plants, especially flowers, fruit, and vegetables.

Hot tub means a hydro-massage pool, or tub for recreational or therapeutic use designed for immersion of users, and usually having a filter, heater, and motor-driven blower.

Household staff means individuals who spend more than 50 percent of their working time employed at the residence site and in no event work less than 20 hours per week, including caregivers.

Housekeeping unit means one or more persons living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other. A house-

keeping unit does not include larger institutional group living situations such as dormitories, fraternities, sororities, and similar groups where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Hydraulic project approval (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

Hydric soil means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

Hydrophytic vegetation means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements. (Ord. No. 997, § 2, 4-26-2021; Code 1988 § 20.12.090; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 11, 2015; Ord. No. 923 § 4, 2015; Ord. No. 916 § 2, 2015; Ord. No. 909 § 9, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.100. "I" definitions.

Impervious surface means any hard surface area which either prevents or retards the entry of water into the soil mantle as it would otherwise enter under natural conditions preexisting to development, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow as it would otherwise under natural conditions preexisting to development. Examples include impenetrable materials such as asphalt, concrete, brick, stone, wood and rooftops.

Impervious surface area means the total square feet of impervious surfaces located on a lot.

Isolated wetland means those wetlands that are outside of and not contiguous to any 100-year floodplain

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of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

(Code 1988 § 20.12.100; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 12, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.110. "J" definitions.

Joint aquatic resources permit application (JARPA) means a single application form that may be used to apply for shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, Coast Guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineers permits.

(Code 1988 § 20.12.110; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 13, 2015)

16.12.130. "L" definitions.

Land alteration means any movement or modification of more than 25 cubic yards of earth material on any site.

Landscape means plant materials, topography, and other natural physical elements combined in relation to one another and to manmade structures.

Landscaping means the planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

Landslide hazard areas means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including bedrock, soil, slope (gradient), slope aspect, geologic structure, ground water, hydrology, or other factors.

Lane, private means a developed private right-of-way which provides vehicle access to more than one lot abutting thereon. (See Chapter 16.91 MMC.)

Lattice tower means a support structure characterized by an open framework of lateral cross members which stabilize the structure.

Lot means (1) a fractional part of divided lands having fixed boundaries being of sufficient area and dimension to meet the minimum and maximum under-

lying zoning district requirements for width, area and street frontage; (2) land having fixed boundaries used as a "building site." The term includes parcels and tracts.

Lot area means the dry land area of a lot, which is further defined as land area exclusive of shorelands, except those which by recession of water or bulkhead have become dry land above the high water level.

Lot area, gross means all areas within the boundaries of a lot.

Lot area, net means the lot area exclusive of the area of any vehicular private lane, vehicular right-of-way, vehicular access easement, or any areas unbuildable due to the presence of critical areas as defined in Chapter 16.50 MMC.

Lot, corner means a lot situated at the intersection of, and abutting upon, the intersection of two or more streets, or the intersection of a street and a private lane, or upon two parts of the same street, provided the interior angle of intersection is not more than 135 degrees. In the case of a curved corner, the tangents at the street extremities of the side lot lines shall be used for forming the angle.

Lot line adjustment means a minor movement of a property line between two or more adjoining parcels. Lot line adjustments are used to correct minor trespasses (such as building a shed over a property line) or to add acreage to a parcel for the owner's convenience.

Lot, through means a lot bounded on two opposite sides by streets; provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be deemed to be a corner lot for the purposes of the zoning code.

Low impact development best management practice means any one of several distributed stormwater management practices, integrated into a site, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, dispersion, and water reuse. Further information can be found in the stormwater manual adopted under MMC 13.06.020.

Luminance means the light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English

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measurement units). Expressed in SI units as cd/m", and in English units as foot lamberts. Sometimes also expressed as "nits," a colloquial reference to SI units. Can be measured by means of a luminance meter. (Code 1988 § 20.12.130; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 955 § 2, 2018; Ord. No. 924 § 14, 2015; Ord. No. 909 § 10, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.140. "M" definitions.

Manufactured home means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

Marijuana use includes the following:

1. *Marijuana cooperative* means the same as described in RCW 69.51A.250 and amendments thereto;
2. *Marijuana processor* means a person or entity who processes marijuana into usable marijuana and marijuana-infused products, packages and labels usable marijuana and marijuana-infused products for sale in retail outlets, and sells usable marijuana and marijuana-infused products at wholesale to marijuana retailers;
3. *Marijuana producer* means a person or entity who produces and sells marijuana at wholesale to marijuana processors and other marijuana producers;
4. *Marijuana retailer* means a person or entity who sells usable marijuana and marijuana-infused products in a retail outlet;
5. *Marijuana researcher* means a person or entity licensed to produce, process, and possess marijuana for limited research purposes pursuant to RCW 69.50.372.

The terms in RCW 69.50.101, and amendments thereto, shall be used to interpret further the meaning of marijuana use.

Mechanical equipment means any machine or system containing moving parts such as motors, valves, relay switches, compressors, fans or similar compo-

nents, including but not limited to those used to circulate and/or condition air, water, refrigerant, effluent or products of combustion.

Medina tree fund means a fund established by the city for the financial mitigation for tree removal consistent with Chapter 16.52 MMC. The fund is to be used to plant trees on public lands as deemed appropriate by the city manager or designee. In addition, the fund may be used to maintain public trees, develop a community tree management plan, and to pay costs related to the city arborist or other consultants to carry out the purposes of the Medina tree code (Chapter 16.52 MMC).

Mitigation means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

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MMC means Medina Municipal Code as adopted pursuant to Chapter 1.01 MMC.

Monopole means a single upright pole, engineered to be self-supporting that does not require lateral cross supports and is sunk into the ground and/or attached to a foundation.

(Code 1988 § 20.12.140; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 933 § 3, 2016; Ord. No. 924 § 15, 2015; Ord. No. 923 § 5, 2015; Ord. No. 911 § 2, 2014; Ord. No. 909 § 11, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.150. "N" definitions.

Native growth protection area (NGPA) means an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native vegetation means plant species native to the Puget Sound region, excluding noxious weeds. Cultivars, plant varieties that have been produced in cultivation by selective breeding, with genetics predominantly composed of native species, are acceptable to meet the "native vegetation" definition.

Net lot area. See definition of "lot area, net."

Nonconforming lot means a lot that does not meet the lot area, width, or street frontage requirements of the zone in which it is located, but was lawfully created prior to the effective date of the zone or subsequent amendments thereto.

Nonconforming structure means any structure that does not comply with the required setbacks, height, structural coverage and other development regulations in which it is located, but was lawfully constructed prior to the effective date of the development regulation, or subsequent amendments thereto, and was continually maintained without abandonment as defined in this chapter. This term applies whether or not the nonconformity was permitted by a variance.

Nonconforming use means any activity, development, or condition that by the zone in which it is located is not permitted outright or permitted as an accessory use, or is not permitted by a conditional use permit or other special permitting process, but was lawfully created prior to the effective date of the zone, or subsequent amendments thereto, and was continu-

ally maintained without abandonment as defined in this chapter. A nonconforming use may or may not involve structures and may involve part of, or all of, a structure or property.

Nonindigenous. See "exotic."
(Code 1988 § 20.12.150; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 16, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.160. "O" definitions.

Occupancy means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Off site means an activity or use that is related to a specific principal use, but is not located on the same site as the principal use.

On site means an activity or use that is related to a specific principal use, and is located on the same site as the principal use.

Open-record appeal hearing means an open-record hearing held on an appeal when no predecision hearing has been held on the project permit application.

Open-record hearing means a hearing that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution. An open-record hearing held prior to the city's decision on a project permit application shall be known as a "predecision hearing."

Ordinary high water mark (OHWM) means that mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Outdoor mechanical equipment means mechanical systems, including, but not limited to, compressors, generators, heating systems, cooling systems, and similar mechanical devices that are located outside of a building.

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Overlay zone means a set of zoning requirements that is mapped and is imposed in addition to those of the underlying zoning district.

Owner means one who has legal title to ownership, or an authorized agent of the owner who has written authorization to act on behalf of the owner, or a purchaser under a contract for the sale of real property. (Code 1988 § 20.12.160; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 17 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.170. "P" definitions.

Parcel. See definition of "lot."

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

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

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

Parties of record means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plat certificate means a title report or subdivision guarantee that is prepared by a title company for the property contained in a proposed short subdivision, subdivision or binding site plan, to include, as a minimum, all owners of record, easements and encumbrances affecting said property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public safety use means police, fire and similar emergency services provided by a public entity. (Code 1988 § 20.12.170; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 960 § 1, 2018; Ord. No. 932 § 5, 2016; Ord. No. 924 § 18, 2015; Ord. No. 909 § 12, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.180. "Q" definitions.

Qualified professional means a person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience.

1. A qualified professional for streams and fish and wildlife habitat conservation areas or wetlands must have a degree in biology or related field and relevant professional experience.
2. A qualified professional for a geologic hazard must be a professional engineer or geologist, licensed in the State of Washington. (Code 1988 § 20.12.180; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 19, 2015)

16.12.190. "R" definitions.

Rain garden means a type of low impact development best management practice designed as a non-engineered, shallow, landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.

Reconstruction means to undertake construction within and/or on an existing structure which has a valid construction permit with fair-market construction costs greater than 60 percent of the replacement cost of the existing structure being enlarged, extended, repaired, remodeled, or structurally altered. All project phases necessary to result in a habitable building must be included. The calculation for fair market construction costs shall include all costs of construction associated with the structure for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the city.

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Recreational facility means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Religious facility means an establishment for the purpose of public worship where the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.

Removal, tree or tree removal means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause, the tree to die, including but not limited to damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Replacement cost means the square footage of the structure multiplied by local building costs per square foot for the type of structure, or a similar method of calculation.

Replacement tree means a coniferous or deciduous tree required by the city to be planted as replacement for an existing tree proposed for removal.

Residential use property means all portions of any property which contain a residence and all portions of any vacant property which is zoned for residential use, including property located in adjoining jurisdictions.

Responsible person means the same as "person responsible for a violation" set forth in MMC 1.15.020(B).

Restoration means measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Retaining wall means a structure constructed to hold back or support an earthen bank.

Right-of-way means a public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

Rockery means a soil retaining or stabilizing structure composed of stacked rock that is not attached together by any bonding agent, such as mortar.

Rooftop play area, outdoor means an area used for outdoor play or recreation, especially by children, and often containing play equipment, located on a school rooftop.
(Code 1988 § 20.12.190; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 960 § 1, 2018; Ord. No. 924 § 20, 2015; Ord. No. 909 § 13, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.200. "S" definitions.

School means a school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.

School operation means any institution of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial school.

Scrub-shrub wetland means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Security barrier means an obstruction, such as fences, walls, vegetation and similar elements that restricts public access.

Seismic hazard areas means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Sensitive areas. See "critical areas."

SEPA. See definition of "State Environmental Policy Act (SEPA)."

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Service area means the vicinity around a wireless communication facility that effectively receives signals from and transmits signals to the facility.

Setback means the minimum distance from the property line to where a structure may be built. (See MMC 16.22.030.)

Setback area means the area of a lot or building site between the property line and the limits set by city regulations within which no permanent structure may intrude unless allowed otherwise by law.

Shorelands or shoreland areas means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Washington State Shoreline Management Act of 1971 and the City of Medina shoreline master program, Chapters 16.60 through 16.67 MMC.

Shorelines means all of the water areas of the state as defined in RCW 90.58.030, including reservoirs and their associated shorelands, together with the lands underlying them except:

1. Shorelines of statewide significance;
2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

Shorelines of statewide significance means those areas defined in RCW 90.58.030 and limited in the City of Medina to Lake Washington.

Sign means any medium visible to the public including its structure and component parts which is used or intended to be used out of doors to convey a message to the public or otherwise attract attention to its subject matter, for advertising or any other purposes.

Sign, A-board means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

Sign area means the area of the face of the sign. When a dimensional sign contains information on two sides of the sign, only one side is counted in determin-

ing sign area, except A-board signs where the average area of the two faces shall be used to determine sign area.

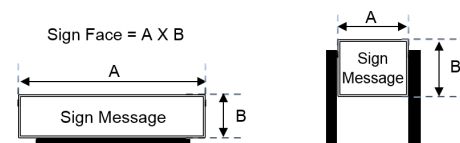
Sign, banner means a sign made of lightweight fabric or similar material that is temporarily mounted to a pole or building by one or more edge. National, state or municipal flags, or the official flag of any institution, shall not be considered banners.

Sign, commercial means a sign containing commercial content used for identifying a building, use, business or event, or to advertise the sale of goods, products, events or services. This includes real estate and event signs.

Sign face means the surface upon, against or through which the letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign is displayed or illustrated, not including the sign support structure, or architectural features of a building.

1. In the case of freestanding signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate including borders upon which the sign message is displayed or illustrated. See Figure 1.

Figure 1



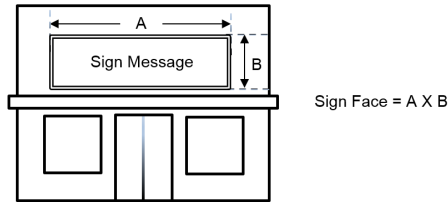
2. In the case of signs displayed on or mounted to buildings or fences, the sign face shall include the area of the entire panel, cabinet or face substrate upon which the sign message is displayed including framed, painted or illuminated borders that contrast the sign from the background of the building or fence. See Figure 2.

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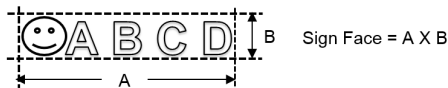
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Figure 2



3. In the case of signs consisting of individual letters and/or individual graphic elements painted or affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn using connected straight lines closest to the edge of the letters or separate graphic elements comprising the sign message. See Figure 3.

Figure 3



Sign, freestanding means a sign attached to a self-supporting structure such as columns, poles, or braces placed in or upon the ground.

Sign height means the total vertical measurement of a sign including all components of the sign and the sign's support structure.

Sign, illuminated means a sign characterized using artificial light, either projecting through its surface (internally or trans-illuminated), or reflecting off its surface (externally illuminated).

Sign, location identity means signs that identify address numbers, property owners, and/or geographic areas such as neighborhoods and subdivisions.

Sign, mounted means a sign that is applied or affixed to a building, wall or fence.

Sign, municipal means a sign erected by the City of Medina, or its authorized representatives, for the safety, convenience or information of its citizens, including,

but not limited to, traffic control signs, legal notices, city entrance signs, and signs announcing public and community events, meetings, and activities.

Sign, noncommercial means a sign containing non-commercial content used for identifying a building, use, or event, or to advertise noncommercial matters, excluding municipal signs.

Sign, off-site means any sign that advertises or relates to an event, activity, use, good, product, or service that is not available on the premises upon which the sign is erected.

Sign, on-site means any sign that advertises or relates to an event, activity, use, good, product, or service that is lawfully permitted to be offered, sold, traded, provided, or conducted at the location or premises upon which the sign is erected.

Sign, permanent means any sign which is affixed to the ground or to any permanent structure or building, including walls, awnings and fences, in such a manner that it cannot be moved or transported with ease, and which is intended to remain in one location and position for an extended period of time.

Sign, real estate and events means a temporary sign that is for the sole purpose of advertising a parcel, tract, lot, site or home for rent, lease or sale; for advertising the sale of a home's household belongings; or which identifies an individual or company performing an active construction project that has obtained building permits under MMC 16.40.010(A) or (B), and which construction activity is visible from a public street right-of-way, including remodels. For purposes of this definition, "construction projects" shall not include routine maintenance of property such as landscaping care.

Sign support structure means any structure designed specifically for the support of a sign and which does not form part of the sign proper or of the display.

Sign, temporary means a sign displaying either commercial or noncommercial messages which is not permanently affixed to the ground or any permanent structure or building and which is capable of being moved or transported with ease.

Sign, window means a sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

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Significant tree means a tree of at least six-inch DBH size and of a species as identified on the "City of Medina List of Suitable Tree Species" as set forth in Chapter 16.52 MMC.

Single-family dwelling means a dwelling unit which is occupied as, or designed or intended for occupancy as, a residence by one family and may include family guests and/or household staff. The owner of the single-family dwelling may provide lodging to persons who are not guests and who are not part of a family provided the total number of persons, including nonfamily persons living in the dwelling, does not exceed three, excluding children with familial status within the meaning of Title 42 United States Code, Section 3602(k). The limitation on the number of nonfamily persons living in the dwelling shall not apply to adult family homes, family day-care providers' home facilities as prescribed by RCW 35A.63.215, and other living arrangements which would violate Title 42 United States Code, Section 3604.

Single-family dwelling, detached means a separate unconnected single-family dwelling surrounded by open space and yards and which contains one dwelling unit and up to one accessory dwelling unit. A detached single-family dwelling may have detached accessory buildings including, but not limited to, garages, accessory recreational facilities, cabanas and similar residential accessories having no more than one room plus a bathroom and otherwise not designed as an independent residence.

Soil survey means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Spa. See definition under "hot tub."

Species means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, endangered means any fish or wildlife species or subspecies that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of local importance means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, priority means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, threatened means any fish or wildlife species or subspecies that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Sport court means an area of ground defined by permanent surfacing, equipment and/or fencing for the purpose of playing tennis, badminton, basketball and similar social games.

State Environmental Policy Act (SEPA) means environmental review procedures required under Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 16.04 MMC.

Steep slope means any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof.

Stream means a course or route, formed by nature or modified by humans and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include specially designed irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by salmonids or to convey watercourses that were naturally occurring prior to construction.

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Street means a right-of-way, opened or unopened, that is intended for motor vehicle travel or for motor vehicle access to abutting property. "Street" includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of the zoning code, "street" shall not include private lanes.

Street frontage means the property line abutting streets.

Structural coverage means the area of a lot covered by structures. (See MMC 16.23.030.)

Structure means that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Subdivision, accumulative short means multiple short subdivisions of contiguous existing lots held under common ownership, which would result in the creation of five or more lots within a five-year period of the initial short subdivision approval. "Ownership" for the purpose of this definition means ownership as established at the date of the initial short subdivision approval.

Subdivision, short means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Substantial destruction means to remove more than 60 percent of the existing exterior wall framing of a structure, as measured by the horizontal linear length of all existing exterior walls. Any partial removal of existing framing shall count towards the measurement of horizontal linear length the same as if the entire framing within that horizontal linear length was removed, except partial removal shall not include replacement of windows or doors when no beams or struts are removed. For the purpose of substantial destruction, existing exterior walls shall exclude exterior walls built less than 18 months prior to submittal of a building permit application. The calculation of the 18 months shall include to the time after the date the last permit involving construction of a new exterior wall was finalized by the city.

Substantially means significant in the size or amount and has a noticeable impact on the current situation to a degree that would satisfy a reasonable person as significant.

Support structures means the structure to which antennas and other necessary associated hardware are mounted, including, but not limited to, lattice towers, monopoles, utility support structures, and existing non-residential buildings.

Swimming pool means any artificially constructed water-holding device that has a minimum depth of 42 inches and is of sufficient size for swimming, wading, immersion, or therapeutic purposes.

(Code 1988 § 20.12.200; Ord. No. 975 § 3, 2019; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 955 § 3, 2018; Ord. No. 948 § 3, 2017; Ord. No. 924 § 21, 2015; Ord. No. 923 § 6, 2015; Ord. No. 916 § 3, 2015; Ord. No. 909 § 14, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.210. "T" definitions.

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

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

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

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

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

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

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

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

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

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

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

Tree, dead means a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a nondormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

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

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

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

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

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

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

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

(Code 1988 § 20.12.210; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 923 § 7, 2015; Ord. No. 909 § 15, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.220. "U" definitions.

UDC means Unified Development Code as set forth in this title.

Uncovered means, when used in conjunction with a structure such as decks, stairs, patios, etc., open above and without cover.

Use means any activity, occupation, business or operation carried out, or intended to be carried on, in a building or other structure or on a parcel of land.

Use, accessory. See definition of "accessory."

Use, principal means the main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under the Medina Municipal Code.

Utility support structure means poles that support street lights, and poles used to support electrical, telephone, cable or other similar facilities. These poles are typically constructed of wood, steel, concrete and composite materials.

(Code 1988 § 20.12.220; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

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Valuation means the determination of value made by the building official or designee of the total work, including materials, labor, overhead and profits for which a permit is issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.

Vegetation means any organism of the vegetable kingdom, including grasses, herbs, shrubs, and trees. Weeds are excluded from the definition of "vegetation."

Vegetative cover is defined as all vegetation including the ground cover layer, shrubs, and trees.

Veranda means an open-roofed platform projecting from the exterior wall of a building. (See definitions for "deck" and "porch.")

View-shed means the environment that is visible from one or more viewing points.
(Code 1988 § 20.12.230; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 909 § 16, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.12.240. "W" definitions.

Wall framing, as used when applied to nonconformity, means the assemblage of beams and struts that provide a support structure to which interior and exterior wall coverings are attached. Wall framing shall not include the horizontal ceiling joists and sloping rafters used for the roof.

Water-dependent means a structure or use that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in or adjacent to water because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water.

Weed means plants considered unwanted, undesirable, or troublesome.

Wetland edge means the boundary of a wetland as delineated based on the definitions contained in this title.

Wetland mitigation bank means a site where wetlands are restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of

providing compensatory mitigation in advance of authorized impacts to similar resources (RCW 90.84.010(5)).

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a regulated wetland, local government shall use the approved federal wetland delineation manual and applicable regional supplements.

Wireless communication facility means a facility designed and used for the purpose of transmitting, receiving, and relaying voice, video and data signals from various wireless communication devices. This may include any combination of antennas, ancillary facilities, equipment housing structures, support structures, and security barriers.
(Code 1988 § 20.12.240; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 22, 2015; Ord. No. 900 § 4 (Att. A), 2013)

16.12.270. "Z" definitions.

Zero-elevation surface means a vertical reference point such as sea level to which heights of various points are referred in order that those heights are in a consistent system.

Zone; zoning means an area delineated on the "official zoning map" in which, in accordance with the provisions of this title, certain uses of lands, buildings and structures are permitted and prohibited, and for which certain requirements are established for uses, buildings and structures. (See Chapter 16.20 MMC.)
(Code 1988 § 20.12.270; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

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16.14.040**CHAPTER 16.14. DEVELOPMENT PERMIT
FEES****16.14.010. Purpose.**

The purpose of this chapter is to prescribe reasonable fees and fee collection to cover the cost of services associated with the processing of development applications, inspecting, and reviewing plans, and conducting environmental review.

(Code 1988 § 20.14.010; Ord. No. 900 § 4 (Att. A), 2013)

16.14.020. Applicability.

Development permit fees shall compensate the city for building, engineering and land use services associated with the processing, review and inspection of:

- A. Residential and commercial building permit applications;
- B. Grading and drainage permit applications;
- C. Right-of-way permits;
- D. Tree removal permits;
- E. Shoreline permit applications and exemptions;
- F. State Environmental Policy Act (SEPA) compliance;
- G. Critical areas review;
- H. Preliminary and final subdivisions and short subdivisions;
- I. Lot line adjustments;
- J. Variances and minor deviations, conditional and special use permits, zone reclassifications, temporary use permits;
- K. Site plan review;
- L. Code of conduct and tailored construction mitigation plans;
- M. Amendments to the comprehensive plan or shoreline master program;
- N. Code amendments and amendments to the official zoning map;
- O. Other project permits listed in the tables set forth in MMC 16.80.050; and

- P. Other permits or approvals that reference this chapter.

(Code 1988 § 20.14.020; Ord. No. 900 § 4 (Att. A), 2013)

16.14.030. General provisions.

- A. The director may establish administrative rules to implement the provisions of this chapter.

- B. Fees are due and payable at the time of application for services or the due date stated on the city's invoice.

- C. A late penalty payment equal to one percent of the delinquent unpaid balance, compounded monthly, may be assessed on any delinquent unpaid balance.

- D. Unless otherwise required by law, development permit and environmental review fees shall be assessed at the fee rate in effect at the time the fee is collected.

- E. Administrative fees are not refundable. Other service fees are refundable in proportion to the amount of work performed as of the date an application is withdrawn by an applicant.

- F. Whenever a planning, building or engineering plan review or inspection results in more than one correction notice, second and subsequent corrections shall be charged a fee for additional services at an hourly rate established by the fee schedule.

- G. Waivers from development fees may be granted to qualifying applicants pursuant to Chapter 3.72 MMC. (Code 1988 § 20.14.030; Ord. No. 900 § 4 (Att. A), 2013)

16.14.040. Fee schedule.

- A. Development permit fees shall be set in a manner to reasonably cover as close as possible the actual cost of providing the services prescribed in MMC 16.14.020. This shall include consultant costs.

- B. The director has authority to establish a fee schedule and to increase or decrease fees consistent with the provisions of this chapter to compensate the city for services related to development and conducting environmental review.

- C. The fee schedule and any modifications thereto shall be submitted to the city council for consideration. The city council shall review the fee schedule and may approve, reject or modify the proposed fee schedule or any modifications thereto.

(Code 1988 § 20.14.040; Ord. No. 900 § 4 (Att. A), 2013)

16.14.050

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Fees for the review of buildings and structures, including additions and modifications, shall be calculated using the fee rate table adopted in the fee schedule pursuant to MMC 16.14.040 and the following methods of determining permit valuation:

- A. Valuation for new construction and/or additions for Group R, Division 3 Occupancy (Residential one- and two-family) shall be based on Table 16.14.050, except as provided in subsection (B) of this section:

Table 16.14.050: Valuation Table

Range for Value per Square Foot		
	Middle	Lower
Main floor area	\$336.00	\$250.00
Upper floor area	\$336.00	\$250.00
Lower floor area	\$336.00	\$250.00
Storage/unconditioned garage area	\$125.00	\$105.00
Unfinished space	\$323.00	\$227.00
Finished basement area	\$359.00	\$283.00
Porch area—Uncovered	\$76.00	\$71.00
Porch area—Covered	\$160.00	\$145.00
Decking area—Uncovered	\$35.00	\$25.00
Decking area—Covered	\$100.00	\$75.00

1. The applicable value shall be applied based on the type of construction and work being performed.
 2. The building official must approve which value in the table to apply in calculating valuation.
- B. When a permit for Group R, Division 3 occupancy (residential one- and two-family) new construction or addition has a valuation greater than \$2,500,000.00, it shall have the valuation determined pursuant to subsection (C) of this section.
- C. For those items not covered by the valuation table in this section, including all areas of remodel, the valuation shall be determined by the applicant providing an estimate value at the time of application. All fair-market value for labor and materials, equipment, architectural and engineering design work, contractor management expenses, agent administration expenses, profit, and overhead necessary to

complete the project shall be included in the estimate. Sales tax and permit fees shall not be included.

- D. Final valuation shall be set by the building official consistent with the provisions of this chapter. If, in the opinion of the building official, the valuation provided by the applicant is underestimated on the application, or if subsequently the application is changed in a manner that significantly affects valuation, the building official may require a detailed estimate, or may require a new valuation estimate that must be approved by the building official.
- E. Permit fees based on valuation shall use final valuation for assessing fees to be paid.
(Code 1988 § 20.14.050; Ord. No. 900 § 4 (Att. A), 2013)

16.14.060. Consultant costs.

In addition to city staff, the city utilizes the services of consultants in the processing of development applications, inspecting, and reviewing plans, and conducting environmental review.

- A. When referred to in the fee schedule, consulting costs shall include all costs incurred by the city for services for consultants retained by the city in relation to permits.
- B. Costs shall include the hourly cost to the city for the consultants' services plus any administrative costs and incidental costs associated with the consultant's services.
- C. Consultant costs may also include those costs incurred when an applicant requests a predevelopment meeting, or when requesting assistance in clarifying the status or permitted use of property or easement.
- D. The general provisions set forth in MMC 16.14.030 for development fees shall apply to consultant costs where applicable.
(Code 1988 § 20.14.060; Ord. No. 900 § 4 (Att. A), 2013)

16.14.070. Advanced deposit for consultant services.

- A. The city may require an applicant to pay in advance a deposit for consultant services.
- B. The city shall, within a reasonable time, provide to the applicant the fee estimate for consultant services upon which the deposit will be based.

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C. The deposit shall not exceed 100 percent of the total actual or estimated cost of the review and inspection of a permit application.

D. The city may withdraw funds from the deposit to compensate for the cost of consultant services as those consultant costs are incurred by the city.

E. The city may require the applicant to provide additional payments to the deposit whenever the cost to complete review and inspection on a permit is anticipated to exceed the available funds in the deposit. The provision set forth in subsection (C) of this section shall apply to subsequent payments.

F. The city may refuse to issue or continue processing any permit, or perform any inspection, if a requested deposit payment remains unpaid.

G. The city shall not be obligated to pay interest on deposits. Any unspent funds remaining after all permits and approval on a project are final shall be refunded to the applicant.
(Code 1988 § 20.14.070; Ord. No. 900 § 4 (Att. A), 2013)

16.14.080. Disputes.

A. An applicant disputing a fee estimate or the payment of fees shall first attempt to resolve the matter with the director. The applicant shall submit the dispute in writing and the director shall issue a decision on the dispute in writing.

B. If the applicant is aggrieved by the director's decision, they may appeal the decision to the hearing examiner pursuant to MMC 16.80.220.

C. The burden is on the applicant to demonstrate that the fee estimate or estimate revision is unreasonable. The hearing examiner shall affirm the director's decision unless the examiner determines that the decision was unreasonable.

D. If the hearing examiner determines the fee estimate or payment of certain fees was unreasonable, the hearing examiner may modify the fee estimate, or provide other relief as reasonably necessary. The hearing examiner's decision is final.

E. If the hearing examiner determines that the applicant is the substantial prevailing party, the city shall refund the appeal fee.

F. An appeal of fee under this chapter shall be limited only to the city's application of permit fees to the applicant's permit and approval. An applicant may not challenge in an appeal under this chapter the permit fees as adopted in the fee schedule, or any other code requirements.

(Code 1988 § 20.14.080; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.16. ENFORCEMENT**16.16.010. Scope of unlawful activity.**

A. This title shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

B. It shall be a violation for any person, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, use, occupy, or maintain any structure or use of land, or any portion, contrary to or inconsistent with the provisions of this title. The violation shall exist until the unlawful act and/or unlawful use has been remedied or abated.

C. It shall be a violation for any person, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, use, occupy, or maintain any structure or use of land within the City of Medina in any manner contrary to or inconsistent with the terms or conditions of any permit, approved plans or authorization; provided, that the terms or conditions are explicitly stated on the permit, approved plans or authorization.

(Code 1988 § 20.16.010; Ord. No. 932 § 6, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.16.020. Violations and enforcement.

It is the duty of the director to enforce the provisions of this title, except where specified otherwise by law.

A. Violation of any provision of this title shall constitute a civil or criminal violation subject to the enforcement provisions set forth in Chapter 1.15 MMC for which a monetary penalty may be assessed and abatement may be required.

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B. In addition to the procedures prescribed in Chapter 1.15 MMC, enforcement actions may include one or more of the following:

1. Withhold or revoke land use and shore-line permits or approvals;
2. Withhold or revoke building permits for construction or alteration of a structure;
3. Withhold or revoke other approvals set forth in this title; and/or
4. Abatement action pursuant to Chapter 8.04 MMC.

(Code 1988 § 20.16.020; Ord. No. 900 § 4 (Att. A), 2013)

16.16.030. Prohibition of further permits or approvals.

A. The city shall not accept, process, or approve any application for a permit or approval, or issue a certificate of occupancy for property on which a violation of this title has occurred until the violation is cured by restoration or other means accepted by the director and by payment of any penalty imposed for the violation.

B. This prohibition on further permits or approvals does not apply to those permits or approvals that involve curing the violation.
(Code 1988 § 20.16.030; Ord. No. 900 § 4 (Att. A), 2013)

SUBTITLE 16.2. LAND USE**CHAPTER 16.20. ESTABLISHMENT OF ZONING****16.20.010. Comprehensive plan and zoning.**

A. The comprehensive plan establishes a community vision for a high-quality single-family residential setting and the coordinating goals and policies that support this vision. Development regulations implement the comprehensive plan by specifying how and for what purpose each parcel of land may be used.

B. Table 16.20.010 prescribes the relationship between the comprehensive plan and zoning designations by identifying the comprehensive plan land use designation and the corresponding implementing zoning designations.

Table 16.20.010: Comprehensive Plan and Zoning

Comprehensive Plan Land Use Designation	Implementing Zone Designations
Single-family residential	Single-family residence—R16
	Single-family residence—R20
	Single-family residence—R30
	Suburban gardening residential—SR30
Local business	Single-family residence—R16
	Suburban gardening residential—SR30
	Neighborhood auto servicing
Public facility	Single-family residence—R16
	Parks and public places
School/institution	Parks and public places
Utility	All
Park	All
Open space	All

(Code 1988 § 20.20.010; Ord. No. 900 § 4 (Att. A), 2013)

16.20.020. Adoption of official zoning map.

A. The zoning map adopted by Ordinance No. 907, and amendments thereto, shall serve as the City of Medina official zoning map. Said map and all notations, references, data and other information shown on the official zoning map are adopted and made part of the UDC.

B. The city is divided into the following zoning districts with the map symbols shown in parentheses, and which are shown on the official zoning map:

1. Single-family residence R16 (R-16);
2. Single-family residence R20 (R-20);
3. Single-family residence R30 (R-30);
4. Suburban gardening residential SR30 (SR-30);
5. Neighborhood auto servicing (N-A); and
6. Park and public places (Public).

C. The following special zoning map overlays with the map symbols shown in parentheses are established and shown on the official zoning map:

1. Neighborhood character preservation district—Medina Heights (Medina Heights); and
2. Planned land use development (PLUD).

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D. In addition to the zoning districts and special zoning map overlays, a primary state highway designation shall apply to the SR 520 right-of-way and be shown on the official zoning map (state ROW). (Code 1988 § 20.20.020; Ord. No. 907 § 3, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.20.030. Zoning map interpretations.

The director shall use the following criteria to interpret the official zoning map:

- A. Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary;
- B. Where a zone boundary is indicated as following a street or other right-of-way, the centerline of the street or right-of-way is the zone boundary;
- C. Where a zone abuts or extends into a lake, the zone boundary extends into that body of water to the full limit and territorial extent of the jurisdiction and control of the city; and
- D. Where a zone boundary is not indicated to follow a property line, street, or other right-of-way, the boundary line is as drawn, based on the scale shown on the official zoning map. (Code 1988 § 20.20.030; Ord. No. 900 § 4 (Att. A), 2013)

- C. Uses listed with an "A" are administrative uses and are permitted subject to an administrative special use permit or administrative conditional use permit and applicable development regulations;
- D. Uses listed with a "SU" are special uses and are permitted subject to a nonadministrative special use permit and applicable development regulations;
- E. Uses listed with a "CU" are conditional uses and are permitted subject to a nonadministrative conditional use permit and applicable development regulations;
- F. Uses listed with an "H" are historical uses and are permitted subject to a historical use permit and applicable development regulations;
- G. Uses listed in the table, but shown as blank in the column under a specific zone, are prohibited in that zone;
- H. Uses not listed in the table are prohibited, except as may be allowed by MMC 16.21.040 or 16.21.050;
- I. Review procedures for deciding project permit applications are found in Chapters 16.70 through 16.72 MMC. (Code 1988 § 20.21.020; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.21. USE AND OCCUPANCY DEVELOPMENT REGULATIONS

16.21.010. Purpose.

This chapter establishes the use and occupancy of premises that are permitted in each zoning district. (Code 1988 § 20.21.010; Ord. No. 900 § 4 (Att. A), 2013)

16.21.020. Permitted uses, prohibited uses.

Uses listed in Table 16.21.030 are subject to the following:

- A. Uses listed with a "P" are permitted outright, subject to applicable development regulations;
- B. Uses listed with an "L" are limited uses and are permitted subject to the applicable regulations in Chapter 16.31 MMC and other applicable development regulations;

16.21.030

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EXHIBIT A**16.21.030. Use table.**

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

Table 16.21.030: Land Use Table

Uses	R-16 Zone	R-20 Zone	R-30 Zone	SR-30 Zone	NA Zone	Public Zone
Residential Uses						
Accessory dwelling units	P	P	P	P	P	P
Accessory recreational facilities	A	A	A	A	A	A
Accessory recreational facilities—Minor	L	L	L	L	L	L
Accessory uses—On-site	P	P	P	P	P	P
Accessory uses—Off-site	L	L	L	L	L	L
Adult family home	L	L	L	L	L	L
Detached, single-family dwelling	P	P	P	P	P	P
Family day care home	L	L	L	L	L	L
Manufactured home	L	L	L	L	L	L
Nonresidential Uses						
Automobile service station					L	
Automobile mechanical repair					L	
Commercial horticulture/truck gardening/agriculture, excluding the raising of animals				L		
Clubhouse—Public/private		SU				SU
Golf course		SU				SU
Historical use	H				H	
Home business	L	L	L	L	P	P
Public and Institutional Uses						
City government facilities						CU
Post office						SU
Public safety						CU
Public park	P	P	P	P	P	P
Electrical power and utility substation	SU	SU	SU	SU	SU	SU
Accessory recreational facilities—Public	P	P	P	P	P	P
Religious facility	SU	SU	SU	SU	SU	SU
School—Public/private (preschool to grade 12)						SU
Temporary city government facilities	L	L	L	L	P	P
Wireless communication facilities	SU	SU		SU	SU	SU
Shoreline Uses						
See Chapter 16.62 MMC for a list of uses within the shoreline jurisdiction.						
*See MMC 16.21.020 for explanation of "P," "L," "A," "SU," "CU," and "H."						

(Code 1988 § 20.21.030; Ord. No. 960 § 2, 2018; Ord. No. 933 § 4, 2016; Ord. No. 911 § 3, 2014; Ord. No. 900 § 4 (Att. A), 2013)

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16.22.010**16.21.040. Accessory uses.**

A. Accessory uses listed in Table 16.21.030 and elsewhere in the UDC are allowed consistent with MMC 16.21.020 and Table 16.21.030.

B. Accessory uses not listed in Table 16.21.030 or elsewhere in the UDC may be allowed provided the director determines the accessory use is customary and incidental to the principal use.

C. Except where expressly provided for otherwise in Table 16.21.030, accessory uses shall be permitted the same as the principal use. The director may waive this for an accessory use established after the time the principal use is established involving a "SU," "CU" or "H" from the table if:

1. The principal use complies with the permit requirement in Table 16.21.030;
2. The accessory use is within the scope and intent of the original permit as determined by the director; and
3. The addition of the accessory use will not result in the use of the land as a whole to have a detrimental effect on neighboring properties and streets due to noise, lighting, off-site traffic generation, and similar negative impacts.

D. There is no limit on the number of accessory uses that may be associated with a principal use, subject to other limitations in the Medina Municipal Code.

E. Except where expressly allowed off site in MMC 16.34.030, accessory uses shall be located on the same lot as the principal use.

F. Accessory uses involving marijuana use as defined in MMC 16.12.140 are prohibited notwithstanding a state license or other recognition pursuant to RCW Title 69.
(Code 1988 § 20.21.040; Ord. No. 933 § 5, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.21.050. Similar uses.

A. Whenever a proposed use is not listed in Table 16.21.030, it may be allowed if the director determines the proposed use is a similar use to that of a use listed in Table 16.21.030 for that particular zone.

B. A request for a determination of similar use shall be submitted to the city in writing. The determination of similar use shall be processed as a Type 1 decision pursuant to the review procedures in Chapter 16.80 MMC.

C. The director shall consider the scale, visual impacts, traffic generation, relationship to surrounding uses, and other factors which influence and/or define the nature of the use in making a determination.

D. If the director determines the proposed use is similar to a use in Table 16.21.030, the proposed use shall be allowed subject to the same requirements as the use in Table 16.21.030 it is found to be similar to.
(Code 1988 § 20.21.050; Ord. No. 900 § 4 (Att. A), 2013)

16.21.060. Maximum dwelling units on a lot.

Where Table 16.21.030 authorizes dwelling uses, only one dwelling unit per lot is allowed, except additional dwelling units may be allowed on the same lot for the following:

- A. Accessory dwelling units meeting the requirements set forth in MMC 16.34.020;
- B. Detached single-family dwellings provided:
 1. The minimum net lot area is equal to or greater than the minimum net lot area set forth in Table 16.22.020 of the zoning district where the dwellings are located multiplied by the number of detached single-family dwellings on the lot; and
 2. All development regulations and limitations applicable to buildings in the zoning district where such dwellings are located are followed.

(Code 1988 § 20.21.060; Ord. No. 932 § 7, 2016)

CHAPTER 16.22. LOT DEVELOPMENT STANDARDS**16.22.010. Purpose.**

This chapter establishes development standards applicable to lots and setbacks.
(Code 1988 § 20.22.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.22.020

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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.

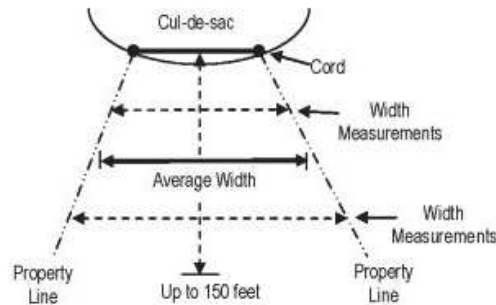
Table 16.22.020: Lot Development Standards

Zoning District	Minimum Net Lot Area	Minimum Lot Width	Minimum Street Frontage
R-16	16,000 sq. ft.	70 ft.	70 ft.
R-20	20,000 sq. ft.	70 ft.	70 ft.
R-30	30,000 sq. ft.	90 ft.	90 ft.
SR-30	30,000 sq. ft.	90 ft.	90 ft.
N-A	16,500 sq. ft.	135 ft.	135 ft.
Public	None	None	None

B. The lot width is determined by calculating the average horizontal distance between the side lot lines where the building envelope is located. If a lot has an irregular shape (i.e., less than two side property lines) or is a corner lot, lot width is determined by calculating the average horizontal distance between the longer dimensional lot lines where the building envelope is located.

C. The street frontage is determined by measuring the distance of the property line adjoining a street subject to the following conditions:

1. Where a lot lies outside the curve of a street or private lane in such a manner as to have a property line curved inward such as a cul-de-sac, the street frontage is determined by calculating the average width of the lot measured parallel to the chord of the arc of such frontage over the depth of such lot or the first 150 feet thereof, whichever is less (see Figure 16.22.020);

Figure 16.22.020: Curved Street Frontage

2. Where a lot has a property line adjoining more than one street, the street frontage is determined using the property line adjoining the greater street length;
3. The requirements for street frontage shall not apply to flag lots, or lots located at the terminal end of a street or private lane provided emergency vehicle access and turnaround requirements are met; and
4. The requirements for street frontage for lots fronting on a private lane are prescribed in Chapter 16.91 MMC.

D. In the R-20 and R-30 zones, where a single lot contains high bank steep slopes and has more than the minimum net lot area required in Table 16.22.020, the lot may be divided to create two lots with one or both lots having less than the required minimum net lot area provided:

1. Lots adjoining the single lot being divided are owned and/or controlled by a person or entity different than the owner of the subject single lot being divided;
2. No more than two lots result from the division;
3. Each lot has at least the greater between 85 percent of the minimum net lot area required by the zoning district in which the lot is located, or 16,000 square feet;
4. There is a difference in elevation of at least 25 feet between the average elevations of the area within the building envelope of each lot;

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5. Restrictive covenants are recorded on each lot that state:

- a. No structure or building on (insert legal description of the lot with the higher average elevation here) shall be placed in a manner where the elevation of the lowest point of the foundation above the ground surface is less than the elevation of the highest point of an existing or future structure or building on the lot with the lower average elevation; and
- b. No structure or building on (insert legal description of the lot with the lower average elevation here) shall be placed in a manner where the elevation of the highest point of an existing or permitted future structure exceeds the elevation of the lowest point of the foundation above

the ground surface on the building or structure on the lot with the higher average elevation; and

6. A nonadministrative variance is approved pursuant to MMC 16.72.030, except the conditions set forth in subsections (D)(1) through (5) of this section shall be used in deciding the variance.

(Code 1988 § 20.22.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

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	Lake Washington Shoreline
Less than 10,001	25 feet	25 feet	10 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 10 feet or 15% of the lot width; not to exceed 20 feet	

B. Setbacks are measured as the distance between the property line and the closest point of any part of the building or structure to the property line, including but not limited to architectural elements, roof eaves, gutters and mechanical equipment. (See Figure 16.22.030(A).)

C. To determine compliance with the setback standards in Table 16.22.030, the setback is measured along a horizontal plane consistent with subsection (B) of this section.

D. Where a lot adjoins a private lane and has less than 30 feet of public street frontage, the front, rear and side property lines shall be determined as follows, except as provided in subsection (E) of this section:

1. The side property lines shall generally correspond to the long dimension of the lot;
2. The front and rear property lines shall generally correspond to the shorter dimensions of the lot;
3. If the dimensions of the lot form a square, the applicant may elect to designate the front prop-

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erty line with the rear and side property lines designated consistent with the definitions in Chapter 16.12 MMC.

E. Where a lot adjoining a private lane has a condition where the orientation of the dwelling on the lot, or the orientation of dwellings on adjacent properties, logically suggests setbacks that do not correspond to

the longer and shorter dimensions of the lot, the setbacks shall be established using the logical orientation rather than the dimensions of the lot.

F. In addition to the setbacks prescribed by this section, if a lot adjoins a private lane, a setback from the private lane easement is required pursuant to MMC 16.91.060.

Figure 16.22.030(A): Measuring Setbacks

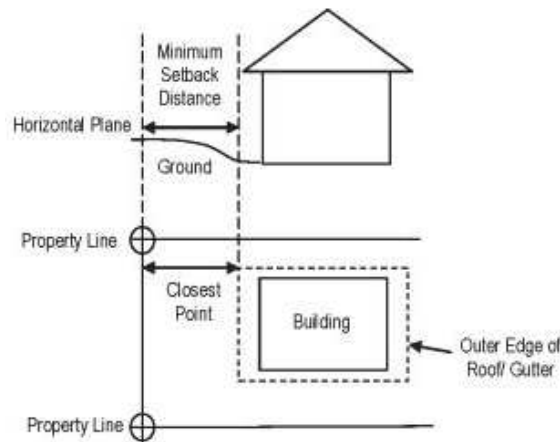
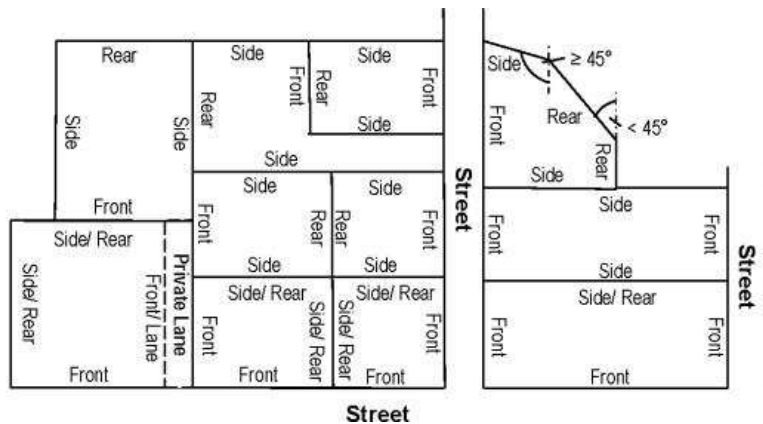
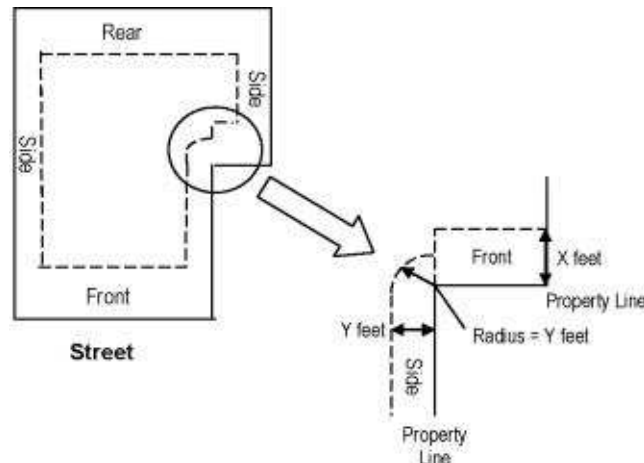


Figure 16.22.030(B):
Setback Property Line Designations
(See "property Line" definitions in Chapter 16.12 MMC)



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16.22.040**Figure 16.22.030(C): Setbacks at Step Shaped Property Line Intersections**

(Code 1988 § 20.22.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 906 § 11, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.22.040. Protrusions into setback areas.

The following structures may be located within a setback area, excluding setbacks from Lake Washington, which are subject to Chapter 16.63 MMC:

- A. Utilities which are located underground and accessory to a principal use, except the requirement for undergrounding is not required if the limitation in MMC 16.50.090(I)(6) applies;
- B. Walkways, stairs and steps, and driveways, not including parking spaces, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower;
- C. Window wells that do not project more than six inches above the ground level and do not protrude more than four feet into the setback area;
- D. Fences and freestanding walls which comply with the requirements set forth in MMC 16.30.010;
- E. Irrigation systems at or below finished grade, including yard hydrants, sprinkler heads and similar features that do not exceed 36 inches above the finished grade;
- F. Ramps and similar structures installed to a single-family dwelling to provide access for elderly and/or disabled persons;
- G. Foundation footings where the footing structure does not protrude more than two feet into the setback area and is located entirely below the ground surface;
- H. Improved surface areas for off-street parking provided:
 - 1. The protrusion is limited to the setback area from a front property line;
 - 2. The parking area is designed in a manner that is clearly distinguishable from the driveway;
 - 3. A minimum 15-foot setback is maintained from the front property line;
 - 4. The top of the parking surface does not exceed 30 inches above the existing or finished grade, whichever is lower;
- I. A chimney provided:
 - 1. The protrusion is limited to the setback area from a side property line;

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2. The maximum horizontal width of the chimney inside the setback area is five feet; and
 3. The chimney does not protrude more than two feet into the setback area;
- J. Small accessory structures and outdoor mechanical equipment provided:
1. The protrusion is limited to the setback area from a rear property line;
 2. The highest point of the accessory structure or outdoor mechanical equipment does not exceed eight feet in height above the finished grade;
 3. The accessory structure or outdoor mechanical equipment does not occupy a footprint greater than 100 square feet;
 4. Solid landscape screening pursuant to MMC 16.30.060 is planted that screens the structure or mechanical equipment from adjoining properties; and
 5. A minimum 15-foot setback from the rear property line is maintained;
- K. Open play structures without roofs or walls provided:
1. The protrusion is limited to setback areas from a rear property line;
 2. The maximum height of the play structure does not exceed ten feet above the finished grade;
 3. The play structure does not occupy a footprint greater than 100 square feet;
 4. A minimum ten-foot setback from the rear property line is maintained;
- L. Swimming pools, spas and hot tubs as provided for in MMC 16.34.040;
- M. Raised planting bed boxes, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower;
- N. Low impact development best management practices or treatment best management practices provided:
1. The best management practice shall be designed, constructed, and maintained in accordance with the stormwater manual adopted under MMC 13.06.020.

2. Best management practices, including associated vegetation, shall be located entirely on private property.
3. The maximum height of any structural element associated with the best management practice shall not exceed 30 inches above the existing or finished grade, whichever grade is lower.
4. The best management practice shall be designed to manage or treat stormwater runoff solely from the building site and from less than 5,000 square feet of impervious surface.
5. Examples of acceptable best management practices, as those practices are defined in Chapter 16.12 MMC, include but are not limited to the following:
 - a. Rain garden;
 - b. Bioretention;
 - c. Dispersion; and
 - d. Biofiltration treatment.

(Code 1988 § 20.22.040; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 932 § 8, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.22.050. Corner lot optional setback.

On a corner lot, in lieu of the setback for a front property line set forth in Table 16.22.030, a property owner may elect to apply a minimum 20-foot setback from one of the front property lines and a minimum 30-foot setback from other front property lines; provided, however, that:

- A. This option is not available for:
 1. Lots with SR-30 zoning for which special requirements are elaborated;
 2. Lots adjoining Evergreen Point Road between the SR 520 highway and Overlake Drive West;
 3. Lots adjoining Overlake Drive East and West between Evergreen Point Road and the Medina-Bellevue city limits; and
- B. The other setback requirements in Table 16.22.030 shall continue to apply.

(Code 1988 § 20.22.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

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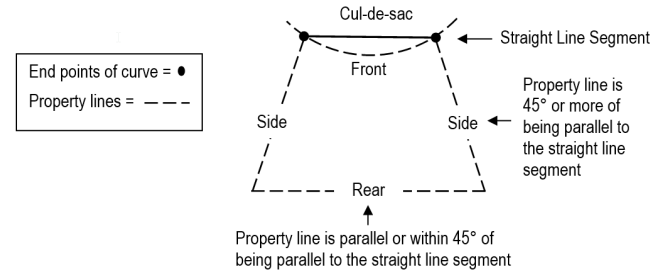
16.22.060. Property lines defined as rear and side.

Where a property line can be defined both as a rear and a side property line, the property owner may elect which definition to apply for purposes of setback requirements, provided election of the side or rear property line does not create a new nonconformity or increase an existing nonconformity.
(Code 1988 § 20.22.060; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.22.070. Curved property lines.

Where a curved property line exists, a straight line segment shall be established that intersects each of the two end points of the curved property line. The straight line segment shall be used in forming parallels or intersecting angles with other property lines used to apply the definitions of front, rear and side property lines set forth in MMC 16.12.170 to the property lines of the lot. See Figure 16.22.070.

Figure 16.22.070: Curved Property Line



(Code 1988 § 20.22.070; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 932 § 9, 2016)

CHAPTER 16.23. BULK DEVELOPMENT STANDARDS

16.23.010. Purpose.

This chapter establishes the development standards applicable to the mass of buildings and structures including height, structural coverage and impervious surface.
(Code 1988 § 20.23.010; Ord. No. 900 § 4 (Att. A), 2013)

16.23.020. Structural coverage and impervious surface standards.

A. Table 16.23.020(A) establishes the total structural coverage and total impervious surface allowed on a lot within the R-16 zone:

Table 16.23.020(A): R-16 Zone Total Structural Coverage and Impervious Surface Standards

Square Footage of the Lot Area	Maximum Structural Coverage	Maximum Impervious Surface
10,000 or less	30 percent	55 percent
10,001 to 10,500	29.58 percent	55 percent
10,501 to 11,000	29.17 percent	55 percent
11,001 to 11,500	28.75 percent	55 percent
11,501 to 12,000	28.33 percent	55 percent
12,001 to 12,500	27.92 percent	55 percent
12,501 to 13,000	27.5 percent	55 percent
13,001 to 13,500	27.08 percent	55 percent
13,501 to 14,000	26.67 percent	55 percent
14,001 to 14,500	26.25 percent	55 percent
14,501 to 15,000	25.83 percent	55 percent
15,001 to 15,500	25.42 percent	55 percent
15,501 to 15,999	25.21 percent	55 percent
16,000 or greater	25 percent	55 percent

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B. Table 16.23.020(B) establishes the total structural coverage and the total impervious surface allowed on a lot within the R-20, R-30 and SR-30 zones:

Table 16.23.020(B): R-20, R-30 and SR-30 Zones Total Structural Coverage and Impervious Surface Standards

Square Footage of the Lot Area	Maximum Structural Coverage	Maximum Impervious Surface	
		R-20 Zone	R-30/SR-30 Zones
16,000 or less	25 percent	52.5 percent	52.5 percent
16,001 to 16,500	24.5 percent	52.5 percent	52.5 percent
16,501 to 17,000	24 percent	52.5 percent	52.5 percent
17,001 to 17,500	23.5 percent	52.5 percent	52.5 percent
17,501 to 18,000	23 percent	52.5 percent	52.5 percent
18,001 to 18,500	22.5 percent	52.5 percent	52.5 percent
18,501 to 19,000	22 percent	52.5 percent	52.5 percent
19,001 to 19,500	21.5 percent	52.5 percent	52.5 percent
19,501 to 29,999	21 percent	52.5 percent	52.5 percent
30,000 and greater	21 percent	52.5 percent	50 percent

C. The total maximum structural coverage and impervious surface area allowed on a lot within the parks and public places and the neighborhood auto zones shall be pursuant to the special use provisions specified for uses within those zones. However, where structural coverage or impervious surface maximums are not specified under the special use provisions, the structural coverage and impervious surface area maximum for the R-20 zone in Table 16.23.020(B) shall apply as applicable.

D. The maximum structural coverage and maximum impervious surface area allowed on a lot is determined by multiplying the square footage of the lot area by the corresponding structural coverage and impervious surface area maximum percentages specified in Tables 16.23.020(A) and (B) for the zone in which the lot is located (e.g., a 16,000 square foot lot zoned R-16 may have a maximum of 4,000 square feet ($16,000 \times 0.25 = 4,000$) structural coverage and 8,800 square feet ($16,000 \times 0.55 = 8,800$) impervious surface area per Table 16.23.020(A)).
(Code 1988 § 20.23.020; Ord. No. 908 § 1, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.23.030. Calculating structural coverage.

A. Structural coverage is the total surface area of a lot covered by or beneath buildings and structures including but not limited to buildings, roof eaves including gutters, patios, decks, sports courts, swimming pools and spas, gazebos, gateways, and trellises.

B. The maximum structural coverage and maximum impervious surface area allowed on a lot is determined by multiplying the square footage of the lot area by the applicable percentages specified in tables in MMC 16.23.020(A) and (B) for the zone in which the lot is located.

C. When calculating the structural coverage on a lot, the following are excluded from the structural coverage limits:

1. Any pervious surface areas beneath roof eaves including gutters such as areas with living vegetation, but not including areas with pervious surfaces containing gravel, rocks or other similar hardscape materials wherever such materials cover more than 25 percent of the area directly below the roof eaves;
2. Areas beneath the roof eaves including gutters containing water features;
3. Areas beneath the roof eaves including gutters containing driveway surface that provides access to a nonpedestrian garage door entrance provided:
 - a. The roof eave excluding gutters does not project more than two feet from the exterior wall of the building; and
 - b. The driveway surface area not counted as structural coverage does not extend

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more than two feet in each direction horizontally from the outer edges of the garage door;

4. Uncovered structures, including, but not limited to, decks, patios, stairs and walkways where the height of the uncovered structure does not exceed 30 inches above the existing or finished grade, whichever is lower;
5. Structures located waterward of the ordinary high water mark as defined in RCW 90.58.030 and the Medina shoreline master program;
6. Fences and walls where the greatest width dimension of the fence or wall, including any features that are part of the wall or fence, does not exceed one foot (12 inches);
7. Retaining walls where the greatest width dimension of the structure, excluding underground foundation footings, does not exceed one foot (12 inches);
8. Garden-type structures, such as arbors, bowers, pergolas, trellises and similar open structures, provided the aggregate footprint of all such garden-type structures does not exceed one percent of the lot area; and
9. Structures placed entirely underneath the existing grade of the earth surface of the lot provided:
 - a. No part of the underground structure protrudes above the ground surface of the finished grade, except:
 - i. Decks, patios, and walkways that are over the underground structure and for which the height of such structures does not exceed 30 inches above the existing or finished grade, whichever is lower; and
 - ii. Openings in the ground surface that are necessary to provide ingress and egress to the underground structure and where such openings are the minimum necessary to provide ingress and egress;
 - b. Provisions for impervious surface area continue to apply.

(Code 1988 § 20.23.030; Ord. No. 932 § 10, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.23.040. R-20, R-30 and SR-30 structural coverage bonus.

Lots located within the R-20, R-30 and SR-30 zones are allowed an additional two percent structural coverage for uncovered decks, porches and verandas provided:

- A. Roof eaves do not project more than two feet over the structure measured outward from the exterior wall of the building; and
- B. If decks, porches or verandas extend outward from above the first story of a building or from the floor above the day-lighted parts of a basement, the space underneath the structure must remain unenclosed and without hardscape.

(Code 1988 § 20.23.040; Ord. No. 900 § 4 (Att. A), 2013)

16.23.050. Maximum building and structure height standards.

- A. Application of maximum height standards.
 1. Table 16.23.050(A) establishes the maximum height standards for buildings and structures within each zone.
 2. Areas not identified in Table 16.23.050(A) are subject to the height standards specified for the R-20/R-30 zone.
 3. Where Table 16.23.050(A) specifies eligibility for a height bonus, a property owner may elect to apply the height standards in subsection (C) of this section in lieu of the height standards in Table 16.23.050(A); provided, that:
 - a. The total structural coverage on the lot does not exceed 13 percent, excluding the structural coverage bonus set forth in MMC 16.23.040; or
 - b. If the lot area is 16,000 square feet or less, the total structural coverage on the lot does not exceed 17½ percent, excluding the structural coverage bonus set forth in MMC 16.23.040.

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EXHIBIT A**Table 16.23.050(A): Maximum Height Standards**

Measurement Points		Zoning/Height Overlay Maximum Height					
		R-16	R-20/R-30	SR-30	N-A	Public	Medina Heights
Original Grade	High Point	25 feet	N/A*	N/A*	None	None	N/A*
	Low Point		25 feet	25 feet			20 feet
Finished Grade	High Point	28 feet	N/A*	N/A*	30 feet	35 feet	N/A*
	Low Point		28 feet	28 feet			23 feet
Eligible for Height Bonus		No	Yes	Yes	No	No	No

*Not applicable.

B. Maximum height is determined by the zone or height overlay where the building or structures is located and the corresponding unit of height specified for original and finished grade prescribed in the tables.

C. A property owner electing to apply the height bonus allowed pursuant to subsection (A)(3) of this section shall apply the height limits specified in Table 16.23.050(C).

Table 16.23.050(C): Bonus Height Standard

Measurement Points	Maximum Height	
Original Grade	High Point	30 feet
	Low Point	36 feet
Finished Grade	High Point	30 feet
	Low Point	36 feet

D. The methods for measuring the height of buildings and structures are set forth in MMC 16.23.060.

E. Exemptions from maximum height requirements are set forth in MMC 16.23.070.

F. Eligibility for the bonus height standard in subsection (A)(3) of this section shall not apply where the total structural coverage on the lot exceeds 13 percent, excluding structural coverage that qualifies for the bonus under MMC 16.23.040.

(Code 1988 § 20.23.050; Ord. No. 932 § 11, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.23.060. Measuring building and structure height.

This section establishes methods required for applying height standards and is applied in conjunction with the height standards prescribed in MMC 16.23.050.

A. Where multiple buildings and structures are located on the same lot, and are detached from

each other, the height of each building or structure shall be measured independently from the others, except:

1. Excluding trellises, arbors and similar open structures, if the distance between any buildings and/or structures is less than six feet, the buildings and structures that are less than six feet apart shall be considered attached for purposes of measuring height;
2. If buildings are connected by a breezeway or similar above ground types of structures, the buildings shall be considered attached for purposes of measuring height.

B. In the R-16 zone, height shall be measured as shown in Figure 16.23.060(B) and as set forth in the following procedures:

1. The original grade shall be established as set forth in MMC 16.23.080;
2. The base for measuring height shall be established as follows:
 - a. Base elevations shall be taken at four points where the outside of the exterior walls/sides of the building or structure intersect the following:
 - i. The lowest point of the original grade;
 - ii. The highest point of the original grade;
 - iii. The lowest point of finished grade; and

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- iv. The highest point of finished grade;
- b. The lower grade between original and finished grade shall be used for measuring height, which is determined as follows:
 - i. Starting at the two highest original and finished grade elevations determined under subsection (B)(2)(a)(ii) and (iv) of this section, a vertical line shall be extended by the applicable maximum height prescribed in Table 16.23.050(A);
 - ii. The grade (original or finished) whose vertical line has the lower upper elevation (measured from a zero-elevation surface) shall be designated the "lower grade" to be used for measuring height;
3. Maximum height shall be measured by extending a vertical line from the lowest and highest base elevations established in subsection (B)(2)(a) of this section of the lower grade by the distance of the applicable maximum height prescribed in Table 16.23.050(A);
4. Maximum height shall be a plane essentially parallel to the lower grade drawn by a line intersecting the upper elevation of the two vertical lines extending from the lower grade;
5. An additional height limitation shall apply to buildings and structures on sloping grades established as follows:
 - a. A vertical line shall be extended a distance of 36 feet from the lowest point of original grade ascertained in subsection (B)(2)(a)(i) of this section;
 - b. A horizontal plane shall be extended perpendicular from the top of the 36-foot vertical line;
6. The maximum height envelope shall be the area between the lower grade and the two height planes established in this section and shown in Figure 16.23.060(B);
7. No part of the building or structure, including roof lines, shall protrude above the maximum height envelope, except as allowed otherwise by law;
8. See subsection (E) of this section for establishing height plane parameters, subsection (F) of this section for establishing the orientation of the height plane, and subsection (G) of this section for height calculation exemptions.

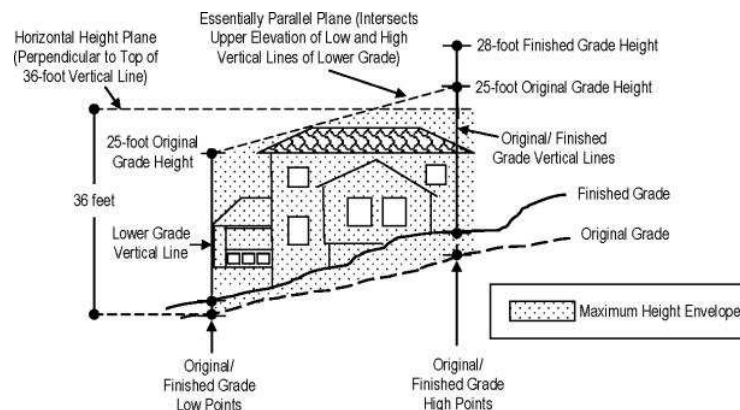
Figure 16.23.060(B): R-16 Height Measurements

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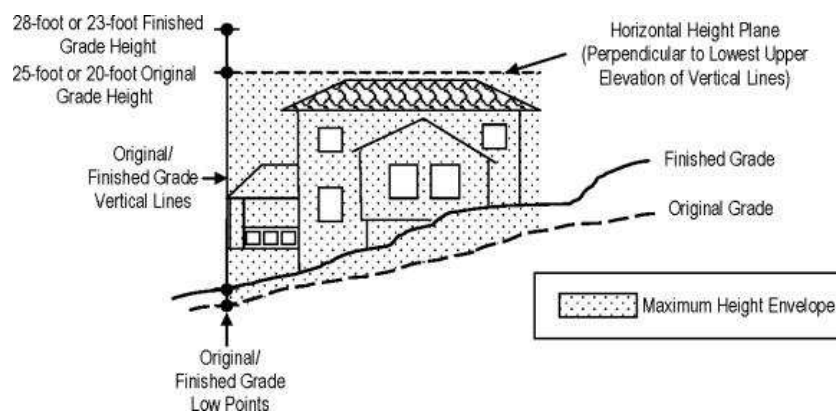
C. In the R-20, R-30, and SR-30 zones (except where the bonus height standards in Table 16.23.050(C) are used) and in the Medina Heights overlay, height shall be measured as shown in Figure 16.23.060(C) and as set forth in the following procedures:

1. The original grade shall be established as set forth in MMC 16.23.080;
2. The base elevation for measuring height shall be taken at two points where the outside of the exterior walls/sides of the building or structure intersect the following:
 - a. The lowest point of original grade;
 - b. The lowest point of finished grade;
3. Starting at the two base elevation points ascertained under subsection (C)(2) of this section, a vertical line shall be extended by the distance of the applicable maximum height prescribed in Table 16.23.050(A);
4. The grade (original or finished) and corresponding vertical line established un-

der subsection (C)(3) of this section that has the lower upper elevation (measured from a zero-elevation surface) shall be used to measure maximum height;

5. Maximum height shall be a horizontal plane intersecting the upper elevation of the vertical line established in subsection (C)(4) of this section for measuring maximum height and shall be perpendicular to the same vertical line as shown in Figure 16.23.060(C);
6. The maximum height envelope shall be the area between the applicable grade (original or finished) and the horizontal height plane established in this section and shown in Figure 16.23.060(C);
7. No part of the building or structure, including roof lines, shall protrude above the maximum height envelope, except as allowed otherwise by law;
8. See subsection (E) of this section for establishing the height plane parameter and subsection (G) of this section for height calculation exemptions.

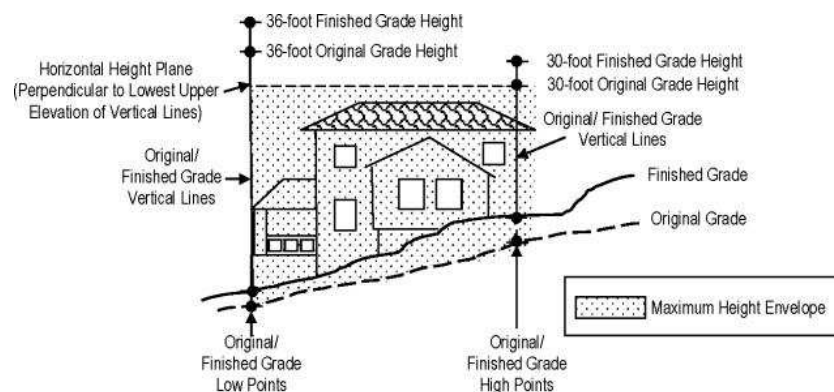
Figure 16.23.060(C): R-20, R-30, SR-30, and Medina Heights, Height Measurements



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- D. Where the bonus height standards in Table 16.23.050(C) are used, height shall be measured as shown in Figure 16.23.060(D) and as set forth in the following procedures:
1. The original grade shall be established as set forth in MMC 16.23.080;
 2. The base elevation for measuring height shall be taken at four points where the outside of the exterior walls/sides of the building or structure intersect the following:
 - a. The lowest point of the original grade;
 - b. The highest point of the original grade;
 - c. The lowest point of finished grade; and
 - d. The highest point of finished grade;
 3. Starting at the four base elevation points ascertained under subsection (D)(2) of this section, a vertical line shall be extended by the distance of the applicable maximum height prescribed in Table 16.23.050(C);
 4. The grade (original or finished) and corresponding vertical line established under subsection (D)(3) of this section that has the lower upper elevation (measured from a zero-elevation surface) shall be used to measure maximum height;
 5. Maximum height shall be a horizontal plane intersecting the upper elevation of the vertical line established in subsection (D)(4) of this section for measuring maximum height and shall be perpendicular to the same vertical line as shown in Figure 16.23.060(D);
 6. The maximum height envelope shall be the area between the applicable grade (original or finished) and the horizontal height plane established in this section and shown in Figure 16.23.060(C);
 7. No part of the building or structure, including roof lines, shall protrude above the maximum height envelope, except as allowed otherwise by law;
 8. See subsection (E) of this section for establishing the height plane parameter and subsection (G) of this section for height calculation exemptions.

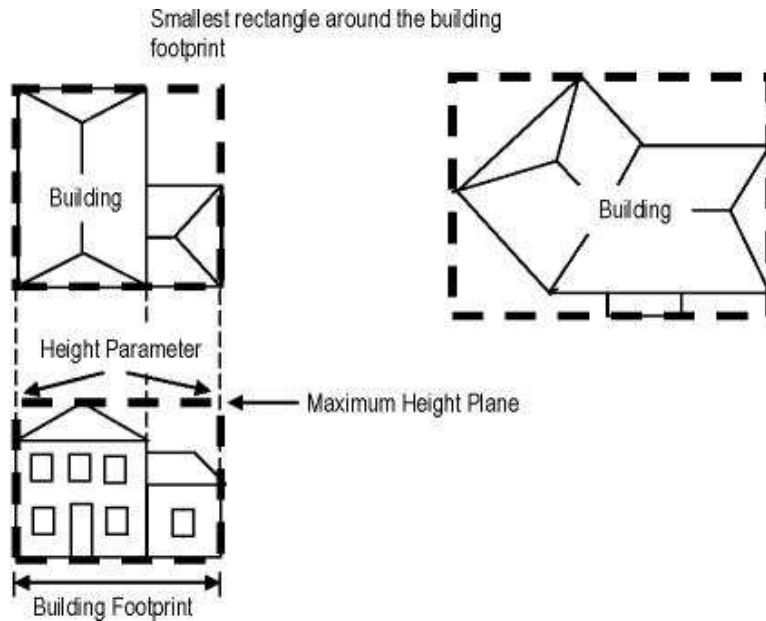
Figure 16.23.060(D): Bonus Height Measurements

- E. The parameters of a maximum height plane shall be parallel to a parameter created by the smallest rectangle that can be drawn around the footprint of the building or structure. See Figure 16.23.060(E).

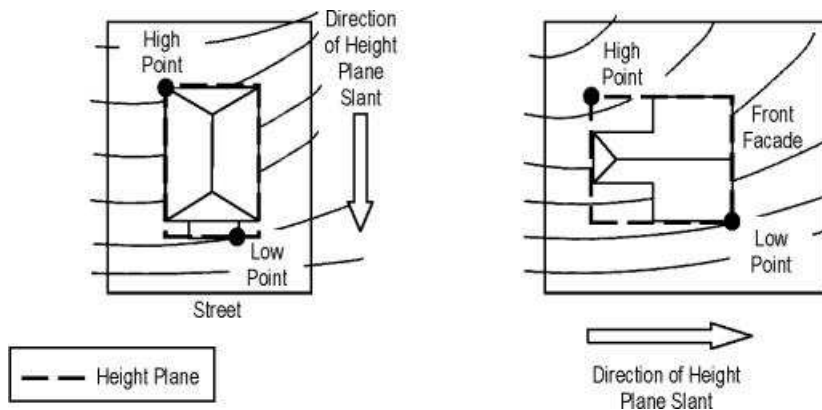
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Figure 16.23.060(E): Height Plane Parameters

- F. Where a building or structure is placed within the R-16 zone on a slope, the property owner may elect for the slant of the essentially parallel height plane to be in the direction of either:
1. The front facade of the building where the primary entrance of the building is located; or
 2. The building facade facing a public street or private lane.
 3. Figure 16.23.060(F) provides further direction on determining the orientation of the height plane slant.

Figure 16.23.060(F): Direction of Slant for Essentially Parallel Height Plane

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G. The following shall be excluded as part of the outside exterior wall/side of a building or structure for purposes of measuring height:

1. Walls adjoining window wells where the area inside of the window well does not exceed 15 square feet of open surface area;
2. Attached structures (e.g., uncovered decks, porches, steps, etc.), not exceeding 30 inches above original or finished grade, whichever is lower;
3. Uncovered decks, porches, and verandas not qualifying for the exemption in subsection (G)(2) of this section where the space below the structure is not enclosed and not more than 25 percent of the ground surface below the structure is hardscape; and
4. Areas under roof eaves including gutters and areas under balconies provided they extend 24 inches or less from the exterior wall. Gutters extending six inches or less from the outer edge of the roof eaves shall be excluded from counting towards the 24-inch limit.

(Code 1988 § 20.23.060; Ord. No. 932 § 12, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.23.070. Building and structure height exceptions.

The following are exempt from the height standards in MMC 16.23.050:

- A. Spires, belfries and domes of religious facilities not intended for human occupancy provided the height is approved as part of the nonadministrative special use permit for the religious facility;
- B. Flag poles, provided the pole does not exceed:
 1. A height of 45 feet above the existing grade; and
 2. A width of 12 inches diameter at the widest point of the pole;
- C. Chimneys, chase, mechanical equipment, vents or other essential building elements required by the building codes provided:
 1. The structure or equipment does not project more than three feet above the maximum height otherwise allowed on the lot;

2. The structure or equipment does not exceed five feet in horizontal width above the maximum height otherwise allowed on the lot;

D. Photovoltaic (PV) panels; provided, that:

1. The panels do not project more than six inches above the maximum height otherwise allowed on the lot; and
2. Where feasible, the support structure of a roof-mounted panel is screened by extended parapets or other architecturally integrated screening;

E. Wireless communication facilities approved pursuant to Chapter 16.37 MMC; and

F. Exceptions specifically granted elsewhere in the Medina Municipal Code.

(Code 1988 § 20.23.070; Ord. No. 979 § 2, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.23.080. Determining original grade.

The following outlines the general procedures to establish the original grade on a lot. These procedures may be administratively modified by the director pursuant to subsection (F) of this section on a case-by-case basis to fit unique circumstances.

- A. The placement of proposed exterior walls/sides of the building/structure on the lot is identified first and these locations are marked on the property. It is preferred, but not required, that a surveyor stake the proposed exterior wall corners of the building or structure.
- B. A geotechnical engineer shall conduct an investigation of the soils along the parameters of the proposed exterior walls/sides to determine the elevations of the original grade:
 1. The investigation should include exploring and testing a reasonable number of test pits to substantiate the findings of the geotechnical engineer; and
 2. Based on the findings of the soil investigation, the geotechnical engineer shall determine the original grade underneath the entire building or structure.
- C. A surveyor shall set the vertical elevations of the applicable low and high base points re-

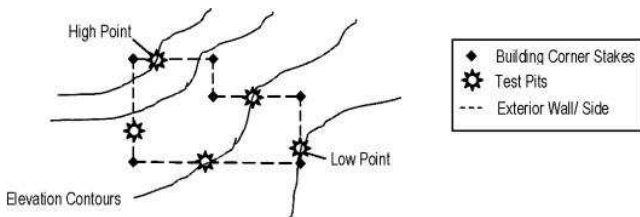
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quired to measure height using the determination of original grade by the geotechnical engineer.

Figure 16.23.080: Confirmation of Original Grade



D. A written report of the determination of original grade shall be prepared by the geotechnical engineer for submission to the city. The content of the report shall at a minimum include the following:

1. The applicant's and property owner's name and contact information;
2. Project location (include parcel number);
3. Written narrative regarding the scope of work for which the original grade determination is being made;
4. The name and qualification of the persons preparing the report;
5. Written narrative of the investigation and findings;
6. A site plan showing:
 - a. An outline of the footprint of the building or structure on the lot;
 - b. The locations of the test pits where the soil exploration was performed;
 - c. The location and vertical elevation of the assumed high and low base points of the original grade, as applicable, for measuring height;
 - d. Reserved;
 - e. Topographical information including contour intervals of five feet or less, as appropriate; and
7. Other pertinent information determined to be necessary by the director in supporting an original grade determination.

E. The applicant must obtain approval from the city for an original grade determination. An approved determination of original grade report shall be used in determining plan review compliance with height standards prior to issuing construction permits.

F. The director may approve modifications to these procedures if:

1. The modification is evaluated and applied on a case-by-case basis;
2. The modification is to address a unique circumstance on the property such as an inability to conduct site investigation due to existing buildings and structures;
3. Modifications are based on accepted methods and/or practices found within the geotechnical engineer's profession;
4. The applicant requests the modification in writing to the director and provides justification for the modification; and
5. The modification is processed as a Type 1 decision pursuant to the review procedures in Chapter 16.80 MMC.

(Code 1988 § 20.23.080; Ord. No. 975, 2019; Ord. No. 971 § 1, 2019; Ord. No. 900 § 4 (Att. A), 2013)

SUBTITLE 16.3. SPECIAL DEVELOPMENT STANDARDS

CHAPTER 16.30. CITY-WIDE USES

16.30.010. Fences, walls and gates.

A. General provisions.

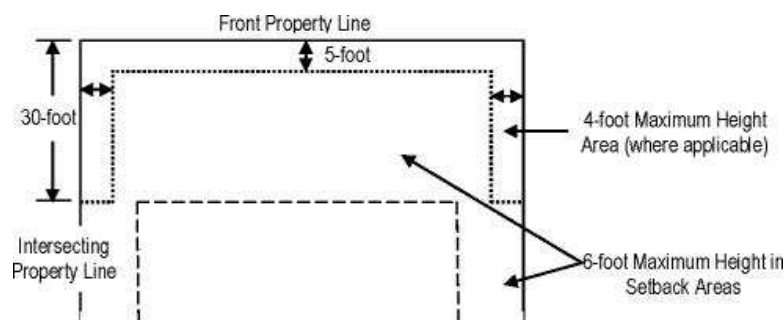
1. "Walls," as referred to in this section, means freestanding walls meeting the definition in MMC 16.12.070, and retaining walls and rockeries meeting the definitions in MMC 16.12.190.
2. Fences, walls and gates may be located within a setback area provided the fence, wall or gate does not exceed the maximum height requirements set forth in subsection (B) of this section.

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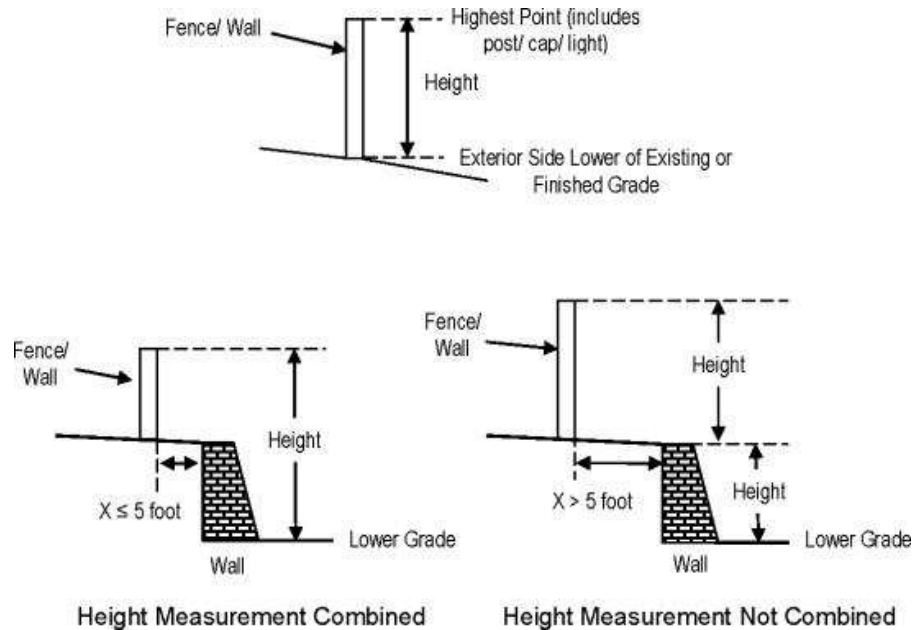
3. Fences, walls and gates shall be located entirely inside the property lines of a lot, unless both property owners agree the wall or fence may be placed on a common property line.
 4. The property owner is responsible for confirming all fences, walls and/or gates are placed inside the property lines on their property.
 5. Gates located near an opened street right-of-way shall be set back from the edge of the pavement pursuant to MMC 16.40.120.
 6. All lighting devices shall be subject to the height limitations prescribed by this section.
 7. Where a permit is required pursuant to subsection (G) of this section, the director may require the property owner to have a land survey performed to identify the property boundaries if:
 - a. The fence, wall or gate is adjacent to a street right-of-way; or
 - b. In the opinion of the director, it is not clear the proposed fence or wall is located entirely within the property lines on the owner's property.
- B. Height.** (See Figures 16.30.010(B)(1), (B)(2) and (D)).
1. The maximum height of a fence, wall, combination of fence and wall, or gate shall not exceed four feet if the structure is located:
 - a. Within a horizontal distance of five feet from a front property line that adjoins a public street not designated as a collector or minor arterial street pursuant to Chapter 10.08 MMC; and
 - b. Within a horizontal distance of five feet from any property line that intersects a front property line that adjoins a public street as described in subsection (B)(1)(a) of this section and extending 30 feet from the front property line.
 2. Except as provided in subsection (B)(1) of this section, the maximum height of a fence, wall, combination of fence and wall, or gate shall not exceed six feet in all other setback areas.
 3. Fences, walls and gates not located within setback areas may be constructed to the height limitations of other buildings and structures in the zoning district in which the fence, wall or gate is located.
 4. For purposes of the height maximums set forth in this section, height shall be measured at the exterior side of the fence or wall facing outward from the property, from the lower of the existing or finished grade to the highest point of the fence or wall (including any light fixtures, caps, or other objects mounted on the top of the fence or wall).
 5. Fences and walls shall be considered combined for the purpose of measuring height where the horizontal separation is five feet or less between the closest points of the fence and wall; except, if a property line is located between the fence and wall, the fence and wall shall not be considered combined. These requirements shall also apply to gates and walls.

Figure 16.30.010(B)(1): Height Limits for Fences and Walls

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Figure 16.30.010(B)(2): Measuring Fence/Wall Height

C. Fence and wall height exception. The placement of a guard rail on top of a retaining wall may exceed the maximum height for fences and walls by up to four feet provided:

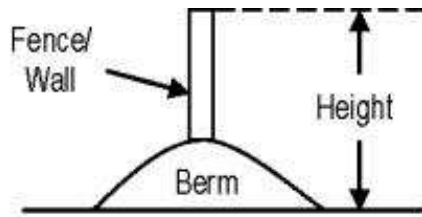
1. The building official determines a guard rail is required pursuant to the building codes set forth in Chapter 16.40 MMC; and
2. The solid component parts of the guard rail are evenly distributed and cover no more than 50 percent of the total surface area of the side elevation of the guard rail.

D. Limitations.

1. The following are prohibited:
 - a. The use of barbed wire with a fence or wall;
 - b. Electric fences; and
 - c. Chain-link fences located within five feet of a property line that adjoins a public street designated as a collector or minor arterial street pursuant to Chapter 10.08 MMC.

2. No person may construct a berm upon which to build a fence, wall or combination of a fence and wall, unless the total height of the berm plus the fence or wall does not exceed the maximum height allowable for the fence or wall if the berm was not present. (See Figure 16.30.010(D).)
3. No gate or portion thereof shall be located within any public right-of-way or any easement for a private lane or private lane turn-around.

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16.30.020**Figure 16.30.010(D): Fence/Wall with Berm****Height Measurement Combined**

E. *Appearance.* The more completely detailed or finished side of a fence or wall shall face outward from the property on which the fence or wall is located, except joint projects may have the more finished side oriented as agreed to between the two property owners.

F. *Bulkheads.* The design and construction of a bulkhead shall be in compliance with the requirements of the building code and the Medina shoreline master program.

G. *Permits.* A building permit is required to be obtained from the city prior to construction or repair of a fence, wall or gate, unless exempt pursuant to MMC 16.40.050.

H. *Requirement for gates.*

1. Every gate blocking vehicular access to a residence must have a "KNOX Box" or similar device approved by the fire marshal and chief of police allowing access to emergency vehicles and personnel. In addition, each gate which relies on electricity to open the locking mechanism or the gate itself must have a manual release mechanism which is activated by a power failure, or another method of assuring entry in event of a power failure, which is approved by the fire marshal and the chief of police.
2. Gates and barriers associated with fire apparatus access roads shall meet the requirements in MMC 16.40.120.

(Code 1988 § 20.30.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 932 § 13, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.30.020. Signs.A. *Purpose.*

1. To provide content-neutral design standards for signage; and
2. To recognize the predominately high-quality, single-family residential setting and built-out character of the community by permitting signs that complement this character; and
3. To establish regulations for the design, number, placement and size of exterior signs consistent with the city's high-quality residential character; and
4. To provide business establishments the ability to identify themselves with signage consistent with the high-quality residential setting of the community; and
5. To promote public safety by controlling the amount of clutter and visual distractions caused by signs; and
6. To establish minimum requirements for maintenance of signs.

B. *Applicability.*

1. *Applicability.* The requirements of this section shall apply to all signs including sign structures, unless exempt under subsection (B)(2) of this section. No sign shall be installed, erected and/or displayed within the jurisdiction of the City of Medina, except as provided for in this section and MMC 16.64.070 (shoreline master program).
2. *Exemptions.* The following signs are exempt from the requirements of this section:
 - a. Signs required by federal or state statutes or regulations that are exempt from local regulations;
 - b. Signs placed inside of buildings or within the boundaries of a lot where the sign is not visible from other properties or city rights-of-way;
 - c. Wall graphics of an artistic nature which do not contain commercial advertisement;
 - d. Signs associated with a community event sanctioned by the city or with a special

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event where a special event permit is obtained pursuant to Chapter 9.40 MMC; and

- e. Signs meeting the definition of location identity sign as set forth in MMC 16.12.200, which meet the requirements set forth in MMC 16.30.030.

3. *Limited exemptions.* The following signs are exempt from permit, number, height and size requirements prescribed elsewhere in this section:

- a. Flags that are not of a commercial nature, provided no more than three flags are displayed on the lot simultaneously;
- b. All signs having a sign area of 100 square inches or less, provided:
 - i. The sign is not located within city rights-of-way; and
 - ii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;
- c. Permanent signs having a sign area greater than 100 square inches, but not exceeding 144 square inches, provided:
 - i. The purpose of the sign is to warn against trespassing consistent with the restrictions on peddlers and solicitors in Chapter 5.12 MMC;
 - ii. The sign is not located within city rights-of-way; and
 - iii. No more than three signs per property qualifying for this exemption are visible from city rights-of-way or nearby properties;
- d. Signs circulating traffic on private property provided:
 - i. The sign is not located within city rights-of-way;
 - ii. The sign does not exceed two square feet in sign area; and
 - iii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;

- e. Signs associated with nonresidential uses that communicate operational information such as, but not limited to, hours of access and open/closed signs that do not exceed two square feet in sign area; and
- f. Municipal signs pursuant to the requirements in subsection (G) of this section.

4. *Prohibited signs.* The following signs are prohibited:

- a. Signs erected and/or displayed within any public park or public property, except as specifically allowed by the Medina Municipal Code;
- b. Signs erected and/or displayed on private property without the express consent of the owner thereof;
- c. Signs posted on public traffic or safety sign posts;
- d. Signs containing obscene or prurient words, scenes or graphics;
- e. Signs mounted on utility poles or light standards without the express consent of the entity that owns or controls the utility pole;
- f. Signs in or on vehicles or vessels visible from public property or city rights-of-way, unless the sign meets one of the following conditions:
 - i. The sign is an integral component of the vehicle or vessel and consists of magnetic, decal or is painted onto or attached to the vehicle or vessel provided the vehicle or vessel is in operational condition, and the vehicle or vessel is not a static display;
 - ii. Signs on vehicles or vessels meeting the requirements in subsection (B)(2)(c) of this section;
- g. Signs that are determined by the director to be a hazard to public safety due to their design, materials, physical condition, or placement.

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C. General sign provisions.

1. *How to apply the sign code.* The principal use of the property, or the principal use of the property abutting a city right-of-way, shall control in applying the nonresidential sign standards in subsection (D) of this section, or the residential sign standards in subsection (E) of this section. The Medina Comprehensive Plan, Table 1: Land Use Inventory identifies nonresidential uses in the city.
2. *Determining signs allowed by use.*
 - a. Commercial establishments may have:
 - i. Permanent signs authorized under subsection (D)(1) of this section;
 - ii. Temporary commercial and non-commercial signs authorized under subsections (D)(2)(a) and (b) of this section;
 - iii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iv. Real estate and event signs authorized under subsection (F) of this section; and
 - v. Location identity signs authorized in MMC 16.30.030;
 - b. Nonresidential uses other than commercial establishments may have:
 - i. Permanent signs authorized under subsection (D)(1) of this section;
 - ii. Temporary noncommercial signs authorized under subsection (D)(3)(b) of this section;
 - iii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iv. Real estate and event signs authorized under subsection (F) of this section; and
 - v. Location identity signs authorized in MMC 16.30.030.
 - c. Residential uses may have:
 - i. Permanent and temporary non-commercial signs authorized under subsection (E) of this section;
 - ii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iii. Real estate and event signs authorized under subsection (F) of this section; and
 - iv. Location identity signs authorized in MMC 16.30.030.
3. *Sign permits.* A building permit is required for the following:
 - a. Erecting, installing or replacing any permanent sign having greater than two square feet of sign area;
 - b. Erecting, installing or replacing any temporary sign located within any city right-of-way having greater than four square feet in sign area;
 - c. Erecting, installing or replacing any temporary construction sign unless exempt pursuant to subsection (B)(2)(b) of this section;
 - d. Repairs to any sign meeting the size requirements in subsection (C)(3)(a) or (b) of this section, excluding ordinary repairs as defined by the adopted building code set forth in Chapter 16.40 MMC.
4. *Maintenance requirements.*
 - a. Signs, including any and all components of the structures and/or supports thereof, shall be maintained in a proper state of repair; and
 - b. The director may order abatement by repair, rehabilitation, demolition or removal of any sign determined to be in a poor state of repair or dangerous due to likely structural failure or faulty wiring.
5. *Illumination.*
 - a. The illumination shall be by a steady continuous light source;
 - b. Outdoor signs may be illuminated only by an external light source, except in the neighborhood auto servicing zone signs may be internally illuminated;

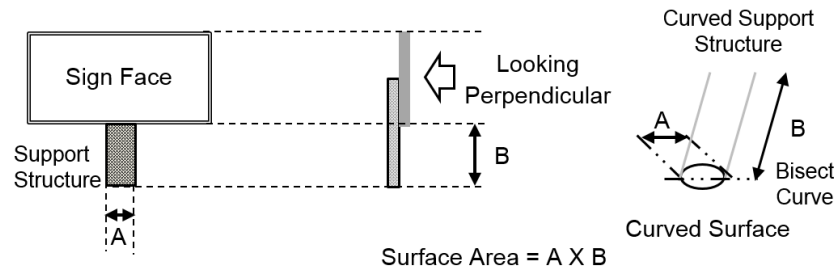
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- c. Lighting must be shielded to prevent direct glare and/or light trespass into adjoining lots;
 - d. Lighting shall be designed, located, installed and directed in such manner as to prevent objectionable light at (and glare across) the property lines and disability glare at any location on or off the property;
 - e. No lighting shall be directed towards passing traffic or towards nearby properties;
 - f. The recommendations set forth by the Illuminating Engineering Society of North America (IES) shall be used in evaluating lighting for consistency with these criteria;
 - g. The luminance level shall not exceed five candelas per square foot (cd/ft^2);
 - h. The following types of illumination of signs are prohibited when visible from public rights-of-way or nearby properties:
 - i. All strobe or flashing lights;
 - ii. All moving or animated features that manifest motion;
 - iii. Any lighted sign where the display can be changed or altered by electrical, electronic or computerized methods; or
 - iv. Other types of illumination where the light source is not steady or continuous.
6. *Signs in a city right-of-way.* Placement of signs within a city right-of-way shall comply with the following:
- a. Signs shall be placed a minimum distance of ten feet from the edge of pavement, except:
 - i. The director may approve placement at a distance of less than ten feet on a case-by-case basis after considering public safety factors; or
 - ii. Where the edge of pavement includes raised curbs, a sign may be placed less than ten feet from the edge of pavement provided the sign does not cause unsafe conditions for the public's use of the right-of-way;
 - b. Consent by the abutting property owner is required before placement of any sign within a city right-of-way, excluding municipal signs; and
 - c. Applicable requirements in Chapter 12.28 MMC are followed.
7. *Measuring sign height.* The height of a sign is measured from the lowest point of the existing grade beneath the sign to the highest point of the sign and sign structure.
8. *Time limitations.* Where a nonpermanent sign is required to be removed after a designated time period, the designated time period shall be the maximum amount of time the sign can be erected or displayed during any consecutive 12-month period, except as provided for real estate/construction signs in Table 16.30.020(F).
9. *Scenic Vista Act.* Signs that are visible from the SR 520 state highway or located within the state highway right-of-way may be subject to the Scenic Vista Act set forth in Chapter 47.42 RCW.
10. *Support structures for freestanding signs.*
- a. The surface area of the support structure that is visible when looking perpendicular at the sign face shall not exceed 120 percent of the maximum sign area allowed for the sign.
 - b. When the surface area of a support structure is curved, the curve shall be projected onto an xy-plane to calculate the surface area.
 - c. When a sign contains information on two sides, the average area of the two surface areas shall be used to determine surface area.

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16.30.020**Diagrams 16.30.020(C)(10) Surface Area of Support Structure**

D. *Nonresidential signs.* Signs associated with nonresidential uses shall comply with all of the standards set forth in this subsection (D).

1. *Permanent signs.* Table 16.30.020(D)(1) sets forth the requirements for permanent signs associated with nonresidential uses.

Table 16.30.020(D)(1): Permanent Sign Standards—Nonresidential

Description	Development Standard
Maximum sign area	24 square feet per sign
Maximum height:	
• Freestanding sign	4 feet
• Mounted sign*	Not to exceed the height of the building
Maximum number of signs	One per each public street frontage the building and/or principal use is adjacent to, not to exceed 2
Placement location:	
• On-site sign	Allowed
• Off-site sign	Prohibited
• On city right-of-way	Prohibited
Sign illumination	Allowed (see MMC 16.30.020(C)(5))
Sign removal	Required within 30 days after abandonment

*Mounted signs are limited to being affixed to a building only

2. *Temporary signs.*
 - a. *Commercial signs.* Table 16.30.020(D)(2)(a) sets forth the requirements for temporary commercial signs associated with nonresidential uses.

Table 16.30.020(D)(2)(a): Temporary Commercial Sign Standards—Nonresidential

Description	Development Standard
Maximum sign area	12 square feet
Maximum height:	
• Freestanding sign	4 feet
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached
Maximum number of signs	One per each public street frontage the building and/or principal use is adjacent to, not to exceed 2
Placement location:	

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Description	Development Standard
• On-site sign	Allowed
• Off-site sign	Prohibited
• On city right-of-way	Allowed adjacent to lot only (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited
Sign removal	Must be taken down during nonbusiness hours

- b. *Noncommercial signs.* Table 16.30.020(D)(2)(b) sets forth the requirements for temporary noncommercial signs associated with nonresidential uses.

Table 16.30.020(D)(2)(b): Temporary Noncommercial Sign Standards—Nonresidential

Description	Development Standard	
Maximum sign area:		
• Banner sign	15 square feet	
• A-board sign	8 square feet	
• All other signs	4 square feet	
Maximum height:		
• Freestanding sign	4 feet	
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached	
Maximum number of signs:		
• Banner signs exceeding 4 square feet in sign area	One	
• Signs located on city right-of-way	One per each 50 feet plus one for any remaining fraction thereof of abutting lineal street frontage	
• All other signs	No restriction	
Placement location:		
• On-site sign	Allowed	
• Off-site sign	Allowed	
• On city right-of-way	Banner sign	Prohibited
	All other temporary signs	Allowed (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited	
Sign removal	Must be removed within 24 hours of related event ending, or within 26 weeks of being erected and/or displayed, whichever period is shorter	

3. *Specific content.* Permanent and temporary commercial signs associated with commercial establishments can display only content specific to the commercial establishment and/or products, goods and services offered on site by the commercial establishment.

4. *Window signs.*

- Temporary signs placed on a building window shall not cover more than 40 percent of the transparent surface area of the window.
- A permanent sign painted or etched on a window may be allowed in lieu of a mounted or freestanding sign prescribed in Table 16.30.020(D)(1) provided the maximum sign area does not cover more than 40 percent of the transparent surface area of the window.

5. In addition to the nonresidential commercial and noncommercial sign standards prescribed by this subsection (D), real estate and event signs are allowed that comply with the standards in subsection (F) of this section.

E. *Residential sign standards.* Signs associated with residential uses shall comply with all of the standards set forth in this subsection (E).

- Commercial signs.* Permanent and temporary commercial signs shall not be erected and/or displayed on properties, or in the adjacent city right-of-way, having a principal use that is residential, except for real estate and event signs complying with the requirements in subsection (F) of this section.

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2. *Noncommercial signs.* Table 16.30.020(E) sets forth the requirements for all permanent and temporary noncommercial signs associated with residential uses.

Table 16.30.020(E): Noncommercial Sign Standards—Residential

Description	Development Standard	
Maximum sign area:		
• Banner sign	15 square feet	
• All other signs	4 square feet	
Maximum height:		
• Freestanding sign	4 feet	
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached	
Maximum number of signs:		
• Banner signs exceeding 4 square feet in sign area	One	
• Signs located on city right-of-way	One per each 50 feet plus one for any remaining fraction thereof of abutting lineal street frontage	
• All other signs	No restriction	
Placement location:		
• On-site sign	Allowed	
• Off-site sign	Permanent sign	Prohibited
	Temporary sign	Allowed
• On city right-of-way	Permanent sign	Prohibited
	Banner sign	
	A-board sign	
	All other temporary signs	Allowed (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited	
Sign removal—Temporary sign	Must be removed within 24 hours of related event ending, or within 26 weeks of being erected and/or displayed, whichever period is shorter	
Sign removal—Permanent sign	Required within 30 days after abandonment	

F. *Real estate and event signs.* Real estate and event signs shall comply with all of the standards set forth in this subsection (F).

1. In applying the definition of real estate and event sign to Table 16.30.020(F), the following subcategories of real estate and event signs shall apply:
 - a. Real estate/construction signs, which are for the sole purpose of advertising a parcel, tract, lot, site or home for rent, lease or sale; or which identify the individual or company performing an active construction project including remodels of a property that has obtained a building permit under MMC 16.40.010(A) or (B) from the city, and which construction activity is visible from a public street right-of-way.
 - b. Event signs, which are for the sole purpose of selling a home's household belongings or for advertising an open house event associated with the sale of a parcel, tract, lot, or site.
2. Table 16.30.020(F) sets forth the requirements for all real estate and event signs.

Table 16.30.020(F): Real Estate and Event Sign Standards

Description	Development Standard
Maximum sign area:	
• Real estate/ construction sign	5 square feet

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Description	Development Standard		
• Event sign	4 square feet		
Maximum height:			
• Freestanding sign	6 feet		
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached		
Maximum number of signs:			
• Real estate/construction sign	One per lot, except as provided in MMC 16.30.020(F)(3)		
• Event sign	3		
Placement location:			
• Real estate/construction sign:			
	• On-site sign	Allowed	
	• Off-site sign	Prohibited, except as allowed in MMC 16.30.020(F)(3)	
	• On city right-of-way	Banner sign	Prohibited
		All other real estate signs	Allowed adjacent to lot only
• Event sign:	• On-site sign	Allowed	
	• Off-site sign	Prohibited	
	• On city right-of-way	Banner sign	Prohibited
		All other event signs	Allowed (see MMC 16.30.020(H))
Illumination	Prohibited		
Sign removal:			
• Real estate/construction sign	See MMC 16.30.020(F)(5)		
• Event sign	Must be removed daily within one hour after event closes each day, not to exceed being displayed more than three days per week		

3. The maximum number of real estate/construction signs may be increased as follows:

- a. One additional real estate sign may be posted on the waterfront side of a lot adjoining Lake Washington or on a side facing the golf course when a lot adjoins a golf course;
- b. If a property does not adjoin a city right-of-way, one additional real estate sign advertising only a parcel, tract, lot, site or home for rent, lease or sale may be placed at the entrance to a private lane serving the subject property;
- c. Additional construction signs are prohibited.

4. Event signs may be located further off site than adjacent to the subject lot provided subsection (C)(5) of this section is satisfied.

5. A real estate/construction sign may be erected or displayed on a site for the duration the property is for sale or the construction project is active, and shall be removed within 24 hours

or the next business day, whichever time is longer, after close of property sale or completion of a construction project.

G. *Municipal signs.*

1. The requirements for permits for permanent signs set forth in subsection (C)(3) of this section shall apply to municipal signs, excluding traffic control signs.
2. Nothing else in this section shall restrict the erecting or posting of signs by the city, or its authorized representatives, for the safety, convenience or information of its citizens.

H. *Nonconforming signs.*

1. All permanent signs that do not conform to the specific standards of this Code that were erected in conformance with a valid permit or were erected in conformance with then applicable ordinances and regulations shall be considered legally nonconforming signs.
2. Nonconforming rights are not granted to temporary signs or signs that were in violation of previous versions of the Medina sign code.

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3. Legally nonconforming signs may continue unless:

- a. The sign is abandoned; or
- b. The sign is changed as to the location, shape, or dimensions; or
- c. The user fails to keep the sign in good repair consistent with the maintenance requirements imposed by this section. In such cases, the sign as changed or repaired must comply with all applicable provisions of this section.

(Ord. No. 997, § 4, 4-26-2021; Code 1988 § 20.30.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 955 § 4, 2018; Ord. No. 948 § 5, 2017)

16.30.030. Location identity signs.

A. *Applicability.* This section shall apply to all location identity signs. Other signs are regulated separately under MMC 16.30.020.

B. *Sign permits.*

1. A building permit is required for location identity signs meeting the requirements in MMC 16.30.020(C)(3).
2. All location identity signs placed within a city right-of-way require a right-of-way permit as set forth in MMC 12.08.010.

C. *Maintenance requirements.*

1. Location identity signs, including any and all components of the structures and/or supports thereof, shall be maintained in a proper state of repair; and
2. The director may order abatement by repair, rehabilitation, demolition or removal of any location identity sign determined to be in a poor state of repair or dangerous due to likely structural failure or faulty wiring.

D. *Illumination.*

1. Illumination of a location identity sign shall comply with the following:
 - a. The illumination shall be by a steady light source;
 - b. No lighting shall be directed towards passing traffic or towards nearby properties.

2. Strobe lights, flashing, moving or animated features, and similar types of illumination associated with location identity signs are prohibited.

E. *Signs in a city right-of-way.* Placement of location identity signs within a city right-of-way shall be placed a minimum distance of ten feet from the edge of pavement, except the director may approve placement at a distance of less than ten feet on a case-by-case basis after considering public safety factors.

F. *Measuring sign height.* The height of a sign is measured from the lowest point of the existing grade beneath the sign to the highest point of the sign and sign structure.

G. *Requirements.* Location identity signs shall comply with the requirements set forth in Table 16.30.030.

1. In applying the definition of location identity sign to Table 16.30.030, the following subcategories of location identity sign shall apply:
 - a. Neighborhood signs, which are for the purpose of displaying the name of a neighborhood, geographic area or subdivision representing eight or more homes;
 - b. Private lane signs, which are for the purpose of displaying the addresses of multiple lots where the primary vehicle access is by a shared private lane;
 - c. In all other cases, location identity signs are for the purpose of displaying the address for a single lot.
2. Table 16.30.030 sets forth the requirements for all location identity signs.

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Table 16.30.030: Location Identity Sign Standards

Description	Development Standard	
Maximum sign area:		
• Neighborhood sign	12 square feet	
• Private lane sign	9 square feet	
• All others	2 square feet	
Maximum height:		
• Freestanding sign	Neighborhood sign	4 feet
	Private lane sign	8 feet
	All others	4 feet
• Mounted sign	Neighborhood sign	Prohibited
	Private lane sign	Prohibited
	All others	Not to exceed height of structure
Maximum number of signs:		
• Neighborhood sign	One per clearly delineated neighborhood	
• Private lane sign	One per shared private lane	
• All others	No restrictions	
Placement location:		
• On-site sign	Neighborhood sign	Not applicable
	Private lane sign	Not applicable
	All others	Allowed
• Off-site sign	Neighborhood sign	Allowed
	Private lane sign	Allowed per MMC 16.30.030(H)(1)
	All others	Prohibited
• On city right-of-way	Neighborhood sign	Allowed (see MMC 16.30.030(E))
	Private lane sign	Allowed per MMC 16.30.030(E) and 16.30.030(H)(1)
	All others	Prohibited
Sign illumination	Allowed (see MMC 16.30.030(D))	
Sign removal:		
• Neighborhood sign	Must be removed within 30 days of abandonment	
• Private lane sign	No restrictions subject to the maintenance requirements in MMC 16.30.030(C)	
• All others		

H. *Miscellaneous.*

1. Placement of a private lane sign shall be within the boundaries of the private lane easement, or if the sign is placed within a city right-of-way, its location shall be restricted to close proximity to where the private lane intersects the city right-of-way.
2. The content of location identity signs shall be limited as follows:
 - a. Neighborhood signs shall not contain any advertising, addresses, or name of persons or entities other than the neighborhood the sign represents;
 - b. Private lane signs shall contain the addresses of the lots whose access is by the shared private lane that the location identity sign identifies and may include the name of the private lane or the words "Private Lane";
 - c. All other location identity signs may display only the name of the property owner and/or the address of the property the sign supports.
3. Nonconforming Signs. Location identity signs that do not comply with the requirements in

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this section are subject to the nonconforming provisions for signs set forth in MMC 16.30.020.

(Code 1988 § 20.30.025; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 948 § 6, 2017)

16.30.040. Reconstruction, remodeling, expansion of nonresidential uses.

Existing nonresidential uses requiring expansion, modification or rebuilding and exceeding 50 percent of the present value of the structure shall require obtaining a nonadministrative conditional use permit pursuant to MMC 16.72.010, unless the reconstruction, remodeling, or expansion involves a use requiring a nonadministrative special use permit, in which case a nonadministrative special use permit or amendment thereto shall be required.

(Code 1988 § 20.30.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.30.050. Works of art.

Works of art are not defined as accessory structures and are subject to all applicable setback requirements of the Medina Municipal Code.

(Code 1988 § 20.30.040; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.30.060. Residential off-street parking.

Off-street parking for each single-family dwelling shall be provided as follows:

- A. If a lot has access from a street, a minimum of two on-site parking spaces is required;
- B. If a lot has access from a private lane, on-site parking spaces shall be required as follows:
 - 1. The surface area of each parking space shall be at least 250 square feet; and
 - 2. The minimum number of parking spaces shall be:
 - a. In the R-16 zoning district: three spaces;
 - b. In the R-20 zoning district: four spaces;
 - c. In the R-30 zoning district: five spaces;

- 3. Such off-street parking areas shall be separate and distinct from the easement or turnaround required for the private lane;

- C. Additional off-street parking spaces, which are not required, may be located on site or off site as allowed in MMC 16.34.030; and

- D. Parking areas shall not be located within setback areas, except as allowed otherwise by law. (Code 1988 § 20.30.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.30.070. Landscape screening.

A. The landscape screening requirements prescribed by this section shall be imposed only where this section is referenced in other sections of the municipal code. The purpose of these landscape screening standards is to increase native vegetation where possible and provide appropriate natural screening where applicable to contribute positively to the aesthetic appearance of the city and residential climate within the city.

- B. Landscape screening—Types and description.

- 1. *Solid landscape screening.*
 - a. Solid landscape screening is a "full screen" that functions as a visual barrier.
 - b. Where solid landscape screening is required, the following shall apply:
 - i. A high-density 100 percent mixture of evergreen shrubs and trees shall be planted that provides solid sight-obscuring screening from the ground up.
 - ii. Shrubs and trees shall be a minimum six feet in height at the time of planting.
 - iii. Shrubs and trees shall be planted having a planting pattern of at least five feet in width.
 - iv. Where practical, existing vegetation should be incorporated into the screen.
 - v. All new plants used shall be native vegetation.
 - c. The director shall have discretion to modify solid landscape screening require-

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ments if the applicant timely requests such modification in writing and provides the legal justification and factual basis warranting the modification. The modification, if approved by the director, shall insure that the modification meets the purpose of this code section, the modification is the minimum necessary, and the modification is supported by the on-site situation, facts and law. The director's decision will comprise a Type 1 decision and be subject to the review provisions specified in Chapter 16.80 MMC.

2. *Partial landscape screening.*

- a. Partial landscape screening is a "partial screen" that functions as a visual buffer.
- b. Where partial landscape screening is required, the following shall apply:
 - i. A mix of evergreen and deciduous trees and shrubs shall be planted, spaced to provide an open, filtered screen.
 - ii. Evergreen trees shall be spaced no more than 25 feet on center, deciduous trees spaced no more than 30 feet on center, shrubs spaced no more than five feet apart.
 - iii. At least 50 percent of trees and shrubs shall be evergreen.
 - iv. Where practical, existing vegetation should be incorporated into the screen.
 - v. Partial landscape screening may contain bioretention facilities where feasible.
 - vi. All new plants used shall be native vegetation.
- c. The director shall have discretion to modify partial landscaping screening requirements if the applicant timely requests such modification in writing and provides the legal justification and factual basis warranting the modification. The modification, if approved by the director, shall insure that the modification

meets the purpose of this code section, the modification is the minimum necessary, and the modification is supported by the on-site situation, facts and law. The director's decision will comprise a Type 1 decision and be subject to the review provisions specified in Chapter 16.80 MMC.

C. Maintenance of plant materials.

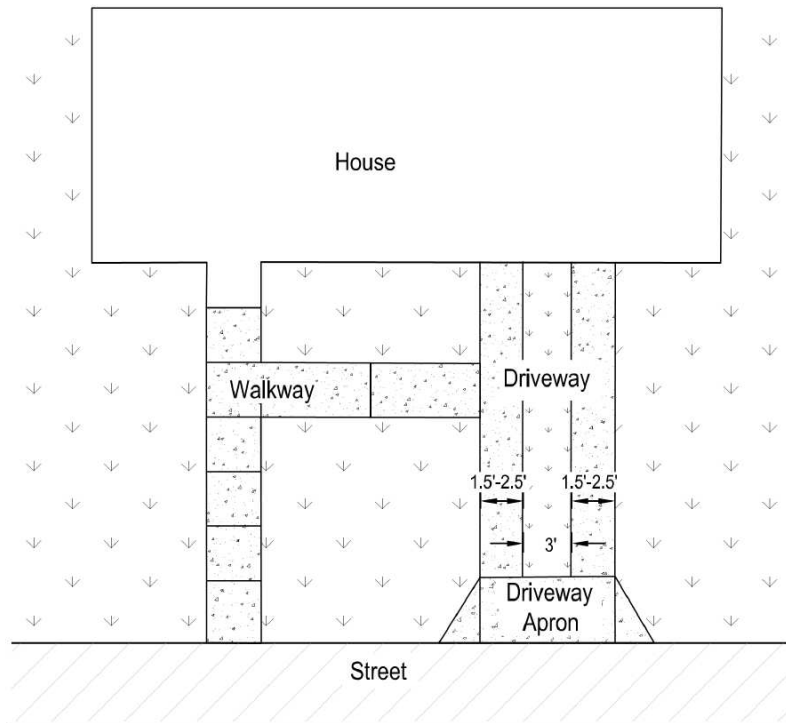
1. The owner of the lot shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
 2. The director may require a maintenance assurance device for a period of one year from the completion of planting in order to ensure compliance with the requirements of this section.
- (Code 1988 § 20.30.060; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 943 § 1, 2016)

16.30.080. Residential driveways.

A. The City of Medina encourages alternative single-family residential driveway designs which create less stormwater runoff. Alternative driveways include but are not limited to two-track driveways and permeable pavement driveways, as defined in the following sections.

B. Two-track driveways.

1. A two-track driveway is constructed with two parallel tracks paved with hard material including but not limited to concrete, asphalt, or pavers, and separated by an unpaved, usually vegetated, area (See Figure 16.30.080(B)).
2. The driveway apron shall be constructed in accordance with the engineering standards adopted or referenced by the city.
3. Individual driveway tracks shall be located entirely on private property.
4. If the two-track driveway is used as residential off-street parking per MMC 16.30.060, the paved area may be less than 250 square feet; provided, each track is not less than 20 feet long per parking space.

Figure 16.30.080(B) Two-Track Driveway**C. Permeable pavement driveways.**

1. A permeable pavement driveway allows the passage of water through the pavement section. An aggregate rock base provides structural support and acts as a stormwater reservoir. Permeable paving surface materials which are appropriate for use on driveways are:
 - a. Porous asphalt;
 - b. Pervious concrete;
 - c. Permeable interlocking concrete pavements (PICP); and
 - d. Grid systems.
2. Permeable pavements are low impact development best management practices and shall be designed in accordance with the stormwater manual adopted under MMC 13.06.020.

3. The driveway apron shall be constructed in accordance with the engineering standards adopted or referenced by the city.
4. The permeable pavement driveway shall be located entirely on private property.
(Code 1988 § 20.30.070; Ord. No. 969 § 3 (Exh. A), 2019)

CHAPTER 16.31. LIMITED USES**16.31.010. Home business.**

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

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

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

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

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

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

1. Storage, receipt or transfer of equipment, materials, and commodities.

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

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

(Ord. No. 997, § 3, 4-26-2021; Code 1988 § 20.31.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 933 § 6, 2016; Ord. No. 911 § 4, 2014; Ord. No. 900 § 4 (Att. A), 2013)

16.31.020. Adult family homes and family day care homes.

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

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

(Code 1988 § 20.31.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.31.030. Manufactured homes and trailers.

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

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

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

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

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

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

(Code 1988 § 20.31.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.31.040. Automobile-related service uses.

This section establishes the development criteria that apply to automobile-related service uses, including accessory uses.

- A. The minimum setbacks for buildings and structures shall be as follows:
 1. From front property lines: 30 feet;
 2. From rear property lines: 30 feet;
 3. From side property lines: 15 feet, except where the lot abuts a residentially zoned property, then the minimum setback shall be 30 feet.
- B. Requirements for parking.
 1. Minimum off-street parking shall be provided as follows:
 - a. One space for each employee on duty at any time; plus
 - b. One space for each 1,000 square feet of the gross floor area of the principal building; and
 - c. Six spaces for vehicle storage, which may be covered or uncovered;
 2. At least one additional off-street parking space per building shall be provided and designated as a load/unload area;
 3. Design standards for parking spaces:
 - a. Spaces may be covered or uncovered;
 - b. Minimum 250 square feet of surface area per parking space;
 - c. Spaces shall be improved with an all-weather surface such as asphalt or concrete, but not gravel, and shall include facilities for surface water runoff;
 - d. Spaces shall be arranged and marked in a manner that does not impede access to the lot;
 - e. For parking design requirements, refer to Chapter 16.39 MMC, Parking.

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C. Minimum landscaping and screening requirements.

1. Where the automobile-related service use abuts along residentially zoned property, either a six-foot in height fence, or solid landscape screening pursuant to MMC 16.30.070 shall be installed such that the service is concealed year-round from the abutting residential lots;
2. Where the automobile-related service use abuts public street right-of-way, the following shall apply:
 - a. At least 30 percent of the frontage abutting the street shall be vegetated with plantings including shrubs and undergrowth plantings; and
 - b. Frontage plantings shall comprise a minimum of 60 percent native vegetation, or well-adapted drought-tolerant vegetation where site conditions are appropriate for establishment and long-term survival; and
 - c. The height of the vegetation shall be maintained in a manner that does not obscure clear views for traffic safety.

D. Access requirements.

1. Access to an automobile-related services use shall be restricted to marked driveways at locations approved by the city engineer as appropriate to ensure safe and efficient traffic movement;
2. Driveway entrances shall not exceed 35 feet in width for each 60 feet of street frontage.

E. Allowances for signage shall be pursuant to MMC 16.30.020.

F. Automobile storage is allowed; provided, that:

1. The use is accessory to a principal automobile-related service use on the same lot;
2. The number of motor vehicles parked on the property shall be limited to what

can be accommodated under cover or in marked off-street parking, or loading spaces;

3. No motor vehicle shall be parked that is:
 - a. Exposed in a partly disassembled or significantly damaged condition;
 - b. Exposed for more than 30 days unless the exposure time is interrupted by periods of at least ten consecutive days; and
 - c. Parked, including trailers, for display to sell, rent, or as a prize.

G. Operation and displays shall meet the following requirements:

1. All operation and displays, including those of merchandise, shall be within an approved structure, except those directly required to dispense gasoline, water, air, and motor oil;
2. No accumulation of tires or other automotive materials outside approved structures is permitted; and
3. Trade-inducing prizes shall be deemed merchandise.

(Code 1988 § 20.31.040; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.31.050. Commercial horticulture, truck gardening, and agriculture uses.

This section establishes the development criteria that apply to commercial horticulture, truck gardening and agriculture uses, including accessory uses.

- A. Structures may include, but are not limited to, such uses as hot houses, greenhouses, storage sheds, heating plants, and similar accessory uses associated with horticulture, truck gardening, and agriculture uses.
- B. Agriculture uses shall exclude the raising and farming of animals and the farming of marijuana including the growth of marijuana in a residential medical marijuana cooperative as described in RCW 69.51A.250 and defined in MMC 16.12.140, notwithstanding any state license or other recognition pursuant to RCW Title 69.

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- C. Commercial horticulture, truck gardening, and agriculture uses shall exclude marijuana uses, as defined in MMC 16.12.140.
- D. Any retail sales activity arising out of the commercial horticulture, truck gardening and agriculture uses shall be limited to the sale of products, in season, grown upon the property. (Code 1988 § 20.31.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 933 § 7, 2016; Ord. No. 911 § 5, 2014; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.32. SPECIAL USES**16.32.010. General provisions.**

A. This chapter establishes special development standards that apply to specific uses that are designated as special uses.

B. The special development standards prescribed by this chapter shall be applied in conjunction with other development regulations applicable to the property.

C. Where this chapter imposes a requirement that differs from the same development standard found elsewhere in this title, the requirement set forth in this chapter shall prevail. (Code 1988 § 20.32.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.32.020. Religious facilities.

This section establishes the development criteria that apply to religious facilities, including accessory uses.

- A. The minimum lot area for the religious facilities use is three acres.
- B. Minimum setbacks.
 - 1. The setback for all parts of a building housing a religious facilities use, including attached structures, shall be at least 50 feet from all property lines;
 - 2. The setback for all other detached buildings and structures, excluding towers used for religious purposes and domes not intended for human occupancy, shall be the same as those set forth for the zone in Table 16.22.030;

- 3. Towers used for religious purposes and domes not intended for human occupancy shall be set back from all property lines a distance of at least twice the height distance of the tower.
- C. Maximum height.
 - 1. The height of all buildings and structures on the lot, excluding towers for religious purposes and domes not intended for human occupancy, shall not exceed 35 feet using the same method of measuring height as set forth in MMC 16.23.060(C), except the measurement of height shall be taken from the low point of the existing grade; and
 - 2. The maximum height of towers for religious purposes and domes not intended for human occupancy, including spires and belfries, shall be based on the setback distance set forth in subsection (B)(3) of this section.
- D. Maximum structural coverage and impervious surface area.
 - 1. Total structural coverage on the lot shall not exceed 35 percent of the lot area; and
 - 2. Total impervious surface area on the lot shall not exceed 52½ percent of the lot area.
- E. Landscaping. Partial landscape screening pursuant to MMC 16.30.070 shall be installed and maintained along property lines adjoining residentially zoned properties.
- F. Parking. Off-street parking spaces shall be provided at a minimum of one space for every 50 square feet of gross assembly floor area, as assembly occupancy is defined by the building code, plus one space for every 300 square feet of gross office floor area, as office occupancy is defined by the building code. For parking design requirements, refer to Chapter 16.39 MMC, Parking.
- G. Access requirements.
 - 1. Ingress and egress of the site shall be by separate entry and exit access ways, which must be approved by the city engineer; and

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2. Where the lot fronts on more than one street, the entry and exit access ways shall be located on the lesser traveled street.

H. The approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.

(Code 1988 § 20.32.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.32.030. Schools.

This section establishes the development criteria that apply to schools, including accessory uses.

A. *Location.* The location of schools shall be limited to lots designated as "school/institution" and "open space" on the land use map (also referred to as the land use plan) in the Medina comprehensive plan.

B. *Development standards.*

1. *Minimum setbacks.* The setback of all parts of any buildings and accessory buildings shall be at least 40 feet from all property lines, except:
 - a. Where the school adjoins lots zoned residential, the setback shall be at least 60 feet; and
 - b. Where the school is located on multiple lots, the director may waive setbacks located interior to the outer boundaries of the lots containing the school, provided the other requirements of this section are met;
2. *Maximum height.* The maximum height of all buildings and structures shall not exceed 35 feet from the low point of original or finished grade using the same method of measuring height as set forth in MMC 16.23.060(C); except as provided in subsection (B)(3) of this section;
3. *Rooftop play area height bonus.* A height bonus for use solely as an outdoor rooftop play area may be allowed for up to 15

additional feet provided all of the following requirements are satisfied by the applicant:

- a. The finished rooftop play area shall be surfaced with sound-dampening material and shall not exceed 30 feet in height from the low point of original or finished grade as measured under MMC 16.23.060(C). No portion of any building or structure shall extend into the rooftop play area bonus height except stair and elevator penthouses, and security barriers (e.g., parapets), and parapets shall not exceed 35 feet in height from the low point of original or finished grade as measured under MMC 16.23.060(C).
- b. The play area surface shall be surrounded by a continuous open mesh fence security barrier extending from the play area surface to the maximum height allowed for the play area. The mesh fencing shall be sufficient to protect users of the play area from danger and prevent balls, equipment or other items from being thrown or falling over the fencing. The fencing shall be colored to conceal its visibility and shall be screened by vegetation as set forth below.
- c. Temporary play equipment (e.g., balls, goals, player equipment, etc.) may be used in the play area and shall be removed or stored out of sight when not in use.
- d. The bonus height allowed shall be the minimum necessary to allow the intended play area functions, stair and elevator penthouses, and security barriers.
- e. The total footprint of stair and elevator penthouses on the rooftop play area shall be the minimum necessary for ingress and egress to the play area, and shall not exceed 600 square feet for any reason.

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- f. The footprint of all rooftop play areas at any school, including stair and elevator penthouses, shall not exceed the lesser of:
 - i. Thirty-five percent of the total footprint of all buildings consisting of and occupied for school use only; or
 - ii. Ten percent of the lot area.
- g. All structures, fencing, and play equipment associated with the rooftop play area shall be set back a minimum of three feet from the outer edge of the exterior walls of the building on which it is located.
- h. Except where subsection (B)(1)(b) of this section applies, the play area and all associated fencing and equipment shall be set back from property lines as follows:
 - i. At least 60 feet from rear property lines;
 - ii. At least 75 feet from side property lines; and
 - iii. At least 150 feet from all property lines adjoining a public street or residential zone.
- i. The use of rooftop play areas shall be limited to the hours of 8:00 a.m. to 6:00 p.m. daily.
- j. Rooftop play area construction, maintenance and operation shall be subject to all applicable city regulations and requirements.
- k. The rooftop play area use shall have no materially detrimental effects on neighboring properties, specifically including effects from noise, safety lighting, visual, or other impacts.
- l. Appropriate and sufficient mitigation for the direct impacts of the rooftop play area as reasonably determined by the director shall be provided and shall be incorporated as a condition of approval for any height bonus granted. Such impacts could include but are not limited to noise, visual impacts, and safety lighting. The noise, visual impact, safety lighting and all other studies required by this section or the director shall be prepared by the applicant, include a complete evaluation of the rooftop play area impacts, and propose mitigation that will avoid or adequately reduce or ameliorate the impacts. The studies shall meet the applicable standards and criteria required for approval under this Code, and are subject to independent city review satisfactory to the director.
- m. A visual and viewshed analysis shall be prepared and contain the following elements:
 - i. Diagrams and maps showing the viewshed from various site plan perspectives.
 - ii. Computer simulations and photographs with graphics depicting the views and appearance, to and from various perspectives and nearby lots, of the rooftop play area and building before and after installation. Such simulations and depictions shall be mutually agreed upon by the director and the applicant.
- n. A safety lighting analysis shall be prepared and meet the requirements of subsection (F) of this section.
- o. A noise analysis shall be prepared and meet the requirements of this section and the city code.
- p. The rooftop play area shall incorporate architectural designs and concealment techniques that are intended to visually blend in with the surrounding development. If a security barrier, including open mesh fencing, is installed, then a sight-obscuring vegetative landscaped screen shall also be installed and

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regularly maintained to reasonably screen the security barrier and rooftop play area from adjoining properties and city rights-of-way. Placement of vegetation shall reasonably screen the security barrier and rooftop play area within 12 months. Any open mesh fencing shall be painted or coated with a durable, nonreflective color;

4. *Maximum structural coverage and impervious surface area.*

- a. The total structural coverage on the lot shall not exceed 35 percent of the lot area;
- b. The requirements for impervious surface area set forth in Tables 16.23.020(A) and (B) shall apply; and

5. *Minimum lot area.*

- a. Except as provided for in subsection (B)(5)(c) of this section, an elementary school shall have a lot area of at least five acres for the first 100 students, plus one-half acre for each additional 100 students, or fraction thereof;
- b. A middle or senior high school shall have a lot area of at least ten acres, plus one-half acre for each additional 100 students, or fraction thereof;
- c. Where an elementary school is a secondary use to a religious facility use on the same lot, the minimum lot area may be satisfied by using the combined land area for both the school and the religious facility use, and the minimum lot area for the first 100 students shall be three acres, plus one-half acre for each additional 100 students, or fraction thereof.

C. *Building massing.*

1. The design of buildings shall incorporate features that minimize the amount

of three-dimensional bulk on the building facade facing towards existing residences;

2. Features that may be incorporated include but are not limited to pitch roofs, building step-backs or other architectural design techniques that reduce the perceived height of the building, and building horizontal and vertical modulation that breaks up solid facades.

D. *Landscaping.*

1. Partial landscape screening pursuant to MMC 16.30.070 shall be installed that provides vegetative buffers that adequately mitigate visual and noise impacts on surrounding residences while minimizing impacts to safety-required lines of sight;
2. A site landscaping plan must obtain approval from the city that at a minimum includes the following:
 - a. Detailed information on the location and species of proposed trees and vegetation;
 - b. Include use of year-round foliage patterns as appropriate;
 - c. Site landscaping materials shall include not less than ten percent native vegetation, which may be calculated by including any required screening landscape area;
 - d. Provide lines of sight necessary for safe school operation; and
 - e. Provide landscaping that reduces visual impacts from public streets while minimizing impacts to safety-required lines of sight.

E. *Traffic and parking requirements.*

1. A pedestrian and vehicular circulation plan is required that emphasizes safety and efficiency;
2. The pedestrian and vehicular circulation plan shall at a minimum include the following:
 - a. Traffic generation estimates;

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- b. School bus loading and unloading operations;
 - c. Student drop-off and pick-up operations;
 - d. Deliveries; and
 - e. Mitigation measures to address traffic impacts to streets;
 - 3. A parking plan is required that includes adequate off-street parking for staff and visitors, and loading and unloading zones;
 - 4. The city may require that traffic and parking studies be provided that are prepared by a qualified professional traffic engineer that supports the circulation and parking plans; and
 - 5. For parking design requirements, refer to Chapter 16.39 MMC, Parking.
 - F. *Lighting requirements.* A lighting plan is required that includes the following:
 - 1. Consideration for pedestrian safety;
 - 2. Overall lighting levels, which shall not negatively impact surrounding residences; and
 - 3. Lighting that is directed towards school property only.
 - 4. Lighting of rooftop play areas is not allowed except for safety lighting required for elevator, stairs, and other ingress/egress.
 - G. *Approval criteria.* The approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.
(Code 1988 § 20.32.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 960 § 3, 2018; Ord. No. 900 § 4 (Att. A), 2013)
- 16.32.040. Electrical power and utility substations.**
- This section establishes the development criteria that apply to electrical power and utility substations.
- A. Electric power and utility substations shall be limited to lots and tracts designated as "utility" on the comprehensive plan land use plan map.
 - B. All uses shall be in buildings and structures and/or may be required to be enclosed with a fence at least six feet in height.
 - C. The fence shall be located in a manner that minimizes visual and noise impacts to adjoining properties and streets and may be required to be set back at least 30 feet from all property lines.
 - D. Solid landscape screening pursuant to MMC 16.30.070 shall be installed adjacent to the fence.
 - E. The height of structures shall be limited to 25 feet using the same method of measuring height set forth in MMC 16.23.060(C), except the measurement of height shall be taken from the low point of the existing grade.
 - F. The approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.
(Code 1988 § 20.32.040; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)
- 16.32.050. Clubhouse—Public and private.**
- This section establishes the development criteria that apply to public and private clubhouse uses.
- A. A clubhouse may include such activities that provide services to the association, but shall not provide business activity to customers not associated with the association.
 - B. **Parking Requirements.** Off-street parking shall be provided at the rate of 300 square feet of paved and drained parking area for each 100 square feet of internal building floor area for meeting and assembly rooms. For parking design requirements, refer to Chapter 16.39 MMC, Parking.
 - C. **Traffic requirements.**
 - 1. Traffic generated from clubhouse activity shall not adversely impact streets; and
 - 2. A traffic analysis may be required to evaluate traffic impacts on surrounding streets and conditions necessary to mitigate for such impacts may be attached to any permit approvals.

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- D. Clubhouses shall be limited to properties containing an existing nonresidential use identified in the comprehensive plan.
- E. Structural coverage. Not more than 35 percent of the lot area shall be covered by buildings housing a clubhouse use and associated accessory uses.
- F. The approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.

(Code 1988 § 20.32.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.32.060. Satellite receiving systems.

This section establishes the development criteria that apply to satellite receiving systems.

- A. The purpose of this section is to minimize the adverse visual and physical impact of satellite receiving systems in the community without disrupting signal reception for the user. All other antennas are exempt from this section but may be covered by other provisions of the Medina Municipal Code.
- B. The following criteria shall be applied in locating and screening satellite receiving systems (hereafter refer to as "antenna") from adjacent properties:
 1. Aluminum mesh antennas shall be used whenever possible instead of the solid fiberglass type;
 2. Antennas shall be painted colors that will blend with the background;
 3. Antennas shall not be greater than 12 feet in diameter;
 4. Ground-mounted antennas, including their bases, shall be no higher than 15 feet, at their highest point, above the existing grade;
 5. Antennas larger than 36 inches in any dimension shall be screened with landscaping if visible from streets or surrounding properties within 500 feet;
 6. Antennas shall not be located on any easements;

7. Installations shall meet all applicable construction codes;
8. If guy lines are used, they should be confined within a fenced area;
9. Antennas shall comply with all applicable federal or state statutes and regulations;
10. Antennas greater than 36 inches in any dimension shall not be roof-mounted unless the antenna will not be visible from any streets or surrounding properties within 500 feet;
11. Antennas shall not be located in the front yard of any residential site; and
12. Antennas shall meet setback requirements of the underlying lot with the setback measured from the part of the antenna or its base nearest the property line.

- C. In addition to the requirements set forth in this section, the approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.

(Code 1988 § 20.32.060; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.32.070. Golf course.

This section establishes the development criteria that apply to golf courses and associated accessory uses.

- A. Site development standards.
 1. The minimum gross area required for a golf course is 130 contiguous acres;
 2. No buildings, except open shelters, shall be constructed within 100 feet of the outer boundaries of the golf course adjoining properties containing residential uses; and
 3. Underlying zoning and development standards shall apply, except setback requirements may be waived by the city for property lines located interior to the outer boundaries of the golf course.
- B. Parking requirements.
 1. Off-street parking spaces shall be provided based on a parking study that eval-

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- uates anticipated parking demand with an adequate number of spaces being provided to prevent spill-over parking onto neighboring properties and streets during peak demand periods;
2. The parking study shall be prepared by a qualified professional and must demonstrate the parking complies with the criteria in subsection (B)(1) of this section;
 3. In determining the minimum number of required parking spaces, a comprehensive transportation management plan acceptable to the city may be utilized to reduce the anticipated demand for parking;
 4. The approved transportation management plan shall be recorded with the property;
 5. Unobstructed vehicular access to and from public or private streets shall be provided for all off-street parking spaces;
 6. Accessible parking spaces shall be provided consistent with State Building Code requirements; and
 7. For parking design requirements, refer to Chapter 16.39 MMC, Parking.
- C. Traffic requirements.
1. A comprehensive traffic study containing an evaluation of traffic generation estimates and traffic impacts to city streets shall be provided to the city; and
 2. The traffic study shall be prepared by a qualified professional traffic engineer and shall include measures for mitigating traffic impacts to streets.
- D. The city may at its discretion require a technical review as part of a process for approving the use. The selection of a qualified person or party to conduct the review shall be at the discretion of the city with the cost borne by the applicant. The review shall address the following:
1. The accuracy and completeness of the submission;
 2. The applicability of analysis techniques and methodologies;
 3. The validity of conclusions reached; and
 4. Any specific engineering or technical issues designated by the city.
- E. The following uses are considered typical accessory uses of a golf course and may be permitted on the grounds of the golf course:
1. Clubhouse with locker rooms and food services with the sale of alcoholic beverages for members who use the golf course (see MMC 16.32.050);
 2. Pro-shop including snack bar and retail items associated with recreational activities on the golf course marketed for members who use the golf course;
 3. Sports courts and swimming pool for use by members who use the golf course;
 4. Maintenance, operational and storage buildings, including golf cart storage; and
 5. Other uses typically associated with a golf course use.
- F. In addition to the requirements set forth in this section, the approval criteria for a nonadministrative special use permit must be satisfied pursuant to MMC 16.72.010.
- G. As a condition of approving a nonadministrative special use permit, the city may require the applicant to provide information and attach such conditions to address impacts from the holding of large events.
- (Code 1988 § 20.32.070; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)
- 16.32.080. Special planning areas.**
- A. Following receipt of the applicant's master plan, the city shall undertake an analysis of the proposed facility's impact on city finances, both during the construction period and after completion. The city shall also undertake an analysis of the impact that the facility will have on neighboring properties and the city as a whole.
- B. No special use permit shall be issued for facilities (including essential public facilities) located in special planning areas or for modifications to existing facilities located in special planning areas, unless the hearing examiner finds:
1. If the application is for an essential public facility, such facility is included within an adopted state or regional plan and meets the requirements of RCW 36.70A.200;

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2. The facility will have no materially detrimental impact on neighboring properties or on the city as a whole, during the construction process or following completion, due to excessive noise, lighting, impact on the environment or other interference with peaceful use, possession and enjoyment of property; or its detrimental impacts on neighboring properties and the city as a whole are effectively mitigated; or a package of incentives, including mitigation measures, has been proposed by the applicant, which would render the impact of the facility on the city as a whole effectively mitigated, when considered together with such incentives and mitigation;
3. The applicant has complied with all applicable federal, state and county siting and permitting requirements; and
4. The facility will be consistent with the policies expressed in the comprehensive plan.

C. In making its determination under subsection (B) of this section, the hearing examiner may consider the likelihood of additions, expansions or further activity related to or connected with a proposed facility and may request that the master plan be amended to include any additions, expansions or further activity being planned by the applicant.

D. The hearing examiner may apply such conditions as it deems necessary to effectively mitigate the detrimental impacts of the facility on neighboring properties and the city as a whole. This may include, but shall not be limited to, sound-absorbing barriers; landscaping; sight-obscuring fencing and/or landscaping; landscaped lids; enhanced vehicular, transit and pedestrian amenities; public access to the Lake Washington shoreline; adequate maintenance; and other mitigation as appropriate.

E. Buildings, wireless communication facilities, satellite receiving systems, fences, walls and bulkheads installed within a special planning area shall be consistent with the master plan and shall meet all applicable city regulations unless otherwise noted in the master plan and specifically referenced in the special use permit. The height of any structure within a special planning area shall not exceed 35 feet measured from the

low point of original grade or finished grade, whichever is less, using the same method of measuring height set forth in MMC 16.23.060(C).

(Code 1988 § 20.32.080; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.33. HISTORICAL USES**16.33.010. Historical uses—Limitations.**

A. This chapter establishes the development criteria that apply to historical uses.

B. Historical uses are limited to nonresidential uses which were in existence at the date of incorporation of the city (August 19, 1955).

C. Historical uses shall not be allowed on any lot where the use was not operated at the date of incorporation.

(Code 1988 § 20.33.010; Ord. No. 900 § 4 (Att. A), 2013)

16.33.020. General requirements.

A. A building or structure containing or used in support of a historical use may be ordinarily maintained and repaired to its original condition, and for the historical use, with like materials and construction methods, but may not be altered, improved, enlarged, expanded or reconstructed without approval granted through the historical use permit process of the city.

B. Ordinary maintenance and repair shall not exceed 25 percent of the true value of the building or structure in any one calendar year, unless approved and granted through the historical use permit process of the city.

C. Whenever a building or structure containing or used in support of a historical use is, by ruling of the building official, destroyed, damaged or deteriorated to the point where repairs would cost in excess of 60 percent of its true value, any subsequent use of the building or structure to contain or support the historical use is not permitted without approval granted through the historical use permit process of the city.
(Code 1988 § 20.33.020; Ord. No. 900 § 4 (Att. A), 2013)

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16.33.030. Variances.

Deviations to any rules, regulations or provisions of the zoning regulations may be authorized pursuant to the requirements for a historical use permit set forth in MMC 16.72.020.
(Code 1988 § 20.33.030; Ord. No. 900 § 4 (Att. A), 2013)

16.33.040. Approval process.

Approval of a historical use is pursuant to the requirements for a historical use permit set forth in MMC 16.72.020.
(Code 1988 § 20.33.040; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.34. ACCESSORY USES

16.34.010. General provisions.

A. This chapter establishes special development standards that apply to specific uses.

B. The special development standards prescribed by this chapter shall be applied in conjunction with the accessory use provision set forth in MMC 16.21.040 and other development regulations applicable to the property.

C. Where this chapter imposes a different standard than specified elsewhere in the Medina Municipal Code, the special development standards set forth in this chapter shall prevail.
(Code 1988 § 20.34.010; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.34.020. Accessory dwelling units.

This section establishes the development criteria that apply to accessory dwelling units.

- A. Accessory dwelling units meeting the requirements of this section are excluded from density and minimum lot area requirements.
- B. Accessory dwelling units shall be fully contained within and attached to a single-family dwelling, or must be located within a detached accessory building containing another permitted accessory use.
- C. Accessory dwelling units are prohibited as the only use in a detached accessory building.

- D. Only one accessory dwelling unit may be permitted on a lot per each single-family dwelling located on the same lot.
- E. The property owner of record must occupy either the single-family dwelling or the accessory dwelling unit as a legal residence. Legal residency must be evidenced by actual residency. Legal residency shall terminate by reason of absence in excess of one year. Legal residency shall immediately terminate upon the payment or receipt of rent for both units.
- F. Development standards.
 - 1. The accessory dwelling unit shall comply with the development standards of the zoning where the accessory dwelling unit is located;
 - 2. The accessory dwelling unit shall contain not less than 300 square feet of gross floor area;
 - 3. The accessory dwelling unit shall contain no more than the lesser of 1,000 square feet of gross floor area, or 40 percent of the total square footage of the gross floor area of the single-family dwelling and accessory dwelling unit combined;
 - 4. All of the structures on the property shall have the appearance of a single-family dwelling and any other permitted accessory structures;
 - 5. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation;
 - 6. There shall be no sign or other indication of the accessory dwelling unit's existence other than an address sign and a separate mail box;
 - 7. The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained; and
 - 8. A certification by city of Bellevue utilities is required indicating that water sup-

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ply and sanitary sewage are available to adequately serve the accessory dwelling unit.

- G. There shall be one off-street parking space provided for the accessory dwelling unit, which shall be in addition to any off-street spaces required for the principal single-family dwelling.
- H. Garage space may be converted into an accessory dwelling unit only if the number of covered spaces eliminated by the conversion is replaced by the same number of covered spaces elsewhere on the property.
- I. An accessory dwelling unit must contain:
 - 1. Bathroom facilities that include a toilet, sink and a shower or bathtub; and
 - 2. Kitchen or food storage and preparation facilities and a sink.
- J. A property owner seeking to establish a legal accessory dwelling unit shall apply to register the dwelling unit with the city pursuant to MMC 16.70.070. The application shall include an agreement by the property owner to occupy either the single-family dwelling or the accessory dwelling unit and to maintain the accessory dwelling unit in compliance with the standards set forth in this section.
- K. After the accessory dwelling unit is approved, a registration form signed by the record holders of the property shall be recorded with the King County auditor's office. Said registration form shall contain:
 - 1. The street address and legal description of the property;
 - 2. Description of the requirement for owner occupancy; and
 - 3. The requirement for maintaining the accessory dwelling unit in compliance with the requirements of this section.
- L. The registration of the accessory dwelling unit may be canceled pursuant to MMC 16.70.070 by the property owner by recording a certificate of cancellation in a form satisfactory to the city with the King County department of

records and elections. The city may record a notice of cancellation upon failure to comply with the standards set forth in this section.

(Code 1988 § 20.34.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.34.030. Off-site accessory uses.

This section establishes development criteria that apply to accessory uses that are located off site from a principal use.

- A. The following accessory uses may be exempt from the requirement to locate an accessory use on the same lot as the principal use set forth in MMC 16.21.040(C) provided the conditions in subsection (C) of this section are satisfied:
 - 1. Accessory recreational facilities prescribed in MMC 16.34.040;
 - 2. Improved surface off-street parking areas and detached garages;
 - 3. Buildings containing gardening and similar types of uses;
 - 4. Storage sheds; and
 - 5. Playhouse, cabana, beach house and similar accessory uses.
- B. Accessory uses not listed in subsection (A) of this section must be located on the same lot as the lot containing the associated principal use.
- C. The following conditions must be present for an accessory use to be located off site:
 - 1. The use must be incidental to an existing single-family dwelling;
 - 2. The lot containing the accessory use must adjoin and be under the same ownership as the lot containing the single-family dwelling;
 - 3. No more than two accessory buildings/uses may be located off site from the principal use; and
 - 4. The development standards in subsection (D) of this section are complied with.

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D. In addition to other development requirements prescribed by the Medina Municipal Code, the following shall apply to accessory uses located off site from the principal use:

1. The maximum height of structures shall be 15 feet above the low point of the existing grade using the methodology for measuring height set forth in MMC 16.23.060(C);
2. The gross floor area of buildings and structures shall not exceed 1,000 square feet;
3. Roof eaves shall not protrude more than two feet from the exterior walls of a building; and
4. Total impervious surface area, excluding the footprint of the building or structure housing the accessory use, shall not exceed 2,000 square feet.

E. In order to inform subsequent purchasers of real property about the existence of the condition requiring the property containing the off-site accessory use to be under the same ownership as the property containing the principal single-family dwelling:

1. The property owner shall record a statement of this condition by filing a notice on the title of the property containing the off-site accessory use; and
2. The notice on the title shall be recorded with King County and include a statement that a breach of this condition is a violation of the Medina Municipal Code subject to enforcement action prescribed by the Medina Municipal Code.

The notice shall run with the land and may be removed if transfer of ownership in the property would not cause a violation of the Medina Municipal Code to occur.

F. Failure by a property owner to provide notice as prescribed by this section to a purchaser of the subject property prior to the transferring of interest in the property shall be a violation of the Medina Municipal Code subject to enforcement action prescribed under Chapter 16.16 MMC.

(Code 1988 § 20.34.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.34.040. Accessory recreational facilities.

This section establishes the development criteria that apply to accessory recreational facilities, including minor accessory recreational facilities.

A. Accessory recreational facilities are categorized as either major or minor pursuant to the following:

1. Major accessory recreational facilities include the following and require approval of an administrative special use permit pursuant to MMC 16.71.030:
 - a. Active sports courts such as tennis, paddle tennis, basketball, and similar facilities;
 - b. Swimming pools;
 - c. Hot tubs and spas, except as allowed in subsection (B) of this section; and
 - d. Other similar sports facilities that provide active outdoor recreational activity and with similar impacts on adjoining properties.
 2. Minor accessory recreational facilities such as a basketball hoop and temporary game nets do not require approval of an administrative special use permit provided:
 - a. Installation of the facility does not require additional paved surface area;
 - b. No illumination beyond normal house lighting is installed for use of the facility;
 - c. The facility is not located inside any setback areas, except as allowed for major recreational facilities in subsection (C)(3) of this section; and
 - d. Maximum noise level requirements in Chapter 8.06 MMC are followed.
- B. Hot tubs and spas do not require approval of an administrative special use permit where:
1. If the hot tub and/or spa is permanent:
 - a. The facility is located within 20 feet of a single-family dwelling;

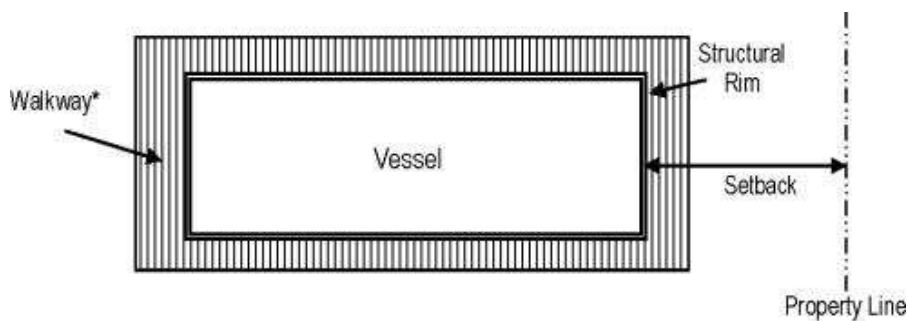
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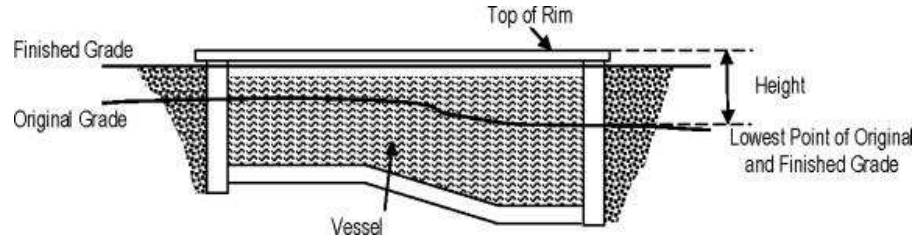
- b. Special outdoor lighting is not installed other than in-water low-light illumination directed away from any adjoining properties;
 - c. Pump and mechanical equipment are located inside of the residential structure or enclosed by sound attenuating structure;
 - d. A barrier is provided as prescribed by the building code;
 - e. The facility is not located inside any setback areas; and
 - f. The hot tub/spa drains into the sanitary sewer system.
2. If the hot tub and/or spa is temporary:
- a. It is not erected for more than seven days during any one-month period;
 - b. It meets the criteria in subsections (B)(1)(a) through (e) of this section.
- C. Development standards.
- 1. Major recreational facilities shall comply with the development requirements of the zone in which the recreational facility is located, except as provided in subsection (C)(3) of this section.
 - 2. Swimming pools, spas and hot tubs shall have the setback measured from the property line to the outside edge of the structural rim of the vessel (see Figure 16.34.040(C)(2)).
 - 3. Major recreational facilities may protrude into setback areas provided:
 - a. At least a 15-foot setback is maintained from each rear and front property line; and
 - b. At least a ten-foot setback is maintained from each side property line.
 - 4. The height of a swimming pool, hot tub or spa is measured from the lowest point of original grade or finished grade, whichever grade is lower, underneath the perimeter of the facility to the highest point of the structural rim of the vessel. (See Figure 16.34.040(C)(4).)

Figure 16.34.040(C)(2): Measuring Setback for Swimming Pools, Hot Tubs and Spas



*Walkway may be subject to other setback requirements.

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16.35.030**Figure 16.34.040(C)(4): Height of Swimming Pools, Hot Tubs and Spas**

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 light does not shine or spill over onto neighboring properties or Lake Washington;
- 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.

(Code 1988 § 20.34.040; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 943 § 2, 2016; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.35. TEMPORARY USES**16.35.010. Purpose.**

This chapter is intended to permit certain uses identified in this chapter that are inherently temporary. (Code 1988 § 20.35.010; Ord. No. 900 § 4 (Att. A), 2013)

16.35.020. Applicability.

This chapter applies to the location of a temporary public facility as defined in MMC 16.12.210 when located within a residential zoning district, and the placement of temporary wireless communication facilities. (Code 1988 § 20.35.020; Ord. No. 900 § 4 (Att. A), 2013)

16.35.030. Placement requirements for a temporary public facility.

A temporary public facility may be located in any residential zone provided:

- A. An existing nonresidential use identified in the comprehensive plan occupies the property; and
- B. The public facility is a short-term use of property for a period not to exceed an 18-consecutive-month period with the intent to discontinue such use upon the expiration of the permitted time period; and
- C. The gross floor area of buildings and structures housing the public facility does not exceed 3,500 square feet; and
- D. A temporary use permit is approved pursuant to MMC 16.70.060.

(Code 1988 § 20.35.030; Ord. No. 900 § 4 (Att. A), 2013)

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16.35.040. Placement requirements for temporary wireless communication facilities.

A wireless communication facility temporarily placed on property may be exempted from the requirements for wireless communication facilities prescribed in Chapter 16.37 MMC provided:

- A. The limitations on permitted locations set forth in MMC 16.37.050 shall continue to apply;
- B. The temporary wireless communication facility shall be placed on the property in a manner that is the least intrusive impact on nearby residential properties;
- C. Concealment techniques are incorporated that screen, hide, or disguise the facility in a manner that makes the facility visually inconspicuous to the extent technically feasible to surrounding properties and city streets;
- D. The highest point of the wireless communication facility shall not exceed a vertical distance of 45 feet measured from the existing grade directly below the facility;
- E. The setbacks for the zone in MMC 16.22.030 and noise control requirements in Chapter 8.06 MMC shall apply;
- F. Signage is prohibited;
- G. The wireless communication facility is a short-term use of the property intended to be discontinued after a period not to exceed six continuous months, except where allowed otherwise by law;
- H. The wireless communication facility is not moved to another location within the city or replaced with another temporary wireless communication facility in order to circumvent the time limitations set forth in subsection (G) of this section; and
- I. A temporary use permit is approved pursuant to MMC 16.70.060.

(Code 1988 § 20.35.040; Ord. No. 900 § 4 (Att. A), 2013)

16.35.050. Waiver of zoning standards.

A. The requirements for minimum zoning setbacks from property lines and the requirements for maximum structural coverage may be waived by the director with the approval of a temporary use permit to allow for the placement of a temporary public facility.

B. This section shall not apply to the placement of any wireless communication facility.

(Code 1988 § 20.35.050; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.36. NONCONFORMITY**16.36.010. Declaration and purpose.**

A. The city recognizes there are lots, structures and uses of land which were lawful at the time of their establishment, but which now do not conform with the development regulations in effect. These nonconformities should eventually be converted to a conforming status.

B. The purpose of this chapter is to:

- 1. Establish uniform provisions for the regulating of legal nonconformities consistent with the following:
 - a. Avoiding undue hardship on property owners by permitting the nonconformity to continue until such time that nonconforming property rights are abandoned; and
 - b. Encouraging the preservation of Medina's existing residential housing stock by allowing limited alterations and expansion of existing nonconforming residential buildings.
- 2. Set forth the conditions under which changes to a nonconforming lot, structure, or use of land shall constitute abandonment and require the conversion to conforming status.

(Code 1988 § 20.36.010; Ord. No. 900 § 4 (Att. A), 2013)

16.36.020. Applicability.

A. The requirements and thresholds established in this chapter shall apply to all development regulated under MMC Title 18 and this title.

B. This chapter is intended to be applied in combination with other sections of the Medina Municipal Code relating to nonconformity, including, but not limited to, those prescribed in the building and fire codes.

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C. Nothing in this chapter shall prohibit the establishment of special regulations for specific nonconformities regulated by other sections of the Medina Municipal Code.

(Code 1988 § 20.36.020; Ord. No. 900 § 4 (Att. A), 2013)

16.36.030. Establishment of a legal nonconformity.

A party asserting the existence of a lawfully established nonconforming lot, structure or use of land has the burden of proof that the lot, structure or use of land was not substandard in meeting the development regulations in effect at its creation.

(Code 1988 § 20.36.030; Ord. No. 900 § 4 (Att. A), 2013)

16.36.040. Nonconforming lots.

The following shall apply to all nonconforming lots:

- A. A nonconforming lot may be developed and used in the same manner as a conforming lot; provided, that the lot development or use complies with applicable development regulations (other than those involving lot area, lot width, street frontage, or similar dimensional standards applicable to lots) or a variance from applicable development regulations is granted.
- B. Modifications to the area and/or dimensional standards of a nonconforming lot are permitted provided a modification does not increase nonconformity or create new nonconformity (example of increasing the nonconformity: taking an existing substandard lot area and making it smaller).
- C. A government agency may lawfully modify a lot in a manner that would result in nonconformity, if the modification is for the purpose of acquiring property for a public use or purpose, or is permitted otherwise by law.

(Code 1988 § 20.36.040; Ord. No. 900 § 4 (Att. A), 2013)

16.36.050. Nonconforming uses.

The following shall apply to all nonconforming uses:

- A. Any legally established nonconforming use may continue until such time that the rights for the nonconforming use are abandoned pursuant to subsection (C) of this section.
- B. A nonconforming use may not be expanded nor may the structure containing a noncon-

forming use be enlarged, except as provided for existing nonresidential uses in MMC 16.30.040.

- C. A nonconforming use shall be determined abandoned and all rights to the nonconforming use lost if:

- 1. The use is changed; or
- 2. The use is discontinued for a period of six consecutive months or more; or
- 3. The use is discontinued for a total of six months or more during a 12-consecutive-month period; or
- 4. A structure housing a nonconforming use experiences substantial destruction or reconstruction, except as provided for in subsection (D) of this section.

- D. A structure housing a nonconforming use, or used in support of a nonconforming use, that experiences substantial destruction or reconstruction may have the nonconforming use continued provided:

- 1. The substantial destruction and/or reconstruction is the result of a fire or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the city within six months of such fire, natural disaster, or casualty event; or
- 2. The nonconforming use is eligible for, and the property owner obtains, approval for a nonadministrative special use permit pursuant to the use table in MMC 16.21.030 and MMC 16.72.010, or a nonadministrative conditional use permit pursuant to MMC 16.30.040 and 16.72.010.
- 3. The director may grant up to a six-month extension of the time limitation set forth in subsection (D)(1) of this section provided:
 - a. The property owner requests the extension in writing prior to the expiration of the time limitation; and

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- b. The property owner demonstrates extenuating circumstances not of the property owner's own making that delay submission of a building permit application, such as resolution of an insurance claim.
 - E. Ordinary maintenance and repair of a structure housing a nonconforming use, such as painting or plumbing repair, shall be permitted provided:
 - 1. The work is to maintain safe and sanitary conditions and does not enlarge or expand the structure; and
 - 2. The work does not result in substantial destruction or reconstruction.
 - F. A nonconforming use shall not be changed to another nonconforming use.
- (Code 1988 § 20.36.050; Ord. No. 900 § 4 (Att. A), 2013)

16.36.060. Nonconforming structures.

The following shall apply to all nonconforming structures:

- A. Any legally established nonconforming structure may continue until such time that the rights for the nonconformity are abandoned pursuant to subsection (D) of this section.
- B. Where multiple structures exist on the same lot, the requirements of this section shall apply to each structure independent of the other structure on the same lot; except where the nonconformity is due to exceeding the applicable structural coverage maximum, the requirements of this section shall apply to the combined structural coverage of all structures on the same lot as if they were one structure (example: a nonconforming structural coverage for a single-family dwelling and a detached garage would be considered abandoned if the total exterior walls of the single-family dwelling plus the exterior walls of the detached garage were demolished consistent with the threshold established in subsection (D) of this section).
- C. A nonconforming structure may be enlarged, expanded, extended, repaired, remodeled, or structurally altered provided the work does not increase the nonconformity as specified in subsection (G) of this section, except nonconformity may be increased if:
 - 1. A minor deviation is approved pursuant to MMC 16.71.010 to match an existing nonconforming setback or nonconforming height; or
 - 2. An intrusion into a setback, or additional structural coverage exceeding the zoning maximum, is determined by the city to be (a) reasonably necessary and (b) the minimum necessary to improve access for elderly or disabled persons.
- D. Except as provided for in subsection (F) of this section, a nonconforming structure shall be determined to have its nonconformity abandoned and all nonconforming rights lost where:
 - 1. Any single-family dwelling, or any detached accessory building associated with a single-family dwelling, experiences substantial destruction; or
 - 2. A structure, not listed in subsection (D)(1) of this section, experiences either substantial destruction or reconstruction.
- E. Where the rights to a nonconforming structure have been abandoned, continuation of the nonconformity shall cease and any subsequent repair, remodel, alteration, or rebuilding shall require the entire structure to be brought into compliance with all development regulations in effect.
- F. A nonconforming structure that experiences substantial destruction or reconstruction may maintain the condition of nonconformity; provided, that:
 - 1. The substantial destruction and/or reconstruction is the result of a fire, natural disaster or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the city within six months of such fire or casualty event; or
 - 2. The nonconforming structure, or portion thereof, was declared to be unsafe by the city's building official, and the

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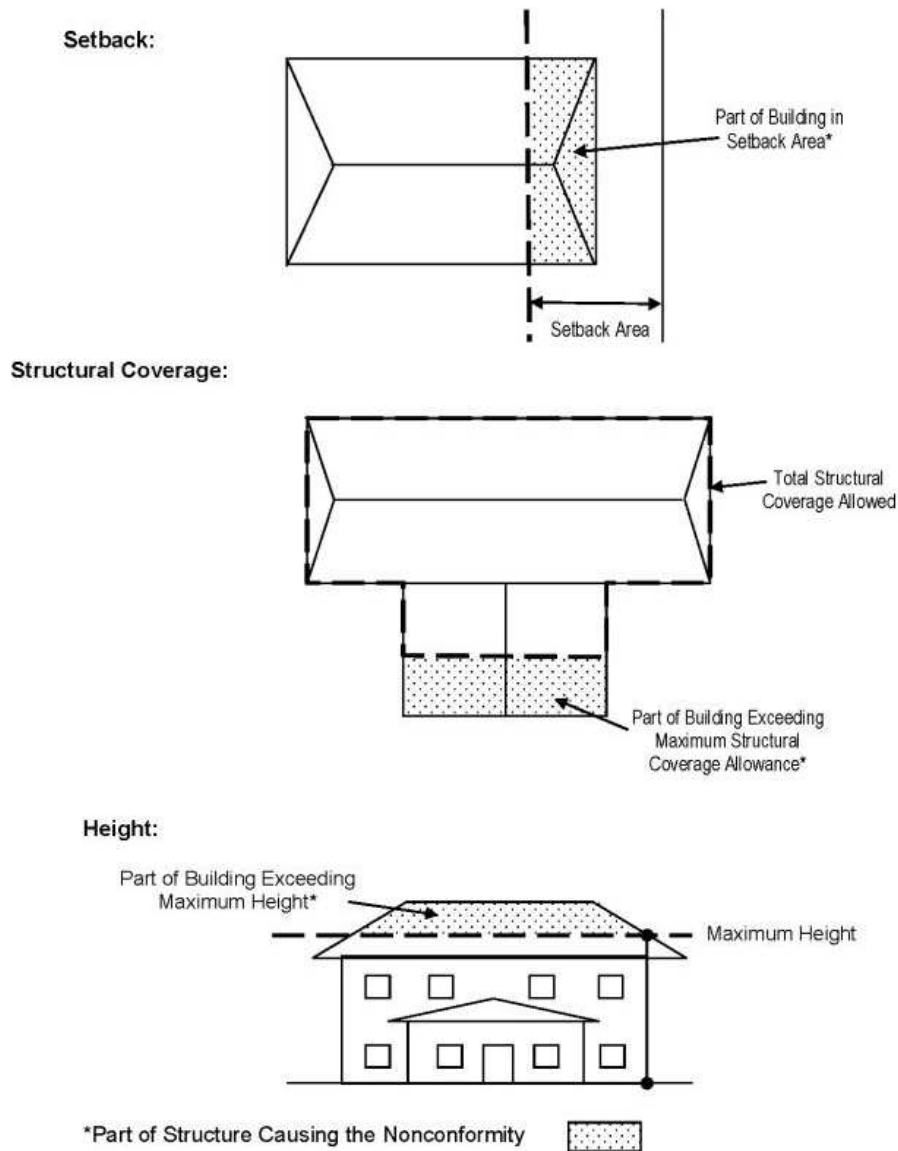
- property owner submits an application for a building permit to reconstruct within six months of said determination.
3. The director may grant up to a six-month extension to the time limitation set forth in subsections (F)(1) and (2) of this section provided:
 - a. The property owner requests the extension in writing prior to the expiration of the time limitation; and
 - b. The property owner demonstrates extenuating circumstances not of the property owner's making that delay submission of a building permit application, such as resolution of an insurance claim.
 4. In addition to the provisions set forth in subsections (F)(1) and (2) of this section, an existing single-family dwelling, accessory patio and/or accessory deck, not complying with a zoning setback, may experience substantial destruction or reconstruction while preserving the right to the existing nonconforming zoning setback provided:
 - a. The replacement dwelling, patio or deck is reconstructed within the footprint of the existing structure; and
 - b. Any expansion of the footprint, including any addition to the dwelling, or adding a cover to an uncovered patio or deck, shall conform to the setbacks prescribed by this title; and
 - c. A complete application for a building permit to construct a new dwelling, deck or patio is submitted within six months following substantial destruction or reconstruction of the structure; and
 - d. A patio not requiring a building permit is replaced immediately following reconstruction.
 - G. A nonconforming structure that is enlarged, expanded, extended, repaired, remodeled, or structurally altered shall comply with the following:
 1. All applicable development regulations including, but not limited to, zoning and building;
 2. The work shall not add any new structure size or area to those parts of the existing structure that is the cause of the nonconformity as shown in Figure 16.36.060, unless otherwise allowed by law;
 3. Upper level additions to a structure, where the total structural coverage on the lot the structure is located exceeds the maximum structural coverage allowed on the lot, are permitted provided:
 - a. The total footprint of the upper level including modifications does not exceed the maximum structural coverage prescribed for the lot; and
 - b. The maximum height of the structure shall be limited as follows:
 - i. If the structure is located in the R-20, R-30 or SR-30 zone, the maximum height of the structure shall be the lower of 25 feet above original grade or 28 feet above finished grade as measured pursuant to MMC 16.23.060(C); or
 - ii. If the structure is located in a zone other than those set forth in subsection (G)(3)(b)(i) of this section, the maximum height shall be pursuant to the height standards prescribed by the zone where the structure is located.

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Figure 16.36.060: Making Up the Nonconformity



(Code 1988 § 20.36.060; Ord. No. 900 § 4 (Att. A), 2013)

16.36.070. Nonconforming signs.

Refer to MMC 16.30.020 for regulations pertaining to nonconforming signs.
(Code 1988 § 20.36.070; Ord. No. 900 § 4 (Att. A), 2013)

16.36.080. Unlawful uses and structures.

A. Uses and structures that did not comply with applicable development regulations in effect at the time of its establishment are determined illegal and subject to enforcement as prescribed by law.

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B. Nothing in this chapter shall be interpreted as granting any right to continue occupancy of property containing an illegal use or structure.

C. The intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use and/or structure.
(Code 1988 § 20.36.080; Ord. No. 900 § 4 (Att. A), 2013)

16.36.090. Abatement of public nuisance.

Regardless of any provisions in this chapter, any nonconformity found to be a public nuisance, pursuant to Chapter 8.04 MMC, shall be terminated.
(Code 1988 § 20.36.090; Ord. No. 900 § 4 (Att. A), 2013)

CHAPTER 16.37. WIRELESS COMMUNICATION FACILITIES

16.37.010. Purpose.

The purpose of this chapter is to establish design, permitting, and placement standards for wireless communication facilities that:

- A. Provide adequate wireless communication coverage to the residents of the city, the traveling public, and others within the city's jurisdiction;
- B. Ensure wireless communication facilities are consistent with the residential character of the city;
- C. Establish development standards for wireless communication facilities that are least intrusive and take into account the scale (height and mass), proximity to each other, and the informal landscaping that contribute to the distinctive setting of the community;
- D. Maximize the use of any support structure and existing suitable structures and buildings in order to reduce the need to construct or install new support structures; and
- E. Protect the public health, safety and welfare.
(Code 1988 § 20.37.010; Ord. No. 900 § 4 (Att. A), 2013)

16.37.020. Nondiscrimination.

The Federal Telecommunication Act (FTA) provides that the city shall not unreasonably discriminate among providers of functionally equivalent services.
(Code 1988 § 20.37.020; Ord. No. 900 § 4 (Att. A), 2013)

16.37.030. Applicability.

A. The provisions of this chapter shall apply to all new and expansion and/or alteration of wireless communication facilities located within the boundaries of the city, except for the following:

1. Those facilities used for the primary purpose of public safety by a public agency, such as police, and 911 communications systems;
2. Incidental use of a support structure exempt under subsection (A)(1) of this section by nonpublic entities for the attachment of antennas and ancillary facilities;
3. Wireless radio utilized for emergency communications in the event of a disaster;
4. An antenna that is designed to receive television broadcast signals;
5. An antenna for receiving and sending of amateur radio devices or HAM radios provided the criteria in MMC 16.37.040 are satisfied;
6. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive direct broadcast satellite services, including direct-to-home satellite services and those subject to MMC 16.32.060;
7. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services;
8. Small wireless facilities as defined in MMC 15.02.020, and which are subject to Chapter 16.38 MMC; and
9. Routine maintenance, repair, and replacement of telecommunication facilities that do not substantially change, as defined in MMC 16.37.190(A)(6), the eligible support structure, and which are subject to MMC 16.37.170.

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B. It is the express intent of the city to impose all regulations in this chapter to all land within the city, whether publicly or privately held, including private property, city property, state-owned right-of-way, and/or church property, utility property and school property.

C. See MMC 15.02.020 for additional definitions for terms utilized in this chapter.
(Code 1988 § 20.37.030; Ord. No. 975 §§ 4, 5, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.040. Licensed amateur (HAM) radio.

Antennas for the receiving and sending of amateur radio devices (HAM) shall be exempt from the requirements of this chapter provided:

- A. The height of the antenna, including any tower, does not exceed the maximum zoning height applicable to the property;
- B. The radio is owned and operated by a federally licensed amateur radio station operator, or is used exclusively for "receive only" antenna;
- C. No lights of any kind shall be attached to, and no direct or indirect means of artificial illumination shall be employed, on the antenna or tower;
- D. Concealment pursuant to MMC 16.37.100 shall be incorporated into the antenna and tower to the extent allowed under the requirements set forth by the Federal Aviation Administration (FAA);
- E. Towers shall not be located within any setback areas and must be placed a distance from all property lines and existing residential structures equal to, or greater than, their height (not including the antenna);
- F. No signs shall be permitted except as required by federal regulations, where such a sign shall be limited to one in quantity and no larger than 8½ inches by 11 inches;
- G. The tower shall not be used for commercial purposes; and
- H. Towers must meet all applicable state and federal statutes, rules and regulations, including obtaining a building permit from the city, if necessary.

(Code 1988 § 20.37.040; Ord. No. 900 § 4 (Att. A), 2013)

16.37.050. Permitted locations.

Wireless communication facilities may be permitted at the following locations:

- A. Properties zoned R-16 district, R-20 district, and SR-30 district containing a nonresidential use identified in the land use inventory set forth in the Medina comprehensive plan; and
- B. Properties zoned neighborhood auto and primary state highway; and
- C. Properties zoned parks and public places, subject to the limitations set forth in MMC 16.37.060; and
- D. All opened and unopened city rights-of-way, regardless of the underlying zoning district.
- E. All other locations within the city's jurisdiction are prohibited.

(Code 1988 § 20.37.050; Ord. No. 900 § 4 (Att. A), 2013)

16.37.060. Parks and public places zoning—Limitations.

A. Wireless communication facilities are prohibited in all portions of city parks, except:

- 1. Those portions of Fairweather Nature Preserve which are nonforested and adjacent to the state highway right-of-way;
- 2. Ancillary facilities placed within the interior of a city-owned building; and
- 3. Antennas mounted on the exterior of city-owned buildings.

B. The determination of whether to allow or not allow the placement of wireless communication facilities within city parks shall be governed by the provisions set forth in Chapter 15.08 MMC, and such policies, procedures, or regulations adopted by the city council relating to the leasing of city property.

(Code 1988 § 20.37.060; Ord. No. 900 § 4 (Att. A), 2013)

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16.37.070. Site requirements—Outside of city rights-of-way.

The following site requirements shall apply to wireless communication facilities that are located pursuant to MMC 16.37.050(A), (B), and (C):

- A. An antenna and ancillary facility may use an existing nonresidential building as a support structure; provided, that:
 1. Only one of the following may be mounted on the building:
 - a. One tubular panel antenna;
 - b. One whip antenna; or
 - c. One nonreflective parabolic dish antenna not more than one foot in diameter.
 2. More than one antenna may be mounted on the same nonresidential building when:
 - a. The added antenna is for the purpose of co-location as prescribed by MMC 16.37.110 provided each telecommunication carrier shall be limited to only one antenna on the same nonresidential building; and/or
 - b. The added antenna is for a Global Positioning System (GPS) antenna less than 12 inches at its greatest dimension.
 3. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.
 4. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed the lower of a height of 35 feet above finished or original grade, whichever is lower, or:
 - a. Six feet, eight inches, measured to the top of a tubular antenna above the roof proper at the point of attachment;
 - b. Ten feet measured to the tip of whip antenna above the roof proper at the point of attachment;
 - c. Five feet measured to the top of a parabolic dish above the roof proper at the point of attachment.
 5. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties, except when located in an existing nonresidential building, the existing setbacks of the nonresidential building shall apply.
 6. In addition to the provisions prescribed by this subsection, if a support structure is attached to an existing nonresidential building, the provisions set forth in subsection (B) of this section shall apply where applicable.
 7. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.
 8. Buildings containing a residential occupancy as defined by the building code shall not be utilized as a support structure.
- B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:
 1. The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:
 - a. Screen as much of the total facility from prevalent views;
 - b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and
 - c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.

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2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.
3. The maximum height in subsection (B)(2) of this section may be increased up to 80 feet without a variance if:
 - a. The wireless communication facility is located in Fairweather Nature Preserve consistent with MMC 16.37.060(A); and
 - b. The increase in height is the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services; and
 - c. The increase in height supports future co-location on the support structure pursuant to MMC 16.37.110; and
 - d. All other applicable provisions of this chapter are followed.
4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.
5. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.
6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.

(Code 1988 § 20.37.070; Ord. No. 975 § 6, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.080. Site requirements—City rights-of-way.

The following site requirements shall apply to wireless communication facilities that are located pursuant to MMC 16.37.050(D):

- A. Antennas shall be mounted to an existing utility support structure, except as provided in subsection (E) of this section.

- B. The maximum height of the wireless communication facility shall not exceed the height of the existing utility support structure, except up to 15 additional feet of height may be permitted above the existing utility support structure, without a variance, provided:

1. Either the increase in height is established by the applicant as the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services within the city, or the increase in height is established by the applicant as the minimum necessary to separate components of the wireless communication facility from the electrical primary lines; and
2. Negative visual impacts on adjacent properties are minimized by incorporating concealment and screening; and
3. The measurement for maximum height of the existing utility support structure shall not include replacements pursuant to subsection (D) of this section.
4. The city may at its discretion require an engineering and technical review as part of a process for approval of the height increase. The selection of a qualified person or party to conduct the engineering and technical review shall be at the discretion of the city with the cost of the engineering and technical review to be borne by the applicant. The engineering and technical review shall address the following:
 - a. The accuracy and completeness of the submission;
 - b. The applicability of analysis techniques and methodologies;
 - c. The validity of conclusions reached; and
 - d. Any specific engineering or technical issues designated by the city.

- C. The placement of wireless communication facilities on utility support structures in the city rights-of-way shall be subject to the following requirements:

1. No minimum setback distance from property lines is required.

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2. The applicant must demonstrate the selected location, support structure, and wireless communication facilities will have the least intrusive impact on the high-quality residential setting of the community as described in the Medina comprehensive plan after considering technical, engineering, and other pertinent factors.
3. Utility support structures containing wireless communication facilities owned and/or operated by the same entity or person, or by entities or persons having common ownership or control, shall be separated by a distance of at least 750 feet, or by a distance where no additional wireless communication facilities are visible within the view-shed of the subject pole, whichever distance is less.
 - a. Distance shall be measured in a straight line between the bases of the subject poles.
 - b. This subsection shall not be construed as granting an exclusive right to any person or entity that would exclude competitors from locating wireless communication facilities in the city rights-of-way. The minimum distance required for separation shall not be applied between wireless communication facilities that are functionally separate and owned and/or operated by different entities having no common ownership or control.
4. Antennas shall meet the following requirements:
 - a. Antennas mounted on top of a utility support structure shall not extend outside of the circumference of the pole as measured at the base, except:
 - i. Antennas placed inside of a shroud may extend outside the circumference of the pole provided the diameter of the shroud does not exceed 1.25 multiplied by the diameter of the pole as measured at the base; or
 - ii. Omni-directional antennas not exceeding four inches in width with a volume of 905 cubic inches or less each may be mounted on a single cross arm attached to the pole provided each antenna is separated from the nearest antenna by a horizontal airspace distance of at least three times the width of the larger antenna.
 - b. Antennas mounted to the side of a utility support structure shall:
 - i. Not have the furthest point of any antenna (including mounting brackets) extend more than one foot outside of the circumference of the pole measured at the point of attachment, except:
 - ii. Omni-directional antennas may be mounted on a cross arm subject to the limitations set forth in subsection (C)(4)(a)(ii) of this section.
 - c. More than one antenna may be mounted to a utility support structure.
 - d. Concealment is incorporated pursuant to MMC 16.37.100.
5. Conduit required for power and cabling attached to the outside of a utility support structure shall be limited to four inches in diameter per conduit and the total combined diameter of conduit for all wireless communication users at any individual location shall not exceed 16 inches.
6. The hearing examiner may approve deviations from the standards in subsections (B), (C)(3), (4) and (5), and (E) of this section under a nonadministrative

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special use permit provided the applicant can demonstrate the deviation will satisfy the following criteria:

- a. Without the deviation, the telecommunications provider would be prohibited from providing telecommunication service to the city;
 - b. The proposed deviation is designed and located in a manner that is in consideration of the values, objectives, and regulations set forth in this chapter, including subsection (C)(2) of this section, the zoning code, and the comprehensive plan, the least intrusive upon the surrounding area;
 - c. The granting of the deviation will not be detrimental to the public welfare;
 - d. Reserved.
 - e. No other less intrusive and feasible existing support structures, or alternative sites are available that do not prohibit or have the effect of prohibiting the provisions of personal wireless services without a deviation from the standard.
7. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.
 8. Concealment, consistent with MMC 16.37.100, is incorporated to minimize visual impacts and provide appropriate screening.
 9. The purpose statements set forth in MMC 12.28.010 for structures in the unimproved portions of the public's right-of-way are applied as applicable.
- D. For purposes of subsection (A) of this section, an existing utility support structure shall include a utility pole that replaces an existing utility pole provided:
1. The replacement is consistent with standard utility pole replacement practices for maintenance or emergencies; or
 2. The replacement is for the purpose of accommodating additional wireless communication facilities provided the diameter width of the replacement is not more than 1.5 multiplied by the diameter of the base of the existing pole; or
 3. The replacement is for the purpose of accommodating street improvements required by the city; and
 4. Except for subsection (D)(3) of this section, the replacement pole shall not be moved more than ten feet from the location of the existing pole (measured from the pole center point of the existing and new pole location).
- E. When an existing utility support structure is unavailable due to utilities being located underground, an alternative support structure may be approved by a nonadministrative special use permit provided:
1. Placement is consistent with the provisions set forth in subsection (C) of this section;
 2. The height of the wireless communication facility does not exceed a height of 45 feet above the existing grade, except within the neighborhood character preservation district overlay the maximum height shall be the lower of:
 - a. Thirty-five feet above the existing grade; or
 - b. The elevation at the highest point of the roof of the nearest single-family dwelling located on the higher elevation side of the support structure.
 3. The wireless communication facility is designed in accordance with the following:
 - a. The antenna and ancillary facilities are incorporated into the interior of the support structure or concealed so as not to be visible from any city street or surrounding neighborhood properties;
 - b. The support structure is disguised to appear as a decorative or attrac-

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tive architectural or natural feature, such as a decorative street light, artwork, tree, bush, or similar feature; and

- c. Concealment, consistent with MMC 16.37.100, is incorporated to minimize visual impacts and provide appropriate screening.

(Code 1988 § 20.37.080; Ord. No. 975 §§ 7, 8, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.090. Security barrier.

If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:

- A. The height of the structure shall not exceed six feet measured from the point of existing or finished grade, whichever is lower at the exterior side of the structure to the highest point of the structure.
- B. A sight-obscuring vegetated landscaped barrier shall be installed and maintained to screen the structure and facilities from adjoining properties and city rights-of-way.
 - 1. Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 12 months.
 - 2. Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls.
- C. If a chain-linked fence is used, it shall be painted or coated with a nonreflective color.
- D. The limitations set forth for walls and fences in MMC 16.30.010 shall apply. The limitation for a chain-link fence shall not apply if the wireless communication facility is located in the city rights-of-way.

(Code 1988 § 20.37.090; Ord. No. 900 § 4 (Att. A), 2013)

16.37.100. Concealment.

All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner

that makes them visually inconspicuous to the extent technically feasible to surrounding properties and city streets.

- A. For building mounted installations the following concealment techniques must be applied:
 - 1. Screening materials matching color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment;
 - 2. Antennas must be mounted inside of the building or behind screening whenever possible;
 - 3. Ancillary facilities, except conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;
 - 4. Other techniques that prevent the facility from visually dominating the surrounding area.
- B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:
 - 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;
 - 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;
 - 3. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the city may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature;

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4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;
 5. Other techniques that prevent the facility from visually dominating the surrounding area.
- C. For utility support structure installations the following concealment techniques must be applied:
1. Except for antennas mounted on top of a pole, all components associated with the wireless communication facility mounted on the exterior of the pole shall be painted to match the predominant color of the pole or utility attachments to the pole;
 2. Antennas mounted on top of the pole may be painted to match the pole, or may be painted to blend into the background;
 3. Ancillary facilities, except conduits or cabling for power and/or voice, video, or data lines, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section; and
 4. Other techniques that prevent the facility from visually dominating the surrounding area.
- D. Equipment housing structures shall employ the following concealment techniques:
1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:
 - a. Up to five inches may be located above the finished or original grade, whichever is lower;
 - b. All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and
 - c. The location of the facility must not interfere with existing uses of public land.
 2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:
 - a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;
 - b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and
 - c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.
- (Code 1988 § 20.37.100; Ord. No. 900 § 4 (Att. A), 2013)

16.37.110. Co-location.

A. An applicant shall, to the extent commercially reasonable, cooperate with owners of existing wireless communication facilities in co-locating additional antennas on support structures.

B. Applicants shall demonstrate that they have made a good-faith effort to co-locate with other support structures currently used for wireless communication facilities, and that no commercially reasonable co-location opportunities that meet the requirements of this Code are available.

C. An applicant shall be considered to have demonstrated a good-faith effort when they can demonstrate that:

1. No existing or approved (but not built) support structures are available within the service area meeting the applicant's engineering requirements;

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2. No existing support structures are available which provide or may be practically modified to provide sufficient height to meet the applicant's engineering requirements;
3. No existing support structures are available which provide or may be practically modified to provide sufficient structural strength to support the applicant's proposed antenna and related equipment;
4. The applicant's proposed antenna would cause electromagnetic interference with existing antennas on the support structure, or the existing antennas would cause electromagnetic interference with the applicant's antenna if it is located on the support structure when properly maintained and operated according to applicable law and manufacturer's guidelines; and
5. Other limiting factors are present that render existing support structures unsuitable.

D. In the event a dispute arises as to whether an applicant has exercised good faith in determining co-location opportunities, the city may at its discretion require an engineering and technical review, at the applicant's sole cost and expense, as part of a process for approval of the height increase pursuant to MMC 16.37.080(B)(4).

E. Failure to comply with the co-location requirements of this section may result in the denial of an application or revocation of an existing permit.

F. The city may require new support structures to be constructed so as to accommodate future co-location, based on expected demand for support structures in the service area, provided this requirement would not cause the application to be rejected by the city.
(Code 1988 § 20.37.110; Ord. No. 900 § 4 (Att. A), 2013)

16.37.120. Nonadministrative special use permit required.

Approval of a nonadministrative special use permit is required for all wireless communication facilities pursuant to MMC 16.72.010.

- A. An approved nonadministrative special use permit shall become null, void and nonrenewable if the wireless communication facility is not

constructed within one year of the date the decision on the nonadministrative special use permit becomes final.

- B. The director may grant a six-month extension, if construction has commenced before expiration of the one-year deadline and an extension fee is paid prescribed by the city's fee schedule.
- C. The applicant shall maintain the facility to the standards that may be imposed by the nonadministrative special use permit.
- D. In addition to the nonadministrative special use permit, construction permits and construction mitigation may also apply.
- E. Reserved.
- F. Reserved.
- G. If a nonadministrative special use permit is for the transfer of ownership or lease and involves no physical changes to the appearance of the wireless communication facility, and the transfer will not modify the conditions of approval prescribed by the nonadministrative special use permit, the director may approve the nonadministrative special use permit as a ministerial decision without the requirement of new noticing.

(Code 1988 § 20.37.120; Ord. No. 975 § 9, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.130. Application submittal requirements.

In addition to other submittal requirements prescribed by code, all applications for wireless communication facilities shall include at least one original and four copies, unless specified otherwise, of the following information:

- A. A copy of the FCC license and any other applicable licenses applicable to the intended use of the wireless communication facilities.
- B. A complete description of the proposed facility, including preliminary or conceptual drawings showing dimensions and other relevant information in which to evaluate the facility's compliance with this chapter. All plans shall include the maximum build-out of the proposed facility as anticipated by the applicant at the time of the application.
- C. Reserved.

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- D. Area map showing the service area and the location of all sites currently operated by the applicant and the carrier provider within the city and a one-mile radius from the city boundaries. Information on each site's targeted area and capability of providing service shall be included.
 - E. An evaluation of the view-shed including, but not limited to:
 - 1. A diagram or map showing the view-shed from a site plan perspective;
 - 2. Photo simulations with graphics showing the views and appearance of the components of the wireless communication facility before and after installation; and
 - 3. The views shall be shown from at least four points, which are mutually agreed upon by the director and the applicant, within the impacted vicinity.
 - F. A site and landscaping plan showing:
 - 1. The location of all existing and proposed wireless communication facilities on the site;
 - 2. Existing structures, trees and other significant site features;
 - 3. Information on the proposed vegetative planting; and
 - 4. Information on the proposed concealment that will be employed.
 - G. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the Federal Communications Commission.
 - H. Documentation showing that the proposed facility will not cause interference with other wireless communication facilities and telecommunication devices.
 - I. Signed statements indicating the following:
 - 1. The applicant agrees to allow for the potential co-location of additional wireless communication facilities by other providers on the applicant's structure or within the same site location:
 - a. Provided all safety and structural requirements are met; and
 - b. Any future owners or operators will allow co-location.
 - c. If the applicant does not own the support facility, a consent agreement by the owner is required granting access to other users for the same structure or facility.
 - 2. The applicant agrees to remove the wireless communication facility within 90 days after that site's use is discontinued.
 - J. A lease agreement with the landholder, or franchise agreement if in a right-of-way, that:
 - 1. Allows the landholder to enter into leases with other providers; and
 - 2. Specifies that if the applicant fails to remove the facility upon 90 days of its discontinued use, the responsibility for removal falls upon the landholder.
 - K. Application permit fee set forth in the fee schedule.
- (Code 1988 § 20.37.130; Ord. No. 975 § 10, 2019; Ord. No. 900 § 4 (Att. A), 2013)

16.37.140. Radio frequency standards.

A. The wireless communication facility shall comply with federal standards for radio frequency emissions. As a condition of approving a nonadministrative special use permit, the city may require monitoring reports showing compliance. If after review of a report the city finds that the facility does not meet federal standards, the city may revoke or modify the conditions of the nonadministrative special use permit.

B. The applicant shall be responsible to ensure that the wireless communication facility does not interfere with the reception of area television or radio broadcasts. If evidence is found that the wireless communication facility is interfering with such reception, upon receiving written notice from the city, the applicant shall have 60 days to correct the problem, or the city may revoke or modify the special use permit.
(Code 1988 § 20.37.150; Ord. No. 900 § 4 (Att. A), 2013)

16.37.150. Assignment of subleasing.

A. A nonadministrative special use permit for a wireless communication facility may not be transferred or assigned to another owner or lessee unless the assignee obtains a nonadministrative special use permit for the wireless communication facility.

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B. No sublease shall be entered into by a provider until the sublessee has obtained a nonadministrative special use permit for its facility.

C. An assignee or sublessee seeking a permit shall submit all data required for an original permit.
(Code 1988 § 20.37.160; Ord. No. 900 § 4 (Att. A), 2013)

16.37.160. Maintenance required.

The applicant shall maintain the wireless communication facility consistent with the provisions of this chapter and any conditions imposed by the nonadministrative special use permit. Such maintenance shall include, but is not limited to, maintenance of the paint, structural integrity and landscaping. If the applicant fails to maintain the facility, the city may undertake the maintenance at the expense of the applicant or may revoke the special use permit pursuant to MMC 1.15.540 for noncompliance with the Medina Municipal Code.

(Code 1988 § 20.37.170; Ord. No. 900 § 4 (Att. A), 2013)

16.37.170. Abandoned facilities.

A wireless communication facility that is unused for more than 90 consecutive days is hereby declared abandoned. Abandoned facilities shall be removed no later than 90 days from the date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to abatement actions and penalties set forth in Chapters 1.15 and 8.04 MMC.

(Code 1988 § 20.37.180; Ord. No. 900 § 4 (Att. A), 2013)

16.37.180. Eligible facilities requests.

A. *Definitions.* The following definitions shall apply to eligible facilities requests only as described in this section:

1. *Base station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. "Base station" includes, without limitation:
 - a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the eligible facilities request application is filed with the city, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.
2. *Collocation* means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
3. *Eligible facilities request* means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
4. *Eligible support structure* means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the city.
5. *Existing.* A constructed tower or base station is "existing" if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regu-

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latory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. *Substantial change.* A modification "substantially changes" the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;

- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

7. *Tower* means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

8. *Transmission equipment* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. *Application.* The director shall prepare and make publicly available an application form used to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. *Qualification as an eligible facilities request.* Upon receipt of an application for an eligible facilities request, the director shall review such application to determine whether the application qualifies as an eligible facilities request.

D. *Time frame for review.* Within 60 days of the date on which an applicant submits an eligible facilities request application, the director shall approve the application unless it determines that the application is not covered by this section.

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E. *Tolling of the time frame for review.* The 60-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the director and the applicant or in cases where the director determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the director shall provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the director's notice of incompleteness.
3. Following a supplemental submission, the director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. *Determination that application is not an eligible facilities request.* If the director determines that the applicant's request does not qualify as an eligible facilities request, the director shall deny the application.

G. *Failure to act.* In the event the director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
(Code 1988 § 20.37.190; Ord. No. 975 § 12, 2019)

CHAPTER 16.38. SMALL WIRELESS FACILITIES**16.38.010. Purpose.**

The purpose of this chapter is to set forth the regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Ensure that residents receive the best technology possible while siting the technology in a respectful and thoughtful manner.
- B. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- C. Establish objective standards for the placement of small wireless facilities.
- D. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- E. Provide clear and predictable permitting requirements for service providers and the community.
- F. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- G. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new small wireless facilities.
- H. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.
- I. Protect the public health, safety and welfare.
(Code 1988 § 20.38.010; Ord. No. 975 § 13, 2019)

16.38.020. Definitions.

See MMC 15.02.020 for definitions of terms utilized in this chapter.
(Code 1988 § 20.38.020; Ord. No. 975 § 13, 2019)

16.38.030. General provisions.

A. Small wireless facilities shall not be considered nor regulated as essential public facilities.

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B. Small wireless facilities located outside of the city rights-of-way are permitted subject to a valid small wireless facility permit. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

C. Small wireless facilities located within the city right-of-way pursuant to a valid franchise are permitted uses in every zone of the city.
(Code 1988 § 20.38.030; Ord. No. 975 § 13, 2019)

16.38.040. Applicability.

A. *Applicability.* The placement of any small wireless facility in any location within the city is subject to the provisions of this chapter.

B. *Permit required.* Any application for a small wireless facility both inside and outside the city right-of-way shall comply with the application requirements for small wireless facility permit described in MMC 15.14.020.

C. *Franchise required.* In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC 15.02.140, with the city for the use of the city's right-of-way and comply with the requirements pursuant to MMC Title 15.

D. *Lease required.* In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
(Code 1988 § 20.38.040; Ord. No. 975 § 13, 2019)

16.38.050. Hierarchy for small wireless facility placement.

A. The city's preference is for applicants to deploy small wireless facilities as follows:

1. On existing or replacement wooden poles.
2. If an applicant would like to place a new metal pole, it should be placed along 84th Avenue between NE 12th Street and NE 28th Street.
3. If an applicant would like to place a pole in an undergrounded area, any new or replacement

pole shall substantially conform to the design of the pole it is replacing or the neighboring pole designs utilized within the contiguous right-of-way (or the city's preferred standard pole design, if applicable) and comply with the concealment standards in MMC 16.38.070.

(Code 1988 § 20.38.050; Ord. No. 975 § 13, 2019)

16.38.060. Design zones for small wireless facilities.

A. The following zones are designated as design zones for the purpose of siting small wireless facilities:

1. Medina Park located at 7789 NW 12th Street;
2. Medina Beach Park located at 501 Evergreen Point Road;
3. Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road;
4. Viewpoint Park located at Overlake Drive West and 84th Avenue NE;
5. Lake Lane Park located in the 3300 block of 78th Place NE.

B. Any applicant who desires to place a small wireless facility in a design zone must first establish that the applicant cannot locate the small wireless facility outside of the design zone. Applications for small wireless facilities in a design zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the design zone.

C. Applications for small wireless facilities within design zones must comply with a concealment element design described in MMC 16.38.080. Such applications are subject to review and approval or denial by the director.

(Code 1988 § 20.38.060; Ord. No. 975 § 13, 2019)

16.38.070. Design and concealment standards for small wireless facility deployments.

Small wireless facilities whether permitted inside or outside the city right-of-way shall conform to the following design standards:

- A. Small wireless facilities attached to existing or replacement nonwooden light poles or utility

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poles inside or outside the city right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the city's standards, specifics and details manual, the applicant shall utilize such pole design or may request modifications to the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in subsection (A) of this section.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the small wireless facility (including but not limited to conduit) including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed 28 cubic feet. An equipment enclosure up to 15 cubic feet, excluding the antenna, is allowed on the exterior of the pole. Any equipment enclosures exceeding the 15 cubic feet allowance shall be installed within the pole or underground. The following design criteria shall apply as applicable depending on the location of the antenna and equipment:
 - a. *Located on a pole.* If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning for antennas no more than 12 inches off of the pole and for associated equipment no more than six inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may install a side-mounted canister antenna, so long as the inside edge of the antenna is no more than six inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.
 - b. *Concealed completely within the pole or pole base.* Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than 20 inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection (E)(4) of this section.
 - c. *Underground in a utility vault.* If located underground, the access lid to the equipment enclosure shall

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- be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirements if located within an existing pedestrian access route.
- d. *On private property.* If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.
3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antenna shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas and 5G antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
 4. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, or the city's new preferred standard pole design if applicable, and conform to the applicable requirements in subsection (E) of this section.
 5. The height of any replacement pole and associated antennas may not extend more than ten feet above the height of the existing pole or the minimum additional height necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.
 6. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
- B. Wooden pole design standards. Small wireless facilities located on wooden poles inside or outside the city right-of-way shall conform to the following design criteria:
 1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
 2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
 - a. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
 3. Replacement wooden poles must either match the approximate color and mate-

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- rials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city and, in addition, shall conform to the applicable requirements in subsection (E) of this section.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
 5. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.
 6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna shall not be more than three cubic feet in volume.
 7. A canister antenna may be mounted on top of an existing or replacement wooden pole, which may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may install a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
 8. The furthest point of any antenna or equipment enclosure may not extend more than 28 inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
 9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
 10. All related equipment including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
 11. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the small wireless facility (including but not limited to conduit) including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed 28 cubic feet. An equipment enclosure up to 15 cubic feet, excluding the antenna, is allowed on the exterior of the pole. Any equipment enclosures exceeding the 15 cubic feet allowance shall be installed underground. The following design criteria shall apply as applicable depending on the location of the antenna and equipment:
 - a. *Located on a pole.* If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning for antennas no more than 12 inches off of the pole and for associated equipment no more than 12 inches off the pole if necessary for tilt, and must be the minimum size necessary for the in-

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- tended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may install a side-mounted canister antenna, so long as the inside edge of the antenna is no more than six inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.
- b. *Located underground.* If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirements if located within an existing pedestrian access route.
 - c. *Located on private property.* If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.
12. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.
 13. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
 14. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole.
 15. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.
- C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:
1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
 2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
 3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
 4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
 5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
 6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.
 7. Small wireless facilities must meet the height requirement of the underlying zoning district.

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8. Feed lines and coaxial cables shall be located below the parapet of the rooftop or otherwise concealed from view.
 9. If a cabinet enclosure cannot be located within the building where the small wireless facilities will be located, then the city's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building, then it shall be located underground consistent with subsection (E)(1) of this section.
- D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards:
1. Each strand-mounted facility shall not exceed four cubic feet in volume.
 2. Only one strand-mounted facility is permitted per cable between any two existing poles.
 3. The pole must be able to support the necessary load requirements of the strand-mounted facility.
 4. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance.
 5. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic.
 6. Ground-mounted equipment to accommodate a shared mounted facility is not permitted except when placed in preexisting equipment cabinets.
 7. Pole-mounted equipment shall comply with the requirements of subsections (A) and (B) of this section.
 8. Such strand-mounted devices must be installed to cause the least visual impact, be outside the view of a single-family residence, and without excess exterior cabling or wires (other than the original strand).
 9. Strand-mounted facilities are prohibited on nonwooden poles, unless the existing pole has preexisting communication wirelines.
- E. General requirements.
1. Ground-mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights-of-way are prohibited.
 2. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.
 3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 U.S.C. 253 and 332.
 4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), city construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

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5. Replacement poles shall be located no more than five feet from the existing pole with the requirement to remove the abandoned pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures or as otherwise required by law and be of the minimum amount possible to achieve the intended purpose needed to meet applicable law, regulations, and standards; provided, that signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than 12 inches off the pole and for nonwooden poles no more than six inches off the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable shall not dominate the structure or pole upon which they are attached. Antennas, equipment enclosures, and ancillary equipment, conduit and cable are encouraged to be integrated within the pole when technically feasible.
11. Except for locations in the city right-of-way or within access easements on private property with property owner permission, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
12. The city may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-

way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

(Code 1988 § 20.38.070; Ord. No. 975 § 13, 2019)

16.38.080. New poles for small wireless facilities in the right-of-way or for deployments in design zones.

A. New poles or structures for small wireless facilities or for installations of small wireless facilities in a design zone are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights-of-way or access easement such as public property, a building, a transmission tower, or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of MMC 16.38.070(E);
3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection (C) of this section;
4. For access easements, the property owner(s) has given written permission for the placement of a new pole within the access easement

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in such a manner so as to not frustrate the purpose of the easement or create any access or safety issue and shall be in compliance with all land use regulations such as, but not limited to, setback requirements;

5. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable;
6. Any new pole shall be installed at the point closest to the side property line so as to not impact the property's view; and
7. No new poles shall be located in a critical area or associated buffer required by the city's critical areas management ordinance (Chapter 16.50 MMC), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or deployment in a design zone is subject to review and approval or denial by the director.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a design zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or

concealment devices of similar material, color, and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure when technically feasible.

2. If the director has already approved a concealment element design either for the applicant or another small wireless facility along the same city right-of-way, if applicable, or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to subsection (A)(1) of this section the director may determine that a new pole is in fact a superior alternative based on the impact to the city, the concealment element design, the city's comprehensive plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground-mounted equipment in the city right-of-way, the applicant must obtain a site-specific agreement from the city to locate such new pole or ground-mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small wireless facility is more than 60 feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

(Code 1988 § 20.38.080; Ord. No. 975 § 13, 2019)

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CHAPTER 16.39. PARKING

16.39.010. Purpose.

The objectives of this chapter are:

- A. To provide accessible, attractive, well-maintained and screened off-street parking facilities;
- B. To assure the maneuverability of emergency vehicles;
- C. To reduce impervious parking surface and manage stormwater close to the source.

(Code 1988 § 20.39.010; Ord. No. 969 § 3 (Exh. A), 2019)

16.39.020. Applicability.

This chapter shall apply to all development applications in the city, with the exception of development

applications in the following single-family residential zones: R-16, R-20, R-30, and SR-30. Chapter 16.36 MMC shall apply as applicable to existing parking lots. (Code 1988 § 20.39.020; Ord. No. 969 § 3 (Exh. A), 2019)

16.39.030. Design standards.

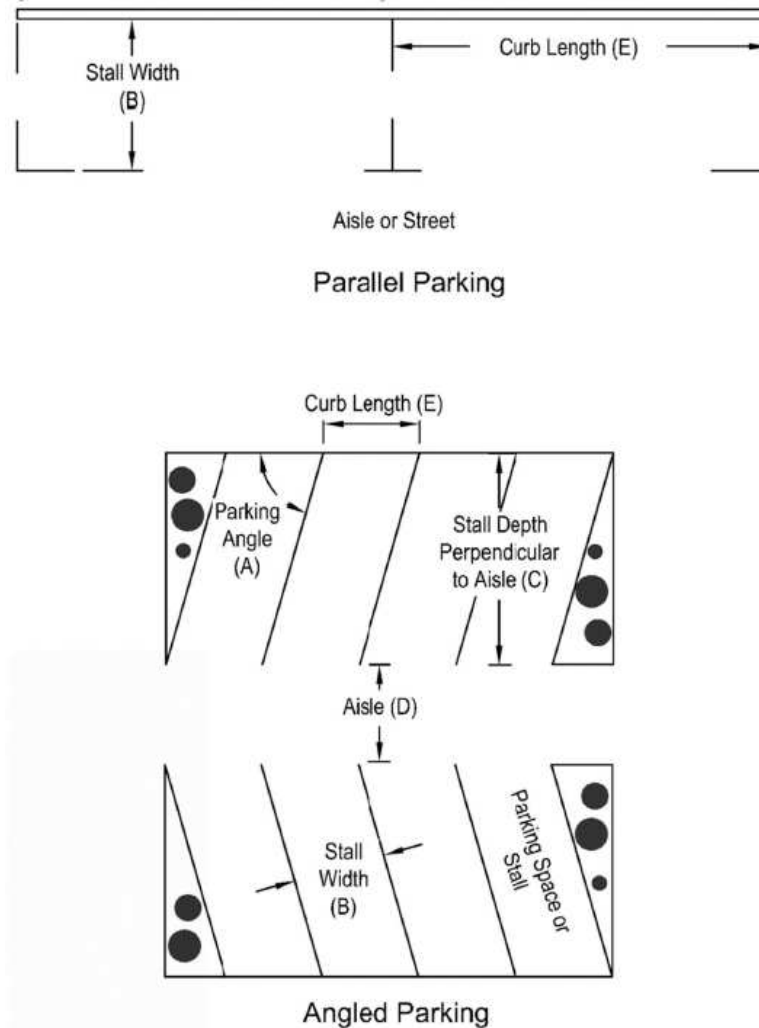
A. General requirements.

- 1. Off-street parking facilities shall be designed and maintained in accordance with the standards hereunder; provided, that a minimum of ten percent and maximum of 30 percent of parking stalls shall be compact spaces as described in Table 16.39.030(A). All parking facilities must be paved and shall conform to Chapters 13.06 and 16.43 MMC.

Table 16.39.030(A): Standard Parking Dimensions

A		B	C	D		E
Parking Angle	Parking Type	Stall Width	Stall Depth	Aisle Width		Curb Length
				1-way traffic	2-way traffic	
Parallel	Compact	8	N/A	12	20	20
	Normal	9	N/A	12	20	24
30	Compact	8	15	11	20	16
	Normal	9	17	11	20	18
45	Compact	8	17	12.5	20	11.5
	Normal	9	19	12.5	20	12.7
60	Compact	8	18	17.5	20	9.2
	Normal	9	20	17.5	20	10.4
90	Compact	8	16	24	25	8
	Normal	9	18	24	25	9

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16.39.030**Figure 16.39.030(A): Illustration of Parking Dimension Terms**

2. Parking facilities including number of parking spaces, dimension of parking spaces and parking facilities, geometry, and marking shall conform to all currently adopted federal, state, and local accessibility and safety standards. The director may approve alternative parking geometries consistent with all currently adopted federal, state, and local design standards.
 3. Fire apparatus access roads, including fire lanes, shall conform to MMC 16.40.120.
- B. *Compact parking stall exception.* The director may waive the minimum compact parking stall requirement for parking facilities constructed entirely from permeable pavement; provided:
1. The permeable pavement is designed, constructed, and maintained in accordance with the stormwater manual adopted under MMC 13.06.020; and
 2. Removal of the permeable pavement, unless removed to reduce the overall size of the park-

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ing lot and number of spaces or unless replaced with new permeable pavement, shall void any waiver of the minimum compact parking stall requirement.

(Code 1988 § 20.39.030; Ord. No. 969 § 3 (Exh. A), 2019)

16.39.040. Parking landscaping.

A. Applicability. The landscape development standards of this section are in addition to the other requirements of this chapter. The purpose of these landscaping standards is to decrease effective impervious surface; increase native vegetation; and maintain visibility for public safety.

B. Minimum perimeter landscaping shall be provided as follows:

1. Between parking lots and street rights-of-way, perimeter landscaping strips shall be a minimum of ten feet in width.
2. Landscape plantings must comprise of a minimum of 60 percent native vegetation, or well-adapted drought-tolerant vegetation where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as approved for stormwater conveyance.
3. Bioretention facilities may be used to meet perimeter landscaping requirements.
4. Existing street trees may be used to meet perimeter landscaping requirements.
5. Shrubs, trees and plantings within the required sight line areas shall not interfere with required sight distances.

C. Minimum interior parking lot landscaping shall be provided as follows:

1. Interior parking lot landscape area shall be a minimum of 15 percent of combined parking stall and aisle area.
2. Parking lot landscape should reinforce pedestrian and vehicular circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots.

3. Landscape islands are required as follows:

- a. One tree for every six parking spaces shall be provided.
- b. Landscape islands shall be a minimum of 144 square feet in size. Islands shall be designed so that trees will be planted a minimum of four feet from any hard scape surface. The minimum island size may be reduced, on a case-by-case basis, if appropriate "structural soil" is provided to ensure that trees can achieve maturity.
- c. All landscape islands within parking areas shall be comprised of a minimum of 60 percent native vegetation, or well-adapted drought-tolerant vegetation where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as approved for stormwater conveyance.
- d. Trees and vegetation planted within bioretention facilities may be counted toward these ratios.
- e. To protect vegetation, a minimum four-foot area from the base shall be provided for all trees and shrubs where vehicle overhang extends into landscape areas.

(Code 1988 § 20.39.040; Ord. No. 969 § 3 (Exh. A), 2019)

16.39.050. Director's discretion.

The director shall have discretion to modify the minimum parking dimensions and/or minimum landscaping requirements if the applicant timely requests such modification in writing and provides the legal justification and factual basis warranting the modification. The modification, if approved by the director, shall insure that the modification meets the purpose of this code chapter, the modification is the minimum necessary, and the modification is supported by the on-site situation, facts and law. The director's decision will comprise a Type 1 decision and be subject to the review provisions specified in Chapter 16.80 MMC. (Code 1988 § 20.39.050; Ord. No. 969 § 3 (Exh. A), 2019)

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16.40.030**SUBTITLE 16.4. BUILDING AND
CONSTRUCTION CODES****CHAPTER 16.40. BUILDING CODES****16.40.010. State Building Code adopted.**

All construction activity and construction materials in the city shall be governed by the State Building Code as adopted in Chapter 96, Laws of 1974, as updated by the State Building Code Council to include the 2018 Editions of the following codes with amendments:

- A. International Building Code, Chapter 51-50 WAC;
- B. International Residential Code, Chapter 51-51 WAC;
- C. International Fire Code, Chapter 51-54A WAC;
- D. International Mechanical Code, Chapter 51-52 WAC;
- E. Uniform Plumbing Code, Chapter 51-56 WAC;
- F. Washington State Energy Code, Chapter 51-11C WAC;
- G. Washington State Energy Code, Chapter 51-11R WAC;
- H. International Swimming Pool and Spa Code, WAC 51-51-0328;
- I. Liquefied Petroleum Gas Code, NFPA 58 (Propane);
- J. National Fuel Gas Code, NFPA 54 (Natural Gas);
- K. National Electrical Code (NFPA 70-2020).

All codes referenced in the state legislation are hereby adopted by reference and included as if set forth in their entirety. This adoption shall include all other related codes, standards, and amendments to the referenced codes adopted by the State Building Code Council and enacted by the Washington State Legislature. (Code 1988 § 20.40.010; Ord. No. 994 § 2, 2021; Ord. No. 936 § 1, 2016; Ord. No. 899 § 1, 2013; Ord. No. 852 § 9, 2010)

16.40.020. International Building Code—Subsection 101.2 amended.

Subsection 101.2 of the 2015 International Building Code is amended to read as follows:

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: New and reconstructed detached one and two family dwellings not more than three stories in height or 3,000 square feet or less in area, and additions or remodel activity that does not exceed 25 percent of the value of the existing structure may be constructed using the provisions of the International Residential Code (IRC), as amended by the State Building Codes Council. All buildings and additions to buildings constructed under the IRC shall comply with the code provisions in the International Fire Code, the State Energy Code, the State Ventilation and Indoor Air Quality Code, and the Uniform Plumbing Code and Standards.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. (Code 1988 § 20.40.020; Ord. No. 936 § 2, 2016; Ord. No. 919 § 1, 2015; Ord. No. 852 § 9, 2010)

16.40.030. Additional provisions adopted.

The following optional provisions are adopted and incorporated into the building code:

- A. Appendix B, Fire Flow Requirements for Buildings, and Appendix C, Fire Hydrant Locations and Distribution, of the International Fire Code (IFC) and amendments thereto. All administrative and enforcement provisions of the IFC and the Medina Municipal Code shall apply to these appendices in the same way that they apply to other elements of the code.
- B. Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems, Appendix H, Patio Covers, and Appendix R, Dwelling Unit Fire Sprinkler Systems, of WAC 51-51-60105 of the International Residential Code (IRC) and amendments thereto. All administrative and enforcement provisions of the IRC

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and the Medina Municipal Code shall apply to these appendices in the same way that they apply to other elements of the code.

(Code 1988 § 20.40.030; Ord. No. 939 § 10, 2016; Ord. No. 936 § 3, 2016; Ord. No. 852 § 9, 2010)

16.40.040. Building permit fees.

All permits issued by the City of Medina in conformance with the provisions of the referenced codes in this title shall be subject to a plan review fee and/or a permit fee as prescribed in Tables A, B, and C as adopted in Chapters 3.76 and 16.14 MMC. These fee schedules are adopted by reference and incorporated into this title as though set forth herein in their entirety. (Code 1988 § 20.40.040; Ord. No. 900 § 30, 2013; Ord. No. 852 § 9, 2010)

16.40.050. Work exempt from permit—Subsections 105.2 and R105.2 amended.

Subsection 105.2 of the 2015 IBC and Subsection R105.2 of the 2015 IRC, which list work of a building nature that is exempt from building permit requirements, are amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. All fences not over 4 feet in height above the existing or finished grade, whichever is lower.
3. New fences or repair to existing fences over 4 feet in height, but less than 6 feet in height above the existing or finished grade, whichever is lower, and not exceeding a fair market value of \$3,000.00. This exemption shall not apply to structures designed or intended to be used for sound attenuation purposes.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Temporary motion picture, television and theater stage sets and scenery limited to being erected not more than 30 days.
7. Temporary, prefabricated or mobile structures to be used on-site during construction and removed upon completion of the project.
8. Swings and other playground equipment accessory to detached one and two family dwellings and not affecting the structural coverage allowance of the lot.
9. Interior and exterior trim, painting, papering, tiling, cabinets, counter tops, carpeting, finished flooring and other similar finish work for which inspection to verify code compliance is not required.
10. Pre-fabricated swimming pools located above grade that contain water not over 24 inches in depth.
11. Ornamental or decorative ponds or pools that contain water not over 24 inches in depth.
12. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet, 9 inches, in height.
13. Single-family residential decks not exceeding 200 square feet in area provided the deck:
 - a. Does not exceed 30 inches above the finished grade at any point;
 - b. Is not attached to a dwelling; and
 - c. Does not provide access to an exit door required by R311.4.
14. Boat moorage covers over open water not exceeding 120 square feet in horizontally projected roof area and which otherwise fully complies with all state and local requirements.
15. Re-roofing of a residence provided:
 - a. Replacement roofing materials use the same or similar type of materials as the roofing materials being replaced;
 - b. The work performed does not activate other building or energy code requirements;
 - c. The re-roof work does not reduce the existing ventilation or storm drainage connections and dispersal; and

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- d. If the re-roof work involves asphalt composition overlaying existing asphalt composition, the total layers of roofing does not exceed two.
- 16. Any work not regulated by provisions of this Code or any elements of the State Building Code.

The listings of exemptions for electrical, gas and mechanical shall remain unchanged.
(Code 1988 § 20.40.050; Ord. No. 936 § 4, 2016; Ord. No. 919 § 2, 2015; Ord. No. 885 § 1, 2012; Ord. No. 852 § 9, 2010)

16.40.060. Expiration—Subsections 105.5 and R105.5 amended.

Subsection 105.5 of the 2015 International Building Code and Subsection R105.5 of the 2015 International Residential Code are hereby amended to read as follows:

Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The processing of the extension may be subject to a fee set forth in the adopted fee schedule.

All work authorized by a permit shall be completed and final inspections made within 18 months from the date the permit is issued and all permits shall finally expire by limitation 18 months from the date of issuance. The building official is authorized to grant one extension of time for a period not to exceed 12 months provided the work authorized by the permit has not been suspended or abandoned for any 180 day period after the time the work has commenced. The extension shall be requested in writing and justifiable causes demonstrated.

If work or inspections are incomplete at the time a building permit expires, the property owner or their authorized agent may renew action on an expired building permit by obtaining a new permit and paying a new permit fee. The permit fee shall be based upon the building official's determination of percentage of inspection completed and the fee schedule in effect at the time a new permit application is submitted.

However, the permit fee shall not be less than 25 percent of the fee calculated using the fee schedule in effect at the time the new permit application is submitted. Any previous fees owed on the expired permit shall be paid before a new permit is issued.

If work or inspections are incomplete at the time a permit, other than a building permit, expires, the property owner or their agent may renew action on the expired permit by obtaining a new permit and paying a new full permit fee based upon the fee schedule in effect at the time the new permit application is submitted.

(Code 1988 § 20.40.060; Ord. No. 936 § 5, 2016; Ord. No. 919 § 3, 2015; Ord. No. 852 § 9, 2010)

16.40.070. Work commencing before permit issuance—Subsections 109.4 and R108.6 amended.

Subsection 109.4 of the 2015 International Building Code and Subsection R108.6 of the 2015 International Residential Code are amended to read as follows:

Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation and administration fee equal to the amount of the permit fee. This fee is in addition to all other fees that may apply to the project.

(Code 1988 § 20.40.070; Ord. No. 936 § 6, 2016; Ord. No. 919 § 4, 2015; Ord. No. 852 § 9, 2010)

16.40.080. Certificate of occupancy.

When a series of related permits, such as grading and drainage, tree mitigation, swimming pool, fencing, or permits for separate accessory buildings, are issued in conjunction with a building permit for the renovation, reconstruction, or new construction of a residence, the certificate of occupancy for the residence shall not be issued until all regulated work under all related permits and all work included in the scope of work identified in the city's construction mitigation review has been completed, inspected, and approved and all fees and charges have been paid.

The building official is authorized to issue a certificate of occupancy for a residence before the completion of inspections and approvals on the series of related permits provided the building official is satisfied there are no health, life, or safety concerns with occupancy of the property, and the property owner provides

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a cash financial guarantee that ensures all inspections and approvals included in the scope of work identified in the city's construction mitigation plan review are completed and all fees and charges are paid. The amount of the cash financial guarantee shall be determined by the building official or the director.

(Code 1988 § 20.40.080; Ord. No. 936 § 7, 2016; Ord. No. 852 § 9, 2010)

16.40.090. Other inspections—Subsections 110.3.8 and R109.1.5 amended.

Subsection 110.3.8 of the 2015 International Building Code and Subsection R109.1.5 of the 2015 International Residential Code are amended to read as follows:

In addition to regular code specified inspections, special inspections, and structural observations required by this Code, the building official may require visual observation and testing to confirm compliance with approved construction documents for structural systems, mechanical systems, plumbing systems, and energy systems. This inspection requirement shall apply to all projects involving 4,000 square feet or greater of new or additional floor area, or where the building official determines such a requirement is necessary. All costs for inspections under this subsection are the responsibility of the permit holder.

(Code 1988 § 20.40.090; Ord. No. 936 § 8, 2016; Ord. No. 919 § 5, 2015; Ord. No. 852 § 9, 2010)

16.40.100. Temporary certificate of occupancy—Subsections 111.3 and R110.4 amended.

Subsection 111.3 of the 2015 International Building Code and Subsection R110.4 of the 2015 International Residential Code are amended to read as follows:

Temporary occupancy. The building official is authorized, but not required, to issue a temporary certificate of occupancy before completion of the entire work covered by the permits issued, provided that such portion or portions shall be occupied safely. A temporary certificate of occupancy may only be issued in association with a valid building permit. A cash financial guarantee shall be required in an amount set at 50 percent of the permit fee, or \$10,000.00, whichever is the lesser amount.

(Code 1988 § 20.40.100; Ord. No. 936 § 9, 2016; Ord. No. 919 § 6, 2015; Ord. No. 852 § 9, 2010)

16.40.110. Definition of "chief" or "fire code official."

All references to "chief" within this chapter and within the International Fire Code shall refer to the chief of the Bellevue fire department. All references to "fire code official" shall refer to the authority designated by the chief, or a duly authorized representative, who is charged with the administration and enforcement of the fire code.

(Code 1988 § 20.40.120; Ord. No. 852 § 9, 2010)

16.40.120. Fire apparatus access road—Section 503 amended.

Section 503 of the International Fire Code is hereby amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Chapters 12.08 and 16.91 MMC. Road structure shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the distance up to 200 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code;
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an alternate means of fire protection and building or structure access is provided as approved by the fire code official or the building official; or
3. There are not more than two Group R-3 occupancies to be served by a fire apparatus access road.

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503.1.2 Additional Access. The fire code official or the building official is authorized to require more than one fire apparatus road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled storage shall comply with the applicable provisions of Chapter 23, International Fire Code.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with this Section, and in accordance with Chapters 12.08 and 16.91 MMC.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. The minimum vertical clearance shall be not less than 13 feet 6 inches.

Exceptions: Access roads serving not more than two Group R-3 or U occupancies shall have an unobstructed width of not less than 16 feet.

503.2.2 Authority. The fire code official or the building official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus roads shall be surfaced and maintained to provide all weather and non-slip driving capabilities. Surface materials shall be asphalt, concrete or other material approved by the fire code official and the Medina City Engineer.

503.2.4 Turning radius. The turning radius of a fire apparatus access road shall be 28 feet minimum inside curb and 48 feet minimum outside curb.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an area for turning around fire apparatus as approved by the fire code official, and in accordance with Chapter 16.91 MMC.

Exception: The fire code official is authorized to increase the length up to 300 feet for driveways serving only one Group R-3 occupancy.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus road, the bridge shall be constructed and maintained in accordance with Chapter 12.08 MMC. Bridges and elevated surfaces shall be designed for a

live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits are to be posted at all entrances to bridges when required by the fire code official. Posted signs are to be in accordance with Chapter 16.91 MMC. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road, including private and public roads and driveways shall be in accordance with Chapters 12.08 and 16.91 MMC, and the following:

1. The grade of access on properties that have structures that have non-automatic sprinklers shall not exceed 12 percent longitudinally, and 5 percent laterally.
2. The grade of access on properties that have structures that have automatic sprinklers shall not exceed 15 percent longitudinally, and 5 percent laterally.
3. All grades of access in excess of 15 percent longitudinally require fire code official approval. Grades in excess of 5 percent laterally are not permitted.
4. Grades of fire apparatus access roads for all properties which are in excess of 15 percent longitudinally shall have additional fire department access improvements installed and maintained as approved by the fire code official and building official including all-weather walking surfaces constructed in accordance with Chapter 10 of the International Building Code.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be in accordance with Chapters 12.08 and 16.91 MMC, and within the limits established by the fire code official based upon the fire department's apparatus.

503.3 Marking. Where required by the fire code official fire apparatus access roads shall be marked as follows:

1. **FIRE LANE—NO PARKING** Signs shall be mounted a minimum of 60 inches above grade (80 inches if adjacent to a pedestrian pathway). Signs must be type "R8-31" or equivalent.

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lent reflective sign no less than 12 inches by 18 inches in size, with a white background and the wording "No Parking Fire Lane" in red letters. When in a straight line of sight, these signs shall be no further than 150 feet apart. This distance may be reduced when curves, corners or other adverse sighting conditions restrict the line of sight.

2. Designated fire department access roads ("Fire Lanes") shall be painted red. This shall include both vertical and horizontal portions of the curb. Minimum 3 inch white lettering which shall read: NO PARKING—FIRE LANE, shall be placed every 50 feet or portion thereof on the vertical portion of the curb. The entire curb length shall be painted. If there are rolled curbs or no curbs, stenciling shall be placed on pavement.

Exception: Variations to Fire Lane markings may be approved when in the opinion of the fire code official the proposed signage and markings achieve the same outcome. The fire chief retains the right to revoke variations for cause.

3. Fire apparatus access road markings shall be maintained by the entity or person(s) owning the road.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and MMC 12.06.080 shall be maintained at all times.

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.5.1 Security gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner

prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception. The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be reviewed and approved by the fire code official and must comply with Appendix D103.5, and must be in accordance with MMC 16.30.010. The use of directional-limiting devices (tire spikes) is prohibited. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and shall be equipped with Click 2 Enter or other approved equipment that allows operation of the gate by emergency personnel from their vehicle. The width of a gate shall be at least as wide as the required width of the access road. Gates on all properties shall be set back a minimum distance of 20 feet from the roadway edge of pavement, except the Medina City Engineer may increase or decrease this distance based upon safety and feasibility considerations.

(Code 1988 § 20.40.125; Ord. No. 936 § 11, 2016; Ord. No. 900 § 31, 2013; Ord. No. 899 § 4, 2013; Ord. No. 883 § 2, 2011)

16.40.130. Sprinkler systems—Section 903.3.1 amended.

Subsection 903.3.1 of the 2015 International Fire Code is amended to read as follows:

903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this Code, as applicable.

In addition, sprinkler systems shall be designed with a buffer to account for water system fluctuations to include a low reservoir condition. Such buffer shall be five percent for static pressures less than 50 p.s.i. and ten percent for static pressures above 50 p.s.i.

Exception: Buffers are not required for systems designed in accordance with Section 903.3.1.3 (NFPA 13 D).

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Permit applicants shall independently verify site specific static pressure:

- Prior to initiating sprinkler system;
- Prior to installing any sprinkler piping, including the underground supply; and
- Prior to requesting any cover inspections.

The rest of Subsection 903.3.1 shall remain unchanged.
(Code 1988 § 20.40.127; Ord. No. 936 § 12, 2016)

16.40.140. Plans submittal—Compliance with International Fire Code.

Before a building permit application shall be submitted to the city for a new residence or new accessory structure or for an improvement to an existing residence or accessory structure, which improvement constitutes reconstruction, the applicant shall submit plans and data to the Bellevue fire department for review and determination of compliance with the International Fire Code. The submittal shall contain sufficient data as the fire code official shall require for making such a determination. The provisions of this section are also applicable to all projects under the provisions set forth in MMC 16.40.020.
(Code 1988 § 20.40.130; Ord. No. 852 § 9, 2010)

16.40.150. Plans submittal—Fire code official determination.

When the fire code official has determined the plans for a proposed project comply with the International Fire Code, including any stipulated conditions, the applicant shall obtain the fire code official's approval on two sets of plans. The set of plans with the fire code official's approval shall be included in the documents for the building permit application that is submitted to the city and shall be incorporated into the approved set of building permit documents together with all conditions and inspection requirements noted or required by code.
(Code 1988 § 20.40.140; Ord. No. 852 § 9, 2010)

16.40.160. Review and inspections by fire department—Fees.

The city is authorized to charge and collect fees to recover the cost to the city for the services of the Bellevue fire department related to determining com-

pliance with the International Fire Code. The fees shall be based on the fee schedule adopted in Chapters 3.64 and 16.14 MMC.
(Code 1988 § 20.40.150; Ord. No. 900 § 32, 2013; Ord. No. 852 § 9, 2010)

16.40.170. Appeals.

In order to hear and decide appeals of orders, decisions or determinations made by the building official or the fire code official relative to the application and interpretation of the State Building Code, applicants shall have a right of appeal pursuant to MMC 16.80.220.
(Code 1988 § 20.40.160; Ord. No. 900 § 33, 2013; Ord. No. 852 § 9, 2010)

CHAPTER 16.41. UNDERGROUND WIRING**16.41.010. Required generally.**

The provision of utilities in plats shall include improvement with underground electrical power and telephone service to each building site.
(Code 1988 § 20.41.010; Ord. No. 852 § 10, 2010)

16.41.020. Entrance wiring.

Entrance wiring for electrical power service or telephone service to each structure served shall be by way of underground wiring so that no overhead wiring for such purposes is added upon the building site, or between such site and the source of service in the street; provided, however, that this requirement shall have reference only to new construction where, if such new construction be for the purpose of remodeling an existing structure, the value of the improvement exceeds that of the preexisting structure; and that if the applicant for a building permit for such new construction files complete plans for the most economical sufficient installation of such underground service and demonstrates that the cost of such service by reason of the peculiar circumstances of his property will be extraordinary, then this requirement may be waived until such time as the compelling circumstances of difficulty shall have been obviated.
(Code 1988 § 20.41.020; Ord. No. 852 § 10, 2010)

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A. The building official shall be responsible for assigning an address to buildings, structures, and parcels. Such addresses shall be assigned based upon the grid system adopted by King County, which is designed to facilitate prompt and consistent response by emergency services, and to provide a uniform application guideline for all users.

B. The building official may reassign an existing address if the building official determines that the address is inconsistent with the grid system adopted by King County and could adversely impact emergency services responsiveness.

(Code 1988 § 20.42.010; Ord. No. 936 § 13 (Att. A), 2016)

16.42.020. Address number—Identification.

The house number of each address previously or hereafter assigned to a residence shall be posted in conformance with the requirements of this chapter.

A. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the building official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

B. Where two or more residences obtain access by means of a private lane, the addresses of all such residences shall be conspicuously posted on a secure and durable signpost visible from the public road or street where the private lane originates and the address for each individual residence shall be posted in similar manner at

the point at which the driveway or other access to the residence originates upon the private lane or on the residence if the address is clearly visible from the lane.

(Code 1988 § 20.42.020; Ord. No. 936 § 13 (Att. A), 2016)

16.42.030. Address number—Placement required.

If the owner of any residence fails, refuses or neglects to place the numbers described in this chapter, or to replace them when necessary, the building official may cause a notice to be personally served on such owner, or upon any person residing in the residence or may serve the notice by registered mail addressed to the owner or resident at his last known address, ordering him to place or replace the number. Such owner or resident shall comply with such notice within ten days from the date of service.

(Code 1988 § 20.42.030; Ord. No. 936 § 13 (Att. A), 2016)

16.42.040. Violation—Penalty.

Violations of this chapter shall be subject to the notice of violation enforcement procedures and penalties set forth in Chapter 1.15 MMC.

(Code 1988 § 20.42.040; Ord. No. 936 § 13 (Att. A), 2016)

**CHAPTER 16.43. LAND DEVELOPMENT
GRADING AND DRAINAGE****16.43.010. Purpose.**

The purpose of this chapter is to regulate development activities relating to the modification/alteration of land including grading and drainage activities.

(Code 1988 § 20.43.010; Ord. No. 987 § 2 (Exh. A), 2020)

16.43.020. Applicability.

A. This chapter shall apply to any activity that results in the movement of earth or change in the existing soil topography including the creation and/or replacement of impervious surfaces.

B. All uses and development proposals, including those that do not require a permit, must comply with the requirements of this chapter and the stormwater requirements set forth in Chapter 13.06 MMC.

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C. Applicable provisions in Chapter 13.06 MMC (Stormwater) shall apply in conjunction with the provisions in this chapter.
(Code 1988 § 20.43.020; Ord. No. 987 § 2 (Exh. A), 2020)

16.43.030. Definitions.

A. For the purpose of this chapter, the terms in this section shall have the meaning indicated in this section, except where the context clearly indicates a different meaning.

B. The definitions in this section shall apply to grading and drainage activities governed under this chapter and shall be used in conjunction with other definitions found in this title. However, these definitions are not intended to replace or alter similar definitions found elsewhere within the Medina Municipal Code except where specifically applied to grading and drainage activities.

C. The definitions set forth in the stormwater manual adopted under MMC 13.06.020 are adopted by reference and incorporated into this chapter.

D. In addition to the definitions set forth in the manual, for purposes of this chapter the following shall mean:

Bench means a relatively level step excavated into earth material on which fill is to be placed.

Compaction means the densification, settlement, or packing of soil in such a way that permeability of the soil is reduced.

Construction stormwater pollution prevention plan (SWPPP) means a document that describes the potential for pollution problems on a construction project and explains and illustrates the measures to be taken on the construction site to control those problems.

Cut. See "excavation."

Director means the City of Medina public works director or designee.

Down drain means a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

Excavation means the removal of earth material by artificial means, also referred to as a cut.

Fill means deposition of earth materials by artificial means.

Impervious surface means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; or nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

Key means a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

Land disturbing activities means any activities that result in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

Permanent stormwater control plan (PSC) means a plan which includes permanent best management practices (BMPs) for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.

Replaced impervious surface means, for structures, the removal and replacement of impervious surfaces down to the foundation and, for other impervious surfaces, the removal down to bare soil or base course and replacement.

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Slope means an inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

(Code 1988 § 20.43.030; Ord. No. 987 § 2 (Exh. A), 2020)

and drainage application submittal requirements to require more or less information as necessary to show compliance with this chapter.

16.43.040. Grading and drainage permit.

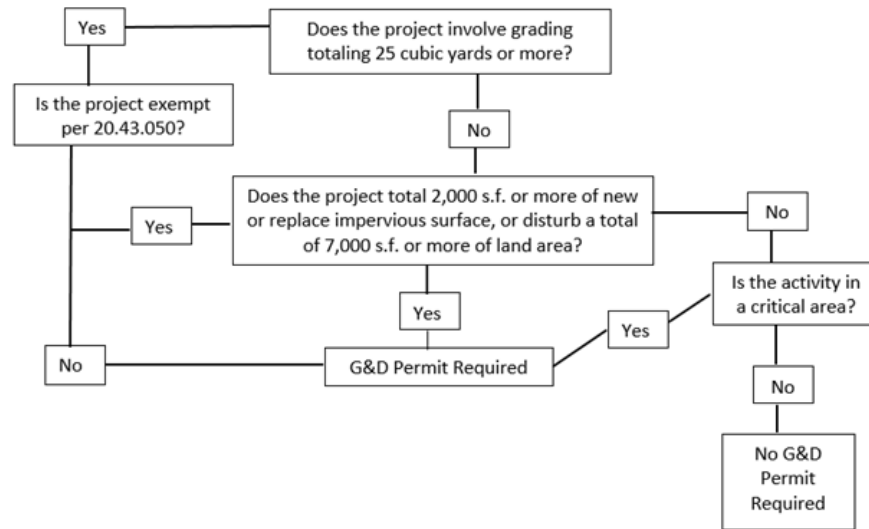
A. *Permit required.* A grading and drainage permit is required before any land disturbing activity occurs unless the activity is exempt under MMC 16.43.050. Additional permit requirements may be implemented pursuant to Chapter 13.06 MMC.

B. *Permit application.* In addition to the submittal requirements prescribed in MMC 16.80.070, all applications for grading and drainage shall include the following:

1. Narrative describing the project activity;
2. Site plan containing but not limited to:
 - a. Two-foot existing contours;
 - b. Finished contours, two-foot maximum in all areas;
 - c. Clearing and grading limits;
 - d. Edge of shoreline, if applicable;
 - e. Critical areas and buffers as defined in Chapter 16.50 or 16.67 MMC, if applicable;
 - f. Existing vegetation;
 - g. All existing and proposed impervious surfaces;
3. Temporary erosion and sediment control plan per the requirements stated in the city's adopted stormwater manual per MMC 13.06.020;
4. Drainage plans prepared by a professional engineer or architect (these may be integrated with the site plan);
5. Drainage technical information report including downstream analysis;
6. Soils report evaluating feasibility of infiltration, unless exempt;
7. Stormwater pollution prevention plan.

C. *Scope of review.* The scope of the drainage review required for a project is based on project and site characteristics. The director may modify the grading

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16.43.050**Diagram 16.43.040: When a Grading and Drainage Permit is Required**

Note: The diagram in this section is informational only. The minimum requirements set forth in the stormwater manual adopted under MMC 13.06.020 shall prevail.
(Code 1988 § 20.43.040; Ord. No. 987 § 2 (Exh. A), 2020)

16.43.050. Activities that do not require a grading and drainage permit.

A. A grading and drainage permit shall not be required for any of the following:

1. Any excavation, fill or grading activity involving less than 25 cubic yards of earth movement, and less than 2,000 square feet of new and/or replaced impervious surface area, and less than 7,000 square feet of land disturbance area, excluding any excavation, fill or grading activity in a critical area or buffer;
2. Excavation for construction of a structure permitted under the Unified Development Code involving less than 25 cubic yards of earth movement, and less than 2,000 square feet of new and replaced impervious surface area;
3. Refuse disposal sites controlled by other regulations;
4. All excavations for wells for utilities;
5. All excavations for trenches for utilities requiring a right-of-way permit;
6. All excavations for trenches involving less than 50 cubic yards total of excavated earth and imported fill that is subject to only Minimum Requirement No. 2 as prescribed by the manual adopted under MMC 13.06.020;
7. All pavement maintenance practices involving potholes and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/re-grading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road/driveway prism, pavement preservation activities that do not expand the road/driveway prism; provided, that the work does not:
 - a. Remove and replace a paved surface to base course or lower, or involve repairing the pavement base;

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- b. Resurface by upgrading from dirt to a harder surface material including gravel;
 - 8. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties;
 - 9. Exploratory excavations performed under the direction of a registered design professional;
 - 10. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support any structures, which does not exceed 25 cubic yards on any one lot and does not obstruct a drainage course;
 - 11. A fill for the purpose of improving fish and wildlife habitat, which does not exceed 100 cubic yards on any one lot during any three-consecutive-year period and which requires approval from the Washington State Department of Fish and Wildlife and/or U.S. Army Corps of Engineers; or
 - 12. Normal and routine maintenance of existing public park properties and private and public golf courses involving excavation and fill totaling less than 1,500 cubic yards over a 12-consecutive-month period. This exemption does not apply to grading in critical areas.
- B. For purposes of calculating the total yards of earth movement, the following shall be excluded:
- 1. Any pavement surface materials, excluding any rocks, gravel or other earthen materials used to form a base beneath the paved surface; and
 - 2. Any fill materials used to replace in-kind the amount of earth excavated, provided any fill in excess of the amount of earth excavated shall count towards the total yards of earth movement.
- (Code 1988 § 20.43.050; Ord. No. 987 § 2 (Exh. A), 2020)

16.43.060. Grading standards.

A. *Scope.* This section applies to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this section and the geotechnical report, the geotechnical report shall govern.

B. *Excavations.* The slope of cut surfaces shall be no steeper than is safe for the intended use, and the slope cut is:

- 1. No steeper than two units horizontal to one unit vertical (50 percent slope); or
- 2. No steeper than 1½ units horizontal to one unit vertical (67 percent slope) provided:
 - a. It is not intended to support structures or surcharges;
 - b. It is no more than eight feet in depth below the surface of the ground; and
 - c. No ground water is encountered; or
- 3. A cut surface in bedrock is permitted to be one unit horizontal to one unit vertical (100 percent); or
- 4. A geotechnical report prepared by a qualified professional justifies a steeper slope.

C. *Fill.* The following shall apply to fill:

- 1. Fill material shall not include organic, frozen or other deleterious materials;
- 2. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills;
- 3. All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches in depth; and
- 4. Maximum slope of the fill surfaces shall be no steeper than is safe for the intended use with fills steeper than two units horizontal to one unit vertical (50 percent slope) requiring a geotechnical report or engineering data to justify prepared by a qualified professional.

D. *Setbacks from property lines.* Cut and fill slopes shall be set back from property lines in accordance with Figure 16.43.060, unless substantiating data is submitted by a qualified professional justifying reduced setbacks.

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Diagram illustrating the minimum and maximum required setbacks for a property line relative to a natural or finish grade.

Key features and setbacks shown:

- Property Line**: Indicated by a dashed line.
- Top of Slope**: Indicated by a horizontal line.
- H/5 but 2 ft. (610 mm) minimum and need not exceed 10 ft. (3048 mm) maximum**: The required setback distance from the property line to the top of the slope.
- Cut or Fill Slope**: Indicated by a hatched area.
- Natural or Finish Grade**: Indicated by a dashed line.
- Interceptor Drain (if required)**: Indicated by a hatched area.

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indicating abandonment include, but are not limited to, failure to call for inspections, absence of workers, or removal of equipment and supplies. A valid building permit or other permit does not alter the status of determining a construction site to be abandoned.

- B. A vacant single-family dwelling that is unoccupied or unused for 60 or more consecutive days. This does not include dwellings where emergency work or authorized construction work is being undertaken.

(Code 1988 § 20.44.020; Ord. No. 874 § 2, 2011)

16.44.030. Responsible person's obligations to maintain.

A. The responsible person shall maintain vacant residences and associated premises and abandoned construction sites in a clean, safe, and sanitary condition consistent with the provisions of this chapter and other applicable provisions of the Medina Municipal Code.

B. The responsible person shall bear all costs associated with maintaining vacant residences and abandoned construction sites.

(Code 1988 § 20.44.030; Ord. No. 874 § 2, 2011)

16.44.040. Minimum maintenance standards for vacant residences.

Properties containing vacant single-family dwellings 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.

(Code 1988 § 20.44.040; Ord. No. 874 § 2, 2011)

16.44.050. Minimum maintenance standards for abandoned construction sites.

Properties where a construction site has been abandoned shall be maintained as follows:

- A. Owners shall ensure that the site is secure and poses no health or safety hazards to the public or neighboring properties.
- B. Any structure or partially constructed structure shall comply with applicable provisions in MMC 16.44.040.
- C. Construction debris and construction-related materials shall be stored in a safe, secure fashion on site and/or removed from the site.
- D. Erosion control measures shall be employed that stabilize the soils and prevent erosion and sediment from leaving the site.
- E. City streets and rights-of-way shall at a minimum be restored or maintained to preconstruction conditions.

(Code 1988 § 20.44.050; Ord. No. 874 § 2, 2011)

16.44.060. Violations.

Any violation of this chapter shall be subject to the enforcement procedures and penalties prescribed in Chapter 1.15 MMC. In addition, the violation may be designated a public nuisance and be subject to abatement proceedings set forth in Chapter 8.04 MMC.

(Code 1988 § 20.44.060; Ord. No. 874 § 2, 2011)

SUBTITLE 16.5. ENVIRONMENT**CHAPTER 16.50. CRITICAL AREAS****16.50.010. Purpose.**

A. The purpose of this chapter is to designate and classify ecologically critical areas, to protect these areas and their functions and values, and to supplement the

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development regulations contained in the Medina Municipal Code by providing for additional controls required by the Growth Management Act.

B. Within the city, known critical areas include wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas. The city recognizes that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents, and/or may pose a threat to human safety or to public and private property. The standards and mechanisms established in this chapter are intended to protect critical areas while providing property owners with reasonable use of their property.

C. This chapter seeks to:

1. Protect the public health, safety and welfare by minimizing adverse impacts of development;
 2. To protect property owners from injury, property damage or financial losses due to erosion, landslides, steep slope failures, seismic events, volcanic eruptions, or flooding;
 3. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats through application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals;
 4. Prevent adverse cumulative impacts to water quality, wetlands, streams, fish and wildlife and their potential habitats;
 5. Direct activities not dependent on critical area resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;
 6. Alert appraisers, assessors, owners and potential buyers or lessees to the development limitations of environmentally sensitive areas; and
 7. Implement the goals, policies, guidelines and requirements of the State Environmental Policy Act, the Growth Management Act, Chapter 43.21C RCW, the Medina comprehensive plan, and all city functional plans and policies.
- (Code 1988 § 20.50.010; Ord. No. 924 § 3 (Att. B), 2015)

16.50.020. General provisions.

A. This chapter is not intended to repeal, abrogate or impair any existing regulations. Should a regulation in this chapter conflict with other regulations, the conflict shall be resolved consistent with MMC 16.10.030 and in favor of the provision which provides the most protection environmentally to the critical areas unless specifically provided otherwise in this chapter or such provision conflicts with federal or state laws or regulations.

B. This chapter shall apply as an overlay and in addition to zoning and other regulations adopted by the city, except within the shoreline jurisdiction. Where critical areas are located within the shoreline jurisdiction, Chapter 16.67 MMC shall apply in lieu of this chapter.

C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

D. Consistent with MMC 16.10.020, the provisions of this chapter set forth the minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes set forth in MMC 16.50.010.

E. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA).

F. Any individual critical area adjoined by another type of critical area shall have the buffer and the requirements applied that provide the most protection to the critical areas involved. Where any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, the provisions of that which provides the most protection to the critical areas shall apply.

G. Interpretations of this chapter shall be done in accordance with MMC 16.10.050.

H. Approval of a permit or development proposal pursuant to the provisions of this title does not discharge the obligation of the applicant or property owner to comply with the provisions of this title.

(Code 1988 § 20.50.020; Ord. No. 924 § 3 (Att. B), 2015)

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A. This chapter shall apply to all areas outside of the shoreline jurisdiction within the municipal boundaries of the city which contain critical areas and their buffers as defined in this chapter.

B. These provisions apply to projects undertaken by either private or public entities.

C. All development permits, including but not limited to building, grading, drainage, short plats, lot line adjustments, variances, conditional and special uses, and demolition, shall be reviewed pursuant to the provisions of this chapter.

D. Variances to the provisions in this chapter shall not be granted, except as provided for in MMC 16.50.050.
(Code 1988 § 20.50.030; Ord. No. 924 § 3 (Att. B), 2015)

16.50.040. Exemptions, existing structures, trams, and limited exemptions.

A. *Critical areas exemptions.* The following developments, activities and associated uses shall be exempt from the requirements of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. Emergency actions necessary to prevent an immediate threat to public health, safety or welfare, or that pose an immediate risk of damage to private property and that require action in a time frame too short to allow compliance with this chapter, provided:
 - a. Immediately after the emergency action is completed, the owner shall notify the city of these actions within 14 days; and
 - b. The owner shall fully restore and/or mitigate any impacts to critical areas and buffers in accordance with an approved critical area report and mitigation plan.
2. Operation, maintenance, remodel or repair of existing structures and facilities, provided there is no further intrusion into a critical area or its buffer and there is no significant increase in risk to life or property as a result of the action.
3. Passive recreation, education, and scientific research activities that do not degrade critical

areas or buffers, such as fishing, hiking and bird watching, not including trail building or clearing.

4. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where:
 - a. Such activities do not require construction of new roads or significant amounts of excavation; and
 - b. The disruption to the critical areas and buffers shall be minimized and the disturbed areas immediately restored.
5. Construction or modification of navigational aids and boundary markers.

B. *Existing structures.*

1. Existing structures may be maintained, repaired and remodeled provided there is no further intrusion into a critical area or its buffer.
2. All new construction must conform to the requirements of this chapter except as provided for single-family residences in subsection (C)(1) of this section.
3. Structures damaged or destroyed due to disaster (including nonconforming structures) may be rebuilt in like kind.

C. *Limited critical areas exemptions.* The following developments, activities, and associated uses shall not be required to follow a critical areas review process; provided, that they are consistent with the requirements of this chapter. The city may condition approval of such to ensure adequate critical areas protection:

1. Existing single-family residences may be expanded, reconstructed, or replaced, provided all of the following are met:
 - a. Expansion within a critical area buffer is limited to 500 square feet of footprint beyond the existing footprint;
 - b. The expansion extends no closer to critical area than the existing setback;
 - c. The proposal preserves the functions and values of wetlands, fish and wildlife habitat conservation areas, and their buffers;

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- d. The proposal includes on-site mitigation to offset any impacts;
 - e. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards on neighboring properties; and
 - f. The expansion would not cause a tree within a buffer to be labeled as a hazardous tree and thus require the removal of the hazardous tree;
2. Replacement, modification, installation or construction of streets and utilities in existing developed utility easements, improved city street rights-of-way, or developed private streets. Utilities include water, sewer lines, and stormwater and franchise (private) utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. The activity cannot further permanently alter or increase the impact to, or encroach further within, a critical area or buffer and must utilize best management practices;
3. Public and private nonmotorized trails. Public and private pedestrian trails, provided:
- a. There is no practicable alternative that would allow placement of the trail outside of critical areas or their buffers;
 - b. The trail surface shall meet all other requirements including water quality standards;
 - c. Trails proposed in stream or wetland buffers shall be located in the outer 25 percent of the buffer area, except when bridges or access points are proposed;
 - d. Stream and wetland buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas;
 - e. Trail corridors in critical areas and buffers shall not exceed six feet in width; and
 - f. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report;
4. Select vegetation removal activities. The following limited vegetation removal activities are allowed in critical areas and buffers. Otherwise, removal of any vegetation or woody debris from a critical area shall be prohibited unless the action is part of an approved alteration.
- a. The removal of the following vegetation with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation:
 - i. Invasive weeds;
 - ii. Himalayan blackberry (*Rubus discolor*, *R. procerus*);
 - iii. Evergreen blackberry (*R. laciniatus*);
 - iv. Ivy (*Hedera* spp.); and
 - v. Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County Noxious Weed List.
 - b. The cutting and removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and buffers; provided, that:
 - i. The applicant submits a report from a qualified professional (e.g., certified arborist or professional forester) that documents the hazard as specified in Chapter 16.52 MMC and provides a replanting schedule for replacement trees;
 - ii. Tree cutting shall be limited to limb and crown thinning, unless otherwise justified by a qualified professional. Where limb or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree;

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- iii. All native vegetation cut (tree stems, branches, tops, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease transmittal to other healthy vegetation or the remaining material would threaten the survival of existing native vegetation. However, no cut material shall be left on a steep slope or landslide hazard area without the approval of a qualified professional;
- iv. Trees shall be cut to leave standing snags when doing so allows the hazard of the tree to be eliminated;
- v. The landowner shall replace any native trees that are felled or topped with new trees at ratios specified in Chapter 16.52 MMC within one year in accordance with an approved restoration plan prepared by a qualified professional. Tree species that are native and indigenous to the site shall be used;
- vi. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods for removal that will minimize impacts; and
- vii. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or topped by the landowner prior to receiving written approval from city; provided, that within 14 days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this title.
- c. Trimming of vegetation for purposes of providing view corridors will be allowed; provided:
 - i. It is consistent with Chapters 14.08 and 16.52 MMC and that trimming shall be limited to view corridors of 20 feet in width or less;
 - ii. The limbs involved do not exceed three inches in diameter;
 - iii. Not more than 25 percent of the live crown is removed;
 - iv. Benefits to fish and wildlife habitat are not reduced;
 - v. Trimming is limited to hand pruning of branches and vegetation; and
 - vi. Trimming does not include felling, topping, stripping, excessive pruning or removal of trees.
- d. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan prepared by a qualified professional; and
- 5. Conservation, preservation, restoration and/or enhancement.
 - a. Conservation and/or preservation of soil, water, vegetation, fish and/or other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area and/or buffer; and
 - b. Restoration and/or enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area and/or buffer; that actions do not alter or disturb existing native vegetation or wildlife habitat attributes; that actions improve and do not reduce the existing functions of the critical areas or buffers;

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and that actions are implemented according to a restoration and/or enhancement plan that has been approved by the city. (Code 1988 § 20.50.040; Ord. No. 958 § 2, 2018; Ord. No. 924 § 3 (Att. B), 2015)

16.50.050. Relief from critical areas regulations.

A. If application of this chapter would deny all reasonable use of the subject property, the owner may apply for a reasonable use exception pursuant to MMC 16.72.060.

B. If application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception from the requirements of this chapter pursuant to MMC 16.72.070. (Code 1988 § 20.50.050; Ord. No. 924 § 3 (Att. B), 2015)

16.50.060. General requirements.*A. Avoid impacts to critical areas.*

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area(s) and/or buffer(s) or do not result in an acceptable level of risk for a steep slope hazard area and/or its buffer.
2. Unless otherwise provided for in this chapter:
 - a. If alteration to fish and wildlife habitat conservation areas, wetlands and/or their buffers is proposed, impacts resulting from a development proposal or alteration shall be mitigated in accordance with the mitigation sequencing set forth in subsection (C) of this section and an approved critical area report and any applicable SEPA documents; or
 - b. A development proposal or alteration within a geologically hazardous area and/or its buffer must comply with a geotechnical report approved by the city that assesses the risk to health and safety, and makes recommendations for reducing the risk to acceptable levels through engineering, design, and/or construction practices.

B. Mitigation.

1. Mitigation shall be in-kind and on site, where feasible, and sufficient to maintain critical areas and/or buffer functions and values, and to prevent risk from hazards posed by a critical area.
2. Mitigation shall not be implemented until after the city approves the applicable critical area report and mitigation plan. Following city approval, mitigation shall be implemented in accordance with the provisions of the approved critical area report and mitigation plan.

C. Mitigation sequencing.

1. Applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid or minimize impacts to critical areas and buffers.
2. When an alteration to a critical area and/or buffer is proposed, such alteration shall follow the mitigation sequencing set forth as follows:
 - a. For fish and wildlife habitat conservation areas, wetlands and/or their buffers, avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. For geological hazards, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
 - c. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce the impact;
 - d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - e. Reducing or eliminating the impacts over time by preservation and/or maintenance operations;
 - f. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

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- g. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

D. *Mitigation plan requirements.* Where mitigation is required, the applicant shall submit, and obtain approval from the city, a mitigation plan as part of, or in addition to, the critical area report. The mitigation plan shall include the following information:

1. A description of existing critical areas and/or buffers conditions, functions, and values, and a description of the anticipated impacts;
2. A description of proposed mitigating actions and mitigation site selection criteria;
3. A description of the goals and objectives of proposed mitigation relating to impacts to the functions and values of the critical area(s) and/or buffer(s);
4. A review of the best available science supporting proposed mitigation, a description of the plan/report author's experience to date in restoring or creating the type of critical area proposed, and an analysis of the likelihood of success of the mitigation project;
5. A description of specific measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan have been successfully attained and whether or not the requirements of these critical area regulations have been met;
6. Detailed construction plans including site diagrams, cross-sectional drawings, topographic elevations at one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome;
7. Construction plans should also include specifications and descriptions of:
 - a. Proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;

- d. A planting plan specifying plant species, quantities, locations, size, spacing, and density, with density standards as follows:

- i. *Forested conditions.*

- (A) *Trees:* Nine feet on center, or 0.012 trees per square foot (this assumes two- to five-gallon size) with at least 50 percent conifers;
- (B) *Shrubs:* Six feet on center, or 0.028 shrubs per square foot (this assumes one- to two-gallon size); and
- (C) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).

- ii. *Shrub conditions.*

- (A) *Shrubs:* Five feet on center, or 0.04 shrubs per square foot (this assumes one- to two-gallon size); and
- (B) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).

- iii. *Emergent, herbaceous and/or groundcover conditions.*

- (A) *Herbs and groundcovers:* One foot on center, or one plant per square foot (this assumes ten-inch plug or four-inch pot); or
- (B) *Herbs and groundcovers:* Eighteen inches on center, or 0.444 plants per square foot if supplemented by overseeding of native herbs, emergent or graminoids as appropriate;

- e. Measures to protect and maintain plants until established;

- 8. A maintenance and monitoring program containing, but not limited to, the following:

- a. An outline of the schedule for site monitoring;

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- b. Performance standards including, but not limited to, 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
 - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met; and
 - d. The period of time necessary to establish that performance standards have been met, not to be less than three years;
9. The mitigation plan shall include financial guarantees to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with subsection (G) of this section;
10. Other information determined necessary by the director.

E. *Determination process.* The director shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of these critical areas regulations. The director's determination shall be based on the following:

- 1. Any alteration to a critical area and/or critical area buffer, unless otherwise provided for in these critical area regulations, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
 - a. The proposal will result in no net loss of functions and values of the critical area(s) and/or buffer(s) in accordance with the mitigation sequencing prescribed in subsection (C) of this section;
 - b. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - c. The proposal is consistent with the general purposes of these critical area regulations and the public interest;
 - d. Any impacts permitted to the critical area and/or buffers are mitigated in accordance with subsections (B), (C) and (D) of this section;
 - e. The proposal protects critical area and/or buffer functions and values consistent with the best available science; and
 - f. The proposal is consistent with other applicable regulations and standards.
- 2. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and/or buffers and to conform to the standards required by these critical area regulations.
- 3. Except as provided for by these critical area regulations, any project that cannot adequately mitigate its impacts to critical areas and/or buffers shall be denied.
- 4. The city may require critical area or geotechnical reports to have an evaluation by an independent qualified professional at the applicant's expense when determined to be necessary to the review of the proposed activity.

F. *NGPAs in development proposals.* Native growth protection areas (NGPAs) shall be used in development proposals for subdivisions and short subdivisions in accordance with the following:

- 1. NGPAs shall delineate and protect those contiguous critical areas and buffers listed below:
 - a. All landslide hazard areas and buffers, except when a development proposal is approved in a landslide hazard area and/or buffer per a geotechnical report;
 - b. All wetlands and buffers;
 - c. All fish and wildlife habitat conservation areas; and
 - d. All other lands to be protected from impacts as conditioned by project approval;
- 2. NGPAs shall be recorded on all documents of title of record for all affected lots;
- 3. NGPAs shall be designated on the face of the plat or recorded drawing in a format approved by the city and include the following restrictions:
 - a. Native vegetation shall be preserved within the NGPA for the purpose of preventing harm to property and the environment; and

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- b. The city has the right to enforce NGPA restrictions.

G. Performance securities. The city may require the applicant of a development proposal to post a cash performance bond or other acceptable security in a form and amount determined sufficient to guarantee satisfactory workmanship, materials and performance of structures and improvements allowed or required by application of this chapter. The city shall release the security upon determining that all structures and improvements have been satisfactorily completed. If all such structures and improvements are not completed to the satisfaction of the city within the time period set forth in the security (or 12 months from posting if no other time period is stated), the city may take all measures which the city, in its sole discretion, deems reasonable and recover all costs of such measures from the security, including all consulting fees and all attorney's fees incurred.

(Code 1988 § 20.50.060; Ord. No. 924 § 3 (Att. B), 2015)

16.50.070. Critical areas report.

A. If fish and wildlife habitat conservation areas, wetlands, steep slopes and/or their buffers may be affected by a proposed activity, the applicant shall submit a critical area report meeting the following requirements:

1. Prepared by a qualified professional;
2. Incorporate best available science in the analysis of critical area data and field reconnaissance and reference the source of science used; and
3. Evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of these critical area regulations.

B. At a minimum the report shall include the following information:

1. The applicant's name and contact information, a project description, project location, and identification of the permit requested;
2. A site plan showing:
 - a. The development proposal with dimensions and any identified critical areas and buffers within 200 feet of the proposed project; and
 - b. Limits of any areas to be cleared;

3. The date the report was prepared;
4. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
5. Identification and characterization of all non-critical areas and critical areas and their buffers within, and adjacent to, the proposed project area. This information shall include, but is not limited to:
 - a. Size or acreage, if applicable;
 - b. Applicable topographic, vegetative, faunal, soil, substrate and hydrologic characteristics; and
 - c. Relationship to other nearby critical areas;
6. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
7. An analysis of site development alternatives;
8. A description of reasonable efforts made to apply mitigation sequencing pursuant to MMC 16.50.060(C) to avoid or compensate for impacts to critical area and buffer functions and values;
9. Plans for mitigation in accordance with MMC 16.50.060(B), (C) and (D); and
10. Any additional information required for the critical area as specified in this chapter.

C. The applicant may consult with the director prior to or during preparation of the critical area report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

D. The director may require additional information to be included in the critical area report and may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert when determined to be necessary to the review of the proposed activity in accordance with these critical area regulations.

(Code 1988 § 20.50.070; Ord. No. 924 § 3 (Att. B), 2015)

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16.50.080**16.50.080. Wetlands.***A. Designation.*

1. Wetlands are those areas designated in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.
2. All areas within the city that meet the wetland designation criteria in the manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of these critical area regulations.

B. Wetland ratings. Wetlands shall be rated according to the Washington Department of Ecology Wetland Rating System for Western Washington (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). These documents contain the definitions and methods for determining if the criteria below are met.

C. Wetland rating categories.

1. The following table provides a summary of the categories of wetlands and the criteria for their categorization:

Table 16.50.080(C): Wetland Categories

Category	Criteria for Designation
Category I	• Represent a unique or rare wetland type;
	• Are more sensitive to disturbance than most wetlands;
	• Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
	• Provide a high level of functions.
Category II	• Are not defined as Category I wetlands;
	• Are difficult, though not impossible, to replace;
	• Provide high levels of some functions.
Category III	• Do not satisfy Category I or II criteria;
	• Can often be adequately replaced with a well-planned mitigation project;
	• Provide moderate levels of functions.
Category IV	• Do not satisfy Category I, II or III criteria;
	• Can often be adequately replaced and improved upon with a well-planned mitigation project;
	• Provide the lowest levels of functions;
	• Often are heavily disturbed.

2. Date of wetland rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the city, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities.

3. Wetland rating categories shall not change due to illegal modifications made by the property owner or with the property owner's knowledge.

D. Mapping.

1. The approximate location and extent of known wetlands are identified in the City of Medina critical areas inventory. This inventory is to only be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. The inventory is only a reference and does not provide a final critical area designation.
2. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional applying approved federal wetland delineation manual and applicable regional supplements, as revised, as required by RCW 36.70A.175.

E. Wetlands—Development standards.

1. Activities and uses shall be prohibited within wetland and wetland buffer areas, except as provided for in this title.
2. The following table establishes wetland buffer widths:

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Table 16.50.080(E): Wetland Buffer Widths

Wetland Category	Buffer width if wetland scores less than 5 habitat points	Buffer width if wetland scores 5 habitat points	Buffer width if wetland scores 6—7 habitat points	Buffer width if wetland scores 8—9 habitat points
Category I	100 feet	140 feet	220 feet	300 feet
Category II	100 feet			Not applicable
Category III	80 feet			
Category IV	50 feet	Not applicable		

3. The width of a wetland buffer shall be determined by the wetland category designated in subsection (A) of this section and the corresponding habitat scoring of the wetland set forth in Table 16.50.080(E).

4. Measurement of wetland buffers shall be from the outer edges of the wetland boundaries as determined through the performance of a field investigation by a qualified professional applying the wetlands identification and delineation pursuant to subsection (A) of this section and as surveyed in the field.

F. *Wetland buffer reduction.* The wetland buffer widths in Table 16.50.080(E) may be reduced by up to a maximum of 25 percent provided:

1. The amount of reduction is based on voluntary employment of incentive-based action measures set forth in subsection (G) of this section;
2. A critical areas report prepared by a professional with expertise in wetlands and ap-

proved by the city using the best available science determines a smaller area can be adequate to protect the wetland functions and values based on site-specific characteristics;

3. The mitigation provided will result in a net improvement of the wetland and buffer functions;
4. Any remaining wetland buffer areas on the property not subject to the reduction, but are degraded, are revegetated with native plants; and
5. A five-year monitoring and maintenance program is provided.

G. *Wetland buffer reduction incentive options.* Table 16.50.080(G) provides incentive options that may be employed to reduce a wetland buffer width as allowed in subsection (F) of this section. Where multiple options for an action are prescribed in the table, only one option under that action may be applied.

Table 16.50.080(G): Wetland Buffer Reduction Incentive Options

Description of Action	Option	Reduction Allowance
Remove impervious surface within wetland buffer area	Remove at least 50 percent of the impervious surface area within the reduced buffer area, provided the total impervious surface area removed is less than 500 square feet	5 percent points
	Remove at least 50 percent of the impervious surface area within the reduced buffer area, provided the total impervious surface area removed is more than 500 square feet	10 percent points
	Remove 100 percent of impervious surface area within the reduced buffer area, provided at least 50 percent of the reduced buffer area presently contains impervious surface	20 percent points
Install biofiltration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing surface water drainage and water quality requirements	20 percent points

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Description of Action	Option	Reduction Allowance
Remove invasive, nonnative vegetation	Remove invasive, nonnative vegetation and continue maintenance during the five-year monitoring program of removing relatively dense stands of invasive, nonnative vegetation from significant portions of the reduced buffer area	10 percent points
Install oil-water separator	If not required by other provisions of the Medina Municipal Code, install oil-water separators for surface water quality control	10 percent points
Replace impervious materials	Replace impervious materials for driveway/road construction with pervious materials	10 percent points
Provide off-site restoration where no on-site restoration is available	Restoration is provided at a 2:1 ratio or greater	10 percent points
	Restoration is provided at a 4:1 ratio or greater	20 percent points
Remove toxic materials	Remove significant refuse or sources of toxic material	10 percent points

H. *Averaging of wetland buffer width.* The city may allow the wetland buffer width around the boundaries of the wetland to be averaged provided:

1. The proposal results in a net improvement of wetland, habitat and buffer function;
2. The proposal includes revegetation of the averaged buffer using native plants, if needed;
3. The total area contained in the buffer of each wetland on the development proposal site is not decreased;
4. The wetland buffer width is not reduced by more than 25 percent in any one location; and
5. A critical areas report meeting the requirements set forth in MMC 16.50.070 indicates the criteria in this subsection are satisfied.

I. *Wetland buffer averaging and wetland buffer reduction.* Wetland buffer averaging set forth in subsection (H) of this section and wetland buffer reduction set forth in subsections (F) and (G) of this section shall not be used together on an individual wetland.

J. *Buffers for mitigation shall be consistent.* All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall have the minimum buffer required for the highest wetland category involved.

K. *Buffer conditions shall be maintained.* Except as otherwise specified or allowed in accordance with these critical area regulations, wetland buffers shall be retained in their natural condition.

L. *Temporary markers.* The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authori-

zation shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and inspected by the city prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place pursuant to subsection (M) of this section.

M. *Permanent signs.*

1. As a condition of any permit or authorization issued pursuant to this chapter, the city manager or designee may require the applicant to install permanent signs along the boundary of a wetland or buffer.
2. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. The sign shall be worded as follows or with alternative language approved by the city:

Protected Wetland Area
Do Not Disturb.
Contact the City of Medina
Regarding Uses and Restriction
3. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity.

N. *Fencing.*

1. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.

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2. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

O. *Additional mitigation measures.* In addition to the requirements set forth in MMC 16.50.060(B), (C) and (D), when mitigation for wetland and/or wetland buffer impacts is required, the following supplementary requirements shall apply:

1. Mitigation for alterations to wetland and/or wetland buffer shall achieve equivalent or greater ecological functions and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No. 04-06-013), as revised.
2. Wetland or wetland buffer mitigation actions shall not result in a net loss of wetland or buffer area except when the lost wetland or buffer area provides minimal functions and the mitigation action(s) results in a net gain in wetland or buffer functions as determined by a site-specific function assessment.
3. Mitigation actions shall address and provide equivalent or greater wetland and buffer functions and values compared to wetland and buffer conditions existing prior to the proposed alteration.
4. Mitigation actions shall be in-kind and conducted within the same basin and on the same site as the alteration except when the following apply:
 - a. There are no reasonable on-site opportunities for mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
 - b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - c. Off-site locations shall be in the same basin and the same water resource inventory area (WRIA).

5. Mitigation timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

6. Mitigation ratios.

- a. The ratios in the following table shall apply to wetland creation or restoration that is in-kind, on site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 16.50.080(O): Wetland Mitigation Ratios

Wetland Category	Creation or Reestablishment	Enhancement as Mitigation
Category I	6:1	16:1
Category II	3:1	12:1
Category III	2:1	8:1
Category IV	1.5:1	6:1

- b. Increased replacement ratio. The director may increase the ratios under the following circumstances:
 - i. Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - ii. A significant period of time will elapse between impact and replication of wetland functions; or
 - iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - iv. The impact was an unauthorized impact.
- c. Decreased replacement ratio. The director may decrease these ratios if the proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

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- d. Minimum replacement ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.
 - 7. Wetland mitigation banks.
 - a. Credits from a certified wetland mitigation bank or in-lieu fee program may be approved for use as compensation for unavoidable impacts to wetlands when:
 - i. For mitigation banks, the bank is certified under Chapter 173-700 WAC;
 - ii. The city manager or designee determines that the wetland mitigation bank or in-lieu fee program provides appropriate compensation for the authorized impacts; and
 - iii. The proposed use of credits is consistent with the terms and conditions of the mitigation bank or in-lieu fee program.
 - b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one WRIA for specific wetland functions.
 - 8. Wetland enhancement as mitigation.
 - a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands.
 - b. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.
 - c. The enhancement acreage shall be pursuant to the ratios in Table 16.50.080(O).
- (Code 1988 § 20.50.100; Ord. No. 924 § 3 (Att. B), 2015)

16.50.090. Geologically hazardous areas.

A. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. In the city, areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

- 1. Erosion hazard;
- 2. Landslide hazard; and
- 3. Seismic hazard.

B. Specific hazard areas—Designation.

- 1. *Erosion hazard areas.* Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.
- 2. *Landslide hazard areas.* Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to, the following:

- a. Areas of historic failures, such as:
 - i. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;
 - ii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
- b. Areas with all three of the following characteristics:
 - i. Slopes steeper than 15 percent; and

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- ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or ground water seepage;
 - c. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - d. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
 - e. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - f. Steep slopes, which are any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.
3. *Seismic hazard areas.* Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:
- a. The magnitude of an earthquake;
 - b. The distance from the source of an earthquake;
 - c. The type and thickness of geologic materials at the surface; and
 - d. The subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose,

or soft-saturated soils of low density, typically in association with a shallow ground water table.

C. Mapping.

1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps. The adopted critical area maps include:
 - a. U.S. Geological Survey landslide hazard, seismic hazard and volcano hazard maps;
 - b. Department of Natural Resources seismic hazard maps for Western Washington;
 - c. Department of Natural Resources slope stability maps;
 - d. Federal Emergency Management Administration flood insurance maps; and
 - e. Locally adopted maps.
2. These maps are to be used as a guide for the city, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

D. Additional report requirements.

1. For development proposed to be located in erosion or landslide hazard areas, the applicant shall submit a geotechnical report prepared by a qualified professional. A steep slope hazard must also meet the requirements for a critical area report set forth in MMC 16.50.070.
2. The director may require a geotechnical report for development proposed in a seismic hazard area.

E. Where a geotechnical report is required, a geotechnical assessment of the geological hazards including the following site- and proposal-related information shall be included in either the geotechnical report or the critical areas report:

1. Site and construction plans for the proposal showing:
 - a. The type and extent of geologic hazard areas, any other critical areas, and any

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- critical area buffers on, adjacent to, within 200 feet of or that are likely to impact the proposal or be impacted by the proposal;
- b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the geologically hazardous area; and
 - c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;
2. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
 - a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - b. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
 - c. A description of the vulnerability of the site to the relevant geologic hazard;
 3. A geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties;
 4. Recommendations for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. The director may assign buffer and building setbacks based on this information. For steep slopes, the minimum buffer widths are specified in subsection (I)(2)(a) of this section;
 5. When hazard mitigation is required:
 - a. The mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation);
 - b. Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function; and
 - c. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity;
 6. Where a valid geotechnical report has been prepared and approved by the city within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area or geotechnical report provided the applicant submits a geotechnical assessment detailing any changed environmental conditions associated with the site; and
 7. Additional information determined by the director to be necessary to the review of the proposed activity and the subject hazard.
- F. In addition to the geotechnical report requirements specified in subsection (E) of this section, a geotechnical or critical area report (as specified in subsection (D) of this section) for an erosion hazard or landslide hazard shall include the following information:
1. A site plan for the proposal showing the following:
 - a. The height of slope, slope gradient, and cross-section of the project area;
 - b. The location of springs, seeps, or other surface expressions of ground water on

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- or within 200 feet of the project area or that have potential to be affected by the proposal; and
- c. The location and description of surface water runoff.
2. The geotechnical analysis shall specifically include:
 - a. A description of the extent and type of vegetative cover;
 - b. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development;
 - c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
 - e. Consideration of the runout hazard of landslide debris and/or the impacts of landslide runout on downslope properties;
 - f. A study of slope stability including an analysis of proposed angles of cut and fills and site grading;
 - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement; and
 - h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
 3. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.
 4. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water.
 5. Whenever development, including, but not limited to, stairs, pathways, trams and their support structures, retaining walls, and structures, is performed on any erosion, landslide hazard, or steep slope area as defined in this chapter, a mitigation plan shall be prepared.
 - a. The plan shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability.
 - b. All disturbed areas shall be revegetated by the property owner.
 - c. Revegetation shall include planting of species indigenous to the Northwest, together with a schedule of their maintenance.
 6. Monitoring surface waters. If the director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the city.
 - G. Seismic hazard areas shall require geotechnical reporting consistent with subsection (E) of this section and the following:
 1. The site map shall show all known and mapped faults within 200 feet of the project area or that have potential to be affected by the proposal.
 2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).
 - H. Geologically hazardous areas—General development standards.
 1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that a qualified professional determines:
 - a. Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;

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- b. Will not adversely impact other critical areas or their buffers;
 - c. Are designed so that the hazard is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
 - d. Are certified as safe by a qualified engineer or geologist, licensed in the State of Washington.
- 2. Essential Public Facilities Prohibited. Essential public facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.
 - I. Geologically hazardous areas—Specific development standards.
 - 1. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical report is submitted and certifies that:
 - a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
 - b. The development will not decrease slope stability on adjacent properties; and
 - c. Such alterations will not adversely impact other critical areas or their buffers.
 - 2. A buffer shall be established from all edges of steep slopes as defined in subsection (B)(2)(f) of this section. The size of the buffer shall be determined by the director to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
 - a. Minimum buffer.
 - i. The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater.
 - ii. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the city's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area.
- 3. Development within erosion or landslide hazard areas and/or their buffers shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides equivalent or greater long-term slope stability while meeting all other provisions of these critical area regulations. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
 - a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;
 - b. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
 - c. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - d. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - e. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

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- f. Development shall be designed to minimize impervious lot coverage.
- 4. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.
- 5. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.
- 6. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
- 7. Point discharges from surface water facilities and roof drains onto or upstream from erosion or landslide hazard area shall be prohibited except as follows:
 - a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
 - b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
 - c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.
- 8. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
 - a. Land that is located wholly within erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within erosion or land-

slide hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.

- b. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the city determines that no other feasible alternative exists.

- 9. On-site sewage disposal systems, including drain fields and infiltration drainage systems, shall be prohibited within erosion and landslide hazard areas and related buffers.
- 10. Activities proposed to be located in seismic hazard areas shall meet the standards of subsection (H) of this section.

(Code 1988 § 20.50.200; Ord. No. 924 § 3 (Att. B), 2015)

16.50.100. Fish and wildlife habitat conservation areas.

A. Fish and wildlife habitat conservation areas are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. In the City of Medina, fish and wildlife habitat conservation areas include:

- 1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
 - a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

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- b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the State of Washington, identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.
2. State priority habitats and species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status; sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.
3. Habitats and species of local importance. Habitats and species of local importance are those identified by the city as approved by the Medina city council, including those that possess unusual or unique habitat warranting protection.
4. Naturally occurring ponds under 20 acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include

ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the state. In the city, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington.
6. State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.
7. Land found by the Medina city council to be essential for preserving connections between habitat blocks and open spaces.

B. Water typing. Streams shall be designated in accordance with Table 16.50.100(B):

Table 16.50.100(B): Stream Water Type

Water Typing	Designation Criteria
Type 1 Stream	Segments of streams that are at least seasonally utilized by fish for spawning, rearing or migration. Stream segments which are fish passable from Lake Washington are presumed to have at least seasonal fish use. Fish passage should be determined using the best professional judgment of a qualified professional.
Type 2 Stream	Perennial non-fish-bearing streams. Perennial streams do not go dry any time during a year of normal rainfall. However, for the purpose of stream typing, Type 2 streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations, then the point of perennial flow should be determined using the best professional judgment of a qualified professional.
Type 3 Stream	Segments of natural waters that are not classified as Type 1 or 2 streams. These are seasonal, non-fish-bearing streams in which surface flow is not present for a significant portion of a year of normal rainfall and are not located downstream from any Type 2 or higher stream.

C. Mapping.

1. The approximate location and extent of habitat conservation areas are shown on the criti-

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cal area maps adopted by the city, as most recently updated. The following critical area maps are hereby adopted:

- a. Department of Fish and Wildlife Priority Habitat and Species Maps;
 - b. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
 - c. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
 - d. City of Medina official habitat maps.
2. These maps are to be used as a guide for the city, project applicants, and/or property owners. They are a reference and do not provide a final critical area designation.

D. Initial fish and wildlife habitat assessment.

1. An applicant proposing development activities and uses located adjacent to or within fish and wildlife habitat conservation areas, which are defined in subsection (A) of this section, may have a written initial fish and wildlife habitat assessment prepared to investigate the presence and extent of regulated site-specific habitat within the project area prior to satisfying the requirements set forth in MMC 16.50.070 (Critical areas report) and this section.
2. The initial fish and wildlife habitat assessment is a preliminary investigation to determine the presence or absence of site-specific critical fish and wildlife habitat within the project area.
3. The initial fish and wildlife habitat assessment shall be prepared by a qualified professional and include the following content:
 - a. A description of the project area;
 - b. Information documenting the investigation of the project area;
 - c. Findings based on the investigation stating whether critical fish and wildlife habitat is present or absent within the project area (the presence of critical fish

species alone does not constitute a site-specific critical fish and wildlife habitat); and

- d. Any suggested relevant recommendations or best management practices assuring compliance with this chapter.

The qualified professional may consult with the director prior to or during the preparation of the assessment to determine if more or less information is necessary.

4. Results of the initial fish and wildlife assessment.
 - a. If the assessment shows the presence of site-specific critical fish and wildlife habitat within the project area, then the requirements set forth in MMC 16.50.070 and this section shall apply.
 - b. If the assessment shows the absence of site-specific critical fish and wildlife habitat within the project area, then further analysis through the requirements set forth in MMC 16.50.070 and this section shall not be required.

E. Except where subsection (D)(4)(b) of this section applies, in addition to the critical area report requirements prescribed in MMC 16.50.070, a habitat assessment shall be included. A habitat assessment is an investigation of the project area to evaluate the presence or absence of potential critical fish or wildlife habitat. The habitat assessment shall include the following site- and proposal-related information:

1. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
2. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations that have been developed for species or habitats located on or adjacent to the project area;
3. A discussion of any ongoing management practices that will protect habitat after the project

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site has been developed, including any proposed monitoring and maintenance programs;

4. When appropriate due to the type of habitat or species present or the project area conditions, the director may also require the habitat management plan to include:
 - a. An evaluation by the State Department of Fish and Wildlife, local Native American Indian tribe, or other qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and/or
 - b. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

F. Fish and wildlife habitat conservation areas—General development standards.

1. A habitat conservation area may be altered only if consistent with mitigation sequencing as prescribed in MMC 16.50.060(C) and the proposed alteration of the habitat or the mitigation proposed does not result in a net loss of ecological functions. All new structures and land alterations shall be prohibited within habitat conservation areas, except as allowed in accordance with this chapter.
2. Whenever activities are proposed in or adjacent to a habitat conservation area, except as outlined in subsection (D) of this section, which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical area report prepared by a qualified professional and approved by the city, and guidance provided by the appropriate state and/or federal agencies.
3. All activities, uses, and alterations proposed to be located in or within the established buffers of water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of anadromous fish and fish habitat.
4. Plant, wildlife, or fish species not indigenous to Western Washington State shall be ex-

cluded from habitat conservation areas unless authorized by a state or federal permit or approval.

5. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
6. The director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers consistent with the mitigation sequencing set forth in MMC 16.50.060(C). Conditions may include, but are not limited to, the following:
 - a. Establishment of buffer zones;
 - b. Preservation of critically important vegetation;
 - c. Limitation of public access to the habitat area, including fencing to deter unauthorized access;
 - d. Seasonal restriction of construction activities;
 - e. Establishment of a duration and timetable for periodic review of mitigation activities; and
 - f. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
7. Mitigation of alterations to habitat conservation areas shall achieve equivalent or superior ecological functions, and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per-function basis. Mitigation should occur in the same subdrainage basin as the habitat impacted.
8. Any approval of alterations or impacts to a habitat conservation area shall be supported by best available science.

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G. Fish and wildlife habitat conservation area—
Buffers.

1. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas.
 - a. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat.
 - b. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby.
 - c. Setbacks for protection of Lake Washington are provided in MMC 16.63.030 and buffers for protection of Lake Washington tributaries within shoreline jurisdiction are established in MMC 16.67.080.
2. The following standard buffers for streams located outside of shoreline jurisdiction shall be established, adjacent to streams, measured outward on the horizontal plane from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

Table 16.50.100(G)(2): Stream Buffers

Water Type	Standard Buffer Width	Minimum Buffer Width with Enhancement
Type 1 Stream	100 feet	50 feet
Type 2 Stream	75 feet	37.5 feet

Water Type	Standard Buffer Width	Minimum Buffer Width with Enhancement
Type 3 Stream	50 feet	25 feet

3. Reduction of stream buffer widths. The director may allow the standard buffer width to be reduced by up to the listed minimum buffer width in Table 16.50.100(G)(2) provided:
 - a. A critical area report and mitigation plan approved by the city, and the best available science applied on a case-by-case basis, determine that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and the proposal will result in a net improvement of stream and buffer functions;
 - b. A plan for mitigating buffer-reduction impacts is prepared using selected incentive-based mitigation options in Table 16.50.100(G)(3);
 - c. Where a substantial portion of the remaining buffer is degraded, revegetation with native plants in the degraded portions shall be included in the remaining buffer area;
 - d. A five-year monitoring and maintenance plan shall be included;
 - e. Incentive options may be accumulatively applied to allow a reduction allowance not to exceed 50 percent of the standard buffer width and Table 16.50.100(G)(2); and
 - f. Where multiple options for an action are prescribed in the Table 16.50.100(G)(3), only one option under that action may be applied.

Table 16.50.100(G)(3): Stream Buffer Reduction Incentive Options

Description of Action	Options	Reduction Allowance
Removal of impervious surface	Reduce impervious surfaces within the to-be-remaining buffer area by at least 50 percent	Up to 10 percentage points
	Remove all impervious surface where the to-be-remaining buffer is presently more than 50 percent impervious	Up to 20 percentage points
Installation of biofiltration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements	Up to 20 percentage points

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Description of Action	Options	Reduction Allowance
Removal of invasive, non-native vegetation	Remove and employ extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area	Up to 10 percentage points
In-stream habitat enhancement	Placement of log structure, bioengineered bank stabilization, or culvert removal	Up to 20 percentage points
	Improve fish passage and/or creation of side channel or backwater areas	Up to 25 percentage points
Installation of oil-water separators	If not required by other provisions of the Medina Municipal Code, install oil-water separator for stormwater quality control	Up to 10 percentage points
Use of pervious materials	Use pervious materials for driveway/road construction	Up to 10 percentage points
Off-site restoration, if no on-site area is possible	Restoration is provided at a 2:1 ratio or greater	Up to 10 percentage points
	Restoration is provided at a 4:1 ratio or greater	Up to 20 percentage points
Remove toxic material	Remove significant refuse or sources of toxic material	Up to 10 percentage points

4. Averaging of Stream Buffer Widths. The director may allow the standard stream buffer width to be averaged in accordance with a critical area report if:

- a. The proposal will result in a net improvement of stream, habitat and buffer function;
- b. The proposal will include revegetation of the averaged buffer using native plants, if needed;
- c. The total area contained in the buffer of each stream on the development proposal site is not decreased; and
- d. The standard stream buffer width is not reduced by more than 50 percent or to less than 25 feet wide, whichever is greater, in any one location.

H. Permitted activities in stream buffers. The following specific activities may be permitted within a stream, pond, lake, water of the state, or associated buffers when the activity complies with the provisions set forth in this title, and subject to the following standards:

1. *Clearing and grading.* When clearing and grading is permitted as part of an authorized activity or as otherwise allowed in these standards, the following shall apply:
 - a. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year; provided, that

the City of Medina may extend or shorten the dry season on a case-by-case basis, based on actual weather conditions.

- b. The soil duff layer in ungraded areas shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other nonwetland and stream areas of the project site.
- c. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.
- d. Erosion and sediment control shall be provided.

2. *Streambank stabilization.* Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft-armoring techniques in accordance with an approved critical area report.

3. *Roads, trails, bridges, and rights-of-way.* Construction of trails, roadways, and minor road bridging, less than or equal to 30 feet wide, may be permitted in accordance with an approved critical area report subject to the following standards:

- a. There is no other feasible alternative route with less impact on the environment;

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- b. The crossing minimizes interruption of downstream movement of wood and gravel;
 - c. Mitigation for impacts is provided pursuant to an approved mitigation plan and critical area report;
 - d. Road bridges are designed according to the Department of Fish and Wildlife Water Crossing Design Guidelines, May 2013 or as amended, or the National Marine Fisheries Service Anadromous Salmonid Passage Facility Design, February 2008 or as amended; and
 - e. Trails and associated viewing platforms shall not be made of continuous impervious materials.
4. *Utility facilities.* New utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report if they comply with the following standards:
- a. Fish and wildlife habitat areas shall be avoided to the maximum extent feasible;
 - b. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;
 - c. The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
 - d. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;
 - e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
 - f. The utility installation shall not increase or decrease the natural rate of channel migration.
5. *Stormwater conveyance facilities.* Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:
- a. No other feasible alternatives with less impact exist;

- b. Mitigation for impacts is provided; and
- c. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

I. Signs and fencing.

- 1. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized disturbance will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.
- 2. As a condition of any permit or authorization issued pursuant to this chapter, the director may require an applicant to install permanent signs along the boundary of a habitat conservation area or buffer. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the city manager or designee:

Habitat Conservation Area
Do Not Disturb
Contact City of Medina Regarding Uses and Restriction
Fencing
- 3. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing may prevent future impacts to the habitat conservation area.
- 4. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to minimize interference with

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species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

J. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:

1. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
2. Land that is located partially within a habitat conservation area or its buffer may be divided; provided, that an accessible and contiguous portion of each new lot is located outside of the habitat conservation area or its buffer and meets the city's minimum lot size requirements.
3. Access roads and utilities serving the proposed lots may be permitted within the habitat conservation area and associated buffers only if the city determines that no other feasible alternative exists and when consistent with these critical areas regulations.

(Code 1988 § 20.50.300; Ord. No. 924 § 3 (Att. B), 2015)

CHAPTER 16.52. TREE MANAGEMENT CODE

16.52.010. Purpose and intent.

A. The purpose of the tree management code is to preserve the existing sylvan appearance through long-term retention and planting of trees that contribute to the community's distinct features including proximity to the lakeshore, views, heavily landscaped streetscapes, and large tracts of public and private open spaces.

B. The intent of this chapter is to establish regulations and standards that:

1. Protect and preserve the existing tree canopy;
2. Provide homeowners flexible standards that encourage the preservation of trees while recognizing the importance of having access to sunlight and views;
3. Recognize through the standards in this chapter that certain factors may require the removal or pruning of certain trees due to circumstances such as disease, danger of falling, proximity to structures and improvements, in-

terference with utility services, protection of view and sunlight, and the reasonable enjoyment of property;

4. Encourage best practices for the planting and managing of trees appropriately to minimize hazards, nuisances, and maintenance costs while allowing access to sunlight and views;
5. Prevent the indiscriminate removal or destruction of trees except as provided for in accordance with this chapter;
6. Promote building and site planning practices consistent with the purpose and intent of this chapter;
7. Ensure prompt development, restoration, replanting and effective erosion control of property after tree removal with landscape plans and other reasonable controls; and
8. Foster public education on the local urban forestry program and encourage good tree management consistent with this chapter.

(Code 1988 § 20.52.010; Ord. No. 923 § 9, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.020. Applicability of the tree management code.

A. No person or their representative, directly or indirectly, shall remove or destroy trees located on private property or public property within the jurisdictional boundaries of the city except as provided for in accordance with this chapter.

B. Additional tree management requirements are set forth in the Medina shoreline master program as provided in MMC 16.66.050.

(Code 1988 § 20.52.020; Ord. No. 923 § 10, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.030. Exemptions.

The following are exempt from the requirements in this chapter:

- A. Trees less than six inches diameter breast height unless the tree is used to satisfy a requirement of this chapter;
- B. Normal and routine trimming and pruning operations and maintenance of trees and vegetation on private property following the most current ANSI standards;

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C. Emergency tree removal or hazard pruning for any tree that poses an imminent threat to life or property provided:

1. The city is notified within seven days after the emergency tree removal or hazard pruning takes place and evidence is provided of the imminent threat supporting the emergency tree removal; and
2. If evidence of the imminent threat is not provided, or the director determines the evidence does not warrant an emergency tree removal, the director may require the responsible person to obtain a permit as prescribed by this chapter and require compliance with the requirements of this chapter;

D. Trimming and pruning operations and maintenance of trees and vegetation following the most current ANSI standards or removal of

trees performed by the city or a contractor contracted by the city within a public right-of-way or city-owned parkland;

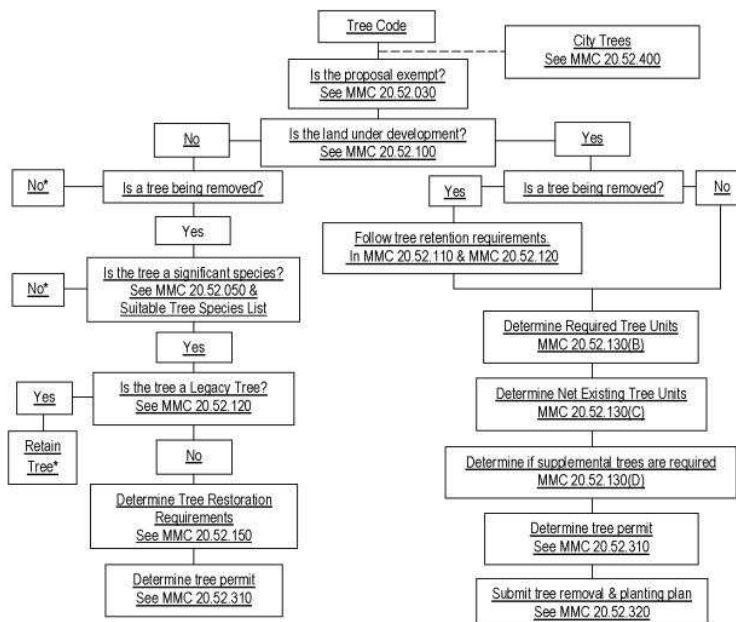
E. Removal of trees and vegetation management by the city or an agency under contract with the city for purposes of installing and maintaining fire hydrants, water meters, pumping stations, or similar utilities; or

F. The removal of a dead tree where the director pre-determines that the tree died from naturally occurring causes.

(Code 1988 § 20.52.030; Ord. No. 923 § 12, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.040. Using this chapter.

This chapter prescribes the requirements for tree retention and planting on lands undergoing development, and the requirements for removal of significant trees on private and public lands. Diagram 16.52.040 offers a user's guide that outlines the general process for applying the provisions of this chapter.

Diagram 16.52.040

*Denotes no further action required.

(Code 1988 § 20.52.040; Ord. No. 923 § 13, 2015; Ord. No. 909 § 2 (Att. A), 2014)

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A. A list of suitable tree species consisting of coniferous and deciduous trees is set forth in the document entitled "City of Medina List of Suitable Tree Species," adopted by Ordinance No. 923 and on file with the city for the purpose of establishing significant tree species on private property, public property, and city rights-of-way; and tree species that are eligible for credits in this chapter.

B. The director shall maintain the "City of Medina List of Suitable Tree Species" document at Medina City Hall and may administratively modify the list consistent with the following criteria:

1. The designation of coniferous trees should include all species excluding tree species known to have invasive root structures and to be fast growing such as Leyland cypress and should also exclude trees planted, clipped or sheared to be used as a hedge;
2. The designation of deciduous trees should include those suitable to United States Department of Agriculture Plant Hardiness Zones 8 and 9, excluding those trees with crown diameter of ten feet or less at maturity;
3. Plantings of the following tree species within the city's rights-of-way shall be prohibited: London plane, quaking aspen, Lombardy poplar, bolleana poplar, cottonwood, and bigleaf maple.

C. The director shall submit proposals to modify the "City of Medina List of Suitable Tree Species" to the city council for their consideration. The city council may approve, modify or deny the proposed modifications. The city council may also decline to take action on the proposed modifications, in which case the modifications shall be incorporated into the list and take effect five days after the date the city council declines to take action.

D. The "City of Medina List of Suitable Tree Species" is used in conjunction with the definition of significant tree set forth in MMC 16.12.200 to denote the term significant tree as used in this chapter. (Code 1988 § 20.52.050; Ord. No. 923 § 14, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.060. Designation of land under development.

Land is designated as under development for purposes of this chapter if one or more of the following conditions is present:

- A. Any development activity requiring a building permit where:
 1. Construction of a dwelling having a gross floor area of 2,500 square feet or more;
 2. Construction of accessory buildings on property containing a residential use, or supporting a residential use, where the total gross floor area of all accessory buildings on the lot is 1,000 square feet or more;
 3. Any building constructed to be occupied principally by a nonresidential use where the gross floor area of the building is 1,000 square feet or more;
 4. Any series of exterior alterations, modifications or additions that over a four-consecutive-year period increases the total building footprint on a lot by more than 500 square feet or 15 percent, whichever is larger;
 5. Construction of any structures, including but not limited to driveways, decks, patios, and walkways, that over a four-consecutive-year period increases the impervious surface on the lot by a total of 2,000 square feet or more;
 6. Grading that over a four-consecutive-year period totals 2,000 cubic yards or more.
- B. Any development activity requiring a building permit, a right-of-way permit, and/or a land use or shoreline permit where:
 1. One or more significant trees are removed, with at least one tree having a ten-inch diameter breast height or larger size; or
 2. Four or more significant trees are removed, provided each has less than a ten-inch diameter breast height size; and

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3. The criteria in subsections (B)(1) and (2) of this section shall include the following trees:
 - a. Significant trees removed within two years prior to the submittal of an application for such permits; or
 - b. Significant trees removed within two years after such permits are finalized by the city and the project completed.
 - C. Clearing or grubbing of land that:
 1. Is located outside of city rights-of-way;
 2. Requires no permits, except for a tree permit; and
 3. Removes four or more significant trees, with at least four trees having a ten-inch diameter breast height or larger size, over a four-consecutive-year period.
 - D. The counting of removed trees under subsections (B) and (C) of this section shall not include those trees designated as a hazard or nuisance tree pursuant to MMC 16.52.120 and 16.52.130, respectively.
- (Code 1988 § 20.52.100; Ord. No. 925 § 1, 2015; Ord. No. 923 § 16, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.070. Tree retention requirements.

A. Where land is designated as under development pursuant to MMC 16.52.060, trees within the boundaries of the lot (retention of trees in the city right-of-way are governed by MMC 16.52.190) shall be retained in accordance with any one of the following:

1. Preserve at least 50 percent of the existing trees that are:
 - a. Six inches diameter breast height and larger; and
 - b. Of a native species eligible for credit on private property as set forth in the "City of Medina List of Suitable Tree Species"; or
2. Preserve at least 40 percent of the existing trees that are:
 - a. Six inches diameter breast height and larger with at least half of those required

- to be retained each having ten inches diameter breast height or larger size; and
 - b. Of a native species eligible for credit on private property as set forth in the "City of Medina List of Suitable Tree Species"; or
3. Preserve at least 35 percent of the existing trees that are:
 - a. Six inches diameter breast height and larger with at least half of those required to be retained meeting the following:
 - i. All shall have a diameter breast height size of ten inches or larger; and
 - ii. Forty percent shall have a diameter breast height size of 24 inches or larger; and
 - b. Of a native species eligible for credit on private property as set forth in the "City of Medina List of Suitable Tree Species"; or
 4. Preserve at least 25 percent of the existing trees that are:
 - a. Six inches diameter breast height and larger with at least 75 percent of those required to be retained each having 24 inches diameter breast height or larger size; and
 - b. Of a native species eligible for credit on private property as set forth in the "City of Medina List of Suitable Tree Species."

B. All fractions in subsection (A) of this section shall be rounded up to the next whole number.

C. The requirement for tree retention under subsection (A) of this section shall not exceed the trees necessary to meet the required tree units set forth in MMC 16.52.090.

D. Multiple applications of the tree retention requirements in this section over a ten-year period shall not cause the number and size of trees required to be retained to be reduced below the number and size of trees required to be retained with the first application.

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E. When calculating retention requirements, trees excluded from retention requirements shall not be included in the calculation.

F. All of the following shall be excluded from the requirements of this section:

1. Hazard trees designated pursuant to MMC 16.52.120;
2. Nuisance trees designated pursuant to MMC 16.52.130 and where, if applicable, re-development does not remedy the conditions causing the nuisance;
3. Those significant trees having less than a 36-inch diameter breast height size and located within the footprint of the principal building on the lot.

(Code 1988 § 20.52.110; Ord. No. 923 § 17, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.080. Legacy tree protection measures.

This section applies to trees designated as legacy trees, which are native trees that because of their age, size and condition are recognized as having exceptional value in contributing to the character of the community.

- A. A tree meeting all of the following criteria shall be designated as a legacy tree:
1. The tree species is denoted as a legacy tree on the "City of Medina List of Suitable Tree Species"; and
 2. The diameter breast height of the tree is 50 inches or larger; and
 3. The city arborist determines the tree to be healthy with a likelihood of surviving more than ten years based on assumptions that:
 - a. The tree is properly cared for; and
 - b. The risk of the tree declining or becoming a nuisance is unenhanced by any proposed development; and
 4. The tree is not:
 - a. A hazard tree pursuant to MMC 16.52.120; or
 - b. A nuisance tree pursuant to MMC 16.52.130; excluding those trees

where, if applicable and feasible, redevelopment can remedy the conditions causing the nuisance; or

- c. Located within the footprint of the principal building on the lot, excluding those trees where alternative design of the building is feasible in retaining the tree.

B. Legacy trees shall be preserved and retained unless replacement trees are planted in accordance with the following:

1. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject legacy tree by 50 percent to establish the number of replacement inches; and
2. Where more than one legacy tree is removed, the replacement inches for each legacy tree being removed shall be added together to produce a total number of tree replacement inches; and
3. The total number of replacement trees is determined by the total caliper inches of the replacement trees equaling or exceeding the required tree replacement inches established in subsections (B)(1) and (2) of this section.

C. In lieu of planting the replacement trees prescribed in subsection (B) of this section, an applicant may satisfy the tree replacement requirements by:

1. Planting at least three replacement trees; and
2. Contributing to the Medina tree fund at a rate of \$400.00 per each replacement inch not accounted for in the planting of replacement trees; and
3. The sum of the tree replacement inches accounted for by contributing to the Medina tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection (B) of this section.

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D. Other provisions.

1. Each replacement tree shall meet the standards prescribed in MMC 16.52.090(D)(4)(a) through (d) and (g);
2. The tree replacement requirements set forth in subsections (B) and (C) of this section shall apply to the removal of a legacy tree in lieu of and in addition to requirements for removing nonlegacy trees;
3. The tree replacement requirements set forth in this section for a legacy tree shall not be used to satisfy requirements for removing nonlegacy trees or a pre-existing tree unit gap;
4. If the minimum performance standards in MMC 16.52.090 are used, and if supplemental tree units are required, the

tree replacement requirements set forth in subsections (B) and (C) of this section shall together count as one supplemental tree unit;

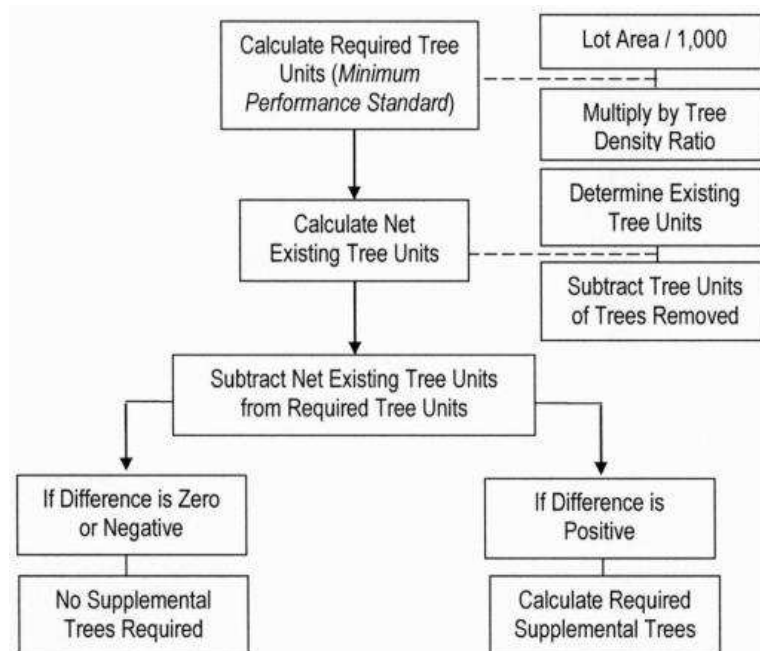
5. Off-site tree planting as described in MMC 16.52.100(A), (B), (C), and (E) are acceptable alternatives to on-site replacement tree planting.

(Code 1988 § 20.52.120; Ord. No. 923 § 18, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.090. Minimum performance standards for land under development.

A. The requirements and procedures set forth in this section shall apply to lands that are designated as under development pursuant to MMC 16.52.060. Figure 16.52.090 outlines the primary steps prescribed by this section in establishing requirements and determining compliance with this chapter.

Figure 16.52.090 Tree Performance Process



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B. Lots with land under development shall contain a sufficient number of significant trees to meet the minimum required tree units established by the following procedures:

1. The lot area is divided by 1,000 square feet; and
2. The quotient is multiplied by the corresponding tree density ratio applicable to the lot as set forth in Table 16.52.090(B); and
3. The resulting product is rounded up to the next whole number to establish the minimum number of required tree units.

Table 16.52.090(B): Tree Density Ratio

Zoning District	Category of Land Use	Tree Density Ratio
R-16, R-20, R-30 & SR-30	Residential	0.35
	Golf course	0.15
	Nonresidential other than specifically listed	0.25
Public	Schools	0.15
	Parks	0.42
	Residential	0.35
	Nonresidential other than specifically listed	0.25
N-A	All	0.25
State highway	All	0.12

C. To determine compliance with the required tree units applicable to the lot, apply the following procedures:

1. Inventory all existing significant trees on the subject lot; and
2. Assign a tree unit to each significant tree using the corresponding tree unit set forth in Table 16.52.090(C); and
3. Add the tree units together to compute the total existing tree units and subtract the tree units of those significant trees removed to determine the net existing tree units (do not round fractions); and
4. Subtract the net existing tree units from the required tree units determined in this subsection (C) to establish:
 - a. If the net existing tree units equal or exceed the required tree units then no supplemental trees are required; or

- b. If the net existing tree units are less than the required tree units then supplemental trees are required pursuant to subsection (D) of this section.

Table 16.52.090(C): Existing Tree Unit

Tree Type	Diameter Breast Height of Existing Tree	Tree Unit
Deciduous	6 to 10 inches	0.75
	Greater than 10 inches	1.0
Coniferous	6 to 10 inches	0.75
	Greater than 10 inches, but less than 50 inches	1.0
	50 inches and greater	1.25

D. If supplemental trees are required, the quantity of trees is determined by applying the following procedures:

1. Determine if a pre-existing tree unit gap exists by subtracting the total existing tree units from the required tree units:
 - a. If the difference is less than zero round to zero;
 - b. A difference of zero means no pre-existing tree unit gap is present;
 - c. If the difference is greater than zero, the difference is the pre-existing tree unit gap;
2. To calculate the quantity of supplemental trees required, apply the provisions in subsection (D)(3) of this section first to those supplemental trees replacing an existing significant tree starting in order with the largest tree to the smallest tree, and then, if applicable, apply subsection (D)(3) of this section to those filling a pre-existing tree unit gap;
3. The quantity of supplemental trees is determined by:
 - a. Assigning a tree unit to each supplemental tree using Table 16.52.090(D);
 - b. Two supplemental trees shall be required for replacing each existing significant tree having a diameter breast height of 24 inches and larger subject to the limitation in subsection (D)(3)(d) of this section.

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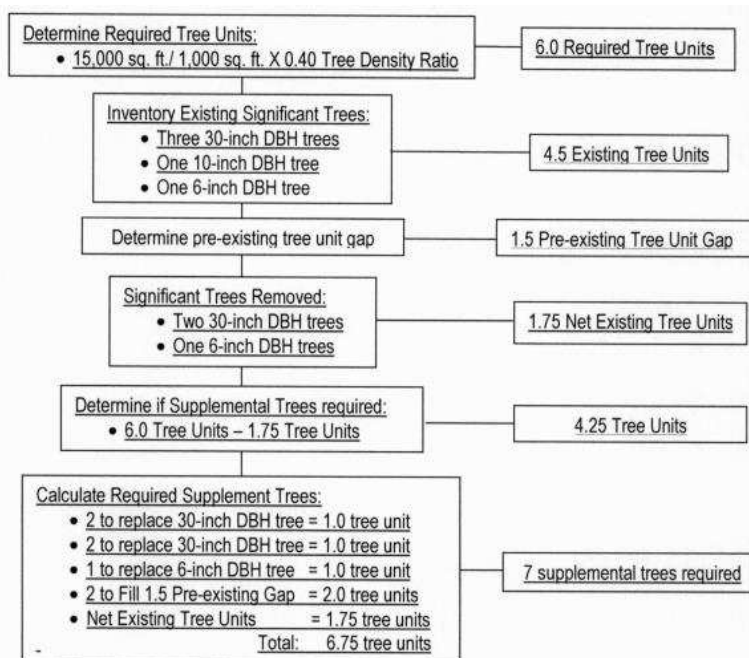
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- tion, and consistent with subsection (D)(2) of this section these shall be counted first;
- c. The quantity of supplemental trees shall be of a sufficient number that their total assigned tree units added to the net existing tree units shall equal or exceed the minimum required tree units established in subsection (B) of this section; and
- d. Supplemental trees in excess of those needed to meet the minimum required tree units shall not be required.

- e. See Diagram 16.52.090 for an example of calculating supplemental trees.

Table 16.52.090(D): Supplemental Tree Unit

Purpose of Supplemental Tree	Diameter Breast Height of Removed Tree	Tree Unit for Supplemental Trees
Replace an existing significant tree	6 inches to less than 24 inches	1.0
	24 inches and larger	0.5
Fill a pre-existing tree unit gap	Not applicable	1.0

Diagram 16.52.090 Example Calculating Supplemental Trees

4. Minimum development standards applicable to all supplemental trees.
- a. To be eligible as a supplemental tree, the tree species must be selected from the appropriate list set forth in the "City of Medina List of Suitable Tree Species" established in MMC 16.52.050;
- b. Trees shall be planted on the subject lot;
- c. Each supplemental tree shall have a minimum caliper of two inches or, if the tree is coniferous, it shall have a minimum height of six feet at the time of final inspection by the city;
- d. Trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;

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- e. Existing trees within the boundaries of the lot having less than six inches diameter breast height may count as supplemental trees provided the tree meets all other requirements applicable to a supplemental tree;
- f. Supplemental trees replacing existing significant trees shall have at least one tree be of the same plant division (coniferous or deciduous) as the significant tree it is replacing; and
- g. The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the city.

E. All trees used to satisfy the supplemental tree requirements of this chapter shall be included as a significant tree for purposes of this chapter.

F. In lieu of the supplemental tree requirements prescribed by this section, an owner may satisfy the requirements for supplemental trees by meeting the requirements for off-site tree planting set forth in MMC 16.52.100.

(Code 1988 § 20.52.130; Ord. No. 923 § 19, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.100. Off-site tree planting.

A. Where this chapter authorizes off-site tree plantings, an owner may use the provisions of this section to satisfy requirements for planting trees on site.

B. Except where contribution to the Medina tree fund is used in lieu of planting required trees, application of this section shall not result in planting trees below the minimum requirements for on-site plantings.

C. An owner may plant required trees at on off-site location provided all of the following are satisfied:

- 1. The off-site location is within the boundaries of the city including:
 - a. Private property with the written consent of the owner of the off-site location;
 - b. City property with the written approval of the director;

- c. Other public property with the written consent of the entity with jurisdiction over the off-site location;
- 2. Existing trees at the off-site location shall not be included as satisfying tree planting requirements;
- 3. Trees planted off site in lieu of on-site requirements shall not be counted as an existing tree on the property where the off-site tree is located;
- 4. Trees planted off site in lieu of on-site requirements shall meet development standards including:
 - a. Having a minimum caliper of two inches or, if the tree is coniferous, having a minimum height of six feet at the time of final inspection by the city;
 - b. If applicable, having at least one tree of the same plant division (coniferous or deciduous) as the significant tree it is replacing;
 - c. The owner of the off-site property shall take necessary measures to make certain that the trees planted to satisfy the requirements of this chapter remain healthy and viable for at least five years after inspection by the city, and the owner shall be responsible for replacing any subject trees that do not remain healthy and viable for the five years after inspection by the city.

D. In lieu of planting trees, an owner may contribute to the Medina tree fund provided the following are satisfied:

- 1. When the contribution is for replacing an existing significant tree, payment is at a rate of:
 - a. Two hundred dollars per each diameter breast height inch of the significant tree where the tree removed has less than a 20-inch diameter breast height size;
 - b. Two hundred fifty dollars per each diameter breast height inch of the significant tree where the tree removed has at least a 20-inch diameter breast height, but less than 36-inch diameter breast height size;

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- c. Four hundred dollars per each diameter breast height inch of the significant tree where the tree removed has at least a 36-inch diameter breast height or larger size;
- 2. When the contribution is for required tree plantings used to satisfy the pre-existing tree unit gap determined in MMC 16.52.090(D)(1), payment shall be at a rate of \$1,700.00 per required tree not planted.
- E. An owner may select to apply a combination of planting trees on site, off site and/or contributing to the Medina tree fund provided:
 - 1. The combination is consistent with the provisions of this chapter; and
 - 2. The combination results shall be equivalent to or greater than the minimum requirements for on-site plantings.
- F. Consistent with the authority granted in MMC 16.10.040, the director may establish additional administrative rules as necessary relating to the care and maintenance of off-site trees.
(Code 1988 § 20.52.140; Ord. No. 923 § 20, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.110. Minimum restoration standards for land not under development.

- A. The requirements set forth in this section apply to tree removals on lots not meeting the criteria for land under development set forth in MMC 16.52.060.
- B. Removal of significant trees on a lot, including hazard and nuisance trees, is authorized only if the restoration requirements in Table 16.52.110 are satisfied, or if the property meets the requirements prescribed in subsection (K) of this section.

Table 16.52.110: Tree Restoration Standards

	Diameter Breast Height of Removed Tree	Restoration Requirements
Each significant tree	6 to 10 inches	Plant one tree
	Greater than 10 inches, but less than 24 inches	Plant two trees
	24 inches and larger	Plant three trees
	Legacy trees	See MMC 16.52.080
	Hazard trees—10 inches and larger	Plant one tree

C. To be eligible as a restoration tree, the tree species must be selected from the appropriate list in the "City of Medina List of Suitable Tree Species" established in MMC 16.52.050.

D. Restoration trees shall be planted within the boundaries of the lot, except as authorized pursuant to subsection (J) of this section.

E. Restoration trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity.

F. Each restoration tree shall have a minimum caliper of two inches or, if the tree is coniferous, it shall have a minimum height of six feet at the time of final inspection by the city.

G. Existing trees on site having less than six inches diameter breast height may be included as restoration trees provided:

- 1. The subject tree is located within the boundaries of the lot; and
- 2. The subject tree meets all of the other requirements applicable to restoration trees.

H. The owner of the subject lot shall take necessary measures to make certain that restoration trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any restoration trees that do not remain healthy and viable for the five years after inspection by the city.

I. All trees used to satisfy the restoration requirements of this chapter shall be included as a significant tree for purposes of this chapter.

J. In lieu of the tree restoration requirements prescribed by this section, an owner may satisfy the requirements for restoration trees by meeting the requirements for off-site tree planting set forth in MMC 16.52.100.

K. The restoration requirements in Table 16.52.110 for removing significant trees shall be waived if the following criteria are satisfied:

- 1. The subject lot contains a sufficient number of significant trees to meet the performance standard for required trees established in MMC 16.52.090; and
- 2. The owner demonstrates that removal of the significant tree, including hazard and nuisance

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trees, will not result in a failure to meet the performance standards for required trees established in MMC 16.52.090.
(Code 1988 § 20.52.150; Ord. No. 923 § 20, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.120. Hazard tree risk assessment.

A. Hazard trees are trees assessed by the city arborist as having a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form.

B. Steps in the TRAQ method in developing a tree risk rating include the following:

1. Identify possible targets and estimate occupancy rate;
2. Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);
3. For each significant failure mode identified:
 - a. The likelihood of failure is assessed;
 - b. The likelihood of a tree part impacting a target is assessed;
 - c. The likelihood of a tree failure impacting a target is assessed;
 - d. Consequences of failure are estimated;
 - e. The risk is designated pursuant to the matrix in Table 16.52.120(C);
 - f. Possible mitigation treatments to reduce the risk are identified;
 - g. The risk is again designated pursuant to the matrix in Table 16.52.120(C) after mitigation treatment is completed.
4. When assessing the risk of a tree, the city arborist shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

C. The following table is from the International Society of Arborists TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table 16.52.120(C): Tree Risk Rating Matrix

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very likely	Low risk	Moderate risk	High risk	Extreme risk
Likely	Low risk	Moderate risk	High risk	High risk
Somewhat likely	Low risk	Low risk	Moderate risk	Moderate risk
Unlikely	Low risk	Low risk	Low risk	Low risk

1. The consequences listed in Table 16.52.120(C) have meanings as follows:
 - a. *Extreme risk.* This category applies to trees in which failure is "imminent" and there is a high likelihood of impacting a target, and the consequences of the failure are "severe."
 - b. *High risk.* This category applies to situations in which consequences are significant and likelihood is "very likely" or "likely," or when consequences are "severe" and likelihood is "likely."
 - c. *Moderate risk.* This category applies to trees in which consequences are "minor" and likelihood is "very likely" or "likely" or when likelihood is "somewhat likely" and the consequences are "significant" or "severe."
 - d. *Low risk.* This category applies to trees in which consequences are "negligible" and likelihood is "unlikely"; or when consequences are "minor" and likelihood is "somewhat likely."

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2. Definitions of TRAQ method terminology that are not set forth in this chapter or Chapter 16.12 MMC can be found in the article "Qualitative Tree Risk Assessment" by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at Medina City Hall.
3. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.

D. Where a tree is found to have a high or extreme risk, the city arborist may authorize hazard pruning to mitigate the risk rather than removing the entire tree.

E. If the city arborist assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a hazard tree. (Code 1988 § 20.52.200; Ord. No. 923 § 22, 2015)

16.52.130. Nuisance tree.

A. A nuisance tree, for purposes of this chapter, is a tree whose branches, stem and/or roots cause one or more of the following conditions to exist:

1. Substantial physical damage to public or private structures;
2. A qualified professional provides verification based on conditions on the property that substantial physical damage will occur within five years to a building containing a principal use;
3. Substantially impairs, interferes or restricts streets, sidewalks, sewers, power lines, utilities or other public improvements;
4. Substantially impairs, interferes, or obstructs any street, private lane, or driveway; or
5. The tree is diseased and restoration of the tree to a sound condition is not practical.

B. Designation of a nuisance tree is by the director following receipt of a written request and findings are made supporting a nuisance designation using the following criteria:

1. One or more of the conditions in subsection (A) of this section is present;

2. The nuisance associated with the subject tree cannot be corrected by reasonable measures including, but not limited to, pruning, cabling, bracing, or if feasible, relocating structures and other improvements; and
3. Other relevant information provided by the applicant and the city's inspection of the subject tree.

(Code 1988 § 20.52.210; Ord. No. 923 § 23, 2015)

16.52.140. City arborist established.

The director shall appoint a person to the position of city arborist who shall be assigned responsibility for evaluating the hazardousness of trees and other duties consistent with the requirements of this chapter. (Code 1988 § 20.52.220; Ord. No. 923 § 24, 2015)

16.52.150. Notice of tree removal involving no construction.

A. Property owners removing a significant tree requiring a permit under MMC 16.52.160, but not undergoing new construction or land alteration activity, shall notify the city at least ten calendar days prior to the date the tree will be removed. The director may reduce this time with receipt of a written request from the applicant and upon finding that the lesser time will provide the city reasonable notification.

B. All property owners removing a nonsignificant tree that does not require a permit are encouraged, but not required, to notify the city of the tree removal at least 48 hours prior to the tree being removed. (Code 1988 § 20.52.300; Ord. No. 923 § 25, 2015)

16.52.160. Tree activity permits.

A. This section sets forth the criteria for applying permits that implement this chapter. All uses and activities not requiring a permit must still comply with this chapter.

B. An administrative tree activity permit meeting the requirements set forth in MMC 16.70.050 is required for the following activities unless a permit is required elsewhere under this section:

1. Land designated under development as determined in MMC 16.52.060;
2. Removal at any time of a significant tree, including hazard and nuisance trees, located on

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private property or Washington State controlled land associated with the SR 520 highway;

3. Removal of any nonsignificant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway that is located within 200 feet of Lake Washington pursuant to MMC 16.60.050;
4. Removal or pruning of any tree that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Designated a hazard tree pursuant to MMC 16.52.120, or involving hazard pruning authorized by the director.

C. An administrative right-of-way tree activity permit meeting the requirements set forth in MMC 16.71.050 is required for the following activities:

1. Removal of any tree, excluding hazard trees, that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
 - d. The removal does not require a nonadministrative right-of-way activity permit under subsection (D) of this section.
2. Pruning of any tree, excluding hazard pruning, that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by an owner of property adjoining the right-

of-way where the tree is located measured to the centerline of the right-of-way; and

- d. Excluding pruning activity that:
 - i. Follows ANSI standards in their most recent form;
 - ii. Does not endanger the life of the tree in the opinion of the director;
 - iii. Does not remove more than 25 percent of the natural canopy of the tree;
 - iv. Does not remove a limb having a diameter greater than three inches; and
 - v. Application for the pruning is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

D. A nonadministrative right-of-way tree activity permit meeting the requirements set forth in MMC 16.72.090 is required for the following activities:

1. Removal of any tree, excluding hazard trees, which is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property who is not adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.
2. Pruning or removal of any tree, excluding hazard trees and hazard pruning, for any purpose, which is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by a public or private utility or their agent.

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3. Removal at any time of a significant tree, excluding hazard trees, which is:
 - a. Fifty inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

E. A nonadministrative tree activity permit meeting the requirements set forth in MMC 16.72.100 is required for the following:

1. Removal at any time of a significant tree, excluding hazard trees, which is:
 - a. Fifty inches or larger diameter breast height size;
 - b. Located on private property; and
 - c. Located outside of the footprint of a building containing the principal use of the property.
2. The director may modify the procedures for deciding a nonadministrative tree activity permit and approve the application using a Type 2 decision process provided:
 - a. The subject tree is designated a nuisance tree pursuant to MMC 16.52.130; and
 - b. During the public comment period, the city does not receive any written objection to a Type 2 decision decided by the director being used; and
 - c. The approval criteria in MMC 16.72.100 are satisfied.

(Code 1988 § 20.52.310; Ord. No. 923 § 26, 2015)

16.52.170. Tree removal and planting plan.

A. Permits for lands under development and permits for removing city trees in city rights-of-way shall include a tree removal and planting plan containing the following information:

1. A survey plan prepared by a Washington State licensed surveyor that includes the following:
 - a. The location, genus, species, common name, and size of all significant trees

located within the boundaries of the property and within any adjoining city rights-of-way;

- b. Topography of the site at two-foot contour intervals;
- c. Critical areas as defined in Chapters 16.50 and 16.67 MMC; and
- d. If existing trees that are less than six inches diameter breast height are to be counted as supplemental trees, the location, genus, common name, and size of such tree.

2. A site plan drawing showing the following:

- a. Proposed improvements, alterations or adjustments to the subject property including, but not limited to, buildings, driveways, walkways, patios, decks, utilities, and proposed contours;
- b. Existing structures, whether proposed to remain or proposed for removal; and
- c. The shoreline jurisdiction as defined in RCW 90.58.030, if applicable to the property.

3. A conceptual or definitive tree-planting plan that includes:

- a. Identification of all trees having a six inches or larger diameter breast height size to be retained and those to be removed;
- b. Analysis of required tree units, existing tree units, and net tree units;
- c. If applicable, a list of supplemental trees to be planted consistent with the requirements of this chapter;
- d. If right-of-way trees are proposed for removal, an analysis of the tree mitigation and a list of replacement trees to be planted;
- e. The list of required tree plantings shall include the size, genus, species and common names; and
- f. A proposed general planting plan that includes the required tree plantings and other vegetation being planted, as appropriate, for determining compliance with

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other provisions of the Medina Municipal Code (i.e., grading and drainage and shoreline master program regulations).

B. The director may authorize modifications to the tree removal and planting plan on a case-by-case basis that reduce submittal requirements if the director concludes such information to be unnecessary.

C. The director may require additional information to be included with the tree removal and replacement plan, such as tree protection measures, where the director concludes the information is necessary to determine compliance with this chapter.

D. The applicant may combine the survey, site plan drawing, and/or tree replacement plan into a single document, or may combine the required information with other documents, provided the city determines the submitted information is reasonably easy to understand. All plans shall be drawn to a scale acceptable by the director.

E. Permits not involving land under development do not require a tree removal and planting plan. However, this shall not preclude the director from requiring such information as necessary to determine compliance with this chapter.
(Code 1988 § 20.52.320; Ord. No. 923 § 27, 2015)

16.52.180. Tree protection measures during construction.

A. Tree protection measures shall be implemented and maintained before and during all construction activities to ensure the preservation of significant trees that are planned to be retained. Tree protection measures shall be shown on grading and drainage plans, tree protection plans, and construction mitigation plans.

B. Tree protection measures shall include, but are not limited to, the following:

1. Establish tree protection zones and install protective fencing at the drip line or other barriers that are at least four feet in height, except where tree protection zones are remote from areas of land disturbance, and where approved by the director, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that the critical root zones of protected trees or stands of trees are clearly delineated and protected;

2. Limit grading levels around subject trees to not raise or lower grades within the larger of the following areas:
 - a. The drip line area of the tree; or
 - b. An area around the tree equal to one foot in diameter for each inch of tree diameter measured at DBH;
3. Installation of a tree well, but only where necessary and only with pre-approval of the city;
4. Designation of areas on site for parking, material and equipment storage, construction ingress and egress, and similar designated areas that do not negatively impact significant trees;
5. Locate trenches for utilities that minimize negative effects on the tree root structure with provisions for filling the trenches with a suitable growing medium in the vicinity of the trees;
6. Employ measures to protect critical root systems from smothering and compaction;
7. Implement a tree care program during construction to include watering, fertilizing, pruning and pest control; and
8. Measures for the disposal of potentially harmful items such as excess concrete, polluted water runoff, and other toxic materials.

C. The director may approve deviations to the tree protection measures set forth in subsection (B) of this section if the director determines that the deviation will provide equal or better tree protection than the required tree protection measure.
(Code 1988 § 20.52.330; Ord. No. 923 § 28, 2015)

16.52.190. City tree removals.

A. This section sets forth the requirements applicable to all trees located on city-owned property and city rights-of-way.

B. General Provisions.

1. This section is intended to be of general application for the benefit of the public at large; it is not intended for the particular benefit of any individual person or group of persons other than the general public;

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2. In addition to the limits set forth in MMC 16.52.020, no city tree shall be broken, injured, mutilated, killed, destroyed, pruned or removed unless authorized by the provisions of this section; and
3. The exemptions in MMC 16.52.030 apply to this section.

C. Pruning and trimming of city trees is permitted provided ANSI standards in their most recent form are followed and the trimming and pruning comply with the requirements for tree activity permits set forth in MMC 16.52.160.

D. Removal of a city tree located within an open or closed city right-of-way may be allowed for the following:

1. Hazard trees designated pursuant to MMC 16.52.120;
2. Nuisance trees designated pursuant to MMC 16.52.130;
3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the "City of Medina List of Suitable Tree Species";
4. Any tree having less than a ten-inch diameter breast height size; and any trees not included on the "City of Medina Suitable Tree Species List" for the right-of-way having less than a 36-inch diameter breast height size;

5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;
6. Trees where removal is necessary to allow vehicle access to a property;
7. Trees where removal is necessary to restore a view significantly obstructed by the tree provided all of the following criteria are satisfied:
 - a. The owner of the adjoining property to the subject tree and the city both accept allowance to have the tree removed;
 - b. The person claiming the view obstruction establishes the tree causes an unreasonable view obstruction using the provisions established in MMC 14.08.040 through 14.08.080; and
 - c. The approval of a nonadministrative right-of-way activity permit is obtained pursuant to MMC 16.72.090.

E. Where subsection (D) of this section allows removal of a city tree, the following shall apply:

1. Removal of city trees, including hazard and nuisance trees, is permitted only if replacement trees are planted in accordance with the requirements in Table 16.52.190(E)(1), except as allowed otherwise by this section;

Table 16.52.190(E)(1): Replacement City Trees

	Diameter Breast Height of Removed Tree	Significant/Nonsignificant Tree Species	Tree Replacement
Each tree (include nuisance trees)	Less than 6 inches	All	None
	6 to 10 inches	All	Plant one tree
	Greater than 10 inches, but less than 24 inches	Nonsignificant	Plant one tree
		Significant	Plant two trees
	24 inches and larger	Nonsignificant	Plant two trees
		Significant	Plant three trees
Each hazard tree	6 to 10 inches	All	None
	Greater than 10 inches	All	Plant one tree

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2. Replacement trees shall meet the following standards:
 - a. To be eligible as a replacement tree, the tree species must be selected from the appropriate list in the "City of Medina List of Suitable Tree Species" established in MMC 16.52.050;
 - b. Replacement trees shall be planted within the city right-of-way adjoining the subject lot;
 - c. Each replacement tree shall have a minimum caliper of two inches or, if the tree is coniferous, it shall have a minimum height of six feet at the time of final inspection by the city;
 - d. Replacement trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;
 - e. At least one replacement city tree shall be of the same plant division (coniferous or deciduous) as the city tree removed;
 - f. Approval to remove a city tree shall include conditions to make certain that replacement trees remain healthy and viable for at least five years after inspection by the city, including measures to replace those replacement trees that do not remain healthy and viable;
 3. In addition to the requirement for replacement trees in subsections (E)(1) and (2) of this section, the public benefits lost due to the removal of the city tree shall be mitigated by paying a contribution to the Medina tree fund in accordance with the following:
 - a. The contribution shall be determined by multiplying the diameter breast height inches of the tree removed (significant and nonsignificant tree species) by a rate of \$25.00;
 - b. Where more than one city tree is removed, the contribution for each removed tree shall be added together to produce the total payment to the Medina tree fund;
 - c. The contribution rate for a city tree designated a hazard pursuant to MMC 16.52.120 is zero;
 - d. If removal of the city tree was not authorized by the city at the time of its removal, the contribution rates shall triple and be in addition to any other penalties that might apply;
 - e. Unless a city tree qualifies for the emergency exemption pursuant to MMC 16.52.030(B), city trees removed before a hazard or nuisance determination is made by the city shall be presumed not to be a hazard or a nuisance.
- F. The following planting requirements apply within the city right-of-way when a city tree is removed:
1. The maximum number of trees in the city right-of-way shall be one tree for each 17 feet of linear public street frontage, or one tree for each 300 square feet of plantable area within the city right-of-way, whichever is greater, adjoining the subject lot;
 2. The director may increase the maximum number of city trees prescribed in subsection (F)(1) of this section, provided there is sufficient space in the city right-of-way adjoining the lot to accommodate the increase in city trees;
 3. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to exceed the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant shall contribute \$290.00 to the Medina tree fund for each replacement tree above the maximum in lieu of planting replacement trees above the maximum;
 4. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to be below the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant may plant additional trees in the right-of-way, subject to the limits in subsection (F)(1) or (2) of this section, and reduce contributions to the Medina tree fund by:
 - a. Six hundred dollars for each coniferous tree planted;
 - b. Five hundred dollars for each deciduous tree planted; and

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5. New trees shall not be planted within three feet of the edge of any paved roadway.

G. The requirements of this section may be used to satisfy the requirements set forth in MMC 16.52.200.

H. Where a proposal includes application of this section and application of MMC 16.52.090 and/or 16.52.1100, the requirements for supplemental trees and restoration trees shall be applied independent of the requirements in this section for replacement trees. (Code 1988 § 20.52.400; Ord. No. 958 § 3, 2018; Ord. No. 923 § 29, 2015)

16.52.200. Minimum street tree standards.

A. This section shall apply to properties adjoining the following city rights-of-way:

1. Minor arterial and collector street rights-of-way as defined in Chapter 10.08 MMC;
2. NE 8th Street;
3. 82nd Avenue NE between NE 8th Street and NE 12th Street;
4. 84th Avenue NE south of NE 12th Street; and
5. Evergreen Point Road north of 78th Place NE.

B. The following street tree standards shall apply when the lot adjoining the right-of-way is under development pursuant to MMC 16.52.060:

1. There shall be at least one city tree planted for each 300 square feet of plantable area within the city right-of-way adjoining the lot with a minimum of two trees planted; and
2. The new city trees planted shall have a minimum two-inch caliper with coniferous trees also having a minimum height of six feet at the time of final inspection; and
3. The requirements of this subsection may be satisfied with existing trees in the adjoining city right-of-way measured to the centerline; and
4. New city trees shall not be planted within three feet of the edge of any paved roadway; and
5. Trees shall be planted in an informal pattern to create a natural appearance.

C. The following exceptions shall apply:

1. Shrubs, trees and plantings within the required sight line areas at private drives, private lane outlets and street intersections shall not interfere with required sight distances;
2. The director may waive the requirements of this section if the right-of-way to be planted is planned for modification in the Medina capital improvements plan.

(Code 1988 § 20.52.410; Ord. No. 923 § 30, 2015)

16.52.210. Owner responsibility within city rights-of-way.

A. All owners of property adjoining a city right-of-way shall be responsible for maintaining all trees, shrubs, and other landscaping planted in the adjoining right-of-way by the property owner or previous owner of the property, or for which responsibility has been assumed by the owner through a recorded agreement with the city.

B. All owners of the property adjoining a city right-of-way shall ensure the trees, shrubs and landscaping in the right-of-way adjoining their property do not interfere with the free passage of vehicles and pedestrians or cause any risk of danger to the public or property.

C. No hazardous or destructive tree species shall be planted in the city rights-of-way. The city shall maintain a list of suitable trees that are acceptable to be planted in city rights-of-way consistent with MMC 16.52.050.

D. The requirements of this section shall apply equally to the city rights-of-way whether the city's title to the right-of-way was obtained by dedication, condemnation, deed or in any other manner.

E. For the purpose of this chapter, an owner shall be considered adjoining up to the centerline of the city right-of-way.

(Code 1988 § 20.52.420; Ord. No. 923 § 31, 2015)

16.52.220. Liability.

Consistent with MMC 16.10.070, nothing contained in this chapter shall be construed or form the basis for any liability on the part of the city, or its officers, agents, consultants or employees, for any injury or damage resulting from any person's failure to comply with the provisions of this chapter or by reason

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of or in consequence of any act or omission in connection with the implementation of or enforcement of this chapter.
(Code 1988 § 20.52.500; Ord. No. 923 § 32, 2015)

16.52.230. Other general provisions.

A. Implementation and costs.

1. All costs associated with trimming and removal of trees shall be the responsibility of the applicant or property owner; and
2. Any tree trimming or removal governed by this chapter shall be performed by a State of Washington licensed tree service contractor, bonded and insured for the liabilities associated with tree removal.

B. Survey. The city may require as a condition of approving a tree removal permit that the applicant obtain a survey by a State of Washington licensed surveyor to determine if the trees described in the application are located on the subject property, or if a tree is located within a city right-of-way.

C. Supplemental notice. The following shall supplement noticing requirements set forth in MMC 16.80.140(A) when applied to tree activity permits:

1. Notice shall be posted on or near the subject tree or trees in a manner that clearly identifies all trees being considered under the application;
2. The director may approve the use of a variety of reasonable methods to identify trees provided the methods clearly identify all trees being considered under the application; and
3. The director may require additional notices to be posted when, in the opinion of the director, it is determined necessary to provide reasonable notification to the public of a pending application.

D. Limitations on occupancy. A certificate of occupancy shall not be issued until all required tree plantings and landscaping associated with this chapter is complete and receives final approval from the city. Temporary occupancy may be granted pursuant to

MMC 16.40.100 before completion of the tree planting and landscaping work provided all of the following criteria are satisfied:

1. The property owner provides a financial guarantee to the city to ensure completion of the tree planting and landscaping;
2. The financial guarantee may take the form of a bond, line of credit, cash deposit, or another form acceptable to the city;
3. The minimum amount of the financial guarantee shall be 150 percent of the estimated cost of landscaping and required tree plantings not completed at the time of the inspection; and
4. Terms of the financial guarantee shall include, but are not limited to, conditions for approving the financial guarantee, a timeframe for the work to be completed, and terms under which the city shall release the financial guarantee.

E. View and sunlight obstructions caused by trees. Pursuant to MMC 14.08.040, unreasonable obstructions of views or sunlight by uncontrolled growth or maintenance of trees may constitute a private nuisance subject to redress as set forth in Chapter 14.08 MMC.
(Code 1988 § 20.52.510; Ord. No. 923 § 33, 2015)

SUBTITLE 16.6. SHORELINE MASTER PROGRAM

CHAPTER 16.60. GENERAL PROVISIONS

16.60.010. Title.

Chapters 16.60 through 16.67 MMC, in combination with Sub-Element 2.1 of the Medina comprehensive plan, shall be known as, and may be cited as, the "Medina shoreline master program."
(Code 1988 § 20.60.010; Ord. No. 906 § 3 (Att. A), 2014)

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MEDINA CODE OF ORDINANCES**16.60.020. Introduction.**

The Shoreline Management Act of 1971 (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

- A. The Act advances the following broad policies:
 - 1. Encourage water-dependent uses along the shoreline;
 - 2. Protect the resources and ecology of the shoreline; and
 - 3. Promote public access of the shoreline environment.
- B. The Act, and the city, recognizes the protection of private property rights while aiming to preserve the quality of unique shoreline resources.
- C. The primary purpose of the Act is to provide for the management and protection of shoreline resources by planning for reasonable and appropriate uses through a coordinated planning program between the state and local jurisdictions.

(Code 1988 § 20.60.020; Ord. No. 906 § 3 (Att. A), 2014)

16.60.030. Purpose.

The purpose of the shoreline master program is to:

- A. Carry out the responsibilities imposed by the Act;
- B. Promote the public health, safety and general welfare by guiding future development of shoreline resources within the city;
- C. Comply with the shoreline master program guidelines set forth in Chapter 173-26 WAC; and
- D. Maximize habitat value while considering values of recreational activities and viewshed opportunities.

(Code 1988 § 20.60.030; Ord. No. 976 § 2, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.60.040. Authority.

Chapters 16.60 through 16.67 MMC are adopted under the authority of Chapter 90.58 RCW and Chapter 173-26 WAC.

(Code 1988 § 20.60.040; Ord. No. 906 § 3 (Att. A), 2014)

16.60.050. Applicability.

A. The requirements of the shoreline master program apply to all uses and development occurring within the city's shoreline jurisdiction as defined in RCW 90.58.030 including:

- 1. Lake Washington; and
- 2. Areas extending landward 200 feet from the ordinary high water mark of Lake Washington.

B. Shoreline jurisdiction shall not include buffer areas for wetlands or streams that occur within shoreline jurisdiction, except those buffers contained within lands extending landward 200 feet from the ordinary high water mark of Lake Washington.

(Code 1988 § 20.60.050; Ord. No. 906 § 3 (Att. A), 2014)

16.60.060. Administration.

A. All uses and development proposals within the shoreline area should be evaluated in terms of the shoreline master program. All uses and development proposals, including those that do not require a permit, must comply with the policies and regulations established by the Act as expressed through the shoreline master program.

B. The director is vested with responsibility for administering the shoreline master program consistent with this shoreline master program and applicable provisions of the Act.

C. No development may be undertaken or is authorized unless it is consistent with the policies and provisions of the shoreline master program and the Act.

D. Shoreline permits, and shoreline exemptions, shall be processed in accordance with this chapter, the requirements set forth in Chapter 16.80 MMC, and the approval criteria specified for shoreline permits set forth in Chapters 16.70 through 16.72 MMC.

- 1. Within five days of the final decision on a shoreline permit and/or any shoreline vari-

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ances or conditional use permits, the director shall notify the following agencies and persons of the final approval:

- a. The applicant;
 - b. Any person who has submitted written comments on the application; and
 - c. Any person who has requested notification in writing prior to final approval of the permit.
2. The director shall submit the shoreline permit to the State Department of Ecology by return receipt requested mail pursuant to WAC 173-27-130.
 3. No work may commence on a project requiring a shoreline substantial development, shoreline variance, or shoreline conditional use permit until 21 days following the "date of filing" or, if the permit is appealed, until all review proceedings before the shoreline hearings board have terminated. For purposes of this chapter, "date of filing" has the following meanings:
 - a. "Date of filing" for a substantial development permit is the date of actual receipt of the decision by the Department of Ecology.
 - b. "Date of filing" for a shoreline variance or shoreline conditional use permit shall mean the date the permit decision rendered by the Department of Ecology is transmitted by the Department to the city and the applicant/proponent.
 - c. "Date of filing" for a substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both, has the same meaning as subsection (D)(3)(b) of this section.

(Code 1988 § 20.60.060; Ord. No. 976 § 3, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.60.070. Relationship to other plans and regulations.

A. The Medina comprehensive plan provides the underlying planning framework within which the shoreline master program fits. The policies found in the shoreline management sub-element of the comprehensive plan are incorporated as an element of the shoreline master program.

B. The shoreline master program shall apply as an overlay and in addition to: zoning, land use regulations, development regulations, and other regulations established by the city.

C. 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.
(Code 1988 § 20.60.070; Ord. No. 906 § 3 (Att. A), 2014)

16.60.080. Interpretation.

A. The director is authorized to make written interpretations of the shoreline master program whenever necessary for clarification or to resolve a conflict within these regulations. Interpretations are a Type 1 decision processed pursuant to Chapter 16.80 MMC.

B. Any person may submit a written request for an interpretation to the director, or the director may issue an interpretation on their own initiative.

C. A request for an interpretation shall address the following decision criteria:

1. The defined or common meaning of the word or words in the provision;
2. The general purpose of the provision as expressed in the section or chapter where the provision is found;
3. The logical or likely meaning of the provision viewed in relation to the Act and the shoreline master program;
4. Consistency with the policies and provisions set forth in Chapter 90.58 RCW, and Chapters 173-26 and 173-27 WAC;
5. Consistency with the goals and policies set forth in the shoreline sub-element of the Medina comprehensive plan; and
6. Consistency with other elements of the shoreline master program.

D. The director shall consult with the Washington State Department of Ecology for consistency of the interpretation with the Act and the shoreline master program before issuing a written interpretation.

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E. A written interpretation shall have the effect and be enforced as if it is part of the shoreline master program.

F. A record of all written interpretations shall be maintained by the city and be available for public inspection and copying during regular business hours. (Code 1988 § 20.60.080; Ord. No. 906 § 3 (Att. A), 2014)

16.60.090. Liberal construction.

As provided in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction; the Act and the shoreline master program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and the shoreline master program were enacted and adopted, respectively.

(Code 1988 § 20.60.090; Ord. No. 906 § 3 (Att. A), 2014)

16.60.100. Violations and penalties.

Violation of any provision of the shoreline master program shall be subject to the enforcement provisions and penalties set forth in Chapter 1.15 MMC and WAC 173-27-240 through 173-27-310.

(Code 1988 § 20.60.100; Ord. No. 906 § 3 (Att. A), 2014)

16.60.110. Moratoria authority and requirements.

A. Pursuant to RCW 90.58.590, the city may adopt moratorium control or other interim control.

B. To adopt a moratorium control or other interim control, the city must:

1. Hold a public hearing on the date of adoption, or within 60 days of the date of adoption;
2. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;
3. Notify the Department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;
4. Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded,

under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

C. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review.

D. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (B) of this section.

(Code 1988 § 20.60.110; Ord. No. 976 § 4, 2019)

16.60.200. Definitions—General provisions.

A. Words in this shoreline master program used in the singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates otherwise.

B. The definitions in this chapter shall apply to the shoreline master program and they should be used in conjunction with other definitions found in this title. However, these definitions are not intended to replace or alter similar definitions found elsewhere within the Medina Municipal Code except where specifically applied to the shoreline master program.

(Code 1988 § 20.60.200; Ord. No. 906 § 3 (Att. A), 2014)

16.60.210. "A" definitions.

Accessory dwelling unit means a dwelling unit subordinate to a single-family dwelling unit which:

1. Is located within the single-family dwelling unit; or
2. Is located within an accessory building as defined by the zoning code.

Accessory structure, use or activity means a structure or part of a structure, use, or activity, which is incidental and subordinate to a permitted principal use or building.

Act means Chapter 90.58 RCW, the Shoreline Management Act of 1971, as hereafter amended.

Adult family home means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; provided,

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however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the city from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

Agricultural activities means agricultural uses and practices as defined in WAC 173-26-020 and amendments thereto.

Alteration means any human-induced action which changes and/or impacts the existing conditions of a critical area or buffer. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, cutting of trees, clearing (vegetation), paving, construction, compaction, excavation, dumping, demolition, or any other activity that changes the character of the critical area.

Alternative energy facilities means energy generating facilities using (1) wind; (2) solar energy; (3) geothermal energy; or (4) wave or tidal action where such facilities have noncommercial purposes, primarily supports the use that the facilities are accessory to, and comply with local development regulations.

Anadromous fish means fish that spawn and rear in fresh water and mature in the marine environment.

Applicant means a person who files an application for permits who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

Aquaculture means the culture or farming of food fish, shellfish, or other aquatic plants and animals.

Aquaculture, accessory means the noncommercial culture or farming of food fish, shellfish, or other aquatic plants and animals, which is located on the same lot of a principal use such as a single-family dwelling, and in which such activity does not produce noise, odors, or other impacts that negatively affect adjacent property owners' enjoyment of their property.

Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calcula-

tion of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure. (Code 1988 § 20.60.210; Ord. No. 924 § 23, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.211. "B" definitions.

Beach enhancements means native materials and vegetation, and occasionally combinations of other appropriate materials, used for stabilizing the shoreline, and for aquatic habitat restoration, or both. The enhancements may occur landward or waterward of the ordinary high water line.

Best available science means current scientific information used in the process to designate, protect, or restore critical areas, that are derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the Washington State Department of Commerce.

Best management practices means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands;
3. Protect trees and vegetation designated to be retained during and following site construction; and
4. Provide standards for proper use of chemical herbicides within critical areas.

The City of Medina shall monitor the application of best management practices to ensure that the standards and policies of this title are adhered to.

Bioengineering means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to

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erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life.

Biotechnical engineering means any technological application that uses biological systems, living organisms, or derivatives thereof to make or modify products or processes for specific use. An example would be the use of cuttings to stabilize slopes and establish vegetation.

Boat launch means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat lift means any lift for motorized boats, kayaks, canoes and jet skis; including floating lifts that are designed to not contact the substrate of the lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.

Boathouse means an overwater structure with walls and a roof designed for the storage of boats, but does not include covered moorage.

Breakwater means a protective structure that is normally built offshore to provide protection from wave action.

Buffer means an area contiguous to a critical area that is required for the continued protection, maintenance, functioning, and/or structural stability of a critical area.

Bulkhead means a vertical or nearly vertical erosion protection structure placed parallel to and near the ordinary high water line and/or the ordinary high water mark consisting of concrete, timber, steel, rock, or other permanent material for the purpose of protecting adjacent wetlands and uplands from waves and currents.

Buoys means a floating object anchored in water used to mark a location, warn of danger, or indicate a navigational channel.

(Code 1988 § 20.60.211; Ord. No. 976 § 5, 2019; Ord. No. 924 § 24, 2015; Ord. No. 906 § 3 (Att. A), 2014)

Code reviser's note—Ord. No. 976 did not take into account the amendments of Ord. No. 924. The strike-through/underline in Ord. No. 976 has been followed, so that this section retains the amendments of Ord. No. 924.

16.60.212. "C" definitions.

Canopy means a cover installed as a component of a boat lift.

Change in water regime means the change in the prevailing pattern of water flow over a given time. More specifically, it refers to the duration and timing of flooding resulting from surface water, precipitation, and ground water inflow.

Channel migration zone (CMZ) means the lateral extent of active stream channel movement over the past 100 years. Evidence of active movement over the 100-year time frame can be inferred from aerial photos or from specific channel and valley bottom characteristics. A time frame of 100 years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time. A CMZ is not typically present if the valley width is generally less than two bank full widths, is confined by terraces, no current or historical aerial photographic evidence exists of significant channel movement, and there is no field evidence of secondary channels with recent scour from stream flow or progressive bank erosion at meander bends. Areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ.

Clearing means cutting, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, "cutting" means the severing of the main trunk or stem of woody vegetation at any point.

Compensatory mitigation means replacing project-induced critical area losses or impacts, and includes, but is not limited to, the following:

1. *Restoration.* Actions performed to reestablish critical area functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a critical area.
2. *Creation.* Actions performed to intentionally establish a critical area at a site where it did not formerly exist.

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3. *Enhancement.* Actions performed to improve the condition of existing degraded critical areas so that the functions they provide are of a higher quality.

Covered moorage means any structure having a roof, but not walls, that is permitted pursuant to MMC 16.65.070 to cover or shelter a moorage space or pier. This does not include boat lifts with a translucent canopy attached to the lift as provided for under MMC 16.65.080.

Covered moorage area means the gross area of the roof of the covered moorage structure projected on the surface or surfaces below.

Critical areas means critical areas as defined in RCW 36.70A.030 and amendments thereto. (Code 1988 § 20.60.212; Ord. No. 976 § 6, 2019; Ord. No. 924 § 25, 2015; Ord. No. 906 § 3 (Att. A), 2014)

Code reviser's note—Ord. No. 976 did not take into account the amendments of Ord. No. 924. The strike-through/underline in Ord. No. 976 has been followed, so that this section retains the amendments of Ord. No. 924.

16.60.213. "D" definitions.

Deck means a structure attached to a wall of a building designated, established, and/or installed to provide outdoor living, cooking, and/or recreation, some sides of which are open and which may or may not have a permanent overhead covering.

Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. Development does not include dismantling or removing structures if there is no other associated development or redevelopment.

Diameter breast height or DBH means the diameter measurement in inches of the outside bark of a tree trunk, measured at 4½ feet above the surrounding existing ground surface. The DBH for multi-trunk trees forking below the 4½-foot mark is determined by measuring the diameter of the tree trunk at the narrowest part of the main stem below the tree fork. The DBH for multi-trunk trees splitting at ground level is determined by taking the square root of the sum of all squared stem DBHs.

Director means the city manager or designee.

Dock means a structure that floats on the surface of the water, without piling supports, and which may be attached to the shore or may be anchored to submerged land. Dock facilities may include wharves, boat moorage, swimming, public access, and other activities that require access to deep water.

Dolphin means a spar, buoy or piling used for mooring watercraft.

Drainage facility means the system of collecting, conveying and storing surface and storm runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances.

Dredging means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands; maintenance dredging and/or support activities are included in this definition.

Drip line, tree means the area directly located under the outer circumference of the tree branches.

Dwelling means a living space or combination of rooms designed to provide independent year-round living facilities for one family or household, including household staff and guest, constructed to the minimum standards of the building or HUD code, and with provisions for sleeping, eating and sanitation.

Dwelling, multifamily means a residential structure containing two or more dwellings.

Dwelling, single-family means a residential structure containing one dwelling. (Code 1988 § 20.60.213; Ord. No. 976 § 7, 2019; Ord. No. 924 § 26, 2015; Ord. No. 906 § 3 (Att. A), 2014)

Code reviser's note—Ord. No. 976 did not take into account the amendments of Ord. No. 924. The strike-through/underline in Ord. No. 976 has been followed, so that this section retains the amendments of Ord. No. 924.

16.60.214. "E" definitions.

Ecological functions, shoreline ecological functions means the work performed or role played by the physical, chemical, and biological processes that contribute

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to the maintenance of the aquatic and terrestrial environments constituting the shoreline's natural ecosystem.

Ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Ell means a terminal pier section oriented perpendicular, diagonal or linear to the pier walkway.

Emergent wetland means a regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Erosion means the process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Erosion hazard areas means at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.

Existing grade means the ground elevation existing on the building site at the time an application for a building or other development permit is filed at the city.

Exotic means any species of plants or animals which are foreign to the planning area.
(Code 1988 § 20.60.214; Ord. No. 924 § 27, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.215. "F" definitions.

Fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

Feasible means an action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

1. Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. Provides a reasonable likelihood of achieving its intended purpose; and
3. Does not physically preclude achieving the project's primary intended legal use.

The burden of proving infeasibility is on the applicant in cases where these guidelines require certain actions. In determining an action's infeasibility, the city or the Department of Ecology may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill means for the purpose of the shoreline master program the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Finger means a narrow pier section projecting from the pier walkway, typically perpendicular to the walkway and located landward of an ell in order to form the near-shore side of a boat-slip.

Fish and wildlife habitat conservation means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;

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2. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;
3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
4. Waters of the state, including lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;
5. State natural area preserves and natural resource conservation areas; and
6. Land essential for preserving connections between habitat blocks and open spaces.

Fish and wildlife habitat conservation area means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130.

Float means a structure that floats on the surface of the water that is not attached to the shore, but that may be anchored to submerged land. Floats are typically used for swimming, diving and similar recreational activities.

Float plane and helicopter moorage means a facility where water-based aircraft and/or helicopter are secured for moorage.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood protection elevation means the elevation that is one foot above the base flood elevation.

Floodplain is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.

Forest practices means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber.

Forested wetland means a regulated wetland with at least 30 percent of the surface area covered by woody vegetation greater than 20 feet in height that is at least partially rooted within the wetland.

Freestanding fence or wall means a structure located above grade that is intended to provide a barrier for privacy, security or safety.

Functions and values means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; and recreation. These beneficial roles are not listed in order of priority.
(Code 1988 § 20.60.215; Ord. No. 924 § 28, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.216. "G" definitions.

Gabion means a structure composed of masses of rocks or rubble held tightly together by wire mesh (typically) so as to form upright blocks or walls.

Geologically hazardous areas means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geologic events as designated by WAC 365-190-120. In the City of Medina, types of geologically hazardous areas include erosion, landslide, and seismic hazards.

Geotechnical report or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be

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prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Ground water means water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growth Management Act means Chapter 36.70A RCW, as amended.

Grubbing means to clear by digging up roots and/or stumps.
(Code 1988 § 20.60.216; Ord. No. 924 § 29, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.217. "H" definitions.

Habitat conservation areas means areas designated as fish and wildlife habitat conservation areas.

Hazard areas means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, or other geologic condition.

Height is the vertical distance measured from the average grade level to the highest point of a structure.

Horticultural activities means cultivating plants, especially flowers, fruit, and vegetables, in gardens or greenhouses.

Houseboat means a structure designed and operated substantially as an overwater residence. Houseboats are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel.

Hydraulic project approval (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

Hydric soil means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

Hydrophytic vegetation means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.
(Code 1988 § 20.60.217; Ord. No. 924 § 30, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.218. "I" definitions.

Impervious surface means any hard surface area which either prevents or retards the entry of water into the soil mantle as it would otherwise enter under natural conditions preexisting to development, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow as it would otherwise under natural conditions preexisting to development. Examples include impenetrable materials such as asphalt, concrete, brick, stone, wood and rooftops.

Isolated wetland means those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.
(Code 1988 § 20.60.218; Ord. No. 924 § 31, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.219. "J" definitions.

Joint aquatic resource permits application (JARPA) means a single application form that may be used to apply for shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, Coast Guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineers permits.

Joint-use or shared means overwater structures that are constructed for private use by more than one property owner.
(Code 1988 § 20.60.219; Ord. No. 924 § 32, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.221. "L" definitions.

Land division means the division or re-division of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

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Land surface modification means any movement or modification of earth material on any site.

Landslide hazard areas means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including bed-rock, soil, slope (gradient), slope aspect, geologic structure, ground water, hydrology, or other factors.

Lot means a measured piece of land having fixed boundaries and designated on a plot or survey.

Lot area means the dry land area landward of the ordinary high water line.

Lot area, net means the lot area exclusive of the area of any vehicular private lane, vehicular right-of-way, vehicular access easement, or any areas unbuildable due to the presence of critical areas as defined in Chapter 16.67 MMC.

Low impact development means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water that allows water to soak into the ground closer to its source.

Low impact development best management practices (LID BMPs) means any one of several distributed stormwater management practices, integrated in a site, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, dispersion, and water re-use. Further information can be found in the stormwater manual adopted under MMC 13.06.020.

(Code 1988 § 20.60.221; Ord. No. 976 § 8, 2019; Ord. No. 924 § 33, 2015; Ord. No. 906 § 3 (Att. A), 2014)

Code reviser's note—Ord. No. 976 did not take into account the amendments of Ord. No. 924. The strike-through/underline in Ord. No. 976 has been followed, so that this section retains the amendments of Ord. No. 924.

16.60.222. "M" definitions.

Marina means a private or public facility providing the purchase and/or lease of a slip for storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage.

Mining means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

Mitigation means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

MMC means Medina Municipal Code.

Moorage means a place where a boat or vessel may be secured.

Moorage buoy means a floating object anchored to provide a mooring place away from the shore.

Moorage pile means a piling to which a boat is tied up to prevent it from swinging with changes of wind, waves or other similar functions.

Moorage structure means those installations or facilities including piers, wharves, platforms, ramps, dolphins, buoys, quays, or bulkheads, or any place or

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structure connected with the shore or upon shorelands provided for the securing of a boat or waterborne craft. (Code 1988 § 20.60.222; Ord. No. 924 § 34, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.223. "N" definitions.

Native growth protection area (NGPA) means an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native plants means plant species which are native to the Puget Sound lowlands.

Native vegetation means plant species that are indigenous to the area in question.

Natural or existing topography means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Non-water-oriented uses means uses that are not water-dependent, water-related, or water-enjoyment.

Nonconforming structure means a building or structure that does not comply with the required setbacks, height, structural coverage and other development requirements of the shoreline master program, but was lawfully constructed prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 16.66.090. This term applies whether or not the nonconformity was permitted by a variance.

Nonconforming use means any activity, development, or condition that by the shoreline master program is not permitted outright or permitted as an accessory use, or is not permitted by a conditional use permit or other special permitting process; but was lawfully created prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 16.66.090. A nonconforming use may or may not involve buildings or structures and may involve part of, or all of, a building or property.

Nonindigenous. See "exotic."
(Code 1988 § 20.60.223; Ord. No. 924 § 35, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.224. "O" definitions.

Ordinary high water line is obtained from the U.S. Army Corps of Engineers and typically means an elevation of approximately 21.8 feet for Lake Washington above sea level based on the National Geodetic Vertical Datum (NGVD) of 1929. This elevation must be converted to the North American Vertical Datum of 1988 (NAVD88) per city of Bellevue control points within the City of Medina and typically means an elevation of approximately 18.7 feet above sea level.

Ordinary high water mark means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

Outfall means a structure used for the discharge of stormwater or sewer system into a receiving water.
(Code 1988 § 20.60.224; Ord. No. 906 § 3 (Att. A), 2014)

16.60.225. "P" definitions.

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

Pervious means, as opposed to impervious surfaces, these are surfaces that allow water to pass through at rates similar to pre-developed conditions or better. Pervious surfaces, include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers.

Pier means a platform built on pilings or similar structures that projects over, and is raised above, the water and is attached to land, and that is used for boat moorage, swimming, fishing, public access, or similar activities requiring access to deep water.

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Piling means the structural supports for piers, usually below the pier decking and anchored in the water.

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

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

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

Provisions means policies, regulations, standards, guideline criteria or environment designations.

Public access means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline.

Public interest means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development. (Code 1988 § 20.60.225; Ord. No. 924 § 36, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.226. "Q" definitions.

Qualified professional means a person with relevant education, experience and training, as determined by the city, in biological fields such as botany, fisheries, wildlife, soils, ecology, and similar areas of specialization. (Code 1988 § 20.60.226; Ord. No. 906 § 3 (Att. A), 2014)

16.60.227. "R" definitions.

Reconstruction as prescribed in MMC 16.66.090 means to undertake construction within and/or on an existing building or structure which has a valid con-

struction permit with fair-market construction costs greater than 60 percent of the replacement cost of the existing building or structure being rebuilt. All project phases necessary to result in a habitable building must be included. The construction cost shall be valid for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the city.

Recreational uses means facilities designed consistent with MMC 16.64.020 and used to provide recreational opportunities to the public.

Repair means to restore something broken or damaged to good condition.

Replacement means a new structure or development that is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance, except that soft shore stabilization measures that provide restoration of shoreline ecological functions and are replacing existing hard stabilization may be considered replacement.

Replacement cost as prescribed in MMC 16.66.090 means the square footage of the structure multiplied by local building costs per square foot, or a similar method of calculation.

Residential use means development in which people sleep and prepare food, other than developments used for transient occupancy. As used in the shoreline master program residential development includes single-family development (known as detached dwelling unit) and the creation of new residential lots through land division.

Restoration when used with Chapter 16.67 MMC means measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Restore, restoration or ecological restoration means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be ac-

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complished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Retaining wall means a structure upland of the ordinary high water mark designed to support soil at a steeper angle than the soil could stand on its own. (Code 1988 § 20.60.227; Ord. No. 976 § 9, 2019; Ord. No. 924 § 37, 2015; Ord. No. 906 § 3 (Att. A), 2014)

Code reviser's note—Ord. No. 976 did not take into account the amendments of Ord. No. 924. The strike-through/underline in Ord. No. 976 has been followed, so that this section retains the amendments of Ord. No. 924.

16.60.228. "S" definitions.

Scrub-shrub wetland means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Seismic hazard areas means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Sensitive areas. See "critical areas."

SEPA means the Washington State Environmental Policy Act, Chapter 43.21C RCW.

Shoreline areas and *shoreline jurisdiction* means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline habitat and restoration means activities conducted for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Shoreline master program means the Medina shoreline master program adopted pursuant to Chapter 90.58 RCW and Chapter 173-26 WAC.

Shoreline modifications means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline setback means the distance measured in feet that a structure or improvement must be located from the ordinary high water line of Lake Washington.

Shoreline stabilization means protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion. Shoreline stabilization can be separated into the following categories:

1. *Nonstructural* includes the planting or replanting of native vegetation, beach enhancement and similar nonstructural measures;
2. *Structural* includes the use of structures such as bulkheads, revetments, cribs, and gabions made of hard materials such as stone, concrete or timber;
3. *Bioengineering* includes the use of vegetation, both through planting and for structural purposes such as live staking, brush layering, and brush matting;
4. *Biotechnical measures* includes the combination of bioengineering approaches with some degree of structural design such as matting or vegetated gabion walls or mattresses, vegetated cribbing, vegetated rip rap, or keyed native toe-boulders.

Shoreline stabilization, hard structural means shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hardening materials typically include concrete, boulders, dimensional lumber or similar materials.

Shoreline stabilization, soft structural means shoreline erosion control practices that contribute to restoration, protection or enhancement of shoreline ecological functions such as the use of bioengineering and biotechnical measures.

Shorelines means all of the water areas of the state, including reservoirs, and their associated shorelands together with the lands underlying them, except (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

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Significant vegetation removal means the removal or alteration of trees, shrubs, and/or groundcover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect shoreline ecological functions, does not constitute significant vegetation removal.

Soil survey means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Species means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, endangered means any fish or wildlife species or subspecies that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of local importance means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, priority means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, threatened means any fish or wildlife species or subspecies that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Steep slope means any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

Stream means a course or route, formed by nature or modified by humans and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include specially designed irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by salmonids or to convey watercourses that were naturally occurring prior to construction.

Structure means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Substantial destruction as prescribed in MMC 16.66.090 means to remove more than 60 percent of the existing exterior wall framing of a building or structure, as measured by the horizontal linear length of all exterior walls. Any partial removal of existing framing shall count towards the measurement of horizontal linear length the same as if the entire framing within that horizontal linear length was removed, except partial removal shall not include replacement of windows or doors when no beams or struts are removed. (Code 1988 § 20.60.228; Ord. No. 924 § 38, 2015; Ord. No. 906 § 3 (Att. A), 2014)

16.60.229. "T" definitions.

Toxic runoff means water runoff from rain, melted snow, or irrigation that contains pollution, dirt, and/or chemicals, that are deposited into ponds, lakes, waters, and underground sources of drinking water.

Tram means an electrically driven transport vehicle that runs on rails, overhead cables, or similar structure to move passengers and goods up and down a hillside. (Code 1988 § 20.60.229; Ord. No. 976 § 10, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.60.230. "U" definitions.

Utilities means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, stormwater, and similar services and facilities. (Code 1988 § 20.60.230; Ord. No. 906 § 3 (Att. A), 2014)

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16.60.231. "V" definitions.

Vessel includes ships, boats, barges or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(Code 1988 § 20.60.231; Ord. No. 906 § 3 (Att. A), 2014)

16.60.232. "W" definitions.

Wall framing, as prescribed in MMC 16.66.090, means the assemblage of beams and struts that provide a support structure to which interior and exterior wall coverings are attached. Wall framing shall not include the horizontal ceiling joists and sloping rafters used for the roof.

Water-dependent use means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment.

Water frontage means the extent of land abutting water as measured pursuant to MMC 16.63.050(A)(2)(c).

Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water

quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Waterfront structure means any structure built at or along the shoreline or over the shorelands and including particularly bulkheads and moorage facilities.

Wetland or wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

Wireless communication facilities means the same as given in MMC 16.12.240.
(Code 1988 § 20.60.232; Ord. No. 906 § 3 (Att. A), 2014)

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EXHIBIT A
16.61.020**CHAPTER 16.61. SHORELINE ENVIRONMENT
DESIGNATIONS****16.61.010. Establishment of shoreline environment designations.**

Medina's shoreline is divided into the following shoreline environment designations based upon the designation criteria prescribed by this chapter:

- A. Residential;
- B. Urban conservancy;
- C. Transportation; and
- D. Aquatic.

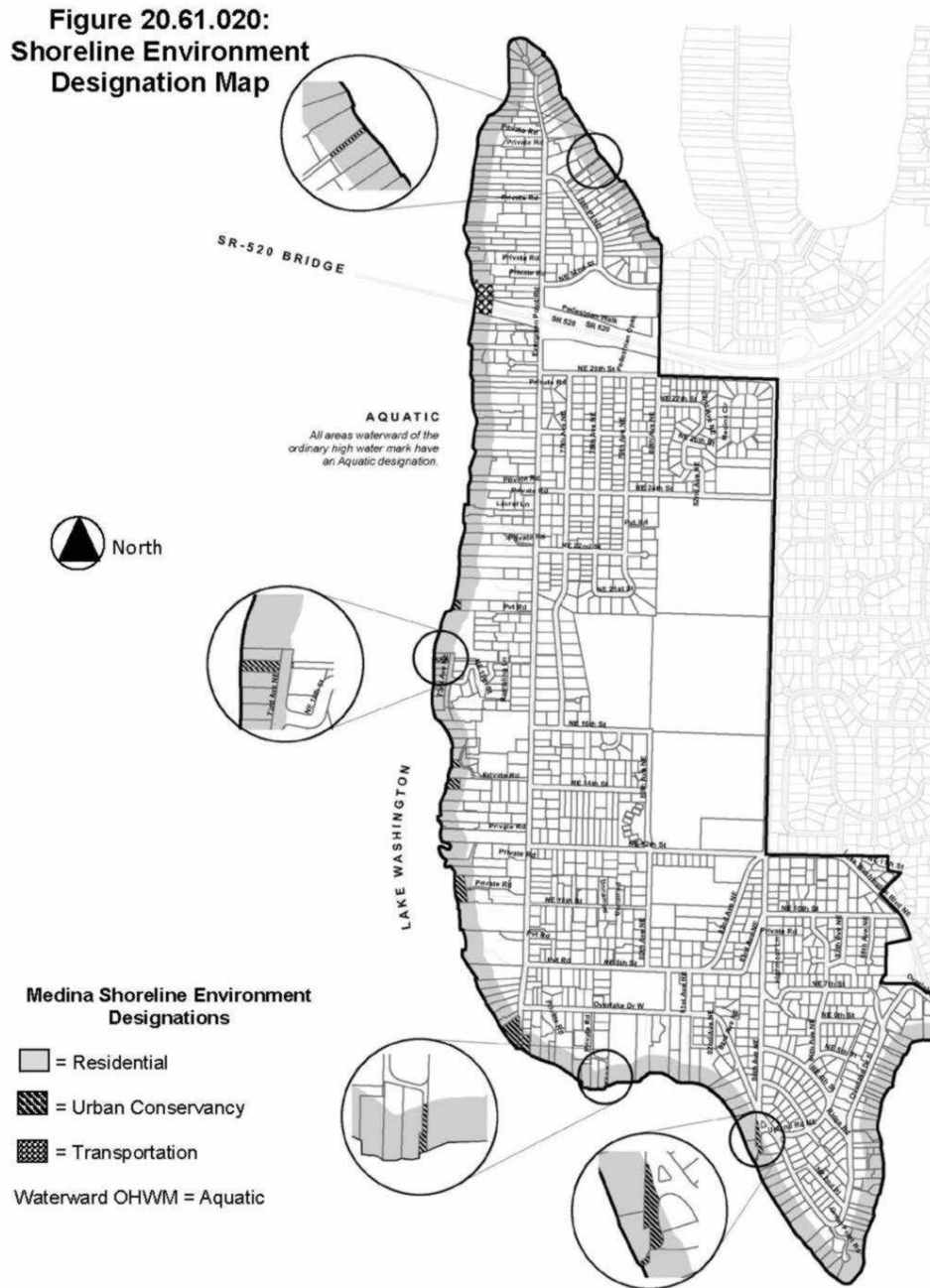
(Code 1988 § 20.61.010; Ord. No. 906 § 3 (Att. A), 2014)

16.61.020. Shoreline jurisdiction and shoreline map.

The shoreline environment designation map set forth in Figure 16.61.020 is a graphic representation of Medina's shorelines regulated by the shoreline master program and shall serve as the official shoreline map assigning shoreline environment designations to properties subject to the following:

- A. The boundaries depicted on the map are approximate location and extent of the shoreline jurisdiction with additional site-specific evaluation required to confirm and/or verify actual boundaries of the shoreline jurisdiction; and
- B. Property lines shall be used for interpreting the boundaries of the shoreline environment designations, except for the aquatic environment, which is interpreted using the ordinary high water mark.

Figure 16.61.020



(Code 1988 § 20.61.020; Ord. No. 906 § 3 (Att. A), 2014)

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EXHIBIT A
16.61.060**16.61.030. Residential environment.***A. Purpose.*

1. The purpose of the residential environment designation is to accommodate single-family residential development and appurtenant structures that are consistent with shoreline master program.
2. A secondary purpose is to provide, where appropriate, public access and recreational uses.

B. Designation criteria.

1. Areas designated residential on the shoreline map includes those areas adjacent to Lake Washington that are zoned residential and developed with single-family residences or vacant, and where single-family residences are anticipated to continue in the future.
2. This designation shall apply to areas that are upland from the ordinary high water mark.
(Code 1988 § 20.61.030; Ord. No. 906 § 3 (Att. A), 2014)

16.61.040. Urban conservancy environment.

A. Purpose. The purpose of the urban conservancy environment designation is to protect and restore shoreline ecological functions of open space and other sensitive lands while allowing a variety of compatible uses.

B. Designation criteria. Areas designated urban conservancy on the shoreline map are areas appropriate and planned for development that is compatible with maintaining or restoring shoreline ecological functions of the area, which are not generally suitable for water-dependent uses, where any of the following characteristics apply:

1. They are suitable for water-related or water-enjoyment uses;
2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
3. They have potential for ecological restoration;
4. They retain important shoreline ecological functions, even though partially developed; or
5. They have the potential for development that is compatible with ecological restoration.

C. Locations. Areas designated as urban conservancy include:

1. Medina Beach Park landward of the ordinary high water mark;
2. Lake Lane (Fairweather Bay off of N.E. 78th Place) landward of the ordinary high water mark;
3. South end of 84th Avenue N.E. landward of the ordinary high water mark near View Point Park;
4. Privately owned, joint-use shoreline recreational lots, including:
 - a. Recreation Tract X conveyed by Lynn Short Plat;
 - b. Park Tracts B and C of Lake Crest Park Division 2 (73rd Avenue N.E.);
 - c. Tract A of Edgecliff Plat;
 - d. Parcel 194230-0044, Dehn's Addition Vacated;
 - e. Conservation Tract (1000 Block of Evergreen Point Road);
 - f. Community Beach and Road Tract (7700 Block of Overlake Drive West);
5. Areas not otherwise designated with a shoreline environment designation.

(Code 1988 § 20.61.040; Ord. No. 906 § 3 (Att. A), 2014)

16.61.050. Aquatic environment.

A. Purpose. The purpose of the aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

B. Designation criteria. All areas including and waterward of the ordinary high water mark are designated as aquatic environment.

(Code 1988 § 20.61.050; Ord. No. 906 § 3 (Att. A), 2014)

16.61.060. Transportation environment.

A. Purpose. The purpose of the transportation environment designation is to accommodate the infrastructure necessary for the SR 520 floating bridge and highway. A secondary purpose is to ensure those areas not needed for ongoing operations are considered for potential public access and habitat enhancement uses.

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B. *Designation criteria.* Areas designated transportation on the shoreline map and are owned by Washington State Department of Transportation for the use and associated uses of State Route 520.
(Code 1988 § 20.61.060; Ord. No. 906 § 3 (Att. A), 2014)

CHAPTER 16.62. SHORELINE USE REGULATIONS

16.62.010. Applicability.

This chapter applies to specific uses and types of development that typically occur in shoreline areas. This chapter is applied in conjunction with other provisions found elsewhere in the shoreline master program.
(Code 1988 § 20.62.010; Ord. No. 906 § 3 (Att. A), 2014)

16.62.020. Permitted uses, prohibited uses.

Uses within the shoreline jurisdiction are subject to the following:

- A. Uses listed with a "P" in Table 16.62.040 are permitted, subject to a substantial development permit or shoreline exemption;
- B. Uses listed with a "CU" in Table 16.62.040 are conditionally permitted, subject to approval of a shoreline conditional use permit;
- C. Uses listed with an "X" in Table 16.62.040 are prohibited;
- D. Uses not listed in the table may be authorized as conditional uses provided the review criteria in WAC 173-27-160, as hereafter amended, are satisfied;
- E. Review procedures for deciding project permits are found in Chapters 16.70 through 16.72 MMC.

(Code 1988 § 20.62.020; Ord. No. 976 § 11, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.62.030. Developments not required to obtain shoreline permits or local reviews.

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of ex-

emption, or other review to implement the Shoreline Management Act do not apply to the following, per WAC 173-27-044 and 173-27-045:

- A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW.
 - B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.
 - C. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
 - D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
 - E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to Chapter 80.50 RCW.
- (Code 1988 § 20.62.030; Ord. No. 976 § 12, 2019)

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EXHIBIT A
16.62.040**16.62.040. Use table.**

Table 16.62.040 establishes those uses which are permitted, those uses requiring special approval, and those uses that are prohibited within each shoreline environment designation.

Table 16.62.040: Shoreline Use Table*

Shoreline Use	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
Residential Use				
Accessory dwelling unit	P	P	X	X
Accessory buildings/uses	P	P	X	X
Adult family home	P	P	X	X
Detached single-family dwelling	P	P	X	X
Manufactured home	P	P	X	X
Multifamily dwellings (two attached units or more)	X	X	X	X
Commercial Use				
Accessory home business	P	P	X	X
Water-oriented uses other than specifically listed in the table	X	X	X	X
Non-water-oriented uses other than specifically listed in the table	X	X	X	X
Industrial Uses				
Water-oriented uses	X	X	X	X
Non-water-oriented uses	X	X	X	X
Transportation and Parking Uses				
Parking facilities—primary	X	X	X	X
Parking facilities—accessory	Same as the primary use it supports			
Local transportation including roads, bicycle and pedestrian facilities related to permitted shoreline activity	P	P	X	P
State transportation facilities including bridge and associated support facilities	X	X	CU	CU
Utilities				
Solid waste disposal, transfer sites, electrical substations and similar primary utility facilities	X	X	X	X
Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution, and associated appurtenances	P	P	CU	P
Alternative energy facilities—accessory to a permitted use	P	P	CU	P
Wireless communication facilities	X	P	X	P
Resource Land				
Agricultural activities	X	X	X	X
Aquaculture other than those specifically listed in the table	X	X	X	X
Aquaculture—accessory	P	P	P	P
Forest practices	X	X	X	X
Mining	X	X	X	X
Recreational Uses				
Public parks and associated park improvements (landward of the ordinary high water mark)	P	P	X	P
Public piers and docks	P	P	P	P
Public swimming beach and public recreational uses	P	P	P	P
Any water-enjoyment recreational development other than those specifically listed in the table	CU	CU	CU	CU
Non-water-oriented recreational development	X	X	X	X

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Shoreline Use	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
Boating Uses and Facilities				
Boat launch motorized/nonmotorized	X	CU	CU	CU
Boathouse	X	X	X	X
Buoys for vessel moorage	X	X	X	X
Buoys not for vessel moorage	P	P	P	P
Launching rails	X	X	X	X
Marina (all)	X	X	X	X
Moorage, dock space, buoys and other facilities for floatplanes and helicopters	X	X	X	X
Piers, docks, boat lifts, moorage pilings and covered moorage	P	P	P	P
Temporary moorages used for vessels supporting construction activity	P	P	P	P
Shoreline Modifications				
Breakwaters/jetties/rock weirs/groins	X	CU	CU	CU
Breakwaters/jetties/rock weirs/groins used with restoration activities	P	P	P	P
Dredging for maintenance of existing private or public moorage	P	P	P	P
Maintenance dredging of established navigation channels and basins	P	P	P	P
Dredging establishing, expanding, or relocating or reconfiguring navigation channels and basins	P	P	P	P
Dredging for fill material associated with MTCA or CERCLA habitat restoration project	P	P	P	P
Dredging for fill material with other significant habitat enhancement project	CU	CU	CU	CU
Dredging other than those specifically listed in the table	X	X	X	X
Fill waterward of the ordinary high water mark	CU	CU	CU	CU
Fill waterward of the ordinary high water mark which is part of an environmental restoration plan or required mitigation	P	P	P	P
Land surface modification	P	P	P	P
Shoreline habitat and restoration activities	P	P	P	P
Shoreline stabilization	P	P	P	P
Miscellaneous Uses				
Accessory noncommercial horticultural activities	P	P	X	P
City government facilities	CU	P	X	P
Non-water-oriented uses other than those specifically listed in the table	X	X	X	X
Scientific, historical, cultural, or educational uses	P	P	P	P
Trams providing access in steep slope areas	P	P	X	P
Trams other than specifically listed in the table	X	X	X	X
*See explanation of "P", "CU" and "X" in MMC 16.62.020				

(Code 1988 § 20.62.040; Ord. No. 976 § 13, 2019; Ord. No. 906 § 3 (Att. A), 2014)

CHAPTER 16.63. SHORELINE GENERAL DEVELOPMENT STANDARDS**16.63.010. General provision.**

A. The requirements in this chapter apply when a property owner or their representative initiates new development or redevelopment on their property.

B. Existing uses and/or conditions not in compliance with the requirements of this chapter may continue unaffected subject to the limitations for nonconformity prescribed by the shoreline master program.
(Code 1988 § 20.63.010; Ord. No. 906 § 3 (Att. A), 2014)

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16.63.030

16.63.020. Maximum impervious surface.

A. The total impervious surface on a lot, including structures, shall not exceed the standards set forth in Table 16.63.020.

B. The pertinent maximum impervious surface standard is determined based upon the lot area in Table 16.63.020 and the corresponding shoreline environment designation.

C. Compliance with maximum impervious surface is determined as a percentage using the total impervious surface on the lot divided by the lot area including lot areas outside of the shoreline jurisdiction.

Table 16.63.020: Maximum Impervious Surface

Lot Area (Square Feet)	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
16,000 and less	55.0%	30%	Not Applicable	80%
16,001 to 29,999	52.5%			
30,000 and greater	50.0%			

(Code 1988 § 20.63.020; Ord. No. 906 § 3 (Att. A), 2014)

16.63.030. Shoreline setbacks from Lake Washington.

This section establishes the minimum shoreline setback requirements from Lake Washington.

A. Shoreline setbacks shall be determined in the following manner:

1. Where the map in Figure 16.63.030(A) designates a 30-foot shoreline setback, the minimum setback shall be 30 feet;
2. Where the map in Figure 16.63.030(A) designates a 30-foot shoreline setback with enhancements, the minimum setback shall be:
 - a. Thirty feet if enhancements set forth in subsection (F) of this section are provided; or
 - b. Fifty feet if enhancements set forth in subsection (F) of this section are not provided;
3. Where the map in Figure 16.63.030(A) designates a 50-foot shoreline setback, the minimum setback shall be 50 feet;
4. Where the map in Figure 16.63.030(A) designates a stringline setback, the min-

imum setback shall be the distance to the stringline established pursuant to subsection (D) of this section; and

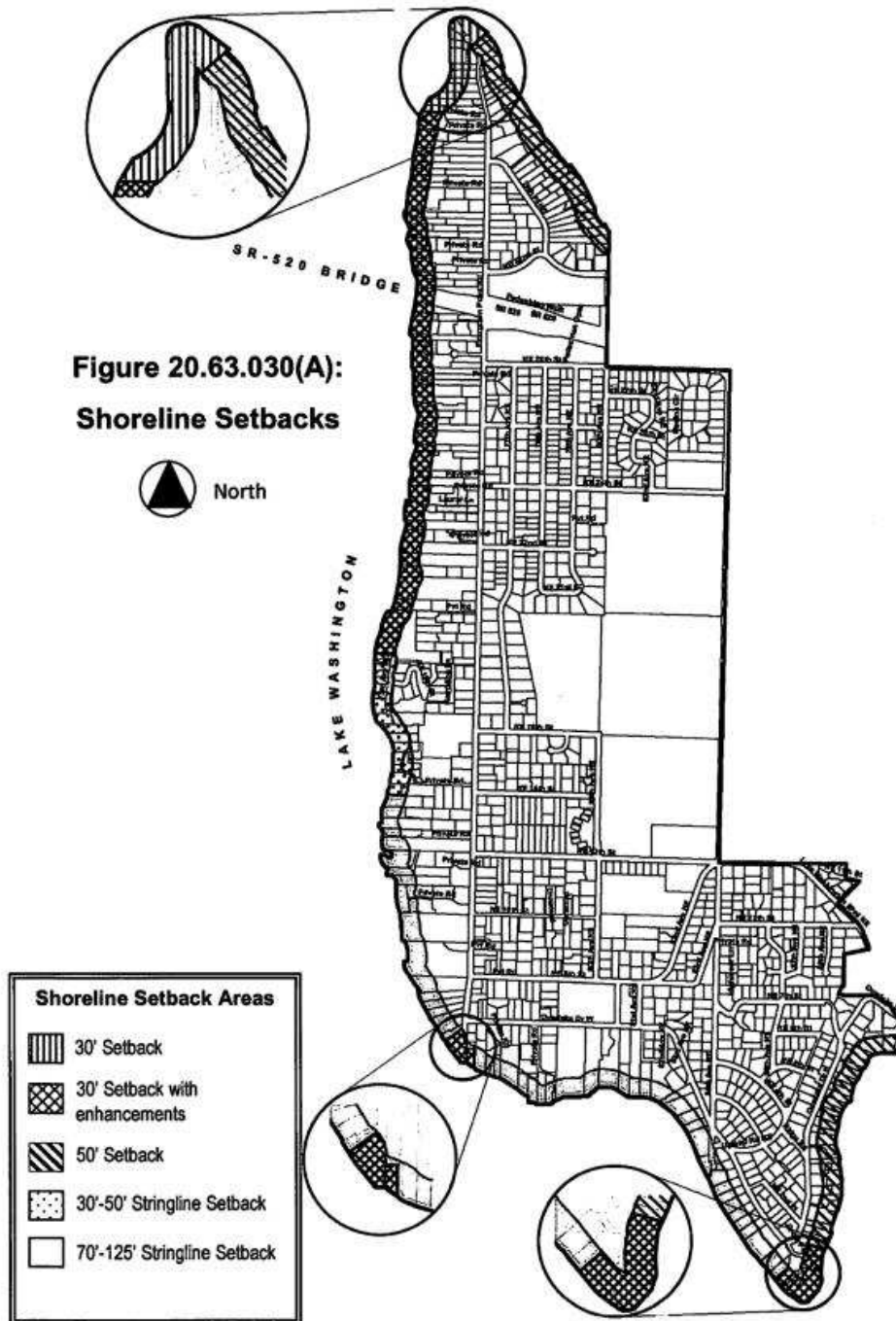
5. Exceptions to shoreline setbacks are allowed pursuant to subsection (C) of this section.

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Figure 16.63.030(A)



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- B. The shoreline setback is measured as:
1. The distance between the ordinary high water line to the closest point of any part of a building or structure; and
 2. The measurement is taken on a horizontal plane landward from the ordinary high water line in the direction that results in the greatest distance of the building or structure being set back from the ordinary high water line.
- C. The following structures are allowed to protrude into a shoreline setback provided the structure is constructed and maintained in a manner where adverse impacts to shoreline ecological functions are avoided, or if that is not possible, the impacts are minimized and then mitigated for, and applicable low impact development BMPs are implemented:
1. Pedestrian walkways, provided the total impervious surface is the minimum reasonably necessary to provide access to the shoreline;
 2. Those parts of water-dependent development that require improvements to be adjacent to the water's edge, such as boat ramps and similar structures, but not including cabanas, changing rooms, covered patios, or similar types of sheltered structures;
 3. Facilities for public access to the water and similar water-enjoyment recreational uses;
 4. Utilities which are located underground, except as required otherwise by Chapter 16.67 MMC, and are accessory to a shoreline use;
 5. Bio-retention swales, rain gardens, and other similar bio-retention systems that allow filtration of water through vegetation;
 6. Infiltration systems for surface water, such as vaults and similar structural improvements, where installation occurs as far from the ordinary high water line as feasible;
7. Uncovered decks and patios, provided:
- a. No part of the structure exceeds 30 inches in height above the existing grade;
 - b. No part of the structure is less than 30 feet from the ordinary high water line, provided:
 - i. Native vegetation is planted at a 1:1 ratio of the net increase in new surface area of all decks, patios, and similar improvements located less than 50 feet from the ordinary high water line; and
 - ii. The planting plan is consistent with the requirements in subsections (F)(1)(a) and (b) of this section; or
 - iii. An alternative planting plan may be accepted provided the plan is consistent with the requirements in subsection (F)(2) of this section;
 - c. Total surface area does not exceed 500 square feet inside of the setback area for all decks, patios and similar improvements;
 - d. Materials allow water to easily pass through to the ground (example: wood decking with gaps between the boards and pervious ground surface below); and
 - e. Within the 70- to 125-foot stringline setback area, the requirements set forth in subsections (C)(7)(b) and (c) of this section are modified to allow uncovered decks and patios to:
 - a. Protrude into the shoreline setback area provided no part of the structure is closer than 50 feet from the ordinary high water line; and
 - b. The total surface area of decks, patios and similar improvements inside of the set-

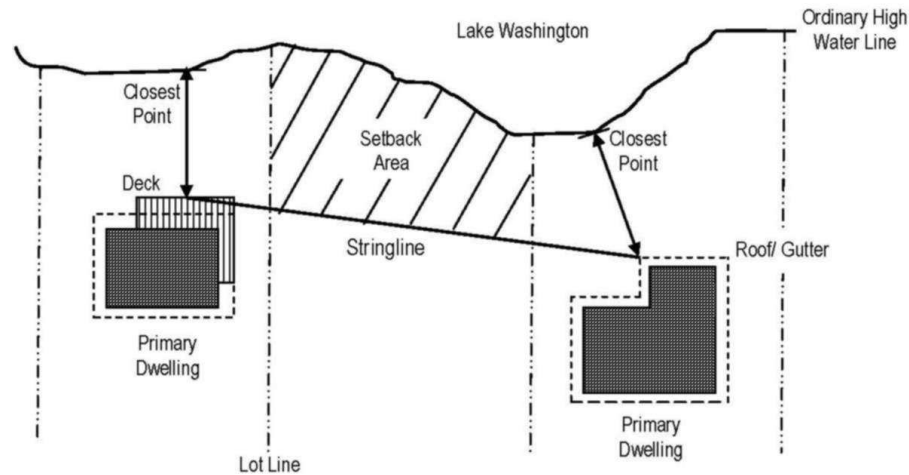
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- back area does not exceed 15 percent of the total shoreline setback area;
8. Small outdoor fire pits, picnic tables, benches and similar recreational features;
 9. Fences and walls, which are erected consistent with zoning requirements (substituting rear property line setback with shoreline setback requirements), provided:
 - a. It does not interfere with shoreline vegetation required for mitigation;
 - b. It does not act as a shoreline stabilization measure;
 10. Essential public facilities that are water-dependent and must cross the shoreline; and
 11. Legally established shoreline stabilization measures.
- D. Where the map in Figure 16.63.030(A) designates a stringline setback:
1. A stringline is established by drawing a straight line between the two points where the primary single-family dwelling on each of the adjoining shoreline lots each projects the greatest towards and is the closest to the ordinary high water line, including attached structures (e.g., decks or stairs) that are 30 inches in height or greater above the existing grade; and
 2. The minimum shoreline setback is the distance between the stringline and the ordinary high water line (see diagram in Figure 16.63.030(D)); and
 3. If the map in Figure 16.63.030(A) designates a 30- to 50-foot stringline setback:
 - a. Where the stringline is closer than 30 feet, the minimum setback from the ordinary high water line shall be 30 feet;
 - b. Where the stringline is greater than 50 feet, the maximum setback required from the ordinary high water line shall be 50 feet; or
 4. If the map in Figure 16.63.030(A) designates a 70- to 125-foot stringline setback:
 - a. Where the stringline is closer than 70 feet, the minimum setback from the ordinary high water line shall be 70 feet;
 - b. Where the stringline is greater than 125 feet, the maximum setback required from the ordinary high water line shall be 125 feet;
 5. If a stringline cannot be established because an adjoining shoreline lot does not contain a single-family dwelling within the shoreline jurisdiction, the following shall apply:
 - a. The shoreline setback shall be 25 percent of the lot depth, subject to the setback limitations set forth in subsections (D)(3) and (4) of this section; and
 - b. For the purpose of this provision:
 - i. The lot depth is established by measuring the distance between the ordinary high water line where the land extends the greatest waterward and the boundary line of the lot farthest from the ordinary high water line; and
 - ii. The resulting setback is applied in the same manner as prescribed in subsection (B) of this section;
 6. Where more than one point of a primary dwelling is equally closest to the ordinary high water line, the property owner subject to the stringline setback may choose which point to draw the stringline from.

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16.63.030**Figure 16.63.030(D): Stringline Setback Diagram****E. Shallow lot exception.**

1. Where a lot has the following conditions, the requirements set forth in this section may be applied in lieu of the setback requirements set forth in subsection (A) of this section:
 - a. The depth of the lot is less than 150 feet; and
 - b. The net buildable area of the lot is 8,200 square feet or less.
2. For the purposes of this section, the depth of the lot shall be determined by:
 - a. Measuring the distance of a horizontal line drawn midway between the side property lines between the ordinary high water line and the front lot line; and
 - b. If the lot is irregular in shape, or has fewer than two side lot lines, the midway will be determined in the most reasonable manner based on the lot lines that intersect the ordinary high water line.
3. For the purpose of this section, the net buildable area is the area is determined

by the area of a lot contained within the setback limits where buildings and structures may be placed, excluding any critical areas that are unbuildable.

4. The setback shall be a minimum 30 feet between the nearest point of the buildings and structures from the ordinary high water line.
5. Vegetation enhancements shall be provided meeting the requirements in subsections (F)(1) and (2) of this section.
6. This section shall not apply to shallow lots that are located within the 30- to 50-foot stringline setback set forth in subsections (A)(4) and (D)(3) of this section.

F. Where enhancements for a 30-foot setback are specified by this chapter, the following shall be implemented:

1. Install a riparian vegetative planting area in accordance with the following (see diagram in Figure 16.63.030(F)(1)):
 - a. The planting area shall extend along the near-shore frontage of the lot adjoining the water;

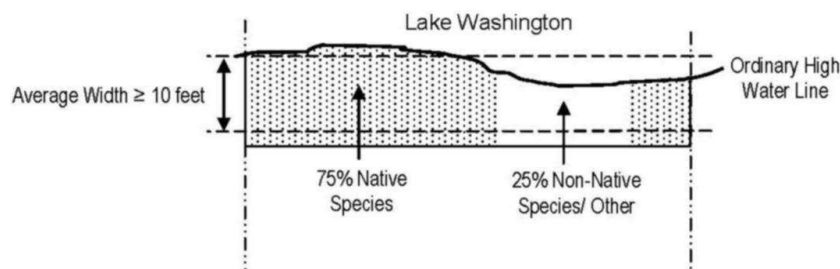
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- b. The average width of the planting area, measured from the ordinary high water line shall be a minimum of ten feet with no width measurement less than five feet;
- c. The total square footage of the planting area shall be equal to or greater than a continuous ten-foot wide area multiplied by the length of the near shore frontage;
- d. At least 75 percent of the planting area square footage shall be covered by vegetation;
- e. Installation of plants shall consist of any combination of native species, including trees, shrubs and groundcover, with at least 50 percent of the square footage area planted with vegetation other than groundcover;
- f. Plantings shall be installed at densities appropriate for the plant species to achieve the required ground coverage and shall be designed to improve habitat functions;
- g. The remaining 25 percent of the planting area may be planted with nonnative species and/or contain inanimate materials such as landscape rocks and allowed hard surfaced walkways;
- h. The city will accept existing native trees, shrubs, and groundcover as meeting the requirements of this section, including vegetation installed previously as part of a prior development activity, provided:
 - i. New native vegetation is planted within the setback area that covers additional surface area equal to or greater than the square footage and density requirements set forth in subsections (F)(1)(c) and (f) of this section; and
 - ii. The total square footage of new plantings plus the existing native plants is not required to exceed the total square footage of the entire shoreline setback area; and
 - iii. The city may require additional vegetation to be planted within the setback area to supplement existing vegetation where the city determines it is necessary to improve shoreline ecological functions;

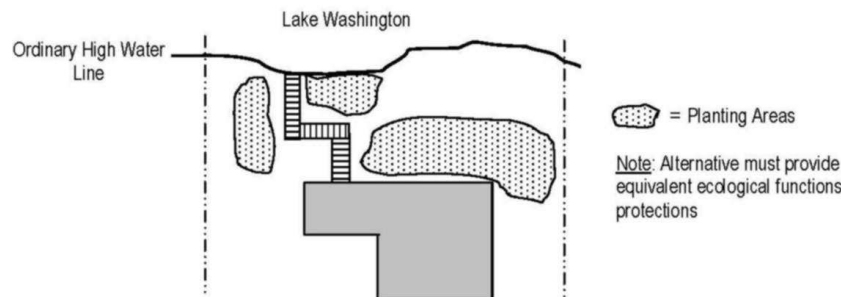
Figure 16.63.030(F)(1): Planting Area Diagram



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2. In lieu of the planting requirements set forth in subsection (F)(1) of this section, the city shall accept an alternative planting plan, provided:
 - a. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as the required planting plan;
 - b. The alternative planting plan is prepared by a qualified professional who can verify the equivalent protection of shoreline ecological functions; and
 - c. See Figure 16.63.030(F)(2) for an illustration of an alternative planting plan;

Figure 16.63.030(F)(2): Alternative Planting Area

3. The use of artificial chemicals including pesticides, herbicides and fertilizers shall be prohibited (organic plant treatments are acceptable) within the shoreline setback area;
4. The shoreline enhancements required under this subsection are in addition to shoreline enhancements and/or mitigation measures required elsewhere in the shoreline master program to obtain a permit approval from the city;
5. All planting plans shall be prepared by a qualified professional and submitted to the city for approval consistent with the requirements of this subsection;
6. All planting plans must include maintenance and monitoring provisions, including, but not limited to, the following:
 - a. An outline of the schedule for site monitoring;
 - b. Performance standards including, but not limited to, 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
7. After shoreline enhancements are completed:
 - a. The final approved setback and corresponding conditions shall be recorded at the King County recorder's office; and
 - b. The document for recording shall meet state and King County recording requirements with evidence of the recording submitted to the city; and
8. The city may require a financial security pursuant to MMC 16.66.120 as a guar-
- c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;
- d. The period of time necessary to establish that performance standards have been met; not to be less than three years;

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antee that the enhancements, maintenance and monitoring are completed to the satisfaction of the city.

(Code 1988 § 20.63.030; Ord. No. 976 §§ 14, 17, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.63.040. Maximum height.

A. Table 16.63.040 establishes the maximum height of structures permitted within each shoreline environment designation as it corresponds to the zoning district where the structure is located.

Table 16.63.040: Maximum Height

Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 district	30 feet	30 feet	See MMC 16.63.040(C)	Per approval of a conditional use permit
R-20 district	35 feet	35 feet		
R-30 district	35 feet	35 feet		
Parks and public places	35 feet	35 feet		
Primary state highway	Not applicable			
Other zoning districts	Not applicable			

B. In addition to the height requirements in Table 16.63.040, structures landward of the ordinary high water mark are subject to the height limitations of the zoning district where the structure is located.

C. The height of all structures within the aquatic environment designation shall be the minimum necessary for the proposed use, except as provided otherwise by law.

D. The maximum height in Table 16.63.040 shall not apply to:

1. Communication antennas;
2. Chimneys;
3. Flag poles;
4. Temporary structures utilized during construction; and
5. Similar appurtenances identified in this subsection, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines.

(Code 1988 § 20.63.040; Ord. No. 906 § 3 (Att. A), 2014)

16.63.050. Development standards for divisions of land and lot line adjustments.

This section shall only apply to lots located in part or in whole within the shoreline jurisdiction and which are being divided or having lot lines adjusted after April 18, 2014.

A. The following lot standards shall apply:

1. *Minimum net lot area.*
 - a. Table 16.63.050(A)(1) prescribes the minimum lot area for lots in each shoreline environment as it corresponds to the zoning district where the lot is located.

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16.63.050**Table 16.63.050(A)(1): Minimum Net Lot Area**

Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 district	16,000 square feet		Not applicable	Not applicable
R-20 district	20,000 square feet			None
R-30 district	30,000 square feet			Not applicable
Parks and public places	None			None
Primary state highway	Not applicable			None
Other zoning districts	Not applicable			

- b. The net lot areas in Table 16.63.050(A)(1) include land areas within the boundaries of the lot outside of the shoreline jurisdiction;
 - c. Minimum net lot area shall not apply to tracts of land restricted to providing shared or public shoreline access, ingress and egress, or tracts of land set aside to preserve and protect natural areas or critical areas; and
 - d. The high bank steep slope exception set forth in MMC 16.22.020(D) shall not apply to lots located within the shoreline jurisdiction.
2. *Minimum water frontage/lot width.*
- a. Table 16.63.050(A)(2) prescribes the minimum water frontage and lot width requirements for lots in each shoreline environment as it corresponds to the zoning district where the lot is located.

Table 16.63.050(A)(2): Minimum Water Frontage/Lot Width

Zoning District	Shoreline Residential	Urban Conservancy	Aquatic	Transportation
R-16 district	55 feet	55 feet	Not applicable	Not applicable
R-20 district	75 feet	75 feet		None
R-30 district	95 feet	120 feet		Not applicable
Parks and public places	Not applicable	120 feet		
Primary state highway	Not applicable			None
Other zoning districts	Not applicable			

- b. Lot width is measured as the mean horizontal distance between the side lot lines where the building envelope is located, except where a lot is irregularly shaped (i.e., less than two side lot lines) the lot width may be determined using lot lines corresponding to the longer dimensions of the lot;
- c. Water frontage is measured in the following manner (see diagrams in Figure 16.63.050(A)):
 - i. The two property lines intersecting the ordinary high water line shall be continued waterward in a straight line; and
 - ii. A centerline bisecting equal distances between the two property lines shall be established; and
 - iii. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the ordinary high water line intersects one of the property lines; and

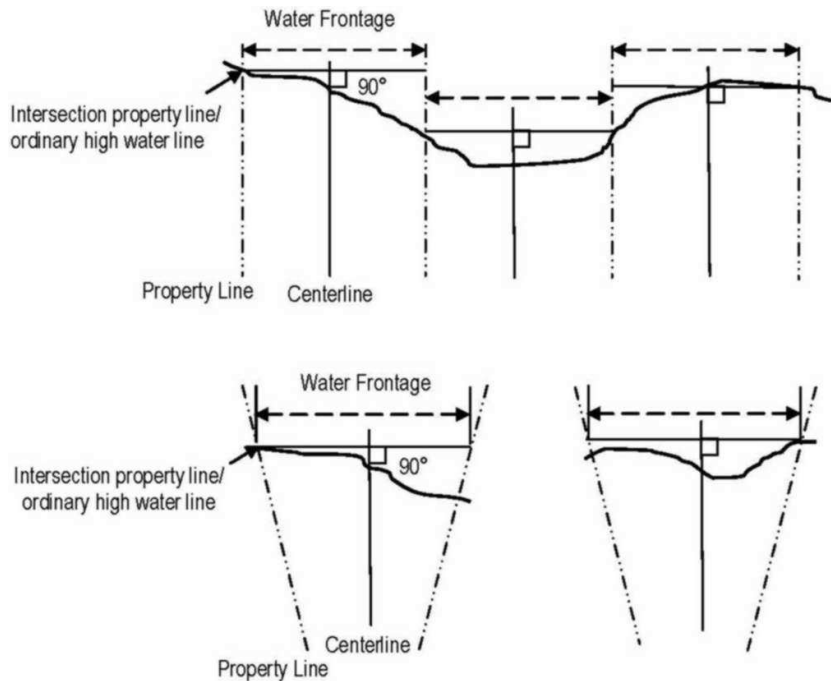
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- iv. The water frontage shall be measured as the length of the straight line created in subsection (A)(2)(c)(iii) of this section.

Figure 16.63.050(A): Measuring Water Frontage



- d. If a lot, as a result of an action under this section, will no longer adjoin Lake Washington, the minimum water frontage requirement does not apply.
- B. The following exceptions to the lot standards in subsection (A) of this section are allowed:
1. *Minimum net lot area.* A lot line adjustment may be approved with lots having less than the minimum net lot area, provided:
 - a. At least one of the existing lots has less than the required net lot area set forth in Table 16.63.050(A)(1); and
 - b. The final lot configuration will neither cause an existing lot to have less than the existing substandard net lot area nor cause an existing lot having the required lot area to have less than the required minimum net lot area; or
 - c. If two or more existing lots have less than the required net lot area set forth in Table 16.63.050(A)(1), then the final lot configuration can include more than one lot having less than the required net lot area, provided:
 - i. Only one substandard lot in the final configuration has its net lot area reduced to less than its existing lot area; and
 - ii. The reduced net lot area is not less than that of the existing smallest lot; and
 - iii. The number of lots having less than the required net lot area is not increased in the final lot configuration.

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2. *Minimum water frontage.* A lot line adjustment or a division of land may be approved with less than the required water frontage, provided:
 - a. At least one of the existing lots has less than the required water frontage set forth in Table 16.63.050(A)(2); and
 - b. The final lot configuration will neither cause an existing lot adjoining the lake to have less than the existing substandard water frontage nor cause a lot having the required water frontage to have less than the required minimum water frontage; or
 - c. If two or more existing lots have less than the required water frontage set forth in Table 16.63.050(A)(2), then the final lot configuration can include more than one lot adjoining the lake having less than the required water frontage, provided:
 - i. Only one lot in the final configuration has a substandard water frontage reduced to less than its existing water frontage; and
 - ii. The lot with the reduced water frontage does not have a water frontage less than the existing lot with the smallest water frontage; and
 - iii. The number of lots having less than the required water frontage is not increased in the final lot configuration.
 3. In addition to subsection (B)(2) of this section, any lot line adjustment or division of land may be approved having lots with less than the required water frontage set forth in Table 16.63.050(A)(2), provided:
 - a. The purpose of the action is to promote passive recreational use of the shoreline;
 - b. All future in-water development and structures and all development and structures within 50 feet of the ordinary high water line are prohibited, except:
 - i. Development and structures associated with wildlife habitat restoration and/or enhancements; and
 - ii. Stormwater drainage pipes and outfalls, underground utilities, and small uncovered outdoor fire pits, picnic tables, and benches;
 - c. All existing in-water structures and structures within 50 feet of the ordinary high water line on the property are removed, except:
 - i. Improvements associated with wildlife habitat enhancements;
 - ii. Stormwater drainage pipes and outfalls, underground utilities, and small outdoor fire pits, picnic tables, and benches;
 - iii. Authorized shoreline stabilization measures;
 - d. A deed restriction prohibiting future development consistent with subsection (B)(3)(b) of this section is placed upon the property and recorded with King County records office with evidence of the deed restriction submitted to the city;
 - e. The lot line adjustment or division of land does not cause another lot adjoining the lake to have less than the required water frontage.
 4. Minimum net lot area and water frontage requirements prescribed by this subsection shall not apply to lots permanently eliminated through a lot consolidation action.
- C. In addition to the requirements prescribed in this section, lot line adjustments and divisions of land must also comply with other applica-

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ble provisions of the shoreline master program and other applicable provisions of the Medina Municipal Code.

(Code 1988 § 20.63.050; Ord. No. 976 § 15, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.63.060. Shoreline restoration projects.

The city may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215. This may occur where a shoreline restoration project creates a shift in the ordinary high water mark, resulting in additional hardship, new or extra regulation.

(Code 1988 § 20.63.060; Ord. No. 976 § 16, 2019)

CHAPTER 16.64. USE SPECIFIC SHORELINE DEVELOPMENT STANDARDS

16.64.010. Residential development.

The following requirements apply to residential development:

- A. Residential development is permitted pursuant to the use table set forth in MMC 16.62.040;
- B. Residential development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 16.66 MMC;
- C. Overwater residential development such as houseboats and live-aboard vessels are prohibited;
- D. Fences shall not extend waterward of the ordinary high water line; and
- E. Where a single lot has more than one detached single-family dwelling located within the shoreline jurisdiction, each additional single-family dwelling within the shoreline jurisdiction beyond the first single-family dwelling shall have a shoreline setback of at least 50 feet, or as prescribed in MMC 16.63.030, whichever setback distance is greater.

(Code 1988 § 20.64.010; Ord. No. 976 § 18, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.64.020. Recreational development.

The following requirements apply to recreational development for public use including passive facilities for walking, viewing, and fishing, and active facilities for swimming, boating, and other outdoor recreational uses:

- A. Recreational development is permitted pursuant to the use table set forth in MMC 16.62.040;
- B. Recreational development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 16.66 MMC;
- C. Recreational development shall make adequate provisions for the following:
 - 1. Access for pedestrian and bicycles;
 - 2. Landscaping, fencing or similar amenities that prevents trespassing onto adjacent properties;
 - 3. Signage;
 - 4. Measures that protect and/or restore environmentally sensitive areas and assure no net loss of shoreline ecological functions and processes pursuant to the analysis in MMC 16.66.010; and
 - 5. Other measures, as necessary, to minimize adverse impacts on adjacent properties;
- D. Shoreline areas with specific valuable shoreline ecological functions, such as a designated wildlife habitat conservation area, shall be used only for non-intensive recreational activities that do not involve the construction of structures, except as necessary for wildlife habitat restoration;
- E. Boat launching facilities may be developed pursuant to the use table set forth in MMC 16.62.040; however, such facilities shall be separated from swimming areas and be developed consistent with the requirements in MMC 16.64.030(C); and

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- F. New or expanded recreational development shall provide public access pursuant to MMC 16.66.040, where feasible.
(Code 1988 § 20.64.020; Ord. No. 906 § 3 (Att. A), 2014)

16.64.030. Community boating facilities.

The following requirements apply to public facilities, and private and semi-private community boating facilities that serve five or more single-family dwellings:

- A. Boating facilities must be located and designed to:
1. Avoid or minimize impacts to shoreline ecological functions;
 2. Not block, obstruct or make dangerous designated public shoreline access;
 3. Not significantly impact views of nearby residential properties;
 4. Limit overwater coverage to the minimum necessary to accommodate anticipated demand;
 5. Result in minimum shoreline stabilization being necessary to protect the facility;
 6. Follow the standards in Chapter 16.65 MMC (Shoreline Modifications), as applicable; and
 7. Not result in a net loss of shoreline ecological functions or other significant adverse impacts.
- B. Boat launch requirements.
1. All boat launches shall comply with regulations stipulated by state and federal agencies or other agencies with jurisdiction;
 2. The length of a boat launch shall be the minimum necessary to safely launch the intended craft;
 3. In no case shall the ramp of a boat launch extend beyond where the water depth is six feet below the low high water line for Lake Washington, except where the city determines a greater depth is necessary for boats launching at a public facility;

4. Design requirements.

- a. A boat launch designed for nonmotorized boats shall be constructed using gravel or other similar natural material; or
- b. A boat launch designed for motorized boats shall be constructed using any of the following, listed in order of preference:
 - i. Open grid design with minimum coverage of lake substrate;
 - ii. Seasonal ramps that can be removed and stored upland; and/or
 - iii. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile;
- c. As an alternative, a less impactful design approved by state agencies may be accepted by the city.

(Code 1988 § 20.64.030; Ord. No. 906 § 3 (Att. A), 2014)

16.64.040. City government facilities.

The following requirements apply to Medina government facilities:

- A. City government facilities, including accessory uses, shall be permitted pursuant to the use table set forth in MMC 16.62.040; and
 - B. City government facilities shall comply with the policies and regulations for the specific shoreline environment designation, applicable zoning regulations, and the general shoreline regulations in Chapter 16.66 MMC.
- (Code 1988 § 20.64.040; Ord. No. 906 § 3 (Att. A), 2014)

16.64.050. Transportation facilities.

The following requirements apply to local and state transportation facilities:

- A. Local and state transportation facilities are permitted pursuant to the use table set forth in MMC 16.62.040;

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- B. All transportation facilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 16.66 MMC;
- C. The following standards are specific to transportation facilities:
1. Transportation facilities shall be limited to existing transportation corridors;
 2. All new and expansion of existing transportation facilities must meet the following conditions:
 - a. No reasonable alternative locations for the transportation facility are feasible;
 - b. The construction and maintenance of the transportation facility will have the least adverse impact on the shoreline area and shoreline ecological functions; and
 - c. The transportation facility is necessary for the public interest;
 3. Except for transportation facilities designated under RCW 47.05.022 as highways of statewide significance (e.g., State Route 520), the construction of new roads shall be the minimum necessary to support permitted shoreline uses;
 4. Highways of statewide significance shall be designed consistent with federal and state agency approvals;
 5. All transportation facilities within the shoreline area shall be designed to minimize impacts to wildlife habitat and allow fish passage where applicable;
- D. Construction and Maintenance of Transportation Facilities.
1. All debris and other waste materials shall be disposed of in such a way as to prevent their entry into any water body;
 2. Areas disturbed by construction and maintenance activities shall be replanted and stabilized with approved riparian vegetation immediately upon completion of the activity. The vegetation shall be maintained until established;
 3. Mechanical means should be utilized to the greatest extent feasible instead of herbicides for roadside brush control; and
 4. Drainage and surface water runoff shall be controlled so that pollutants will not be carried into water bodies;
 - E. Transportation and utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline;
 - F. Street ends and right-of-way abutting Lake Washington and located within the shoreline jurisdiction are prohibited from being vacated, unless the vacation enables the city to implement a plan that provides comparable or improved public access to the same shoreline pursuant to RCW 35.79.035; and
 - G. Public street ends that abut Lake Washington shall be used for public access or recreational purposes.
- (Code 1988 § 20.64.050; Ord. No. 906 § 3 (Att. A), 2014)

16.64.060. Utilities.

The following requirements apply to utilities within the shoreline jurisdiction:

- A. Utilities are allowed pursuant to the use table set forth in MMC 16.62.040;
- B. All utilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 16.66 MMC;
- C. Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution that are accessory and incidental to a permitted shoreline use shall be reviewed under the shoreline use to which the utilities are accessory;
- D. Regional utility facilities involved in production, processing and transmission shall be located outside of the shoreline jurisdiction unless no other feasible option exists;
- E. Where it is not feasible to locate regional utility facilities outside of the shoreline jurisdiction, they shall be placed so as to not adversely

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- impact shoreline ecological functions or obstruct views of a significant number of nearby residential properties;
- F. Utilities, which are not accessory and incidental to a permitted shoreline use, must make use of existing rights-of-way or utility easement corridors whenever possible and should avoid duplication and construction of new utility corridors within the shoreline jurisdiction;
 - G. New utility corridors may be authorized only if it can be demonstrated that the existing routes are not feasible;
 - H. Whenever feasible, utility lines, pipes, conduits, cables, meters, vaults, and similar infrastructure and appurtenances shall be placed underground to the maximum extent feasible;
 - I. The location and construction of outfalls shall comply with appropriate federal, state, county and city regulations;
 - J. Natural drainage systems shall be maintained, enhanced and restored to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions; and
 - K. Wireless communication facilities are permitted pursuant to the use table in MMC 16.62.040, the zoning requirements set forth in Chapter 16.37 MMC, and provided they do not obstruct the views of Lake Washington of a substantial number of nearby residences.
- (Code 1988 § 20.64.060; Ord. No. 906 § 3 (Att. A), 2014)
- C. Properties with a residential environment designation shall be limited to not more than one permanent sign for each dwelling unit, except this limitation shall not apply to signs related to water navigation, signs necessary for operation, safety and directions, or signs solely displaying the address of a residence;
 - D. Signs shall be affixed to a pier or be wall-mounted;
 - E. Freestanding signs are prohibited, except one freestanding temporary sign may be allowed;
 - F. Signage lighting shall be limited to a low-wattage external light source that does not direct lighting towards neighboring properties or Lake Washington;
 - G. Except where allowed in subsection (F) of this section, other forms of signage lighting are prohibited; and
 - H. Address numbering and letters shall meet fire code requirements.
- (Code 1988 § 20.64.070; Ord. No. 976 § 19, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.64.080. Trams.

The following requirements apply to the installation and operation of trams:

16.64.070. Signage.

In addition to the requirements for signs found in the zoning regulations, the following requirements shall apply to signage located within the shoreline jurisdiction:

- A. Signs shall be located in a manner not to significantly interfere or block views of Lake Washington from nearby properties;
- B. Permanent signs erected within a residential environment designation shall not exceed a maximum of two square feet in sign area (face of the sign containing the message, logo or other identification);

- A. The installation of a tram shall be limited only to steep slope areas as defined in Chapter 16.67 MMC;
- B. Construction of the tram and installation of associated equipment must minimize disruption of natural drainage patterns and removal of vegetation on the steep slope;
- C. The tram and/or landing for the tram must comply with shoreline setback, except the tram and/or landing may be placed within a shoreline setback without the requirement for a shoreline variance, provided the following can be demonstrated:
 1. There are no practical alternative locations to avoid placement of the tram within a shoreline setback;
 2. The existing topography makes it infeasible to place the tram or landing outside of the shoreline setback;

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3. The intrusion into the shoreline setback is the minimum necessary; and
4. Mitigation is provided based upon a net loss analysis set forth in MMC 16.66.010 assuring no net loss to shoreline ecological functions.

(Code 1988 § 20.64.080; Ord. No. 906 § 3 (Att. A), 2014)

CHAPTER 16.65. SHORELINE MODIFICATIONS

16.65.010. General provisions applicable to all shoreline modifications.

The following shall apply to all shoreline modifications expressed under this chapter:

- A. The shoreline modification must support an allowed shoreline use or be for the purpose of shoreline mitigation and/or shoreline enhancement;
- B. The shoreline modification must comply with the policies and regulations of the specific shoreline environment designation and the general shoreline regulations found in Chapter 16.66 MMC; and
- C. The shoreline modification must be constructed and maintained in a safe and sound condition and any structures determined to be unsafe or abandoned shall be removed, repaired, or have the unsafe conditions remedied immediately by the property owner.

(Code 1988 § 20.65.010; Ord. No. 906 § 3 (Att. A), 2014)

16.65.020. Overwater structures—General provisions.

The following requirements apply to all overwater structures including piers, docks, buoys, moorage piles, boat lifts, floats, and similar types of structures:

- A. Piers, docks, and floats are allowed as follows:
 1. Only one pier or dock plus one float is permitted per single-family dwelling;
 2. Where a lot contains more than one dwelling, only one pier or dock plus one float is permitted; and
 3. Limitations on other overwater structures shall be as prescribed by this chapter;

- B. Overwater structures must support a permitted shoreline use, but may be located off site from the principal use, provided the lots containing the overwater structure and the lots containing the principal use are located contiguous to each other and have the same distinct property ownership;

- C. The director may waive the limitation in subsection (B) of this section requiring lots to be contiguous if the overwater structure provides shoreline access to the general public, or the overwater structure provides shoreline access to three or more single-family dwellings under distinctly separate ownerships;

- D. Where a new residential development has one of the following conditions, a joint-use pier or dock is required rather than individual piers or docks:

1. Divisions of land into two or more lots where waterfront access is provided to the new lots; or
2. Development of two or more single-family dwellings under distinctly separate property owners where waterfront access is provided to the new dwellings;

- E. The director may waive the limitation in subsection (D) of this section requiring a joint-use pier or dock if the applicant can demonstrate a joint-use pier or dock is not feasible because of topography or environmental constraints;

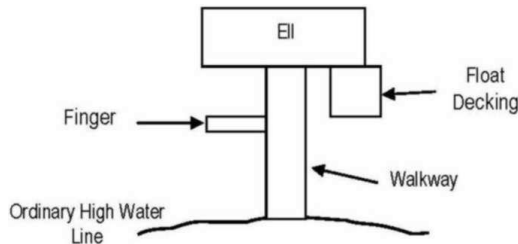
- F. Renting, leasing or selling moorage space to a party different than the property owner or a tenant renting or leasing the property where the moorage is located is prohibited;

- G. Figure 16.65.020 illustrates the different elements of a typical pier or dock.

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Figure 16.65.020: Diagram of Typical Pier/Dock Elements



(Code 1988 § 20.65.020; Ord. No. 906 § 3 (Att. A), 2014)

16.65.030. Piers, docks, buoys, moorage piles, swim floats—Application.

It is recognized in the Medina comprehensive plan that the city is a mature nearly built-out residential community. This nearly built-out condition includes development running along the city's shoreline. In recognition of the existing built-out conditions and the requirements set forth in the state's shoreline guidelines, this chapter establishes multi-level design standards applicable to piers, docks, buoys, moorage piles and swim floats.

- A. Where a property owner can demonstrate that a pier or dock was legally established prior to

- April 18, 2014, the dimensional and design standards for existing overwater structures set forth in Table 16.65.040 shall apply.
- B. Where a property owner cannot demonstrate that a pier or dock was legally established prior to April 18, 2014, the dimensional and design standards for new overwater structures set forth in Table 16.65.040 shall apply.
- C. The property owner has the burden of proof to demonstrate when a pier or dock was legally established.
- D. The compliance of a pier or dock to required dimensional and design standards is resolved by which dimensional and design standards apply to a particular pier or dock as determined pursuant to subsection (A), (B) or (C) of this section.
- E. Where a new pier or dock is proposed, it shall be allowed only for water-dependent uses including single-family residences or public access. When in association with a single-family residence, it shall be designed and intended as a facility for access to watercraft.
- F. Table 16.65.030 provides a user's guide of the requirements that apply to all piers, docks, buoys, moorage piles, and swim floats (the table is informational only):

Table 16.65.030: User's Guide of Pier and Dock Standards

Date Pier or Dock is Established	Type of Construction	Applicable Standards
Before April 18, 2014	Replacement	<ul style="list-style-type: none"> Existing structures requirements in MMC 16.65.040
	Modifications/additions	<ul style="list-style-type: none"> Replacement requirements above plus requirements in MMC 16.65.060 Nonconforming requirements in MMC 16.66.090 if existing structures requirements apply and the pier or dock is noncompliant
	Repair/maintenance	<ul style="list-style-type: none"> Work must be consistent with applicable requirement above for replacement, or Nonconforming requirements in MMC 16.65.060 and 16.66.090 if existing structures requirements apply and the pier or dock is noncompliant

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Date Pier or Dock is Established	Type of Construction	Applicable Standards
April 18, 2014, and later	New	• New structures requirements in MMC 16.65.040
	Modifications/additions	• Requirement above for applicable new structures plus requirements in MMC 16.65.050
	Repair/Maintenance	• Work must be consistent with applicable requirement above for new

(Code 1988 § 20.65.030; Ord. No. 906 § 3 (Att. A), 2014)

16.65.040. Design standards for piers, docks, buoys, moorage piles, and floats.

A. Table 16.65.040 sets forth the dimensional and design standards that apply to piers, docks, buoys, moorage piles, and floats established under MMC 16.65.030(A) and (B):

Table 16.65.040: Overwater Structure Dimensional and Design Standards

Description	Requirements	
	New Structures (see MMC 16.65.030(B))	Existing Structures (see MMC 16.65.030(A))
Maximum Overwater Surface Coverage¹		
Single property owner	480 square feet ²	1,200 square feet
Shared/joint-use by two property owners	700 square feet ²	1,400 square feet
Shared/joint-use by more than two property owners	1,000 square feet ²	1,500 square feet
Public	Minimum necessary to support the public use	
Minimum Setback from Side Property Lines		
Single property owner	12 feet	12 feet
Shared/joint-use where straddling a common property line	None	None
Shared/joint-use where not straddling a common property line	12 feet	12 feet
Maximum Length		
Farthest extension point of all structures from the ordinary high water line (see MMC 16.65.040(D))	100 feet	100 feet
Ell	26 feet	None
Fingers and floating decking	20 feet	None
Maximum Width		
Walkway, located within 30 feet waterward of the ordinary high water line	4 feet	4 feet, except an additional 2 feet of width is permitted if the property owner or family member living on the property has a condition that qualifies for state disabled accommodations
Walkway, located greater than 30 feet waterward of the ordinary high water line	6 feet	6 feet
Ell and floating decking	6 feet	None
Finger	2 feet	None
Height		
Minimum height above the plane of the ordinary high water line and the bottom of the stringers on a pier	1½ feet	1½ feet
Minimum height of nonpier structures	None	None
Maximum height above the plane of the ordinary high water line and the top of the decking of a pier	5 feet	5 feet
Maximum height of piles: ³		

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• Above the top of a pier	5 feet	5 feet
• Others—above the plane of the ordinary high water line	7 feet	7 feet
Maximum height of safety railing above surface decking ⁴	3½ feet	3½ feet
Walls, sheathing, lockers (except horizontal lockers not exceeding two feet in height) and similar construction not listed	Prohibited	
Location of Specific Structures		
Minimum distance of the landward edge of ells, fingers, buoys, moorage piles, and/or floats waterward from the ordinary high water line	30 feet and ten feet of water depth, unless water depth is waived pursuant to MMC 16.65.040(K)	30 feet and ten feet of water depth, unless water depth is waived pursuant to MMC 16.65.040(K)
Minimum distance of all piles, except moorage piles, waterward from the ordinary high water line	18 feet	18 feet
Pier Skirting		
Pier skirting is allowed only when: 1. The applicant can demonstrate that it is necessary for protection from wave action; 2. The applicant can demonstrate that no reasonable alternative to the use of skirting exists; 3. The skirting is located 30 feet or more waterward of the ordinary high water line; 4. The applicant provides mitigation to achieve no net loss of shoreline ecological functions pursuant to an analysis set forth in MMC 16.66.010; and 5. A shoreline conditional use permit authorizing the skirting is obtained pursuant to MMC 16.72.120.		
Materials		
Decking for piers, docks, floats and platform lifts	Grating or other materials that allow a minimum 40 percent light to transmit through	
Decking for floats where full grating or use of translucent materials is not practical	Minimum 2-foot-wide grating strip located down the center of the entire float that allows 40 percent light to transmit through the grating	
Piles, buoys, moorage piles, skirting and similar structures	Treatment with pentachlorophenol, creosote, chromate copper arsenate, or similar toxic compounds is prohibited	
Notes: 1. Maximum overwater surface coverage includes float, ramp, ell, finger, and walkway. 2. See MMC 16.65.040(B) for allowances to increase overwater surface coverage. 3. Includes pier piles and moorage piles. 4. Safety railing shall be designed to providing maximum opening to allow air and light to pass through.		

B. Where a new pier or dock is established pursuant to MMC 16.65.030(A), the maximum overwater surface coverage in Table 16.65.040 may be increased to the following standards provided the conditions in subsection (C) of this section are satisfied:

1. Single-property ownership: 900 square feet;
2. Shared/joint-use by two property owners: 1,150 square feet; or
3. Shared/joint-use by more than two property owners: 1,400 square feet.

C. An increase to the maximum overwater surface coverage is allowed, where:

1. The increase is the minimum necessary for access to vessels;
2. The increase receives the necessary federal and state agency approvals;
3. Mitigation is provided in addition to that required by subsection (E) of this section, which demonstrates the additional overwater surface

coverage will result in no net loss of shoreline ecological functions pursuant to an analysis in MMC 16.66.010; and

4. Other applicable provisions of the shoreline master program are met.

D. The maximum length prescribed in Table 16.65.040 is measured in the following manner:

1. The length is measured along a centerline established by bisecting equally the pier or dock's walkway width;
2. Where the centerline intersects the ordinary high water line shall be designated the point of origin;
3. The centerline continues from the point of origin along a straight line to an end point designated where a straight line drawn perpendicular to the centerline touches the farthest point waterward from the point of origin of any in-water/overwater structures associated with the property; and

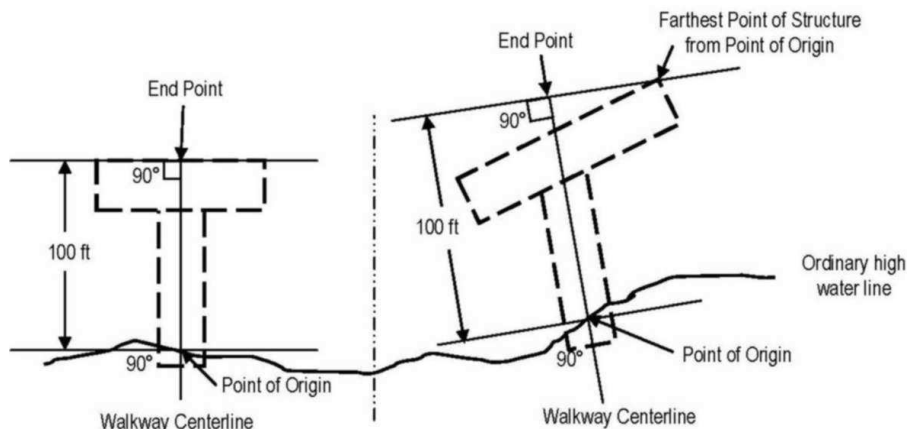
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4. The length is measured as the distance of the centerline between the point of origin and the end point (see diagrams in Figure 16.65.040(D)).

Figure 16.65.040(D): Maximum Length of Overwater Structures



E. Where a new pier or dock is established pursuant to MMC 16.65.030(A), the following mitigation measures are required to be taken:

1. Remove existing in-water and overwater structures consistent with subsection (F) of this section;
2. Plant emergent vegetation waterward of the ordinary high water line per Washington State Fish and Wildlife and/or Corps of Engineers requirements, unless it can be demonstrated that planting is not feasible or appropriate due to environmental constraints;
3. Install a riparian vegetative planting area in accordance with the following (see diagram in Figure 16.65.040(E)):
 - a. The planting area must cover at least 1,000 square feet of surface ground area, except where a lot has less than 100 feet of water frontage in which case the required planting area is the distance of the water frontage multiplied by 10;
 - b. The planting area shall extend along the contours of the ordinary high water line;
 - c. The average width of the planting area measured from the ordinary high water line shall be a minimum of ten feet with no width measurement less than five feet;
 - d. The length of the planting area must be at least twice the average width, unless the width of the water frontage makes this not feasible;
 - e. Planting is not required in areas covered by walkways, water-dependent improvements, and other allowed improvements, however, this allowance does not decrease the total surface ground area set forth in subsection (E)(3)(a) of this section;
 - f. Plantings shall include a mixture of native species plants and be of a sufficient density to improve habitat ecological functions;
 - g. The city will accept existing native species plants as meeting the requirements

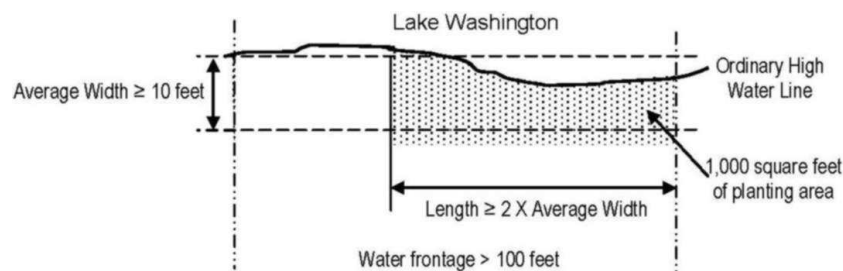
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of this subsection, excluding required vegetation installed as setback enhancements pursuant to MMC 16.63.030(F); provided, that the existing vegetation provides a riparian planting strip at least as effective in protecting shoreline ecological functions as the required vegetation; and

- h. The city may require the applicant to plant vegetation to supplement the existing vegetation in order to provide a planting area at least as effective as the required planting strip;

Figure 16.65.040(E): Planting Area Diagram



4. In lieu of the planting requirements set forth in subsection (E)(3) of this section, the city shall accept an alternative planting plan, provided:
 - a. The alternative planting plan is approved by state and federal agencies;
 - b. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as subsection (E)(3) of this section; and
 - c. The planting plan is prepared by a qualified professional who can verify the equivalent shoreline protection;
 5. All planting plans shall be prepared by a qualified professional and must include maintenance and monitoring provisions having the following:
 - a. An outline of the schedule for site monitoring;
 - b. Performance standards with 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three and more;
 - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards are not being met;
 - d. The period of time necessary to establish performance standards have been met, not to be less than three years; and
 - e. A form of financial security as prescribed in subsection (G) of this section.
- F. Where an existing pier or dock is replaced, mitigation shall consist of removing in-water and overwater structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures and existing boat lifts otherwise complying with other applicable standards set forth in MMC 16.65.080.
- G. The city may require a financial security pursuant to MMC 16.66.120 as a guarantee that the plantings, maintenance and monitoring are completed to the satisfaction of the city.
- H. The planting area utilized for mitigation shall be designated a native planting preservation area subject to the following:
1. A notice on the title of the real property shall be recorded with King County records office;

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2. The required content of the notice is limited to alerting future property owners that the vegetation within the planting area must be preserved and that it is a violation of the Medina Municipal Code to damage or permanently destroy native vegetation within the preservation area; and
3. Evidence of the recording shall be provided to the city.

I. Buoys and moorage piles must be accessory to an existing or authorized pier or dock. Mitigation for these shall be pursuant to requirements imposed by federal or state agencies.

J. Shared and joint-use overwater structures shall require an easement or other documentation approved by the city providing for shared use and/or maintenance of the subject overwater structure.

K. The director may waive the requirement for minimum water depth where the following conditions exist:

1. Compliance with the water depth is not feasible without the need for a shoreline variance;
2. No reasonable alternative exists due to the bathymetry and/or existing overwater structures on adjacent properties; and
3. A minimum water depth of five feet is maintained.

(Code 1988 § 20.65.040; Ord. No. 906 § 3 (Att. A), 2014)

16.65.050. Modifications to overwater structures.

The following requirements apply to overwater structures that are modified and where the existing configuration of the structure is altered (i.e., changes to the surface footprint or height):

- A. Modifications, such as additions, must comply with the applicable dimensional and design standards established in MMC 16.65.030;
- B. Where a modification will increase the overwater coverage, mitigation shall be provided that:
 1. Is proportional to the impact generated by the increased overwater coverage; and
 2. Is of sufficient quantity and quality to assure no net loss of shoreline ecological functions pursuant to the analysis set forth in MMC 16.66.010;

- C. Where existing structures exceed the maximum overwater surface coverage standard, modifications, including additions, are allowed, provided the final net overwater surface coverage is not an increase from the existing conditions and the requirements of MMC 16.66.090 (Nonconforming development) are satisfied; and

- D. Where existing overwater structure is proposed for removal, priority should be given to removing those structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures, existing boat lifts otherwise complying with other applicable standards set forth in MMC 16.65.080, and pier and dock walkways.

(Code 1988 § 20.65.050; Ord. No. 906 § 3 (Att. A), 2014)

16.65.060. Repair and maintenance of overwater structures.

The following requirements apply to the repair and maintenance of overwater structures where the repair work is for the purpose of preventing the decline, lapse or cessation of the structure:

- A. Repair and maintenance work is allowed;
- B. Repair and maintenance may include replacing structure with similar structure if the replacement does not increase the size or shape of the structure, or significantly alter the configuration of the entire structure;
- C. All repair work must use materials listed in Table 16.65.040;
- D. Where repair and maintenance is to a nonconforming pier or dock, the limitations for a nonconforming structure set forth in MMC 16.66.090 shall apply; except the following repair actions are not subject to the limitations for nonconforming structures, provided the constraint in subsection (E) of this section is satisfied:
 1. Replacement of up to 75 percent of the existing piles during any consecutive 18-month period; or
 2. Repair of up to 100 percent of the existing piles, provided repair does not involve driving piles into the benthic; or

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3. Replacement of any structure treated with pentachlorophenol, creosote, or similar toxic compounds provided the replacement is a voluntary action to improve shoreline ecological functions and not to repair structurally hazardous conditions; or
 4. Replacement of any solid decking with materials, such as grating, that allow at least 40 percent light to transmit through the material, and where the repair work does not include replacement of substructure;
- E. Where repair or maintenance to a nonconforming pier or dock involves repairing multiple elements of the structure during any 18-consecutive-month period, the cost for the entire repair, including those repair actions prescribed in subsection (D) of this section, shall be subject to the nonconforming regulations set forth in MMC 16.66.090, except those repair actions prescribed in subsections (D)(1) and (3) of this section shall not be included in replacement cost calculations.
- (Code 1988 § 20.65.060; Ord. No. 906 § 3 (Att. A), 2014)

16.65.070. Covered moorage.

The following requirements apply to covered moorage:

- A. Covered moorage structures are permitted pursuant to the use table in MMC 16.62.040, provided they are accessory to a pier or dock;
- B. Table 16.65.070(B) sets forth the dimensional and design standards for covered moorage structures:

Table 16.65.070(B): Covered Moorage Dimensional and Design Standards

Description	Dimensional and Design Standard
Location	
Covered moorage building envelope	A covered moorage structure shall be located within the building envelope prescribed in MMC 16.65.070(C)
Maximum Number	
Covered moorage	One covered moorage structure per pier or dock

Description	Dimensional and Design Standard
<i>Maximum Overwater Coverage</i>	
Single	500 square feet
Shared/joint-use (all)	750 square feet
Minimum Side Property Line Setback	
Single property owner/public facilities	12 feet
Shared/joint-use facility where straddling a common property line between the property owners	None
Shared/joint-use facility where not straddling a common property line between the property owners	12 feet
Height	
Maximum height of covered moorage above plane of the ordinary high water line	16 feet
Minimum height of covered moorage above the plane of the ordinary high water line	8 feet
Other Standards	
Cover materials	Roof must be made of translucent materials

- C. Covered moorage building envelope. The covered portion of a moorage for an individual or shared/joint-use pier or dock shall be located inside of a covered moorage building envelope established in the following manner and illustrated in Figure 16.65.070(C):

1. The covered moorage building envelope shall be formed as an equilateral or isosceles triangle;
2. The base of the triangle is formed by:
 - a. The two outermost property lines intersecting the ordinary high water line being continued waterward in a straight line; and
 - b. A centerline is created by either:
 - i. Equally bisecting the distance between the two outer property lines; or
 - ii. Where a shared/joint-use pier or dock straddles a shared property line, the shared property line is the centerline; and
 - c. The triangle base is created by extending a straight line between the two outer property lines that runs

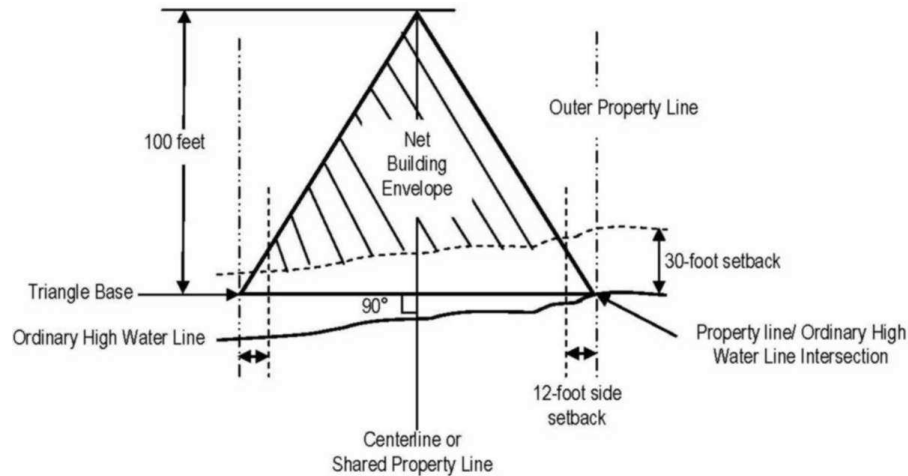
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- perpendicular to the centerline and has at least one end affixed to the point most waterward where the ordinary high water line intersects a property line;
3. The altitude of the triangle is formed along the centerline created in subsection (C)(2)(b) of this section;
 4. The two remaining sides of the triangle are formed by extending straight lines from each of the points where the base intersects the property lines to a point on the altitude that is 100 feet waterward from where the centerline intersects the baseline; and
 5. Covered moorage structures shall be at least 30 feet waterward from the ordinary high water line and nine feet of water depth, unless water depth is waived pursuant to subsection (D) of this section; and
 6. The minimum side property line setbacks set forth in Table 16.65.070(B) apply.

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16.65.080**Figure 16.65.070(C): Covered Moorage Building Envelope**

D. The director may waive the requirement for minimum water depth where the following conditions exist:

1. Compliance with the water depth is not feasible without the need for a shoreline variance;
2. No reasonable alternative exists due to the bathymetry and/or existing overwater structures on adjacent properties; and
3. A minimum water depth of five feet is maintained.

E. Mitigation shall be provided in a 1:1 ratio by area for all new overwater coverage. Preferred forms of mitigation, but not limited to, are as follows:

1. Replacing solid decking with grated decking consistent with Table 16.65.040;
2. Planting a mix of native vegetation adjacent to the ordinary high water line;
3. Planting emergent vegetation waterward of the ordinary high water line, if feasible; or
4. Removal of existing hardened shoreline stabilization.

(Code 1988 § 20.65.100; Ord. No. 906 § 3 (Att. A), 2014)

16.65.080. Boat lifts.

The following requirements apply to boat lifts and canopies:

- A. Boat lifts are permitted pursuant to the use table in MMC 16.62.040, provided they are accessory to a pier or dock;
- B. Table 16.65.080 sets forth the dimensional and design standards for boat lifts and canopies:

Table 16.65.080: Boat Lift Dimensional and Design Standards

Description	Dimensional and Design Standards
Location	
Maximum distance waterward of the ordinary high water line	Not more than 100 feet, except as allowed pursuant to MMC 16.65.080(C) ¹
Minimum distance waterward of the ordinary high water line	Not less than 30 feet and 9 feet of water depth, unless water depth is waived pursuant to MMC 16.65.080(D) ¹
Maximum Number	3 freestanding or deck-mounted boat lifts and/or jet ski lifts allowed per single-family dwelling that share the pier or dock
Minimum Side Property Line Setback	
Single property owner/public facility	12 feet

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Description	Dimensional and Design Standards
Shared/joint-use facility where straddling a common property line between the property owners	None
Shared/joint-use facility where not straddling a common property line between the property owners	12 feet
Boat Lift Canopies	
Canopy materials	<ul style="list-style-type: none"> • Translucent materials • Canopy frame must be mounted and attached to the boat lift, not to a platform piling or pier
Maximum number	Only 1 canopy can be installed per residential overwater structure, excluding covered moorage allowed pursuant to MMC 16.65.070
Maximum height of the canopy above the plane of the ordinary high water line	16 feet
Minimum height of the lowest edge of the canopy above the plane of the ordinary high water line	8 feet
Other Standards	
Fill material	Must be clean rock or pre-cast concrete blocks, provided: <ul style="list-style-type: none"> • The fill is necessary to anchor the boat lift; • Substrate prevents the embedment of anchoring devices; and • The quantity of fill material is the minimum necessary to anchor the boat lift
Mitigation	Mitigation shall be provided when proposed overwater boat lifts increase the existing overwater footprint coverage
Notes: 1. See MMC 16.65.040(D) for measuring distance	

C. Where an existing pier or dock exceeds 100 feet in length, a boat lift may be located beyond the maximum distance set forth in Table 16.65.080, provided:

1. No point of the boat lift extends waterward further than the farthest point of the pier or dock measured from ordinary high water line;
2. Placement of the boat lift does not include installing a platform, finger or similar structure that would be located beyond the maximum distance set forth in Table 16.65.080;

3. The placement of the boat lift will not create obstacles to access and navigation by nearby property owners; and

4. The nonconformity of the existing pier or dock is not abandoned as prescribed in MMC 16.66.090.

D. The director may waive the requirement for minimum water depth where the following conditions exist:

1. Compliance with the water depth is not feasible without the need for a shoreline variance;
2. No reasonable alternative exists due to the bathymetry and/or existing overwater structures on adjacent properties; and
3. A minimum water depth of five feet is maintained.

(Code 1988 § 20.65.120; Ord. No. 976 § 20, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.65.090. Shoreline stabilization—General provisions.

Shoreline stabilization measures are used to typically address erosion impacts to property caused by natural processes such as water currents, floods, tides, wind, and/or wave actions. They can vary from nonstructural measures to structural measures and from soft measures to hard measures. The following requirements apply to all shoreline stabilization measures:

- A. New development should be located and designed to the extent feasible to avoid future needs for shoreline stabilization measures;
- B. New development shall be prohibited where shoreline stabilization measures will cause significant impacts to adjacent or down-current properties and shoreline areas;
- C. Shoreline stabilization shall not:
 1. Significantly interfere with normal surface and/or subsurface drainage; and
 2. Cause a hazard to navigation;
- D. Where a property contains steep slopes and/or buffers near the shoreline, new development shall be set back sufficiently to ensure shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by geotechnical analysis;

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- E. When subdividing land into building lots, the division shall be done in a manner that the new lots created will not require structural shoreline stabilization for reasonable development to occur, as demonstrated by geotechnical analysis;
- F. Publicly financed or subsidized shoreline stabilization shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to shoreline ecological functions;
- G. Table 16.65.090 provides a user's guide of the key requirements for shoreline stabilization measures (the table is informational only):

Table 16.65.090: Guide to Key Shoreline Stabilization Measures

Shoreline Stabilization Measures	Summary of Requirements
Nonstructural and structural methods	<ul style="list-style-type: none"> • Nonstructural methods preferred • Structural allowed if need is demonstrated • Soft measures considered before hard measures
New or enlargement	<ul style="list-style-type: none"> • Allowed when primary structure or single-family dwelling is ten feet or less from the ordinary high water line • Allowed when primary structure or single-family dwelling is more than ten feet with geotechnical analysis demonstrating need • Requires mitigation planting for hard measures
Replacement	<ul style="list-style-type: none"> • Existing may be replaced with similar • Hard measures may be replaced with soft measures • Existing may be replaced with different hard measures if the replacement measures significantly improve shoreline ecological functions • When existing primary structure or use is more than ten feet from the ordinary high water line, requires a written narrative that provides a demonstration of need • Existing structure is not enlarged
Repair	<ul style="list-style-type: none"> • Repair is to 75 percent or less of the linear length of structure at or below the ordinary high water line • Structure is not moved or enlarged

- H. The following is a list of examples of shoreline stabilization measures that range from nonstructural to soft to hard structural measures:
- Vegetation enhancement;
 - Upland drainage control;

- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls; and
- Bulkheads.

(Code 1988 § 20.65.200; Ord. No. 906 § 3 (Att. A), 2014)

16.65.100. Structural shoreline stabilization—All.

The following requirements apply to all structural shoreline stabilization measures:

- A. Where structural shoreline stabilization is allowed, soft measures such as bioengineering or biotechnical measures shall be used unless it can be demonstrated such measures are not sufficient at protecting primary structures or dwellings, in which case hard measures may be used; and

- B. Structural shoreline stabilization measures shall be limited to the minimum necessary.
(Code 1988 § 20.65.210; Ord. No. 906 § 3 (Att. A), 2014)

16.65.110. Structural shoreline stabilization—New and enlargements.

New structural shoreline stabilization, and additions to or increases in size of existing structural shoreline stabilization, are allowed under the following conditions:

- A. To protect an existing primary structure including single-family dwellings where the closest point of the exterior walls of the building are a distance of ten feet or less from the ordinary high water line.
- B. To protect existing primary structures including single-family dwellings where the distance from the ordinary high water line is greater than ten feet, provided:
1. On-site drainage has been directed away from the shoreline edge first;
 2. Geotechnical analysis pursuant to MMC 16.65.160 provides conclusive evidence

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- that the structure or dwelling is in danger from shoreline erosion caused by tidal action, currents and waves; and
3. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 16.66.010.
- C. To support a new non-water-dependent development, including single-family dwellings, provided:
1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 2. Geotechnical analysis pursuant to MMC 16.65.160 demonstrates a need to protect the primary structure from damage due to erosion caused by natural processes such as tidal actions, current and waves;
 3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient in protecting the primary structure; and
 4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 16.66.010.
- D. To support a water-dependent development, provided:
1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 2. Geotechnical analysis pursuant to MMC 16.65.160 demonstrates a need to protect primary structures from damage due to erosion;
 3. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient in protecting primary structures; and
 4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 16.66.010.
- E. To protect projects for the restoration of shoreline ecological functions, provided:
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
 2. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 16.66.010.
- F. Mitigation shall be provided pursuant to MMC 16.65.150.
- G. Primary structures shall include appurtenances such as detached garages, cabanas and beach houses, but do not include storage sheds, playhouses, greenhouses, swimming pools, spas and other ancillary residential improvements.
- (Code 1988 § 20.65.220; Ord. No. 906 § 3 (Att. A), 2014)

16.65.120. Structural shoreline stabilization—Replacement of existing.

Where modification of existing structural shoreline stabilization does not constitute repair under MMC 16.65.130, modification may be allowed under the following conditions:

- A. Replacement of existing structure. Existing structure may be replaced, provided:
1. The existing structure cannot adequately perform a shoreline stabilization function;
 2. Replacement involves constructing new structure to replace existing structure;
 3. Replacement structure is with similar structure including using soft measures to replace hard measures;
 4. Replacement structure does not increase the height, width, length, or depth of the existing structure, except as may be necessary to implement soft structural stabilization (other replacements that en-

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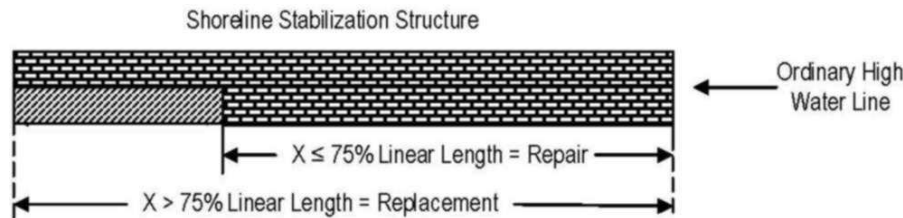
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- large the existing structure are subject to the provisions set forth in MMC 16.65.110);
5. Replacement structure does not intrude further waterward of the ordinary high water mark, except as allowed pursuant to WAC 173-26-231(3)(a)(iii)(C) and amendments thereto;
 6. Replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions per an analysis in MMC 16.66.010;
 7. A demonstration of need is provided pursuant to MMC 16.65.160 showing the shoreline stabilization structure is necessary to protect principal use or structure from erosion caused by currents, tidal action or waves, except this requirement does not apply:
 - a. If the principal use or structure is located ten feet or less from the ordinary high water line; or
 - b. If soft measures are used to replace hard structure that results in significant restoration of shoreline ecological functions or processes;
- B. In addition to subsection (A) of this section, replacement of an existing structural shoreline stabilization may be authorized if:
1. The replacement is for the purpose of significantly improving one or more shoreline ecological functions (e.g., replacing a bulkhead built with toxic materials with nontoxic materials) and not because the existing structure can no longer adequately serve its purpose; and
 2. An analysis is prepared by a qualified professional evaluating the effects of the existing structure on shoreline ecological functions and the change a replacement structure will have on shoreline ecological functions consistent with subsection (B)(1) of this section; and
 3. The replacement structure does not increase the height or length of the existing structure; and
 4. The requirements in subsections (A)(2), (5), (6) and (7) of this section are applied.
(Code 1988 § 20.65.230; Ord. No. 906 § 3 (Att. A), 2014)
- 16.65.130. Structural shoreline stabilization—Repair of existing.**
- Existing structural shoreline stabilization may be repaired, provided:
- A. The repair involves 75 percent or less of the linear length of the structure at or below the ordinary high water line, provided work above the high water line shall not count towards the linear length of the structure being repaired;
 - B. Total repair over any continuous eight-year period of the structure exceeding 75 percent linear length of the structure at or below the ordinary high water line shall be subject to the requirements for replacement set forth in MMC 16.65.120;
 - C. The repaired structure is located in the same place as the existing structure; and
 - D. The repair does not increase the height, width, length, or depth of the existing structure (repairs that enlarge the existing structure are subject to the provisions set forth in MMC 16.65.110).

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Figure 216.65.130: Repair Threshold Diagram

(Code 1988 § 20.65.240; Ord. No. 906 § 3 (Att. A), 2014)

16.65.140. Structural shoreline stabilization—Design requirements.

The following design standards apply to structural shoreline stabilization measures:

- A. For hard structural shoreline stabilization:
 1. When connecting ends of the structure to adjoining areas without hard shoreline stabilization, the connection should be in a manner as to not cause erosion of the adjoining areas;
 2. When connecting ends of the structure to other hard shoreline stabilization, the connection shall not result in a net intrusion into the lake nor create net upland area;
 3. Fill material landward of the shoreline stabilization shall not exceed an average of one cubic yard of material for each linear foot of hard shoreline stabilization, except as provided for in MMC 16.65.200 (Fill) and MMC 16.65.210 (Land surface modification);
- B. For soft structural shoreline stabilization:
 1. End connection shall be to existing contours or hard structural shoreline stabilization to prevent erosion at the edges; and
 2. Size and the arrangement of gravel, cobbles, logs and boulders shall be in a manner that improvements remain stable

long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves; and

- C. For both hard and soft structural shoreline stabilization, materials shall be the minimum sizing necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

(Code 1988 § 20.65.250; Ord. No. 906 § 3 (Att. A), 2014)

16.65.150. Hard structural shoreline stabilization mitigation requirements.

All proposals for new hard structural shoreline stabilization, including additions to and increases in the size of existing hard structural shoreline stabilization, must provide the following shoreline enhancements:

- A. Improve shallow water habitat by installing waterward of the ordinary high water line gravel, cobble, or similar rocky beach material meeting the following conditions:
 1. Maximum grade of one vertical to four horizontal (1:4); and
 2. Sediment sizes that are predominantly one-eighth-inch to two-inch or a mix of sediment sizes that:
 - a. Meets the goal of improving wildlife habitat prescribed by this subsection; and
 - b. Will reduce the need for maintenance due to high energy wave actions;

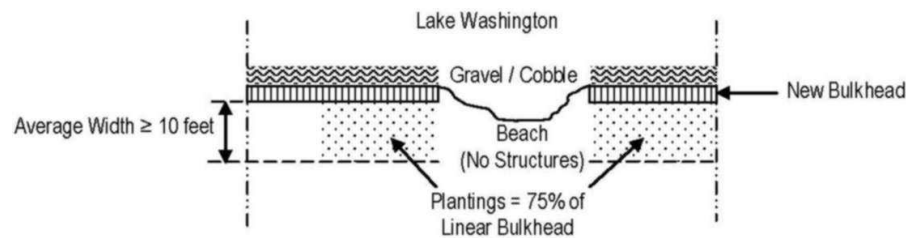
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- B. Install a vegetative planting area in accordance with the following (see diagram in Figure 16.65.150):
1. The planting area shall extend along at least 75 percent of the linear landward edge of the stabilization structure;
 2. The average width shall be a minimum of ten feet with no measurement less than five feet measured from the landward edge of the shoreline stabilization structure;
 3. Planting shall consist of native species with at least 50 percent of the area planted with bushes and shrubs; and
 4. Plantings shall be installed at densities appropriate for the plant species to achieve the necessary ground coverage and shall be designed to improve habitat functions; or

Figure 16.65.150: Diagram of Enhancements for New Hard Shoreline Stabilization



- C. In lieu of the enhancements required set forth in subsections (A) and (B) of this section, the city shall accept alternative enhancement approved by state and federal agencies, provided:
1. The alternative enhancement shall provide at least as effective protection of shoreline ecological functions as the required mitigation; and
 2. An alternative enhancement plan is prepared by a qualified professional;
- D. All enhancements shall include plans for maintenance and monitoring acceptable to the city and prepared by a qualified professional including, but not limited to, the following:
1. An outline of the schedule for site monitoring;
 2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more;
 3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;
 4. The period of time necessary to establish performance standards has been met, not to be less than three years; and
- E. The city may require a financial security pursuant to MMC 16.66.120 as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the city; and
- F. Enhancement measures shall be incorporated as necessary to avoid, or if that is not possible, to minimize adverse impacts.
- (Code 1988 § 20.65.260; Ord. No. 906 § 3 (Att. A), 2014)

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EXHIBIT A**16.65.160. Structural shoreline stabilization—Limitations on authorization.**

A. Structural shoreline stabilization is not authorized except as follows:

1. For hard structural measures a geotechnical analysis must demonstrate that there is a significant possibility that a primary structure or single-family dwelling will be damaged within three years as a result of shoreline erosion in the absence of such measures; or
2. For soft structural measures a geotechnical analysis must demonstrate that there is significant possibility that a primary structure or single-family dwelling will be damaged as a result of shoreline erosion in the absence of such measures, but the need does not have to be as immediate as three years; or
3. Replacement under MMC 16.65.120 where a need is demonstrated pursuant to subsection (C) of this section.

B. Where geotechnical analysis is required under MMC 16.65.110, the analysis shall be prepared by a qualified professional with the following information:

1. An assessment of erosion potential including rates of erosion and estimated time frames of erosion from waves or other natural processes in the absence of shoreline stabilization;
2. An assessment of the processes causing the erosion including on-site drainage both waterward and landward of the ordinary high water mark;
3. An assessment of the risk shoreline erosion might cause damage to primary structures and single-family dwellings in the absence of structural shoreline stabilization;
4. An assessment of the urgency and necessity for structural shoreline stabilization considering site-specific conditions pursuant to subsection (A) of this section;
5. An assessment of the feasibility of using soft structural shoreline stabilization measures in lieu of hard measures; and

6. Narrative on design recommendations for minimizing the use of shoreline stabilization materials and to assure no net loss of shoreline ecological functions.

C. Where a demonstration of need is required under MMC 16.65.120, the following shall be provided:

1. A written narrative that demonstrates a need for the shoreline stabilization structure that is prepared by a qualified professional (e.g., shoreline designer or a consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer;
2. The content of the narrative shall include the following:
 - a. An assessment of the necessity for structural stabilization to protect principal use or structure, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure;
 - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the ordinary high water mark in the absence of structural shoreline stabilization;
 - c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures; and
 - d. Design recommendations for minimizing impacts and ensuring that the replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions.

(Code 1988 § 20.65.270; Ord. No. 906 § 3 (Att. A), 2014)

16.65.170. Submittal requirements for structural shoreline stabilization.

A. The following are general submittal requirements for proposals involving structural shoreline stabilization:

1. Plan and cross-section views of the existing and proposed shoreline configuration showing accurate existing and proposed topography and the ordinary high water mark;

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2. Detailed construction sequence and specifications for all materials with the sizing and placement of materials selected to accomplish the following:
 - a. Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat-driven waves;
 - b. Allow safe passage and migration of fish and wildlife; and
 - c. Minimize or eliminate juvenile salmon predator habitat;
3. Where applicable, geotechnical analysis or narrative evaluating need;
4. Where applicable, no net loss analysis; and
5. Where applicable, enhancement plans and monitoring and maintenance reports.

B. The provisions of this section shall not limit the city's ability to establish additional submittal requirements consistent with MMC 16.80.070 and other provisions of the Medina Municipal Code.
(Code 1988 § 20.65.280; Ord. No. 906 § 3 (Att. A), 2014)

16.65.180. Dredging and disposal.

The following requirements apply to dredging:

- A. New development should be placed and designed to avoid or if that is not possible, to minimize the need for new and/or maintenance dredging;
- B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material is prohibited, except where the material is necessary for the restoration of shoreline ecological functions and processes;
- C. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins is allowed pursuant to the use table in MMC 16.62.040, provided:
 1. The dredging is necessary for safe and efficient accommodation of existing navigational uses;
 2. Significant ecological impacts are minimized;

3. Mitigation is provided consistent with subsection (E) of this section;
- D. Dredging for the purpose of maintaining existing navigation channels and basins, existing private or public boat moorage, water-dependent uses, or other public access may be allowed pursuant to the use table in MMC 16.62.040, provided it is limited to previously dredged and/or existing authorized locations, depth and width;
- E. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions pursuant to an analysis in MMC 16.66.010;
- F. Dredging operations must be designed and scheduled to:
 1. Avoid impacts to fish, including fish rearing, feeding and spawning;
 2. Use techniques that minimize dispersal of bottom materials; and
 3. Prevent direct and indirect adverse impacts on adjacent properties;
- G. Where dredging is allowed for restoration of shoreline ecological functions, the site where the fill is to be placed must be located waterward of the ordinary high water mark;
- H. Project permit application submittals for dredging should include the following information:
 1. A written description of the purpose for the dredging;
 2. Site plan drawing outlining the area proposed for dredging including water depth based on the Corps of Engineers' high water mark for Lake Washington;
 3. A written description of the scope of work to be performed including dredging methods, timelines, and volume;
 4. Habitat survey identifying aquatic vegetation, potential native fish spawning areas, or other physical and biological habitat parameters;
 5. Information on disposal;

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6. Anticipated future dredging, if applicable;
7. Copies of state and federal applications and/or approvals; and
8. Other relevant information requested by the director.

(Code 1988 § 20.65.300; Ord. No. 906 § 3 (Att. A), 2014)

16.65.190. Breakwaters, jetties, groins and weirs.

A. Breakwaters, jetties, groins, and weirs require a conditional use permit and shall be allowed only where necessary to support public water-dependent uses, public access, other specific public purpose or restoration activities.

B. For public or private structures installed to protect or restore shoreline ecological functions, the requirement for a conditional use permit is waived.

C. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall provide mitigation according to the mitigation sequencing defined in MMC 16.66.020.

(Code 1988 § 20.65.400; Ord. No. 976 § 21, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.65.200. Fill.

A. Fill waterward of the ordinary high water mark is allowed pursuant to the use table in MMC 16.62.040, provided the fill is necessary to support:

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the department of natural resources;
5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where it can be demonstrated that alternatives to fill are not feasible; and
6. Mitigation action, environmental restoration, beach nourishment or enhancement project.

B. Fill landward of the ordinary high water mark shall comply with the requirements in MMC 16.65.210 (Land surface modification).

C. All fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and shall not cause:

1. Significant damage to water quality, fish and aquatic habitat, and/or wildlife habitat; and
2. Adversely alter natural drainage patterns.

(Code 1988 § 20.65.500; Ord. No. 906 § 3 (Att. A), 2014)

16.65.210. Land surface modification.

The provisions of this section apply to land surface modification occurring landward of the ordinary high water mark.

A. Applicability.

1. Land surface modification includes, but is not limited to, grading, excavation and fill activity; and
2. The requirements set forth in this section are applied in conjunction with other provisions of the Medina Municipal Code, including grading and drainage requirements and other applicable provisions of the shoreline master program.

B. The following requirements apply to land surface modifications:

1. All excess materials must be disposed of in a manner that prevents entry into Lake Washington, including by erosion or surface water runoff;
2. Materials such as dirt and rocks used in construction must be stored as far as reasonably possible from the ordinary high water line to prevent erosion and surface water runoff from entering into the lake and shall incorporate best management practice measures;
3. Any large quantities of vegetation removal shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment; and
4. No vegetation or other enhancements installed as part of a restoration plan or

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mitigation shall be removed, unless approved by the city as part of a modified restoration plan or mitigation.

- C. Land surface modification involving the importing of fill material must consist of nondissolving and nondecomposing materials, and shall not be detrimental to water quality or existing habitat, or create any other significant adverse impacts to the environment.
(Code 1988 § 20.65.600; Ord. No. 906 § 3 (Att. A), 2014)

CHAPTER 16.66. GENERAL SHORELINE REGULATIONS

16.66.000. Applicability of chapter.

The regulations in this chapter apply to all uses, developments and activities within the shoreline jurisdiction.
(Code 1988 § 20.66.000; Ord. No. 906 § 3 (Att. A), 2014)

16.66.010. No net loss of shoreline ecological functions analysis.

A. At the project level, the requirement for no net loss of shoreline ecological functions is a balancing of unavoidable shoreline ecological function losses with replacement for those losses so that further reduction to shoreline ecological functions or ecosystem-wide processes may be prevented.

B. To assure no net loss of shoreline ecological functions, applicants must demonstrate a reasonable effort to analyze environmental impacts from a proposal and include measures to mitigate impacts to shoreline ecological functions.

C. A written analysis of no net loss of shoreline ecological functions is required when any of the following circumstances are present:

1. Where a proposed use or activity is not provided in the shoreline master program, including shoreline conditional uses for unclassified uses and shoreline variances;
2. Where regulations reference a requirement for an analysis of no net loss of shoreline ecological functions; or
3. Where alternative compliance or mitigation measures other than those contained within the shoreline master program are proposed;

4. Analysis of no net loss of shoreline ecological functions is not required where specific standards are provided, such as setbacks, pier dimensions and tree planting, unless the standard specifically references this section.

D. A written analysis of no net loss of shoreline ecological functions shall include the following:

1. A description of the existing conditions, functions and values of the affected shoreline;
2. A demonstration that mitigation sequencing has been applied pursuant to MMC 16.66.020, except MMC 16.66.020(A)(1) shall not be used to deny a use or activity specifically authorized by the shoreline master program;
3. Where avoiding the impacts altogether is not feasible, the analysis shall include descriptions of the following:
 - a. Anticipated impacts to shoreline ecological functions;
 - b. Goals and objectives related to the functions and values of the impacted shoreline ecological functions for achieving no net loss;
 - c. Proposed mitigation actions and how these relate to the goals and objectives; and
 - d. Measurable criteria for evaluating whether or not the no net loss standard has been achieved.
4. Modifications to the required content may be approved if the director determines that more or less information is necessary to adequately address demonstrating a no net loss of shoreline ecological functions.

E. The written analysis of no net loss shall evaluate the feasibility of each mitigation sequence to determine the appropriate mitigation action during the construction and operation of a proposal.

F. Mitigation actions shall have the lower priority measures applied only where higher priority measures are determined to be infeasible or not applicable. Failure to demonstrate that the mitigation sequencing standards have been met may result in a permit being denied.

(Code 1988 § 20.66.010; Ord. No. 906 § 3 (Att. A), 2014)

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EXHIBIT A**16.66.020. Mitigation sequencing.**

A. Applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid or, if that is not possible, minimize and then mitigate for impacts to shoreline ecological functions. Where a no net loss of shoreline ecological functions analysis is required pursuant to MMC 16.66.010, an applicant shall follow mitigation sequencing outlined as follows in order of preference with subsection (A)(1) of this section being the highest and (A)(6) being the lowest preference:

1. Avoiding the impact altogether. Avoiding impacts means not taking an action or part of an action in order to prevent impacts to shoreline ecological functions such as moving structures further away from properly functioning shoreline areas, using different landscaping plants or techniques, substituting a less impactful use, or redesigning the proposal altogether;
2. Minimizing the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating impacts over time by preservation and maintenance operations;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

B. Application of the mitigation sequencing should not result in required mitigation in excess of that necessary to assure no net loss of shoreline ecological functions and values.

C. Where different mitigation measures are available to compensate for an impact, an applicant may use a benefit-cost analysis to assist them in selecting mitigation measures, provided:

1. Mitigation sequencing in subsection (A) of this section is followed and the no net loss of shoreline ecological functions and values standard is satisfied; and

2. The benefit-cost analysis is not used to undermine the mitigation sequencing of avoidance, minimization or mitigation of ecological impacts anticipated by proposed development.
(Code 1988 § 20.66.020; Ord. No. 906 § 3 (Att. A), 2014)

16.66.030. Federal and state approval.

A. All work at or waterward of the ordinary high water line requires permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, or Washington State Department of Ecology.

B. If structures are proposed to extend waterward of the inner harbor line, the applicant must obtain an aquatic use authorization from the Washington State Department of Natural Resources and submit proof of authorization with submittal of a building permit.

C. Documentation verifying necessary state and federal agency approvals must be submitted to the city prior to issuance of construction permits affecting shoreline areas.
(Code 1988 § 20.66.030; Ord. No. 906 § 3 (Att. A), 2014)

16.66.040. Public access.

A. Public access is required for the following:

1. Shoreline development by public entities involving public lands including, but not limited to, the city, state agencies and public utility districts; and
2. Residential development of five or more new dwelling units being constructed; and
3. Subdivision of land into five or more lots.

B. Public access may be in the form of any of the following:

1. Physical access such as trails, walkways, piers and docks, swimming area and parks; or
2. Visual access such as view platforms or view corridors; or
3. A combination of physical and visual access; or
4. Visual access shall not include the excessive removal of trees or native vegetation by topping or clearing.

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C. Public access shall incorporate the following elements:

1. A physical connection to the nearest public street by dedication of land or easement;
2. Use of environmentally friendly materials and techniques such as low impact development BMPs;
3. Signage indicating the public's right of access and hours of access;
4. Landscaping including vegetative screening for adjacent residential development; and
5. Barrier free features for ADA accessibility, if feasible.

D. All improvements associated with public access shall be designed to assure no net loss of shoreline ecological functions will result.

E. Where public access is required, it shall be fully developed and available for use by the public at the time of occupancy or use of the development.

F. The director may waive the requirement for public access under the following conditions:

1. The applicant demonstrates the public access is infeasible due to reasons of incompatible uses, safety, security, or adverse impacts to the shoreline environment, or due to constitutional or other legal limitations; and
2. The applicant demonstrates reasonable alternatives are not available such as limiting hours, off-site improvements, or placement and design elements.

(Code 1988 § 20.66.040; Ord. No. 976 § 22, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.66.050. Shoreline vegetation management.

A. Applicability.

1. This section is applied in conjunction with other provisions of the Medina Municipal Code and the shoreline master program affecting shoreline vegetation such as plant clearing, tree trimming and removal, earth grading, vegetation restoration, and similar provisions.
2. This section shall serve as the minimum requirements for vegetation management within

the shoreline jurisdiction to assure no net loss of shoreline ecological functions as a result of new development activity.

3. Pursuant to MMC 16.60.070, where other regulations impose a requirement different from this section, the regulation that provides the greater protection to shoreline ecological functions and aquatic habitat shall prevail.
4. Shoreline vegetation management standards shall not apply retroactively to existing legally established uses and developments. In the absence of a development proposal, existing, lawfully established landscaping and gardens within shoreline jurisdiction may be maintained in their existing condition including, but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this shoreline master program, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.

B. Vegetation management.

1. Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with other provisions of this shoreline master program.
2. Native vegetation shall be maintained whenever reasonably feasible. The city may impose reasonable conditions on the proposal to maximize native vegetation retention.
3. Development or uses that require vegetation clearing shall be designed, to the extent feasible, to avoid the following in the order indicated with subsection (B)(3)(a) of this section being the most desirable vegetation to retain:
 - a. Native trees 24 inches DBH and greater;
 - b. Nonnative trees 24 inches DBH and greater;
 - c. Native trees less than 24 inches DBH;

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- d. Other native vegetation.
- 4. Any land surface areas exposed due to development activity shall be re-vegetated to similar conditions or better.
- 5. Clearing and/or grubbing of land surface area within a shoreline setback area shall be restored in accordance with the following:
 - a. A restoration plan shall be prepared by a qualified professional;
 - b. The restoration plan shall be designed to:
 - i. Stabilize soil surfaces;
 - ii. Filter water runoff, especially from lawns;
 - iii. Assure no net loss of shoreline ecological functions will result;
 - c. The director may modify the required content of a restoration plan where the director determines more or less information is necessary to adequately address potential shoreline impacts and required restoration;
 - d. A restoration plan may be combined with other mitigation requirements provided all conditions and criteria are satisfied.

C. Tree management.

- 1. All trees (native and nonnative) shall be preserved within a shoreline setback area, except where removal is authorized and replacement requirements are met as set forth in Table 16.66.050(C).

Table 16.66.050(C): Tree Replacement Requirements

Removed Tree Type		Replacement Requirement
One conifer tree	Less than 6 inches DBH	Permitted, provided the vegetation management requirements in MMC 16.66.050(B) are followed; and a native similar size or larger tree is planted or native riparian vegetation is planted equal to or larger than the square footage of the drip line of the tree being removed
	6 inches DBH and greater, but 12 inches DBH and less	Permitted, provided at least 1 native conifer tree, 6 feet or more in height after planting is planted
	Greater than 12 inches DBH, but less than 24 inches DBH	Permitted, provided at least 1 native conifer tree, 6 feet or more in height after planting, is planted; plus plant 80 square feet of area of native riparian vegetation
	24 inches DBH and greater	Only hazardous trees are permitted to be removed pursuant to the replacement requirements in MMC 16.66.050(D)
One deciduous tree	Less than 6 inches DBH	Permitted, provided the vegetation management requirements in MMC 16.66.050(B) are followed; and a native similar size or larger tree is planted or native riparian vegetation is planted equal to or larger than the square footage of the drip line of the tree being removed
	6 inches DBH and greater, but 12 inches DBH and less	Permitted, provided at least 1 native deciduous tree, at least 3 inches in caliper, or 1 native conifer tree, 6 feet or more in height after planting, is planted
	Greater than 12 inches DBH, but less than 24 inches DBH	Permitted, provided at least 1 native deciduous tree, at least 3 inches in caliper, or 1 native conifer tree, 6 feet or more in height after planting, is planted; plus plant 80 square feet of area of native riparian vegetation
	24 inches DBH and greater	Only hazardous trees are permitted to be removed pursuant to the replacement requirements in MMC 16.66.050(D)
Trees that fall as a result of natural causes, such as fire, flood, earthquake or storm		Replace with 1 native conifer or deciduous tree. Conifer trees shall be at least 6 feet in height after planting and deciduous trees shall be at least 3 inches in caliper at the time of planting.
		As an alternative, a fallen tree can be left in place provided conditions are included for the fallen tree to remain in place in perpetuity, including notification measures to future property owners of this restriction

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2. Approval of an administrative tree removal permit is required for all trees six inches DBH and greater that are proposed for removal within the shoreline jurisdiction, unless a different tree removal permit is prescribed by the Medina Municipal Code.
 3. Where Table 16.66.050(C) requires riparian vegetation plantings, at least 60 percent of the plantings shall be shrubs and the area dimensions shall be a minimum of three feet width in all directions at the time of the planting.
 4. Tree removal mitigation shall be planted within the shoreline setback area, except the city shall accept an alternative planting plan allowing for mitigation outside of the setback area if the following conditions are met:
 - a. The applicant can demonstrate one of the following:
 - i. It is not feasible to plant all of the required mitigation within the existing setback area, given the existing tree canopy coverage and the location of trees and minimum spacing requirements; or
 - ii. The planting of replacement trees will obstruct existing views to the lake, at the time of the planting or upon future growth that cannot otherwise be mitigated through tree placement or maintenance activities;
 - b. The alternative planting plan is prepared by a professional and provides mitigation equal to or superior to the provisions in this section in maintaining shoreline ecological functions and processes;
 - c. The alternative planting plan shall include mitigation inside of the shoreline setback to the extent feasible, but consistent with subsection (C)(4) of this section, mitigation may be located elsewhere on the property, or at an off-site location; and
 - d. If an off-site location is selected, the applicant must show the mitigation enhances shoreline ecological functions and process and that the enhancement is superior to on-site mitigation.
 5. Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning of a tree necessary to its health and growth is allowed consistent with the following standards:
 - a. Pruning/trimming shall follow American National Standards Institute (ANSI) standards;
 - b. Removal of the tree canopy is limited to not more than one-fourth of the original crown, provided removal is consistent with ANSI standards and the removal does not threaten the health and growth of the tree;
 - c. Pruning/trimming shall not include topping, stripping of branches or creation of an imbalanced canopy, except as allowed per ANSI standards; and
 - d. Pruning/trimming shall retain healthy branches that overhang the water to the maximum extent feasible.
- D. Hazardous trees.* Where a tree within a shoreline setback area poses a significant safety hazard, as determined by the city's arborist following International Society of Arboriculture methods for assessing the risk of a tree found in "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas," the following shall apply:
1. If the hazardous tree is retained, the tree may be pruned to the extent needed to eliminate the hazard, including converting the tree into a wildlife snag. Pruning shall follow ANSI standards and must be approved by the city's arborist.
 2. If the hazardous tree is proposed for removal, mitigation shall be provided as follows:
 - a. If the removed tree is less than 24 inches DBH, mitigation shall be as prescribed for the size of the tree in Table 16.66.050(C);

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- b. For each removed tree that is 24 inches DBH or greater, mitigation shall be provided in the form of two planted native trees meeting the following:
 - i. Each replacement conifer tree shall be at least six feet in height after planting; and/or
 - ii. Each replacement deciduous tree shall be at least three-inch-caliper at the time of planting.

E. Aquatic vegetation removal.

- 1. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of invasive aquatic vegetation.
 - 2. The control of aquatic vegetation by hand pulling or placement of aqua-screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair pursuant to WAC 173-27-040(2)(b). Additionally, control of aquatic vegetation by mechanical methods may qualify as normal maintenance and repair, provided the bottom sediment or benthos is not disturbed in the process. If the bottom sediment or benthos is disturbed by mechanical methods, it shall not qualify as normal maintenance and repair under WAC 173-27-040(2)(b).
- (Code 1988 § 20.66.050; Ord. No. 906 § 3 (Att. A), 2014)

16.66.060. Water quality, surface water runoff, and nonpoint pollution.

A. All shoreline development during and after construction shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.

B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.

C. All shoreline development shall comply with the applicable requirements of the city's adopted Surface Water Design Manual and all applicable city stormwater regulations.

D. Shoreline development must implement low impact development BMPs.
(Code 1988 § 20.66.060; Ord. No. 976 § 23, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.66.070. In-water construction.

The following requirements apply to in-water work, including, but not limited to, installation of new structures, repair of existing structures, restoration projects, and aquatic vegetation removal:

- A. In-water structures and activities shall be placed and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species;
- B. Removal of existing structures shall be accomplished so the structure and associated material do not re-enter the lake;
- C. Waste material and unauthorized fill, such as construction debris, silt or excess dirt resulting from in-water structure installation, concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, paper and any other similar material upland of or below the ordinary high water line, shall be removed;
- D. Measures shall be taken in advance and during construction to ensure that no petroleum products, hydraulic fluid, cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake during in-water activities;
- E. Appropriate spill clean-up materials must be on site at all times, and any spills must be contained and cleaned immediately after discovery;
- F. In-water work must be conducted in a manner that causes little or no siltation to adjacent areas and shall require a sediment control curtain in those instances where siltation is expected;

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- G. Fresh concrete or concrete by-products are not allowed to enter the lake at any time during in-water installation and all forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the lake;
 - H. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work and all disturbed areas will be protected from erosion using vegetation or other means; and
 - I. If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the Washington State Department of Ecology.
- (Code 1988 § 20.66.070; Ord. No. 906 § 3 (Att. A), 2014)

16.66.080. Archaeological and historical resources.

The following requirements apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered:

- A. Archaeological sites located in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of the shoreline master program;
- B. If archaeological resources are uncovered during excavation, all work shall immediately cease and the city, the Washington State Department of Archaeology and Historic Preservation, and affected Native American tribes shall be immediately notified;
- C. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources;
- D. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observa-

tion. When the city determines that a site has significant archaeological, natural scientific or historical value:

- 1. No permit authorizing development or land modification shall be issued which would pose a threat to the site; and
 - 2. The development may be required to be redesigned or postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts;
- E. In the event an emergency as defined in RCW 90.58.030 necessitates rapid action to retrieve or preserve artifacts or data identified, the project may be exempted from the permit requirement of these regulations, provided the city notifies the Washington State Department of Ecology, the Washington State Attorney General's Office and the Washington State Historic Preservation Office of such a waiver in a timely manner;
 - F. Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment; and
 - G. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
- (Code 1988 § 20.66.080; Ord. No. 906 § 3 (Att. A), 2014)

16.66.090. Nonconforming development.

A. A nonconforming use or development (includes lots and structures) under the shoreline master program means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the shoreline master program, or amendments thereto, but which does not conform to present regulations or standards of the shoreline master program. This section shall be applied as follows:

- 1. The requirements and thresholds established in this section shall apply to all development regulated under the shoreline master program.
- 2. The requirements of this section are applied in combination with other sections of the Medina

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Municipal Code relating to nonconformity, including, but not limited to those prescribed in zoning, and the building and fire codes.

3. A structure for which a shoreline variance has been issued shall be considered a legal nonconforming development and the requirements of this section shall apply as they apply to preexisting nonconformities.

B. A party asserting the existence of a lawfully established nonconforming lot, structure or use of land has the burden of proof that the lot, structure or use of land was not substandard in meeting the development regulations in effect at its creation.

C. Nonconforming lots. Lots, tracts, parcels, sites or divisions which were created or segregated pursuant to all applicable laws, ordinances and regulations in effect at the time, but that are nonconforming as to the present lot size, may be developed so long as such development conforms to other requirements of the shoreline master program. Existing lots are not deemed nonconforming for failure to meet the minimum water frontage or lot width requirements.

D. Nonconforming uses. The following shall apply to all nonconforming shoreline uses:

1. Any legally established nonconforming use may continue until such time that the rights for the nonconforming use are abandoned pursuant to subsection (D)(3) of this section.
2. A nonconforming use may not be expanded nor may the structure containing a nonconforming use be enlarged, except as may be allowed by a shoreline conditional use permit.
3. A nonconforming use shall be determined abandoned and all rights to the nonconforming use lost if:
 - a. The use is changed; or
 - b. The use is discontinued for a period of six consecutive months or more; or
 - c. The use is discontinued for a total of six months or more during a 12-consecutive-month period; or
 - d. A structure housing a nonconforming use experiences substantial destruction or reconstruction, except as provided for in subsection (D)(4) of this section.

4. A structure housing a nonconforming use, or used in support of a nonconforming use, that experiences substantial destruction or reconstruction may have the nonconforming use continued, provided:

- a. The substantial destruction and/or reconstruction is the result of a fire or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the city within six months of such fire, natural disaster, or casualty event; or
- b. The nonconforming use is eligible for, and the property owner obtains, approval for a shoreline conditional use permit.
- c. The director may grant up to a six-month extension of the time limitation set forth in subsection (D)(4)(a) of this section, provided:
 - i. The property owner requests the extension in writing prior to the expiration of the time limitation; and
 - ii. The property owner demonstrates extenuating circumstances not of the property owner's own making that delay submission of a building permit application, such as resolution of an insurance claim.

5. Ordinary maintenance and repair of a structure housing a nonconforming use, such as painting or plumbing repair, shall be permitted, provided:

- a. The work is to maintain safe and sanitary conditions and does not result in an enlargement or expansion of the structure; and
- b. The work does not result in substantial destruction or reconstruction.

6. A nonconforming use shall not be changed to another nonconforming use.

E. Nonconforming structures. The following shall apply to all nonconforming structures:

1. Any legally established nonconforming structure may continue until such time that the rights for the nonconformity are abandoned pursuant to subsection (E)(4) of this section.

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2. Where multiple structures exist on the same lot, the requirements of this section shall apply to each structure independent of the other structure on the same lot; except where the nonconformity is due to structural coverage, the requirements of this section shall apply to the combined structural coverage of all structures on the same lot as if they were one structure.
 3. A nonconforming structure may be enlarged, extended, repaired, remodeled, or structurally altered provided the work does not increase the nonconformity; except nonconformity may be increased if:
 - a. A minor deviation is approved to match an existing nonconforming setback or nonconforming height provided an analysis is completed pursuant to MMC 16.66.010 demonstrating that the addition of new structure will not result in a net loss of shoreline ecological functions; or
 - b. An intrusion into a setback, or additional structural coverage exceeding the shoreline maximum, is determined by the city to be reasonably necessary and the minimum necessary to improve access for elderly or disabled persons.
 4. Except as provided for in subsection (E)(6) of this section, a nonconforming structure shall be determined to have its nonconformity abandoned and all nonconforming rights lost where:
 - a. Any single-family dwelling, or any detached accessory building associated with a single-family dwelling, experiences substantial destruction; or
 - b. A pier or dock experiences repairs exceeding those listed in MMC 16.65.060, or, if not listed, experiences reconstruction; or
 - c. A structure, not listed in subsection (E)(4)(a) or (b) of this section, experiences either substantial destruction or reconstruction.
 5. Where the rights to a nonconforming structure have been abandoned, continuation of the nonconformity shall cease and any subsequent repair, remodel, alteration, or rebuilding shall require the entire structure to be brought into compliance with all development regulations in effect.
 6. A nonconforming structure that experiences substantial destruction or reconstruction may maintain the condition of nonconformity; provided, that:
 - a. The substantial destruction and/or reconstruction is the result of a fire, natural disaster or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the city within six months of such fire or casualty event; or
 - b. The nonconforming structure, or portion thereof, was declared to be unsafe by the city's building official, and the property owner submits an application for a building permit to reconstruct within six months of said determination;
 - c. The director may grant up to a six-month extension to the time limitation set forth in this section, provided:
 - i. The property owner requests the extension in writing prior to the expiration of the time limitation; and
 - ii. The property owner demonstrates extenuating circumstances not of the property owner's making that delay submission of a building permit application, such as resolution of an insurance claim.
- F. In addition to the provision set forth in subsection (E)(6) of this section, an existing single-family dwelling, accessory patio and/or accessory deck not complying with a shoreline setback may experience substantial destruction or reconstruction while preserving the right to the existing nonconforming shoreline setback, provided:
1. The replacement dwelling, patio or deck is reconstructed within the footprint of the existing structure;
 2. Any expansion of the footprint, including any addition to the dwelling, or adding a cover to

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an uncovered patio or deck, shall conform to the shoreline setback prescribed in MMC 16.63.050;

3. A complete application for a building permit to construct a new dwelling, deck or patio is submitted within six months following substantial destruction or reconstruction of the structure; and
4. A patio not requiring a building permit is replaced immediately following reconstruction.

G. A nonconforming structure that is enlarged, expanded, extended, repaired, remodeled, or structurally altered shall comply with the following:

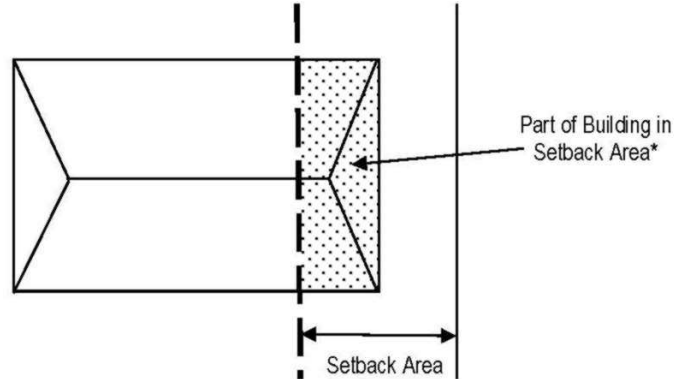
1. All applicable development regulations including, but not limited to, zoning and building;
2. The work shall not add any new structure size or area to those parts of the existing structure that are the cause of the nonconformity as shown in Figure 16.66.090, unless otherwise allowed by law;
3. Upper level additions to a structure, where the total structural coverage on the lot the structure is located exceeds the maximum structural coverage allowed on the lot, are permitted, provided:
 - a. The total footprint of the upper level including modifications does not exceed the maximum structural coverage prescribed for the lot; and
 - b. The maximum height of the structure shall be limited as follows:
 - i. If the structure is located in the R-20, R-30 or SR-30 zone, the maximum height of the structure shall be the lower of 25 feet above original grade or 28 feet above finished grade as measured pursuant to MMC 16.23.060(C); or
 - ii. If the structure is located in a zone other than those set forth in subsection (G)(3)(b)(i) of this section, the maximum height shall be pursuant to the height standards prescribed by the zone where the structure is located.

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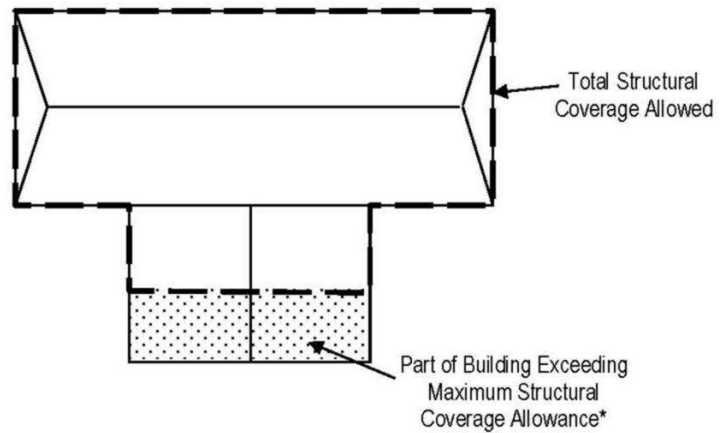
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Figure 16.66.090: Making Up the Nonconformity

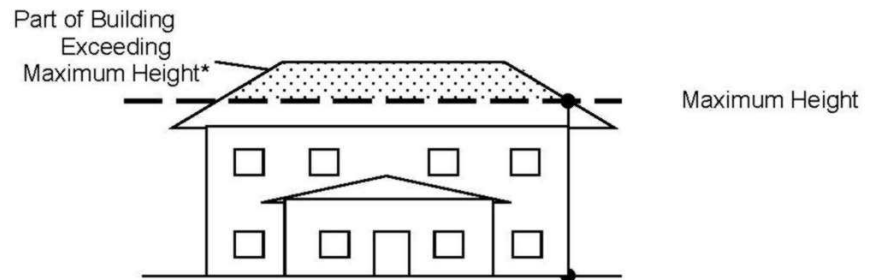
Setback:



Structural Coverage:



Height:




*Part of Structure Causing the Nonconformity 

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1. Uses and structures that did not comply with applicable development regulations in effect at the time of its establishment are determined illegal and subject to enforcement as prescribed by law.
2. Nothing in this section shall be interpreted as granting any right to continue occupancy of property containing an illegal use or structure.
3. The intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use and/or structure.

(Code 1988 § 20.66.090; Ord. No. 906 § 3 (Att. A), 2014)

16.66.100. Parking.

A. Parking facilities are permitted pursuant to the use table set forth in MMC 16.62.040. Parking shall be incidental and a secondary use and located as a principal use of a lot.

B. Parking facilities shall provide adequate provisions to control surface water runoff to prevent contaminating water bodies.

C. Parking facilities shall not be located waterward of the building housing the principal use, except where it can be demonstrated to the director that an alternative design would have less adverse impact on the shoreline.

D. Exterior parking facilities shall be designed and landscaped to minimize all adverse impacts upon the shoreline.

(Code 1988 § 20.66.100; Ord. No. 906 § 3 (Att. A), 2014)

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. 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.

D. The following shall be exempt 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.

(Code 1988 § 20.66.110; Ord. No. 906 § 3 (Att. A), 2014)

16.66.120. Financial securities.

Where a financial security is required, an applicant may choose to provide a bond, line of credit, cash deposit, or other form of financial guarantee that is acceptable to the city. The terms of the financial security shall include the following:

- A. An amount of funds equal to 100 percent that is sufficient to fully guarantee that all required enhancements, mitigation and/or other improvements are completed in a manner that complies with the conditions of approval and with satisfactory workmanship and materials;
- B. An amount of funds equal to 100 percent that guarantees maintenance and/or monitoring requirements are followed and the expense of correcting any failures;
- C. An amount equal to 100 percent to cover estimated expenses to administer the security should it become necessary to apply the financial security towards completing the enhancements, mitigation and/or other improvements;
- D. Conditions under which the financial security is providing a guarantee;
- E. A holding time frame before the financial security may be released; and

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- F. Terms to release the security, once all of the terms of the financial security have been satisfactory completed.
(Code 1988 § 20.66.120; Ord. No. 906 § 3 (Att. A), 2014)

16.66.130. Emergency actions.

A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action or within a time too short to allow full compliance with the provisions of the shoreline master program.

B. Emergency actions shall comply with the following conditions:

1. Limited to using reasonable methods necessary to address the emergency;
2. Have the least possible impacts on shoreline ecological functions and processes; and
3. Comply with the requirements of the Medina shoreline master program, to the extent feasible.

C. Notification requirements.

1. The party undertaking the emergency action shall notify the city immediately of the existence of the emergency and the proposed emergency action, or when this is not practice, within two business days following commencement of the emergency action.
2. The party undertaking the emergency action shall provide the city within seven days following completion of the emergency action, a written description of the work undertaken, a site plan, a description of the pre-emergency conditions, and other information requested by the city to determine the action was permitted within the scope of an emergency action.

D. Decision.

1. The director shall evaluate the emergency action for consistency with WAC 173-27-040(2)(d) and determine whether the action taken, or any part of the action taken, was within the scope of an emergency action.
2. If the director determines that the action does not qualify as an emergency action, the party may be required to obtain a permit and/or require remediation. This shall not preempt

the city from determining a particular action to be a violation subject to enforcement under Chapter 1.15 MMC.

3. Whether the situation qualified as an emergency action or not, the city may require that the property owner and/or the party that undertook the emergency action provide mitigation for impacts to shoreline ecological functions.
(Code 1988 § 20.66.130; Ord. No. 906 § 3 (Att. A), 2014)

CHAPTER 16.67. CRITICAL AREAS IN THE SHORELINE**16.67.010. Purpose.**

The purpose of this chapter is to designate and classify ecologically critical areas, and to protect these areas and their functions and values where they exist within the shoreline jurisdiction. The mechanisms established in this chapter are intended to protect critical areas in shoreline jurisdiction and achieve no net loss of shoreline ecological functions.
(Code 1988 § 20.67.010; Ord. No. 906 § 3 (Att. A), 2014)

16.67.020. Shoreline critical areas—General provisions.

A. The requirements of this chapter do not extend beyond the shorelines jurisdiction limits specified in the shoreline master program and the Act. For regulations addressing critical areas and/ or their buffers that are outside of the shorelines jurisdiction, see Chapter 16.50 MMC.

B. This chapter shall not repeal, abrogate or impair any existing regulations. However, where this chapter imposes greater restrictions, the requirements of this chapter shall prevail.

C. The critical areas regulations in this chapter apply as an overlay and in addition to zoning and other regulations adopted by the city, except the critical areas regulations set forth in Chapter 16.50 MMC shall not apply.

D. Compliance with this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (e.g., substantial development permits, HPA permits, Army Corps of Engineers Section 404 per-

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mits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the requirements established in this chapter.

E. Impacts to critical areas must be addressed through compliance with the policies and regulations of the specific shoreline environment designation, the general shoreline regulations found in Chapter 16.66 MMC, and the regulations of this chapter.

F. Variances to the strict requirements of this chapter shall not be granted, except through the shoreline variance processes meeting the criteria set forth in WAC 183-27-170. The reasonable use exception set forth in MMC 16.72.060 or 16.72.070, as applicable, shall not apply to critical areas within the shoreline area. (Code 1988 § 20.67.020; Ord. No. 976 § 24, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.67.030. Applicability.

A. *Applicability.* The provisions of this chapter apply to all development, activity, and associated uses within the shoreline jurisdiction, which contain critical areas and their buffers as defined in this chapter.

B. *Critical areas exemptions.* The following development, activities and associated uses shall be exempt from the requirements of this chapter; however, the critical areas exemptions do not include exemptions from other provisions of the shoreline master program such as exemptions from substantial development permits provided under WAC 173-27-040.

1. Emergency actions as set forth in MMC 16.66.130.
2. Operations, maintenance, remodel or repair of existing structures and facilities, provided there is no further intrusion into a critical area or its buffers and there is no significant increase in risk to life or property as result of the action.
3. Minor site investigate work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation in. In every case the disruption to the critical area shall be minimized and the disturbed areas immediately restored.
4. Construction or modification of navigational aids and boundary markers.

C. *Limited critical areas exemptions.* The following developments, activities, and associated uses shall not be required to follow a critical areas review process; provided, that they are consistent with the requirements of this chapter and the other provisions of the Medina shoreline master program. The city may condition approval of such to ensure adequate critical areas protection:

1. Existing single-family residences may be expanded, reconstructed, or replaced, provided all of the following are met:
 - a. Expansion within a critical area buffer is limited to 500 square feet of structural coverage beyond the existing structural coverage;
 - b. The expansion extends no closer to critical area than previously;
 - c. The proposal does not cause a net loss of shoreline ecological functions of wetlands, fish and wildlife habitat conservation areas, and their buffers;
 - d. The proposal includes on-site mitigation to achieve no net loss of ecological functions;
 - e. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards on neighboring properties; and
 - f. The expansion would not cause a tree within a buffer to be labeled as a hazardous tree and thus require the removal of the hazardous tree;
2. Replacement, modification, installation or construction of streets and utilities in existing developed utility easements, improved city street rights-of-way, or developed private streets. Utilities include water, sewer lines, and stormwater and franchise (private) utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. The activity cannot further permanently alter or increase the impact to, or encroach further within, a critical area or buffer and must utilize best management practices;

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3. Public and private nonmotorized trails. Public and private pedestrian trails, provided:
 - a. There is no practicable alternative that would allow placement of the trail outside of critical area or their buffers;
 - b. The trail surface shall meet all other requirements including water quality standards;
 - c. Trails proposed in stream or wetland buffers shall be located in the outer 25 percent of the buffer area, except when bridges or access points are proposed;
 - d. Stream and wetland buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas;
 - e. Trail corridors in critical areas and buffers shall not exceed six feet in width; and
 - f. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report;
4. Select vegetation removal activities. The following limited vegetation removal activities are allowed in critical areas and buffers. Otherwise, removal of any vegetation or woody debris from a critical area shall be prohibited unless the action is part of an approved alteration.
 - a. The removal of the following vegetation with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation:
 - i. Invasive weeds;
 - ii. Himalayan blackberry (*Rubus discolor*, *R. procerus*);
 - iii. Evergreen blackberry (*R. laciniatus*);
 - iv. Ivy (*Hedera* spp.); and
 - v. Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County Noxious Weed List.
 - b. The cutting and removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and buffers; provided, that the provisions in MMC 16.66.050 are followed.
 - c. Trimming of vegetation for purposes of providing view corridors will be allowed; and that trimming shall be limited to view corridors of 20 feet in width or less, that the limbs involved do not exceed three inches in diameter, that no more than 25 percent of the live crown is removed, and that benefits to fish and wildlife habitat are not reduced. Trimming shall be limited to hand pruning of branches and vegetation. Trimming shall not include felling, topping, stripping, excessive pruning or removal of trees.
 - d. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan prepared by a qualified professional; and
5. Conservation, preservation, restoration and/or enhancement.
 - a. Conservation and/or preservation of soil, water, vegetation, fish and/or other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area and/or buffer; and
 - b. Restoration and/or enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area and/or buffer; that actions do not alter or disturb existing native vegetation or wildlife habitat attributes; that actions improve and do not reduce the existing functions of the critical areas or buffers;

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and that actions are implemented according to a restoration and/or enhancement plan that has been approved by the city. (Code 1988 § 20.67.030; Ord. No. 906 § 3 (Att. A), 2014)

16.67.040. General requirements.*A. Avoid impacts to critical areas.*

1. The applicant shall avoid all impacts that result in a net loss of shoreline ecological functions.
2. The applicant shall avoid all impacts where the results are an unacceptable level of risk associated with a geologically hazardous area.
3. Unless otherwise provided for in this chapter:
 - a. If alteration to fish and wildlife habitat conservation areas, wetlands and/or their buffers is proposed, impacts resulting from a development proposal or alteration shall be mitigated in accordance with the mitigation sequencing set forth in subsection (B) of this section and an approved critical area report and any applicable SEPA documents; or
 - b. A development proposal or alteration within a geologically hazardous area and/or its buffer must comply with a geotechnical report approved by the city that assesses the risk to health and safety, and makes recommendations for reducing the risk to acceptable levels through engineering, design, and/or construction practices.

B. Mitigation.

1. Mitigation shall be in-kind and on site, where feasible, and sufficient to maintain critical areas and shoreline ecological functions and values, and to prevent risk from hazards posed by a critical area.
2. Mitigation shall not be implemented until after the city approves the applicable critical area report and mitigation plan. Following city approval, mitigation shall be implemented in accordance with the provisions of the approved critical area report and mitigation plan.

C. Mitigation sequencing.

1. Pursuant to MMC 16.66.020, applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid, or if that is not possible, minimize and then mitigate impacts to shoreline ecological functions as provided by critical areas.
2. When an alteration to a critical area and/or buffer is proposed, such alteration shall follow the mitigation sequencing set forth as follows:
 - a. For fish and wildlife habitat conservation areas, wetlands and/or their buffers, avoiding the impact altogether by not taking a certain action or parts of an action, except this provision shall not be used to deny a use or activity specifically authorized by the shoreline master program;
 - b. For geological hazards, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
 - c. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce the impact;
 - d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - e. Reducing or eliminating the impacts over time by preservation and/or maintenance operations;
 - f. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - g. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

D. Mitigation plan requirements. Where mitigation is required, the applicant shall submit, and obtain approval from the city, a mitigation plan as part of, or in addition to, the critical area report. The mitigation plan shall include the following information:

1. A description of existing critical areas and/or buffers conditions, shoreline ecological functions as provided by critical areas, and a description of the anticipated impacts;

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2. A description of proposed mitigating actions and mitigation site selection criteria;
3. A description of the goals and objectives of proposed mitigation relating to impacts to shoreline ecological functions as provided by critical areas;
4. A review of the most current, accurate, and complete scientific and technical information available supporting proposed mitigation, a description of the plan/report author's experience to date in restoring or creating the type of critical area proposed, and an analysis of the likelihood of success of the mitigation project;
5. A description of specific measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan have been successfully attained and whether or not the requirements of these critical area regulations have been met;
6. Detailed construction plans including site diagrams, cross-sectional drawings, topographic elevations at one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome;
7. Construction plans should also include specifications and descriptions of:
 - a. Proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying existing and proposed conditions, including plant species, quantities, locations, size, spacing, and demonstrating compliance with the following density standards:
 - i. *Forested conditions.*
 - (A) *Trees:* Nine feet on center, or 0.012 trees per square foot (this assumes two- to five-gallon size) with at least 50 percent conifers;
 - (B) *Shrubs:* Six feet on center, or 0.028 shrubs per square foot (this assumes one- to two-gallon size); and
 - (C) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).
 - ii. *Shrub conditions.*
 - (A) *Shrubs:* Five feet on center, or 0.04 shrubs per square foot (this assumes one- to two-gallon size; and
 - (B) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).
 - iii. *Emergent, herbaceous and/or groundcover conditions.*
 - (A) *Herbs and groundcovers:* One foot on center, or one plant per square foot (this assumes ten-inch plug or four-inch pot); or
 - (B) *Herbs and groundcovers:* Eighteen inches on center, or 0.444 plant per square foot if area is seeded with native herbs, emergent or graminoids as appropriate;
 - e. Measures to protect and maintain plants until established, including temporary or permanent irrigation;
8. A maintenance and monitoring program containing, but not limited to, the following:
 - a. An outline of the schedule for site monitoring;
 - b. Performance standards including, but not limited to, 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
 - c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;

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d. The period of time necessary to establish that performance standards have been met, not to be less than three years;

9. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with MMC 16.66.120;

10. Other information determined necessary by the director.

E. *Determination process.* The director shall make a determination as to whether the proposed activity and mitigation, if any, is consistent with the provisions of these critical areas regulations. The director's determination shall be based on the following:

1. Any alteration to a critical area and/or critical area buffer, unless otherwise provided for in these critical area regulations, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:

a. The proposal will result in no net loss of shoreline ecological functions as provided by critical areas in accordance with the mitigation sequencing prescribed in subsection (C) of this section;

b. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

c. The proposal is consistent with the general purposes of these critical area regulations, the shoreline master program and the public interest;

d. Any impacts permitted to the critical area and/or buffers are mitigated in accordance with subsections (B), (C) and (D) of this section;

e. The proposal protects critical area and/or buffer functions and values consistent with the most current, accurate, and complete scientific and technical information available; and

f. The proposal is consistent with other applicable regulations and standards.

2. The city may condition the proposed activity as necessary to mitigate impacts to critical

areas and/or buffers and to conform to the standards required by these critical area regulations.

3. Except as provided for by these critical area regulations, any project that cannot adequately mitigate its impacts to critical areas and/or buffers shall be denied.

4. The city may require critical area or geotechnical reports to have an evaluation by an independent qualified professional at the applicant's expense when determined to be necessary to the review of the proposed activity.

F. *Notice on title.* In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file for record with King County auditor a notice approved in form by the city. The notice shall state the presence of the critical area or buffer on the property. The owner shall submit proof to the city that the notice has been filed for record within 30 days after the approval of a development permit. The notice shall run with the land, and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be a violation of this chapter.

G. *NGPAs in development proposals.* Native growth protection areas (NGPAs) shall be used in development proposals for subdivisions and short subdivisions in accordance with the following:

1. NGPAs shall delineate and protect those contiguous critical areas and buffers listed below:

a. All landslide hazard areas and buffers, except when a development proposal is approved in a landslide hazard area and/or buffer per a geotechnical report;

b. All wetlands and buffers;

c. All fish and wildlife habitat conservation areas; and

d. All other lands to be protected from impacts as conditioned by project approval;

2. NGPAs shall be recorded on all documents of title of record for all affected lots;

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3. NGPAs shall be designated on the face of the plat or recorded drawing in a format approved by the city and include the following restrictions:
 - a. Native vegetation shall be preserved within the NGPA for the purpose of preventing harm to property and the environment; and
 - b. The City of Medina has the right to enforce NGPA restrictions.
- (Code 1988 § 20.67.050; Ord. No. 976 § 26, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.67.050. Critical areas report.

A. If fish and wildlife habitat conservation areas, wetlands, steep slopes and/or their buffers may be affected by a proposed activity, the applicant shall submit a critical area report meeting the following requirements:

1. Prepared by a qualified professional;
2. Incorporate the most current, accurate, and complete scientific and technical information available using scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used; and
3. Evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of these critical area regulations.

B. At a minimum the report shall include the following information:

1. The applicant's name and contact information, a project description, project location, and identification of the permit requested;
2. A site plan for the proposal showing:
 - a. The development proposal with dimensions and any identified critical areas and buffers within 200 feet of the proposed project; and
 - b. Limits of any areas to be cleared;
3. The date the report was prepared;
4. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

5. Identification and characterization of all non-critical areas and critical areas and their buffers within, and adjacent to, the proposed project area. This information shall include, but is not limited to:
 - a. Size or acreage, if applicable;
 - b. Applicable topographic, vegetative, faunal, soil, substrate and hydrologic characteristics; and
 - c. Relationship to other nearby critical areas;
6. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
7. An analysis of site development alternatives;
8. A description of reasonable efforts made to apply mitigation sequencing pursuant to MMC 16.67.040(C) to avoid or compensate for impacts to shoreline ecological functions as provided by critical areas;
9. Plans for mitigation in accordance with MMC 16.67.040(B), (C) and (D); and
10. Any additional information required for the critical area as specified in this chapter.

C. The applicant may consult with the director prior to or during preparation of the critical area report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

D. The director may require additional information to be included in the critical area report and may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert when determined to be necessary to the review of the proposed activity in accordance with these critical area regulations.
(Code 1988 § 20.67.060; Ord. No. 906 § 3 (Att. A), 2014)

16.67.060. Wetlands.*A. Designation.*

1. Wetlands are those areas designated in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.

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2. All areas within the City of Medina that meet the wetland designation criteria in the manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of these critical area regulations.

B. *Wetland ratings.* Wetlands shall be rated according to the Washington Department of Ecology wetland rating system for Western Washington (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). These documents contain the definitions and methods for determining if the criteria below are met.

C. *Wetland rating categories.*

1. The following table provides a summary of the categories of wetland and the criteria for their categorization:

Table 16.67.060(C): Wetland Categories

Category	Criteria for Designation
Category I	<ul style="list-style-type: none"> Represent a unique or rare wetland type; Are more sensitive to disturbance than most wetlands; Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or Provide a high level of functions.
Category II	<ul style="list-style-type: none"> Are not defined as Category I wetlands; Are difficult, though not impossible, to replace; Provide high levels of some functions; Score 20 to 22 points on the rating system.
Category III	<ul style="list-style-type: none"> Do not satisfy Category I or II criteria; Provide moderate levels of functions; Score 16 to 19 on the rating system.
Category IV	<ul style="list-style-type: none"> Do not satisfy Category I, II or III criteria; Provide the lowest levels of functions; Often are heavily disturbed; Score 9 to 15 points on the rating system.

2. Date of wetland rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the city, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

3. Wetland rating categories shall not change due to illegal modifications made by the property owner or with the property owner's knowledge.

D. *Mapping.*

1. The approximate location and extent of known wetlands are identified in the City of Medina critical areas inventory. This inventory is to only be used as a guide for the City of Medina, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. The inventory is only a reference and does not provide a final critical area designation.
2. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.

E. *Wetlands—Development standards.*

1. Activities and uses shall be prohibited within wetland and wetland buffer areas, except as provided for in these critical area regulations.

2. The following table contains wetland buffer widths:

Table 16.67.060(E)(2): Wetland Buffer Widths

Category	Standard Buffer Width (without minimization measures)			Standard Buffer Width (with minimization measures and habitat corridor)		
	Habitat Score			Habitat Score		
	<i>Low (3—5)</i>	<i>Moderate (6—7)</i>	<i>High (8—9)</i>	<i>Low (3—5)</i>	<i>Moderate (6—7)</i>	<i>High (8—9)</i>
I	100	150	300	75	110	225
II	100	150	300	75	110	225

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Category	Standard Buffer Width (without minimization measures)			Standard Buffer Width (with minimization measures and habitat corridor)		
	Habitat Score			Habitat Score		
	<i>Low (3—5)</i>	<i>Moderate (6—7)</i>	<i>High (8—9)</i>	<i>Low (3—5)</i>	<i>Moderate (6—7)</i>	<i>High (8—9)</i>
III	80	150	300	60	110	225
IV	50			40		

3. The width of the wetland buffer shall be determined according to Table 16.67.060(E)(2), and shall be based on the wetland category, habitat score and presence of mitigation measures as outlined in Table 16.67.060(E)(3).

Table 16.67.060(E)(3): Wetland Buffer Impact Minimization Measures

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> Direct lights away from wetland
Noise	<ul style="list-style-type: none"> Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered Establish covenants limiting use of pesticides within 150 feet of wetland Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> Retrofit stormwater detention and treatment for roads and existing adjacent development Prevent channelized flow from lawns that directly enters the buffer Use low intensity development (LID) techniques where appropriate (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> Use best management practices to control dust

4. Measurement of wetland buffers shall be from the outer edges of the wetland boundaries as

determined through the performance of a field investigation by a qualified professional applying the wetlands identification and delineation pursuant to subsections (A) and (B) of this section and as surveyed in the field.

F. *Wetland buffer reduction.* The wetland buffer width in Table 16.67.060(E)(2) may be reduced by up to a maximum of 25 percent, provided:

- The amount of reduction is based on voluntary employment of incentive-based action measures set forth in subsection (G) of this section;
- A critical areas report prepared by a professional with expertise in wetlands and approved by the city using the most current, accurate, and complete scientific and technical information available determines a smaller area can be adequate to protect the wetland functions and values based on site-specific characteristics; and
- The mitigation provided will result in a net improvement of the wetland and buffer functions;
- Any remaining wetland buffer areas on the property not subject to the reduction, but are degraded, are re-vegetated with native plants; and
- A five-year monitoring and maintenance program is provided.

G. *Wetland buffer reduction incentive options.* The following table provides incentive options that may be employed to allow for the reduction of a wetland buffer width as set forth in subsection (F) of this section. Where multiple options for an action are prescribed in the table, only one option under that action may be applied.

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Table 16.67.060(G): Wetland Buffer Reduction Incentive Options

Description of Action	Options	Reduction Allowance
Remove impervious surface within wetland buffer area	Remove at least 50 percent of the impervious surface within the reduced buffer area, but where the total impervious surface removed is less than 500 square feet	5 percent points
	Remove at least 50 percent of the impervious surface within the reduced buffer, but where the total impervious surface removed is more than 500 square feet	10 percent points
	Remove 100 percent of impervious surfaces within the reduced buffer, where at least 50 percent of the reduced buffer presently contains impervious surface	20 percent points
Install biofiltration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing surface water drainage and water quality requirements	20 percent points
Remove invasive, nonnative vegetation	Remove invasive, nonnative vegetation and continue maintenance during the 5-year monitoring program of removing relatively dense stands of invasive, nonnative vegetation from significant portions of the reduced buffer area	10 percent points
Install oil-water separator	If not required by other provisions of the Medina Municipal Code, install oil-water separators for surface water quality control	10 percent points
Replace impervious materials	Replace impervious materials for driveway/road construction with pervious materials	10 percent points
Provide off-site restoration where no on-site restoration is available	Restoration is provided at a 2:1 ratio or greater	10 percent points
	Restoration is provided at a 4:1 ratio or greater	20 percent points
Remove toxic materials	Remove significant refuse or sources of toxic material	10 percent points

H. *Averaging of wetland buffer width.* The city may allow the wetland buffer width to be averaged, provided:

1. The proposal results in a net improvement of wetland, habitat and buffer function;
2. The proposal includes re-vegetation of the averaged buffer using native plants, if needed;
3. The total area contained in the buffer of each wetland on the development proposal site is not decreased;

4. The wetland buffer width is not reduced by more than 25 percent in any one location; and
5. A critical areas report meeting the requirements set forth in MMC 16.67.050 indicates the criteria in this subsection will be met.

I. *Wetland buffer averaging and wetland buffer reduction.* Wetland buffer averaging and wetland buffer reduction may not be used together on an individual wetland.

J. *Buffers for mitigation shall be consistent.* All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall have the minimum buffer required for the highest wetland category involved.

K. *Buffer conditions shall be maintained.* Except as otherwise specified or allowed in accordance with these critical area regulations, wetland buffers shall be retained in their natural condition.

L. *Temporary markers.* The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and inspected by the city prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place pursuant to subsection (M) of this section.

M. *Permanent signs.*

1. As a condition of any permit or authorization issued pursuant to this chapter, the city manager or designee may require the applicant to install permanent signs along the boundary of a wetland or buffer.
2. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. The sign shall be worded as follows or with alternative language approved by the city:
Protected Wetland Area
Do Not Disturb.
Contact the City of Medina
Regarding Uses and Restriction

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3. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity.

N. Fencing.

1. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.
2. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

O. Additional mitigation measures. In addition to the requirements in MMC 16.67.040(B), (C) and (D), when mitigation for wetland and/or wetland buffer impacts is required, the following supplementary requirements shall apply:

1. Mitigation for alterations to wetland and/or wetland buffer shall achieve equivalent or greater shoreline ecological functions and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No. 04-06-013), as revised.
2. Wetland or wetland buffer mitigation actions shall not result in a net loss of wetland or buffer area except when the lost wetland or buffer area provides minimal functions and the mitigation action(s) results in a net gain in wetland or buffer functions as determined by a site-specific function assessment.
3. Mitigation actions shall address and provide equivalent or greater wetland and buffer functions and values compared to wetland and buffer conditions existing prior to the proposed alteration.
4. Mitigation actions shall be in-kind and conducted within the same basin and on the same site as the alteration except when the following apply:
 - a. There are no reasonable on-site opportunities for mitigation or on-site oppor-

tunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

- b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - c. Off-site locations shall be in the same basin and the same water resource inventory area (WRIA).
5. Mitigation timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
 6. Mitigation ratios.
 - a. The ratios in the following table shall apply to wetland creation or restoration that is in-kind, on site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 16.67.060(O): Wetland Mitigation Ratios

Wetland Category	Creation or Reestablishment	Enhancement as Mitigation
Category I	6:1	16:1
Category II	3:1	12:1
Category III	2:1	8:1
Category IV	1.5:1	6:1

- b. Increased replacement ratio. The director may increase the ratios under the following circumstances:
 - i. Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - ii. A significant period of time will elapse between impact and replication of wetland functions; or

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- iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - iv. The impact was an unauthorized impact.
 - c. Decreased replacement ratio. The director may decrease these ratios under the following circumstances:
 - i. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
 - ii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will not result in a net loss of shoreline ecological functions; and
 - iii. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.
 - d. Minimum replacement ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.
- 7. Wetland mitigation banks.
 - a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - i. The bank is certified under Chapter 173-700 WAC;
 - ii. The city manager or designee determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 - b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one WRIA for specific wetland functions.
- 8. Wetland enhancement as mitigation.
 - a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands.
 - b. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.
 - c. The enhancement acreage shall be pursuant to the ratios in Table 16.67.060(O). (Code 1988 § 20.67.070; Ord. No. 976 §§ 27—30, 2019; Ord. No. 906 § 3 (Att. A), 2014)

16.67.070. Geologically hazardous areas.

A. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. In the City of Medina, areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

- 1. Erosion hazard;
- 2. Landslide hazard; and
- 3. Seismic hazard.

B. Specific hazard areas—Designation.

- 1. *Erosion hazard areas.* Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.

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2. *Landslide hazard areas.* Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:
 - a. Areas of historic failures, such as:
 - i. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;
 - ii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
 - b. Areas with all three of the following characteristics:
 - i. Slopes steeper than 15 percent; and
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or ground water seepage;
 - c. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - d. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
 - e. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - f. Steep slopes, which are any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.
 3. *Seismic hazard areas.* Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington state. The strength of ground shaking is primarily affected by:
 - a. The magnitude of an earthquake;
 - b. The distance from the source of an earthquake;
 - c. The type and thickness of geologic materials at the surface; and
 - d. The subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.
- C. Mapping.
1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps. The adopted critical area maps include:
 - a. U.S. Geological Survey landslide hazard, seismic hazard and volcano hazard maps;
 - b. Department of Natural Resources seismic hazard maps for Western Washington;
 - c. Department of Natural Resources slope stability maps;
 - d. Federal Emergency Management Administration flood insurance maps; and
 - e. Locally adopted maps.
 2. These maps are to be used as a guide for the City of Medina, project applicants and/or property owners, and may be continuously updated

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as new critical areas are identified. They are a reference and do not provide a final critical area designation.

D. Additional report requirements.

1. For development proposed to be located in erosion or landslide hazard areas, the applicant shall submit a geotechnical report prepared by a qualified professional. A steep slope hazard must also meet the requirements for a critical area report set forth in MMC 16.67.050.
2. The director may require a geotechnical report for development proposed in a seismic hazard area.

E. Where a geotechnical report is required, a geotechnical assessment of the geological hazards including the following site- and proposal-related information shall be included in either the geotechnical report or the critical areas report:

1. Site and construction plans for the proposal showing:
 - a. The type and extent of geologic hazard areas, any other critical areas, and any critical area buffers on, adjacent to, within 200 feet of, or that are likely to impact the proposal or be impacted by the proposal;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the geologically hazardous area; and
 - c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;
2. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted

taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:

- a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - b. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site-specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
 - c. A description of the vulnerability of the site to the relevant geologic hazard;
3. A geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties; and
 4. Recommendations for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. The director may assign buffer and building setbacks based on this information. For steep slopes, the minimum buffer widths are specified in subsection (I) of this section;
 5. When hazard mitigation is required:
 - a. The mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation);
 - b. Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function; and
 - c. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity;

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6. Where a valid geotechnical report has been prepared and approved by the city within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area or geotechnical report provided the applicant submits a geotechnical assessment detailing any changed environmental conditions associated with the site;
 7. Additional information determined by the director to be necessary to the review of the proposed activity and the subject hazard.
- F. In addition to the geotechnical report requirements specified in subsection (E) of this section, a geotechnical or critical area report (as specified in subsection (D) of this section) for an erosion hazard or landslide hazard shall include the following information:
1. A site plan for the proposal showing the following:
 - a. The height of slope, slope gradient, and cross section of the project area;
 - b. The location of springs, seeps, or other surface expressions of ground water on or within 200 feet of the project area or that have potential to be affected by the proposal; and
 - c. The location and description of surface water runoff.
 2. The geotechnical analysis shall specifically include:
 - a. A description of the extent and type of vegetative cover;
 - b. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development;
 - c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 3. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.
 4. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water.
 5. Whenever development, including, but not limited to, stairs, pathways, trams and their support structures, retaining walls, and structures, is performed on any erosion, landslide hazard, or steep slope area as defined in this chapter, a mitigation plan shall be prepared.
 - a. The plan shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability.
 - b. All disturbed areas shall be re-vegetated by the property owner.
 - c. Re-vegetation shall include planting of species indigenous to the Northwest, together with a schedule of their maintenance.
 6. Monitoring surface waters. If the director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, and the nature of the proposed development, the applicant shall submit a plan for monitoring surface waters that includes:
 - d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
 - e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down-slope properties;
 - f. A study of slope stability including an analysis of proposed angles of cut and fills and site grading;
 - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement; and
 - h. An analysis of proposed surface and sub-surface drainage, and the vulnerability of the site to erosion.

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ing waters, or the sensitivity of the receiving waters, the report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City of Medina.

G. Seismic hazard areas shall require geotechnical reporting consistent with subsection (E) of this section and the following:

1. The site map shall show all known and mapped faults within 200 feet of the project area or that have potential to be affected by the proposal.
2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

H. Geologically hazardous areas—General development standards.

1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that a qualified professional determines:
 - a. Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;
 - b. Will not adversely impact other critical areas or their buffers;
 - c. Are designed so that the hazard is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
 - d. Are certified as safe by a qualified engineer or geologist, licensed in the State of Washington.
2. Essential public facilities prohibited. Essential public facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

I. Geologically hazardous areas—Specific development standards.

1. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical report is submitted and certifies that:
 - a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;

b. The development will not decrease slope stability on adjacent properties; and

c. Such alterations will not adversely impact other critical areas or their buffers.

2. A buffer shall be established from all edges of steep slopes as defined in subsection (B)(2)(f) of this section. The size of the buffer shall be determined by the director to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.

a. Minimum buffer.

- i. At the base of a steep slope, the buffer shall be equal to one-half the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the toe of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the top of the slope.
- ii. At the top of a steep slope, the buffer shall be equal to one-third the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the top of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the toe of the slope.
- iii. The buffer may be reduced when a qualified professional demonstrates to the city's satisfaction that the reduction will not increase the risk to health and safety.

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- iv. The buffer may be increased where the director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.
- 3. Development within erosion or landslide hazard areas and/or their buffers shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides equivalent or greater long-term slope stability while meeting all other provisions of these critical area regulations. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
 - a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;
 - b. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
 - c. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - d. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - e. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
 - f. Development shall be designed to minimize impervious lot coverage.
- 4. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.
- 5. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the City of Medina may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.
- 6. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
- 7. Point discharges from surface water facilities and roof drains onto or upstream from erosion or landslide hazard area shall be prohibited except as follows:
 - a. Conveyed via continuous storm pipe down-slope to a point where there are no erosion hazards areas downstream from the discharge;
 - b. Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state; or
 - c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.
- 8. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
 - a. Land that is located wholly within erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within erosion or landslide hazard area or its buffer may be divided; provided, that each resulting lot

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has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.

- b. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the City of Medina determines that no other feasible alternative exists.

- 9. On-site sewage disposal systems, including drain fields and infiltration drainage systems, shall be prohibited within erosion and landslide hazard areas and related buffers.
- 10. New stabilization structures for existing primary residences shall be permitted within shoreline areas only where no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure, and then only if no net loss of shoreline ecological functions will result.
- 11. Activities proposed to be located in seismic hazard areas shall meet the standards of subsection (H) of this section.

(Code 1988 § 20.67.080; Ord. No. 906 § 3 (Att. A), 2014)

16.67.080. Fish and wildlife habitat conservation areas.

A. Fish and wildlife habitat conservation areas include:

- 1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
 - a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
 - b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the State of Washington, identified by the State Department of Fish and Wildlife, that are

in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.

- 2. State priority habitats and species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status; sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.
- 3. Habitats and species of local importance. Habitats and species of local importance are those identified by the city as approved by the Medina city council, including those that possess unusual or unique habitat warranting protection.
- 4. Naturally occurring ponds under 20 acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds,

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temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the state. In the City of Medina, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031.
6. State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.
7. Land found by the Medina city council to be essential for preserving connections between habitat blocks and open spaces.

B. Water typing. Streams shall be designated in accordance with Table 16.67.080(B):

Table 16.67.080(B): Stream Water Type

Water Typing	Designation Criteria
Type 1 Stream	Segments of streams that are at least seasonally utilized by fish for spawning, rearing or migration. Stream segments which are fish passable from Lake Washington are presumed to have at least seasonal fish use. Fish passage should be determined using the best professional judgment of a qualified professional.
Type 2 Stream	Perennial non-fish-bearing streams. Perennial streams do not go dry any time during a year of normal rainfall. However, for the purpose of stream typing, Type 2 streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations, then the point of perennial flow should be determined using the best professional judgment of a qualified professional.
Type 3 Stream	Segments of natural waters that are not classified as Type 1 or 2 streams. These are seasonal, non-fish-bearing streams in which surface flow is not present for a significant portion of a year of normal rainfall and are not located downstream from any Type 2 or higher stream.

C. Mapping.

1. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Medina, as most recently updated. The following critical area maps are hereby adopted:
 - a. Department of Fish and Wildlife Priority Habitat and Species Maps;

- b. Department of Natural Resources, Official Water Type Reference Maps, as amended;
- c. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
- d. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
- e. City of Medina official habitat maps.

2. These maps are to be used as a guide for the City of Medina, project applicants, and/or property owners. They are a reference and do not provide a final critical area designation.

D. Initial fish and wildlife habitat assessment.

1. An applicant proposing development activities and uses located adjacent to or within fish and wildlife habitat conservation areas, which are defined in subsection (A) of this section, may have a written initial fish and wildlife habitat assessment prepared to investigate the presence and extent of regulated site-specific habitat within the project area prior to satisfying the requirements set forth in MMC 16.67.050 (Critical areas report) and this section.
2. The initial fish and wildlife habitat assessment is a preliminary investigation to determine the presence or absence of site-specific critical fish and wildlife habitat within the project area.
3. The initial fish and wildlife habitat assessment shall be prepared by a qualified professional and include the following content:
 - a. A description of the project area;
 - b. Information documenting the investigation of the project area;
 - c. Findings based on the investigation stating whether critical fish and wildlife habitat is present or absent within the project area (the presence of critical fish species alone does not constitute a site-specific critical fish and wildlife habitat); and

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- d. Any suggested relevant recommendations or best management practices assuring compliance with this chapter.

The qualified professional may consult with the director prior to or during the preparation of the assessment to determine if more or less information is necessary.

- 4. Results of the initial fish and wildlife assessment.
 - a. If the assessment shows the presence of site-specific critical fish and wildlife habitat within the project area, then the requirements set forth in MMC 16.67.050 and this section shall apply.
 - b. If the assessment shows the absence of site-specific critical fish and wildlife habitat within the project area, then further analysis through the requirements set forth in MMC 16.67.050 and this section shall not be required. The shoreline master program standards set forth in Chapters 16.60 through 16.66 MMC shall be followed.

E. Except where subsection (D)(4) of this section applies, in addition to the critical area report requirements prescribed in MMC 16.67.050, a habitat assessment shall be included. A habitat assessment is an investigation of the project area to evaluate the presence or absence of potential critical fish or wildlife habitat. The habitat assessment shall include the following site- and proposal-related information:

- 1. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
- 2. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations that have been developed for species or habitats located on or adjacent to the project area;
- 3. A discussion of any ongoing management practices that will protect habitat after the project

site has been developed, including any proposed monitoring and maintenance programs;

- 4. When appropriate due to the type of habitat or species present or the project area conditions, the director may also require the habitat management plan to include:
 - a. An evaluation by the State Department of Fish and Wildlife, local Native American Indian tribe, or other qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and/or
 - b. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

F. Fish and wildlife habitat conservation areas—
General development standards.

- 1. A habitat conservation area may be altered only if consistent with mitigation sequencing as prescribed in MMC 16.67.040(C) and the proposed alteration of the habitat or the mitigation proposed does not result in a net loss of shoreline ecological functions. All new structures and land alterations shall be prohibited within habitat conservation areas, except as allowed in accordance with this chapter.
- 2. Whenever activities are proposed in or adjacent to a habitat conservation area, except as outlined in subsection (D) of this section, which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical area report prepared by a qualified professional and approved by the city, and guidance provided by the appropriate state and/or federal agencies.
- 3. All activities, uses, and alterations proposed to be located in or within the established buffers of water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of anadromous fish and fish habitat.

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4. Plant, wildlife, or fish species not indigenous to western Washington state shall be excluded from habitat conservation areas unless authorized by a state or federal permit or approval.
 5. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
 6. The director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers consistent with the mitigation sequencing set forth in MMC 16.67.040(C). Conditions may include, but are not limited to, the following:
 - a. Establishment of buffer zones;
 - b. Preservation of critically important vegetation;
 - c. Limitation of public access to the habitat area, including fencing to deter unauthorized access;
 - d. Seasonal restriction of construction activities;
 - e. Establishment of a duration and timetable for periodic review of mitigation activities; and
 - f. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
 7. Mitigation of alterations to habitat conservation areas shall achieve equivalent or superior shoreline ecological functions, and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per-function basis. Mitigation should occur in the same sub-drainage basin as the habitat impacted.
 8. Any approval of alterations or impacts to a habitat conservation area shall be supported by the most current, accurate, and complete scientific and technical information available.
- G. Fish and wildlife habitat conservation area—Buffers.
1. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas.
 - a. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat.
 - b. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby.
 - c. As a general rule critical area buffers are not required along Lake Washington, except buffers may be required consistent with this section if a specific area within the lake is identified as a fish and wildlife habitat conservation area. The determination of a specific area being a fish and wildlife habitat conservation area shall be made on a site specific, case-by-case basis.
 2. The following standard buffers shall be established, measured outward on the horizontal plane from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

Table 16.67.080(G)(2): Stream Buffers

Water Type	Standard Buffer Width	Minimum Buffer Width with Enhancement
Type 1 Stream	100 feet	50 feet
Type 2 Stream	75 feet	37.5 feet
Type 3 Stream	50 feet	25 feet

3. Reduction of stream buffer widths. The director may allow the standard buffer width to be reduced by up to the listed minimum buffer width in Table 16.67.080(G)(2), provided:
 - a. A critical area report and mitigation plan approved by the city, and the most current, accurate, and complete scientific and technical information available applied on a case-by-case basis determine

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- that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and the proposal will result in a net improvement of stream and buffer functions;
- b. A plan for mitigating buffer-reduction impacts is prepared using selected incentive-based mitigation options in Table 16.67.080(G)(3);
 - c. Where a substantial portion of the remaining buffer is degraded, re-vegeta-
 - d. tion with native plants in the degraded portions shall be included in the remaining buffer area; and
 - e. A five-year monitoring and maintenance plan shall be included.
 - f. Incentive options may be accumulatively applied to allow a reduction allowance not to exceed 50 percent of the standard buffer width and Table 16.67.080(G)(2).
 - g. Where multiple options for an action are prescribed in Table 16.67.080(G)(3), only one option under that action may be applied.

Table 16.67.080(G)(3): Stream Buffer Reduction Incentive Options

Description of Action	Options	Reduction Allowance
Removal of impervious surface	Reduce impervious surfaces within the to-be-remaining buffer area by at least 50 percent	Up to 10 percentage points
	Remove all impervious surface where the to-be-remaining buffer is presently more than 50 percent impervious	Up to 20 percentage points
Installation of bio-filtration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements	Up to 20 percentage points
Removal of invasive, non-native vegetation	Remove and employ extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area	Up to 10 percentage points
In-stream habitat enhancement	Placement of log structure, bioengineered bank stabilization, or culvert removal	Up to 20 percentage points
	Improve fish passage and/or creation of side channel or backwater areas	Up to 25 percentage points
Installation of oil/water separators	If not required by other provisions of the Medina Municipal Code, install oil/water separator for stormwater quality control	Up to 10 percentage points
Use of pervious materials	Use pervious materials for driveway/road construction	Up to 10 percentage points
Off-site restoration, if no on-site area is possible	Restoration is provided at a 2:1 ratio or greater	Up to 10 percentage points
	Restoration is provided at a 4:1 ratio or greater	Up to 20 percentage points
Remove toxic material	Remove significant refuse or sources of toxic material	Up to 10 percentage points

4. Averaging of stream buffer widths. The director may allow the standard stream buffer width to be averaged in accordance with a critical area report if:
 - a. The proposal will result in a net improvement of stream, habitat and buffer function;
 - b. The proposal will include re-vegetation of the averaged buffer using native plants, if needed;
 - c. The total area contained in the buffer of each stream on the development proposal site is not decreased; and
 - d. The standard stream buffer width is not reduced by more than 50 percent or to less than 25 feet wide, whichever is greater, in any one location.
- H. Signs and fencing.
1. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized disturbance will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking

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shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.

2. As a condition of any permit or authorization issued pursuant to this chapter, the director may require an applicant to install permanent signs along the boundary of a habitat conservation area or buffer. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the city manager or designee:

Habitat Conservation Area
Do Not Disturb
Contact City of Medina Regarding Uses and
Restriction Fencing

3. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing may prevent future impacts to the habitat conservation area.
4. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to minimize interference with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.
5. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
 - a. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 - b. Land that is located partially within a habitat conservation area or its buffer may be divided; provided, that an accessible and contiguous portion of each new lot is located outside of the habitat con-

servation area or its buffer and meets the City of Medina's minimum lot size requirements.

- c. Access roads and utilities serving the proposed lots may be permitted within the habitat conservation area and associated buffers only if the City of Medina determines that no other feasible alternative exists and when consistent with these critical areas regulations.
(Code 1988 § 20.67.090; Ord. No. 906 § 3 (Att. A), 2014)

SUBTITLE 16.7. PERMITS AND APPROVALS

**CHAPTER 16.70. ADMINISTRATIVE
APPROVALS**

16.70.010. Building permit.

A. Applicant. Any owner may submit an application for a building permit.

B. Procedures. Building permits are processed as a Type 1 decision, unless a SEPA threshold determination is required in which case the application is processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. Applicability. This section applies to all permits required under Chapter 16.40 MMC (Building Codes).

D. Criteria for approval. The codes and standards referenced in Chapter 16.40 MMC and other applicable ordinances and regulations as they currently exist or are hereafter amended set forth the criteria for approving building permits.

E. Conditions of approval. The decision authority may attach such conditions as reasonably necessary to safeguard the public health, general welfare, and safety.

F. Lapse of approval. Building permits shall expire as prescribed in Chapter 16.40 MMC.
(Code 1988 § 20.70.010; Ord. No. 900 § 5 (Att. B), 2013)

16.70.020. Right-of-way permit.

A. Applicant. Any owner may submit an application for a right-of-way permit.

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B. *Procedures.* Right-of-way permits are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. *Applicability.*

1. This section applies to uses and activities within the city rights-of-way as prescribed in MMC Title 12 (Streets, Sidewalks and Public Places) requiring a right-of-way permit; and
2. The decision authority may waive the requirement for a right-of-way permit for work performed by employees of the city, or by any contractor of the city performing work for and on behalf of the city.

D. *Criteria for approval.* The codes and standards referenced in Chapters 12.04 through 12.12 MMC, and Chapter 12.28 MMC, and other applicable ordinances and regulations as they currently exist or are hereafter amended set forth the criteria for approving right-of-way permits.

E. *Conditions of approval.* The decision authority may attach such conditions as reasonably necessary to safeguard the public health, general welfare, and safety.

F. *Expiration.* A right-of-way permit shall expire after 12 months from the date of issuance of the permit or upon expiration of a building permit associated with the right-of-way work, whichever occurs later. (Code 1988 § 20.70.020; Ord. No. 900 § 5 (Att. B), 2013)

16.70.030. Construction code of conduct.

A. *Applicant.* Any owner may submit an application for a construction code of conduct.

B. *Procedures.*

1. Construction code of conducts are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
2. Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the construction code of conduct.

C. *Applicability.* This section applies to where a construction code of conduct is required pursuant to MMC 16.75.010.

D. *Limitations.* The construction code of conduct is a construction mitigation plan prepared by the city that establishes prescriptive measures for reducing construction impacts on neighboring properties and streets. Compliance with the measures set forth in a construction code of conduct are binding on the signatories required in subsection (B)(2) of this section.

E. *Criteria for approval.* The evaluation criteria set forth in MMC 16.75.040 as they currently exist or are hereafter amended constitute the criteria for approving a construction code of conduct.

F. *Conditions of approval.* The decision authority may attach to a code of conduct on a case-by-case basis such reasonable mitigation measures as necessary to protect the public health, general welfare and safety from the negative impacts of construction activity. (Code 1988 § 20.70.030; Ord. No. 900 § 5 (Att. B), 2013)

16.70.040. Substantial development permit exemption.

A. *Applicant.* Any owner may submit a request for a written exemption from the requirement for a substantial development permit.

B. *Procedures.* An exemption from a substantial development permit is processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. *Applicability.* This section shall apply to activities defined as development pursuant to RCW 90.58.030(3)(a), and located within the shoreline jurisdiction as defined by the Shoreline Management Act, and implements the provisions set forth in WAC 173-27-040 as they currently exist or are hereafter amended.

D. *Limitations.*

1. Exemptions are to be construed narrowly and only development that meets the precise terms of one or more of the listed exemptions may be granted an exemption; and
2. If any part of a proposed development is not eligible for one of the listed exemptions, then an exemption shall not be granted.

E. *Criteria for approval.*

1. The development for which the exemption is sought must meet one or more of the conditions set forth in WAC 173-27-040(2); and

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2. The development must comply with and be consistent with the Medina shoreline master program (Chapters 16.60 through 16.67 MMC), Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures), and Chapter 90.58 RCW (Shoreline Management Act).

F. *Conditions of approval.* The decision authority may attach conditions as necessary to prevent undesirable effects on the shoreline area and carry out the spirit and purpose of the regulations set forth in the Medina shoreline master program and the Shoreline Management Act.
(Code 1988 § 20.70.040; Ord. No. 900 § 5 (Att. B), 2013)

16.70.050. Administrative tree activity permit.

A. *Applicant.* Any owner may submit an application for an administrative tree activity permit.

B. *Procedures.* Administrative tree activity permits are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. *Applicability.* This section applies to the activities associated with removing and planting trees set forth in MMC 16.52.160(B).

D. *Criteria for approval.* The decision authority may approve an administrative tree activity permit only if the requirements set forth in Chapter 16.52 MMC are satisfied.

E. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

F. *Lapse of approval.*

1. An administrative tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
2. Expiration of the administrative tree activity permit is automatic and notice is not required; and
3. No extension of the time period for the permit is allowed.

(Code 1988 § 20.70.050; Ord. No. 923 § 34, 2015; Ord. No. 909 § 17, 2014; Ord. No. 900 § 5 (Att. B), 2013)

16.70.060. Temporary use permit.

A. *Applicant.* Any owner may submit an application for a temporary use permit.

B. *Procedures.* Temporary use permits are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. *Applicability.* This section shall apply to those uses authorized as temporary uses pursuant to Chapter 16.35 MMC.

D. *Limitations.* Only one temporary use permit may be granted within a five-year time period from the date the original temporary use permit is issued, except a second temporary use permit may be granted if:

1. For temporary public facilities:
 - a. In the opinion of the director, a significantly different public facility will occupy the use of the property;
 - b. The second temporary use permit is consistent with the requirements set forth in this chapter; and
 - c. No additional temporary use permit is approved for at least five years following approval of the second temporary use permit.
2. For temporary wireless communication facilities:
 - a. A complete nonadministrative special use permit application has been submitted to the city;
 - b. The extension of time, at the discretion of the director, is necessary to allow for the processing of permits and construction of facilities; and
 - c. No additional temporary use permit is approved for at least five years following approval of the second temporary use permit.

E. *Criteria for approval.* The decision authority may approve a temporary use permit only when the following criteria are satisfied:

1. The temporary use will not materially be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity;

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2. For a temporary public facility, there is adequate parking within a sufficient proximity to the site for employees, city vehicles and customers;
3. Except in the case of emergencies, the temporary use will not cause noise, light or glare which adversely impacts surrounding uses; and
4. The temporary use shall comply with all codes applicable to development, such as zoning and building codes, except as otherwise provided for in MMC 16.35.040 and 16.35.050.

F. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety. (Code 1988 § 20.70.060; Ord. No. 900 § 5 (Att. B), 2013)

16.70.070. Accessory dwelling unit registration.

A. *Applicability.* Any owner installing an accessory dwelling unit (ADU) pursuant to MMC 16.34.020 shall apply for an accessory dwelling unit registration.

B. *Review procedures.* Approval of an accessory dwelling unit is processed as a Type 1 decision pursuant to the requirements set forth in Chapter 16.80 MMC.

C. *Approval criteria.* The decision authority may approve an ADU only when the following criteria are met:

1. The ADU meets the requirements set forth in MMC 16.34.020;
2. The property owner enters into a written agreement with the city to occupy the primary single-family dwelling, or the ADU pursuant to subsection (D) of this section; and
3. The property owner agrees to maintain the ADU in compliance with the requirements in MMC 16.34.020.

D. Written agreement.

1. Before a certificate of occupancy is issued for the ADU, the property owner shall complete, sign, have notarized, and record an ADU registration form.

2. The contents of the ADU registration form shall include the following:
 - a. The street address and legal description of the property where the accessory dwelling unit is located;
 - b. The written agreement for occupancy as prescribed in subsection (C)(2) of this section;
 - c. The written agreement to maintain the ADU as prescribed in subsection (C)(3) of this section; and
 - d. Any other relevant information determined necessary by the decision authority.
3. The property owner shall record the ADU registration with King County recorder's office. A copy of the recorded document and recording number shall be provided to the city.
4. The ADU registration may be cancelled under the following conditions:
 - a. The property owner may cancel the ADU registration if:
 - i. The ADU is permanently removed from the property; or
 - ii. The property owner provides to the city evidence that the use has been removed and obtains approval from the city to cancel the ADU registration; and
 - iii. The property owner records a certificate of cancellation with King County recorder's office and provides a copy of the recorded certificate of cancellation to the city.
 - b. The city may cancel the ADU registration if the property owner fails to comply with the general requirements in MMC 16.34.020. Cancellation of the ADU registration shall be in accordance with the following procedures:
 - i. The city provides a notice of cancellation to the property owner who shall have a right to appeal the decision to cancel pursuant to MMC 16.80.220 for a Type 1 decision;

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- ii. Once a decision to cancel becomes final, the city shall record a certificate of cancellation with King County recorder's office;
- iii. A copy of the recorded certificate of cancellation shall be provided to the property owner after which the use as an accessory dwelling unit shall cease.

E. Lapse of approval. Approval of an accessory dwelling unit shall expire if the building permit for the accessory dwelling unit expires and substantial construction of the accessory dwelling unit has not started. Approval of an accessory dwelling unit shall also expire if the use is abandoned during its existence, or if a certificate of cancellation is recorded.
(Code 1988 § 20.70.070; Ord. No. 900 § 5 (Att. B), 2013)

16.70.080. Grading and drainage permit.

A. Applicant. Any owner may submit an application for a grading and drainage permit.

B. Procedures. Grading and drainage permits are processed as a Type 1 decision, unless a SEPA threshold determination is required in which case the application is processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. Applicability. This section applies to all permits required under Chapter 16.43 MMC.

D. Criteria for approval. The codes and standards referenced in Chapter 16.43 MMC and other applicable ordinances and regulations, as they currently exist or are hereafter amended, set forth the criteria for approving grading and drainage permits.

E. Conditions of approval. The decision authority may attach such conditions as reasonably necessary to safeguard the public health, general welfare, and safety.

F. Lapse of approval. Grading and drainage permits shall expire as prescribed for building permits in Chapter 16.40 MMC.
(Code 1988 § 20.70.080; Ord. No. 939 § 13, 2016)

**CHAPTER 16.71. ADMINISTRATIVE
DISCRETIONARY APPROVALS****16.71.010. Minor deviation.**

A. Purpose. The purpose of a minor deviation is:

- 1. To allow for minor departures from numeric development standards for remodeling projects; and
- 2. To allow flexibility in design while preserving nonconforming conditions with respect to setback requirements and maximum building heights.

B. Applicant. Any owner may submit an application for a minor deviation.

C. Procedures. Minor deviations are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. Applicability. A minor deviation may be approved for the following:

- 1. Departures by five percent or less from any numeric development standard provided:
 - a. If the numeric development standard is expressed as a percentage, the five percent is calculated as the numeric percentage multiplied by 1.05; and
 - b. Requests for departures may include qualifying conditions such as structural coverage bonuses and height bonuses.
- 2. Departures from building height and zoning setback standards to allow a building addition to match an existing nonconforming building height or setback that was legally established provided:
 - a. Matching a nonconforming building height means a building addition extending above the maximum zoning height applicable to the building, but the highest point of the addition does not exceed the highest point of the roof of the existing building; or
 - b. Matching a nonconforming zoning setback means a building addition extending into the setback area, but the addi-

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tion does not extend closer to the property line than the closest point of the existing building, excluding gutters; and

- c. The total above-ground bulk of the building located within the nonconforming height or setback envelope does not occupy more than 60 percent of the maximum possible above-ground bulk that could otherwise be built within the nonconforming building height or setback envelope with approval of a minor deviation.

E. *Limitations.* A minor deviation shall not be approved for the following:

1. Where the request is to obtain final approval of a structure that compliance with the numeric development standard was represented in the building permit application, but subsequent construction is noncompliant; or
2. Where the project consists of a building alteration or improvement that was completed at any time within the previous five years.

F. *Criteria for approval.* The decision authority may approve a minor deviation only if the following criteria are satisfied:

1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. The granting of such minor deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code; and
4. For departures set forth in subsection (D)(1) of this section, the minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide

it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

H. *Lapse of approval.*

1. An approved minor deviation shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the minor deviation is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.71.010; Ord. No. 979 § 3, 2019; Ord. No. 900 § 5 (Att. B), 2013)

16.71.020. Administrative variance.

A. *Purpose.* The purpose of administrative variances is to allow minor relief from specific zoning standards.

B. *Applicant.* Any owner may submit an application for an administrative variance.

C. *Procedures.* Administrative variances are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* An administrative variance may be granted for the following:

1. Fences and walls less than eight feet in height; or
2. Structural coverage increases provided:
 - a. The increase is for less than one percent of the lot area; and
 - b. If existing structural coverage on the lot exceeds the zoning code, the total structural coverage will not exceed the structural coverage increase permitted in subsection (D)(2)(a) of this section plus the lesser amount between the existing struc-

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tural coverage on the lot and the structural coverage on the lot on the date the structure became nonconforming with regards to structural coverage.

E. *Criteria for approval.* The decision authority may approve an administrative variance only if the following criteria are satisfied:

1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
4. The variance is the minimum necessary to provide reasonable relief.

F. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

1. An approved administrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the administrative variance is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.71.020; Ord. No. 900 § 5 (Att. B), 2013)

16.71.030. Administrative special use permit.

A. *Purpose.* The purpose of administrative special use permits is to allow certain uses, which by their nature can have an undue impact upon other uses of land, but also by their nature warrant a less cumbersome approval process than a nonadministrative special use permit.

B. *Applicant.* Any owner may submit an application for an administrative special use permit.

C. *Procedures.* Administrative special use permits are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply to uses and activities listed or referenced as requiring an administrative special use permit.

E. *Criteria for approval.* The decision authority may approve an administrative special use permit only if the following criteria are satisfied:

1. The use is compatible with and meets the spirit of the comprehensive plan;
2. The use is designed to minimize detrimental effects on neighboring properties;
3. The use satisfies all requirements specified for the use;
4. The use complies with all applicable zoning and development standards and requirements; and
5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

F. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

1. An approved administrative special use permit shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the administrative special use permit is automatic and notice is not required; and

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3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.71.030; Ord. No. 900 § 5 (Att. B), 2013)

16.71.040. Level 1 tailored construction mitigation plan.

A. *Purpose.* The purpose of a Level 1 tailored construction mitigation plan is to mitigate the adverse effects on adjacent properties and public streets caused by major construction projects.

B. *Applicant.* Any owner may submit an application for a Level 1 tailored construction mitigation plan.

C. *Procedures.*

1. Level 1 tailored construction mitigation plans are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
2. Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the Level 1 tailored construction mitigation plan.

D. *Applicability.* This section applies to where a Level 1 tailored construction mitigation plan is required pursuant to the criteria in Chapter 16.75 MMC.

E. *Limitations.* The tailored construction mitigation plan is a construction mitigation plan consisting of both city-developed and applicant-proposed measures for reducing construction impacts on neighboring properties and streets. The measures set forth in a Level 1 tailored construction mitigation plan are binding on all of the signatories required in subsection (C)(2) of this section.

F. *Criteria for approval.* The criteria for approval of a Level 1 tailored construction mitigation plan are those set forth in MMC 16.75.040, as it currently exists or is hereafter amended.

G. *Conditions of approval.* The decision authority may attach reasonable mitigation measures as necessary to protect the public health, safety and general welfare from the impacts of construction activity.

H. *Lapse of approval.* A Level 1 tailored construction mitigation plan shall remain in effect until such time all construction permits associated with the Level 1 tailored construction mitigation plan expires.
(Code 1988 § 20.71.040; Ord. No. 900 § 5 (Att. B), 2013)

16.71.050. Administrative right-of-way tree activity permit.

A. *Purpose.* The purpose of an administrative right-of-way tree activity permit is to authorize removal or pruning of city trees and vegetative cover consistent with the Medina tree code.

B. *Applicant.* Only owners enumerated in MMC 16.52.160(C) may submit an application for an administrative right-of-way tree activity permit.

C. *Procedures.* Administrative right-of-way tree activity permits are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply to the pruning and removal of trees as set forth in MMC 16.52.160(C).

E. *Criteria for approval.* The decision authority may approve an administrative right-of-way tree activity permit only if the following criteria are satisfied:

1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
4. Removal of the city tree is permitted pursuant to MMC 16.52.190(D);
5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;
6. Tree trimming or pruning is done in accordance with the following:
 - a. The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;

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- b. The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and
 - c. The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree;
7. All other requirements set forth in MMC 16.52.190 are satisfied.

F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

- 1. An administrative right-of-way tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
 - 2. Expiration of the administrative right-of-way tree activity permit is automatic and notice is not required; and
 - 3. No extension of the time period for the permit is allowed.
- (Code 1988 § 20.71.050; Ord. No. 923 § 35, 2015; Ord. No. 909 § 18, 2014; Ord. No. 900 § 5 (Att. B), 2013)

16.71.060. Administrative substantial development permit.

A. *Purpose.* The purpose of an administrative substantial development permit is to regulate developments and uses of water bodies and associated upland areas to protect human health and the natural environment, but by the scope of the development warrant a less cumbersome approval process.

B. *Applicant.* Any owner may submit an application for an administrative substantial development permit.

C. *Procedures.* Administrative substantial development permits are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply to activities within the meaning of the term "development" as defined in RCW 90.58.030(3)(a), and located within the shoreline jurisdiction as defined by the Shoreline Management Act, provided:

- 1. The development is not exempt from a substantial development permit pursuant to WAC 173-27-040 as it currently exists or is hereafter amended; and
- 2. The development does not include any dredging waterward of the ordinary high water mark; and
- 3. The development does not include grading activity involving more than 500 cubic yards of material within the shoreline jurisdiction, excluding fill material used specifically for fish and wildlife habitat restoration; and
- 4. The total cost or fair-market value of the entire proposed development does not exceed \$50,000.00 provided:
 - a. The calculation for total cost or fair-market value shall include all costs, excluding permit fees and taxes, associated with development on the property during a period beginning from the date an application for the administrative substantial development permit is submitted and ending 18 months after the date all permits issued by the city for the property are finalized; and
 - b. Development may not be divided into phases for the purpose of avoiding a higher designation of decision type, except as provided in subsection (D)(4)(a) of this section.

E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.080, the applicant shall provide the following with an administrative substantial development permit:

- 1. A site plan containing the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;

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- c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
- 2. A landscaping and/or restoration plan, as applicable;
 - 3. Mitigation measures, as applicable;
 - 4. Quantity, source, and composition of all fill material that is placed on the site, whether temporary or permanent;
 - 5. Quantity, composition and destination of all excavated and/or dredged material; and
 - 6. Additional submittal information set forth in the shoreline master program for the use.

F. *Criteria for approval.* The decision authority may approve an administrative substantial development permit only if the following criteria are satisfied:

- 1. The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (Chapter 90.58 RCW);
- 2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (Chapter 173-27 WAC); and
- 3. The proposed development is consistent with the requirements of the Medina shoreline master program.

G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.

H. *Revisions to permit.* Revisions to an administrative substantial development permit shall be consistent with WAC 173-27-100 as it currently exists or is hereafter amended.

I. *Lapse of approval.* Administrative substantial development permit shall expire as set forth in WAC 173-27-090 and amendments thereto. (Code 1988 § 20.71.060; Ord. No. 900 § 5 (Att. B), 2013)

CHAPTER 16.72. QUASI-JUDICIAL APPROVALS

16.72.010. Nonadministrative special use permit/conditional use permit.

A. *Purpose.* The purpose of nonadministrative special use and conditional use permits is to allow certain uses which, by their nature, can have an undue impact upon other uses of land within the zoning district, subject to the controls, limitations and regulations of a nonadministrative special use permit/conditional use permit.

B. *Applicant.* Any owner may submit an application for a nonadministrative special use permit or conditional use permit.

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C. *Procedures.* Nonadministrative special use permit/conditional use permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* Uses and activities listed or referenced as requiring a nonadministrative special use or a conditional use permit.

E. *Criteria for approval.* The decision authority may approve a nonadministrative special use permit or nonadministrative conditional use permit only if the following criteria are satisfied:

1. The use complies with the adopted goals and policies set forth in the comprehensive plan;
2. The use is designed to minimize detrimental effects on neighboring properties;
3. The use satisfies all requirements specified for the use;
4. The use complies with all applicable zoning and development standards and requirements; and
5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.

F. *Conditions of approval.* The decision authority may impose reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

1. An approved nonadministrative special use permit shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the nonadministrative special use permit is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.72.010; Ord. No. 900 § 5 (Att. B), 2013)

16.72.020. Historical use permit.

A. *Purpose.* The purpose of historical use permits is to serve as a mechanism for reestablishing a use on a property where that use had historically existed at one time on the property, but subsequently the rights to the use had ceased.

B. *Applicant.* Any owner may submit an application for a historical use permit.

C. *Procedures.* Historical use permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* Uses identified as a historical use requiring authorization to reestablish the use pursuant to Chapter 16.33 MMC.

E. *Deviations to zoning regulations authorized.* Where unnecessary hardships or practical difficulties are created for the historical use by application of specific zoning regulations, deviations from the specific zoning regulation may be granted under the approval of a historical use permit.

F. *Criteria for approval.* The decision authority may approve a historical use permit only if the following criteria are satisfied:

1. The applicant demonstrates that the use was an established use on the date the city incorporated;
2. The use will not have materially detrimental effects on neighboring properties due to excessive noise, lighting or other interference with the peaceful use and possession of said neighboring properties;
3. The use has been designed to minimize adverse effects on neighboring properties, taking into account the historical use of the property; and
4. If a deviation pursuant to subsection (E) of this section is requested, approval of the deviation must relate to the use of the land or to structures containing the historical use.

G. *Conditions of approval.* The decision authority may impose reasonable conditions as necessary to safeguard the public health, general welfare and safety.

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H. *Lapse of approval.*

1. An approved historical use permit shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the historical use permit is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.72.020; Ord. No. 900 § 5 (Att. B), 2013)

16.72.030. Nonadministrative variance.

A. *Purpose.* The purpose for a nonadministrative variance is to provide property owners relief from certain provisions of this title where conditions justify such relief on a case-by-case basis.

B. *Applicant.* Any owner may submit an application for a nonadministrative variance.

C. *Procedures.* Nonadministrative variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.

E. *Limitations.*

1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site;
2. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and
3. No variance shall be granted for any of the following:
 - a. To alter any definition or interpretation of this title;
 - b. To alter any provision establishing a use within a zoning district; or

c. To alter any procedural provisions.

F. *Criteria for approval.* The decision authority may approve a nonadministrative variance only if the following criteria are satisfied:

1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
5. The variance is the minimum necessary to provide reasonable relief.

G. *Conditions of approval.* The decision authority may attach reasonable conditions to safeguard the public health, general welfare and safety.

H. *Lapse of approval.*

1. An approved nonadministrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the nonadministrative variance is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

(Code 1988 § 20.72.030; Ord. No. 900 § 5 (Att. B), 2013)

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16.72.040. Site plan review.

A. *Purpose.* The purpose of site plan review is to:

1. Encourage better site planning to help ensure certain new development enhances the character of the city and sensitively fits into the neighborhood;
2. To protect the desirable aspects of natural landscape features of the city by minimizing undesirable impacts on the physical environment by proposed new development;
3. Improve communication and mutual understanding early and throughout the review process among developers, neighborhoods, and the city; and
4. Create a mechanism for addressing neighborhood impacts by the layout of the site without unreasonably interfering with an applicant's architectural goals; and
5. Be mindful of an applicant's reasonable expectation of privacy and/or security of their property.
6. It is not the intent of site plan review to regulate the architectural style or massing of a proposed home.

B. *Applicant.* Any owner may submit an application for site plan review.

C. *Procedures.*

1. Site plan reviews are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC;
2. Revisions to an approved site plan review are as follows:
 - a. Minor revisions consistent with the scope of work already approved in the site plan review may be approved by the director as a Type 1 decision; or
 - b. All other revisions shall be processed as follows:
 - i. The city issues notice consistent with a notice of application set forth in MMC 16.80.110, including sending notice to all previous parties of record of the original site plan review;

- ii. If no written objections to the revision are received during the public comment period, the director may decide the revision as a Type 2 decision;
- iii. If written objections to the revision are received during the public comment period, the revision shall be processed as a Type 3 decision, subject to the same process requirements for a site plan review set forth in MMC 16.80.050(C), except a new notice of application is not required.

D. *Applicability.*

1. The requirements for site plan review set forth in this section shall apply if one or more of the following conditions are present:
 - a. Construction of a new building, or expansion or alteration of an existing building where the lot area of the building site is 80,000 square feet;
 - b. Construction of a new building, or expansion or alteration of an existing building where the lot area of the building site is at least 40,000 square feet and the lot area is at least 50 percent larger than the average lot area of all residentially developed lots touching the property;
 - c. Construction of a new building, or expansion or alteration of an existing building where the lot area of the building site is at least 40,000 square feet and the lot area is at least twice the size of the lot area of the smallest residentially developed lot touching the subject site; or
 - d. Construction of a new building, or expansion or alteration of existing building where the lot area of the building site is less than 16,000 square feet and the property owner requests departure from setbacks, excluding shoreline setbacks, to preserve significant trees on the property 24 inches diameter breast height and larger in size.

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2. In no case shall the following types of development require site plan review under this section:
 - a. Interior remodels that do not conflict with a previously approved site plan or modify the existing layout of the building site;
 - b. Modifications to the exterior facade of an existing building that do not:
 - i. Conflict with a previously approved site plan;
 - ii. Modify the existing layout of the building site; or
 - iii. Increase the exterior bulk of the building from the perspective of the adjacent lots;
 - c. Building additions that do not enlarge the building footprint by more than a total of 200 square feet during any five-consecutive-year time period;
 - d. Reconstruction of an existing building within its existing surface area footprint;
 - e. Construction of new buildings with a gross floor area of 1,000 square feet or less and that are set back at least 50 feet from the following:
 - i. Property lines that adjoin residentially developed properties; and
 - ii. Property lines that are only separated from a residentially developed property by a city right-of-way.
 3. The director may waive the requirement for a site plan review if all of the following are present:
 - a. The building site is constrained by the existence of critical areas or topography in a manner that the director determines a site plan review will have limited to no benefits; and
 - b. The city issues notice consistent with the requirements set forth for a notice of application in MMC 16.80.110 alerting recipients of the proposed project and the matter of the applicability of site plan review to the proposed project; and
 - c. No written objection to waiving the requirement for site plan review is received during the public comment period.
- E. *Departures from development regulations authorized.* Departures from certain development requirements may be permitted provided the following are satisfied:
1. The departure is for the purpose of minimizing an undesirable impact that cannot be better achieved by a strict application of the code;
 2. The departure meets the site plan review purpose statements set forth in subsection (A) of this section;
 3. The departure increases the project's conformance with the approval criteria set forth in subsection (H) of this section;
 4. Approval of departures under site plan review is limited to the following standards, except where site plan review is requested under subsection (D)(1)(d) of this section, departures shall be limited to subsections (E)(4)(a) and (d) of this section:
 - a. Minimum setbacks, excluding shoreline setbacks;
 - b. Maximum structural coverage, including bonus structural coverage;
 - c. Maximum building and structure height;
 - d. On-site parking spaces; and
 - e. Fence and wall development standards.
- F. *Limitations.*
1. In considering site plan review, the scope of the review is intended to evaluate the placement of primary site features and reduce negative impacts to adjacent properties. This may require setback distances from property lines greater than the zoning requirements. Primary features include, but are not limited to, all buildings, driveways, decks, patios, and landscaping.
 2. Site plan review shall not include changes in the shape of a building footprint unless unique circumstances exist caused by the configuration of the subject lot and/or adjoining lots. In the case of unique circumstances, changes to the shape of the building footprint may only

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be required if the criteria in subsections (H)(3)(a) and (b) of this section cannot be met solely by moving the placement of a building.

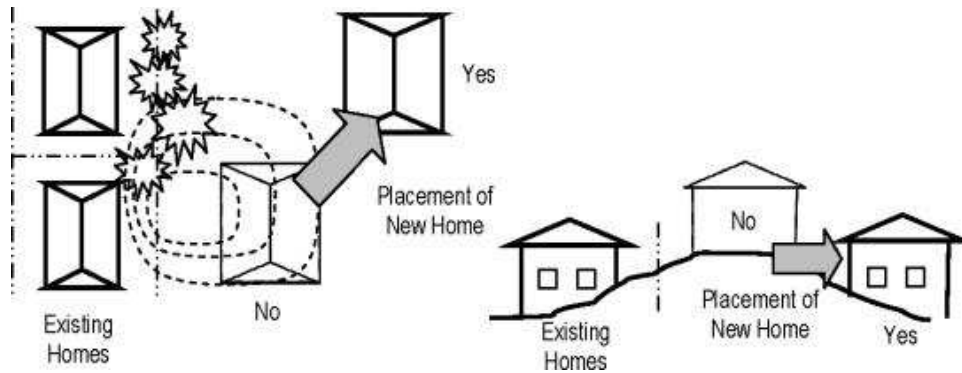
G. Additional application submittal requirements. In addition to the submittal requirements set forth in MMC 16.80.070, the applicant shall provide the following with a site plan review application:

1. A site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties;
 2. A site plan drawing showing topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees that are at least 24 inches diameter breast height, with species indicated);
 3. Preliminary building floor plans;
 4. Photos showing the facades of adjacent development, trees on the site, general streetscape character and territorial or other views from the site, if any;
 5. A graphical depiction of the property's zoning envelope—the three-dimensional space confined by the maximum building height and all applicable setback requirements from the zoning code;
 6. A description of the proponent's objectives with regard to site development;
 7. Architectural renderings of the proposed primary residence from the perspective of each home on an abutting property coupled with photographs of existing conditions supporting these same perspectives.
3. The existing landscape is preserved consistent with the following:
 - a. The natural topography of the building site is not substantially altered;
 - b. Existing trees 24 inches in diameter breast height and larger and other natural landscaping on the property are preserved to a reasonable extent;
 4. If applicable, site placement measures are incorporated to accommodate large gatherings and mitigate impacts including, but not limited to, traffic, parking, noise, and exterior lighting on the neighborhood;
 5. If applicable, measures to accommodate people such as domestic employees and groundskeepers and mitigate impacts including, but not limited to, traffic, parking, and noise; and
 6. Comply with all other applicable development requirements.

H. Criteria for approval. The decision authority may approve a site plan review only if the following criteria are satisfied (see Figure 16.72.040):

1. Placement of the proposed development on the property minimizes the visibility of buildings from the perspective of the adjacent lots;
2. Placement of the proposed development does not create significant privacy impacts for adjacent property owners;

Figure 16.72.040: Example of Using Site Plan Review to Place a New Home



I. *Conditions of approval.* The decision authority may attach reasonable conditions and/or may modify the site plan that are determined necessary to safeguard the public health, welfare and safety (e.g., additional screening, buffering measures, building location and orientation, modified setbacks, paving, landscaping, vegetation removal, areas of grading, etc.).

J. *Lapse of approval.*

1. An approved site plan review shall expire two years after the later of the date the site plan review was approved or the date a decision on an appeal becomes final, unless a complete building permit application is submitted prior to the later of the two dates specified herein; and
2. Expiration of the site plan review is automatic and notice is not required; and
3. The director may grant extensions if:
 - a. The applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension;
 - b. The director determines there have been no significant changes to any aspect of the project setting that was the basis of the site plan review approval.

(Code 1988 § 20.72.040; Ord. No. 923 § 36, 2015; Ord. No. 900 § 5 (Att. B), 2013)

16.72.050. Reclassification of zoning.

A. *Purpose.* This section establishes a mechanism for site-specific reclassification of property or properties from one zoning district to another zoning district. The new zone must be consistent with the comprehensive plan and approval of such requests results in a change to the official Medina zoning map.

B. *Applicant.* Any owner may submit an application for a site-specific rezone.

C. *Applicability.* This section applies to amendments of the official Medina zoning map that are site-specific in nature and not involving an area-wide zoning map amendment as prescribed in Chapter 16.82 MMC.

D. *Procedures.* Applications for a site-specific rezone are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC and the following:

1. The planning commission holds an open-record public hearing and makes a recommendation in writing to the city council;
2. The planning commission shall issue its written recommendation within 45 calendar days of the closing of the open-record hearing;
3. The planning commission's written recommendation shall include the following:
 - a. Statement of the facts presented that supports the recommendation;

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- b. A statement of the conclusions reached based on those facts;
 - c. Any conditions or restrictions that are recommended to be placed upon the rezone; and
 - d. The date of issuance of the recommendation;
- 4. The city council shall consider the planning commission's written recommendation no later than their next regularly scheduled meeting after the planning commission issues their recommendation;
 - 5. The city council shall decide the site-specific rezone application at a closed-record meeting;
 - 6. The 120-day processing timeline set forth in MMC 16.80.210 may be extended as reasonably necessary to allow the city council to deliberate on the planning commission's recommendation at a regularly scheduled meeting.

E. *Limitations.* If a comprehensive plan amendment is required in order to satisfy subsection (F)(1) of this section, approval of the comprehensive plan amendment is required prior to or concurrently with the granting of an approval on the rezone.

F. *Approval criteria.* The city council may approve a site-specific rezone only if the following criteria are satisfied:

- 1. The rezone is consistent with the comprehensive plan, or will be consistent with the comprehensive plan if a comprehensive plan amendment is proposed to be approved concurrently with the rezone approval;
- 2. The rezone bears a substantial relationship to the public health, general welfare and safety;
- 3. The rezone is appropriate because:
 - a. The rezone will not result in a reclassification to a zoning district where the lot area of the subject property is greater than 120 percent of the required minimum lot area of the new zoning district (e.g., a 20,000-square-foot R-20 zoned lot could be rezoned to R-30 (67 percent of the minimum 30,000 square feet lot

- size), but not to R-16 (125 percent of the minimum 16,000 square feet lot size)); or
 - b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; and
- 4. The rezone is not a spot rezone.
(Code 1988 § 20.72.050; Ord. No. 900 § 5 (Att. B), 2013)

16.72.060. Reasonable use exception.

A. *Purpose.* The purpose for a reasonable use exception is to permit development of a site only when application of Chapter 16.50 MMC (Critical Areas) would deny all reasonable uses of a site.

B. *Applicant.* Any owner may submit an application for a reasonable use exception.

C. *Procedures.* Reasonable use exceptions are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply where applying the critical areas regulations set forth in Chapter 16.50 MMC would deny all reasonable use of the subject property.

E. *Additional application submittal requirements.* In addition to the submittal requirements set forth in MMC 16.80.070, the applicant shall provide the following with a reasonable use exception application:

- 1. Critical area report consistent with the requirements of MMC 16.50.070;
- 2. Mitigation plan consistent with the requirements in Chapter 16.50 MMC, if necessary;
- 3. Applications/approvals from other agencies, as applicable;
- 4. Special studies prepared to support the reasonable use exception; and
- 5. SEPA documents.

F. *Criteria for approval.* The decision authority may approve a reasonable use exception only if the following criteria are satisfied:

- 1. The application of the critical areas regulations would deny all reasonable use of the property;
- 2. The proposed development does not pose an unreasonable threat to the public health, gen-

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eral welfare, or safety on or off the site, nor does it damage nearby public or private property;

3. Any alteration of the critical area and/or buffer is the minimum necessary to allow for reasonable use of the property;
4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant or their predecessors;
5. Any impacts permitted to the critical area and/or buffer are mitigated in accordance with MMC 16.50.060(B) and (D) to the greatest extent feasible;
6. The proposed development protects critical areas and/or buffer functions and values consistent with the best available science;
7. The proposed development is consistent with other applicable regulations and requirements.

G. Conditions of approval. The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety. (Code 1988 § 20.72.060; Ord. No. 900 § 5 (Att. B), 2013)

16.72.070. Public agency and utility critical areas exception.

A. Purpose. The purpose of a public agency and utility critical areas exception is to allow development within a critical area by a public agency or public utility, which would otherwise be prohibited by the critical areas regulations.

B. Applicant. An owner, or a federal, state or local agency, or a public utility, or their authorized agents who has written authorization to act on their behalf may submit an application for a public agency and utility critical areas exception.

C. Procedures. Public agency and utility critical areas exceptions are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. Applicability. This section shall apply where applying the critical areas regulations set forth in Chapter 16.50 MMC would deny development by a public agency or public utility.

E. Additional application submittal requirements. In addition to the submittal requirements set forth in MMC 16.80.080, the applicant shall provide the following with a public agency and utility critical areas exception application:

1. Critical area report consistent with the requirements in MMC 16.50.070;
2. Mitigation plan consistent with the requirements in Chapter 16.50 MMC, if necessary;
3. Applications/approvals from other agencies, as applicable;
4. Special studies prepared to support the reasonable use exception; and
5. SEPA documents.

F. Criteria for approval. The decision authority may approve a public agency and utility critical areas exception only if the following criteria are satisfied:

1. There is no other practical alternative to the proposed development with less impact on critical areas and/or buffers;
2. The application of the critical areas regulations would unreasonably restrict the ability to provide utility services to the public; and
3. The proposal meets the following conditions:
 - a. It minimizes the impact on critical areas and/or buffers in accordance with MMC 16.50.060(C);
 - b. It does not pose an unreasonable threat to the public health, general welfare or safety on or off the site, nor does it damage nearby public or private property;
 - c. Any impacts permitted to the critical area and/or buffer are mitigated in accordance with MMC 16.50.060(B) and (D) to the greatest extent feasible;
 - d. The proposal protects critical areas and/or buffer functions and values consistent with the best available science; and
 - e. It is consistent with other applicable regulations and requirements.

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G. Conditions of approval. The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety. (Code 1988 § 20.72.070; Ord. No. 900 § 5 (Att. B), 2013)

16.72.080. Level 2 tailored construction mitigation plan.

A. Purpose. The purpose of a Level 2 tailored construction mitigation plan is to mitigate the adverse effects on adjacent properties and public streets caused by major construction projects.

B. Applicant. Any owner may submit an application for a Level 2 tailored construction mitigation plan.

C. Procedures.

1. Level 2 tailored construction mitigation plans are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
2. Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the Level 2 tailored construction mitigation plan.

D. Applicability. This section applies to where a Level 2 tailored construction mitigation plan is required pursuant to the criteria in Chapter 16.75 MMC.

E. Limitations. The Level 2 tailored construction mitigation plan is a construction mitigation plan consisting of both city-developed and applicant-proposed measures for reducing construction impacts on neighboring properties and streets. The measures set forth in a Level 2 tailored construction mitigation plan are binding on all of the signatories required in subsection (C)(2) of this section.

F. Criteria for approval. The evaluation criteria set forth in MMC 16.75.040 shall serve as the criteria for approving a Level 2 tailored construction mitigation plan.

G. Conditions of approval. The decision authority may attach such mitigation measures as necessary to protect the public health, safety and general welfare from the impacts of construction activity.

H. Lapse of approval. A Level 2 tailored construction mitigation plan shall remain in effect until such time all construction permits associated with the construction mitigation plan expire. (Code 1988 § 20.72.080; Ord. No. 900 § 5 (Att. B), 2013)

16.72.090. Nonadministrative right-of-way tree activity permit.

A. Purpose. The purpose of a nonadministrative right-of-way tree activity permit is to authorize removal or pruning of trees and vegetative cover in the city right-of-way consistent with the Medina tree code.

B. Applicant. Any owner, or any public or private agencies with authority to operate within the city right-of-way or their authorized agents who have written authorization to act on their behalf, may submit an application for a nonadministrative right-of-way tree activity permit.

C. Procedures. Nonadministrative right-of-way tree activity permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. Applicability. This section shall apply to the pruning and removal of city trees as set forth in MMC 16.52.160(D).

E. Criteria for approval. The decision authority may approve a nonadministrative right-of-way tree activity permit only if the following criteria are satisfied:

1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
4. Removal of a city tree is permitted pursuant to MMC 16.52.190(D);
5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;

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6. Tree trimming or pruning is done in accordance with the following:

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

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

F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

1. A nonadministrative right-of-way tree activity permit shall expire within 18 months from the later date of the decision being issued or an appeal becoming final;
2. Expiration of the nonadministrative right-of-way tree activity permit is automatic and notice is not required; and
3. No extension of the time period for the permit is allowed.

(Code 1988 § 20.72.090; Ord. No. 923 § 37, 2015; Ord. No. 909 § 19, 2014; Ord. No. 900 § 5 (Att. B), 2013)

16.72.100. Nonadministrative tree activity permit.

A. *Purpose.* The purpose of a nonadministrative tree activity permit is to authorize removal of large significant trees consistent with the Medina tree code.

B. *Applicant.* Any owner may submit an application for a nonadministrative tree removal permit.

C. *Procedures.* Nonadministrative tree removal permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply to removal of trees as set forth in MMC 16.52.160(D), excluding trees rated as hazard pursuant to MMC 16.52.120.

E. *Criteria for approval.* The decision authority may approve a nonadministrative tree activity permit only if the following criteria are satisfied:

1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
3. The tree removal will have no materially detrimental effects on nearby properties;
4. The tree has not been granted special protection pursuant to MMC 16.52.080;
5. All requirements set forth in Chapter 16.52 MMC are satisfied;
6. All other ordinances, regulations and policies applicable to tree removal are followed.

F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

G. *Lapse of approval.*

1. A nonadministrative tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
2. Expiration of the nonadministrative tree activity permit is automatic and notice is not required; and
3. No extension of the time period for the permit is allowed.

(Code 1988 § 20.72.100; Ord. No. 923 § 38, 2015; Ord. No. 909 § 20, 2014; Ord. No. 900 § 5 (Att. B), 2013)

16.72.110. Substantial development permit.

A. *Purpose.* The purpose of a substantial development permit is to regulate development and uses of water bodies and associated upland areas consistent with the Medina shoreline master program.

B. *Applicant.* Any owner may submit an application for a substantial development permit.

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C. *Procedures.* Substantial development permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply to activities and uses defined as development pursuant to RCW 90.58.030(3)(a) and located within the shoreline jurisdiction as defined by the Shoreline Management Act, provided:

1. The development does not qualify for an exemption as set forth in MMC 16.70.040;
2. The development does not qualify for an administrative substantial development permit as set forth in MMC 16.71.060.

E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a substantial development permit shall include the following:

1. A site plan containing the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan;

- ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;

- f. Existing and proposed land contours with minimum two-foot elevation intervals;
- g. A general description of the character of vegetation found on the site;
- h. The dimensions and locations of all existing and proposed structures and improvements;

2. A landscaping and/or restoration plan, as applicable;
3. Mitigation measures, as applicable;
4. Quantity, source and composition of all fill material that is placed on the site whether temporary or permanent;
5. Quantity, composition and destination of all excavated and/or dredged material; and
6. Additional submittal information set forth in the Medina shoreline master program for the use.

F. *Criteria for approval.* The decision authority may approve a substantial development permit only if the following criteria are satisfied:

1. The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (Chapter 90.58 RCW);
2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (Chapter 173-27 WAC); and
3. The proposed development is consistent with the provisions of the Medina shoreline master program.

G. *Conditions of approval.* The decision authority may attach such conditions as to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.

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H. *Revisions to permit.* Revisions to a substantial development permit shall be consistent with WAC 173-27-100.

I. *Lapse of approval.* Substantial development permit shall expire as set forth in WAC 173-27-090 and amendments thereto.
(Code 1988 § 20.72.110; Ord. No. 900 § 5 (Att. B), 2013)

16.72.120. Shoreline conditional use permit.

A. *Purpose.* The purpose of a shoreline conditional use permit is to provide a system within the Medina shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020.

B. *Applicant.* Any owner may submit an application for a shoreline conditional use permit.

C. Procedures.

1. Shoreline conditional use permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
2. Shoreline conditional use permits approved by the city are transmitted to the Washington State Department of Ecology pursuant to WAC 173-27-200 for Ecology's approval, approval with conditions, or denial.

D. *Applicability.* The following may be permitted if a shoreline conditional use permit is approved:

1. Uses listed as a conditional use in the Medina shoreline master program; or
2. Uses which are not classified or specifically prohibited in the Medina shoreline master program provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Medina shoreline master program.

E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a shoreline conditional use permit shall include the following:

1. The site plan shall include:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;

- b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the mark's location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
2. A landscaping and/or restoration plan, as applicable;
 3. Mitigation measures, as applicable;
 4. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
 5. Quantity, composition and destination of all excavated and/or dredged material; and

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6. Additional submittal information set forth in the Medina shoreline master program for the use.

F. *Criteria for approval.* The decision authority may approve a shoreline conditional use permit only if the following criteria are satisfied:

1. That the proposed use is consistent with the policies set forth in RCW 90.58.020 and the Medina shoreline master program;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program;
4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. That the public interest suffers no substantial detrimental effect.

In the granting of a shoreline conditional use permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

G. *Conditions of approval.* The decision authority and the Washington State Department of Ecology may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.

H. *Revisions to permit.* Revisions to a shoreline conditional use permit shall be consistent with WAC 173-27-100 and amendments thereto.

I. *Lapse of approval.* A shoreline conditional use permit shall expire as set forth in WAC 173-27-090. (Code 1988 § 20.72.120; Ord. No. 900 § 5 (Att. B), 2013)

16.72.130. Shoreline variance.

A. *Purpose.* The purpose for a shoreline variance is to provide a mechanism strictly limited to granting relief where there are extraordinary circumstances relating to the physical character or configuration of property.

B. *Applicant.* Any owner may submit an application for a shoreline variance.

C. Procedures.

1. Shoreline variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
2. Shoreline variances approved by the city are transmitted to the Washington State Department of Ecology pursuant to WAC 173-27-200 for Ecology's approval, approval with conditions, or denial.

D. *Applicability.* Shoreline variances may be granted for relief from specific bulk dimensional or performance standards set forth in the Medina shoreline master program where the requirement of such will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 and the Medina shoreline master program.

E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a shoreline variance shall include the following:

1. The site plan shall include:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark,

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the mark shall be located precisely and the biological and hydrological basis for the mark's location as indicated on the plans shall be included in the development plan;

- ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
- f. Existing and proposed land contours with minimum two-foot elevation intervals;
- g. A general description of the character of vegetation found on the site;
- h. The dimensions and locations of all existing and proposed structures and improvements;
- 2. A landscaping and/or restoration plan, as applicable;
- 3. Mitigation measures, as applicable;
- 4. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
- 5. Quantity, composition and destination of all excavated or dredged material; and
- 6. A site plan that clearly indicates where development may occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

F. *Criteria for approval.* The decision authority may approve a shoreline variance only if the following criteria are satisfied:

- 1. Where the variance is for development landward of the ordinary high water mark the following approval criteria shall apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes, or significantly interferes with, reasonable use of the property;

- b. That the hardship described in subsection (F)(1)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;
- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
- e. That the variance requested is the minimum necessary to afford relief; and
- f. That the public interest will suffer no substantial detrimental effect.

- 2. Where the variance is for development waterward of the ordinary high water mark the following approval criteria shall apply:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes all reasonable use of the property;
- b. That the hardship described in subsection (F)(2)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;

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- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief;
 - f. That the public interest will suffer no substantial detrimental effect; and
 - g. That the public rights of navigation and use of the shorelines will not be adversely affected.
3. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

G. Conditions of approval. The decision authority may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.

H. Revisions to permit. Revisions to a shoreline conditional use permit shall be consistent with WAC 173-27-100.

I. Lapse of approval. A shoreline variance shall expire as set forth in WAC 173-27-090.
(Code 1988 § 20.72.130; Ord. No. 900 § 5 (Att. B), 2013)

CHAPTER 16.73. LAND DIVISIONS**16.73.010. Purpose.**

A. The purpose of this chapter is to regulate the division of land and adjustment of lot lines while protecting the public health, safety and general welfare of the community.

B. This chapter establishes the procedures for the division and redivision of land, and the adjustment of property boundaries in accordance with the goals, objectives and policies of the Medina comprehensive plan, and to ensure compliance with the city's development and engineering requirements.
(Code 1988 § 20.73.010; Ord. No. 854 § 2, 2010)

16.73.020. Applicability.

A. This chapter shall apply to all divisions of land including short subdivisions, subdivisions and lot line adjustments hereafter established within the incorporated areas of the City of Medina.

B. This chapter is applied in conjunction with Chapter 2.72 MMC, Hearing Examiner; Chapter 14.04 MMC, SEPA Model Ordinance; Chapters 16.00 through 16.37 MMC, zoning; Chapters 16.60 through 16.67 MMC, Medina shoreline master program; Chapter 16.50 MMC, Critical Areas; Chapter 16.80 MMC, Project Permit Review Procedures, and other applicable codes referencing this chapter.
(Code 1988 § 20.73.020; Ord. No. 906 § 12, 2014; Ord. No. 854 § 2, 2010)

16.73.030. Exemptions.

The provisions of this chapter shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions of land made by testamentary provisions, or the laws of descent.
- C. Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation.
- D. A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW (Survey Recording Act) and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. The exemption only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. "New customers" are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this section are planned and constructed.
- E. A division of land for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.
- F. A division of land for the purpose of dedicating to the public such tracts of lands for open

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spaces, drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, water supplies, sanitary wastes and other general purposes that may be required to protect the public health, safety and welfare.

- G. Condominiums as set forth in Chapter 64.32 or 64.34 RCW.

(Code 1988 § 20.73.030; Ord. No. 854 § 2, 2010)

16.73.040. Administration.

The director is vested with the duty of administering and implementing the provisions of this chapter.
(Code 1988 § 20.73.040; Ord. No. 854 § 2, 2010)

16.73.050. General provisions.

A. The provisions set forth in this chapter shall constitute the minimum requirements necessary to promote the public health, safety, and general welfare.

B. Any person who desires to subdivide land within the boundaries of the city should consult with the city at an early date to become familiar with the requirements of this chapter and for assistance in understanding the engineering requirements and the construction standards of the city.

- C. Transfer of land prior to final approval.

1. Whenever any parcel of land is divided into two or more lots, no person, firm, corporation or agents of them shall sell, transfer or advertise for sale or transfer any such lot without having a short subdivision or subdivision recorded unless preliminary approval expressly conditions a performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land on the recording of the final short plat or plat.
2. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel, the offer or agreement shall not be subject to the penalties in RCW 58.17.200 or 58.17.300, or MMC 16.73.170.
3. All payment on account of an offer or agreement conditioned as provided in this section

shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final short plat or plat is recorded.

D. Lands designated as critical areas such as wetlands, aquifers, streams, flood hazards, geological hazards and wildlife habitat conservation areas shall not be divided nor have lot lines adjusted unless adequate safeguards are provided as prescribed in Chapter 16.50 MMC, Critical Areas.

E. The applicant shall pay a fee in accordance with the fee schedule adopted in Chapters 3.64 and 16.14 MMC, which shall accompany the application.

F. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final subdivision, the city may accept a bond providing for and securing the actual construction and installation of such improvements within a period specified by the city. In addition, the city may provide for methods of security, including the posting of a bond securing the successful operation of improvements for up to two years after final approval.
(Code 1988 § 20.73.060; Ord. No. 900 § 36, 2013; Ord. No. 854 § 2, 2010)

16.73.060. Survey requirements.

A. A Washington State licensed land surveyor registered pursuant to Chapter 18.43 RCW shall prepare, stamp, and seal all proposed lot subdivisions.

B. A survey is required for all final approvals of lot line adjustments, short subdivisions, and subdivisions and shall meet the survey standards of Chapter 58.09 RCW and Chapter 332-130 WAC.

C. The surveyor shall certify on the final document to be recorded that it is a true and correct representation of the lands actually surveyed.

D. Whenever a survey reveals a discrepancy, the discrepancy shall be noted on the face of the subdivision. "Discrepancy" means: (1) a boundary hiatus; (2) an overlapping boundary; or (3) a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.
(Code 1988 § 20.73.070; Ord. No. 854 § 2, 2010)

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16.73.080**16.73.070. Further division of a short subdivision and accumulative short subdivisions.**

A. Land within a short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat, except the original owner of the land at the time the short subdivision was approved by the city may file within the five-year period an alteration to the short subdivision to create up to a total of four lots within the original short plat boundaries.

B. Accumulative short subdivisions and other proposed means of segregation used to avoid the requirements of a subdivision are prohibited and violate the provisions of this chapter.
(Code 1988 § 20.73.080; Ord. No. 854 § 2, 2010)

16.73.080. Review procedures and approvals.

Each lot line adjustment and division of land is processed as a different action type as described in MMC 16.80.050 and summarized as follows:

- A. Approval of a lot line adjustment application is a two step process, which includes final approval by the director and recording with the King County auditor.
- B. Approval of a division of land is a four step process including preliminary approval, installation or bonding of required improvements, final approval, and recording with the King County auditor. The process summarizes as follows:

- 1. *Short subdivision.*

- a. A preliminary short subdivision is processed as a Type 2 decision pursuant to Chapter 16.80 MMC.
- b. Installation of infrastructure improvements as determined by the city, or providing a form of security as determined by the city to ensure such improvements are installed.
- c. A final short subdivision is processed as a Type 1 decision pursuant to Chapter 16.80 MMC.
- d. The final short subdivision shall be submitted to the director within five years of the date that the pre-

liminary approval became final or the short subdivision shall become null and void.

- e. The director's signature is required on the final short plat.

- 2. *Subdivision.*

- a. A preliminary subdivision is processed as a Type 3 decision pursuant to Chapter 16.80 MMC.
- b. Installation of infrastructure improvements as determined by the city, or providing a form of security as determined by the city to ensure such improvements are installed.
- c. A final subdivision is processed as a Type 2 decision pursuant to Chapter 16.80 MMC.
- d. The final subdivision shall be submitted to the director within five years of the date that the preliminary approval became final or the subdivision shall become null and void.
- e. The following signatures on the final plat are required before the director can submit the final plat to the city council for their action:
 - i. *Director:* Whose signature approves compliance with all terms of the preliminary plat approval of the proposed plat subdivision or dedication.
 - ii. *City engineer:* Whose signature approves the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures.
 - iii. *City of Bellevue utilities:* Whose signature approves the adequacy of the proposed means of sewage disposal and water supply.
 - iv. *King County treasurer:* Whose signature confirms a statement that all taxes and delin-

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quent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

- v. *Property owner:* Whose signature confirms a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner.

- f. The city council may authorize the mayor to sign an approved final plat.

(Code 1988 § 20.73.090; Ord. No. 854 § 2, 2010)

16.73.090. Approval criteria—Lot line adjustment, short subdivision and subdivision.

The following criteria shall be used to review and approve lot line adjustments, preliminary short subdivisions and subdivisions:

A. *Lot line adjustments.*

1. Does not create any additional lot, tract, parcel, or division of land;
2. Does not create a lot, tract, parcel, site, or division of land which contains insufficient area or dimension to meet the minimum requirements for area and dimensions as set forth in the Medina Municipal Code;
3. Does not create or diminish any easement or deprive any parcel of access or utilities; and
4. Does not create or increase the nonconformity of structures, lots, or other factors with respect to development standards.

B. *Preliminary short subdivisions and preliminary subdivisions.*

1. The proposal is in conformance with the comprehensive plan, shoreline master program, and any other city-adopted plans;
2. Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision

that are consistent with current standards and plans as adopted in city code or ordinance;

3. Provisions have been made for roads, utilities, street lighting, street trees and other improvements that are consistent with the zoning code, Chapter 16.90 MMC, and engineering standards;
4. Provisions have been made for dedications, easements and reservations;
5. The proposal complies with the relevant requirements of the zoning code and all other relevant local regulations;
6. Appropriate provisions are made for:
 - a. The public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys or other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 - b. The public use and interest will be served by the platting of such subdivision and dedication.

(Code 1988 § 20.73.100; Ord. No. 854 § 2, 2010)

16.73.100. Submittal requirements.

An applicant seeking approval of a lot line adjustment, preliminary short subdivision or preliminary subdivision must submit a complete application requesting approval. It is the responsibility of the applicant to provide all of the necessary information before the application is processed. In conjunction with the appropriate fee, a complete application under this chapter shall include, but is not limited to, the following:

- A. Application shall be made on the appropriate forms prescribed by the city and shall be signed and dated by the property owner or authorized agent. When an authorized agent is involved, they shall provide proof they represent the legal interests of the property owner.

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- B. The application shall contain each of the following:
1. The name, address and telephone number of the applicant and person to be contacted;
 2. The King County assessor's tax identification number;
 3. The name, address and telephone number of the owner of the property;
 4. Address or location of the property to be subdivided;
 5. Legal description of the property (from the title report verbatim);
 6. The existing zone classification of the property;
 7. The existing shoreline environmental designation if any land is within 200 feet of the ordinary high water mark as defined by RCW 90.58.030(2)(b);
 8. Approximate project site lot area in acres;
 9. The range of lot sizes in square feet.
- C. Plan drawings.
1. All drawings shall be to scale on an 18-inch by 24-inch sheet of paper (multiple sheets may be used in order to provide clarity).
 2. Lot line adjustment. In addition to the illustrations prescribed in subsection (C)(3) of this section, plan drawings for lot line adjustments shall include the following:
 - a. The final lot boundaries shall be shown with a heavier line weight to clearly distinguish them from existing boundaries;
 - b. A full and correct legal description of the revised lots; and
 - c. Comply with the survey requirements set forth in MMC 16.73.060.
 3. Preliminary short plat/plat. Drawings shall include the following illustrations:
 - a. Location of the site by section, township, range;
 - b. North arrow and the boundary of the lands being divided or having the boundaries adjusted;
 - c. Scale at not less than one inch equals 100 feet (larger scales such as 1:50, 1:20, and 1:30 are preferred);
 - d. Vicinity map showing the site clearly marked (smaller scale than 1:100 is acceptable);
 - e. The proposed layout and dimensions of lots and tracts;
 - f. The name of any adjacent subdivisions;
 - g. The approximate location, names and width of all existing and proposed streets, roads, private lanes and access easements within the boundaries of the lands being affected;
 - h. The location of existing and proposed improvements such as storm water facilities, sidewalks, utilities, power poles, etc., within the boundaries of the lands being affected and adjacent lots;
 - i. All existing and/or proposed easements or divisions proposed to be dedicated for any public purpose or for the common use of the property owners of the lands being subdivided;
 - j. A full and correct description of the lands being divided or having the lot lines adjusted;
 - k. Approximate location of existing structures and other improvements located on the site and whether such structures are proposed to remain on the property;
 - l. Shorelines, streams, wetlands, wildlife habitat conservation areas, and geologically hazardous areas as defined in Chapter 16.50 MMC, Critical Areas, and the shoreline master program;

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- m. Topographical information showing existing contour lines at intervals of two feet elevation.

- D. Reduced plan drawing consisting of an 11-inch by 17-inch reproducible copy of the site plan containing the information prescribed in subsection (B) of this section, except this provision shall not apply to a lot line adjustment.
- E. Title report issued within 30 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting the site.
- F. Public notice packet as required by the corresponding application.
- G. Environmental (SEPA) checklist for a subdivision application.
- H. Water and sewer availability from city of Bellevue utilities (not applicable to a lot line adjustment).
- I. Perimeter lot closures for all lots, tracts, and the exterior boundary.
- J. Any related information and/or studies (including but not limited to storm drainage report and critical areas report) required by other provisions of the Medina Municipal Code, identified in the preapplication meeting, or deemed necessary by the director.

(Code 1988 § 20.73.110; Ord. No. 854 § 2, 2010)

16.73.110. Approval criteria—Final short subdivision and subdivision.

The following criteria shall be used to review and approve a final short subdivision and final subdivision:

- A. Conforms to all terms of the preliminary approval;
- B. Meets all zoning and engineering requirements;
- C. Meets all requirements of this chapter;
- D. Meets all applicable local and state laws that were in effect at the time of vesting; and

- E. Improvements have been constructed, or a bond or other security has been secured at 130 percent of the estimated construction value accepted by the city.

(Code 1988 § 20.73.120; Ord. No. 854 § 2, 2010)

16.73.120. Submittal requirements—Final short subdivision and subdivision.

An applicant seeking final approval of a short subdivision or subdivision must submit a complete application requesting approval. It is the responsibility of the applicant to provide all of the necessary information before the application is processed. In conjunction with the appropriate fee, a complete application for a final subdivision approval shall contain, but is not limited to, the following:

- A. Application shall be made on the appropriate forms prescribed by the city and shall be signed and dated by the property owner or authorized agent.
- B. Final plan drawings.
 1. All drawings shall be to scale on an 18-inch by 24-inch sheet of paper (multiple sheets may be used);
 2. Contain the illustration and information set forth in MMC 16.73.100(C)(3), except the director may approve a scale up to one inch equals 200 feet in order to fit the layout of a plat on a single sheet;
 3. Meet the survey requirements set forth in MMC 16.73.060;
 4. Include addressing of individual lots assigned by the city;
 5. Certificate for the approval signatures detailed in MMC 16.73.080;
 6. Treasurer's certificate to ensure payment of taxes; and
 7. Other information requested during the preliminary short plat or plat approval.
- C. If the short subdivision or subdivision includes a dedication, the following statements shall be included:
 1. The dedication of all streets and other areas to the public, and individual or

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individuals, religious society or societies, or to any corporation, public or private, as shown on the plat;

2. A waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road;
 3. Said statements shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.
- D. Lot numbering. Lots shall be consecutively numbered; tracts shall be lettered alphabetically and in consecutive order.
- E. Plat certificates. Three copies of a plat certificate for the subject property shall accompany a final subdivision application.
- F. Perimeter lot closures for all lots, tracts, and the exterior boundary.
- (Code 1988 § 20.73.130; Ord. No. 854 § 2, 2010)

16.73.130. Minor modifications to a preliminary subdivision approval.

The director may administratively approve minor amendments to a preliminary subdivision approval. City council approval is required after a public hearing for major amendment to a preliminary subdivision approval. Notice of the hearing shall be sent in accordance with the notice requirements for a public hearing in Chapter 16.80 MMC and to all parties of record. A major amendment includes, but is not limited to, any one of the following:

- A. Amendments that would result in an increase to the number of lots in the subdivision beyond the number previously approved;
 - B. Amendments that would result in the relocation of any roadway access point to an exterior street from the plat;
 - C. Amendments that propose phasing of plat development not previously approved;
 - D. Amendments that, in the opinion of the director, would significantly increase any adverse impacts or undesirable effects of the plat.
- (Code 1988 § 20.73.140; Ord. No. 854 § 2, 2010)

16.73.140. Recording with county auditor.

All lot line adjustments, final short subdivisions and final subdivisions shall be filed for record with the office of the King County auditor. The applicant shall furnish three copies of the recorded document to the city and one copy shall be filed with the King County assessor.

(Code 1988 § 20.73.150; Ord. No. 854 § 2, 2010)

16.73.150. Expiration of final approval.

Approvals of lot line adjustments, final subdivisions and final short subdivisions shall automatically expire if the plans are not recorded within one year of the written approval date.

(Code 1988 § 20.73.160; Ord. No. 854 § 2, 2010)

16.73.160. Subdivision vesting after approval.

Subdivisions shall be governed by the statutes, ordinances, and regulations in effect at the time of complete application for preliminary subdivision and will continue to be vested for a period of five years after the final subdivision approval.

(Code 1988 § 20.73.170; Ord. No. 854 § 2, 2010)

16.73.170. Violations.

Violation of any provision of this chapter shall be subject to the provisions and penalties set forth in Chapter 1.15 MMC.

(Code 1988 § 20.73.180; Ord. No. 854 § 2, 2010)

CHAPTER 16.75. CONSTRUCTION ACTIVITY PERMIT

16.75.010. Purpose.

The purpose of the construction activity permit is to provide a method for citizens to participate in reducing the impacts of neighboring construction projects while applying a standardized mitigation policy so as to not unreasonably interfere with permit applicants' development rights. Additional purposes of this chapter include:

- A. Minimizing potential adverse visual and aesthetic impacts of construction.
- B. Establishing objective standards for the mitigation of construction projects.

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C. Encouraging public participation in the mitigation evaluation process.
(Code 1988 § 20.75.010; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.020. Applicability.

A. Any applicant seeking a building permit from the city is subject to the provisions of this chapter; provided, that:

1. Proposed projects with a combined permit value at or below \$499,999.00 are exempt from the requirements of MMC 16.75.070 and 16.75.080.
2. Proposed projects with a combined permit value at or above \$500,000.00 shall comply with the additional requirements in MMC 16.75.070.
3. Proposed projects with a combined permit value at or below \$499,999.00 having construction access on a private lane or joint-use driveway shall comply with the additional requirements in MMC 16.75.080.

(Code 1988 § 20.75.020; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.030. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not otherwise defined shall have their common and ordinary meaning:

- A. *Applicant* means the person, persons, or entity who owns the property where the construction under the building permit is located, or the agent of the person, person, or entity who owns the property where the construction under the building permit is located.
- B. *Building permit* means formal authorization by the city allowing construction activity to occur and includes any construction activity regulated under permit by the Washington State Building Code as amended by the City of Medina.
- C. *City* means the City of Medina, Washington.
- D. *Combined permit value* means the city-approved value of all work to be performed.

E. *Construction access* means the entrance and exit points for construction vehicles to reach the project site.

F. *Construction activity* means work performed in association with private development projects performed under a building permit including but not limited to construction, deliveries to the site, employee arrivals and departures, and heavy trucking.

G. *Construction activity permit* means the permit issued by the city pursuant to this chapter.

H. *Construction activity site plan* means a site plan which identifies all construction activity associated with the building permits through standard graphics and notation.

I. *Construction best management practice (BMPs)* means best management practices used in the control of silt runoff and dust control to help achieve water and air quality goals. Construction BMPs include both measures to prevent pollution and measures to mitigate pollution.

J. *Construction limits* means an area with established boundaries typically defined by a border consisting of temporary construction fencing which is installed for the purpose of defining the location of critical areas, shorelines, tree protection, and low impact development in addition to any other area where construction activity is prohibited.

K. *Construction parking* means the stopping of any vehicle associated with construction activity on private or public rights-of-way for a period of greater than 15 minutes; provided, that those vehicles owned by city staff, city consultants, public utility vehicles, or private property owners are exempt from this definition.

L. *Crane—fixed* means a tower crane which is affixed to the ground and is certified and regulated by the Washington State Department of Labor and Industries.

M. *Crane—mobile* means a mobile construction crane which is typically affixed to a vehicle and that is certified and regulated by the Washington State Department of Labor and Industries.

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- N. *Director* means the City of Medina development services director or designee.
 - O. *Joint-use driveway* means a privately or publicly owned access road without city-assigned street designation used for vehicle access and for use by more than one property.
 - P. *Heavy truck* means vehicles having a gross vehicle weight of 26,000 pounds or greater, and truck-trailer combinations having a length over 30 feet.
 - Q. *Permit holder* means a person or entity that has been issued a construction activity permit.
 - R. *Private lane* means a privately owned access road with city-assigned street designation that provides primary access to properties and the premises identification.
 - S. *Public right-of-way* means all public streets and property granted or reserved for, or dedicated to, public use for streets and all public utilities therein, including easements in favor of the city, together with public property granted or reserved for, or dedicated to, public use for curbs, gutters and walkways or sidewalks, whether improved or unimproved, including the air rights, subsurface rights and all easements in favor of the city related thereto.
 - T. *Road* means any thoroughfare or route used by vehicles including but not limited to public rights-of-way, joint-use driveways, and private lanes.
 - U. *Visual barrier* means a temporary fence, landscaping, or other structure or feature that is opaque, six feet high, and reduces the sight line between the construction and neighboring properties.
 - V. *Work hours* means the hours within which construction activity is permitted pursuant to Chapter 8.06 MMC.
- (Code 1988 § 20.75.030; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.040. Permit commencement and conclusion.

A. Construction activity may not begin until a construction activity permit is issued, and the permit holder has attended a preconstruction meeting with the city.

B. Construction activity must cease when the permit holder receives the final inspection approval by city staff.
(Code 1988 § 20.75.040; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.050. Application requirements.

A. A completed construction activity permit application shall be submitted to the director at the intake meeting pursuant to MMC 16.80.060(B).

B. A complete construction activity permit application is required and shall contain the following:

1. Construction activity permit application.
2. Legal description of the property.
3. Proof of ownership in the form of one of the following documents:
 - a. Current purpose and sale agreement;
 - b. Title;
 - c. Deed; or
 - d. Bill of sale.
4. Declaration of agent form.
5. Applications shall include the actual costs incurred by the city in reviewing and processing the construction activity permit as required by Chapter 16.14 MMC.
6. A sworn statement by the property owner(s), agent and the general contractor acknowledging responsibility for compliance with the construction activity permit.
7. A right-of-way use permit application pursuant to MMC 12.08.010, if applicable.

C. In addition to the requirements outlined above, the director may require a construction activity site plan, drawn at one inch equals ten feet or one-eighth inch equals one foot, or another legible scale as approved by the director, and identifying the following as applicable:

1. Property boundaries and significant land, and other features including but not limited to bodies of water.
2. Location and dimension to the property boundary of minimum required zoning setbacks.

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3. Location of all proposed structures and structures to remain.
4. Adjacent public rights-of-way, private lanes, and joint-use driveways.
5. Location of construction entrance.
6. Location and swing radius of crane.
7. The estimated duration of crane use.
8. Location of vehicle off-site staging including but not limited to material and equipment deliveries and other uses of the public rights-of-way.
9. Location of portable toilet a minimum of ten feet from property boundaries.
10. Location of covered trash container a minimum of ten feet from property boundaries.
11. Location of construction limits through the location of all critical areas, tree protection, shorelines, and low impact development BMPs.
12. Location of outdoor tile cutting a minimum of ten feet from property boundaries.
13. The estimated duration of outdoor tile cutting.
14. Location of barge.
15. The estimated duration of barge use.
16. Any proposed utility service disruptions to neighboring properties.
17. The estimated duration of disrupted utility service.

(Code 1988 § 20.75.050; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.060. Permit conditions.

The construction activity permit site plan cover sheet shall contain the following conditions:

A. Work hours.

1. Permitted pursuant to MMC 8.06.160.
2. Construction activity is prohibited prior to, or after, the allowed work hours subject to MMC 8.06.160(B), Exceptions.

B. Construction parking.

1. Construction parking is prohibited outside of the project's property boundary,

unless specifically permitted including but not limited to where signed along NE 12th Street.

2. Construction entrance to property and on-site construction parking areas shall be stabilized as a construction BMP.

C. Site maintenance.

1. Permit holder shall install or maintain a visual barrier along the project's property boundary adjacent to other properties.
2. Project site shall contain an appropriately sized covered trash container.
3. Project site shall be kept clean of trash including but not limited to construction debris and food wrappers.
4. Construction materials shall be stored in a safe, secure, and orderly manner.

D. Noise.

1. Noise shall not exceed the permitted limits identified in Chapter 8.06 MMC.
2. Site workers shall endeavor to limit the sound of radios and voices from traveling across property boundaries.
3. Idling vehicles are prohibited.

E. Utility disruption.

1. If the proposed project will disrupt utility service for any neighboring properties, the permit holder shall provide at least seven days' written notice to all affected neighbors by delivering a city-issued door-hanging flyer at each affected home that includes the following information:

- a. Contact information of the owner or agent for the permitted project which is causing the disruption.
- b. The emergency contact information including name, phone number and email address for the utility contractor doing the work.
- c. The date and duration that the service will be affected.

- F. **Road closure.** Complete closure of roads is prohibited except in an emergency.

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- G. *Road obstruction.* Obstruction of roads is prohibited unless the applicant receives a right-of-way use permit pursuant to MMC 10.72.040.
 - H. *Director discretion.* The director may modify the construction permit conditions meeting the requirements within this chapter at any time if additional construction impacts are identified or conditions change.
- (Code 1988 § 20.75.060; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.070. Notice and open house requirements for projects at or above \$500,000.00.

A. Projects with a combined permit value at or above \$500,000.00 shall comply with the requirements of this section.

B. Projects subject to provisions of this section are required to:

1. Post a notice of application; and
2. Hold an open house.

C. The city shall provide a notice of application within 21 days after the determination of a complete application. The content of the notice of application shall include the following information:

1. The file number assigned to the project permit.
2. The date of the determination of a complete application, and the date the notice of application was mailed.
3. A description of the proposal.
4. A list of the requested and necessary approvals and actions required for the proposal.
5. The location where the application can be reviewed.
6. A statement that the public comments shall be accepted through the date of the open house.
7. The date, time, and place of the open house.
8. A statement of the rights of any person to comment on the application, receive notice of any hearings, and request a copy of the decision once made.
9. Any other information determined appropriate by the director.

D. The applicant shall be responsible for the notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that each required method of notification was carried out in conformance with the regulations in this chapter. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. If the affidavit of mailing is not filed as required, any scheduled date by which the public may comment on an application shall be postponed, if necessary, in order to allow compliance with the notice requirements of this and other applicable chapters.

E. The notice of application shall be distributed in the following methods:

1. *Mailed.*
 - a. Mailed to all property owners within 500 feet of the property boundary line, in all cardinal directions.
 - b. Notice mailed to persons at their known address shall be judged to have been received by those persons if those persons and their addresses are named in a declaration of mailing. The failure of any person to actually receive the notice shall not invalidate any permit or approval.
 - c. Notice forms shall be provided by the city.
2. *Posted.*
 - a. Notice boards shall be placed by the applicant in the following manner:
 - i. At the midpoint of each abutting street frontage of the site;
 - ii. No more than five feet inside the street property line;
 - iii. With the top of the notice board between four and five feet above grade; and
 - iv. Completely visible and accessible to both drivers and pedestrians.
 - b. Notice boards shall be provided by the city, maintained in clean and readable condition by the permit holder.

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- c. Notice boards shall be removed by the permit holder within seven days after the date of the open house.

F. The open house shall:

- 1. Be held no earlier than 14 days after the notice of application is issued but no later than 60 days after the date of the notice of application is issued.
- 2. Be located at Medina City Hall.
- 3. Be in an electronic format as determined by the director.
- 3. Be led by the project applicant or assigned agent and include participation by the general contractor.
- 4. Provide an opportunity for citizens to offer public input on the applicant's proposed construction mitigation.

(Code 1988 § 20.75.070; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.080. Notice requirements for projects with construction access via a private lane or joint-use driveway.

A. Projects at or below \$499,999.00 that require a building permit and require construction access via a private lane or joint-use driveway shall comply with the requirements of this section.

B. Projects subject to provisions of this section are required to provide notice of application to all neighbors whose primary access is via a private lane or joint-use driveway.

C. Within 21 days of a determination of a complete application, the applicant shall provide a notice of application, pursuant to this section. The content of the notice of application shall include the following information:

- 1. The file number assigned to the project permit and the contact information for the property owner or agent.
- 2. The date of the determination of a complete application, and the date of the notice of application.
- 3. A description of the proposal.

- 4. A list of the requested and necessary approvals and actions required for the proposal.
- 5. The location where the application can be reviewed.
- 6. A statement that any comments or questions shall be directed exclusively to the property owner or agent on file.
- 7. Any other information determined appropriate by the director.

D. The applicant shall be responsible for all notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that the required method of notification was carried out in conformance with the regulations in this section. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. The construction activity permit shall not be issued until the affidavit is filed with the city pursuant to this section.

E. The notice of application shall be distributed via hand delivery, a door-hanger, or an equivalent method as approved by the director on the front door, or other primary entrance as appropriate, of all properties whose primary access is via the private lane or joint-use driveway shared by the project site.

F. The notice forms shall be provided by the city.
(Code 1988 § 20.75.080; Ord. No. 995 § 3 (Exh. A), 2021)

16.75.090. Review and approval procedure.

A. Construction activities permits shall be processed as a Type 1 decision. The director's decision is appealed pursuant to MMC 16.80.220.

B. The director shall review the application for compliance with this provision of this chapter and other applicable ordinances and regulations as they currently exist or are hereafter amended and shall approve or deny the permit application in conformance with this chapter.
(Code 1988 § 20.75.090; Ord. No. 995 § 3 (Exh. A), 2021)

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16.80.040**16.75.100. Enforcement.**

Violations of any provisions of this chapter shall be subject to the enforcement provisions and penalties set forth in Chapters 1.15 and 16.16 MMC.
(Code 1988 § 20.75.100; Ord. No. 995 § 3 (Exh. A), 2021)

**SUBTITLE 16.8. PROJECT PERMIT AND
LEGISLATIVE REVIEW PROCEDURES****CHAPTER 16.80. PROJECT PERMIT REVIEW
PROCEDURES****16.80.010. Purpose.**

A. Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The purpose of this chapter is to establish the review procedures for processing project permit applications consistent with Chapter 36.70B RCW and local neighborhood involvement.

B. Project permit review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, drainage, landscaping, construction and other measures to mitigate a proposal's impacts.
(Code 1988 § 20.80.010; Ord. No. 855 § 1, 2010)

16.80.020. Applicability.

A. This chapter shall apply to all project permits set forth in this chapter, unless specifically exempt otherwise by law.

B. State agencies shall comply with the provisions of this chapter as provided in RCW 36.70A.103. This provision does not affect the state's authority to site essential public facilities as provided for under RCW 36.70A.200.
(Code 1988 § 20.80.020; Ord. No. 855 § 1, 2010)

16.80.030. General provisions.

A. *Exemptions.* The following project permits are exempt from this chapter:

1. Landmark designations;
2. Street vacations;

3. Legislative actions, such as those set forth in Chapters 16.81 through 16.83 MMC.

B. *Standard of review.* The land use regulations in effect on the date an application vests will be the standard of review.

C. *Vesting.* A project permit application shall vest in the development regulations in effect at the time of submission of a completed project permit application as defined herein and all application fees are paid.

D. *Conflict with other regulations.* When any provisions of this chapter conflict with provisions of other city regulations, ordinances or resolutions, the more restrictive shall apply.
(Code 1988 § 20.80.030; Ord. No. 855 § 1, 2010)

16.80.040. Designation of decision types.

A. All project permits are categorized as a Type 1, Type 2 or Type 3 decision, which are described as follows:

1. *Type 1 decision.* These are administrative and ministerial actions that do not require public notice or a predecision hearing. They are categorically exempt from SEPA review, or have had SEPA review completed in connection with another application or permit.
2. *Type 2 decision.* These are administrative actions that require public notice, but do not require a predecision hearing. They may or may not be categorically exempt from SEPA review.
3. *Type 3 decision.* These are quasi-judicial actions that require public notice and a predecision hearing. They may or may not be categorically exempt from SEPA review.

B. The director shall determine the proper review and decision process for each project permit application consistent with the provisions of this chapter. Disputes shall be resolved in favor of the higher category of decision with a Type 1 decision being the lowest and a Type 3 decision being the highest.
(Code 1988 § 20.80.050; Ord. No. 855 § 1, 2010)

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EXHIBIT A**16.80.050. Project permit procedures.**

The procedures for processing a project permit application may include a determination of completeness, notice of application, notice of hearing, and notice of decision. The following tables establish the decision type, the person or body authorized to make the decision, the general review procedures, and notice requirements that are applicable to each project permit application.

- A. Table 16.80.050(A) sets forth project permits that are categorized as Type 1 decisions with the applicable corresponding review procedures.

Table 16.80.050(A)—Type 1 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building, reroof and construction permits not listed/no SEPA	BO	Yes	No	No	Yes
Mechanical permit	BO	Yes	No	No	Yes
Demolition permit/no SEPA	BO	Yes	No	No	Yes
Grading and drainage permit/no SEPA	BO	Yes	No	No	Yes
Fence permit	BO	Yes	No	No	Yes
Final short subdivision	D	No	No	No	No
Administrative tree activity permit	D	Yes	No	No	Yes
Hazardous tree designation	D	Yes	No	No	Yes
Right-of-way permit	E	Yes	No	No	Yes
Lot line adjustment	D	Yes	No	No	Yes
Zoning code interpretation	D	No	No	No	Yes
Accessory dwelling units	D	Yes	No	No	Yes
Administrative sign approval	D	Yes	No	No	Yes
Code of conduct approval	E	Yes	No	No	Yes
SEPA letter of exemption	D ¹	No	No	No	Yes
Shoreline letter of exemption	D	No	No	No	Yes
Shoreline master program interpretation	D	No	No	No	Yes
Temporary use permit	D	No	No	No	Yes
Notes: "DOC"—determination of completeness required pursuant to MMC 16.80.100 "NOA"—notice of application required pursuant to MMC 16.80.110 "NOH"—notice of hearing required pursuant to MMC 16.80.120 "NOD"—notice of decision required pursuant to MMC 16.80.200 "BO" means building official has authority to make the decision "D" means the director has authority to make the decision "E" means the city engineer or designee has authority to make the decision ¹ "Director" here means the person designated as the responsible official					

- B. Table 16.80.050(B) sets forth project permits that are categorized as Type 2 decisions with the applicable corresponding review procedures.

Table 16.80.050(B)—Type 2 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes

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Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Demolition permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes
Grading and drainage permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes
Administrative right-of-way tree activity permit	D	Yes	Yes	No	Yes
Administrative special use permit	D	Yes	Yes	No	Yes
Administrative variance	D	Yes	Yes	No	Yes
Minor deviation	D	Yes	Yes	No	Yes
SEPA threshold determination	D ¹	Yes	Yes ²	No	Yes
Preliminary short subdivision	D	Yes	Yes	No	Yes
Tailored construction mitigation plan—Level 1	D	Yes	Yes	No	Yes
Final subdivision	CC	No	No	No	Yes
Notes: "DOC"—determination of completeness required pursuant to MMC 16.80.100 "NOA"—notice of application required pursuant to MMC 16.80.110 "NOH"—notice of hearing required pursuant to MMC 16.80.120 "NOD"—notice of decision required pursuant to MMC 16.80.200 "BO" means building official has authority to make the decision "D" means the director has authority to make the decision "CC" means the city council makes the decision "E" means the city engineer or designee has authority to issue a decision ¹ "Director" here means the person designated as the responsible official ² A NOA is not required for a SEPA threshold determination issued pursuant to WAC 197-11-340(1)					

- C. Table 16.80.050(C) sets forth project permits that are categorized as Type 3 decisions with the applicable corresponding review procedures.

Table 16.80.050(C)—Type 3 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Nonadministrative special use permit	HE	Yes	Yes	Yes	Yes
Conditional use permit	HE	Yes	Yes	Yes	Yes
Historical use permit	HE	Yes	Yes	Yes	Yes
Nonadministrative variance	HE	Yes	Yes	Yes	Yes
Site-specific rezone	PC/CC ¹	Yes	Yes	Yes	Yes
Reasonable use exception	HE	Yes	Yes	Yes	Yes
Nonadministrative right-of-way tree activity permit	HE	Yes	Yes	Yes	Yes
Nonadministrative tree activity permit	HE	Yes	Yes	Yes	Yes
Site plan review	PC	Yes	Yes	Yes	Yes
Tailored construction mitigation plan Level 2	PC	Yes	Yes	Yes	Yes
Preliminary subdivision	HE/CC ²	Yes	Yes	Yes	Yes
Shoreline substantial development permit	HE	Yes	Yes	Yes	Yes
Shoreline variance	HE ³	Yes	Yes	Yes	Yes
Shoreline conditional use permit	HE ³	Yes	Yes	Yes	Yes

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Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Notes: "DOC"—determination of completeness required pursuant to MMC 16.80.100 "NOA"—notice of application required pursuant to MMC 16.80.110 "NOH"—notice of hearing required pursuant to MMC 16.80.120 "NOD"—notice of decision required pursuant to MMC 16.80.200 "HE" means the hearing examiner has authority to make the decision "PC" means the Medina planning commission has authority to make the decision "CC" means the city council makes the decision ¹ The planning commission holds the open-record hearing and makes a recommendation to the city council. The city council decides the re-zone at a closed-record meeting. ² Hearing examiner holds the open-record hearing and makes a recommendation to the city council. The city council decides the preliminary subdivision at a closed-record meeting. ³ If the hearing examiner's action on shoreline variances and shoreline conditional use permits is to approve the application, the approval shall be submitted to the Washington State Department of Ecology for approval, approval with conditions, or denial pursuant to WAC 173-27-200.					

(Code 1988 § 20.80.060; Ord. No. 923 § 39, 2015; Ord. No. 900 § 38, 2013; Ord. No. 855 § 1, 2010)

16.80.060. Meetings prior to submitting a project permit application.

A. *Predevelopment meeting.* The purpose of a predevelopment meeting is to acquaint the applicant with the processes of the city and to discuss issues involving development, an application, or a project.

1. A predevelopment meeting may be held at any time before an application is submitted.
2. The city may require a predevelopment meeting when a proposal is determined by the director to be of a size or complexity to necessitate such a meeting.
3. A predevelopment meeting is not intended to be an exhaustive review of all potential issues and the discussion shall not be binding or prohibit the enforcement of applicable laws. Failure to provide all pertinent information may prevent the city from identifying all of the issues or providing the most effective predevelopment meeting.

B. *Intake meeting.* This is the first formal step in the project permit review process.

1. An intake meeting is mandatory for all project permit applications prior to submittal. The director may waive this requirement if it is determined to be unnecessary.
2. The purpose of the meeting is to determine the adequacy of the project permit application for submission.

3. An intake meeting is not a determination of a complete project permit application as set forth in MMC 16.80.100 and does not vest the application.

(Code 1988 § 20.80.070; Ord. No. 855 § 1, 2010)

16.80.070. Submission requirements.

A. A project permit application shall be on forms, number of forms, and be in a manner determined by the city.

B. The city shall establish the minimum submittal requirements consistent with subsection (C) of this section and other provisions of the Medina Municipal Code for each type of project permit application. The submittal requirements shall be made available to the public in a written checklist or other form provided by the city that clearly describes the materials that must be submitted for an application to be considered acceptable.

C. Unless specified otherwise, an application shall at a minimum include the following:

1. A completed application form;
2. A legal description of the property, property address, and associated tax parcel number;
3. A vicinity map showing the location of the property including surrounding streets, private lanes, shorelines and other reference points;
4. A site plan when physical changes to the property will result from approval of the application;

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5. When required, mailing labels containing the names and addresses of all owners of record of parcels within the notification radius prescribed by this chapter;
 6. The names, addresses, and phone numbers of the applicant and all owners of the property, along with a signed letter or other verification of the owner's consent to the application;
 7. When required, SEPA checklist and/or other environmental documentation;
 8. Additional information required by the city to support a decision on the application; and
 9. Application fee.
- (Code 1988 § 20.80.080; Ord. No. 855 § 1, 2010)

16.80.080. Supplemental submission requirements for building permit applications.

In addition to the submittal requirements set forth in MMC 16.80.070, the following shall apply to applications for permits prescribed under Chapter 16.40 MMC (Building Codes):

- A. Construction documents shall be prepared by a professional as set forth in Chapter 2.36 MMC; and
- B. Where a person performs the "practice of architecture" as defined in RCW 18.08.320, the construction documents shall be prepared by a person licensed as prescribed in Chapter 18.08 RCW; and
- C. The requirement for licensing shall not apply to a person meeting any of the conditions set forth in RCW 18.08.410, except a person performing design work including preparing construction contract documents and administration of the construction contract as defined in RCW 18.08.320 for the erection, enlargement, repair, or alteration of a single-family dwelling containing 4,000 gross square feet of floor area or larger shall be licensed as prescribed in Chapter 18.08 RCW.

(Code 1988 § 20.80.085; Ord. No. 881 § 1, 2011)

16.80.090. Optional consolidated permit review.

A. An application, which involves two or more project permits, may have the review processes consolidated under the procedures for the highest category of a type

of decision. The applicant shall specify whether they want the project permit applications consolidated under a single review process or separately.

B. Only one open-record hearing and no more than one closed-record appeal shall be allowed under a consolidated review process. If a predecision hearing is provided prior to the decision on a project permit application, a subsequent open-record appeal hearing shall not be allowed.

C. The city may require an applicant to submit project permit applications under a consolidated review process if it is found necessary to comply with the one open-record hearing rule.

D. If multiple permits for a project are processed separately, the highest type of decision shall be final before subsequent permits can be issued. The director may waive this requirement when a project permit is not dependent on the higher type of decision for its justification or implementation.

E. If two or more authorities are designated to decide project permits under the highest category of consolidated review, except for applications involving subdivisions, which must be decided by the city council, the director shall designate which of the authorities shall decide the consolidated project permit applications.

(Code 1988 § 20.80.090; Ord. No. 855 § 1, 2010)

16.80.100. Determination of completeness.

When the tables in MMC 16.80.050 identify a requirement for a determination of completeness, the following shall apply:

- A. Within 28 days of accepting the project permit application, the city shall provide a written notice to the applicant that:
 1. The application is complete; or
 2. The application is incomplete and what is necessary to make the application complete.
- B. To the extent known by the city, the determination of completeness shall identify other agencies of local, state or federal government that may have jurisdiction over some aspect of the application.

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- C. Failure to provide the written notice within 28 days shall automatically deem the application as complete.
- D. A project permit application is determined complete when it meets the submittal requirement established in MMC 16.80.070 and is accepted by the city. A determination of completeness shall not preclude the city from requesting additional information or studies as a condition to continue review of a project permit application.
- E. When a notice for an incomplete application is issued, the applicant shall have 90 days from the date of the written determination to submit the necessary information. If the city does not receive the information within 90 days, the application shall lapse. The director may grant a time extension to submit additional information, if the applicant makes such a request in writing prior to expiration of the 90 days.
- F. When an applicant submits information pursuant to subsection (E) of this section, the city shall provide written notice to the applicant within 14 days of receipt as to whether the application is complete or if additional information is required. Failure to notify the applicant within the 14 days will automatically deem the application as complete.

(Code 1988 § 20.80.100; Ord. No. 855 § 1, 2010)

16.80.110. Notice of application.

When the tables in MMC 16.80.050 identify a requirement for a notice of application, the following shall apply:

- A. The city shall provide a notice of application within 14 days after the determination of completeness is issued.
- B. The content of the notice of application shall include the following information:
 - 1. The file number assigned to the project permit;
 - 2. The date the application was received, the date of the determination of completeness, and the date of the notice of application;
 - 3. A description of the proposal;

- 4. A list of project permits included with the application, and to the extent known, a list of the project permits not included in the application;
- 5. Identification of existing environmental documents that evaluate the proposal;
- 6. The location where the application and any studies can be reviewed;
- 7. A statement of the public comment period, which shall not be less than 14 days or more than 30 days;
- 8. The date, time, place, and type of hearing, if applicable and scheduled at the date of the notice of the application;
- 9. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made and any appeal rights;
- 10. A statement of the preliminary determination of consistency pursuant to MMC 16.80.170, if one has been made at the time of notice, of those development regulations that will be used for project mitigation; and
- 11. Any other information determined appropriate by the city.

- C. The notice of application shall be posted and mailed in accordance with MMC 16.80.140. Additionally, the notice of application shall be published in accordance with MMC 16.80.140 when the notice of application is combined with a SEPA threshold determination and/or notice of hearing.

(Code 1988 § 20.80.110; Ord. No. 855 § 1, 2010)

16.80.120. Notice of hearing.

When the tables in MMC 16.80.050 identify a requirement for a notice of hearing, the following shall apply:

- A. A notice of hearing is required for all predecision hearings and shall be subject to the following:
 - 1. The city shall provide the notice of hearing at least 15 days before the hearing date; and

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2. In setting the hearing date, the city shall consider the time necessary for comment and appeal periods on any related SEPA threshold determination, and for the city to conduct the hearing and issue a decision within the 120-day time period prescribed in MMC 16.80.210.
- B. The content of the notice of hearing shall include the following information:
1. Project description, list of project permits in the application, assigned city file number, and the city contact person;
 2. The date, time, and place for the hearing;
 3. The right of any person to participate in the hearings and request a copy of the decision;
 4. If applicable, the SEPA threshold determination and the deadline (date, time and place) for submitting a SEPA appeal, including a statement that any timely SEPA appeal shall be heard at the scheduled predecision hearing; and
 5. Any other information determined appropriate by the city.
- C. The notice of hearing shall be posted, mailed, and published in accordance with the general notice requirements in MMC 16.80.140.
- D. Continuation of a hearing does not require additional notice.
- (Code 1988 § 20.80.120; Ord. No. 855 § 1, 2010)

16.80.130. Joint public hearing.

A. When requested by the applicant, the city may allow a predecision hearing to be combined with any other hearing that may be held by another local, state, regional, federal, or other agency for the same project; provided, that:

1. The hearing is held within the geographic boundary of the city;
2. The hearing is held within 120 days as specified in MMC 16.80.210, unless the time period is waived by the applicant;
3. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements; and

4. Each agency participating in the hearing has received the necessary information from the applicant about the proposed project to hold the combined hearing.

B. In all cases, appeals and hearings shall be combined in a manner which retains applicable city procedures. The city may combine its notice requirements with other agencies' notices, and the hearing examiner shall have the discretion to decide the procedures for conducting the hearing when there are conflicting procedures.

(Code 1988 § 20.80.130; Ord. No. 855 § 1, 2010)

16.80.140. General notice requirements.

The notice requirements of this chapter are intended to meet or exceed those required by state law. Notices shall meet the following:

- A. When posting is required, the following shall apply:
1. The notice shall be posted on a sign located in an open public right-of-way adjacent to the subject property and clearly visible from the public street or a public area.
 2. When the property does not abut an open public right-of-way, the sign shall be posted as follows:
 - a. In an open public right-of-way within ten feet of where the private lane, shared driveway, or an unopen public right-of-way connects to the open public right-of-way.
 - b. The city may require additional signs to be posted on the subject property in a location visible to adjoining property owners, if posting one notice sign is determined to not be reasonably sufficient by the director.
 3. The director shall determine the specifications to the construction and installation of the signs used to post notices.
 4. An affidavit or declaration of posting containing the date, location, and the signature of the person responsible for the posting shall be provided and serve as proof the notice was posted.

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5. The city, at its option, may be responsible or may direct the applicant to be responsible for posting signs and notices.
 6. Notice shall remain posted throughout the project permit review process until all appeal periods have expired. Signs may be updated and used for other posted notices required by the city. However, signs shall be removed within seven days after all appeal periods have expired, unless the city requires notice to remain posted longer.
- B. When mailing is required, the following shall apply:
1. Written notice shall at a minimum be sent by first class postage to the following:
 - a. The applicant and/or the property owner;
 - b. Any state, federal or local agencies with jurisdiction related to the project;
 - c. Any person who writes to the city requesting such notice;
 - d. The Washington State Department of Transportation when a proposed subdivision or short subdivision is located adjacent to a state highway right-of-way.
 2. Notice shall be mailed to the addresses of all properties located within a distance of 300 feet or three parcels, whichever distance is greater, but not required to exceed a distance of 1,000 feet. Distance shall be measured from all portions of the subject property including any contiguous property owned, controlled or under the option of purchase by the same property owner and/or applicant.
 3. The address of the property owner and/or taxpayer of record on file with King County assessor tax records shall serve as the official record where notice shall be mailed.
4. Any mailed notice required by this chapter shall be adequate when a good-faith effort has been made to identify and mail notice to the address of property owners or taxpayers of record on file with the King County assessor.
5. Notice mailed to persons at their known address shall be judged to have been received by those persons if those persons and their addresses are named in a declaration of mailing. The failure of any person to actually receive the notice shall not invalidate any permit or approval.
- C. When publishing is required, the following shall apply:
1. Published notice shall be in a newspaper of general circulation within the city boundaries.
 2. The content of the published notice shall include the following:
 - a. Project location;
 - b. Project description;
 - c. Type of permits required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.
- D. The provisions of this section shall not limit the city's ability to provide additional public notice by other means of communication.
(Code 1988 § 20.80.140; Ord. No. 932 § 14, 2016; Ord. No. 855 § 1, 2010)
- 16.80.150. Combining notices.**
- The city will combine notices, including SEPA notices, whenever possible, provided the requirements of each individual notice are met by the combined notice. Examples of combined notice include, but are not limited to:
- A. Notice of application, SEPA threshold determination and SEPA appeal notice;
 - B. Notice of application and optional DNS process;
 - C. Notice of application and notice of hearing;

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D. Notice of application, notice of hearing, SEPA threshold determination and SEPA appeal notice.
(Code 1988 § 20.80.150; Ord. No. 855 § 1, 2010)

16.80.160. Public and agency comments.

A. Public and agency comments shall be specific. If no written comments are received by the date specified in the notice, or if no comments are received by the closing of the record of a predecision hearing, the person or agency is presumed to have no comments on the matter.

B. The city may accept public and agency comments at any time prior to the closing of the record of predecision hearing or if there is no predecision hearing, prior to the decision on the project permit.

C. A person who only signs a petition shall be considered to not have a substantial interest in the matter. To be considered as having a substantial interest in a matter, a person must become a party of record pursuant to MMC 16.12.170.
(Code 1988 § 20.80.160; Ord. No. 855 § 1, 2010)

16.80.170. Consistency determination.

A. A proposed project shall be reviewed for consistency with applicable development regulations, or in the absence of development regulations, the appropriate elements of the Medina comprehensive plan. Consideration shall be given to the following:

1. The type of land use permitted, including uses that may be permitted under certain circumstances, provided the criteria for their approval is satisfied;
2. The level of development, such as density;
3. The availability and adequacy of infrastructure; and
4. The characteristics of the development such as development standards.

B. Nothing in this section requires documentation or limits the city from asking more specific or related questions with respect to any of the items in subsection (A) of this section.

C. Project permit review shall not reexamine or hear appeals to development regulations or the comprehensive plan, except for issues relating to code inter-

pretations. Nothing in this section limits the authority of the city to approve, condition, or deny projects as provided in the development regulations and the policies adopted under SEPA.

(Code 1988 § 20.80.170; Ord. No. 855 § 1, 2010)

16.80.180. Report by city staff.

When a project permit application requires a predecision hearing, the following shall apply:

- A. Following the expiration of the comment period on the notice of application, the city shall coordinate and assemble the reviews and comments of persons and local, state and federal agencies that have an interest in the project permit application.
- B. The city shall prepare a report evaluating whether the project permit application meets applicable decision criteria. The report shall include recommended conditions, if appropriate, and a recommendation on the action to be taken on the application.
- C. At least seven days before the predecision hearing, the report shall be made available to the applicant and the public, and a copy transmitted with relevant exhibits to the hearing body that will decide the matter.

(Code 1988 § 20.80.180; Ord. No. 855 § 1, 2010)

16.80.190. Decisions.

The decision authority specified in the tables in MMC 16.80.050 shall decide the corresponding project permit application. Decisions shall be subject to the following:

- A. The decision authority for a Type 1 or Type 2 decision may approve, approve with conditions, or deny a project permit application based on the appropriate decision criteria.
- B. The decision authority for a Type 3 decision may approve, approve in part, approve with conditions, deny, deny in part, or deny with conditions based on the appropriate decision criteria.
- C. Decisions shall be issued within the time period prescribed in MMC 16.80.210.
- D. Notice of decision shall be provided pursuant to MMC 16.80.200.

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E. A decision issued under this chapter shall be given the effect of a final decision. However, action is not authorized until:

1. Expiration of the administrative appeal period; or
2. If an appeal is filed, the decision on the administrative appeal is final; or
3. The administrative appeal period is waived. The director may grant a waiver of an administrative appeal period only if the following conditions are satisfied:
 - a. The decision is a Type 1 or Type 2 decision, excluding appeals relating to the Medina shoreline master program; or the decision is a Type 3 decision by the Medina planning commission; and
 - b. Only parties with standing to initiate an appeal are the applicant, property owner, and city; and
 - c. A written request for waiver, signed by the applicant and property owner, is submitted to the director; and
 - d. The decision is fully compliant with the Medina Municipal Code.

F. Type 2 and Type 3 decisions shall include written findings based upon the record and conclusions which support the decision.

G. Issuance of decisions.

1. A decision by a hearing body shall be issued within 14 days after the conclusion of a predecision hearing, unless a longer period is mutually agreed to between the applicant and the hearing body, and the decision shall constitute the final decision.
2. When the decision authority on a Type 3 decision is the planning commission or city council, a written decision shall be issued within 14 days after the conclusion of a predecision hearing, unless a longer period is mutually agreed to between the applicant and the city, and the decision shall constitute the final decision.

H. A party of record may file a motion for reconsideration of a hearing examiner's decision pursuant to the provisions set forth in MMC 2.72.090.

(Code 1988 § 20.80.190; Ord. No. 932 § 15, 2016; Ord. No. 855 § 1, 2010)

16.80.200. Notice of decision.

A notice of decision is issued at the conclusion of the project permit review.

- A. The notice of decision may be a copy of the report or decision on the project permit application, or it may be a separate written notice.
- B. The city shall provide a notice of decision that includes the following:
 1. A statement of any SEPA threshold determination, if notice was not previously given;
 2. The administrative appeal process and time period for filing an appeal, if any;
 3. Information on requesting reconsideration of a hearing examiner's decision, if applicable; and
 4. A statement that affected property owners may request a change in valuation for property tax purposes notwithstanding any program or revaluation.
- C. The notice of decision shall be mailed by first class postage and/or provided by personal service to the following:
 1. The applicant;
 2. Parties of record;
 3. Any person submitting a written request to the city to receive the decision;
 4. King County assessor's office; and
 5. Any other party determined appropriate by the city.

(Code 1988 § 20.80.200; Ord. No. 855 § 1, 2010)

16.80.210. Processing timelines.

A. A decision on a project permit application shall be issued within 120 days from the date the application is determined to be complete pursuant to MMC 16.80.100, except as follows:

1. The city makes written findings that a specified amount of additional time is needed for processing the application; or

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2. A project permit or approval involves public facilities, utilities or related uses of public areas or facilities if the director determines special circumstances warrant a longer process.

B. If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the parties of record. The notice shall include a statement of reasons why the time limits were not met, and an estimated date for issuance of the notice of decision.

C. In calculating the 120-day time period, the following days shall be excluded:

1. Any period in which the city asks the applicant to correct plans, perform required studies, or provide additional information and the applicant takes to provide the additional information.
2. Any period where the city determines that submitted information is insufficient or incorrect, and has requested the applicant provide the necessary information.
3. Any period, not to exceed 30 days, during which a code interpretation pursuant to MMC 16.10.050 is processed in conjunction with an underlying project permit application.
4. Any period during which an environmental impact statement is being prepared.
5. Any period of time for an administrative appeal or reconsideration of the hearing examiner's decision.
6. Any period of time a project permit application requires approval of an amendment to the comprehensive plan or development regulation in order to receive permit approval.
7. Any period of time on a project permit application that is substantially revised by the applicant, in which case a new 120-day time period shall start from the date at which the revised project application is determined to be complete.
8. Any extension of time mutually agreed upon by the applicant and the city.

D. All excluded periods are calculated from the date the city notifies the applicant to when the information satisfies the city's requirement.

E. If the city is unable to issue a decision within the time period prescribed by this section, the city shall notify the applicant in writing. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of a decision.

F. Failure to comply with the required timelines specified by this chapter shall not create a liability for damages.

(Code 1988 § 20.80.210; Ord. No. 900 § 39, 2013; Ord. No. 855 § 1, 2010)

16.80.220. Appeals.

The following shall apply to appeals:

- A. Type 1 and Type 2 decisions may be appealed to the hearing examiner, subject to the following:
 1. Appeals must be filed within 14 days following issuance of a notice of decision. If a determination of nonsignificance (SEPA) with a comment period is issued concurrently with the project decision, the appeal period shall be extended an additional seven days.
 2. Only parties of record with standing may initiate an appeal. Standing shall constitute the following:
 - a. For a Type 1 decision, only the applicant, property owner, and the city shall have standing;
 - b. For a Type 2 decision, the applicant, the city and any person who becomes a party of record pursuant to MMC 16.12.170 shall have standing.
 3. The appellant shall have the burden of proof by a preponderance of evidence that the decision was not supported by substantial evidence, except SEPA threshold determinations, which the appellant shall have the burden of proof by a clearly erroneous standard.

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4. Appeals must be submitted to the city by the date, time and place prescribed in the legal notice. Appeals shall be in writing and contain at a minimum the following information:
 - a. Appellant's name, address and phone number;
 - b. Identification of the application which is the subject of the appeal;
 - c. Statement of the specific objections with the decision or findings;
 - d. Statement of the grounds for appeal and the facts upon which the appeal is based;
 - e. A statement of the relief sought, including the specific nature and extent; and
 - f. A statement attesting to the truthfulness of the information being provided with the appellant's signature.
5. Administrative appeals are subject to the procedures set forth in MMC 16.80.230.
6. The timely filing of an administrative appeal shall stay the effective date of the decision until the appeal is either decided or withdrawn. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under the Medina Municipal Code.
- B. Type 3 decisions may be appealed to King County superior court by filing a land use petition within 21 days pursuant to Chapter 36.70C RCW.
- C. Exceptions to subsections (A) and (B) of this section.
 1. Appeal of a decision relating to the Medina shoreline master program shall be to the shoreline hearings board pursuant to RCW 90.58.140(6).
 2. There shall be no administrative appeal of a Type 1 decision on a final short subdivision.
 3. Appeal of a Type 2 decision on a final plat shall be to King County superior

court by filing a land use petition within 21 days pursuant to Chapter 36.70C RCW.

4. Appeal of a Type 3 decision by the planning commission shall be the same as an appeal of Type 1 and Type 2 decisions set forth in subsection (A) of this section.
5. There is no administrative appeal of a SEPA threshold determination associated with a city council legislative action.

(Code 1988 § 20.80.220; Ord. No. 855 § 1, 2010)

16.80.230. Administrative appeal procedures.

A. Upon receipt of a complete filing for an administrative appeal and payment of the appeal fee, the city shall transmit a copy of the appeal to the hearing examiner.

1. An appeal involving an open-record appeal hearing shall be decided within 90 days from the date a complete appeal was filed with the city.
2. An appeal involving a closed-record appeal shall be decided within 60 days from the date a complete appeal was filed with the city.

B. If there are multiple administrative appeals filed on the same action, they shall be consolidated and combined into one hearing.

C. If an appeal of a SEPA threshold determination is filed and action on the project permit involves a predecision hearing, the appeal hearing and predecision hearing shall be combined.

D. The hearing examiner may summarily dismiss an appeal in whole or in part without a hearing, if the hearing examiner determines that the appeal is untimely, incomplete, without merit on its face, frivolous, beyond the scope of the hearing examiner's jurisdiction, or brought merely to secure a delay. Summary dismissal orders shall be issued within 14 days of receipt by the hearing examiner of the appeal or a request for dismissal, whichever is later.

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E. The city shall provide written notice of the appeal hearing at least 14 days prior to the date of the hearing. The notice may be combined with other notices pursuant to MMC 16.80.150. Written notice shall be sent by at least first class postage to the following:

1. The appellant and the appellant's representative, if any;
2. The applicant and the applicant's representative, if any; and
3. All parties of record.

F. The rules for the conduct of the hearing shall be pursuant to MMC 2.72.060.

G. A final decision shall be issued within 14 days after the conclusion of the hearing or not later than the time periods set forth in subsection (A) of section, whichever is sooner, unless the appellant agrees to an extended time period.

H. The hearing examiner may affirm, may reverse in whole or in part, or may modify the permit or decision being appealed, or may remand the matter back to city staff with directions for further processing.

I. The appeal decision shall include findings based upon the record and conclusions which support the decision.

J. If the application is remanded back to city staff for further processing, the hearing examiner's decision shall not be considered a final decision, except for purposes of application time limitations. If a new decision is issued by the city, a new appeal period shall commence consistent with the provisions of this chapter.

K. Notice of the hearing examiner's decision, which may be the decision itself, shall be provided to all parties to the appeal.

L. Any party to the appeal may file a written petition for reconsideration of the hearing examiner's decision pursuant to MMC 2.72.090.
(Code 1988 § 20.80.230; Ord. No. 855 § 1, 2010)

16.80.240. Development agreements.

A. The city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction or outside its boundaries as part of a proposed annexation or a service agreement. A development agreement sets forth the develop-

ment standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

B. A determination of completeness, notice of hearing and a notice of decision are required pursuant to the provisions of this chapter. The 120-day time limit for the notice of decision shall not apply to a development agreement.

C. The city council may approve a development agreement by ordinance or resolution only.
(Code 1988 § 20.80.240; Ord. No. 855 § 1, 2010)

CHAPTER 16.81. TEXT CODE AMENDMENTS**16.81.010. Purpose.**

This chapter establishes a mechanism for amending the text of Medina's development regulations.
(Code 1988 § 20.81.010; Ord. No. 855 § 2, 2010)

16.81.020. Applicability.

This chapter applies to text code amendments that revise the text language of development regulations found in the municipal code, and changes specific standards, procedures, meanings, and other provisions.
(Code 1988 § 20.81.020; Ord. No. 855 § 2, 2010)

16.81.030. Initiation.

An amendment to the text of a development regulation may be initiated by the city council, the planning commission, or city staff.
(Code 1988 § 20.81.030; Ord. No. 855 § 2, 2010)

16.81.040. Review procedures.

The following shall apply to processing a text amendment to development regulations:

- A. The city council shall decide whether to review the amendment or direct the planning commission to review the amendment.
- B. If the planning commission reviews the amendment, after considering the amendment, the planning commission shall vote and forward a written recommendation to the city council.
- C. The planning commission's written recommendation shall be presented to the city council

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unchanged and accompanied by a staff report that includes any proposed changes to the planning commission's recommendation. If any proposed changes are substantively different from the planning commission's recommendation, the city council may remand the changes to the planning commission before proceeding further with action on the amendment.

- D. At least one public hearing shall be held prior to the city council acting on an amendment. The public hearing may be held before the planning commission, the city council, or both.
- E. City staff shall prepare a report on the amendment to be presented to the hearing body considering the amendment.
- F. Notice of hearing shall be provided pursuant to MMC 16.81.070.
- G. The city council may approve, approve with modifications, remand to the planning commission for further proceedings, or deny the amendment.

(Code 1988 § 20.81.040; Ord. No. 956 § 1, 2018; Ord. No. 855 § 2, 2010)

16.81.050. Exception to review procedures.

A. The following are exempt from the procedures set forth in MMC 16.81.040:

- 1. Text amendments that correct typographical errors, correct cross-references, make address or name changes, or clarify language in a regulation without changing its effect; or
- 2. Adoption of State Building, Electrical and Energy Codes pursuant to RCW Title 19.

B. Review procedures for exemptions shall include city staff making a recommendation to the city council, which may approve, modify and approve, remand to city staff for further analysis, or deny the amendment. (Code 1988 § 20.81.050; Ord. No. 956 § 2, 2018; Ord. No. 855 § 2, 2010)

16.81.060. Public participation.

The public participation prescribed in MMC 16.83.110 shall be considered in processing text amendments to development regulations. (Code 1988 § 20.81.060; Ord. No. 855 § 2, 2010)

16.81.070. Notice.

A. Published notice of a public hearing shall be given in a newspaper of general circulation within the city boundaries at least 15 calendar days prior to the hearing date. However, subsequent hearing dates on the same proposal being considered by the same hearing body do not require additional publication of notice.

B. Posted notice shall be given in the same manner as planning commission and city council regular meetings.

C. The content of the notice shall include:

- 1. The time and place of the public hearing;
- 2. A purpose statement which succinctly describes the proposal;
- 3. A statement of the right of any person to submit written comments and to appear at the public hearing and give comments orally; and
- 4. A statement of the availability of the official file.

D. Notice of the text amendment shall be transmitted to state agencies consistent with RCW 36.70A.106.

E. If the text amendment imposes a requirement to inform a buyer or tenant of real property pursuant to Chapter 64.06 RCW, the ordinance containing the text amendment must be transmitted to the Municipal Research and Services Center for posting in accordance with RCW 43.110.030(2)(e), as amended hereafter. (Code 1988 § 20.81.070; Ord. No. 932 § 16, 2016; Ord. No. 855 § 2, 2010)

16.81.080. Approval criteria.

The city council may amend the text of a development regulation only if it finds:

- A. The proposed amendment is consistent with the goals, policies and provisions of the Medina comprehensive plan;
- B. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
- C. The proposed amendment advances the public interest of the community.

(Code 1988 § 20.81.080; Ord. No. 855 § 2, 2010)

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16.82.040**16.81.090. Comprehensive plan consistency.**

If a comprehensive plan amendment is required to satisfy the approval criteria in MMC 16.81.080, approval of the comprehensive plan amendment is required prior to or concurrently with the granting of an approval of a text amendment to a development regulation.

(Code 1988 § 20.81.090; Ord. No. 855 § 2, 2010)

16.81.100. Appeal.

City council action on an ordinance to adopt a text amendment is a final decision, but may be reviewable by filing a petition for review with the central growth management hearings board in accordance with RCW 36.70A.290, except as otherwise provided by law.

(Code 1988 § 20.81.100; Ord. No. 855 § 2, 2010)

16.81.110. Amendments to the shoreline master program.

This section applies to an amendment to Subtitle 16.6 MMC, Shoreline Master Program.

- A. Review procedures are prescribed in Chapter 173-26 WAC. A minimum of one public hearing shall be held prior to city council action on a proposed amendment.
- B. A city council decision approving an amendment to the shoreline master program shall be transmitted to the Washington State Department of Ecology, which will approve, recommend specific changes necessary to make the amendment consistent with Chapter 90.58 RCW and applicable guidelines, or deny the amendment.
- C. Approval by the Washington State Department of Ecology is required before an amendment to the shoreline master program goes into effect.

(Code 1988 § 20.81.110; Ord. No. 855 § 2, 2010)

CHAPTER 16.82. AREA-WIDE ZONING MAP AMENDMENTS**16.82.010. Purpose.**

This chapter establishes a mechanism for area-wide reclassification of land from one zoning district to another zoning district.

(Code 1988 § 20.82.010; Ord. No. 855 § 3, 2010)

16.82.020. Applicability.

A. This chapter applies to an amendment of the city's official zoning map adopted pursuant to MMC 16.20.020. This chapter does not apply to a site-specific reclassification of land that is a quasi-judicial rezoning subject to MMC 16.72.050.

B. The review procedures set forth in this chapter shall apply to an area-wide zoning map amendment:

1. That is consistent with and implements the land use map of the comprehensive plan; and
2. An amendment to the comprehensive plan is not required.

C. If an amendment to the comprehensive plan is required, the city has the option to:

1. Combine the area-wide zoning map amendment with the comprehensive plan amendment under the procedures set forth in Chapter 16.83 MMC; or
2. Process the area-wide zoning map amendment separately from the comprehensive plan amendment, provided MMC 16.82.080 is fulfilled.

(Code 1988 § 20.82.020; Ord. No. 900 § 40, 2013; Ord. No. 855 § 3, 2010)

16.82.030. Initiation.

An area-wide zoning map amendment may be initiated by the city council, planning commission, or city staff.

(Code 1988 § 20.82.030; Ord. No. 855 § 3, 2010)

16.82.040. Review procedures.

The following shall apply to processing an amendment to the official zoning map:

- A. The amendment shall be reviewed by the planning commission.
- B. The city staff shall prepare a report on the amendment to be presented to the planning commission.
- C. The planning commission shall hold at least one public hearing on the amendment. Notice of hearing shall be provided pursuant to MMC 16.82.060.

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- D. After consideration of the amendment, the planning commission shall vote and transmit a copy of its recommendation to the city council.
- E. The city council at a public meeting shall consider the planning commission's recommendation. The city council may schedule public hearings as necessary to support consideration of the planning commission's recommendation.
- F. The city council may approve, approve with modifications, remand to the planning commission for further proceedings, or deny the amendment.
- G. The procedures in this section shall constitute the minimum necessary and nothing in this section shall prohibit the city from requiring additional procedures to allow for more effective public participation.

(Code 1988 § 20.82.040; Ord. No. 855 § 3, 2010)

16.82.050. Public participation.

The public participation prescribed in MMC 16.83.110 shall be considered in processing an area-wide zoning map amendment.

(Code 1988 § 20.82.050; Ord. No. 855 § 3, 2010)

16.82.060. Notice.

A. Published notice for a public hearing shall be given in a newspaper of general circulation within the city boundaries at least 15 calendar days prior to the hearing date. However, subsequent hearing dates on the same proposal being considered by the same body do not require additional publication of notice.

B. Posted notice shall be given in the same manner as planning commission and city council regular meetings.

C. The content of a notice shall include:

- 1. The time and place of the public hearing;
- 2. A purpose statement which succinctly describes the proposal;
- 3. A statement of what areas, zones and/or locations will be directly affected or changed by the proposal;

- 4. A statement of the right of any person to submit written comments and to appear at the public hearing and give comments orally; and
- 5. A statement of the availability of the official file.

D. Notice of the area-wide zoning map amendment shall be transmitted to state agencies consistent with RCW 36.70A.106.

E. Mailed notice sent by first class postage shall be given to all property owners with property being considered for a reclassification of the zoning. The provisions for mailing set forth in MMC 16.80.140(B)(3) through (5) shall apply.

(Code 1988 § 20.82.060; Ord. No. 855 § 3, 2010)

16.82.070. Approval criteria.

The city council may amend the official zoning map if it finds:

- A. The proposed amendment is consistent with the goals, policies and provisions of the Medina comprehensive plan;
- B. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
- C. The proposed amendment advances the public interest of the community.

(Code 1988 § 20.82.070; Ord. No. 855 § 3, 2010)

16.82.080. Comprehensive plan consistency.

If a comprehensive plan amendment is required to satisfy the approval criteria in MMC 16.81.070, approval of the comprehensive plan amendment is required prior to or concurrently with the granting of an approval of an amendment to the official zoning code map.

(Code 1988 § 20.82.080; Ord. No. 855 § 3, 2010)

16.82.090. Appeal.

City council action on an ordinance to adopt amendments to the official zoning map is a final decision, but may be reviewable by filing a petition for review with the central growth management hearings board in accordance with RCW 36.70A.290, except as otherwise provided by law.

(Code 1988 § 20.82.090; Ord. No. 855 § 3, 2010)

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20.83.070**CHAPTER 16.83. COMPREHENSIVE PLAN
AMENDMENTS****16.83.010. Purpose.**

This chapter establishes a mechanism for amending the Medina comprehensive plan. It provides for simultaneous review of proposals to allow cumulative impact analysis of all applications on a city-wide basis and honors the community's long-term investment in the comprehensive plan, through public participation. (Code 1988 § 20.83.010; Ord. No. 855 § 4, 2010)

16.83.020. Applicability.

This chapter applies to text amendments to the language of the comprehensive plan and/or to amendments of the comprehensive plan land use map. (Code 1988 § 20.83.020; Ord. No. 855 § 4, 2010)

16.83.030. Initiation.

An amendment to the text of the comprehensive plan or an amendment to the comprehensive plan land use map may be initiated by any person or entity. (Code 1988 § 20.83.030; Ord. No. 855 § 4, 2010)

16.83.040. Annual amendment process.

The city council shall consider amendments to the Medina comprehensive plan no more than once each calendar year, except as provided in MMC 16.83.050. (Code 1988 § 20.83.040; Ord. No. 855 § 4, 2010)

16.83.050. Outside the annual amendment process.

The city council may consider amendments to the comprehensive plan outside of the annual amendment process set forth in MMC 16.83.040 for the following:

- A. The initial adoption of a subarea plan that clarifies, supplements, or implements comprehensive plan policies and have had cumulative impacts addressed pursuant to MMC 16.83.080;
- B. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- C. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the city's budget;

D. The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2); and

E. Whenever an emergency exists or to resolve an order from the Central Puget Sound growth management hearings board or court.
(Code 1988 § 20.83.050; Ord. No. 855 § 4, 2010)

16.83.060. Amendment submittal.

A. Applications to amend the comprehensive plan shall be submitted to the city.

B. Applications shall be assigned to a docket consisting of all comprehensive plan amendment applications received during the preceding 12 months from the date prescribed in subsection (C) of this section. A current copy of the docket shall be maintained by the city and shall be available for public inspection during regular business hours.

C. An application must be received by the city by the last business day in September to be included in the upcoming annual amendment process. Applications received after this deadline shall be placed on the next docket for the following annual amendment process, except as provided in subsection (D) of this section.

D. The city manager or designee may, at his or her sole discretion, accept applications filed after the deadline if review has not begun on the pending applications and acceptance of the late application will not have a significant impact on the processing of the pending applications.

E. Applications must be complete pursuant to MMC 16.83.070 for acceptance by the city. Incomplete applications will not be accepted for filing.
(Code 1988 § 20.83.060; Ord. No. 855 § 4, 2010)

20.83.070. Application.

This section shall not apply to comprehensive plan amendments initiated by the city council, planning commission, or city staff. All other applicants shall submit an application on a form provided by the city and include the following information:

- A. Name and address of the person or persons proposing the amendment;
- B. A completed environmental checklist (SEPA);

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- C. A description and/or map of the proposed amendment;
 - D. A written statement explaining the following:
 1. The purpose for the proposed amendment;
 2. How the amendment is consistent with the Washington State Growth Management Act;
 3. How the amendment is consistent with the adopted county-wide planning policies; and
 4. How the amendment furthers the purpose of the city's comprehensive plan.
 - E. An application fee set forth in the fee schedule. Additionally, the applicant may be responsible for costs pursuant to MMC 16.83.090(B).
- (Code 1988 § 20.83.070; Ord. No. 855 § 4, 2010)

16.83.080. Cumulative effects.

Except as otherwise provided in MMC 16.83.050, all proposed annual amendments to the comprehensive plan shall be considered concurrently so the cumulative effect of the various proposals can be ascertained. The analysis of the cumulative effects shall be conducted under State Environmental Policy Act (SEPA) review prescribed in MMC 16.83.090.

(Code 1988 § 20.83.080; Ord. No. 855 § 4, 2010)

16.83.090. State Environmental Policy Act review.

A. After each January 2nd, the city's responsible official shall review the cumulative environmental effect of all proposed comprehensive plan amendments, pursuant to the State Environmental Policy Act (Chapter 43.21C RCW).

B. If the responsible official determines that a draft final or supplemental environmental impact statement (EIS) or other appropriate environmental review is warranted, applicants may be responsible for a full or proportionate share of the costs to prepare the environmental analysis as determined by the responsible official.

C. Payment of a full or proportionate share of the costs to prepare the environmental analysis does not guarantee the proposed comprehensive plan amendment will be approved.

(Code 1988 § 20.83.090; Ord. No. 855 § 4, 2010)

16.83.100. Review procedures.

A. The city staff shall prepare a report on the submitted amendments to be presented to the planning commission. Amendments not initiated by the city shall be presented as submitted, unless the applicant agrees otherwise.

B. The planning commission shall hold at least one public hearing on the docket of amendments. Notice of hearing shall be provided pursuant to MMC 16.83.120.

C. After considering each amendment on the docket, the planning commission shall vote and forward to the city council a written recommendation on each amendment. The planning commission may modify city-initiated amendments, but may not modify amendments initiated by other entities unless the applicant agrees otherwise.

D. Within 60 days of receipt of the planning commission's recommendations, the city council at a public meeting shall consider the same.

1. The city council may schedule public hearings as necessary to consider the planning commission's recommendations.
2. If the city council makes a substantial modification to the planning commission's recommendation, and the modification was not previously considered by the planning commission, at least one public hearing shall be held on the modification prior to the city council taking action on the amendment.

E. The city council shall vote to approve, modify and approve, or deny each of the planning commission's recommendations, or the city council may remand an amendment to the planning commission for further proceedings. If an amendment is remanded, the city council shall specify the time within which the planning commission shall report back to the city council its findings and recommendations on the matters referred to it.

F. An affirmative vote of not less than a majority of total members of the city council shall be required for adoption of an ordinance to approve amendments to the comprehensive plan.

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G. The procedures in this section shall constitute the minimum necessary and nothing in this section shall prohibit the city from requiring additional procedures that allow for more effective public participation. (Code 1988 § 20.83.100; Ord. No. 855 § 4, 2010)

16.83.110. Public participation.

A. Pursuant to RCW 36.70A.140, the city's efforts to amend the comprehensive plan shall include early and continuous public participation.

B. The city shall provide broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Notice shall be reasonably calculated to provide notification to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to the comprehensive plan. (Code 1988 § 20.83.110; Ord. No. 855 § 4, 2010)

16.83.120. Notice.

A. Published notice for a public hearing shall be given in a newspaper of general circulation within the city boundaries at least 15 calendar days prior to the hearing date. However, subsequent hearing dates on the same proposal being considered by the same body do not require additional publication of notice.

B. Posted notice shall be given in the same manner as planning commission and city council regular meetings. For a site specific proposal, notice shall be provided as set forth in MMC 16.80.120.

C. The content of a notice shall include:

1. The time and place of the public hearing;
2. A purpose statement which succinctly describes the proposal;
3. A statement of what areas, zones and/or locations will be directly affected or changed by the proposal;
4. A statement of the right of any person to submit written comments and to appear at the public hearing and give comments orally; and
5. A statement of the availability of the official file.

D. Notice of the text amendment shall be transmitted to state agencies consistent with RCW 36.70A.106.

E. The requirements for notice shall not limit the city's ability to provide additional means of notice consistent with MMC 16.83.110. (Code 1988 § 20.83.120; Ord. No. 855 § 4, 2010)

16.83.130. Approval criteria.

The city council may amend the comprehensive plan if it finds:

- A. The amendment is consistent with the Growth Management Act (Chapter 36.70A RCW);
- B. The amendment is consistent with county-wide planning policies;
- C. The amendment does not conflict with other goals, policies, and provisions of the Medina comprehensive plan;
- D. The amendment is compatible with existing or planned land uses and the surrounding development pattern; and
- E. The amendment will result in long-term benefit to the community as a whole and advances the public interest of the community.

(Code 1988 § 20.83.130; Ord. No. 855 § 4, 2010)

16.83.140. Appeal.

City council action on an ordinance to adopt amendments to the Medina comprehensive plan is a final decision, but may be reviewable by filing a petition for review with the central growth management hearings board in accordance with RCW 36.70A.290, except as otherwise provided by law.

(Code 1988 § 20.83.140; Ord. No. 855 § 4, 2010)

SUBTITLE 16.9. INFRASTRUCTURE IMPROVEMENTS

CHAPTER 16.90. SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

16.90.010. Lot requirements.

Lots shall conform to the minimum size and frontage requirements of the land use zone. As to frontage only, when the overall optimum arrangement of lots requires lesser frontage, it may be permitted if not

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significantly below the minimum standard. Shape and orientation shall be appropriate for the location. Excessive length in relation to width, frontage on two streets, and side lines at other than approximate right angles to the front line are to be avoided. Corner lots shall be wider to permit front yard setback from both streets and the corner at the intersection shall be an arc of ten feet minimum radius.

(Code 1988 § 20.90.010; Ord. No. 854 § 3, 2010)

16.90.020. Maximum length of blocks.

Blocks shall not exceed 1,320 feet in length unless topography or other characteristics of the land require, and such longer block will not impede traffic flow. Where a block is over 660 feet long, a ten-foot pedestrian way shall be dedicated. Layout of blocks shall be such as to afford adequate lots for the type of land use and adequate streets for access, circulation, control and safety, and to make the best of the limitations and opportunities of the topography.

(Code 1988 § 20.90.020; Ord. No. 854 § 3, 2010)

16.90.030. Streets and pedestrian ways.

A. *Right-of-way.* Minimum right-of-way widths shall be as follows:

1. Arterial and collector streets, 60 feet;
2. Local access streets, 50 feet;
3. Turnarounds shall be per the International Fire Code for emergency vehicle turnarounds;
4. Pedestrian ways, ten feet.

B. *Layout.* Streets shall be laid out:

1. To conform with the official circulation plan and be properly related to existing and planned streets and pedestrian ways and to conditions of topography, convenience and safety, and to the use of the land served; provided, that officially planned streets may be realigned where conducive to a better arrangement of lots and public facilities and improved circulation of traffic;
2. To generally follow contour lines, continuing to the boundaries of the plat so as to provide continuity of streets and pedestrian ways;
3. To intersect at right angles or approximately so;

4. To minimize access to major streets by provision of marginal access streets, reverse frontage with screen planting in a nonaccess reservation along the rear property line, or other means to separate through and local traffic (MMC 16.90.040); and
5. To give a minimum radius of curvature at the street centerline of 100 feet and a 100-foot tangent between reverse curves.

C. *Improvement.*

1. *Grading.* The maximum grade of streets shall be seven percent, and the minimum, 0.25 percent; the maximum grade of pedestrian ways shall be ten percent. Changes in grade shall be connected by approved vertical curves. Streets and pedestrian ways shall be graded to full width according to approved cross-section under city standards for private work on city street rights-of-way.
2. *Paving.* Streets shall be hard surfaced according to the specifications of the same standards in terms of the type of paving elected by the applicant. Sidewalks, if any, shall satisfy the minimum of the same standards.

D. *Lighting and trees.* If the applicant elects to provide lighting or trees, installation or planting shall conform to the official street lighting or tree plans.

E. *Names and signs.* Names shall be those of the streets extended or as approved by the planning commission. Street signs shall be provided at each intersection, constructed and installed to city standards.
(Code 1988 § 20.90.030; Ord. No. 854 § 3, 2010)

16.90.040. Utilities.

A. *Water.* A complete water system, with fire hydrants, shall be provided, designed, located and installed according to standards prescribed by the city engineer.

B. *Sanitary sewers.* If there is a public sewer main lying within 800 feet of the proposed plat, or if such is planned for installation by the sewer authority within one year of filing of the application, a complete sanitary sewer system to connect shall be provided, designed, located and installed to standards prescribed by the city engineer.

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16.91.060

C. *Utilities easements.* Easements for utilities shall be provided where necessary to supplement street or pedestrian rights-of-way, centered on rear or side lot lines if practical.

D. *Storm sewers.* Provision of storm sewers will be necessary as an incident of paving. The location and type of catch basins, culverts and other structures shall be according to those established by the city engineer and the official drainage plan. Where such plan indicates, stormwater easements shall be provided. (Code 1988 § 20.90.040; Ord. No. 854 § 3, 2010)

CHAPTER 16.91. PRIVATE LANES**16.91.010. Access by private lane authorized.**

Notwithstanding the provisions of this title requiring minimum frontage on a dedicated and improved street, vehicular access may be provided between a lot and a public street via a private lane satisfying the requirements enumerated in this chapter. (Code 1988 § 20.91.010; Ord. No. 900 § 4 (Att. A), 2013)

16.91.020. Easement required.

A. An easement at least 16 feet wide is required extending from the public street to the property line of the lots the private lane provides access to.

B. The easement shall be in a form approved by the city, and shall at a minimum provide ingress and egress for vehicular and pedestrian traffic, and may include access for utilities. The easement shall be recorded with the King County auditor's office and a copy of this recording provided to the city.

C. The easement shall include maintenance provisions for maintaining the private lane. (Code 1988 § 20.91.020; Ord. No. 900 § 4 (Att. A), 2013)

16.91.030. Minimum construction standards.

A. The driving surface of a private lane shall be constructed of all-weather surface materials such as concrete or asphalt and shall include drainage facilities meeting the requirements in Chapter 16.43 MMC. The design of the roadway shall support emergency vehicle access and must be approved by the director.

B. The minimum width of the roadway surface shall be 12 feet, unless a greater width is required for emergency vehicle access.

C. The applicant for a building permit on a site proposed to be served by a private lane shall post a bond or a construction completion agreement satisfactory to the city assuring compliance with these construction standards.

D. Turnouts may be required, 50 feet in length, with a total pavement width of 16 feet wherever deemed necessary by the city engineer due to topography, lot configuration or other factors affecting public safety.

E. Provided that a private lane was in existence that met the required construction standards prior to the amendments contained in Ordinance No. 663, a property owner seeking a permit to develop his property shall only be required to improve that portion of the private lane which is on his property to the extent necessary to meet the revised standards. (Code 1988 § 20.91.030; Ord. No. 939 § 13, 2016; Ord. No. 900 § 4 (Att. A), 2013)

16.91.040. Private lane maintenance.

All owners of property containing a private lane shall be responsible to keep the full width of the paved surface area clear of vegetation, parked vehicles or other obstructions which impair access of emergency vehicles. This provision shall also apply to any turnaround located on the property. (Code 1988 § 20.91.040; Ord. No. 900 § 4 (Att. A), 2013)

16.91.050. Minimum frontage requirements.

A. In lieu of the minimum street frontage requirements set forth in Table 16.22.020, lots on a private lane shall have the following minimum frontage adjoining the private lane:

1. In the R-16 zoning district, 70 feet;
2. In the R-20 zoning district, 70 feet;
3. In the R-30 zoning district, 90 feet.

B. The other provisions for street frontage in MMC 16.22.020(C) shall apply to private lanes. (Code 1988 § 20.91.050; Ord. No. 900 § 4 (Att. A), 2013)

16.91.060. Setbacks.

In addition to all other setbacks required by the Medina Municipal Code, all buildings and structures shall be set back at least ten feet from the interior easement line of any private lane. (Code 1988 § 20.91.060; Ord. No. 900 § 4 (Att. A), 2013)

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16.91.070

MEDINA CODE OF ORDINANCES**16.91.070. Number of dwellings permitted.**

A maximum of nine lots may be served by any one private lane. Where a lot abuts a public street and a private lane, the private lane shall be used for access in order to reduce the number of accesses on a public street.

(Code 1988 § 20.91.070; Ord. No. 900 § 4 (Att. A), 2013)

16.91.080. Private lanes, turnaround.

The terminus of private lanes shall be provided with a turnaround suitable for emergency vehicles, the plan of which must be approved by the city engineer and fire official based on the fire apparatus access road requirements set forth in Chapter 16.40 MMC.

(Code 1988 § 20.91.080; Ord. No. 900 § 4 (Att. A), 2013)

16.91.090. Access to utilities.

No building permit shall issue upon a building site created by a division of land, any portion of which is to be qualified for building with access via private lane, unless access to utilities adjacent to the land divided is assured each building site by suitable easement or covenant running with the land.

(Code 1988 § 20.91.090; Ord. No. 900 § 4 (Att. A), 2013)

16.91.100. Compliance with International Fire Code.

All residences constructed on private lanes must comply with the International Fire Code as adopted in Chapter 16.40 MMC. Where compliance with the minimum requirements of this chapter for the width of easement and paved services will not result in compliance with the International Fire Code fire apparatus access requirements, additional or alternative fire safety features, such as sprinkling, may be required.

(Code 1988 § 20.91.100; Ord. No. 900 § 4 (Att. A), 2013)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

This table gives the location within the 1988 Code of those ordinances adopted prior to the 2021 republication. For the location of ordinances adopted subsequent thereto, see the Code Comparative Table—Ordinances.

1	Council meeting time and place (2.04)
2	Council meeting procedures (2.04)
3	Special council meetings (2.04)
4	Building codes (Repealed by 469)
5	Zoning (Repealed by 16)
6	Board of adjustment (Repealed by 710)
7	Zoning (Repealed by 900)
8	Planning commission (2.44)
9	Street obstructions (12.04, 12.08)
10	Amends 1955 budget (Special)
11	Adopts 1956 budget (Special)
12	Repeals and replaces § 2 of Ord. 9, street obstructions (Repealed by 82)
13	Executes employee insurance agreement (Special)
14	Sewage disposal (13.04)
15	Annexation (Special)
16	Zoning; repeals Ord. 5 (Repealed by 900)
17	Zoning (Repealed by 900)
18	Solicitors and peddlers (5.12)
19	Public peace, morals and welfare (Repealed by 267)
20	Adopts motor vehicle code (Repealed by 42)
21	Establishes municipal court (Repealed by 128)
22	Amends § 2 of Ord. 4, building code (Repealed by 469)
23	Zoning; repeals § 6 of Ord. 16 (Not codified)
24	Amends 1956 budget (Special)
25	Zoning (Repealed by 900)
26	Amends § 1 of Ord. 8, planning commission (2.44)
27	Amends § 1 of Ord. 6, board of adjustment (Repealed by 710)
28	Amends § 1 of Ord. 1, council meetings (2.04)
29	Zoning (Repealed by 900)
30	Grants utility franchise (Repealed by 31)
31	Grants utility franchise; repeals Ord. 30 (Special)
32	Use of streets by public utility (12.12)
33	Operation of aircraft (10.60)
34	Grants sewer use (Special)
35	Amends 1956 budget (Special)

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- 36 Fire and explosion hazard regulations (Repealed by 469)
- 37 Grants utility franchise (Special)
- 38 Grants utility franchise (Special)
- 39 Grants utility franchise (Special)
- 40 Zoning (Repealed by 906)
- 41 Adopts 1957 budget (Special)
- 42 Vehicles and traffic; repeals Ord. 20 (10.08, 10.20, 10.32, 10.40, 10.56)
- 43 Amends § 6 of Ord. 38, franchise grant (Special)
- 44 Amends § 6 of Ord. 39, franchise grant (Special)
- 45 Amends § 24 of Ord. 42, speed limits (10.20)
- 46 Amends § 9 of Ord. 29, zoning (Repealed by 900)
- 47 Amends 1957 budget; creates suspense fund (3.44)
- 48 Amends § 6 of Ord. 40, zoning (Repealed by 906)
- 49 Amends § 8 of Ord. 6, board of adjustment (Repealed by 710)
- 50 Electrical code, repeals § 6 of Ord. 4 (Repealed by 469)
- 51 Amends 1957 budget (Special)
- 52 Subdivisions (Repealed by 854)
- 53 Watercraft operation (Repealed by 397)
- 54 Adopts 1958 budget (Special)
- 55 Zoning (Repealed by 900)
- 56 Zoning; amends § 6 of Ord. 16 (Repealed by 900)
- 57 Council meetings (2.28)
- 58 Drains and culverts (12.16)
- 59 Amends 1957 budget (Special)
- 60 Zoning (Repealed by 900)
- 61 Bond issuance (Special)
- 62 Amends § 3 of Ord. 61, bond issuance (Special)
- 63 Zoning (Repealed by 900)
- 64 Zoning (Repealed by 807)
- 65 Parking and use of housetrailer (Repealed by 900)
- 66 Zoning (Repealed by 900)
- 67 Vacation of land (Special)
- 68 Amends comprehensive plan (Special)
- 69 Establishes centerline grade (Special)
- 70 Zoning (Not codified)
- 71 Zoning (Repealed by 469)
- 72 Moisture barriers (Repealed by 469)
- 73 Zoning (Repealed by 900)
- 74 Adopts 1959 budget (Special)
- 75 Amends § 2 of Ord. 4 and repeals § 1 of Ord. 22, building code (Repealed by 129)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

76	Doubles fees where work commences without permit or license (Repealed by 469)
77	Land acquisition (Special)
78	Waiver of building code requirement (Special)
79	Bond issuance (Special)
80	Bond issuance (Special)
81	Park commission (2.40)
82	Repeals and replaces § 1 of Ord. 12, street obstructions (12.08)
83	Zoning (Repealed by 900)
84	Fire prevention code (Repealed by 469)
85	Sanitary plumbing and drainage connections (13.04)
86	Appropriation (Special)
87	Cumulative reserve fund for general municipal purposes (Not codified)
88	Adopts 1960 budget (Special)
89	Amends § 74 of Ord. 42, vehicles and traffic (Repealed by 469)
90	Amends uniform building code (Repealed by 469)
91	Appropriation (Special)
92	Street restoration (12.08)
93	Amends § 12 of Ord. 52, zoning (Repealed by 854)
94	Dogs running at large (Repealed by 186)
95	Watercraft operation (Repealed by 397)
96	Amends 1960 budget (Special)
97	Amends comprehensive plan (Special)
98	Dedication of land (Repealed by 900)
99	Adopts 1961 budget (Special)
100	Appropriation (3.28)
101	Cumulative reserve fund for fire protection and civic center facilities (Special)
102	Grants utility franchise (Special)
103	Appropriation (Special)
104	Abatement of key boxes (Repealed by 494)
105	Appropriation (Special)
106	Zoning (Repealed by 770)
107	Bond issuance (Special)
108	Bond issuance (special)
109	Repeals and replaces § 6 of Ord. 102, utility franchise grant (Special)
110	Amends 1961 budget (Special)
111	Acquisition of land (Special)
112	Amends § 5 of Ord. 29, zoning (Repealed by 900)
113	Amends § 12 of Ord. 40, zoning (Repealed by 906)
114	Zoning (Repealed by 900)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 115 Amends §§ 3 and 4 of Ord. 23 and § 5 of Ord. 66, zoning (Not codified)
- 116 Bond issuance (Special)
- 117 Amends § 1 of Ord. 115, zoning (Not codified)
- 118 Amends § 1 of Ord. 70, zoning (Repealed by 453)
- 119 Amends 1961 budget (Special)
- 120 Litigation emergency fund (Not codified)
- 121 Arterial street fund; appropriation (3.12)
- 122 Amends § 1 of Ord. 36, fire and hazard explosion hazards (Repealed by 469)
- 123 Establishes centerline grade (Special)
- 124 Adopts 1962 budget (Special)
- 125 Street vacation (Special)
- 126 Minimum improvement time extension (Special)
- 127 Street vacation (Special)
- 128 Justice court system reorganization; repeals Ord. 21 (Repealed by 469)
- 129 Amends § 2 of Ord. 4 and repeals Ord. 75, building code (Repealed by 171)
- 130 Amends 1961 budget (Special)
- 131 Protection of walkways (10.36)
- 132 Safety glass in doors and walls (Repealed by 469)
- 133 Amends § 1 of Ord. 84, fire prevention code (Repealed by 469)
- 134 Amends § 74 of Ord. 42, vehicles and traffic (Repealed by 469)
- 135 Abatement of unsafe structures (Repealed by 469)
- 136 Amends § 7 of Ord. 135, abatement of unsafe structures (Repealed by 469)
- 137 Adopts 1963 budget (Special)
- 138 Appropriation (Special)
- 139 Amends §§ 2.1, 3.2, 3.3, 3.4 and 4.13 of Ord. 19, public peace, morals and welfare (Repealed by 268)
- 140 Appropriation (Special)
- 141 Cumulative reserve fund for parklands, structures and capital improvements (3.28)
- 142 Amends § 24 of Ord. 42, speed limits (10.20)
- 143 Load limits (10.12)
- 144 Appropriation (Special)
- 145 Repeals and replaces § 6 of Ord. 8, planning commission (2.44)
- 146 Amends § 1 of Ord. 64, zoning (Repealed by 807)
- 147 Street vacation (Special)
- 148 Amends 51 of Ord. 64, zoning (Repealed by 807)
- 149 Appropriation (Special)
- 150 Adopts 1964 budget (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

151	Amends § 5 of Ord. 23, zoning (Not codified)
152	Street vacation (Special)
153	Bond issuance (Special)
154	Amends § 4 of Ord. 81, park commission (2.40)
155	Subdivisions; amends § 8 of Ord. 16 and §§ 2, 4, 5, 12 of Ord. 52 (Repealed by 854)
156	Land acquisition (Special)
157	Zoning (Repealed by 900)
158	Annexation (Special)
159	Comprehensive plan (Repealed by 900)
160	Bond issuance (Special)
161	Adopts 1965 budget (Special)
162	Amends § 74 of Ord. 42, vehicles and traffic (Repealed by 469)
163	Code adoption (Not codified)
164	Land acquisition (Special)
165	Rezone (Special)
166	Transfer of funds (Special)
167	Bond issuance (Special)
168	Acceptance of land and appropriation (Special)
169	Acceptance of land and appropriation (Special)
170	Amends § 1 of Ord. 84, fire prevention code (Repealed by 469)
171	Amends § 2 of Ord. 4 and repeals Ord. 129, building code (Repealed by 469)
172	Street improvement (Special)
173	Amends § 7 of Ord. 6, building inspector (Repealed by 710)
174	Adopts 1966 budget (Special)
175	Bond issuance (Special)
176	Protective headgear required while riding two-wheeled vehicles (Repealed by 583)
177	Employees retirement system (Not codified)
178	Appropriation (Special)
179	Garbage collection (Repealed by 469)
180	Amends § 5 of Ord. 55, shoreline bulkheads (Not codified)
181	Appropriation (Special)
182	Accepts monetary awards in land acquisition proceedings (Special)
183	Civil service (2.20)
184	Local improvement districts (Not codified)
185	Local improvement guarantee fund (3.36)
186	Animal control; repeals Ord. 94 (Repealed by 326)
187	Amends § 2 of Ord. 174, budget (Special)
188	Underground wiring (Repealed by 852)
189	Zoning (Repealed by 900)

EXHIBIT A

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190	Street construction and improvements (Repealed by 469)
191	Noise abatement (Repealed by 469)
192	Zoning (Repealed by 900)
193	LID No. 1 establishment (Special)
194	Amends § 8.1 of Ord. 186, animal control (Repealed by 469)
195	Amends § 5 of Ord. 184, local improvement districts (Not codified)
196	Amends 1966 budget (Special)
197	Zoning (Special)
198	Appropriation (Special)
199	Adopts 1967 budget (Special)
200	Transfer of funds (Special)
201	Appropriation (Special)
202	Adds § 75, amends §§ 53, 56 and 74, and repeals §§ 11, 15, 16, 17, 18, 26, 44, 47 and 54 of Ord. 42, vehicles and traffic (10.20)
203	Transfer of funds (Special)
204	Confirms assessment roll (Special)
205	Determines assessment interest rate (Special)
206	False alarms (Repealed by 469)
207	Annexation (Special)
208	Grants cable television franchise (Special)
209	Zoning (Repealed by 900)
210	Zoning (Repealed by 453)
211	Zoning (Repealed by 900)
212	Zoning (Not codified)
213	Zoning (Repealed by 435)
214	Amends §§ 2 and 3 of Ord. 55, zoning (Repealed by 900)
215	Zoning (Special)
216	Amends § 2 of Ord. 60, zoning (Repealed by 900)
217	Approves expenditures (Special)
218	LID No. 2 (Not codified)
219	Street vacation (Special)
220	Electrical inspections (Repealed by 469)
221	Adopts 1968 budget (Special)
222	Amends land use map (Special)
223	(1/8/68) Transfer of funds (Special)
223	(4/8/68) Amends prior code §§ 5-10.02, 5-10.05, 5-10.061, 5-10.062 and 5-10.24, building codes (Repealed by 469)
224	Amends § 8 of Ord. 191, noise abatement (Not codified)
225	Approves expenditures (Special)
226	Amends prior code §§ 8-1.48 and 8-1.106, vehicles and traffic (10.20, 10.40)
227	Amends § 15 of Ord. 95, watercraft operation (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

228	Watercraft operation (Repealed by 397)
229	Unfair housing practices (9.28)
230	Amends land use map (Special)
231	Adopts 1969 budget (Special)
232	Conforms assessment roll (Special)
233	Bond issuance (Special)
234	Bond issuance (special)
235	Design commission (Repealed by 490)
236	Amends § 3 of Ord. 218, LID No. 2 (Not codified)
237	Determines assessment interest rate (Special)
238	Creates park and urban arterial funds (Repealed by 393, 469)
239	Appropriation (Special)
240	Adopts Initiative Measure 242 by reference, traffic code (Repealed by 583)
241	Bond issuance (Special)
242	Accepts gift for park purposes (Special)
243	Street improvement (Special)
244	Appropriation (Special)
245	Appropriation (Special)
246	Tax levy (Special)
247	Adopts 1970 budget (Special)
248	Municipal court; repeals § 1 of Ord. 128 (Repealed by 469)
249	Zoning (Repealed by 900)
250	Travel expense revolving fund (Repealed by 554)
251	Zoning (Repealed by 900)
252	Local sales and use tax (3.52)
253	Amends prior code § 8-1.106, parking (10.40)
254	Police department (2.16)
255	Grants cable television franchise (Special)
256	Tax levy (Special)
257	Amends § 1 of Ord. 82, street improvements (12.08)
258	Adopts noncharter code city classification (1.08)
259	Amends § 1 of Ord. 90, building code (Repealed by 469)
260	Adopts 1971 budget (Special)
261	Zoning (Repealed by 900)
262	Amends § 2 of Ord. 81, board of park commissioners (2.40)
263	Park commissioners (2.40)
264	Adopts state motor vehicle laws by reference; repeals § 4 of Ord. 202 (Not codified)
265	Amends § 1 of Ord. 223, building code (Repealed by 469)
266	Appropriation (Special)
267	Public peace, morals and welfare; repeals Ord. 19 (9.04, 9.20)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

268 Minor curfew; repeals Ord. 139 (Repealed by 469)
 269 Amends § 2 of Ord. 238, arterial fund (Repealed by 393)
 270 Unemployment compensation (Special)
 271 Tax levy (Special)
 272 Amends §§ 1 and 2 of Ord. 271, tax levy (Special)
 273 Adopts 1972 budget (Special)
 274 Appropriation (Special)
 275 Amends prior code § 4-10.02, building code (Repealed by 469)
 276 Amends §§ 3.1, 3.3, 3.4, 3.7, 4.2, 4.6(b), 5.3(a) and (c) and 5.6, ani-
 mal control (Repealed by 326)
 277 Bicycles (Repealed by 934)
 278 Amends § 2 of Ord. 55, zoning (Repealed by 900)
 279 Transfer of funds (Special)
 280 Adopts Uniform Controlled Substances Act (Repealed by 499)
 281 Amends prior code §§ 8-1.124 and 8-1.148 and repeals § 1 of Ord.
 264, vehicles and traffic (Repealed by 325)
 282 Trees and shrubs in public way (Repealed by 378)
 283 Amends § 4 of Ord. 50, electrical code (Repealed by 469)
 284 Tax levy (Special)
 285 Federal shared revenue fund (3.32)
 286 Adopts 1973 budget (Special)
 287 Appropriation (Special)
 288 Parking (10.40)
 289 Fire hydrants (13.08)
 290 Amends § 3.1 of Ord 276, animal control (Repealed by 469)
 291 Amends prior code § 5-10.02, building code (Repealed by 469)
 292 Tax levy (Special)
 293 Adopts 1974 budget (Special)
 294 Appropriation (Special)
 295 Transfer of funds (Special)
 296 Pension reserve fund (3.40)
 297 Amends § 2 of Ord. 179, refuse license fees (Repealed by 469)
 298 Amends prior code § 5-10.025, building permit fees (Repealed by
 469)
 299 Amends prior code § 8-1.148; repeals § 1 of Ord. 264, vehicles and
 traffic (Repealed by 469)
 300 Motorcycles (Repealed by 583)
 301 Tax levy (Special)
 302 Adopts 1975 budget (Special)
 303 Business and occupation tax (5.04)
 304 Shoreline master program (Repealed by 906)
 305 Abandoned vehicles on public property (Repealed by 469)
 306 Abandoned vehicles on private property (Repealed by 469)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

307	Zoning (Repealed by 900)
308	Amends prior code § 5-10.02, reenacts §§ 5-10.025, 5-10.03, 5-10.035, 5-10.04, 5-10.045, 5-10.07, 5-10.08, 5-10.09, 5-10.10, 5-10.11, 5-10.14, 5-10.18, 1-10.20, 5-10.22 and 5-10.26 and repeals §§ 5-10.05, 5-10.055, 5-10.061, 5-10.062, 5-10.075, 5-10.16 and 5-10.24, building code (Repealed by 469)
309	Administrative code; amends § 2 of Ord. 191 and repeals §§ 3, 4, 5 and 6 (Repealed by 469)
310	Subdivisions; repeals § 4 of Ord. 155 (Repealed by 854)
311	Tax levy (Special)
312	Adopts 1976 budget (Repealed by 392)
313	Amends prior code § 5-10.025, building permit fees (Repealed by 469)
314	Amends prior code §§ 5-1.06, 5-1.08, 5-1.10, zoning (Repealed by 900)
315	Amends §§ 1, 3, 5 and 6 of Ord. 307, zoning (Repealed by 900)
316	Adopts State Environmental Protection Act (Repealed by 399)
317	Amends § 10-7.02 of Ord. 267, public peace, morals and welfare (Repealed)
318	Amends § 10-7.02 of Ord. 267, public peace, morals and welfare (9.04)
319	Burglar alarm systems (Repealed by 576)
320	Amends § 4.2 of Ord. 186, animal control (Repealed by 326)
321	Transfer of funds (Special)
322	Tax levy (Special)
323	Adopts 1977 budget (Special)
324	Antirecession fiscal assistance fund (3.08)
325	Amends prior code § 8-1.148 and repeals Ord. 281, vehicles and traffic (Repealed by 583)
326	Animal control; repeals Ords. 186, 276 and 320 and confirms repeal of Ord. 94 (Not codified)
327	Appropriation (Special)
328	Transfer of funds (Special)
329	Transfer of funds (Special)
330	Financing of unemployment compensation benefits (Special)
331	Tax levy (Special)
332	Adopts 1978 budget (Special)
333	LID No. 4 (Special)
334	Planned land use development fee schedule (Repealed by 469)
335	Amends § 15-1956 of Ord. 40, zoning (Repealed by 906)
336	Amends § 4 of Ord. 307, zoning (Repealed by 900)
337	Shorelines (Repealed by 906)
338	Subdivisions (Repealed by 854)
339	Contingency fund (3.24)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

340 Amends § 3 of Ord. 303, business and occupation tax (5.04)
 341 Transfer of civil and criminal jurisdiction (Repealed by 664)
 342 Appropriation (Special)
 343 Missing
 344 Missing
 345 Glazing standards (Repealed by 469)
 346 Thermal insulation standards (Repealed by 469)
 347 Self-insurance claim reserve fund (Not codified)
 348 Tax levy (Special)
 349 Drainage fund (Not codified)
 350 Adopts 1979 budget (Special)
 351 Building code amendments (Repealed by 773)
 352 Amends prior code § 5-10.025, building permit fees (Not codified)
 353 Declares eligibility of street projects (Special)
 354 Appropriation (Special)
 355 Amends prior code § 5-10.02, buildings and construction (Repealed by 773)
 356 Police department (2.20)
 357 Moving buildings (Repealed by 852)
 358 Tax levy (Special)
 359 Appropriation (Special)
 360 Adopts 1980 budget (Special)
 361 Declares eligibility of street projects (Special)
 362 Driving under the influence (Repealed by 469)
 363 Amends prior code §§ 1-20.01—1-20.03 and 1-20.06, planning commission (2.44)
 364 Amends prior code § 5-148, zoning (Repealed by 900)
 365 Amends prior code § 8-1.156, driving while intoxicated (Repealed by 469)
 366 Amends prior code § 5-1.48, zoning (Repealed by 900)
 367 Fencing of swimming pools (Repealed by 900)
 368 Tax levy (Special)
 369 Adopts 1981 budget (Special)
 370 Dissolves drainage fund (Not codified)
 371 Dissolves self-insurance claim reserve fund (Not codified)
 372 Vehicles and traffic (Repealed by 469)
 373 Amends Ord. 367 (prior code §§ 5-1.65—5-1.68), pool fencing (Repealed by 900)
 374 Tax levy (Special)
 375 Adopts 1982 budget (Special)
 376 Cable television franchise regulations (5.08)
 377 Appropriation (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

378	Trimming of trees in public right-of-way; repeals Ord. 282 (Repealed by 743)
379	Sales and use tax (3.56)
380	Amends § 1 of Ord. 340, business and occupation tax (5.04)
381	Tax levy (Special)
382	Adopts 1983 budget (Special)
383	Road and bridge construction standards (12.08)
384	Amends § 6 of Ord. 379, sales and use tax (3.56)
385	Transfer of funds (Special)
386	Claims clearing fund (3.20)
387	Adopts 1984 budget (Special)
388	Tax levy (Special)
389	Amends § 1 of Ord. 380, business and occupation tax (5.04)
390	Vehicles and traffic (Repealed by 583)
391	Amends Ord. 382, 1984 budget (Special)
392	Repeals Ord. 312 (Repealer)
393	Repeals Ord. 269 (Repealer)
394	Street vacation (Special)
395	Transfer of funds (Special)
396	Trench cutting (12.08)
397	Harbors; repeals Ord. 228 (11.04)
398	Amends Ord. 318 (prior code § 10-7.02), public peace, morals and welfare (9.04)
399	Adopts State Environmental Protection Act; repeals Ord. 316 (18.04)
400	Adopts 1985 budget (Special)
401	Tax levy (Special)
402	Appropriation (Special)
403	Capital projects fund (3.16)
404	Animal control (6.04)
405	Amends § 4 of Ord. 404 (Repealed by 410)
406	Amends Ord. 378 (prior code Ch. 9-7), tree trimming in public right-of-way (Repealed by 743)
407	Satellite receiving systems (Repealed by 900)
408	Terms of office for boards and commissions; amends prior code §§ 1-20.01, 1-22.06 (2.40, 2.44)
409	Excise tax on real estate sales (3.48)
410	Amends §§ 1 and 4 of Ord. 404 and repeals Ord. 405, animal control (6.04)
411	Bond issuance (Special)
412	Grants utility franchise (Special)
413	Closes street to vehicular traffic (Special)
414	Criminal code (9.04)

EXHIBIT A

MEDINA CODE OF ORDINANCES

415	Tax levy (Special)
416	Adopts 1986 budget (Special)
417	Amends § 11 of Ord. 412, franchise (Special)
418	Appropriation (Special)
419	Amends § 1 of Ord. 389, business and occupation tax (5.04)
420	Transfer of funds (Special)
421	City manager; development permit fee schedule; amends prior code §§ 1-21.07, 5-6.28, 5-7.04, 5-8.08 and 5-20.095 (Repealed by 906)
422	Zoning (Repealed by 900)
423	Amends prior code § 5-1.102, zoning (Repealed by 900)
424	Amends prior code § 5-1.38, zoning (Repealed by 900)
425	Amends prior code §§ 5-1.06, 5-1.08 and 5-1.10, zoning (Repealed by 900)
426	Amends prior code § 5-1.154, zoning (Repealed by 900)
427	Amends § 2 of Ord. 413, street closure (Special)
428	(Number not used)
429	Signs; repeals prior code §§ 2-1.49.2, 5-1.28, 5-1.49, 5-5.10 (Repealed by 900)
430	Bond issuance (Special)
431	Department of public safety (Repealed 477)
432	Franchise grant (Special)
433	Amends prior code § 5-1.06, zoning (Repealed by 900)
434	Amends prior code § 5-1.154, zoning (Repealed by 900)
435	Repeals Ord. 213 (Repealer)
436	Election of officers for boards and commissions (2.24)
437	Tax levy (Special)
438	Missing
439	Adopts 1987 budget (Special)
440	Permit parking (10.40)
441	Bond issuance (Special)
442	Missing
443	Restraints for child passengers of motor vehicles (Repealed by 583)
444	Harbor code (11.04)
445	Parking (10.40)
446	Harbor code (Repealed by 469)
447	Annexation of certain property (Repealed by 450)
448	Fireworks (8.16)
449	Number not used
450	Repeals Ord. 447 (Repealer)
451	Bond issue (Special)
452	Annexation (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

453	Repeals Ords. 118 and 210 (Repealer)
454	Zoning (Repealed by 900)
455	Zoning (Repealed by 900)
456	Designates one-way streets (Not codified)
457	Not passed
458	Nuisances (8.04)
459	Visibility at intersections (Repealed by 531)
460	Amends § 1 of Ord. 3, special council meetings (2.04)
461	Amends § 5 of Ord. 6, conditions for granting variances (Repealed by 710)
462	Amends § 2 of Ord. 185, levies for local improvement guarantee fund (3.36)
463	Amends prior code § 10-6.04(m), definition of dependent child (Repealed by 586)
464	Tax levy (Special)
465	Interlocal agreements with county concerning solid waste management (Special)
466	Adopts RCW 9A.20.021 by reference, penalties for misdemeanors and gross misdemeanors (9.04)
467	General penalty (1.12)
468	General provisions (1.04)
469	Repeals Ords. 4, 22, 36, §§ 7—9, 12—14, 21—23, 25, 27—30, 32—43, 46, 48—52, 55, 56, 58, 60, 67—69, 71, 73 and 74 of Ord. 42, 50, 71, 72, 76, 84, 90, § 2 of Ord. 120, 122, 128, 132, 133, 135, 136, 170, 171, 179, 190, 191, 194, §§ 3 and 5 of Ord. 202, 206, 220, 223, § 1 of Ord. 238, 248, 259, 265, §§ 10-3.10, 10-5.02, 10-5.04 and § 10-6.18 of Ord. 267, 268, § 1 of Ord. 271, 275, 283, 290, 291, 297, 298, 299, 305, 306, 308, 309, 313, §§ 1, 2, 3 and 5, of Ord. 326, 334, 345, 346, 362, 365, 372, § 2 of Ord. 421 and 446 (Repealer)
470	Maximum sentence for crimes (9.04)
471	Amends §§ 1, 3, 5, 6, 7, 8, 12 of Ord. 406, tree trimming on public way (Repealed by 743)
472	Amends Ord. 28, council meetings (2.04)
473	Blanket utility permits (13.12)
474	Assault (9.04)
475	Building code amendment (Repealed by 773)
476	Code adoption (1.01)
477	Adds § 2.20.040; amends §§ 1.08.030, 2.16.020, 2.16.030; repeals Ch. 2.12, administration and personnel (1.08, 2.16, 2.20)
478	Amends § 17.48.010, zoning (Repealed by 900)
479	Adds Ch. 17.38; amends §§ 17.20.010(B), 17.24.010(B), 17.28.010(B), zoning (Repealed by 906)
480	Tax levy (Special)
481	Establishes bicycle lane (10.48)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

482 Budget amendment (Special)
 483 1989 budget (Special)
 484 Amends §§ 11.101 and 11.112 of Uniform Fire Code (Repealed by
 773)
 485 Building numbering (Repealed by 852)
 486 Amends §§ 301 and 303 of Uniform Building Code (Repealed by
 773)
 487 Not used
 488 Public parks (12.24)
 489 Amends § 1(h) of Ord. 488, public parks (12.24)
 490 Amends Ch. 2.40, board of park commissioners; repeals Ch. 2.36,
 design commission (2.40)
 491 Amends § 12.08.060(B), construction in streets (12.08)
 492 Not used
 493 1990 budget (Special)
 494 Repeals Ch. 8.08, key boxes (Repealer)
 495 Amends § 6.3 of Ord. 429, zoning (Repealed by 900)
 496 Tax levy (Special)
 497 Amends Ord. 483, 1989 budget (Special)
 498 Amends § 17.72.040, zoning (Repealed by 900)
 499 Adopts RCW Chs. 66.44, 69.41 and 69.50; repeals §§ 9.20.160 and
 9.20.170, alcohol and drugs (9.20)
 500 Prohibits inattentive driving (10.64)
 501 Adopts solid waste management plan (8.20)
 502 Adds § 6.04.040, animal control (6.04)
 503 Amends § 15.04.030, building codes (Repealed by 773)
 504 Amends § 17.44.020, zoning (Repealed by 853)
 505 Adopts limitations on service of councilmembers (Repealed by
 713)
 506 Amends §§ 17.76.020 and 17.76.021, zoning (Repealed by 900)
 507 Amends Ch. 17.60, zoning (Repealed by 865)
 508 Adopts local hazardous waste management plan (8.24)
 509 Noise control (Repealed by 945)
 510 Requires separation of yard waste from solid waste for purposes of
 recycling (8.20)
 511 Repeals § 10.36.010, walkways (Repealer)
 512 Adds § 17.80.140, zoning (Repealed by 900)
 513 Adds § 6.04.050; repeals previously adopted county code
 § 11.04.190, animal control (6.04)
 514 Adopts shoreline management master program (Repealed by 906)
 515 Amends § 12.24.010, public parks (12.24)
 516 Amends § 17.76.070, zoning (Repealed by 900)
 517 Mandatory liability insurance (Repealed by 583)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

518	Amends § 2.04.010, city council meetings (2.04)
519	Oversized, overweight and construction vehicles (10.72)
520	Adds § 10.40.061, parking (Repealed by 901)
521	Tree preservation and landscaping requirements during development (Repealed by 743)
522	Adopts comprehensive plan (Special)
523	1991 budget (Special)
524	Tax levy (Special)
525	Amends Ord. 493, fund appropriation (Special)
526	Amends § 5.04.030, business and occupation tax (5.04)
527	Street vacation (Special)
528	Amends § 17.80.060(C)(7), zoning (Repealed by 900)
529	(Number not used)
530	Intention to join library district (Special)
531	Amends § 8.04.020(B); repeals Ch. 10.16, nuisances (8.04)
532	Repeals § 8.04.020(R), nuisance (8.04)
533	Amends § 17.80.060(C)(2) and (3), zoning (Repealed by 900)
534	Authorizes interlocal agreement (Special)
535	Adds §§ 15.04.130, 15.04.140, 17.08.020 and 17.08.030, building code and zoning (Repealed by 900)
536	(Number not used)
537	Public records (Repealed by 830)
538	Cable communication systems (Repealed by 795)
539	CATV franchise (Special)
540	Adds § 17.72.090, zoning (Repealed by 900)
541	Regulates structures in unimproved portions of public rights-of-way (12.32)
542	Amends § 12.08.010(A), street construction (12.08)
543	Amends § 17.80.060(C)(2), zoning (Repealed by 900)
544	Amends § 6(C) of Ord. 521, trees and shrubs (Repealed by 743)
545	Amends § 11.04.010, harbor code (11.04)
546	Document submission requirements (2.52)
547	Adopts by reference King County Code excessive noise and noise control provisions, repeals §§ 8.06.010, 8.06.020 and 8.06.040 (Repealed by 945)
548	Burglar tools; amends § 9.04.030 (9.04, 9.32)
549	Adopts 1992 budget (Special)
550	Tax levy (Special)
551	Travel and expense reimbursement (2.56)
552	Disposal of surplus personal property (2.60)
553	Small works roster (Repealed by 822)
554	Advance travel expense revolving fund; repeals Ch. 3.04 (Repealed by 568)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 555 Amends § 17.04.010, zoning (Repealed by 900)
- 556 Conflicts of interest (2.68)
- 557 Board of library trustees (2.72)
- 558 Bans purchase and discharge of fireworks in 1992 (Not codified)
- 559 Authorizes transfer of funds (Special)
- 560 Environmentally sensitive areas (Repealed by 924)
- 561 Adopts RCW § 46.61.517 as part of the model traffic ordinance
(Repealed by 583)
- 562 Radon detectors for single-family residences (8.28)
- 563 Adds § 12.24.010(o); amends § 12.24.010(K), rules applying to
public parks (12.24)
- 564 Adopts 1993 budget (Special)
- 565 Tax levy (Special)
- 566 Amends § 2.40.030(A), board of park commissioners (2.40)
- 567 Bicycle helmets (Repealed by 583)
- 568 Repeals Ch. 3.04, advance travel expense revolving fund and abol-
ishes the SR 520 fountain fund and park donation fund (Repealer)
- 569 Adds §§ 17.20.010(C), 17.60.030(E), 17.64.020 and 17.88.040(I), (J)
and (K), amends §§ 17.04.040(B), 17.04.060, 17.08.010(B),
17.12.010, 17.20.010(B), (C), (D), (F) and (G), 17.24.010,
17.28.010, 17.32.020, 17.36.010(E) and (F), 17.40.020, 17.40.023,
17.40.050, 17.44.010, 17.52.030, 17.52.040, 17.52.070, 17.56.[010],
[17.56.020], 17.72.030, 17.72.040, 17.72.070, 17.76.010, 17.76.020,
17.76.040, 17.76.070(D), 17.80.020(D), 17.80.060(C)(3),
17.80.100(A), 17.84.020, 17.84.050, 17.88.010(D), 17.88.050(C)
and 17.88.070; repeals §§ 17.76.050 and 17.76.060, zoning (Re-
pealed by 906)
- 570 Garage sales (12.36)
- 571 Adds new section to Ch. 8.16, fireworks (8.16)
- 572 Amends § 17.80.040, zoning (Repealed by 900)
- 573 Indemnification of employees and officials (2.76)
- 574 Amends Ch. 12.28, tree preservation and landscaping require-
ments during development (Repealed by 743)
- 575 View and sunlight obstruction (Repealed by 801)
- 576 False alarms from burglar alarms; repeals Ch. 18.12 (8.12)
- 577 Adopts RCW 66.44.270 by reference; repeals §§ 9.20.070 and
9.20.080 (Repealed by 586)
- 578 Adds § 2.20.050, civil service commission (2.20)
- 579 Adds § 10.40.065, parking (10.40)
- 580 1994 budget (Special)
- 581 Tax levy (Special)
- 582 Adds Ch. 10.14 and amends § 10.04.010, driving under the influ-
ence of intoxicating liquor or drug (Repealed by 591)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

583	Adopts model traffic ordinance with changes and repeals Chs. 10.04, 10.24, 10.28, 10.44, 10.50 and 10.68 (10.04)
584	Adopts Uniform Fire Code appendices (Repealed by 773)
585	Amends § 15.04.030(b)(8) and (9), building codes (Repealed by 773)
586	Amends §§ 9.04.030 and 9.04.050, public peace, morals and welfare—general provisions; repeals Chs. 9.08, 9.12, 9.16 and 9.24 and §§ 9.04.020, 9.20.030—9.20.070, 9.20.090—9.20.150 (9.04)
587	Adopts RCW 88.12.085 by reference, mufflers or underwater exhaust systems on vessels; excessive noise prohibited (Repealed by 945)
588	Mitigation plans for major construction activities (Repealed by 995)
589	Amends § 17.20.010(D), zoning (Repealed by 900)
590	Amends § 10.14.040 and adopts sections of the 1994 Omnibus Drunk Driving Act by reference, driving while under the influence of intoxicating liquor or drug (10.14)
591	Adopts Washington State law by reference relating to the offenses of driving while under the influence; repeals Ch. 10.14 and Ord. 590 § 1 and Ord. 583 § 5 (10.04, 10.14)
592	Amends § 10.20.010, speed limits (10.20)
593	Petty cash fund (3.42)
594	Water system franchise grant (Special)
595	Adopts 1995 budget (Special)
596	Tax levy (Special)
597	Transfer of funds (Special)
598	Street vacation (Special)
599	Adds § 5.04.015 and amends § 5.04.030(E) and (F), business and occupation taxes (5.04)
600	Project permit applications (Repealed by 855)
601	Adds § 17.40.080 and amends §§ 12.28.050(A), 17.40.025(B), 17.40.040 and 17.76.010, zoning (Repealed by 900)
602	Amends §§ 18.07 and 18.08 of the Uniform Building Code (Repealed by 773)
603	Amends § 8.16.020, fireworks (8.16)
604	Accessory dwelling units; amends § 17.12.010(B), zoning (Repealed by 900)
605	Amends §§ 8.16.020 and 8.16.060, fireworks (8.16)
606	Adopts 1996 budget (Special)
607	Tax levy (Special)
608	Consolidated permit processing (Repealed by 855)
609	Wireless communications facilities; repeals § 17.52.070 (Repealed by 856)
610	(Postponed)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 611 (Not adopted)
- 612 Amends Ch. 5.12, peddlers and solicitors (5.12)
- 613 (Not adopted)
- 614 Amends §§ 17.12.010, 17.24.010, and 17.28.020, zoning (Repealed by 900)
- 615 Reserves fund (3.24)
- 616 Adopts 1997 budget (Special)
- 617 Tax levy (Special)
- 618 Amends § 5.04.030, business and occupation taxes (5.04)
- 619 Deputy city clerk salary range (Special)
- 620 Amends § 5(K) of Ord. 608, consolidated permit processing (Repealed by 855)
- 621 Amends § 17.60.030(D)(5) and (F), zoning (Repealed by 865)
- 622 Amends §§ 2.64.020 and 2.64.030, small works roster (Repealed by 822)
- 623 Amends Ord. 609, wireless communications facilities (Repealed by 856)
- 624 Neighborhood character preservation district (Repealed by 900)
- 625 Transfer of funds (Special)
- 626 Not sent
- 627 Transfer of funds (Special)
- 628 Amends § 3 of Ord. 624, neighborhood character preservation district (Repealed by 900)
- 629 Not sent
- 630 Repeals § 12.20.110(B) (Repealed by 743)
- 631 Repeals § 10.52.010 (Repealer)
- 632 Regulates accessory structures (Repealed by 900)
- 633 Amends § 6.04.040, dog and cat licenses (6.04)
- 634 Adopts 1998 budget (Special)
- 635 Tax levy (Special)
- 636 Establishes equipment replacement and park property acquisition funds (3.45, 3.46)
- 637 Amends § 2.04.040, city council meetings (Repealed by 809)
- 638 Transfer of funds (Special)
- 639 Transfer of funds (Special)
- 640 Transfer of funds (Special)
- 641 Amends 1998 budget (Special)
- 642 Adopts revised 1998 budget (Special)
- 643 Transfer of funds (Special)
- 644 Amends § 18.12.060(C), steep slopes and sensitive areas (Repealed by 924)
- 645 Amends Chs. 17.12 and 17.60, nonconforming uses and structures (Repealed by 900)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

646	Transfer of funds (Special)
647	Transfer of funds (Special)
648	Transfer of funds (Special)
649	Adopts 1999 budget (Special)
650	Tax levy (Special)
651	Amends 1999 budget (Special)
652	Adds §§ 5.12.001—5.12.004; amends § 17.80.050(A); repeals § 5.12.010, peddlers and solicitors (5.12)
653	Amends §§ 8.12.010, 8.12.030, 8.12.040, 8.12.050 and 8.12.060, home security alarms (8.12)
654	(Not adopted)
655	(Not adopted)
656	Amends 1999 budget (Special)
657	Adds § 17.56.055; amends §§ 17.56.010, 17.56.040 and 17.56.070, zoning (Repealed by 900)
658	SEPA procedures and policies (18.04)
659	Amends § 14.04.110, project permit applications (Repealed by 855)
660	Amends comprehensive plan (Special)
661	Transfer of funds (Repealed by 669)
662	Amends shoreline master program (Repealed by 906)
663	Amends §§ 17.72.050 and 17.72.070, zoning (Repealed by 900)
664	Adds Ch. 4.01, Medina municipal court; repeals Ch. 2.08 (4.01)
665	Adds § 15.20.015, tower cranes (Repealed by 995)
666	(Number not used)
667	(Not passed)
668	Amends § 11.04.010, harbor code (11.04)
669	Transfer of funds; rescinds Ord. 661 (Special)
670	Adds Ch. 12.40, gates (Repealed by 900)
671	Amends § 10.20.010, speed limits (10.20)
672	Adds § 17.60.005; amends § 17.60.010(E), true value of building or structure (Repealed by 865)
673	Amends 1999 budget (Special)
674	(Not adopted)
675	Amends Ch. 5.12, peddlers and solicitors (5.12)
676	Amends § 2.32.080, board of adjustment (Repealed by 710)
677	Moratorium on demolition of buildings (Special)
678	(Not adopted)
679	Amends § 15.04.040, building code (Repealed by 773)
680	Adopts 2000 budget (Special)
681	2000 tax levy (Special)
682	Traffic infractions (10.76)
683	(Not adopted)
684	Amends § 4.01.120, Medina municipal court (4.01)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 685 (Not adopted)
- 686 Amends §§ 12.28.010, 12.28.020, 12.28.030(I), 12.28.040(B) and (C), 12.28.050(A) and (B), 12.28.070(A), (B) and (C), 12.28.080(A) and 12.28.100(A) and (C), landscaping (Repealed by 743)
- 687 Adds §§ 12.32.003, 12.32.005, 12.32.060, 12.32.070 and 12.32.080; amends § 12.32.050; repeals § 12.32.040, structures in unimproved portions of public rights-of-way (12.32)
- 688 (Not adopted)
- 689 Adds § 18.12.070(D), environmentally sensitive areas (Repealed by 924)
- 690 Amends 2000 budget (Special)
- 691 Amends 2000 budget (Special)
- 692 Adds Title 19, telecommunications (19.02, 19.04, 19.06, 19.07, 19.08, 19.10, 19.12)
- 693 Amends 2000 budget (Special)
- 694 Amends § 11.04.010, harbors (11.04)
- 695 Amends 2000 budget (Special)
- 696 (Not adopted)
- 697 Payment of claims or obligations (2.82)
- 698 (Not adopted)
- 699 Moratorium on demolition of buildings (Special)
- 700 Adopts 2001 budget (Special)
- 701 Adds Ch. 2.78, hearing examiner (2.78)
- 702 Amends 2000 budget (Special)
- 703 2001 tax levy (Special)
- 704 (Not adopted)
- 705 Hearing examiner fee (2.78)
- 706 Extends moratorium on demolition of buildings (Special)
- 707 (Not adopted)
- 708 (Not adopted)
- 709 Adds Ch. 12.06, street excavation (12.06)
- 710 Amends §§ 2.24.010, 2.24.020, 12.20.020, 12.20.050—12.20.100, 12.28.090, 14.04.070, 14.04.090, 14.04.100, 14.04.110, 16.08.200, 17.04.020, 17.08.010, 17.40.060, 17.40.070, 17.52.010—17.52.040, 17.52.060, 17.56.020—17.56.055, 17.60.030, 17.80.100, 17.80.120, 17.88.130, 17.90.050, 17.90.060, 17.90.110, 17.90.130, 18.12.080 and 18.12.090; repeals Ch. 2.32, hearing examiner (2.24)
- 711 Credit card use (2.58)
- 712 Amends § 2.56.040(A), travel and expense reimbursement (2.56)
- 713 Repeals §§ 2.06.010 and 2.24.020 (Repealer)
- 714 (Not adopted)
- 715 Moratorium on building permit issuance for buildings larger than 13,500 square feet (Special)
- 716 Amends 2001 budget (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

717	Findings of fact in support of building permit moratorium (Special)
718	Repeals §§ 5.12.002(B), 5.12.003(B), (C) and (D), and 5.12.060—5.12.120, peddlers and solicitors (5.12)
719	Amends § 1 of Ord. 715, moratorium on building permit issuance for buildings larger than 13,500 square feet (Special)
720	(Not adopted)
721	Park preservation program (12.26)
722	Amends Ch. 2.16, police department (2.16)
723	Amends § 17.44.020, zoning (Repealed by 853)
724	Continues moratorium on building permit issuance for buildings larger than 13,500 square feet (Special)
725	Findings of fact in support of continuation of building permit moratorium (Special)
726	2002 tax levy (Special)
727	(Not adopted)
728	(Not adopted)
729	Amends §§ 17.12.010, 17.20.010(C), 17.24.010(C) and (E), 17.28.010(C) and (E), 17.40.020, 17.49.010, 17.49.020, 17.76.010, and the title to Ch. 17.49, zoning; deletes § 17.49.060 (Repealed by 900)
730	Adopts 2002 budget (Special)
731	Amends 2001 budget (Special)
732	(Not adopted)
733	Adds Ch. 2.84, emergency services organization (Repealed by 849)
734	Amends 2002 budget (Special)
735	(Number not used)
736	Amends § 8.16.020, fireworks (8.16)
737	Administrative review of applications (Repealed by 900)
738	Renews moratorium on building permit issuance for buildings larger than 13,500 square feet (Special)
739	Findings of fact, moratorium on building permit issuance for buildings larger than 13,500 square feet (Special)
740	Amends 2002 budget (Special)
741	Development fee waivers (3.60)
742	Amends 2002 budget (Special)
743	Repeals Chs. 12.20 and 12.28; adds new Ch. 12.28, tree and vegetation code (Repealed by 909)
744	Adds Ch. 1.15, code enforcement (Repealed by 848)
745	Adds section to Ch. 3.48, real estate excise tax (3.48)
746	Adopts 2003 budget (Special)
747	2003 tax levy (Special)
748	Amends Ord. 588, mitigation plans for major construction activities (Repealed by 995)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 749 Renews moratorium on building permit issuance for buildings
larger than 13,500 square feet (Special)
- 750 Adds § 17.60.030(G); amends §§ 17.60.030(C) and (D); noncon-
forming structures (Repealed by 865)
- 751 Adds § 2.78.130; repeals § 17.56.060, variances and permit expira-
tion (Repealed by 900)
- 752 Amends § 2.78.065, variances (Repealed by 900)
- 753 (Number not used)
- 754 Amends 2003 budget (Special)
- 755 Amends § 2.04.110, committees (2.04)
- 756 Adds § 10.40.015, flaggers (10.40)
- 757 Amends § 17.60.030, nonconforming structures (Repealed by 865)
- 758 Adds Ch. 17.94, reclassification of zoning districts (Repealed by
855)
- 759 Amends §§ 14.08.010, 14.08.020 and 17.12.010, development stan-
dards (Repealed by 900)
- 760 Amends §§ 2.78.070, 14.08.010, 14.08.020, 14.08.030, 14.08.040,
14.08.050, 14.08.060 and 17.56.020, administrative reviews (2.78)
- 761 Adds Ch. 17.56A; amends § 17.20.010(G), historical use permits
(Repealed by 900)
- 762 Amends §§ 17.94.060 and 17.94.110(C), reclassification of zoning
districts (Repealed by 855)
- 763 Amends Ord. 42, vehicles and traffic (10.08)
- 764 2004 tax levy (Special)
- 765 Adopts 2004 budget (Special)
- 766 Fee schedule; amends §§ 17.44.020 and 17.44.030 (3.64)
- 767 Amends 2003 budget (Special)
- 768 Adds § 17.08.040; amends §§ 17.12.010, 17.20.010, 17.21.030,
17.24.010, 17.28.010, 17.40.050, 17.48.010, 17.60.030, 17.76.010
and 17.76.020, zoning (Repealed by 900)
- 769 Amends §§ 17.56.020, 17.56.030 and 17.56.040, conditional and
special use permits (Repealed by 900)
- 770 Adds §§ 17.56.052 and 17.56.054, special use permits; repeals
§ 17.52.010, schools (Repealed by 900)
- 771 Amends Ch. 2.40, parks and recreation board (2.40)
- 772 Adds § 15.04.190, building code amendment (Repealed by 773)
- 773 Repeals and replaces Ch. 15.04, building codes (Repealed by 852)
- 774 Adds § 12.24.025, Medina Park pet regulations; amends
§§ 12.24.010 and 12.24.030, park regulations (12.24)
- 775 Adds Ch. 2.66, contracts (2.66)
- 776 Amends § 17.84.040, pool locations (Repealed by 900)
- 777 Amends 2004 budget (Special)
- 778 Adds § 12.28.065; amends §§ 12.28.020, 12.28.030, 12.28.060 and
14.08.020(B), tree and vegetation code (Repealed by 909)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

779	2005 tax levy (Special)
780	Amends §§ 17.12.010 and 17.60.030(F); repeals § 17.60.010, reconstruction (Repealed by 900)
781	Adopts 2005 budget (Special)
782	Amends § 9.04.030, public peace, morals and welfare—general provisions (9.04)
783	Amends comprehensive plan (Special)
784	Amends Ch. 18.12, critical areas (Repealed by 924)
785	Amends 2005 budget (Special)
786	Adds Ch. 9.40, special events (9.40)
787	Site plan review (Repealed by 900)
788	2006 tax levy (Special)
789	Amends 2005 budget (Special)
790	Amends §§ 12.24.010 and 12.24.025, park rules (12.24)
791	Adopts 2006 budget (Special)
792	Amends 2005 budget (Special)
793	Amends § 15.04.030, building code (Repealed by 852)
794	Adds § 2.20.060; amends § 2.20.010, civil service system (2.20)
795	Cable system regulations; repeals Ord. 538 (Repealed by 814)
796	Amends § 17.80.070(A), signs (Repealed by 900)
797	Amends §§ 14.08.010, 14.08.020 and 17.12.010, administrative land use permit review (Repealed by 900)
798	Amends § 2.78.070(I) and Ch. 12.28, tree code (2.78)
799	Adopts 2007 budget (Special)
800	Amends §§ 8.06.030, 15.04.040 and Ch. 15.20, construction mitigation (Repealed by 995)
801	Repeals Ord. 575, view and sunlight obstruction (Repealer)
802	Amends 2007 budget (Special)
803	Amends §§ 17.56.050 and 17.56.052, special use permit decision criteria (Repealed by 900)
804	Street vacation (Special)
805	Amends 2007 budget and salary schedule (Special)
806	Amends 2007 budget and salary schedule (Special)
807	Amends § 17.40.060; repeals §§ 17.40.025 and 17.40.040, standard properties (Repealed by 900)
808	Building code (Repealed by 817)
809	Repeals § 2.04.040, city council meetings (Repealer)
810	Authorizes city to accept gifts, grants, donations and bequests (2.86)
811	Bond issuance (Special)
812	Amends 2007 budget (Special)
813	Amends 2007 budget (Special)
814	Cable system regulations; repeals Ord. 795 (5.08)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 815 Cable TV franchise grant (Special)
- 816 View and sunlight obstruction (18.16)
- 817 Adds §§ 15.04.042, 15.04.043, 15.04.044; amends §§ 2.78.070(A),
14.04.070(A), 15.04.010 and 15.04.020(B); repeals §§ 15.04.050,
17.84.050 and Ord. 817; and repeals and replaces § 15.04.015,
building codes (2.78)
- 818 2008 tax levy (Special)
- 819 Adopts 2008 budget (Special)
- 820 Adds § 2.78.070(K); amends §§ 17.56A.015, 17.56A.020,
17.56A.030, 17.94.010, 17.94.050, 17.94.060(D), 17.94.100(C) and
17.94.110(C)—(F), hearing examiner authority for historical use
permits (2.78)
- 821 Amends §§ 17.56.020, 17.56.052 and 17.56.054, conditional use
permits and special use permits (Repealed by 900)
- 822 Small works roster; repeals Ch. 2.64 (2.64)
- 823 Amends 2007 budget (Special)
- 824 Amends § 2.04.010, city council meetings (2.04)
- 825 Amends 2008 budget (Special)
- 826 Amends 2008 budget (Special)
- 827 Amends 2008 budget (Special)
- 828 Amends §§ 17.40.020 and 17.40.023, lot development standards
(Repealed by 900)
- 829 Amends 2008 budget (Special)
- 830 Repeals and replaces Ch. 2.48, public records (2.48)
- 831 Adds § 17.24.020; amends §§ 17.12.010, 17.20.010, 17.24.010 and
17.28.010, structural coverage and surface standards (Repealed by
900)
- 832 Amends 2008 budget (Special)
- 833 2009 tax levy (Special)
- 834 Adds definition to § 17.12.010; amends Ch. 17.76, fences, walls and
bulkheads (Repealed by 900)
- 835 Amends 2008 budget (Special)
- 836 Adopts 2009 budget (Special)
- 837 Public defense services standards (4.04)
- 838 Amends §§ 6.04.010, 6.04.030 and 6.04.040, animal control (6.04)
- 839 Adds § 2.44.035; amends §§ 2.40.030 and 2.44.050, parks and recre-
ation board and planning commission (2.40, 2.44)
- 840 Claims for damages (2.82)
- 841 Amends § 17.20.010, neighborhood character preservation district
(Repealed by 900)
- 842 Amends § 2.64.020(A) and (C)(3), small works rosters (2.64)
- 843 Adds Ch. 13.06, stormwater (Repealed by 987)
- 844 Amends 2009 budget (Special)
- 845 Amends 2009 budget (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

846	Amends §§ 2.78.070 and 8.06.010, administration of noise control (2.78)
847	Adopts 2010 budget (Special)
848	Adds § 18.04.030 [18.08.030]; amends §§ 2.78.070, 8.04.010, 8.04.050, 8.04.070, 8.04.100, 8.04.110, 8.06.010, 12.28.280, 12.32.080, 14.12.080, 15.20.090, 17.04.060 and 18.12.230; repeals §§ 17.80.130, 17.90.180 and 17.92.010; repeals and replaces Ch. 1.15, enforcement (1.15, 2.78, 8.04, 12.32)
849	Repeals and replaces Ch. 2.84, emergency services (2.84)
850	Adds Ch. 17.56B; amends § 17.12.010(B), temporary uses (Repealed by 900)
851	Amends Ch. 2.60, disposal of surplus personal property (2.60)
852	Adds Chs. 12.10, 20.40, 20.41 and 20.42; amends §§ 1.15.030, 17.76.030 and 17.76.070; repeals Chs. 15.04, 15.08, 15.12 and 15.16, buildings (1.15, 12.10, 20.40, 20.41)
853	Repeals and replaces Ch. 17.44, development permit fees (Repealed by 900)
854	Adds Chs. 20.73 and 20.90; repeals Title 16, subdivisions (20.73, 20.90)
855	Adds § 12.28.035 and Chs. 20.80, 20.81, 20.82 and 20.83; amends §§ 2.78.065, 12.06.020, 12.06.030, 12.06.040, 12.06.060, 12.06.170, 12.06.220, 12.08.010, 12.28.030, 12.28.055, 12.28.140, 12.28.170, 12.28.180, 12.28.190, 12.28.230, 14.08.030, 15.20.010, 15.20.050, 15.20.060, 17.56.020, 17.56A.020 and 17.56B.040; repeals and replaces Ch. 17.94, development; repeals §§ 12.28.260, Ch. 14.04, 14.08.040, 14.08.050, 14.08.060, 15.20.070, 17.56.030, 17.56.040 and 17.80.120 (12.06, 12.08, 20.80, 20.81, 20.82, 20.83)
856	Repeals and replaces Ch. 17.90, wireless communications facilities (Repealed by 900)
857	Adds § 12.08.005; amends § 12.08.030, street construction (12.08)
858	Amends § 10.64.010, inattentive driving (10.64)
859	Adds § 12.08.035, interim street design standards (12.08)
860	Adds Ch. 5.06; amends § 5.04.030; repeals § 5.04.015, franchise fees (5.04, 5.06)
861	Amends § 5.04.030, utility taxes (5.04)
862	Amends 2010 budget (Special)
863	Telecommunications franchise (Special)
864	Amends §§ 10.40.070 and 10.76.010, traffic infraction penalties (10.40, 10.76)
865	Amends §§ 17.12.010(B), 17.49.030 and 17.50.020; repeals and replaces Ch. 17.60, nonconforming uses and structures (Repealed by 900)
866	Amends §§ 17.90.030 and 17.90.060, wireless communications facilities (Repealed by 900)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 867 Adds § 17.56B.035; amends §§ 17.56B.020, 17.56B.040, 17.56B.050
and 17.56B.060, temporary wireless communications facilities (Re-
pealed by 900)
- 868 Adopts 2011 budget (Special)
- 869 Amends § 5.04.030, leasehold excise tax (5.04)
- 870 Amends § 20.40.015, energy code (Repealed by 899)
- 871 Amends 2011 budget (Special)
- 872 Amends 2011 budget (Special)
- 873 Adds § 17.48.020; amends § 17.48.010, accessory buildings (Re-
pealed by 900)
- 874 Adds Ch. 20.44; amends § 1.15.030, maintenance of vacant resi-
dences and abandoned construction sites (1.15, 20.44)
- 875 Increases amount of petty cash fund (3.42)
- 876 Amends §§ 1.15.030, 1.15.100, 1.15.330, 12.08.005 and 12.08.010,
street construction, enforcement (1.15, 12.08)
- 877 Amends 2011 budget (Special)
- 878 Amends § 5.06.020, franchise fees (5.06)
- 879 Amends § 5.04.030, utility tax rates (5.04)
- 880 Adopts 2012 budget (Special)
- 881 Adds § 20.80.085, building permits (20.80)
- 882 Adds § 5.04.025; amends § 5.04.030, utility taxes (5.04)
- 883 Adds § 20.40.125; amends § 17.72.090, fire code (20.40)
- 884 Amends §§ 10.40.070 and 10.76.010, parking penalties (10.40,
10.76)
- 885 Amends § 20.40.050, building permit exemptions (20.40)
- 886 (Repealed by 906)
- 887 Amends comprehensive plan parks and open space element (Spe-
cial)
- 888 Amends § 18.04.010, SEPA procedures (18.04)
- 889 Amends § 15.20.010, mitigation plans (Repealed by 995)
- 890 Amends § 3.48.040, additional real estate excise tax (3.48)
- 891 Amends § 3.48.015, additional real estate excise tax (3.48)
- 892 Interim civil service commissioner appointment (Special)
- 893 Amends § 5.04.030, utility tax (5.04)
- 894 Adopts 2013 budget (Special)
- 895 Amends § 5.06.020, franchise fees (5.06)
- 896 Amends 2012 budget (Special)
- 897 Amends 2013 budget (Special)
- 898 Amends §§ 2.40.030 and 2.44.040, parks and recreation board,
planning commission quorums (2.40, 2.44)
- 899 Amends §§ 20.40.010, 20.40.110 and 20.40.125; repeals § 20.40.015,
building codes (20.40)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

900	Adds Chs. 20.00, 20.10, 20.12, 20.14, 20.16, 20.20, 20.21, 20.22, 20.23, 20.30, 20.31, 20.32, 20.33, 20.34, 20.35, 20.36, 20.37, 20.70, 20.71, 20.72 and 20.91; amends §§ 1.15.030, 2.78.070, 2.78.120, 3.64.010, 12.06.020, 12.08.010, 12.10.020, 12.12.040, 12.28.035, 12.28.055, 12.28.170, 12.28.230, 12.28.240, 15.20.050, 18.12.110, 18.12.120, 18.12.130, 19.08.010, 20.40.040, 20.40.125, 20.40.150, 20.40.160, 20.73.060, 20.80.060, 20.80.210 and 20.82.020; repeals §§ 2.78.065, 2.78.110, 2.78.130, 12.06.370, 12.10.090, Chs. 12.40, 14.08, 14.12, 17.04, 17.08, 17.12, 17.16, 17.20, 17.21, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.49, 17.50, 17.52, 17.56, 17.56A, 17.56B, 17.60, 17.64, 17.68, 17.72, 17.76, 17.80, 17.84, 17.90, 17.94, §§ 20.44.025, 20.73.050 [20.73.040] and 20.80.040, unified development code (1.15, 2.78, 3.64, 12.06, 12.08, 12.10, 12.12, 19.08, 20.00, 20.10, 20.12, 20.14, 20.16, 20.20, 20.21, 20.22, 20.23, 20.30, 20.31, 20.32, 20.33, 20.34, 20.35, 20.36, 20.37, 20.40, 20.70, 20.71, 20.72, 20.73, 20.80, 20.82, 20.91)
901	Amends § 10.40.020; repeals § 10.40.061, parking (10.40)
902	Amends § 2.40.030(D), parks and recreation board (2.40)
903	Amends § 5.04.030, utility tax (5.04)
904	Adopts 2014 budget (Special)
905	Amends 2013 budget (Special)
906	Adds Chs. 20.60 through 20.67; adopts shoreline restoration plan; amends §§ 1.15.030, 12.28.090, 18.12.040, 20.22.030, 20.73.020 and the comprehensive plan; repeals Chs. 17.38, 17.88, 18.08 and Ords. 304, 514, 662 and 886, shoreline master program (1.15, 20.22, 20.60, 20.61, 20.62, 20.63, 20.64, 20.65, 20.66, 20.67, 20.73)
907	Adopts new zoning map; amends § 20.20.020; repeals Ords. 555 and 624, zoning map (20.20)
908	Amends § 20.23.020, structural coverage and impervious surface standards (20.23)
909	Adds Ch. 20.52; adopts list of suitable trees; amends §§ 1.15.330, 20.12.020, 20.12.040, 20.12.050, 20.12.080, 20.12.090, 20.12.130, 20.12.140, 20.12.170, 20.12.190, 20.12.200, 20.12.210, 20.12.230, 20.70.050, 20.71.050, 20.72.090 and 20.72.100; repeals Ch. 12.28, tree and vegetation management (1.15, 20.12, 20.52, 20.70, 20.71, 20.72)
910	Adds § 9.40.145; amends § 9.40.010, special events (9.40)
911	Amends §§ 20.12.020(H), 20.12.140, 20.21.030, 20.31.010(C) and 20.31.050, marijuana (20.12, 20.21, 20.31)
912	Amends § 5.04.030, business and occupation taxes (5.04)
913	Adopts 2015 budget (Special)
914	Bond issuance (Special)
915	Amends Ord. 914, bond issuance (Special)
916	Amends §§ 20.12.070(A), 20.12.090 and 20.12.200, unified development code (20.12)
917	Amends 2014 budget (Special)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 918 Amends 2014 budget (Special)
- 919 Amends §§ 20.40.020, 20.40.050, 20.40.060, 20.40.070, 20.40.090, 20.40.100, 20.40.110 and 20.40.115, building codes (20.40)
- 920 Amends 2015 budget (Special)
- 921 Amends 2015 budget (Special)
- 922 Adopts standards for indigent defense (4.04)
- 923 Amends §§ 20.12.050, 20.12.070, 20.12.080, 20.12.090, 20.12.140, 20.12.200, 20.12.210, Ch. 20.52, §§ 20.70.050, 20.71.050, 20.72.040(D)(1) and (E), 20.72.090, 20.72.100 and 20.80.060; amends list of suitable tree species, tree management (20.12, 20.52, 20.70, 20.71, 20.72, 20.80)
- 924 Adds §§ 20.12.110, 20.12.180 and Ch. 20.50; amends §§ 20.12.020, 20.12.030, 20.12.040, 20.12.050, 20.12.060, 20.12.070, 20.12.080, 20.12.090, 20.12.100, 20.12.130, 20.12.140, 20.12.150, 20.12.160, 20.12.170, 20.12.190, 20.12.200, 20.12.240, 20.60.210, 20.60.211, 20.60.212, 20.60.213, 20.60.214, 20.60.215, 20.60.216, 20.60.217, 20.60.218, 20.60.219, 20.60.221, 20.60.222, 20.60.223, 20.60.225, 20.60.227, 20.60.228 and comprehensive plan; repeals Ch. 18.12 and § 20.67.040, critical areas (20.12, 20.50, 20.60)
- 925 Amends § 20.52.100, tree management code (20.52)
- 926 Amends Ch. 8.12, home security alarms (8.12)
- 927 Amends § 5.04.030, business and occupation taxes (5.04)
- 928 Adopts 2016 budget (Special)
- 929 Amends 2015 budget (Special)
- 930 Amends 2015 budget (Special)
- 931 Approves contract with King County for street maintenance and repair work (Special)
- 932 Adds §§ 20.21.060, 20.22.070 and 20.23.050(F); amends §§ 2.78.090, 2.78.100, 20.12.070, 20.12.080, 20.12.170, 20.16.010, 20.22.040, 20.23.030(A) and (C), 20.23.060(A) and (G), 20.30.010(A) and (B), 20.80.140, 20.80.190 and 20.81.070, unified development code (2.78, 20.12, 20.16, 20.21, 20.22, 20.23, 20.30, 20.80, 20.81)
- 933 Amends §§ 8.24.020 [8.04.020], 20.12.020, 20.12.140, 20.21.030, 20.21.040, 20.31.010 and 20.31.050, marijuana uses (8.04, 20.12, 20.21, 20.31)
- 934 Amends Ch. 10.48, bicycles (10.48)
- 935 Amends Ch. 2.60, disposition of surplus city property (2.60)
- 936 Adds § 20.40.127; amends §§ 20.40.010, 20.40.020, 20.40.030, 20.40.050, 20.40.060, 20.40.070, 20.40.080, 20.40.090, 20.40.100, 20.40.110 and 20.40.125; repeals and replaces Ch. 20.42, building codes, premises identification (20.40, 20.42)
- 937 Amends §§ 12.24.025 and 12.24.030, public parks (12.24)
- 938 Amends 2016 budget (Special)

EXHIBIT A**ORDINANCE LIST AND DISPOSITION TABLE**

939	Adds Ch. 20.43 and § 20.70.080; amends §§ 1.15.030, 1.15.100(A), 1.15.330(A), 13.06.060, 13.06.070, 13.06.080, 13.06.090, 15.20.010(A), 20.40.030 and 20.91.030(A); repeals §§ 20.40.110 and 20.40.115, grading and drainage (1.15, 20.40, 20.43, 20.70, 20.91)
940	Amends 2016 budget (Special)
941	Amends § 5.04.030, business and occupation taxes (5.04)
942	Adopts 2017 budget and salary schedule (Special)
943	Adds § 20.30.060; amends § 20.34.040, landscaping and accessory recreational facilities (20.30, 20.34)
944	Amends 2016 budget (Special)
945	Amends § 8.40.020(P); repeals and replaces Ch. 8.06, noise (8.04, 8.06)
946	Amends § 2.40.020, parks and recreation board membership (2.40)
947	Franchise grant (Special)
948	Adds § 20.30.025; amends §§ 12.32.020, 20.12.020 and 20.12.200; repeals and replaces § 20.30.020, signs (12.32, 20.12, 20.30)
949	Accepts donation for footbridge improvements (Special)
950	Amends 2017 budget (Special)
951	Amends § 5.04.030, business and occupation taxes (5.04)
952	Adopts 2018 budget and salary schedule (Special)
953	Adds Ch. 8.08; amends §§ 20.50.040(C)(4) and 20.52.400(D); repeals Ch.18.16, view and sunlight obstruction (Superseded by 958)
954	Repeals and replaces § 12.24.020, rules applying to Medina Beach Park (12.24)
955	Amends §§ 20.12.030, 20.12.100 [20.12.130], 20.12.200 and 20.30.020(C) and (F), signs (20.12, 20.30)
956	Amends §§ 20.81.040 and 20.81.050, text amendment procedures (20.81)
957	Amends § 2.40.020, parks and recreation board membership (2.40)
958	Reenacts Ch. 18.16; amends §§ 20.50.040(C)(4)(c) and 20.52.400(D), view and sunlight obstruction (18.16, 20.50, 20.52)
959	Amends §§ 1.15.100, 1.15.330(A), 12.32.005, 12.32.020 and 12.32.070, garbage storage in city rights-of-way (1.15, 12.32)
960	Amends §§ 20.12.170 [20.12.170 and 20.12.190], 20.21.030 and 20.32.030, schools and permitted uses in public zone (20.12, 20.21, 20.32)
961	Amends zoning map (Special)
962	Amends §§ 5.04.010, 5.04.030 and title of Ch. 5.04, business and occupation taxes and licenses (5.04)
963	Amends 2018 budget and salary schedule (Special)
964	Adds Ch. 8.10, prohibited acts (8.10)
965	Adopts 2019 budget and salary schedule (Special)
966	Amends 2018 budget (Special)

EXHIBIT A**MEDINA CODE OF ORDINANCES**

- 967 Adds § 19.02.140 and Ch. 19.14; amends § 19.02.020, small wire-
less facilities (19.02)
- 968 Interim regulations adding Ch. 20.38 and amending
§ 20.37.030(A), interim wireless facility regulations (Not codified)
- 969 Adds Ch. 20.39; amends Chs. 20.12, 20.22, 20.30, 20.31, 20.32 and
20.34, low impact development stormwater regulations (20.12,
20.22, 20.30, 20.31, 20.32, 20.34, 20.39)
- 970 Submits proposition to voters, levy lift to maintain public safety
and other core governmental services (Special)
- 971 Amends § 20.23.080, bulk development standards (20.23)
- 972 Amends Ch. 15.20, mitigation plans for major construction activi-
ties (Repealed by 995)
- 973 Amends § 2.66.010(A), contracts (2.66)
- 974 Amends § 19.02.020; repeals and replaces Ch. 19.14, small wireless
facility deployment (19.02, 19.14)
- 975 Adds §§ 20.37.030(C), 20.37.190 and Ch. 20.38; amends
§§ 20.12.040, 20.12.200, 20.37.030(A), 20.37.070(B)(3)(b) and
20.37.080(B)(1) and (C)(6); repeals §§ 20.37.120(E) and (F),
20.37.130(C) and 20.37.140, wireless communication facilities
(20.12, 20.37, 20.38)
- 976 Adds §§ 20.60.110, 20.62.030 and 20.63.060; amends §§ 20.60.030,
20.60.060, 20.60.211, 20.60.212, 20.60.213, 20.60.221, 20.60.227,
20.60.229, 20.62.020, 20.63.030(A) and (C), 20.63.050(A)(2)(b),
20.64.010(E), 20.64.070(E), 20.65.120, 20.65.400, 20.66.040(C)(2),
20.66.060(D), 20.67.020, 20.67.040, 20.67.050(D)(7) and
20.67.070(B), (C), (E) and (F); amends and renumbers § 20.62.030
as 20.62.040, shoreline master program (20.60, 20.62, 20.63, 20.64,
20.65, 20.66, 20.67)
- 977 Amends 2019 budget (Special)
- 978 Adopts 2020 budget and salary schedule (Special)
- 979 Amends §§ 20.23.070 and 20.71.010, photovoltaic panels (20.23,
20.71)
- 980 Amends 2019 budget (Special)
- 981 Amends Ch. 2.04, city council meetings (2.04)
- 982 Amends § 2.04.010, city council meetings (2.04)
- 983 Amends Ch. 2.48, public records (2.48)
- 984 Telecommunications franchise (Special)
- 985 Adds Ch. 3.57, sales and use tax for affordable housing (3.57)
- 986 Amends Ch. 2.40, parks and recreation board (2.40)
- 987 Amends Ch. 20.43; repeals and replaces Ch. 13.06, stormwater
safety, control and management (13.06, 20.43)
- 988 Adds § 12.24.015; amends § 12.24.010, public parks (12.24)
- 989 Adds § 8.06.130(I); amends §§ 8.06.040, 8.06.120, 8.06.140 and
8.06.160, noise (8.06)
- 990 Amends §§ 12.24.025 and 12.24.030, public parks (12.24)

EXHIBIT A

ORDINANCE LIST AND DISPOSITION TABLE

991	Adopts 2021 budget and salary schedule (Special)
992	Amends 2020 budget (Special)
993	Right-of-way vacation (Special)
994	Amends § 20.40.010, building codes (20.40)
995	Adds Ch. 20.75; repeals Ch. 15.20, construction activity permit (20.75)

EXHIBIT A

EXHIBIT A**CODE COMPARATIVE TABLE****1988 CODE**

This table gives the location within this Code of those sections of the 1988 Code, as supplemented through Ordinance 995 adopted February 8, 2021, which are included herein. Sections of the 1988 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete, or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
1.01.010	1.01.010	1.15.200	1.15.200
1.01.020	1.01.020	1.15.210	1.15.210
1.01.030	1.01.030	1.15.220	1.15.220
1.01.040	1.01.040	1.15.230	1.15.230
1.01.050	1.01.050	1.15.300	1.15.300
1.01.060	1.01.060	1.15.310	1.15.310
1.01.070	1.01.070	1.15.320	1.15.320
1.01.080	1.01.080	1.15.330	1.15.330
1.01.090	1.01.090	1.15.340	1.15.340
1.01.100	1.01.100	1.15.350	1.15.350
1.04.010	1.04.010	1.15.400	1.15.400
1.04.020	1.04.020	1.15.500	1.15.500
1.04.030	1.04.030	1.15.510	1.15.510
1.04.040	1.04.040	1.15.520	1.15.520
1.04.050	1.04.050	1.15.530	1.15.530
1.04.060	1.04.060	1.15.540	1.15.540
1.04.070	1.04.070	1.15.600	1.15.600
1.04.080	1.04.080	2.04.010	2.04.010
1.04.090	1.04.090	2.04.020	2.04.020
1.08.010	1.08.010	2.04.030	2.04.030
1.08.020	1.08.020	2.04.050	2.04.040
1.08.030	1.08.030	2.04.060	2.04.050
1.08.040	1.08.040	2.04.070	2.04.060
1.12.010	1.12.010	2.04.080	2.04.070
1.15.010	1.15.010	2.04.090	2.04.080
1.15.020	1.15.020	2.04.100	2.04.090
1.15.030	1.15.030	2.04.110	2.04.100
1.15.040	1.15.040	2.04.120	2.04.110
1.15.050	1.15.050	2.04.140	2.04.120
1.15.060	1.15.060	2.04.150	2.04.130
1.15.070	1.15.070	2.04.160	2.04.140
1.15.080	1.15.080	2.16.010	2.08.010
1.15.090	1.15.090	2.16.020	2.08.020
1.15.100	1.15.100	2.16.030	2.08.030
1.15.110	1.15.110	2.20.010	2.12.010
1.15.120	1.15.120	2.20.020	2.12.020
1.15.130	1.15.130	2.20.030	2.12.030
1.15.140	1.15.140	2.20.040	2.12.040

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
2.20.050	2.12.050	2.60.030	2.48.030
2.20.060	2.12.060	2.60.040	2.48.040
2.24.010	2.16.010	2.60.050	2.48.050
2.28.010	2.20.010	2.64.010	2.52.010
2.40.010	2.24.010	2.64.020	2.52.020
2.40.020	2.24.020	2.64.030	2.52.030
2.40.030	2.24.030	2.66.010	2.56.010
2.40.040	2.24.040	2.68.010	2.60.010
2.40.050	2.24.050	2.68.020	2.60.020
2.40.060	2.24.060	2.68.030	2.60.030
2.44.010	2.28.010	2.68.040	2.60.040
2.44.020	2.28.020	2.68.050	2.60.050
2.44.030	2.28.030	2.68.060	2.60.060
2.44.035	2.28.035	2.68.070	2.60.070
2.44.040	2.28.040	2.68.080	2.60.080
2.44.050	2.28.050	2.68.090	2.60.090
2.44.060	2.28.060	2.72.010	2.64.010
2.48.010	2.32.010	2.72.020	2.64.020
2.48.020	2.32.020	2.72.030	2.64.030
2.48.030	2.32.030	2.72.040	2.64.040
2.48.040	2.32.040	2.72.050	2.64.050
2.48.050	2.32.050	2.76.010	2.68.010
2.48.060	2.32.060	2.76.020	2.68.020
2.48.070	2.32.070	2.76.030	2.68.030
2.48.080	2.32.080	2.76.040	2.68.040
2.48.090	2.32.090	2.76.050	2.68.050
2.48.100	2.32.100	2.76.060	2.68.060
2.48.110	2.32.110	2.76.070	2.68.070
2.52.010	2.36.010	2.76.080	2.68.080
2.52.020	2.36.020	2.76.090	2.68.090
2.52.030	2.36.030	2.76.100	2.68.100
2.56.010	2.40.010	2.78.010	2.72.010
2.56.020	2.40.020	2.78.020	2.72.020
2.56.030	2.40.030	2.78.030	2.72.030
2.56.040	2.40.040	2.78.040	2.72.040
2.56.050	2.40.050	2.78.050	2.72.050
2.56.060	2.40.060	2.78.060	2.72.060
2.56.070	2.40.070	2.78.070	2.72.070
2.56.080	2.40.080	2.78.080	2.72.080
2.58.010	2.44.010	2.78.090	2.72.090
2.58.020	2.44.020	2.78.100	2.72.100
2.58.030	2.44.030	2.78.120	2.72.110
2.58.040	2.44.040	2.82.010	2.76.010
2.58.050	2.44.050	2.82.020	2.76.020
2.58.060	2.44.060	2.84.010	2.80.010
2.58.070	2.44.070	2.84.020	2.80.020
2.58.080	2.44.080	2.84.030	2.80.030
2.58.090	2.44.090	2.84.040	2.80.040
2.60.010	2.48.010	2.84.050	2.80.050
2.60.020	2.48.020	2.84.060	2.80.060

EXHIBIT A**CODE COMPARATIVE TABLE**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
2.86.010	2.84.010	3.57.020	3.68.020
2.86.020	2.84.020	3.57.030	3.68.030
3.08.010	3.08.010	3.60.010	3.72.010
3.12.010	3.12.010	3.60.020	3.72.020
3.16.010	3.16.010	3.60.030	3.72.030
3.16.020	3.16.020	3.64.010	3.76.010
3.16.030	3.16.030	3.64.020	3.76.020
3.24.010	3.20.010	4.01.010	4.01.010
3.24.020	3.20.020	4.01.020	4.01.020
3.24.030	3.20.030	4.01.030	4.01.030
3.28.010	3.24.010	4.01.040	4.01.040
3.28.020	3.24.020	4.01.050	4.01.050
3.32.010	3.28.010	4.01.060	4.01.060
3.36.010	3.32.010	4.01.070	4.01.070
3.36.020	3.32.020	4.01.080	4.01.080
3.36.030	3.32.030	4.01.090	4.01.090
3.36.040	3.32.040	4.01.100	4.01.100
3.36.050	3.32.050	4.01.110	4.01.110
3.36.060	3.32.060	4.01.120	4.01.120
3.40.010	3.36.010	4.01.130	4.01.130
3.42.010	3.40.010	4.01.140	4.01.140
3.42.020	3.40.020	4.01.150	4.01.150
3.44.010	3.44.010	4.01.160	4.01.160
3.45.010	3.48.010	4.01.170	4.01.170
3.46.010	3.52.010	4.01.180	4.01.180
3.48.010	3.56.010	4.01.190	4.01.190
3.48.015	3.56.015	4.04.010	4.04.010
3.48.020	3.56.020	5.04.010	5.04.010
3.48.030	3.56.030	5.04.020	5.04.020
3.48.040	3.56.040	5.04.025	5.04.025
3.48.050	3.56.050	5.04.030	5.04.030
3.48.060	3.56.060	5.04.040	5.04.040
3.48.070	3.56.070	5.04.050	5.04.050
3.48.080	3.56.080	5.04.060	5.04.060
3.48.090	3.56.090	5.04.070	5.04.070
3.48.100	3.56.100	5.04.080	5.04.080
3.52.010	3.60.010	5.04.090	5.04.090
3.52.020	3.60.020	5.06.010	5.06.010
3.52.030	3.60.030	5.06.020	5.06.020
3.52.040	3.60.040	5.06.030	5.06.030
3.52.050	3.60.050	5.06.040	5.06.040
3.52.060	3.60.060	5.06.050	5.06.050
3.56.010	3.64.010	5.06.060	5.06.060
3.56.020	3.64.020	5.08.010	5.08.010
3.56.030	3.64.030	5.08.020	5.08.020
3.56.040	3.64.040	5.08.030	5.08.030
3.56.050	3.64.050	5.08.040	5.08.040
3.56.060	3.64.060	5.08.050	5.08.050
3.56.070	3.64.070	5.08.060	5.08.060
3.57.010	3.68.010	5.08.070	5.08.070

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
5.08.080	5.08.080	8.06.100	8.06.100
5.08.090	5.08.090	8.06.110	8.06.110
5.08.100	5.08.100	8.06.120	8.06.120
5.08.110	5.08.110	8.06.125	8.06.125
5.08.120	5.08.120	8.06.130	8.06.130
5.08.130	5.08.130	8.06.140	8.06.140
5.08.140	5.08.140	8.06.150	8.06.150
5.08.150	5.08.150	8.06.160	8.06.160
5.08.160	5.08.160	8.06.170	8.06.170
5.08.170	5.08.170	8.06.180	8.06.180
5.08.180	5.08.180	8.06.200	8.06.200
5.08.190	5.08.190	8.06.300	8.06.300
5.08.200	5.08.200	8.06.310	8.06.310
5.08.210	5.08.210	8.06.320	8.06.320
5.08.220	5.08.220	8.06.330	8.06.330
5.08.230	5.08.230	8.06.340	8.06.340
5.08.240	5.08.240	8.06.400	8.06.400
5.08.250	5.08.250	8.06.410	8.06.410
5.08.260	5.08.260	8.06.500	8.06.500
5.08.270	5.08.270	8.06.600	8.06.600
5.08.280	5.08.280	8.10.010	8.10.010
5.08.290	5.08.290	8.12.010	8.12.010
5.08.300	5.08.300	8.12.020	8.12.020
5.12.001	5.12.010	8.12.030	8.12.030
5.12.002	5.12.020	8.12.040	8.12.040
5.12.003	5.12.030	8.12.050	8.12.050
5.12.004	5.12.040	8.12.060	8.12.060
5.12.020	5.12.050	8.12.070	8.12.070
5.12.040	5.12.060	8.12.080	8.12.080
6.04.010	6.04.010	8.16.010	8.16.010
6.04.015	6.04.015	8.16.020	8.16.020
6.04.020	6.04.020	8.16.030	8.16.030
6.04.030	6.04.030	8.16.040	8.16.040
6.04.040	6.04.040	8.16.045	8.16.045
6.04.050	6.04.050	8.16.050	8.16.050
8.04.010	8.04.010	8.16.060	8.16.060
8.04.020	8.04.020	8.20.010	8.20.010
8.04.030	8.04.030	8.20.020	8.20.020
8.04.040	8.04.040	8.20.030	8.20.030
8.04.050	8.04.050	8.20.040	8.20.040
8.04.060	8.04.060	8.20.050	8.20.050
8.04.070	8.04.070	8.20.060	8.20.060
8.04.080	8.04.080	8.24.010	8.24.010
8.04.090	8.04.090	8.24.020	8.24.020
8.04.100	8.04.100	8.28.010	8.28.010
8.04.110	8.04.110	8.28.020	8.28.020
8.06.010	8.06.010	8.28.030	8.28.030
8.06.020	8.06.020	8.28.040	8.28.040
8.06.030	8.06.030	8.28.050	8.28.050
8.06.040	8.06.040	9.04.010	9.04.010

EXHIBIT A**CODE COMPARATIVE TABLE**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
9.04.030	9.04.030	10.40.050	10.40.050
9.04.040	9.04.040	10.40.060	10.40.060
9.04.050	9.04.050	10.40.065	10.40.065
9.04.060	9.04.060	10.40.070	10.40.070
9.04.070	9.04.070	10.48.010	10.48.010
9.04.080	9.04.080	10.48.020	10.48.020
9.20.010	9.20.010	10.56.010	10.56.010
9.20.020	9.20.020	10.56.020	10.56.020
9.20.160	9.20.160	10.60.010	10.60.010
9.28.010	9.28.010	10.60.020	10.60.020
9.28.020	9.28.020	10.64.010	10.64.010
9.28.030	9.28.030	10.72.010	10.72.010
9.28.040	9.28.040	10.72.020	10.72.020
9.28.050	9.28.050	10.72.030	10.72.030
9.28.060	9.28.060	10.72.040	10.72.040
9.32.010	9.32.010	10.72.050	10.72.050
9.40.010	9.40.010	10.76.010	10.76.010
9.40.020	9.40.020	11.04.010	11.04.010
9.40.030	9.40.030	11.04.020	11.04.020
9.40.040	9.40.040	11.04.030	11.04.030
9.40.050	9.40.050	12.04.010	12.04.010
9.40.060	9.40.060	12.04.020	12.04.020
9.40.070	9.40.070	12.04.030	12.04.030
9.40.080	9.40.080	12.04.040	12.04.040
9.40.090	9.40.090	12.06.010	12.06.010
9.40.100	9.40.100	12.06.020	12.06.020
9.40.110	9.40.110	12.06.030	12.06.030
9.40.120	9.40.120	12.06.040	12.06.040
9.40.130	9.40.130	12.06.050	12.06.050
9.40.140	9.40.140	12.06.060	12.06.060
9.40.145	9.40.145	12.06.070	12.06.070
9.40.150	9.40.150	12.06.080	12.06.080
9.40.160	9.40.160	12.06.090	12.06.090
10.04.010	10.04.010	12.06.100	12.06.100
10.04.020	10.04.020	12.06.110	12.06.110
10.08.010	10.08.010	12.06.120	12.06.120
10.12.010	10.12.010	12.06.130	12.06.130
10.12.020	10.12.020	12.06.140	12.06.140
10.12.030	10.12.030	12.06.150	12.06.150
10.14.010	10.14.010	12.06.160	12.06.160
10.14.020	10.14.020	12.06.170	12.06.170
10.20.010	10.20.010	12.06.180	12.06.180
10.32.010	10.32.010	12.06.190	12.06.190
10.36.020	10.36.020	12.06.200	12.06.200
10.36.030	10.36.030	12.06.210	12.06.210
10.40.010	10.40.010	12.06.220	12.06.220
10.40.015	10.40.015	12.06.230	12.06.230
10.40.020	10.40.020	12.06.240	12.06.240
10.40.030	10.40.030	12.06.250	12.06.250
10.40.040	10.40.040	12.06.260	12.06.260

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
12.06.270	12.06.270	12.32.020	12.28.020
12.06.280	12.06.280	12.32.030	12.28.030
12.06.290	12.06.290	12.32.050	12.28.040
12.06.300	12.06.300	12.32.060	12.28.050
12.06.310	12.06.310	12.32.070	12.28.060
12.06.320	12.06.320	12.32.080	12.28.070
12.06.330	12.06.330	12.36.010	12.32.010
12.06.340	12.06.340	12.36.020	12.32.020
12.06.350	12.06.350	13.04.010	13.04.010
12.06.360	12.06.360	13.04.020	13.04.020
12.06.380	12.06.370	13.04.030	13.04.030
12.06.390	12.06.380	13.06.010	13.06.010
12.06.400	12.06.390	13.06.020	13.06.020
12.06.410	12.06.400	13.06.030	13.06.030
12.08.005	12.08.005	13.06.040	13.06.040
12.08.010	12.08.010	13.06.050	13.06.050
12.08.020	12.08.020	13.06.060	13.06.060
12.08.030	12.08.030	13.06.070	13.06.070
12.08.035	12.08.035	13.06.080	13.06.080
12.08.040	12.08.040	13.06.090	13.06.090
12.08.050	12.08.050	13.06.100	13.06.100
12.08.060	12.08.060	13.06.110	13.06.110
12.10.010	12.10.010	13.06.120	13.06.120
12.10.020	12.10.020	13.06.130	13.06.130
12.10.040	12.10.040	13.06.140	13.06.140
12.10.050	12.10.050	13.06.150	13.06.150
12.10.060	12.10.060	13.06.160	13.06.160
12.10.070	12.10.070	13.06.170	13.06.170
12.10.080	12.10.080	13.06.180	13.06.180
12.10.100	12.10.090	13.08.010	13.08.010
12.10.110	12.10.100	13.12.010	13.12.010
12.10.120	12.10.110	13.12.020	13.12.020
12.10.130	12.10.120	13.12.030	13.12.030
12.12.010	12.12.010	13.12.040	13.12.040
12.12.020	12.12.020	13.12.050	13.12.050
12.12.030	12.12.030	18.04.010	14.04.010
12.12.040	12.12.040	18.04.020	14.04.020
12.12.050	12.12.050	18.04.030	14.04.030
12.12.060	12.12.060	18.04.040	14.04.040
12.12.070	12.12.070	18.04.050	14.04.050
12.16.010	12.16.010	18.16.010	14.08.010
12.24.010	12.20.010	18.16.020	14.08.020
12.24.015	12.20.015	18.16.030	14.08.030
12.24.020	12.20.020	18.16.040	14.08.040
12.24.025	12.20.025	18.16.050	14.08.050
12.24.030	12.20.030	18.16.060	14.08.060
12.26.010	12.24.010	18.16.070	14.08.070
12.26.020	12.24.020	18.16.080	14.08.080
12.32.005	12.28.005	18.16.090	14.08.090
12.32.010	12.28.010	18.16.100	14.08.100

EXHIBIT A**CODE COMPARATIVE TABLE**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
18.16.110	14.08.110	19.06.130	15.06.130
18.16.120	14.08.120	19.06.140	15.06.140
18.16.130	14.08.130	19.06.150	15.06.150
18.16.140	14.08.140	19.06.160	15.06.160
18.16.150	14.08.150	19.06.170	15.06.170
18.16.160	14.08.160	19.07.010	15.07.010
19.02.010	15.02.010	19.07.020	15.07.020
19.02.020	15.02.020	19.07.030	15.07.030
19.02.030	15.02.030	19.07.040	15.07.040
19.02.040	15.02.040	19.07.050	15.07.050
19.02.050	15.02.050	19.07.060	15.07.060
19.02.060	15.02.060	19.08.010	15.08.010
19.02.070	15.02.070	19.08.020	15.08.020
19.02.080	15.02.080	19.08.030	15.08.030
19.02.090	15.02.090	19.08.040	15.08.040
19.02.100	15.02.100	19.08.050	15.08.050
19.02.110	15.02.110	19.08.060	15.08.060
19.02.120	15.02.120	19.08.070	15.08.070
19.02.130	15.02.130	19.08.080	15.08.080
19.02.140	15.02.140	19.08.090	15.08.090
19.04.010	15.04.010	19.08.100	15.08.100
19.04.020	15.04.020	19.08.110	15.08.110
19.04.030	15.04.030	19.08.120	15.08.120
19.04.040	15.04.040	19.08.130	15.08.130
19.04.050	15.04.050	19.08.140	15.08.140
19.04.060	15.04.060	19.10.010	15.10.010
19.04.070	15.04.070	19.10.020	15.10.020
19.04.080	15.04.080	19.10.030	15.10.030
19.04.090	15.04.090	19.10.040	15.10.040
19.04.100	15.04.100	19.10.050	15.10.050
19.04.110	15.04.110	19.10.060	15.10.060
19.04.120	15.04.120	19.10.070	15.10.070
19.04.130	15.04.130	19.10.080	15.10.080
19.04.140	15.04.140	19.10.090	15.10.090
19.04.150	15.04.150	19.10.100	15.10.100
19.04.160	15.04.160	19.10.110	15.10.110
19.04.170	15.04.170	19.10.120	15.10.120
19.04.180	15.04.180	19.10.130	15.10.130
19.06.010	15.06.010	19.10.140	15.10.140
19.06.020	15.06.020	19.10.150	15.10.150
19.06.030	15.06.030	19.10.160	15.10.160
19.06.040	15.06.040	19.10.170	15.10.170
19.06.050	15.06.050	19.10.180	15.10.180
19.06.060	15.06.060	19.10.190	15.10.190
19.06.070	15.06.070	19.10.200	15.10.200
19.06.080	15.06.080	19.10.210	15.10.210
19.06.090	15.06.090	19.10.220	15.10.220
19.06.100	15.06.100	19.10.230	15.10.230
19.06.110	15.06.110	19.10.240	15.10.240
19.06.120	15.06.120	19.10.250	15.10.250

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
19.10.260	15.10.260	20.10.060	16.10.060
19.10.270	15.10.270	20.10.070	16.10.070
19.10.280	15.10.280	20.10.080	16.10.080
19.10.290	15.10.290	20.10.090	16.10.090
19.10.300	15.10.300	20.12.010	16.12.010
19.10.310	15.10.310	20.12.020	16.12.020
19.10.320	15.10.320	20.12.030	16.12.030
19.10.330	15.10.330	20.12.040	16.12.040
19.10.340	15.10.340	20.12.050	16.12.050
19.10.350	15.10.350	20.12.060	16.12.060
19.10.360	15.10.360	20.12.070	16.12.070
19.10.370	15.10.370	20.12.080	16.12.080
19.10.380	15.10.380	20.12.090	16.12.090
19.10.390	15.10.390	20.12.100	16.12.100
19.10.400	15.10.400	20.12.110	16.12.110
19.12.010	15.12.010	20.12.130	16.12.130
19.12.020	15.12.020	20.12.140	16.12.140
19.12.030	15.12.030	20.12.150	16.12.150
19.12.040	15.12.040	20.12.160	16.12.160
19.12.050	15.12.050	20.12.170	16.12.170
19.12.060	15.12.060	20.12.180	16.12.180
19.12.070	15.12.070	20.12.190	16.12.190
19.12.080	15.12.080	20.12.200	16.12.200
19.12.090	15.12.090	20.12.210	16.12.210
19.12.100	15.12.100	20.12.220	16.12.220
19.12.110	15.12.110	20.12.230	16.12.230
19.12.120	15.12.120	20.12.240	16.12.240
19.12.130	15.12.130	20.12.270	16.12.270
19.12.140	15.12.140	20.14.010	16.14.010
19.12.150	15.12.150	20.14.020	16.14.020
19.12.160	15.12.160	20.14.030	16.14.030
19.12.170	15.12.170	20.14.040	16.14.040
19.12.180	15.12.180	20.14.050	16.14.050
19.12.190	15.12.190	20.14.060	16.14.060
19.14.010	15.14.010	20.14.070	16.14.070
19.14.020	15.14.020	20.14.080	16.14.080
19.14.030	15.14.030	20.16.010	16.16.010
19.14.040	15.14.040	20.16.020	16.16.020
19.14.050	15.14.050	20.16.030	16.16.030
19.14.060	15.14.060	20.20.010	16.20.010
19.14.070	15.14.070	20.20.020	16.20.020
19.14.080	15.14.080	20.20.030	16.20.030
19.14.090	15.14.090	20.21.010	16.21.010
20.00.010	16.00.010	20.21.020	16.21.020
20.00.020	16.00.020	20.21.030	16.21.030
20.10.010	16.10.010	20.21.040	16.21.040
20.10.020	16.10.020	20.21.050	16.21.050
20.10.030	16.10.030	20.21.060	16.21.060
20.10.040	16.10.040	20.22.010	16.22.010
20.10.050	16.10.050	20.22.020	16.22.020

EXHIBIT A**CODE COMPARATIVE TABLE**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
20.22.030	16.22.030	20.36.040	16.36.040
20.22.040	16.22.040	20.36.050	16.36.050
20.22.050	16.22.050	20.36.060	16.36.060
20.22.060	16.22.060	20.36.070	16.36.070
20.22.070	16.22.070	20.36.080	16.36.080
20.23.010	16.23.010	20.36.090	16.36.090
20.23.020	16.23.020	20.37.010	16.37.010
20.23.030	16.23.030	20.37.020	16.37.020
20.23.040	16.23.040	20.37.030	16.37.030
20.23.050	16.23.050	20.37.040	16.37.040
20.23.060	16.23.060	20.37.050	16.37.050
20.23.070	16.23.070	20.37.060	16.37.060
20.23.080	16.23.080	20.37.070	16.37.070
20.30.010	16.30.010	20.37.080	16.37.080
20.30.020	16.30.020	20.37.090	16.37.090
20.30.025	16.30.030	20.37.100	16.37.100
20.30.030	16.30.040	20.37.110	16.37.110
20.30.040	16.30.050	20.37.120	16.37.120
20.30.050	16.30.060	20.37.130	16.37.130
20.30.060	16.30.070	20.37.150	16.37.140
20.30.070	16.30.080	20.37.160	16.37.150
20.31.010	16.31.010	20.37.170	16.37.160
20.31.020	16.31.020	20.37.180	16.37.170
20.31.030	16.31.030	20.37.190	16.37.180
20.31.040	16.31.040	20.38.010	16.38.010
20.31.050	16.31.050	20.38.020	16.38.020
20.32.010	16.32.010	20.38.030	16.38.030
20.32.020	16.32.020	20.38.040	16.38.040
20.32.030	16.32.030	20.38.050	16.38.050
20.32.040	16.32.040	20.38.060	16.38.060
20.32.050	16.32.050	20.38.070	16.38.070
20.32.060	16.32.060	20.38.080	16.38.080
20.32.070	16.32.070	20.39.010	16.39.010
20.32.080	16.32.080	20.39.020	16.39.020
20.33.010	16.33.010	20.39.030	16.39.030
20.33.020	16.33.020	20.39.040	16.39.040
20.33.030	16.33.030	20.39.050	16.39.050
20.33.040	16.33.040	20.40.010	16.40.010
20.34.010	16.34.010	20.40.020	16.40.020
20.34.020	16.34.020	20.40.030	16.40.030
20.34.030	16.34.030	20.40.040	16.40.040
20.34.040	16.34.040	20.40.050	16.40.050
20.35.010	16.35.010	20.40.060	16.40.060
20.35.020	16.35.020	20.40.070	16.40.070
20.35.030	16.35.030	20.40.080	16.40.080
20.35.040	16.35.040	20.40.090	16.40.090
20.35.050	16.35.050	20.40.100	16.40.100
20.36.010	16.36.010	20.40.120	16.40.110
20.36.020	16.36.020	20.40.125	16.40.120
20.36.030	16.36.030	20.40.127	16.40.130

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
20.40.130	16.40.140	20.52.320	16.52.170
20.40.140	16.40.150	20.52.330	16.52.180
20.40.150	16.40.160	20.52.400	16.52.190
20.40.160	16.40.170	20.52.410	16.52.200
20.41.010	16.41.010	20.52.420	16.52.210
20.41.020	16.41.020	20.52.500	16.52.220
20.42.010	16.42.010	20.52.510	16.52.230
20.42.020	16.42.020	20.60.010	16.60.010
20.42.030	16.42.030	20.60.020	16.60.020
20.42.040	16.42.040	20.60.030	16.60.030
20.43.010	16.43.010	20.60.040	16.60.040
20.43.020	16.43.020	20.60.050	16.60.050
20.43.030	16.43.030	20.60.060	16.60.060
20.43.040	16.43.040	20.60.070	16.60.070
20.43.050	16.43.050	20.60.080	16.60.080
20.43.060	16.43.060	20.60.090	16.60.090
20.43.070	16.43.070	20.60.100	16.60.100
20.43.080	16.43.080	20.60.110	16.60.110
20.44.010	16.44.010	20.60.200	16.60.200
20.44.020	16.44.020	20.60.210	16.60.210
20.44.030	16.44.030	20.60.211	16.60.211
20.44.040	16.44.040	20.60.212	16.60.212
20.44.050	16.44.050	20.60.213	16.60.213
20.44.060	16.44.060	20.60.214	16.60.214
20.50.010	16.50.010	20.60.215	16.60.215
20.50.020	16.50.020	20.60.216	16.60.216
20.50.030	16.50.030	20.60.217	16.60.217
20.50.040	16.50.040	20.60.218	16.60.218
20.50.050	16.50.050	20.60.219	16.60.219
20.50.060	16.50.060	20.60.221	16.60.221
20.50.070	16.50.070	20.60.222	16.60.222
20.50.100	16.50.080	20.60.223	16.60.223
20.50.200	16.50.090	20.60.224	16.60.224
20.50.300	16.50.100	20.60.225	16.60.225
20.52.010	16.52.010	20.60.226	16.60.226
20.52.020	16.52.020	20.60.227	16.60.227
20.52.030	16.52.030	20.60.228	16.60.228
20.52.040	16.52.040	20.60.229	16.60.229
20.52.050	16.52.050	20.60.230	16.60.230
20.52.100	16.52.060	20.60.231	16.60.231
20.52.110	16.52.070	20.60.232	16.60.232
20.52.120	16.52.080	20.61.010	16.61.010
20.52.130	16.52.090	20.61.020	16.61.020
20.52.140	16.52.100	20.61.030	16.61.030
20.52.150	16.52.110	20.61.040	16.61.040
20.52.200	16.52.120	20.61.050	16.61.050
20.52.210	16.52.130	20.61.060	16.61.060
20.52.220	16.52.140	20.62.010	16.62.010
20.52.300	16.52.150	20.62.020	16.62.020
20.52.310	16.52.160	20.62.030	16.62.030

EXHIBIT A**CODE COMPARATIVE TABLE**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
20.62.040	16.62.040	20.67.010	16.67.010
20.63.010	16.63.010	20.67.020	16.67.020
20.63.020	16.63.020	20.67.030	16.67.030
20.63.030	16.63.030	20.67.050	16.67.040
20.63.040	16.63.040	20.67.060	16.67.050
20.63.050	16.63.050	20.67.070	16.67.060
20.63.060	16.63.060	20.67.080	16.67.070
20.64.010	16.64.010	20.67.090	16.67.080
20.64.020	16.64.020	20.70.010	16.70.010
20.64.030	16.64.030	20.70.020	16.70.020
20.64.040	16.64.040	20.70.030	16.70.030
20.64.050	16.64.050	20.70.040	16.70.040
20.64.060	16.64.060	20.70.050	16.70.050
20.64.070	16.64.070	20.70.060	16.70.060
20.64.080	16.64.080	20.70.070	16.70.070
20.65.010	16.65.010	20.70.080	16.70.080
20.65.020	16.65.020	20.71.010	16.71.010
20.65.030	16.65.030	20.71.020	16.71.020
20.65.040	16.65.040	20.71.030	16.71.030
20.65.050	16.65.050	20.71.040	16.71.040
20.65.060	16.65.060	20.71.050	16.71.050
20.65.100	16.65.070	20.71.060	16.71.060
20.65.120	16.65.080	20.72.010	16.72.010
20.65.200	16.65.090	20.72.020	16.72.020
20.65.210	16.65.100	20.72.030	16.72.030
20.65.220	16.65.110	20.72.040	16.72.040
20.65.230	16.65.120	20.72.050	16.72.050
20.65.240	16.65.130	20.72.060	16.72.060
20.65.250	16.65.140	20.72.070	16.72.070
20.65.260	16.65.150	20.72.080	16.72.080
20.65.270	16.65.160	20.72.090	16.72.090
20.65.280	16.65.170	20.72.100	16.72.100
20.65.300	16.65.180	20.72.110	16.72.110
20.65.400	16.65.190	20.72.120	16.72.120
20.65.500	16.65.200	20.72.130	16.72.130
20.65.600	16.65.210	20.73.010	16.73.010
20.66.000	16.66.000	20.73.020	16.73.020
20.66.010	16.66.010	20.73.030	16.73.030
20.66.020	16.66.020	20.73.050	16.73.040
20.66.030	16.66.030	20.73.060	16.73.050
20.66.040	16.66.040	20.73.070	16.73.060
20.66.050	16.66.050	20.73.080	16.73.070
20.66.060	16.66.060	20.73.090	16.73.080
20.66.070	16.66.070	20.73.100	16.73.090
20.66.080	16.66.080	20.73.110	16.73.100
20.66.090	16.66.090	20.73.120	16.73.110
20.66.100	16.66.100	20.73.130	16.73.120
20.66.110	16.66.110	20.73.140	16.73.130
20.66.120	16.66.120	20.73.150	16.73.140
20.66.130	16.66.130	20.73.160	16.73.150

EXHIBIT A**MEDINA CODE OF ORDINANCES**

Section 1988 Code	Section This Code	Section 1988 Code	Section This Code
20.73.170	16.73.160	20.82.040	16.82.040
20.73.180	16.73.170	20.82.050	16.82.050
20.75.010	16.75.010	20.82.060	16.82.060
20.75.020	16.75.020	20.82.070	16.82.070
20.75.030	16.75.030	20.82.080	16.82.080
20.75.040	16.75.040	20.82.090	16.82.090
20.75.050	16.75.050	20.83.010	16.83.010
20.75.060	16.75.060	20.83.020	16.83.020
20.75.070	16.75.070	20.83.030	16.83.030
20.75.080	16.75.080	20.83.040	16.83.040
20.75.090	16.75.090	20.83.050	16.83.050
20.75.100	16.75.100	20.83.060	16.83.060
20.80.010	16.80.010	20.83.070	16.83.070
20.80.020	16.80.020	20.83.080	16.83.080
20.80.030	16.80.030	20.83.090	16.83.090
20.80.050	16.80.040	20.83.100	16.83.100
20.80.060	16.80.050	20.83.110	16.83.110
20.80.070	16.80.060	20.83.120	16.83.120
20.80.080	16.80.070	20.83.130	16.83.130
20.80.085	16.80.080	20.83.140	16.83.140
20.80.090	16.80.090	20.90.010	16.90.010
20.80.100	16.80.100	20.90.020	16.90.020
20.80.110	16.80.110	20.90.030	16.90.030
20.80.120	16.80.120	20.90.040	16.90.040
20.80.130	16.80.130	20.91.010	16.91.010
20.80.140	16.80.140	20.91.020	16.91.020
20.80.150	16.80.150	20.91.030	16.91.030
20.80.160	16.80.160	20.91.040	16.91.040
20.80.170	16.80.170	20.91.050	16.91.050
20.80.180	16.80.180	20.91.060	16.91.060
20.80.190	16.80.190	20.91.070	16.91.070
20.80.200	16.80.200	20.91.080	16.91.080
20.80.210	16.80.210	20.91.090	16.91.090
20.80.220	16.80.220	20.91.100	16.91.100
20.80.230	16.80.230		
20.80.240	16.80.240		
20.81.010	16.81.010		
20.81.020	16.81.020		
20.81.030	16.81.030		
20.81.040	16.81.040		
20.81.050	16.81.050		
20.81.060	16.81.060		
20.81.070	16.81.070		
20.81.080	16.81.080		
20.81.090	16.81.090		
20.81.100	16.81.100		
20.81.110	16.81.110		
20.82.010	16.82.010		
20.82.020	16.82.020		
20.82.030	16.82.030		

EXHIBIT A**CODE COMPARATIVE TABLE****ORDINANCES**

This table gives the location of those ordinances adopted after Ordinance 995, which are included herein. Ordinances not listed herein have been omitted as repealed, superseded, obsolete, or not of a general and permanent nature.

Ordinance Number	Adoption Date	Section	Section This Code
997	4-26-2021	1	16.00.020 B.1.
		2	16.12.090
		3	16.31.010
		4	16.30.020 E.1.

EXHIBIT A

EXHIBIT A**CODE INDEX**

A		Section		Section
ABANDONMENT			ADMINISTRATION AND PERSONNEL (Cont'd.)	
Telecommunications			Contracts	2.56.010 et seq.
Small wireless facility deployment			See: CONTRACTS	
Removal of abandoned facilities	15.14.090		Credit cards	2.44.010 et seq.
Unified development code	16.37.170 et seq.		See: CREDIT CARDS	
See: UNIFIED DEVELOPMENT CODE			Disposition of surplus city property .	2.48.010 et seq.
ABATEMENT			See: DISPOSITION OF SURPLUS CITY PROPERTY	
Code of ordinances			Document submission requirements .	2.36.010 et seq.
Code enforcement			See: DOCUMENT SUBMISSION REQUIREMENTS	
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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EXHIBIT A



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 12, 2021

Subject: Ordinance Amending Animal Control and Development Code Regulations

Category: Public Hearing

Staff Contact(s): Michel Sauerwein, Seve Wilcox, Scott Missall

Summary

Staff identified ambiguities in the Code related to farm animals in the course of conducting animal control inspections and enforcement actions in 2020. Specifically, farm animals were and are not allowed in Medina, but the Code was somewhat unclear about that status, inhibiting enforcement efforts.

The attached ordinance clarifies the City's Animal Control and Development Code regulations as they relate to allowing farm animals within the City, and will enhance enforcement when needed. The Council has reviewed these changes several times over the past months, endorsed them last fall and submitted them to the State Dept. of Commerce earlier this year for GMA review. The Dept. of Commerce passed the regulations without comment or alteration.

Approval of this ordinance will amend and clarify the City Code as it relates to keeping and maintaining farm animals in the City.

Attachment:

Ordinance No. 996

Budget/Fiscal Impact:

N/A

Recommendation:

Conduct the scheduled legislative hearing and adopt the attached Ordinance No. 996 amending Medina's Animal Control and Development Code regulations.

City Manager Approval:

Proposed Council Motion:

"I move to Adopt Ordinance No. 996 amending the Medina Animal Control and Development Code regulations as presented."

Time Estimate: 10 minutes

ATTACHMENT**Ordinance No. 996****MEDINA CITY COUNCIL**

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, AMENDING THE CITY OF MEDINA ANIMAL CONTROL REGULATIONS AT MMC CHAPTER 6.04, AND MAKING RELATED AMENDMENTS TO THE CITY OF MEDINA UNIFIED DEVELOPMENT CODE AT MMC CHAPTER 20.12, CHAPTER 20.31, AND CHAPTER 20.60; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Medina Municipal Code (MMC) Chapter 6.04 contains the City's regulations governing keeping and maintaining of animals of various kinds within the City; and

WHEREAS, MMC Title 20, the City's Unified Development Code, reflects certain elements of MMC Chapter 6.04; and

WHEREAS, the foregoing MMC provisions contain certain ambiguities, omissions and inconsistencies that adversely affect implementation and enforcement of the City's intended animal control and related land use measures; and

WHEREAS, the City Council desires to revise, amend, clarify and extend the foregoing MMC provisions to integrate and coordinate their terms and functions, to enhance their utility and benefits to the City and the Medina community, to ensure their consistency with the City's Comprehensive Plan and the City's development plan, and to ensure they are enforceable;

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

Section 1. Adopt New MMC Section 6.04.005. New MMC Section 6.04.005, entitled "Intent; Definitions; Prohibitions", is adopted as follows:

6.04.005 Intent; Definitions; Prohibitions

A. **Intent.** The intent of this section is to clearly define animal classification categories and animal prohibitions within the city to ensure proper application and enforcement of this chapter and other city policies and regulations.

B. **Definitions.** The following definitions and animal classifications shall apply throughout the city code, shall be in addition to any definitions adopted pursuant to other sections of this chapter, and shall supersede inconsistent definitions adopted by other sections of this chapter when this section 6.04.005 or the following definitions are referenced by other portions of the city code, specifically including Title 20 (Unified Development Code).

1. "Domesticated animal or pet" means a common domestic beast such as any dog, cat, rabbit, ferret, gerbil, hamster, miniature pig, parrot, chicken (excluding roosters), service animal, and other similar animals commonly treated and possessed as a domestic pet. Domesticated animal or pet excludes exotic animals and farm animals.

ATTACHMENT

2. "Exotic animal" means any animal that does not meet the definition of "domesticated animal or pet" or "farm animal".

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

C. Prohibitions.

1. No exotic animal nor any farm animal shall be raised, kept, maintained, harbored, used, or bred within the city.

Section 2. Amend MMC Section 20.12.020. Amend the definition of "Agriculture" in MMC Section 20.12.020, entitled "'A' Definitions", to read as follows:

"Agriculture" means the use of land for agricultural purposes including any one or more of farming, apiculture, horticulture, floriculture, and viticulture. ~~but excluding the raising of animals and the~~ Agriculture may not include excludes using, keeping, raising or farming of any animal, and may not include excludes farming of marijuana regardless of whether farmed for medicinal, recreational or research purposes.

Section 3. Amend MMC Section 20.12.050. Amend MMC Section 20.12.050, entitled "'D' Definitions", to add the following new definition:

"Domesticated animal or pet" has the meaning and status assigned in MMC 6.04.005.

Section 4. Amend MMC Section 20.12.060. Amend MMC Section 20.12.060, entitled "'E' Definitions", to add the following new definition:

"Exotic animal" has the meaning and status assigned in MMC 6.04.005.

Section 5. Amend MMC Section 20.12.070. Amend MMC Section 20.12.070, entitled "'F' Definitions", to add the following new definition:

"Farm animal(s)" has the meaning and status assigned in MMC 6.04.005.

Section 6. Amend MMC Section 20.31.050. Amend subsection (B) of MMC Section 20.31.050, entitled "Commercial Horticulture", to read as follows:

B. Agriculture uses shall exclude ~~the farm animals and exotic animals, and shall exclude using, keeping, harboring, breeding, raising or and farming of any animals, and shall exclude the~~ farming of marijuana including the growth of marijuana in a residential medical marijuana cooperative as described in RCW 69.51A.250 and defined in MMC 20.12.140, notwithstanding any state license or other recognition pursuant to RCW Title 69.

Section 7. Amend MMC Section 20.60.210. Amend the definition of "Agricultural activities" in MMC Section 20.60.210, entitled "'A' Definitions", to read as follows:

"Agricultural activities" means agricultural uses and practices as defined in WAC 173-26-020 and amendments thereto, provided that in the event of a conflict between (i) the provisions of the City of Medina Shoreline Master Program relating to "agricultural activities" and farm animals, and (ii) the provisions of the City of

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Medina animal control, agricultural and/or land use regulations, the stricter or more limiting regulation(s) shall apply.

Section 8. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbering and any references thereto.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 10. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after such publication.

APPROVED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 12th DAY OF JULY, 2021 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 12TH DAY OF JULY, 2021.

Jessica Rossman, Mayor

Approved as to form:
Ogden Murphy Wallace, PLLC

Attest:

Scott M. Missall, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.:



CITY OF MEDINA

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

Date: July 12, 2021

To: Honorable Mayor and City Council

From: Michael Sauerwein, City Manager

Subject: City Manager Report

City Council Meeting After Action Report

Medina Traffic Calming – Council Member Morcos provided two suggestions for the implementation of the speed radar signs: for westbound NE 24th set further from Wells Medina Nursery for cars that pick-up speed going uphill. For the second radar sign on 12th should be closer to the golf course crossing by the schools where pedestrians cross.

Council Member Garone about asked for consideration – North of 24th speed markers/signs on Evergreen Point Rd near Park n’ Ride.

Chief Burns has reviewed Council Member’s comments and will address them during his Department Director Report.

Mayor Rossman suggested communications with OGCC and asking them to communicate with their members and sending out reminder messages about speeding in a residential area.

City Staff has contacted Overlake and ask them to communicate with their Club Members.

Medina Park Playground Replacement Project – Council Member Gokul suggested hosting a grand re-opening or celebration once the project is complete.

The Park Board is planning a grand opening and ribbon cutting this fall.

Tree Code Enforcement – Council Member Garone suggested having an inspector/arborist onsite when demolition/tree removal is scheduled to ensure compliance.

City Staff and the Planning Commission are discussing enforcement of the City’s Tree Code. We anticipate making recommendations to the City Council this Fall.

Medina Park Playground Replacement Project Donation – Council Member Morcos suggested sending out a post through Facebook letting residents know about the playground replacement project with a statement that says “The city is considering a significant improvement to the playground. If you are interested in donating to this project, you can reach out to the city. City Manager Sauerwein will include in the upcoming newsletter.

City Staff with use social media and the Fall newsletter inform people about the playground project and request donations.

Gas-Powered Lawn Equipment Community Forum

On June 24, 2021, the City sponsored a Community Forum on Gas-Powered Lawn Equipment. The Forum was well attended (approximately 30 participants) who shared their insightful views and personal sentiments. I encourage all Council Members who were unable to attend the forum to review the recording, PowerPoint presentation (**Attachment 2**), and City Clerk Aimee Kellerman's notes on participate comments (**Attachment 3**).

<https://media.avcaptureall.com/session.html?sessionid=3b48f072-6325-4a19-8278-7adb63fee316&prefilter=816,5834>

Based on community feedback, Staff believes this is an area of general interest in the City and we will be seeking City Council direction on how best to address this issue.

Community Survey

The adopted 2021 City Manager Goals, Projects, and Objectives includes:

“Community Survey – In 2019 and 2020 the Development Services Department conducted three surveys to ascertain citizen's attitudes regarding construction and development in their neighborhoods. Results of the surveys were discussed at the September 22, 2020 Joint City Council Planning Commission Meeting.

In 2021 we will conduct a Community Survey including city services, community priorities, and quality of life in Medina.”

Survey Goal

The goal of the survey is to solicit community input on current City projects, City services, community priorities, and quality of life in Medina.

Desired Outcomes

Through a series of questions, establish a baseline of data that can be replicated every year.

Next Steps – Proposed Timeline

- Draft Survey circulated to the City Council for review and comments – August 2021.
- Survey questions finalized – September 13, 2021, City Council Meeting.
- Survey conducted – September 20, 2021-October 8, 2021.
- Survey results discussed – October 18, 2021, City Council Meeting.

Medina Days 2021

After taking the COVID Year of 2020 off, Medina Days will be making a triumphal return this August. Current plans include a Concert in the Park on Tuesday, August 10, 2021, with food trucks, and a community picnic.

2021 City Manager Goals, Projects, and Objectives

The adopted 2021 City Manager Goals, Projects, and Objectives are attached (**Attachment 1**).

ATTACHMENT 1**Updated 7-9-2021****2021 City Manager Goals, Projects, and Objectives****City Manager**

- **SR 520 Expansion-Joint** (on-going) – Continue to aggressively manage SR 520 expansion-joint noise issue to achieve an agreeable resolution.
 - Maintain regular and consistent communication with Washington State Legislators, WSDOT, and consultants.
 - Continue to work with Legislators, WSDOT, and consultants to include Phase 2 of the University of Washington Engineering Department’s Sound Mitigation Study in the State’s Supplemental Budget.
 - Funding for Phase 2 is included in the State’s 2021-2022 Budget.
 - Have the University of Washington Engineering Department to present the results of Phase 2 of their Sound Mitigation Study to the City Council. (2022).
- **Community Survey** (first half) – In 2019 and 2020 the Development Services Department conducted three surveys to ascertain citizen’s attitudes regarding construction and development in their neighborhoods. Results of the surveys were discussed at the September 22, 2020 Joint City Council Planning Commission Meeting.

In 2021 we will conduct a Community Survey including city services, community priorities, and quality of life in Medina.

- Survey Timeline
 - Discussed with City Council **(4-12-2021)**
 - Draft Survey circulated to the City Council for review and comments – August 2021.
 - Survey questions finalized – September 13, 2021, City Council Meeting.
 - Survey conducted – September 20, 2021-October 8, 2021.
 - Survey results discussed – October 18, 2021, City Council Meeting.
- **Bi-Monthly Online Open House with the City Manager and Police Chief** (first half) – This is a temporary COVID replacement for “Coffee with the City Manager and Mayor” and “Coffee with a Cop”.
- City Staff has/will hold the following on-line Community Forums:
 - Emergency Preparedness and other Community Public Safety Concerns **(1-14-2021)**.

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- Virtual Tour of 2021 Public Works Projects **(3-22-2021)**.
- Juvenile Safety Forum **(3-31-2021)**.
- Open House – Medina Park Playground **(5-13-2021)**.
- Community Forum – Gas Powered Lawn Equipment **(6-24-2021)**.
- Community Forum – Mental Health with Susie Kroll **(7-20-2021)**.

We are currently planning to re-start Coffee with City Manager and Coffee with a Cop in September 2021.

- **Park Use Permit** (second half) – Update the City’s Park Use Permit Process.
- **Labor Contract Negotiation** (on-going) – Initiate negotiations of the City’s three expiring labor contracts.
 - Public Works (Teamsters).
 - Clerical Employees (Teamsters).
 - Police Officers (Police Guild).
- **Speeding and Traffic Calming** – See Police Department
- **Leaf Blowers and Gas-Powered Lawn Equipment** (first half) – Work with neighboring cities, to regulate use of this equipment. *(2020 Performance Review)*
 - Discussed at City Council Meeting **(4-12-2021)**
 - Community Forum – Gas Powered Lawn Equipment **(6-24-2021)**
 - Discussed at the City Council Meeting **(7-12-2021)**
- **Employee Training Programs** (second half) – The following programs are offered at no-cost through our insurance carrier; Washington Cities Insurance Authority (WCIA).
 - **Implicit Bias and Unlearning Racism** – I recently attended this excellent two-day program. While our Police Officers receive similar training on a regular basis as part of the Department’s accreditation process ...I would like to provide it to all City employees this year.
 - The City’s Management Team has signed up for this training program.
 - **Preventing Harassment and Discrimination in the Workplace** – This ½ day program is regularly provided to all employees. One session for employees. One for supervisors. We will also include lifeguards and seasonal employees if scheduling allows.
 - Almost all regular employees have completed this training program.

ATTACHMENT 1

- **Undergrounding of Utilities** (second half) – Direct City Engineer to prepare engineer’s estimate of project design costs within the right of way, (100% City responsibility). Obtain detailed and reliable pricing information from Puget Sound Energy of property owner costs. Prepare a plan that can help inform future City Councils in moving forward with pilot project or city-wide project.
 - Selected the **NE 12th Street Sidewalk Improvements** as our undergrounding utilities demonstration project. Construction is scheduled for Summer 2022.
- **Annual Review Process** (first half) – Work with the Personnel Committee to develop an annual review process for all City Staff. *(2020 Performance Review)*
 - All City Staff Members performance will be reviewed on an annual basis.
- **All Staff Meeting** (on-going) – Schedule regular All Staff Meetings. *(2020 Performance Review)*
 - Regular All Staff Meetings have been scheduled.
- **Continue working toward earning my PhD in Political Science** (on-going).
- **Working with the City Council** (first and second half).
 - Organize ½-day virtual City Council Retreat this Spring. And, hopefully, 1-day Retreat this Fall **(2-22-2021)**.
 - Review the City’s Vision and Mission Statements **(2-22-2012)**.
 - Discuss City Council Rules and Guidelines **(2-22-2012)**.
- **Brief Monthly Update/Expanded Quarterly Update** (on-going) – Provide the City Council with status reports on progress in meeting 2021 Objectives.
- **Maintain and Expand Visibility in the Community** (on-going).
 - Proactively drive around the community, noting any problem issues or areas, and report to Council.
 - As in past years, I will attempt to attend all City Events and Activities.
 - In addition to the monthly City Council Meetings and the Study Sessions, I also regularly attend Park Board, and Emergency Preparedness Committee Meetings.

Public Works

- **Streets and Sidewalks 2021** (first and second half).

ATTACHMENT 1

- 86th Ave NE Overlay.
 - Due to conflicts with other planned projects, delayed until 2022.
 - 77 Ave NE Overlay.
 - Construction Summer 2021
 - 84th Ave NE Overlay – NE 12th to Overlake Drive.
 - Scheduled for August 2021.
 - NE 12th St Sidewalk Improvements – West Segment.
 - Selected as our undergrounding utilities demonstration project. Construction is scheduled for Summer 2022.
- **Streets and Sidewalks Ongoing** (on-going).
- Trimming hedges and trees impacting sidewalk rights-of-way.
 - Street sweeping and vactoring catch basins per Department of Ecology.
 - Timely responses to any community complaints.
- **Parks** (first and second half).
- Medina Park – Playground Addition.
 - Construction Fall 2021
 - Medina Beach Park – Tree Re-Planting.
 - On-going
 - Fairweather Park – Tennis Court Resurfacing.
 - Completed Spring 2021
- **Other Projects** (first and second half).
- Stormwater System Mapping and Evaluation Phase 2.
 - City Council presentation Fall 2021
 - Post Office Floors.
 - Construction Fall 2021
 - Police Department Floors.
 - Construction Fall 2021

Police

- **Washington Association of Sheriffs and Police Chiefs (WASPC) Accreditation** (second half) – Medina Police Department is up for WASPC re-accreditation in 2021. Department successfully passed re-accreditation in May 2017. The purpose of law enforcement agency accreditation is to professionalize the law enforcement industry by providing a review process for agencies to be certified as operating under industry best practices and standards.

ATTACHMENT 1

- WASPC has assigned a “mentor” who will be providing guidance while evaluating the Medina Police Department progress.
 - Mentor reviewing proofs as they are entered into the system.
 - Anticipated competition by September 2021.
- **Training** (on-going) – Fulfilling the expanded training requirement for the Law Enforcement Training and Community Safety Act (LETCSA), passed in 2018. This will be the first year we will be required to fulfill higher training hours and requirements. In November 2018, voters passed Initiative 940 (I-940) in an effort to establish higher training requirements and police accountability standards so we will need to work to complete the new level of training.
- Acknowledged by the Washington State Criminal Justice Training Commission that we successfully met standard in 2020.
 - On track to ensure training requirements are either met or exceeded in 2021.
- **Emphasis on Traffic Safety** (on-going) – Continue to focus on all traffic safety – vehicular, bicycle, and pedestrian – throughout the community through education, engineering (where possible and cost effective), social media, and enforcement to reduce collisions, improve awareness, and improve safety.
- Increased “Direct Patrols” targeting high complaint areas:
 - Between the 800 block and 3200 block of Evergreen Point Road
 - Between the 7600 block and 8700 block of NE 12th Street
 - All areas of Overlake Drive East and Overlake Drive West
 - Between the 7600 block and 8200 block of NE 8th Street
 - Starting in 2nd quarter, increased traffic stops and infractions over 2020.
 - Education using E-Lert, Facebook, and Twitter. Three E-lerts reminding residents about obey traffic laws – school zone, construction zones, and texting.
 - Juvenile Safety Forum – part of the presentation covered young and inexperienced drivers.
- **Speeding and Traffic Calming** (second half) – the City will conduct a speed study of traffic on Evergreen Point Road, 84th Avenue NE, and the East/West Streets connecting these two main arterials. We will also study Overlake Drive West/East.
- In May, research was done on several less intrusive and costly traffic engineering options to calm traffic.
 - Pavement marking, new speed signs, and digital speed signs will be installed summer 2021.
 - Based on the data generated by the study, City Staff will recommend implementation of appropriate traffic calming techniques.

ATTACHMENT 1

- **Support and promote Medina Emergency Preparedness Committee including Schools Sub-Committee (on-going).**
 - Two Emergency Preparedness Meeting held and attended by Police Department.
 - Police Officers routinely participate in Emergency Preparedness Radio Group exercise on Sunday evenings.

Development Services

- **Public Portal** – Continue development of our new Public Portal with the goal of fully independent use by outside users.

Development Services Staff must assist all permit applicants through the public portal. DS reached the point early in 2021 where we realized that our public portal vendor, Dude Solutions, will not be able to solve the technical problems we continue to have. We are exploring other vendors and will make a decision by late August as to whether we will continue with Dude Solutions (SmartGov) or move on to a new vendor.

- **Staff Cross-Training** – This regular and primarily internal training program will assure continuity of services, service maintenance, and workload balancing.

Due to our Development Services Coordinator going onto maternity leave in April most of the cross-training has been for the director to learn those duties. Our Deputy Building Official does continue to cross-train with our Planning Manager and has taken most of the minor day to day zoning review work.

- **State Building Codes** – Adopt the 2018 Washington State Building Code.

The 2018 Washington State Energy Code was a monumental change for everyone. We are continuing to develop new and more efficient ways to implement this new code.

- **Right of Way Permit** – Create a new Development Services Right of Way Use permit. This will consolidate all work associated with development projects into Development Services and reduce the Public Works Directors involvement in volumes of small projects.

We hope to be able to implement this or something similar later this year.

- **Development Code and Process Complexity Reduction** – Establish goals and propose reductions in the complexity of our codes and process.

Minor Code Amendments were passed by Council. Additional Building Code changes for simplicity are planned for this year.

ATTACHMENT 1

- **Cost vs. Service Analysis** – This is a full analysis of the costs of service vs. the fees charged.

This is part of a discussion about Development Services having its own fund. Fall 2021

- **Professional Services Contracts** – Modify existing consultant professional services contracts in combination with the cost vs. service analysis.

Updated draft of a new Acoustic Engineer contract. Continue work on this in Fall 2021.

- **Advance Deposit** – Change our existing Advance Deposit System to create better accounting and ease of use.

This will be updated, but the concept needs to continue.

- **Code Enforcement** – Update Medina Municipal Code Ch. 1.15: Code Enforcement.

Scheduled for late this year but may need to move into 2022.

Finance and Human Resources

- **Contingency Fund** (on-going) – Work with Finance Committee and City Council on a plan to replenish Contingency Fund **(2-24-2021)**.

- **2022 Budget** (second half) – Prepare a 2022 balanced budget with levy stabilization funding that is required to hit the 10-year mark of 2029.

- **Labor Contract Negotiation** (on-going) – Initiate negotiations of the City’s three expiring labor contracts.

- Public Works (Teamsters)
- Clerical Employees (Teamsters)
- Police Officers (Police Guild)

- **Enterprise Fund for Development Services** (second half) – Work with Development Services to create their own “Enterprise Fund”, separate from the General Fund.

- 2022 Budget process.

- **Stormwater Utility** (second half) – Work toward the development of a stormwater utility including a sustainable funding source.

- **State Audit** (second half) – Continue to follow the Washington State Auditor’s Office updates & policy recommendations to achieve another year of a clean audit.

ATTACHMENT 1

- **Community Forum on the City Budget Process** (second half) – Fall 2021 (*2020 Performance Review*)

Central Services and City Clerk Office

- **Service Level Agreement** (first half) – Develop a Service Level Agreement specifying how City Staff responds to questions and complaints. Promote and encourage the use of our on-line Citizen Helpdesk. (*2020 Performance Review*)

As part of the 2021 City Manager's Goals and Objectives, the City Clerk's Office was assigned to develop a service level agreement on how staff responds to questions and complaints. Central Services receives questions and complaints through a variety of mediums, whether it is through email, phone calls, walk in (when city hall is open) or through the online citizen helpdesk portal on the homepage of the city's website.

Central Services staff has a standard practice of responding to and redirecting to other departments as appropriate all inquiries or complaints within 24 hours during the work week or the next business day if an inquiry or complaint comes after hours or on the weekend.

At Central Services suggestion, the City Manager implemented the following practices to all departments:

- Acknowledge question or complaint within 24 hours or the next business day.
- Investigate and respond either in person, by phone or in writing within 3 business days.
- Follow-up if needed.
- **IT** (on-going).
 - Improve Network Security – Replace necessary hardware.
 - Upgrade City Hall Telecommunications – Replace 1980s Telephone System (**Completed 2-2021**).
 - City Website – Update website pages to be more user-friendly (**see below**).

In line with having standards in service levels to questions and complaints, Central Services has been busy at work on upgrading and redesigning the city's website, cleanup of the online code that includes renumbering sections, chapters, and titles. Lastly, we are upgrading the agenda management system.

Central Services, after much research for software platforms that would help provide better service and ease of use for both patrons of our website and city staff engaged with Municode for all three services, known as Municode's circle of governance. The circle of governance is a simple, integrated solution that will provide better transparency for residents, efficiencies for staff and cost savings for the city.

ATTACHMENT 1

- **Records Management** (on-going).
 - File System – Develop new file system following WA State Records Retention Regulations.
 - Development Services – Clear out old files from storage.
 - E-Records – Clean up e-records off servers.
 - Cloud-Based System – Implement cloud-based records management system (Moved to 2022).
 - Public Access to City Records - Improve public ability to search for records online.
- **Payment Portal** (first half).
 - Research an Online Payment Portal (in conjunction with Development Services new on-line permitting portal).

ATTACHMENT 2

Gas-Powered Lawn Equipment

COMMUNITY FORUM

JUNE 24, 2021

Tonight's Presentation

- Purpose of the Community Forum and our Goal in addressing the impacts of Yard Maintenance & Landscaping.
- Issues that need to be addressed. What problem are we trying to solve?
- 2020 Code changes to address the impacts of Yard Maintenance & Landscaping
- How have other Cities addressed this situation?
- Questions, Comments, and Open Discussion

Purpose of the Community Forum and our Goal in addressing the impacts of Yard Maintenance & Landscaping.

ATTACHMENT 2

Purpose of the Community Forum.

Collect citizen input.

Goal in addressing Yard Maintenance & Landscaping.

Establish a set of clear, concise, and easily enforced rules for yard maintenance & landscaping that balance citizen's need to maintain their property with the need to maintain Medina's unique character.

Issues that need to be addressed. What problem are we trying to solve?

- Work in Progress. Citizen input this evening.
- Some recent input from Medina Citizens.
 - More day & time restrictions. (Limit time to mow your lawn).
 - Ban gas-powered equipment. (Electrical equipment is still noisy).
 - Battery/electrical equipment reduces greenhouse gases.
 - Cost for citizens and yard maintenance companies to replace gas-powered equipment.

2020 Code changes to address the impacts of Yard Maintenance & Landscaping

In October 2020, the City Council amended Chapter 8.06 of the Medina Municipal Code in the following ways, to help address noise complaints from Medina Citizens.

- Limited **professional yard maintenance and landscaping** in the City to the same hours as **commercial construction and development activities**:
 - Weekdays: 7:00 AM – 7:00 PM
 - Saturdays: 9:00 AM – 5:00 PM
 - Sundays: No work allowed
 - Legal Holidays: No work allowed
- Limited sounds created by powered equipment when **used by a resident or by the Overlake Golf & Country Club** to:
 - Weekdays: 7:00 AM – 7:00 PM
 - Saturdays: 9:00 AM – 7:00 PM
 - Sundays: 9:00 AM – 7:00 PM

How have other Cities addressed this situation?

➤ Washington State

- I am unaware of any cities in Washington that have banned gas-powered lawn equipment.
- Day & time restrictions are common.

➤ California

- About 2 dozen cities have banned gas-powered blowers. Several have banned electric blowers as well.
- *California Air Resources Board* is finalizing regulations.
 - Require all small off-road engines sold be zero-emissions by 2024. (New sales only. Not existing equipment).

➤ Other States

- Number of Northeastern cities have banned gas-powered blowers and lawn equipment.

➤ Typical Process

- 3-5 years notice to ban use or sale of gas-powered lawn equipment.

ATTACHMENT 2

We want to hear from you!
Questions, Comments, and
Open Discussion

ATTACHMENT 3

Gas-Powered Lawn Equipment

1. Medina is a quiet, safe, small city – Gas-Powered Lawn Equipment is not in line with this statement.
2. GP equipment creates air pollution and emit low frequency sounds.
3. GP equipment creates noise pollution.
4. Potentially narrow/restrict the hours/days for GP equipment.
5. Identify how we can enforce.
6. 3 to 5 years to transition companies from gas to electric. Could we reduce the transition time?
7. Research the cities that have bans in place – how long did the transition take? How do they enforce?
8. What is reasonable for companies? – Number of electric equipment they need. Commercial operation? Spare batteries? Do they only use electric in Medina and use gas elsewhere?
9. Incentives for companies that switch from gas to electric.
10. The city could lead and start using electric powered lawn equipment.



MEDINA POLICE DEPARTMENT

DATE: July 12, 2021

TO: City Manager Michael Sauerwein

FROM: Chief Stephen R. Burns

RE: Police Department Update – June 2021

The following is a summary highlighting some of the Medina Police Department activity in June 2021.

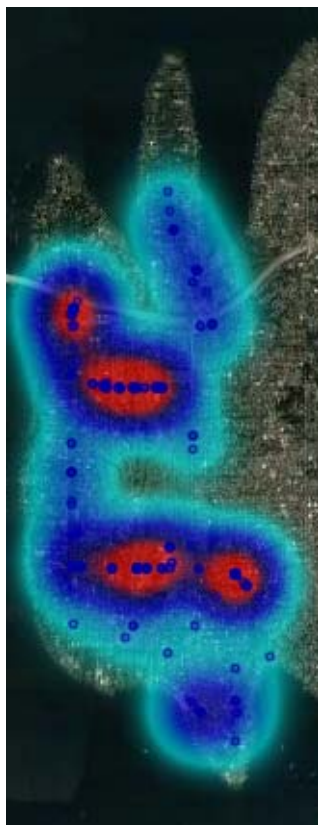
Shredder/Drug-Take-Back/E-cycle Day: On Saturday - June 12th, Medina PD held a Shredder/Drug-Take Back/E-cycle Day from 9am to 12pm at Medina Park. The event was tremendously successful; 9,560 pounds of documents were shredded, over 50 pounds of drugs were collected, and 4 tons of electronics were recycled. Appreciation goes out to Office Manager Barbara Marxer, for organizing the event and Captain Jeff Sass, Sergeant Austin Gidlof, Officers Eric Anderson and Tyler Glenn for assisting with the event.



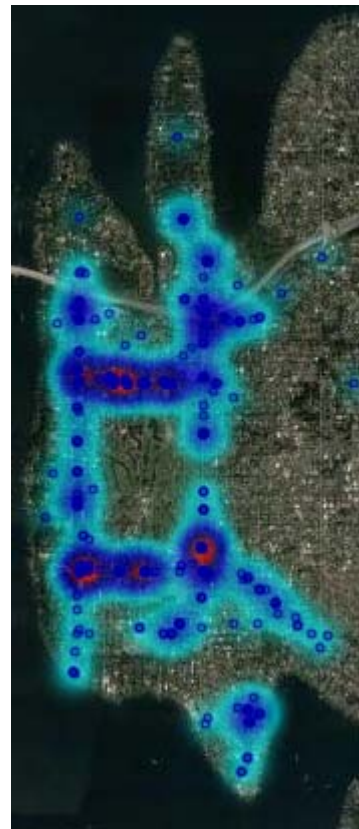
Traffic Calming and Patrols: The City of Medina is looking at a variety of tools to provide a safer community for pedestrians, bicyclists, and motorists. During the June Medina City Council Meeting, there was a presentation which provided various traffic calming options to include digital speed signs, pavement speed markings, and additional speed limit signs. Another area Medina Police Officers have been focusing on is high visibility patrols.

A High Visibility Enforcement Program (HiVE) is being utilized to improve safety and reduce crime. Combining enforcement with education will encourage drivers to reduce their speeds with the focus on improving community safety. The HiVE model has been used across the United States to prevent collisions by reducing speed in specific, identified locations, and reducing crime as police officers increase visibility. The intent is to be very transparent with the motoring public, build positive relationships, and create public awareness about what we are doing and why. Directed patrols in problem areas are occurring at prime times determined by community feedback and officer awareness.

At the halfway mark for 2021, Medina Police Officers have increased direct patrol and traffic enforcement through the city. Below are heatmaps showing the direct enforcement and traffic enforcement areas for the Medina Police Department from January 1st to June 30th, 2021.



Direct Patrols



Traffic Enforcement

Medina Police Department
June 2021

Save the Date - Mental Health Awareness Community Forum: On Tuesday - July 20, 2021, from 6:00pm to 7:30pm the City of Medina will be hosting a mental health awareness community forum, virtually. Mental Health Expert Susie Kroll will address COVID-19 mental health challenges and provide tools to assist the community as we move forward.

Areas of discussion:

- Mental Health and Wellness/Self Care
- Signs and Symptoms of Depression and Anxiety
- Critical Incident Stress Reviews
- Youth concerns related to the pandemic/isolation/quarantine
- Change Resiliency/Management
- Family/Guardians/Parents-what to look for/what you might related to your kids' mental health

This event will be held online and is a great opportunity to ask questions and get informed. More information can be found on the City of Medina webpage.



MEDINA POLICE DEPARTMENT
Steve Burns, Chief of Police
MONTHLY SUMMARY
JUNE 2021

FELONY CRIMES

Burglary **2021-00002148** **06/07/2021**
 A Police Officer was dispatched to the Overlake Golf and Country Club for a report of an alarm trip. The subjects were gone upon the officer's arrival. The only property missing was alcoholic beverages. No damage to the building. Under investigation.

MISDEMEANOR CRIMES

Theft **2021-00002127** **06/05/2021**
 A resident in the 1800 Blk of Evergreen Point Road contacted the Police Department to report that their front license plate had been stolen. The theft occurred while vehicle was being transported between Fort Lauderdale Florida and Medina. No suspect information at this time.

Trespass **2021-00002962** **06/06/2021**
 A Police Officer was dispatched to the 1800 Blk of 73rd Ave NE for a report of an unwanted subject. The subject was contacted, and a Notice of Trespass was served on the subject.

Mail Theft/Malicious Mischief **2021-00002462** **06/12/2021**
 A resident in the 2600 Blk of 82nd Ave NE contacted the Police Department to report that their mailbox had been pried open and several pieces of mail had been taken. Estimated damage to the mailbox is approximately \$200. Under investigation.

Collision **2021-00002612** **06/23/2021**
 A Police Officer was dispatched to the 1000 Blk of Lake Washington Blvd NE for a report of a vehicle that had gone off the roadway into some bushes. There were no injuries, and there was minimal damage to the property.

OTHER

APS Referral **2021-00002015** **06/02/2021**
 Medina Police Department received an Adult Protective Service referral for a city resident.

Runaway Juvenile **2021-00002480** **06/19/2021**
 A Police Officer responded to a report of a frequent runaway juvenile.

Mental/Emotional

2021-00002618

06/24/2021

Police Officers were dispatched to the 1000 Blk of 86th Ave NE for a report of a mental/emotional subject wandering around in traffic. The subject was taken into protective custody and transported to Overlake Medical for further treatment.



MEDINA POLICE DEPARTMENT

Steve Burns, Chief of Police

City of Medina

AGENDA ITEM 9.1b

June 2021 - Monthly Report

CRIMES	Current Month	YTD 2021	YTD 2020	2020 Year End
Arson	0	0	0	0
Assault				
DV Assault	0	3	0	1
Non-DV Assault	0	0	0	0
Sexual Assault/Rape	0	0	0	0
Simple Assault	0	0	0	0
Burglary				
Residential	1	5	2	12
Attempted	0	1	1	1
Malicious Mischief		0	0	
Felony	0	0	0	0
Misdemeanor	1	4	7	13
Theft				
Auto	0	0	0	0
Fraud (ID Theft)	0	6	26	35
Over \$750	0	2	1	8
Under \$750	1	6	5	7
Motor Vehicle Prowl	0	6	6	11
TOTAL CRIMES	3	33	48	88

ENFORCEMENT	Current Month	YTD 2021	YTD 2020	2020 Year End
Drug Violations	0	0	0	0
Minor in Possession	0	0	0	0
Possession of Stolen Prop.	0	0	1	2
Warrant Arrests	0	1	3	4
TOTAL ENFORCEMENT	0	1	4	6

TRAFFIC	Current Month	YTD 2021	YTD 2020	2020 Year End
Accidents				
Injury	0	0	0	1
Non-Injury	2	10	5	9
Citations				
DUI	0	1	0	0
Other*	3	5	4	5
Infractions				
Speeding	22	68	5	5
Parking	0	1	3	15
Other**	2	7	4	6
Warnings	382	839	325	434
TOTAL TRAFFIC	411	931	346	475

CALLS FOR SERVICE	Current Month	YTD 2021	YTD 2020	2020 Year End
Animal Complaints	4	17	17	27
Assists	55	199	269	488
False Alarms	29	114	89	167
House Watch	17	99	91	209
Missing Person	1	6	2	4
Property Lost/Found	3	6	6	25
Suspicious Circumstances	13	64	69	136
Other ***	15	50	46	118
TOTAL SERVICE	137	555	589	1174

*DWLS, Fail to transfer title, No License

** Expired tabs, No insurance, Fail to stop, Defective equipment, Cell phone use

***Civil Dispute, Disturbance, Death investigation, Suicide Attempt, Trespass, Harassment, Mental



TOWN OF HUNTS POINT
Steve Burns, Chief of Police

MONTHLY SUMMARY
JUNE 2021



FELONY CRIMES

Nothing to report.

MISDEMEANOR CRIMES

Nothing to report.



MEDINA POLICE DEPARTMENT
Steve Burns, Chief of Police
Town of Hunts Point



June 2021 - Monthly Report

CRIMES	Current Month	YTD 2021	YTD 2020	2020 Year End
Arson	0	0	0	0
Assault				
DV Aggravated Assault	0	2	0	0
Non-DV Aggravated Assault	0	0	0	0
Sexual Assault/Rape	0	0	0	0
Burglary				
Residential	0	0	0	1
Attempted	0	0	0	0
Malicious Mischief				
Felony	0	0	0	0
Misdemeanor	0	1	3	3
Theft				
Auto	0	1	0	1
Fraud (ID Theft)	0	1	5	6
Over \$750	0	1	1	2
Under \$750	0	0	0	1
Motor Vehicle Prowl	0	1	0	11
TOTAL CRIMES	0	7	9	25

ENFORCEMENT	Current Month	YTD 2021	YTD 2020	2020 Year End
Drug Violations	0	0	0	0
Minor in Possession	0	0	0	0
Possession of Stolen Prop.	1	3	1	1
Warrant Arrests	0	0	0	0
TOTAL ENFORCEMENT	1	3	1	1

TRAFFIC	Current Month	YTD 2021	YTD 2020	2020 Year End
Accidents				
Injury	0	0	0	0
Non-Injury	0	0	1	1
Citations				
DUI	0	0	0	0
Other*	0	1	0	0
Infractions				
Speeding	2	7	4	4
Parking	0	0	0	0
Other**	0	0	0	0
Warnings	26	78	55	81
TOTAL TRAFFIC	28	86	60	86

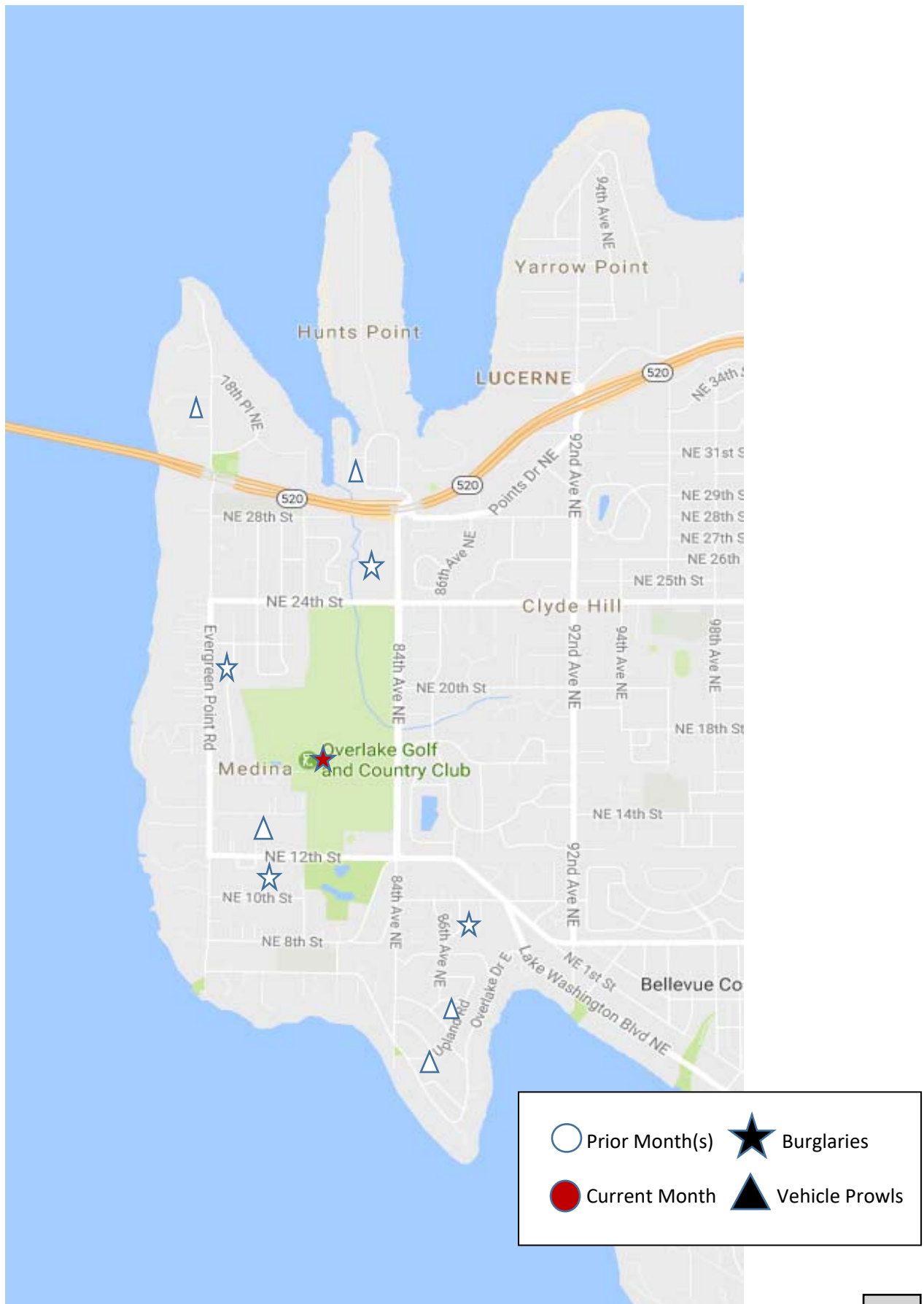
CALLS FOR SERVICE	Current Month	YTD 2021	YTD 2020	2020 Year End
Animal Complaints	0	0	0	2
Assists	5	20	21	51
False Alarms	2	10	16	33
House Watch	2	6	6	10
Missing Person	0	0	0	0
Property Lost/Found	0	0	4	5
Suspicious Circumstances	2	5	11	19
Other ***	7	16	5	16
TOTAL SERVICE	18	57	63	136

*DWLS, Fail to transfer title, No License

** Expired tabs, No insurance, Fail to stop, Defective equipment, Cell phone use

***Civil Dispute, Disturbance, Death investigation, Suicide Attempt, Trespass, Harassment, Mental

2021 Burglaries & Vehicle Prowls Medina & Hunts Point





CITY OF MEDINA

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

Date: July 12, 2021
To: Honorable Mayor and City Council
Via: Michael Sauerwein, City Manager
From: Steven R. Wilcox, Development Services Department Director
Subject: Development Services Department Monthly Report

Permitting

Activity is catching up with 2020 and is on pace to be an average year based on permit value.

Planning Commission

Stephanie Keyser is not available to provide a report this month.

Planning Commission is making steady progress on the tree code updates and is on track to complete their recommendations in July with presentation in September during a joint meeting.

At the June meeting, Planning Commission had asked staff to prepare a report for the July meeting presenting a solution to the on-going issue of the confirmation of the survival of required supplemental trees. Medina Municipal Code Section 20.52.130 4. g. states:

“The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the city.”

Section 20.52.130 4 g. defines the requirement for assuring that the supplemental trees are healthy and viable, which applies solely to the property owner. There is no involvement by the City of Medina after the completion of the initial inspections based on our Municipal Code requirements. Since 2007, Medina staff have never attempted to enforce anything similar to this code section. Since this code section was implemented in 2015, Medina staff have not performed any enforcement of 20.52.130 4 g. Section 20.52.130 4 g. is unenforceable by Medina staff as written.

There has been recent interest beyond Planning Commission’s June request of staff to prepare a solution to 20.52.130 4 g. For a variety of administrative reasons, a simple re-draft of the code section will not solve the problem of assuring the health and viability of supplemental trees on private property. There are many issues involved with this topic and a thoughtful approach to the administration of a possible new approach as well as the legal implications of a replacement for 20.52.130 4 g. is required. This matter is not something that staff can simply solve in a month.

MMC Section 20.52.140 4 c. and Section 20.52.150 H are the same as 20.52.130 4 g. There are no requirements for assuring that supplemental or other trees planted within the public right of way remain healthy and viable for five years or any other defined period of time.

Code Enforcement

We continue to work proactively as possible. This past month we were involved with construction parking and work hours violations. Dirt tracking onto Evergreen Point Road and improper traffic control were issues we also dealt with.

Construction Activity Permit

We facilitated two open houses in June and have three currently scheduled for July.



Monthly Issued Permit Report

06.01.2021 to 06.30.2021

Page 1 of 1

Report run on: 07/01/2021 10:36 AM

Construction Value:	June 2021	June 2020	2021 YTM	2020 YTM	Difference
Accessory Structure	-	\$160,000.00	-	\$176,450.00	(\$176,450.00)
Addition / Alteration	-	-	-	\$1,298,000.00	(\$1,298,000.00)
Fence / Wall	\$250,000.00	-	\$250,000.00	-	\$250,000.00
New Construction	\$4,500,000.00	\$7,020,361.00	\$19,528,588.00	\$20,632,935.00	(\$1,104,347.00)
Repair / Replace	-	-	-	\$6,000.00	(\$6,000.00)
Wireless Comm. Facility	-	-	-	-	\$0.00
Total Value:	\$4,750,000.00	\$7,180,361.00	\$19,778,588.00	\$22,113,385.00	(\$2,334,797.00)

Permits Issued:	June 2021	June 2020	2021 YTM	2020 YTM	Difference
New Construction	1	3	10	9	1
Permit Extension	1	-	26	-	26
Accessory Structure	-	1	-	2	(2)
Addition / Alteration	-	-	-	2	(2)
Construction Mitigation	-	-	-	2	(2)
Demolition	1	3	15	10	5
Fence / Wall	1	-	1	-	1
Grading / Drainage	1	3	15	11	4
Mechanical	8	13	48	41	7
Other - Moving	-	-	-	-	0
Plumbing / Gas	-	10	-	27	(27)
Repair / Replace	-	-	-	1	(1)
Reroof	-	-	-	-	0
Right of Way Use	-	-	-	1	(1)
Tree Mitigation	9	14	40	26	14
Wireless Comm. Facility	-	-	-	-	0
Total Permits:	22	47	155	132	23

Inspections:	June 2021	June 2020	2021 YTM	2020 YTM	Difference
Building	93	58	466	251	215
	31	12	144	43	101
Engineering/Other	5	1	20	7	13
Tree	5	1	17	1	16
Total Inspections:	134	72	647	302	345

Monthly Applications Submitted

06/01/2021 – 06/30/2021

Permit Type	Submitted Date	Permit Number	Total Valuation	Address
B-ADD/ALT	06/15/2021	B-21-067	\$15,926.00	7829 NE 14TH ST
B-ADD/ALT	06/01/2021	B-21-062	\$2,000,000.00	2643 76TH AVE NE
B-ADD/ALT	06/01/2021	B-21-064	\$65,000.00	2461 78TH AVE NE
B-ADD/ALT	06/09/2021	B-21-066	\$3,000,000.00	3436 EVERGREEN POINT RD
TOTAL B-ADD/ALT:	4	\$3,000,000.00		
B-DECK	06/17/2021	B-21-068	\$10,000.00	7751 OVERLAKE DR W
TOTAL B-DECK:	1	\$10,000.00		
B-DEM	06/08/2021	D-21-011		8845 Overlake Dr W
TOTAL B-DEM:	1			
B-FENCE	06/18/2021	B-21-069	\$60,000.00	2659 EVERGREEN POINT RD

B-FENCE	06/23/2021	B-21-071	\$13,200.00	2520 MEDINA CIR
TOTAL B-FENCE:	2	\$13,200.00		
B-GAS	06/15/2021	G-21-019		8444 Midland Road
B-GAS	06/16/2021	G-21-020		2206 EVERGREEN POINT RD
B-GAS	06/02/2021	G-21-018		8826 NE 2ND PL
B-GAS	06/22/2021	G-21-021		402 UPLAND RD
TOTAL B-GAS:	4			
B-MECHANICAL	06/01/2021	M-21-038		2461 78TH AVE NE
B-MECHANICAL	06/16/2021	M-21-040	\$15,000.00	2206 EVERGREEN POINT RD
B-MECHANICAL	06/23/2021	M-21-041	\$25,000.00	1255 EVERGREEN POINT RD
B-MECHANICAL	06/28/2021	M-21-042	\$9,987.00	1625 EVERGREEN POINT RD

B-MECHANICAL	06/29/2021	M-21-043	\$3,500.00	8208 OVERLAKE DR W
B-MECHANICAL	06/30/2021	M-21-044	\$1.00	7814 NE 14TH ST
B-MECHANICAL	06/30/2021	M-21-045	\$18,455.00	328 OVERLAKE DR E
B-MECHANICAL	06/15/2021	M-21-039	\$8,700.00	1040 EVERGREEN POINT RD
TOTAL B-MECHANICAL:	8	\$8,700.00		
B-PLUMBING	06/29/2021	P-21-054		2621 78TH AVE NE
B-PLUMBING	06/14/2021	P-21-047		707 OVERLAKE DR E
B-PLUMBING	06/10/2021	P-21-045		7814 NE 14TH ST
B-PLUMBING	06/17/2021	P-21-049		2616 79TH AVE NE
B-PLUMBING	06/14/2021	P-21-048		2206 EVERGREEN POINT RD
B-PLUMBING	06/25/2021	P-21-053		2053 77TH AVE NE

TOTAL B-PLUMBING:	6			
B-POOL/SPA	06/01/2021	B-21-063	\$30,000.00	202 OVERLAKE DR E
TOTAL B-POOL/SPA:	1	\$30,000.00		
B-ROOF	06/23/2021	B-21-070		1885 77TH AVE NE
TOTAL B-ROOF:	1			
B-SFR	06/09/2021	B-21-065	\$5,664,000.00	8845 OVERLAKE DR W
TOTAL B-SFR:	1	\$5,664,000.00		
CAP - CONSTRUCTION ACTIVITY PERMIT	06/07/2021	CAP-21-023		8845 Overlake Dr W
CAP - CONSTRUCTION ACTIVITY PERMIT	06/01/2021	CAP-21-021		2643 76TH AVE NE
CAP - CONSTRUCTION ACTIVITY PERMIT	06/10/2021	CAP-21-025		7632 NE 14TH ST
CAP - CONSTRUCTION ACTIVITY PERMIT	06/09/2021	CAP-21-024		3436 EVERGREEN POINT RD
CAP - CONSTRUCTION ACTIVITY PERMIT	06/04/2021	CAP-21-022		2461 78TH AVE NE

TOTAL CAP - CONSTRUCTION ACTIVITY PERMIT:	5			
ENG-GRADING/DRAINAGE	06/09/2021	ENG-GD-21-014	\$112,000.00	8845 OVERLAKE DR W
ENG-GRADING/DRAINAGE	06/01/2021	ENG-GD-21-013	\$125,000.00	2643 76TH AVE NE
ENG-GRADING/DRAINAGE	06/09/2021	ENG-GD-21-015	\$120,000.00	3436 EVERGREEN POINT RD
TOTAL ENG-GRADING/DRAINAGE:	3	\$120,000.00		
P-ADMIN SPECIAL USE	06/23/2021	P-21-051		7545 NE 28TH PL
P-ADMIN SPECIAL USE	06/24/2021	P-21-052		2226 79TH AVE NE
TOTAL P-ADMIN SPECIAL USE:	2			
P-ADMIN SUBSTANTIAL DEV	06/21/2021	P-21-050		2057 EVERGREEN POINT RD
TOTAL P-ADMIN SUBSTANTIAL DEV:	1			
P-NON ADMIN VARIANCE	06/03/2021	P-21-044		3450 EVERGREEN POINT RD
TOTAL P-NON ADMIN VARIANCE:	1			

P-SEPA THRESHOLD	06/11/2021	P-21-046		202 OVERLAKE DR E
TOTAL P-SEPA THRESHOLD:	1			
PW-RIGHT OF WAY	06/17/2021	PW-ROW-21-050		7858 NE 14TH ST
PW-RIGHT OF WAY	06/04/2021	PW-ROW-21-043		2206 EVERGREEN POINT RD
PW-RIGHT OF WAY	06/24/2021	PW-ROW-21-051		7858 NE 14TH ST
PW-RIGHT OF WAY	06/29/2021	PW-ROW-21-052		2451 78TH AVE NE
PW-RIGHT OF WAY	06/10/2021	PW-ROW-21-046		815 82ND AVE NE
PW-RIGHT OF WAY	06/11/2021	PW-ROW-21-048		2411 79th Ave NE
PW-RIGHT OF WAY	06/03/2021	PW-ROW-21-042		442 Upland Road
PW-RIGHT OF WAY	06/09/2021	PW-ROW-21-044		8751 OVERLAKE DR W
PW-RIGHT OF WAY	06/10/2021	PW-ROW-21-045		2621 78TH AVE NE

PW-RIGHT OF WAY	06/16/2021	PW-ROW-21-049		7747 OVERLAKE DR W
TOTAL PW-RIGHT OF WAY:	10			
TREE-PERFORMANCE	06/25/2021	TREE-21-048		7811 NE 10TH ST
TREE-PERFORMANCE	06/12/2021	TREE-21-046		405 84TH AVE NE
TREE-PERFORMANCE	06/01/2021	TREE-21-042		2643 76TH AVE NE
TREE-PERFORMANCE	06/14/2021	TREE-21-047		8633 NE LAKE WASHINGTON BLVD
TREE-PERFORMANCE	06/10/2021	TREE-21-044		7616 n e 8th st
TREE-PERFORMANCE	06/11/2021	TREE-21-045		2222 79TH AVE NE
TREE-PERFORMANCE	06/09/2021	TREE-21-043		3436 EVERGREEN POINT RD
TOTAL TREE-PERFORMANCE:	7			

Total # of Permits

60

\$11,295,769.00



CITY OF MEDINA

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

Date: July 12, 2021

To: Honorable Mayor and City Council

Via: Michael Sauerwein, City Manager

From: Julie Ketter, Finance & HR Director

Subject: June 2021 Financial Reporting

The June 2021 Reporting includes:

- June 2021 AP Check Register Activity Detail (5.1)
- June 2021 Revenue & Expense Summary
- June 2021 Cash Position Report

Key Items for June YTD include:

GENERAL FUND

Revenue:

- Property Tax is at \$2.3M (57% of budget) as of June 2021. Property Tax normally is deposited during the April/May and October/November fiscal periods. It is expected that the remaining amounts of our annual total will be received in the fall.
- Sales Tax Revenues are \$953K (63% of budget) as of June 2021. This continues the 2020 pace, elevated due to COVID impacts causing increased destination-based receipts. Additional destination-based receipts are high due to the large amount of development activity and the increase costs of their building supplies. In creating the 2021 budget, staff and Council decided to budget this revenue conservatively rather than planning for sporadic windfalls caused by large expensive destination-based purchases. The COVID related impacts are expected to lessen as the year progresses.
- Utility Taxes & Franchise Fees are remitted mostly by the quarter. The year-to-date amount reflected in June, \$463K represents receipts of 4th quarter 2020 and 2021 Q1 amounts..
- Development fees continue to come in at a stunning pace; associated expenses will take 1-2 years to catch up with receipts.
- Hunts Point's Q1 & Q2 contract payments for police services have been received and are reflected in General Government revenues. The contract receipts for 2021 will be \$17K below line-item budget due to 2020 PD cost savings Medina is contractually obligated to pass along to Hunts Point in 2021.
- Traffic fines receipts are low, matched with low court-related expenses. With stepped up enforcement an uptick is expected. However, it is unlikely to bring the revenue & court expenses up to budgeted amounts.
- Note: asset disposal is high due to a \$38K receipt caused by a return and 2021 refund of camera equipment purchased in 2020. It is flagged in the General Fund this way in order to track it for eventual repurchases.

Expense:

- Finance pays the full 2021 annual WCIA Insurance Liability premiums in January, \$186K. This single expense accounts for 35% of its overall budget. Additionally, Finance's budget includes amounts for banking fees. With the recent launching of an online DS permit application and payment process, credit card processing fees are exceeding the expense line's budget (Miscellaneous). It is offset by applicant

convenience revenue. Staff, in creating the budget, underestimated the willingness of applicants to pay 3% in order to pay by credit cards.

- Legal Department's spending of \$128K through June represents only five months of invoices. Annualized, this pace of spending will manage to keep the department within its budget.
- Fire & Medical Aid pays the contract fees to Bellevue Fire in two installments. The first half was paid in June.

CAPITAL FUND

- There is \$859K of REET (real estate excise tax) revenue year-to-date, reflecting December 2020 - May's real estate activity. This is 110% of the receipts we had anticipated for the entire year when drafting the budget. So far the predicted eventual slowing of home sales in Medina has yet to show itself.
- The first half of the Federal ARPA (covid relief funds) has been received; \$459K. It is currently being "parked" in the Capital Fund while Council and Staff work to finalize the City's goals for its use.
- Capital expense budget is only at 7.6% spent but this will increase rapidly now that the weather is better and planned projects can begin.

GENERAL FINANCE NOTES:

The Finance Committee met July 8th to review of Q2 year-to-date financial statements.

Since the budgeting season is fast approaching, please note the annual budget calendar is attached to this report for your reference.

Items for future 2021 budget amendment (November):

- Update of Salary Schedule (budget attachment A) to reflect Council action on December 14th, increasing the City Manager pay and lifting the upper end of the position's salary range to accommodate this action.
- Transfer from General Fund to Contingency Fund of \$251,844, per Finance Committee's 2/24 recommendation.
- PD seasonal OT for extra patrolling as approved by Council May 10th, \$23,700.
- Personnel Policy update approved by Council June 14th, one-time excess leave cash out for unrepresented employees at 12/31/21 to align balances to new policy. \$50K-\$65K.
- CIP addition, Street improvement for traffic safety; CC approved REET funds of approx..\$102K, July 2021.
- Increase of playground equipment budget +\$50K; approved by CC for use of REET funds, 6/14.

2022 Preliminary Budget Calendar City of Medina, Washington

Statutory Dates	Planned/Actual Dates	2022 Budget Process
July 1, 2021	June 14, 2021	Council holds Public Hearing on 6 year Capital Improvement Plan (CIP/TIB/Non-TIB)
July 1, 2021	June 14, 2021	Council approves 6 year Capital Improvement Plan, file w/ Sec of Transp. by 7/31
Sept 13 2021	August 2, 2021	Department Directors begin preparing 2022 Budget Requests.
Sept 27, 2021	August 23, 2021	Department Directors 2022 Budget requests submitted to Finance Director. RCW 35.33.031 and RCW 35A.33.030.
Oct 1, 2021	August 31, 2021	2022 Preliminary Budget estimates are presented to the City Manager by Finance Director for modification, revision or addition. RCW 35.33.031 and RCW 35A.33.030.
No legal requirement	September 13, 2021	Council holds Public Hearing to gather input on 2022 Preliminary Budget.
Oct 4, 2021	September 13, 2021	City Manager provides City Council with 2022 Revenue projections for the current year. City Manager provides a 2022 Preliminary Budget showing 2022 Revenue and Expenditures by Department.
No legal requirement	Sept 27, 2021	City Council holds a study session on 2022 Preliminary Budget. <i>Balancing decisions made if necessary.</i>
Nov 2, 2021	October 12, 2021	City Manager files 2022 Updated Preliminary Budget & Budget Message with the City Clerk and the City Council.
Prior to November 24, 2021	October 12, 2021	City Council holds Preliminary Public Hearing on 2022 Budget & Revenue Sources (Property Tax Levy)
No later than Nov 2, through Nov 20, 2021	Dates as needed prior to Nov 8 th meeting	City Clerk publishes notice of filing of 2022 Budget and publishes notice of public hearing on final budget once a week for two consecutive weeks.
Nov 20, 2021	Nov 8, 2021	Copies of 2022 proposed final budget are made available to the public at the Regular City Council meeting.
Nov 24, 2021 (KC due date) (Hearing due date 12/6/21)	Nov 8, 2021	Council holds Final Public Hearing and sets the 2022 Property Tax Levy to certify property tax levy to King County Assessor's Office
Dec. 31, 2021	Nov 8, 2021	Council adopts Final 2022 Budget at the Regular Monthly City Council meeting.

**City of Medina
Revenue & Expense Summary
June 2021**

REVENUE:	JUNE ACTUAL	JUNE YTD ACTUAL	2021 ANNUAL BUDGET	% of Budget Total	REMAINING BUDGET
General Fund					
Property Tax	\$20,163	\$2,285,791	\$3,986,413	57.34%	\$1,700,622
Sales Tax	\$162,304	\$953,026	\$1,522,354	62.60%	\$569,328
Criminal Justice	\$8,827	\$50,376	\$90,080	55.92%	\$39,704
B & O Tax: Utility & Franchise Fee	\$1,606	\$462,633	\$890,524	51.95%	\$427,891
Leasehold Excise Tax	\$0	\$2,982	\$800	372.73%	(\$2,182)
Building Permits, Planning & Development	\$162,107	\$757,671	\$890,611	85.07%	\$132,940
General Government (includes Hunts Point)	\$82,522	\$162,116	\$358,233	45.25%	\$196,117
Passports, General Licenses & Permits	\$8,090	\$8,683	\$8,490	102.27%	(\$193)
Fines, Penalties, Traffic Infr.	\$980	\$6,237	\$31,250	19.96%	\$25,013
Misc. Invest. Facility Leases	\$20,276	\$95,884	\$128,007	74.91%	\$32,123
Other Revenue, Dispositions	\$0	\$38,550	\$3,000	1285.00%	(\$35,550)
General Fund Total	\$466,875	\$4,823,949	\$7,909,762	60.99%	\$3,085,813
Street Fund	\$19,252	\$43,127	\$139,092	31.01%	\$95,965
Street Fund Transfers In	\$31,428	\$188,566	\$377,132	50.00%	\$188,566
Tree Fund	\$0	\$0	\$3,075	0.00%	\$3,075
Levy Stabilization Fund (Transfers In)	\$41,667	\$250,000	\$500,000	50.00%	\$250,000
Capital Fund	\$643,346	\$1,355,128	\$1,113,016	121.75%	(\$242,112)
Total (All Funds)	\$1,129,474	\$6,222,204	\$9,164,945	67.89%	\$2,942,741
Total (All Funds) Transfers In	\$73,094	\$438,566	\$877,132	50.00%	\$438,566

EXPENDITURES:	JUNE ACTUAL	JUNE YTD ACTUAL	2021 ANNUAL BUDGET	% of Budget Total	REMAINING BUDGET
General Fund					
Legislative	\$0	\$6,624	\$39,600	16.73%	\$32,976
Municipal Court	\$5,320	\$26,264	\$57,000	46.08%	\$30,736
Executive	\$23,142	\$137,096	\$274,819	49.89%	\$137,723
Finance	\$25,561	\$350,770	\$524,983	66.82%	\$174,213
Legal	\$14,720	\$127,738	\$367,200	34.79%	\$239,462
Central Services	\$78,967	\$415,619	\$941,639	44.14%	\$526,020
Police Operations	\$181,230	\$1,093,014	\$2,380,557	45.91%	\$1,287,543
Fire & Medical Aid	\$388,977	\$388,977	\$807,954	48.14%	\$418,977
Public Housing, Environmental & Mental Health Fees	\$236	\$16,948	\$31,238	54.25%	\$14,290
Development & Planning	\$72,033	\$442,013	\$910,642	48.54%	\$468,629
Recreational Services	\$1,104	\$1,375	\$44,820	3.07%	\$43,445
Parks	\$38,411	\$231,726	\$511,781	45.28%	\$280,055
General Fund Total	\$829,701	\$3,238,163	\$6,892,233	46.98%	\$3,654,070
General Fund Transfers Out	\$73,094	\$438,566	\$877,132	50.00%	\$438,566
Street Fund	\$37,118	\$212,690	\$515,112	41.29%	\$302,422
Tree Fund	\$0	\$13,551	\$38,000	35.66%	\$24,449
Capital Fund	\$8,443	\$63,985	\$840,000	7.62%	\$776,015
Capital Fund Transfers Out	\$0	\$0	\$0	0.00%	\$0
Total (All Funds)	\$875,262	\$3,528,389	\$8,285,344	42.59%	\$4,756,955
Total (All Funds) Transfers Out	\$73,094	\$438,566	\$877,132	50.00%	\$438,566

2021 YTD Cashflow Report June 2021

<u>2021 Beginning Cash Balance 1/1/2021</u>		<u>2021 Cash Balance, to date</u>	
<u>TOTAL CASH & INVESTMENTS</u>		<u>TOTAL CASH & INVESTMENTS</u>	
Beginning Year: 1/1/2021		Period Ending 6/30/2021	
WA ST INV POOL	\$ 2,842,687	WA ST INV POOL	\$ 4,365,455
OTHER INVESTMENTS	1,500,000	OTHER INVESTMENTS*	1,500,000
CHECKING	<u>1,580,653</u>	CHECKING	<u>2,789,314</u>
	\$ 5,923,340		\$ 8,654,769

*Bond maturity dates:

\$500K bond (Mar 2021)
3/3/2025
\$1M bond (Aug 2020)
8/5/2024



CITY OF MEDINA

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

Date: July 12, 2021
To: Honorable Mayor and City Council
Via: Michael Sauerwein, City Manager
From: Aimee Kellerman, City Clerk
Subject: Central Services Department Monthly Report

JULY AND AUGUST PUBLIC MEETINGS AND EVENTS

Event	Date	Time	Location
Park Board Meeting	Jul 19	4:00 pm	Teleconference/Online
Virtual Community Forum – Mental Health	Jul 20	6:00 pm – 7:30 pm	Teleconference/Online
Council Meeting - CANCELLED	Jul 26		
Planning Commission Meeting	Jul 27	4:00 pm	Teleconference/Online
Council Meeting - CANCELLED	Aug 9		
Park Board Meeting	Aug 16	4:00 pm	Teleconference/Online
City Council Meeting – CANCELLED	Aug 23		
Planning Commission Meeting	Aug 24	4:00 pm	Teleconference/Online

Meetings are publicly noticed on the City's three official notice boards, City website, and via GovDelivery. Occasionally notices require publication in the City's official newspaper, The Seattle Times. Public meetings scheduled after publication of this report can be found on the City's website.

COMMUNICATION TO OUR COMMUNITY

E-Notice Program: During the month of June, the City issued 23 bulletins amounting to a total of 75,120 bulletins delivered to subscribers; approximately 10.4% were opened. See **Attachment 1**.

As of June 30, the City had 10,768 subscribers (change in total subscribers **+137**), with a combined total of 112,785 subscriptions (change in total subscriptions **+895**).

RECORDS REQUESTS

As of June 30, 16 public records requests have been received by Central Services. See **Attachment 2**.

ATTACHMENT 1

	Bulletins Developed	Total Recipients	Total Delivered	Unique Email Opens	Email Open Rate	Wireless Recipients
Comparisons:						
June, 2021	23	80,050	75,120	6,629	10.40%	13,924
May, 2021	31	120,746	113,370	10,176	10.70%	21,364
April, 2021	35	115,716	109,081	9,571	10.10%	17,510
March, 2021	37	101,291	95,540	8,119	9.50%	12,522
February, 2021	26	71,737	67,738	6,927	11.50%	9,355
January, 2021	20	68,455	64,548	6,858	11.90%	8,944
December, 2020	27	115,648	109,761	9,151	9.30%	14,662
November, 2020	24	84,718	80,375	7,115	9.80%	9,772
October, 2020	37	124,366	118,068	9,230	8.60%	14,379
September, 2020	36	119,438	113,278	10,761	10.50%	13,606
August, 2020	12	35,945	33,899	3,567	11.50%	3,723
July, 2020	21	65,561	62,485	7,776	13.50%	6,320
June, 2020	26	92,951	89,208	10,289	12.70%	9,675
Date Sent	Top 10 Most Read Bulletins During June				Emails Opened	Email Open Rate
06/02/2021 01:03 PM PDT	Virtual Open House with King County Assessor John Wilson - June 7, 2021				1,044	11%
06/04/2021 03:00 PM PDT	Reminder Virtual Open House with King County Assessor John Wilson - Monday, June 7, 2021				953	10%
06/07/2021 12:00 PM PDT	TONIGHT Virtual Open House with King County Assessor John Wilson - 5:30 PM				963	10%
06/08/2021 10:20 AM PDT	Shredder Day is coming up! Saturday June 12				706	17%
06/09/2021 01:57 PM PDT	Virtual Community Forum - Gas-Powered Lawn Equipment - June 24th				1,248	13%
06/17/2021 02:00 PM PDT	Reminder - Virtual Community Forum - Gas-Powered Lawn Equipment - June 24th				898	11%
06/23/2021 09:30 AM PDT	Overnight Closures -SR 520 lanes closed overnight this Wednesday and Thursday- June 23 & 24				826	10%
06/24/2021 12:00 PM PDT	TONIGHT at 5:30PM - Virtual Community Forum - Gas-Powered Lawn Equipment				824	10%
06/28/2021 12:59 PM PDT	Save the Date - Tuesday, July 20 6:00 PM Community Forum on Mental Health Awareness				562	18%
06/29/2021 02:36 PM PDT	July 4th - Celebrate with Safety				471	17%

**ATTACHMENT 2**

501 EVERGREEN POINT ROAD • P.O. BOX 144 • MEDINA, WA 98039-0144
TELEPHONE (425) 233-6400 • FAX (425) 451-8197 • www.medina-wa.gov

DATE: July 12, 2021
TO: Mayor and City Council
From: Aimee Kellerman, City Clerk
Subject: June 2021, Public Records Request Tracking

In June 2021, Central Services staff received **16** new public records requests, **1** ongoing public records request. These requests required approximately **10.5 hours** of Central Services staff time and **0 hours** of consulting time with the City Attorney. The overall June cost, which includes staff hourly rate plus benefits and City Attorney fees is approximately **\$665**.

In addition, the police department receives public records requests specific to police business that require records research and information distribution. In June 2021, the Police Department received **8** new records requests. These requests required approximately **1 hour** of staff time and **0 hours** of consulting time with the City Attorney. The overall June cost, which includes staff hourly rate plus benefits is approximately **\$62**. The requests are from outside law enforcement agencies, insurance carriers, the public and persons involved in the incidents.

ATTACHMENT 2

June 2021 Monthly PRR Report

Run Date: 07/07/2021 9:19 AM

Assigned Dept	Create Date	Reference No	Request Type	Required Completion Date	Summary	Customer Full Name	PRR - Type of Records Requested	Public Record Desired	Assigned Staff
Central Services	6/2/2021	P002115-060221	Public Records Request	6/11/2021	Public Records Request	Peng Xiong	Development Services	Hi, I'm interested in this house: https://blue.kingcounty.com/Assessor/eRealProperty/Detail.aspx?ParcelNbr=542570025 5 Can I get more information on these permits? Thanks PERMIT HISTORY Permit Number: PW-ROW-20-018B-12-006B100506-1599INAInterior currently down to studs (MGUB) 9/27/2006Remodel9/27/2006\$999,999MEDINA5/30/2007 HOME IMPROVEMENT EXEMPTION Exempt Number:40062	Dawn Nations
Central Services	6/3/2021	P002117-060321	Public Records Request	6/29/2021	Public Records Request	Mr. Barry Alavi	Development Services	I would like the full plan set for the building permit #B-16- 041 at 2431 Evergreen Pt. Rd. (76th Ave NE).Thx	Dawn Nations
Central Services	6/7/2021	P002121-060721	Public Records Request	6/24/2021	Public Records Request	David McCourt	Building	4024 Hunts Pt. Rd / 20-1504 / Centerville, LLC 7747 Overlake Dr W / B-18-044 / Cobalt One 3265 Evergreen Pt. Rd / B-18-026 Thanks! David Assessments	Dawn Nations
Central Services	6/9/2021	P002123-060921	Public Records Request	6/23/2021	Public Records Request	Carrie Barak	Human Resources	We would like to request a copy of the following 2021 information regarding medical, dental, vision, and life insurances for the following positions: •Police Officers, Sergeants, Lieutenants, and Firefighters, Fire Lieutenants, Captains, Battalion Chiefs and Other Commissioned. •Police Non-Commissioned Support including Records Clerks, Dispatchers, Records or Dispatch Supervisors, Animal Control Officers, Parking Enforcement Officers and other Police Department Support Employees. •Corrections Officers, Sergeants, Lieutenants and Corrections Employees 1.The specific names of each and every medical, dental, vision, and life insurance plan that is available for these employees. 2.Benefit Summary Sheet for each and every medical, dental, vision, and life insurance plan (usually a single sheet for each plan although sometimes multiple plans are on one sheet), as well as VEBA and HRA information. 3.Rate sheets for Employees and Dependents for each and every medical, dental, vision, and life insurance plan (Including the employer's contribution rates and?employee's contribution rates for the employee only and for the full (largest) family plan for each medical, dental, vision, and life insurance plan); 4.Life Insurance. Provide the employee's life insurance payout amount and monthly premium per employee. 5.Orthodontic Care. Please advise if orthodontic care is provided for each dental plan offered. Electronic versions via e-mail of this information is preferred.? If you have website links, please provide me with links and let me know what plan and contribution rates apply for each position if not clearly delineated on the website. Because of the annual health care changes, Cline & Associates needs full disclosures of all plan summaries and rate sheets (provided by website or by email). If a 2021 plan has not been received by your county to date, please indicate when you expect to receive the 2021 plan and send the current plan you are using during 2021. ???? Thank you very much for your assistance in responding to our Annual Health Care Records Request.	Dawn Nations

ATTACHMENT 2

Central Services	6/10/2021	P002124-061021	Public Records Request	6/21/2021	Public Records Request	Braden Mineer	Building	Requesting a report of all issued and pending building permits for residential & commercial properties from 05/1/2021 to 05/31/2021. Report to include if possible: permit number, issue date, site addresses, valuation of project, description of work, contractor information and owner name. If a report is unavailable, then copies of the original permits would be more than adequate.	Dawn Nations
Central Services	6/15/2021	P002129-061521	Public Records Request	6/24/2021	Public Records Request	TRENTON DYKES	Building	Please provide all approvals, applications, permits and requests made for the properties situated at 438 Upland Road, Medina, WA 98039 and 442 Upland Road, Medina, WA 98039 -- since these lots were purchased by Ken Liang (I believe two or so years ago). I am not sure what has been submitted by Mr. Liang or approved by the city, so my request is broad. Specially I am interested to see the tree plan, building permit (or application), demolition plan and any related mitigation plans for drainage, etc. Thank you.	Dawn Nations
Central Services	6/15/2021	P002130-061521	Public Records Request	7/8/2021	Public Records Request	David McCourt	Building	1010 84th Ave NE / 20-1504 2841 76th Ave NE / B-17-078 3263 Evergreen Pt. Rd / B-18-028 7835 NE 14th St / B-19-037 1645 73rd Ave NE / B-20-021 7627 NE 10th St / B-19-038, B-19-045, B-19-044 2053 77th Ave NE / B-20-026	Dawn Nations
Central Services	6/19/2021	P002132-061921	Public Records Request	6/30/2021	Public Records Request	SADIA HUSAIN	Public Works	Hello need your help to find the record for the property address 3339 Evergreen Point all the possible record for the property	Dawn Nations
Central Services	6/21/2021	P002133-062121	Public Records Request	7/13/2021	Public Records Request	Nick Bossoff	Building	1525 79th Place NE BUILDING PLANS THAT MAY SHOW STORM DRAINAGE, SEWER AND WATER SERVICES TO LOT.	Dawn Nations
Central Services	6/21/2021	P002134-062121	Public Records Request	6/30/2021	Public Records Request	Nick Bossoff	Development Services	1525 79th Place NE BUILDING PLANS THAT MAY SHOW STORM DRAINAGE, SEWER AND WATER SERVICES TO LOT.	Aimee Kellerman
Central Services	6/24/2021	P002135-062421	Public Records Request	7/8/2021	Public Records Request	David McCourt	Building	7838 NE 8th St / B-19-029 / Deng Please add this on to the other two projects I didn't have time for on 6/24/2021. I'd like to view all three at my next scheduled appt. 7/8/2021 at 8:00am. Thanks! David	Dawn Nations
Central Services	6/24/2021	P002136-062421	Public Records Request	7/6/2021	Public Records Request	Sanjay Shah	Building	Hello- Can I please request the plans submitted by owners of 3430 Evergreen Pt Rd, Medina. We like to review their build plans to understand how it impacts us. Thank you, Sanjay Shah	Dawn Nations
Central Services	6/25/2021	P002137-062521	Public Records Request	7/6/2021	Public Records Request	Jessica Miller	Development Services	Please send all records related to dock and shoreline permits/exemptions. 410 Overlake Dr E Medina, WA 98039	Dawn Nations

ATTACHMENT 2

Central Services	6/28/2021	P002138-062821	Public Records Request	7/29/2021	Public Records Request	Kevin Dosch	Development Services	All I would like to know if some of the projects below during a 15 min drive are abiding by code and have submitted 10K for driveway approaches. These projects I've been watching for months now and it doesn't seem that they have to follow the same rules or do I just need clarification on why they can do it. Questions based on pics taken today at 830am Can we add permanent parking in the row on our houses? Can we pay extra to park in the ROW? Can we add additional parking now along our driveways in the setbacks? (I had to jack hammer ours out on a project for a client so is this allowed now?) Freshly poured driveway on 78th yesterday. Did they put 10k down and pull row permit? Job 1 block over that has fencing in row and parking in row almost daily. Can we pay extra to put our fencing in the ROW? Did the job that just completed on 28th w permeable pavers put down a 10k bond and pull row permit for approach? Also did they abide by the city code on installation of permeable pavers in the ROW? All of these items and projects I've been watching for months and have been waiting to see if they are asked to conform. I would like to know how consistent things are being done because from I can tell different rules apply. For those fortunate enough to have large lots these issues aren't a problem but for the smaller lots we have to work twice as hard to schedule and organize staging. Can you please confirm with me that the other ROW work below has followed the same procedure you're requesting of me. Also if any work or disturbance isn't allowed in the ROW does that apply to landscaping as well? I honestly think this process could be much better and addressed and processed at building permit completion. I've been thinking about this constantly over the past year on how we can build on these smaller lots w as little impact to the neighbors but also be able to perform certain tasks on the job site as efficiently as possible. I look forward to your response, Kevin	Dawn Nations
Central Services	6/29/2021	P002139-062921	Public Records Request	7/8/2021	Public Records Request	Owner Jim Burton	Building	Any permit drawings/documents for the property at 543 Overlake Drive E.	Dawn Nations
Central Services	6/29/2021	P002140-062921	Public Records Request	7/8/2021	Public Records Request	Carrie Barak	Human Resources	Could I please get a copy of the City of Medina's Sergeants Wages and Non-Commissioned CBA?	Dawn Nations

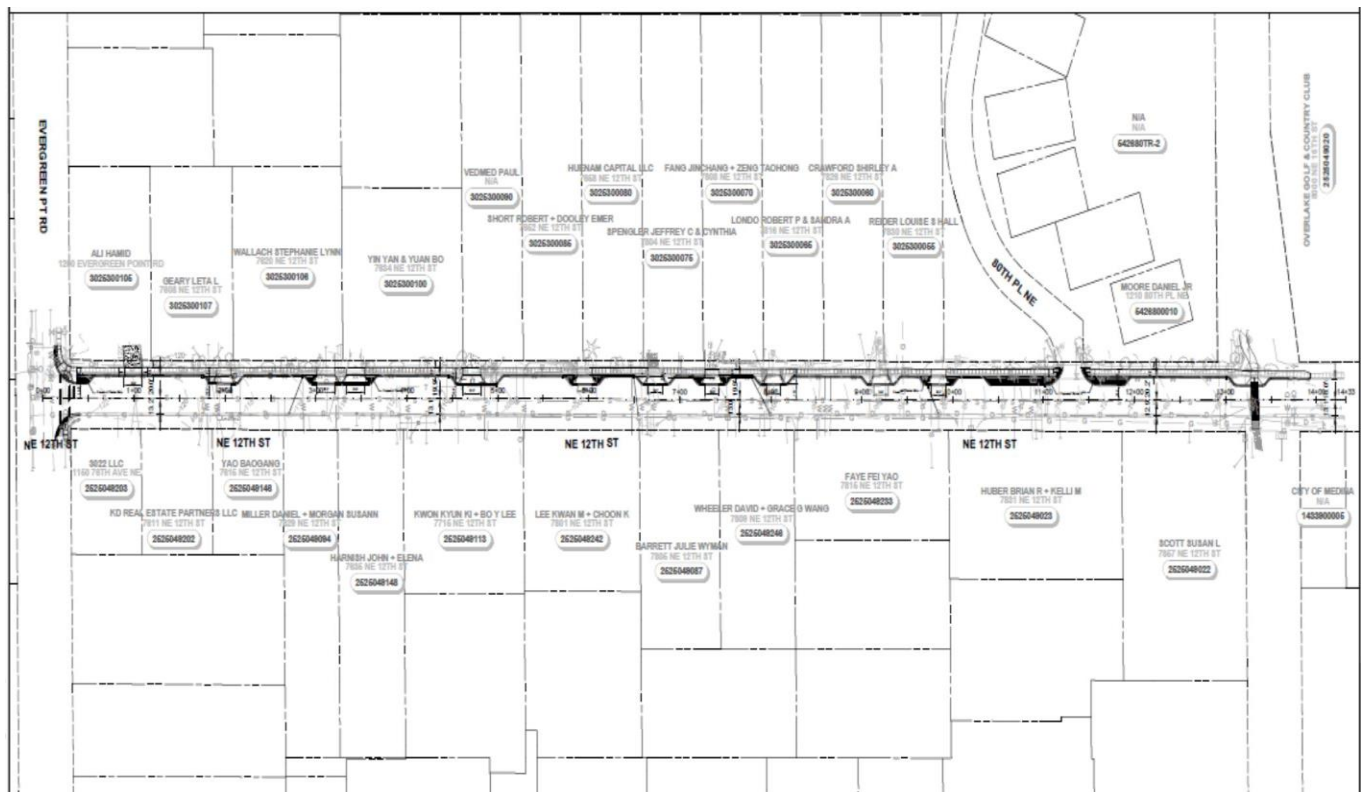


CITY OF MEDINA

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

Date: June 12, 2021
To: Honorable Mayor and City Council
Via: Michael Sauerwein, City Manager
From: Ryan Osada, Public Works Director
Subject: Public Works Monthly Report

1. NE 12TH STREET PEDESTRIAN IMPROVEMENTS – Last month, the city completed draft drawings for the NE 12th Street Pedestrian Improvements project. The draft drawings and PSE's Public Intake application was submitted to start the process of developing an undergrounding plan. Once a plan has been drafted, the city will reach out to the homeowners and discuss the logistics of the project.



2. TIB SMALL CITIES GRANT APPLICATIONS – The City of Medina did not receive funding for last year's Small Cities Grant Programs. For 2021, the city plans to submit projects for the Arterial and Preservation programs. The two projects that will be included in the applications are sidewalks behind Medina Elementary and NE 7th Street asphalt overlay between 84th Ave NE & Overlake Drive East.



3. NE 10TH STREET OVERLAY – This last spring, PSE performed utility updates along NE 10th Street. This project required a full restoration of the roadway as part of the ROW permit approval process. Most of the ROW permit restoration is patching around the work zone areas. When a significant portion of the road is removed during construction, contractors can be required to restore the entire ROW frontage.



4. MAINTENANCE UPDATES – Last month, Kevin Calicoat started as a Public Works Maintenance worker replacing Ken Evjen who retired back in April. The summer months are extremely busy for the Public Works department and being fully staffed is crucial to maintaining the city. The unusually hot temperatures during the month of June added significant watering tasks for the crew along with safety measures related to high heat environments. They were also busy preparing the beach for the lifeguards, installing swim ropes, and setting up sun umbrellas.





5. PROJECT UPDATES –

2015 Medina Park Stormwater Pond Imp. – Bravo Environmental has proposed vactoring to dredge the ponds. However, we are currently researching a method that will lessen the impact to the pond wildlife. In addition, recent estimates for material disposal are around \$900,000.00.

2017 Medina Beach Park Tree Replanting – Phase III tree planting.

TIB 84th Ave NE Overlay – NE 12th St to Overlake Drive – The overlay is scheduled for September. Bellevue’s AC Watermain project is expected complete by the first week in August.

2021 Overlay Program 77th Ave NE / NE 22nd St – Bid on June 24th.

Medina Park Playground Improvements – Playground equipment is on order and scheduled to arrive in September.

Post Office Floor Replacement – Planning schedule with the Post Office.

Citywide Stormwater System Mapping & Evaluation – G&O is working on cleaning and scoping the 22 remaining outfalls.

2021 Hazardous Tree Removal – in review

NE 12th Street Sidewalk Improvements – Draft construction plans and application has been submitted to PSE for undergrounding review.

Fairweather Tennis Court Resurfacing – completed early.