



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Tuesday, April 22, 2025 – 6:00 PM

AGENDA

COMMISSION CHAIR | Laura Bustamante

COMMISSION VICE-CHAIR | Shawn Schubring

COMMISSIONERS | Julie Barrett, Li-Tan Hsu, Evonne Lai, Mark Nelson, Brian Pao

PLANNING MANAGER | Jonathan Kesler

CITY CLERK | Aimee Kellerman

Hybrid Meeting Participation

The Medina Planning Commission has moved to hybrid meetings, offering both in-person and online meeting participation. Individuals who are participating online and wish to speak live can 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 Planning Commission meeting. 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 comments and will be asked to stop when you reach the 3-minute limit. The city will also accept written comments. Any written comments must be submitted by 2 PM on the day of the Planning Commission meeting to the City Clerk at akellerman@medina-wa.gov.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/84361119018?pwd=tv3TavRoRa0val000butU6jCMZUH0t.1>

Meeting ID: 843 6111 9018

Passcode: 396427

Dial by your location

• +1 253 205 0468 US

1. CALL TO ORDER / ROLL CALL

Planning Commissioners Barrett, Bustamante, Hsu, Lai, Nelson, Pao, and Schubring

2. APPROVAL OF MEETING AGENDA

3. **APPROVAL OF MINUTES**

3.1 Planning Commission Meeting Minutes of March 25, 2025

Recommendation: Adopt minutes.

Staff Contact: Dawn Nations, Deputy City Clerk

4. **ANNOUNCEMENTS**

4.1 Staff/Commissioners

5. **PUBLIC COMMENT PERIOD**

Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the City Clerk, Aimee Kellerman, via email (akellerman@medina-wa.gov) or by leaving a message at 425.233.6411 by 2pm the day of the Planning Commission meeting. Please reference Public Comments for the Planning Commission 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.

6. **PUBLIC HEARING**

6.1 Middle Housing Ordinance

Hold a public hearing to take public testimony on the Middle Housing Ordinance.

Recommendation: Review and recommend approval to the City Council.

Staff Contacts: Jonathan Kesler, AICP, Planning Manager; Kirsten S. Petersen, Senior Project Manager, SCJ Alliance, consultants

Time Estimate: 30 minutes

6.2 Subdivision Ordinance

Hold a public hearing to take public testimony on the Subdivision Ordinance.

Recommendation: Review and recommend approval to the City Council

Staff Contacts: Jonathan Kesler, AICP, Planning Manager; Kirsten S. Petersen, Senior Project Manager, SCJ Alliance, consultants

Time Estimate: 30 minutes

7. **DISCUSSION**

7.1 Concerns of the Commission

7.2 Critical Areas Ordinance Update

Recommendation: Update item only.

Staff Contact: Jonathan Kesler, AICP, Planning Manager

8. **ADJOURNMENT**

Next Planning Commission Meeting: Wednesday, May 28, 2025 at 6:00 PM.

ADDITIONAL INFORMATION

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

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

UPCOMING MEETINGS

Monday, May 26, 2025 - Memorial Day - City Hall Closed

Wednesday, May 28, 2025 (due to the holiday) - Special Meeting

Thursday, June 19, 2025 - Juneteenth - City Hall Closed

Tuesday, June 24, 2025 - Regular Meeting

Friday, July 4, 2025 - Independence Day - City Hall Closed

Tuesday, July 22, 2025 - Regular Meeting

Tuesday, August 26, 2025 - Dark, No Meeting

Monday, September 1, 2025 - Labor Day - City Hall Closed

Tuesday, September 23, 2025 - Regular Meeting

Tuesday, October 28, 2025 - Regular Meeting

Tuesday, November 11, 2025 - Veterans Day - City Hall Closed

Tuesday, November 18, 2025 (3rd Tuesday) - Special Meeting

Thursday, November 27, 2025 - Thanksgiving Holiday - City Hall Closed

Friday, November 28, 2025 - Day After Thanksgiving Holiday - City Hall Closed

Tuesday, December 16, 2025 (3rd Tuesday) - Special Meeting

Thursday, December 25, 2025 - Christmas Day - City Hall Closed



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Tuesday, March 25, 2025 – 6:00 PM

MINUTES

1. CALL TO ORDER / ROLL CALL

Planning Commission Chair Laura Bustamante called the meeting to order of the Medina Planning Commission in the Council Chambers at 6:02pm.

PRESENT

Commission Chair Laura Bustamante
Commission Vice-Chair Shawn Schubring
Commissioner Julie Barrett
Commissioner Li-Tan Hsu
Commissioner Evonne Lai
Commissioner Mark Nelson
Commissioner Brian Pao (on-line at 6:32 pm - off-line at 6:58pm)

STAFF

Burns, Wilcox, Kesler, Nations, Reitan, Peterson

2. APPROVAL OF MEETING AGENDA

Without objections, the meeting agenda was approved at presented.

3. APPROVAL OF MINUTES

3.1 Planning Commission Regular Meeting Minutes of January 28, 2025

Recommendation: Adopt Minutes.

Staff Contact: Dawn Nations, Deputy City Clerk

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

Chair Bustamante asked for the word "edit" to be deleted from agenda item 6.1.

Motion made by Commissioner Nelson, Seconded by Commissioner Barrett.
Voting Yea: Commission Chair Bustamante, Commission Vice-Chair Schubring,
Commissioner Barrett, Commissioner Hsu, Commissioner Lai, Commissioner Nelson
Commission Pao (absent).

4. **ANNOUNCEMENTS**

4.1 Staff/Commissioners

No announcements.

5. **PUBLIC COMMENT PERIOD**

Chair Bustamante opened the public comment period. There were no speakers. Subsequently, public comments was closed.

6. **DISCUSSION**

6.1 Concerns of the Commission

Chair Bustamante clarified why the February 25, 2025, meeting was cancelled. Due to power outage and the generator was not working for back up power and due to lack of business.

Chair Bustamante asked Planning Manager Kesler for an update on the status of the Critical Area Ordinance. Kesler reported that Facet consulting will be assisting staff with this, and it will be brought forward for review in May. Chair Bustamante added that Steve Wilcox, Development Services Director negotiated a master services agreement for future services.

6.2 Review of Middle Housing Survey Results

Recommendation: Discussion.

Staff Contacts: Jonathan Kesler, AICP, Planning Manager and Kirsten Peterson, Senior Project Manager, SCJ Alliance

Time Estimate: 45 minutes

Jonathan Kesler gave a brief update, and Kirsten Peterson gave a PowerPoint presentation on the results of the Middle Housing Survey. Commissioners discussed and asked questions and staff responded.

6.3 Review of Remaining Tasks for Middle Housing

Recommendation: Discussion.

Staff Contact: Jonathan Kesler, AICP, Planning Manager

Time Estimate: 15 minutes

Jonathan Kesler, Planning Manager, gave a PowerPoint presentation on the updated timeline for Middle Housing. Commissioners discussed and asked questions and staff responded.

6.4 Review of the Middle Housing and Subdivision Ordinance Drafts

Recommendation: Discussion.

Staff Contacts: Dawn L. Reitan, Assistant City Attorney and Jonathan Kesler, AICP, Planning Manager

Time Estimate: 60 minutes

Jonathan Kesler and Dawn Reitan gave a PowerPoint presentation and reviewed the draft ordinances for Middle Housing and Subdivision. Commissioners discussed and asked staff to update the graphic to include only what is available in Medina and staff responded.

7. **ADJOURNMENT**

The meeting was adjourned at 7:37 PM.

Meeting minutes taken by Dawn Nations, Deputy City Cler



CITY OF MEDINA

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

MEMORANDUM

DATE: April 22, 2025
TO: Medina Planning Commission
FROM: SCJ Alliance, Middle Housing Consultant
RE: Public Hearing on Middle Housing Ordinance No. XXX

SUBJECT:

Proposed Land Use Code Amendment to revise the Medina Municipal Code to accommodate more housing choices by adopting the State-mandated middle housing regulations to implement House Bills (HB) 1110, 2321, and 1337.

BACKGROUND:

In 2023, the Washington State Legislature passed, and the Governor signed into law, House Bills (HB) 1110 and HB 1337, amending the Growth Management Act, Chapter 36.70A RCW (GMA). HB 2321 was adopted in 2024 to clarify the housing requirements of HB 1110. These legislative amendments require many cities to update their zoning regulations to allow additional densities and housing types defined as “middle housing” in predominantly residential land use districts, along with several other associated requirements to help encourage the development of these housing types.

House Bill 1337 requires cities and counties to allow two accessory dwelling units (ADUs) per lot in urban growth areas and establishes standards for jurisdictions to use. Medina has elected to utilize ADU’s for meeting density requirements and has incorporated the ADU requirements into the middle housing ordinance.

The adopted definition of “Middle housing” found within RCW 36.70A.030 is as follows:

“Middle housing” means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

The City of Medina has been classified by Washington State as a Tier 3 City, which means that the City has a population of less than 25,000 in 2020, is in a county with a population of at least 275,000, and is in a contiguous urban growth area with the largest city in the county.

As a Tier 3 City, Medina has fewer requirements than Tier 1 and 2 cities and is only required to allow for a minimum of two units per lot. As noted in the RCW definition, there are nine (9) types of housing that are identified as middle housing. Tier 3 cities are only required to accommodate for the housing unit types which can reasonably accommodate two units per lot. By default, the State is limiting the required housing types for Tier 3 cities to the following:

- Duplexes
- Stacked flats
- Cottage housing
- Courtyard apartments

The other requirements specific to Tier 3 cities have been incorporated into an ordinance that would amend the Medina Municipal Code (MMC) in order to achieve compliance with state requirements. These revisions are outlined in the Proposed Revision section below.

STATE MANDATES:

Through the adoption of the new housing legislation, the Department of Commerce was directed to provide technical assistance to cities to help with the implementation of the new middle housing legislation.

RCW 36.70A.636(2)(a) states that “the department shall publish model middle housing ordinances no later than six months following July 23, 2023.”

A model housing ordinance was published and went through several iterations before the final version was completed in November 2024.

RCW 36.70A.636(b) goes on further to state:

(b) In any city subject to RCW 36.70A.635 that has not passed ordinances, regulations, or other official controls within the time frames provided under RCW 36.70A.635(11), the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement RCW 36.70A.635.

As a Tier 3 City, Medina must adopt new middle housing regulations by June 30, 2025. This deadline is found in **Exhibit 1**, produced by the Department of Commerce.

If the middle housing ordinance is not adopted by the June 30, 2025 deadline, then the model ordinance will preempt the City’s regulations and take effect, as described above. Because the City took early action, it has been able to integrate only the required sections of the RCW. If the City adopts the proposed amendments prior to June 30, 2025, it will not be governed by the model housing ordinance.

While a full comparison chart has not been developed, some of the provisions that would be most notably different are within the dimensional standards of the model

ordinance. Height allowances would be set at 35 ft as compared to Medina’s existing 25 feet, and the setbacks would be much lower than the existing standards.

PROPOSED REVISIONS:

The full revisions to the code are outlined below. Where applicable, Staff had indicated which sections of code were required to be updated for compliance with the new housing legislation. Other minor edits were made to improve flow and consistency within the code.

When reading the attached ordinance, please note that the language which is underlined indicates that it is an addition to the existing city code. Language shows with a ~~strike through~~ indicates that it is existing language proposed for deletion.

MMC 16.00.020(B)(2) Statement of Purpose

On pg. 3 of the code amendment document (Exhibit 2) the term “single-family” has been removed from the sentence to instead refer to protecting “the community’s residential nature...”.

MMC 16.12 Definitions

The following definitions within the MMC are being revised, deleted, or added. The definitions depicted in the **color red** are definitions that are required to be added within the MMC pursuant to the middle housing legislation which amended RCW 36.70A.030 Definitions. All definitions are followed by a brief rationale for the amendment.

Please also be advised that additional amendments to definitions are being made with the “S” definitions as well. Those updates are not included in this ordinance, but rather they are incorporated into a separate ordinance related to unit lot and zero-line subdivisions.

- **Accessory Building**
This definition is being revised to provide a differentiation between “accessory building” and “accessory dwelling unit”.
- **Accessory Dwelling Unit**
This definition is being revised to specify that an ADU that exceeds the size limitations of MMC 16.34.020 shall be considered a duplex (if attached) or a cottage (if detached).
- **Administrative Design Review**
This is a new definition required pursuant to the middle housing legislation which amended RCW 36.70A.070. This has been revised to provide clarity on the role of the director. A footnote has also been added to indicate that the City does not presently have a design review process.

- **Condominium**
This is a new definition which duplicates the language of RCW 64.34.020(10). It is not required per the middle housing legislation but is included in the State definitions and is relevant to the other housing related amendments to the code.
- **Cottage**
This term is proposed for deletion and will be replaced with a new definition for “cottage housing”.
- **Cottage housing**
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Courtyard apartments**
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Duplex**
This is a new definition agreed upon by City Council. The new housing legislation requires that Tier 3 cities allow duplexes as a permitted use in residential zones, but allows the jurisdiction to craft their own definition.
- **Major Transit Stop**
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Middle Housing**
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Tier 3 City**
This is a new definition that has been provided by the State, but is optional. Staff recommends inclusion of the definition for clarity when describing Medina as a Tier 3 city.
- **Townhouses**
This is a proposed new definition. The new middle housing legislation does not require Tier 3 cities to allow for townhouses, however, the inclusion of definitions for housing types not permitted can help provide differentiation and clarity between housing types.
- **Unit**
This is a new definition provided by Staff in response to Council’s request to provide a term. This definition was shared with City Council during the November 25 City Council meeting. This defined provides clarity in response to the State’s use of the term “unit”.

- **Unit density**

This is a new definition recommended by the State for inclusion, but is one that the City may define.

MMC 16.20.010 Comprehensive Plan and Zoning

- Subsection A is proposed for amendment to remove the term “single-family” and instead refer only to the “residential” setting of the community.
- Table 16.20.010 is a table which includes a description of the Comprehensive Plan Land Use Designations in the first column, with the associated Implementing Zone Designations in the second column. The term “single-family residential” is being removed and replaced with the simplified term “residential”.

MMC 16.20.020(B) Adoption of official zoning map

This section of the code provides a description of each of the zoning districts. The term “single-family” has been removed from each of the residential zones (R-16), (R-20) and (R-30) and refers instead to “residential”.

MMC 16.21.030 Use Table

The use chart is an important tool within the development code to help users of the code determine which uses are permitted or prohibited within each of the various zoning districts. With the middle housing legislation requirements, the required middle housing types have been added to the chart, including:

- Duplex
- Cottage Housing
- Stacked Flats.
- Courtyard apartments

Placeholders have also been incorporated for “low-rise apartments”, “short term rental”, “townhouses” and “hotel/motel/transient lodging”.

Additionally, a footnote has been added to provide a reference to the limitations specific to middle housing.

MMC 16.21.060 Maximum dwelling units on a lot

This section of code has been updated significantly in order to comply with the State requirements found in RCW 36.70A.635(5) to provide more specificity about the allowance of two units per lot, including language describing the exemptions to the 2-unit per lot requirement.

A new subsection D has also been included which states that proposed modifications to the unit density standards would be allowable only through the implementation of a Development Agreement.

MMC 16.30.060 Residential Off-Street Parking

A new subsection (2) has been incorporated to specify the off-street parking requirements for middle housing dwellings. This language is being included for compliance with RCW 36.70A.635(6).

The additional provisions are as follows:

- No off-street parking will be required within one-half mile walking distance of a major transit stop
- A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot subdivisions or lot splits.
- A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lots splits.

MMC 16.34.020 Accessory Dwelling Units

While the term middle housing does not include “Accessory Dwelling Units” the City of Medina is also including legislation (required by House Bill 1337) related to ADU’s in the middle housing update. The code amendments within this section of the code are as follows:

- Subsection (A) - ADU’s will now be included in the density and minimum lot area requirements, where they were previously excluded.
- Subsection (C) now allows for up to two (2) ADU’s on a lot per each single-family dwelling located on the same lot, provided that the unit density standards are not exceeded. This section goes on to further state that if a lot is developed with a duplex, or with two units classified as middle housing, then no ADU is permitted on that lot.
- Subsection (D) Development Standards has also been updated to comply with HB 1337. A summary of the proposed new language is as follows:
 - ADU’s will only be allowed on lots that meet the minimum lot size requirements for the principal unit. In addition, no additional dwelling units will be allowed on lots that are the result of a lot split which is below the minimum lot size for the zone.
 - ADU’s will not be allowed on lots with critical areas, lots that are not connected to a public sewer system, or lots that are within the shoreline jurisdiction.
 - ADU’s may not be used as “short term rentals”.
 - The maximum gross floor area of an ADU is set at 1,000 square feet. (Although the maximum may be higher, it cannot be less than 1,000 square feet.)
 - The maximum roof height of an ADU is 25 feet, or the maximum height allowed for the primary unit (whichever is lower).
- Subsection (E) now includes language about the exception to ADU parking requirements, which is not applicable when the ADU is located within one-quarter mile of a transit stop.

- Subsection (F) previously included a brief statement that garage space could be converted into an ADU. Two revisions are being proposed for this sections:
 - Accessory buildings have been listed as allowable structures for conversion into ADU's..
 - A provision has been added to require that parking spaces removed for conversion to ADU's must be replaced elsewhere on the property.

PROCEDURAL REQUIRMENTS

The review procedures for processing text code amendments to the development regulations are outlined in Chapter 16.81 of the Medina Municipal Code as follows:

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 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.

All code requirements were followed leading up to the Planning Commission public hearing as follows:

PUBLIC NOTICE

The Notice requirements are outlined in MCC 16.81.070. Notice of the April 22, 2025, Planning Commission public hearing was published in the Seattle Times and on the City website on April 2, 2025. See **Exhibit 2**.

SEPA AND STATE REVIEW

The City issued a SEPA Determination of Non-Significance (DNS) on March 25, 2025. See **Exhibit 3**. The deadline to submit comments to the City is Thursday, April 24, 2025.

The draft ordinance was submitted to the Washington State Department of Commerce on March 25, 2025, and the required 60-day notice period will end on May 24, 2025. As of the date of this report no comments from state agencies have been received.

PUBLIC OUTREACH

In addition to following the minimum noticing requirements, the City also expended great efforts to be transparent with Medina community members about the new state requirements and to involve them throughout the process of updating the code.

On June 10, 2024, the City Council adopted a Public Engagement Plan (PEP) via Resolution 444. This plan was utilized as a guiding document by City Staff and planning consultants with SCJ Alliance.

In addition to providing materials for posting on the City website, and producing postcards, flyers and other materials for peer to peer engagement, two community forums were held in January 2025. The purpose of the forums was to share information with the public, allow for Q&A, and to encourage participation in a community survey. At the conclusion of the survey, **199 responses** were received online. The completion rate was 72.4%, with 144 surveys fully completed and 55 partially completed. Four paper surveys were completed and submitted to City staff.

More information about the community outreach efforts, and the results of the survey, can be found on the Medina City website here:

<https://www.medina-wa.gov/developmentservices/page/new-housing-laws-middle-housing-and-adu-legislation-and-medina>

DECISION CRITERIA

In addition to detailing the noticing requirements, the Medina City Code also provides decision criteria for making text amendments to the development regulations. These are found in MCC 16.81.080, as follows:

- 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.

RECOMMENDATION:

Staff has concluded that the attached Middle Housing Ordinance is consistent with the decision criteria required for adoption of amendments to development regulations pursuant to MCC 16.81.080. Staff recommends that the Planning Commission recommend adoption of the proposed ordinance.

Exhibits:

- Exhibit 1 – Middle Housing Update Deadlines
- Exhibit 2 – Public Hearing Notice
- Exhibit 3 – SEPA Notice

Attachment:

Middle Housing Ord. No. XX



CITY OF MEDINA

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

MEMORANDUM

DATE: April 22, 2025

TO: Medina Planning Commission

FROM: SCJ Alliance, Middle Housing Consultant and Jonathan G. Kesler,
AICP, Planning Manager

RE: Review of Remaining Tasks for Middle Housing

Summary:

The work on the middle housing project continues to progress on schedule. This memo will provide a brief update on the present status of the middle housing project, as well as next steps.

As discussed in previous meetings, as a Tier 3 City, Medina is required to adopt an ordinance amending the development regulations to allow for middle housing within the residential zones in the City. The deadline to complete the work is June 30, 2025.

At this meeting, the Planning Commission is reviewing the proposed Middle Housing and Unit Lot Subdivision Ordinances that were sent to Commerce in March. This follows a review of them by the City Council on March 24, 2025.

Next Steps

Since the Planning Commission last met, Council was provided with a status update on the middle housing project (March 10th), including a potential timeline that would allow the work to be completed prior to the June 30th compliance deadline. Based on feedback during that meeting, the timeline was **revised** and was incorporated into an Agenda Bill for review and consideration on March 24th. The same one is outlined below, as of April 17, 2025.

The remaining tasks:

1. April 22, 2025 - **Planning Commission Public Hearing**
 - Middle Housing Ordinance
 - Unit Lot Subdivision Ordinance
2. May 12, 2025 - City Council Public Hearing
 - Middle Housing ordinance
 - Unit Lot Subdivision ordinance

3. May 27, 2025 – City Council
 - Final Action on the Middle Housing and Unit Lot Subdivision Ordinances
4. Submit ordinances to Department of Commerce
 - Prior to June 30, 2025 deadline

As previously noted, Council has identified other topics for review that are related to middle housing, which are not required for inclusion in the Middle Housing Ordinance. Staff recommends that those additional topics be considered as “Phase 2” with code work scheduled for potential adoption later in the year. The selected topics will be considered in future work sessions and Council meetings with direction given to the Planning Commission. In addition, other work will need to be done, including the mandatory work on the Critical Area Ordinance Update that will begin later this Spring.



CITY OF MEDINA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Medina **Planning Commission** will hold a hybrid public hearing as part of its regular monthly meeting via Teleconference Zoom Meeting and In-Person at Medina City Hall on **Tuesday, April 22, 2025, at 6:00 pm**, or as soon thereafter as called by the Planning Commission. The hearing will be to consider testimony for and against the following:

The Medina Middle Housing Update Ordinances. The proposal applies city-wide (4.8 square miles). The City of Medina proposes updating the Medina Municipal Code (MMC) to incorporate Middle Housing provisions and to adopt unit lot subdivision standards for Middle Housing. These Ordinances are under Growth Management Act (GMA) requirements. The proposal would specifically amend portions of MMC Title 16 Unified Development Code to implement and align with new state law provisions on Middle Housing and related issues. The proposal would ensure city policy and regulatory consistency with new state laws and ensure GMA compliance (Revised Code of Washington [RCW] 36.70A).

Register to Speak: Individuals wishing to speak live during the Hybrid Public Hearing will need to register their request with the City Clerk Aimee Kellerman at 425-233-6411 or email akellerman@medina-wa.gov and leave a message before 2:00 pm on the day of the April 22, 2025, meeting. Please refer to the Middle Housing Public Hearing before the April 22, 2025, Planning Commission Meeting in your correspondence. The City Clerk will call on you by name or your telephone number when it is your turn to speak.

Telephone: To listen to the meeting or speak live during the Public Hearing via telephone, please call 1-253-205-0468 and enter 843 6111 9018# when prompted.

Internet: To watch the meeting over the Internet or speak live during the Public Hearing, via your computer microphone, follow these steps:

Join Zoom Meeting

<https://medina-wa.zoom.us/j/84361119018?pwd=tv3TavRoRa0val000butU6jCMZUH0t.1>

Meeting ID: 843 6111 9018

Passcode: 396427

Written Comments: Written comments may be submitted to City of Medina Planning Manager Jonathan G. Kesler, AICP, at jkesler@medina-wa.gov. Written comments must be received by **4:00 pm on Wednesday, April 16, 2024**. All comments timely received will be forwarded to the Planning Commission before the meeting. A brief summary of the comments will be included in the minutes of the meeting.


Jonathan Kesler, AICP, Planning Manager

4/2/25
Notice Issued



CITY OF MEDINA

DETERMINATION OF NON-SIGNIFICANCE

Proposal: Request for a SEPA Threshold Determination in conjunction with the Medina Middle Housing Update Ordinances. The proposal is a non-project action that applies city-wide (4.8 square miles). The City of Medina proposes updating the Medina Municipal Code (MMC) to incorporate Middle Housing provisions and to adopt unit lot subdivision standards for Middle Housing. These Ordinances are in accordance with Growth Management Act (GMA) requirements. The proposal would specifically amend portions of MMC Title 16 Unified Development Code to implement and align with new state law provisions on Middle Housing and related issues. The proposal would ensure city policy and regulatory consistency with new state laws and ensure GMA compliance (Revised Code of Washington [RCW] 36.70A).

File No. N/A

Applicant: City of Medina

Site Address: City-wide

Lead Agency: City of Medina

The lead agency for this non-project action has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. This information is available to the public, upon request, by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd, Medina, WA 98039.

Date of Issuance and Publication: Tuesday, March 25, 2025

Deadline to Submit Comments: Thursday, April 25, 2025

This Determination of Non-significance (DNS) is issued under WAC 197-11-340 (2). The lead agency will **not** act on this proposal for **30 days** from the date below.

Responsible Official: Jonathan G. Kesler, AICP

Title: Planning Manager/SEPA Official

Address: City Hall, 501 Evergreen Point Rd, Medina, WA 98039 **Telephone:** 425-233-6416

Email: jkesler@medina-wa.gov

Date: March 25, 2025

APPEAL PROCESS: A party of record may appeal a Determination of Non-significance (DNS). Per MMC 16.80.220(C)(5), this decision is associated with legislative action that will be made by the Medina City Council. Therefore, there is no administrative appeal for this decision. Judicial appeals must be filed in accordance with RCW 43.21C.075 and WAC 197-11-680. An Appeal must be in writing, contain specific factual objections and comply with RCW 43.21C.075 and WAC 197-11-680. Submit comments to the above address. This may be the only opportunity to comment on the environmental impact of this proposal.

Jonathan Kesler, AICP, Planning Manager

3/25/25

Notice Issued

CITY OF MEDINA, WASHINGTON

Ordinance No. **xxx**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, AMENDING THE MEDINA UNIFIED DEVELOPMENT CODE FOR CONSISTENCY WITH THE MIDDLE HOUSING LAWS (TO INCORPORATE REQUIREMENTS IN ESSHB 1110 AND ESSB 2321 AND ACCESSORY DWELLING UNIT REQUIREMENTS IN EHB 1337); MAKING REVISIONS TO THE FOLLOWING SECTIONS OF THE MEDINA MUNICIPAL CODE (MMC) 16.00.020, 16.12.040, 16.12.050, 16.12.140, 16.12.210, 16.12.220, 16.20.010, 16.20.020, 16.21.030, 16.21.060, 16.30.060, 16.34.020, ADDING A NEW SECTION 16.30.090, AND MAKING A HOUSEKEEPING CHANGE TO 16.30.010; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted legislation regarding middle housing (ESSHB 1110 and ESSB 2321) and imposed requirements on cities to bring their land use codes into compliance with that legislation; and

WHEREAS, Medina is classified as a “Tier 3 city” under the middle housing legislation and is required to have a compliant code by June 30, 2025; and

WHEREAS, the State legislature also adopted requirements for accessory dwelling units in EHB 1337 and imposed requirements on cities to bring their land use codes into compliance with that legislation by June 30, 2025; and

WHEREAS, under the middle housing legislation, Medina is required to allow two dwelling units on any lot that is zoned for residential development; and

WHEREAS, under the accessory dwelling unit legislation, Medina is required to allow up to two accessory dwelling units on certain residential lots with single-family homes, but only up to the density requirements in the middle housing legislation; and

WHEREAS, in order to ensure consistency between state law and the Medina Municipal Code (MMC), certain updates are required; and

WHEREAS, during the development of this Ordinance, the State Department of Commerce changed its guidance documents to cities numerous times, including as late as November of 2024; and

WHEREAS, the State Legislature continues to change housing laws and impose additional mandates on cities, therefore, Medina is implementing the requirements applicable as this Ordinance was being developed, but intends to continue to work on housing, planning, and development issues including considering additional revisions to the Medina Municipal Code; and

WHEREAS, this Ordinance is only one component of the Medina housing and development work plan and thus represents “phase one” of housing and land use updates; and

WHEREAS, the City Council intends that additional work will continue following the adoption of this Ordinance which may further change the codes as modified by this Ordinance; and

WHEREAS, a draft code update was provided to Commerce on January 31, 2025 for early review; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day review on March 25, 2025; and

WHEREAS, on March 25, 2025, the City’s SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, the Medina Planning Commission held eight (8) study sessions on this Ordinance and the Medina City Council held twelve (12) meetings where this Ordinance was discussed; and

WHEREAS, the City issued a Notice of Public Hearing for the proposed code amendment at least 15 days prior to the public hearing before the City’s Planning Commission which was published in the City’s official newspaper and provided to the public in accordance with Title 16 MMC; and

WHEREAS, following the public hearing, the Planning Commission voted to recommend approval of this Ordinance to the City Council; and

WHEREAS, the City Council reviewed this Ordinance along with the recommendation from the Planning Commission during its regularly meeting on April 28, 2025; and

WHEREAS, the City Council held a public hearing on this Ordinance on May 12, 2025 to take additional comment; and

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

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

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

Section 2. Section 16.00.020 of the Medina Municipal Code is hereby amended to read as follows:

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.

Section 3. Section 16.12.020 of the Medina Municipal Code is hereby amended to read as follows:

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. If an accessory building contains bathroom facilities, a sink, food storage, and food preparation facilities it shall be considered an accessory dwelling unit.

Accessory dwelling unit means a dwelling unit subordinate to a single-family dwelling unit which is:

1. Located within the single-family dwelling unit (often referred to as an attached accessory dwelling unit or AADU); or
2. Located within an accessory building on the lot with a principal single-family dwelling (often referred to as an detached accessory dwelling unit or DADU).

An accessory dwelling unit that exceeds the size limitations set forth in MMC 16.34.020, is defined as a cottage, if detached, or as a duplex unit if attached to another dwelling unit.

Adjoining means property that touches or is directly across a street or private lane from the subject property.

Administrative Design Review means a development permit process whereby an application is reviewed, approved, or denied by the director or the director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

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. "Agriculture" may not include using, keeping, raising or farming of any animal, and may not include farming 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.

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.

Section 4. Section 16.12.040 of the Medina Municipal Code is hereby amended to read as follows:

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.

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.

Condominium means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

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.~~

Cottage housing means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Cottages are limited in size to no more than 1,500 square feet of gross floor area with up to 250 square feet for an attached garage. If there are two or more cottages on a lot prior to subdivision or lot split, then the average gross floor area size across the multiple cottages shall be no more than 1,500 square feet, with up to 250 square feet of attached garage for each cottage.

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.

Courtyard apartments means attached dwelling units arranged on two or three sides of a yard or court.

Critical areas means critical areas as defined in RCW 36.70A.030 and amendments thereto, and this title.

Section 5. Section 16.12.050 of the Medina Municipal Code is hereby amended to read as follows:

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.

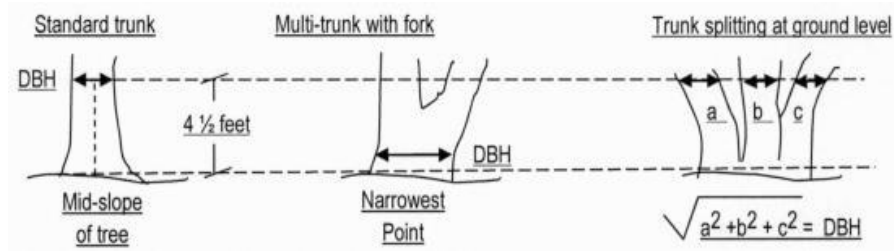
Development means a change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.

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.

Domesticated animal or pet has the meaning and status assigned in MMC 6.04.005.

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).

Duplex means a residential building with two attached dwelling units.

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.

Section 6. Section 16.12.140 of the Medina Municipal Code is hereby amended to read as follows:

16.12.140. "M" definitions.

Major transit stop means:

1. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. Commuter rail stops;
3. Stops on rail or fixed guideway systems;
4. Stops on bus rapid transit routes, including those stops that are under construction.

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 components, 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).

Middle Housing means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. Medina will implement the housing requirements applicable to Tier 3 cities.

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 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.

Section 7. Section 16.12.210 of the Medina Municipal Code is hereby amended to read as follows:

16.12.210. "T" definitions.

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

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

1. *Very low.* The chance of the failed tree or branch impacting the specific target is remote;

2. *Low.* It is not likely that the failed tree or branch will impact the target;
3. *Medium.* The failed tree or branch may or may not impact the target, with nearly equal likelihood; or
4. *High.* The failed tree or branch will most likely impact the target.

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

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

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

Tier 3 City means a city with a population of less than 25,000 that is within a contiguous urban growth area with the largest city in a country with a population of more than 275,000, based on 2020 Office of Financial Management population estimates. The City of Medina is classified as a Tier 3 city.

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.

Townhouses means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

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

Transitional housing means one or more dwelling units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

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

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

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

Tree, dead means a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a nondormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

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

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

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

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

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

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

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

Section 8. Section 16.12.220 of the Medina Municipal Code is hereby amended to read as follows:

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.

Unit means a dwelling unit of any type.

Unit density means the number of dwelling units allowed on a lot, regardless of lot size.

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.

Section 9. Section 16.20.010 of the Medina Municipal Code is hereby amended to read as follows:

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 <u>residential Residential,</u> <u>including single-family.</u>	Single-family residence <u>Residential</u> —R16
	Single-family residence <u>Residential</u> —R20

<u>duplexes, stacked flats, courtyard apartments, and cottage housing.</u>	Single-family residence <u>Residential</u> —R30
	Suburban gardening residential—SR30
Local business	Single-family residence <u>Residential</u> —R16
	Suburban gardening residential—SR30
	Neighborhood auto servicing
Public facility	Single-family residence <u>Residential</u> —R16
	Parks and public places
School/institution	Parks and public places
Utility	All
Park	All
Open space	All

Section 10. Section 16.20.020 of the Medina Municipal Code is hereby amended to read as follows:

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~~ Residential R16 (R-16);
 - 2. ~~Single-family residence~~ Residential R20 (R-20);
 - 3. ~~Single-family residence~~ Residential 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).
- 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).

Section 11. Section 16.21.030 of the Medina Municipal Code is hereby amended to read as follows:

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
<u>Low rise apartments</u>	=	=	=	=	=	=
<u>Duplex</u>	P	P	P	P	P	P
<u>Stacked flats</u>	P	P	P	P	P	P
<u>Cottage housing</u>	P	P	P	P	P	P
<u>Courtyard apartments</u>	P	P	P	P	P	P
Permanent supportive housing	L	L	L	L	L	L
Transitional housing	L	L	L	L	L	L
<u>Short term rental</u>	=	=	=	=	=	=
<u>Townhouses</u>	=	=	=	=	=	=
Nonresidential Uses						
Automobile service station					L	
Automobile mechanical repair					L	
Commercial horticulture/truck gardening/agriculture, excluding the raising of animals				L		
Clubhouse—Public/private		SU				SU
Golf course		SU				SU
Historical use	H				H	
Home business	L	L	L	L	P	P
<u>Hotel/Motel/Transient Lodging</u>	=	=	=	=	=	=
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."						
<u>For limitations on development of Middle Housing, see MMC 16.21.060.B</u>						

Section 12. Section 16.21.060 of the Medina Municipal Code is hereby amended to read as follows:

16.21.060. Maximum dwelling units on a lot.

A. Where Table 16.21.030 authorizes dwelling uses, ~~only one dwelling unit per lot is allowed~~ the maximum unit density per lot is limited to two units, except if one unit is a single-family dwelling unit, then up to two accessory dwelling units meeting the requirements set forth in MMC 16.34.020 may be allowed on the same lot. If the lot is developed with two units of middle housing, then no accessory dwelling units are permitted. for the following:

~~A. Accessory dwelling units meeting the requirements set forth in MMC 16.34.020;~~ B. The density requirements set forth in subsection "A" above does not permit middle housing to be developed in the following areas:

1. Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.

2. A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d))

3. Lots that have been designated urban separators by countywide planning policies as of July 23, 2023.

4. A lot that was created through the splitting or subdividing of a single residential lot after June 30, 2025.

~~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.~~

~~3. Middle Housing forms compliant with all other MCO development regulations.~~

C. The standards of 16.21.060(A) do not apply to lots after subdivision below 1,000 square feet. These which lots shall only be permitted to have one dwelling unit per lot.

D. The standard in 16.21.060(A) may be modified for lots meeting the standards set forth in MMC 16.30.090 with the use of a development agreement.

Section 13. Section 16.30.010 of the Medina Municipal Code is hereby amended to read as follows:

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.
 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.~~

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).
 54. 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

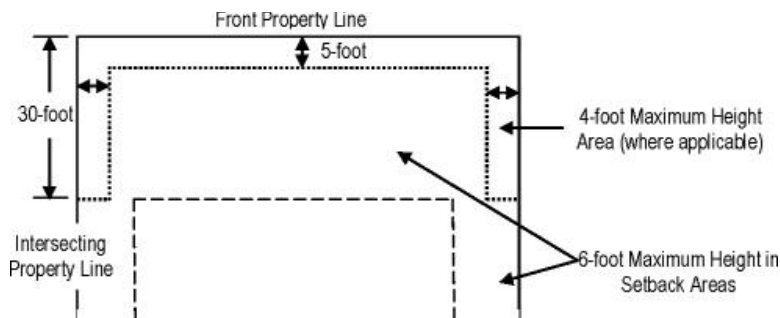
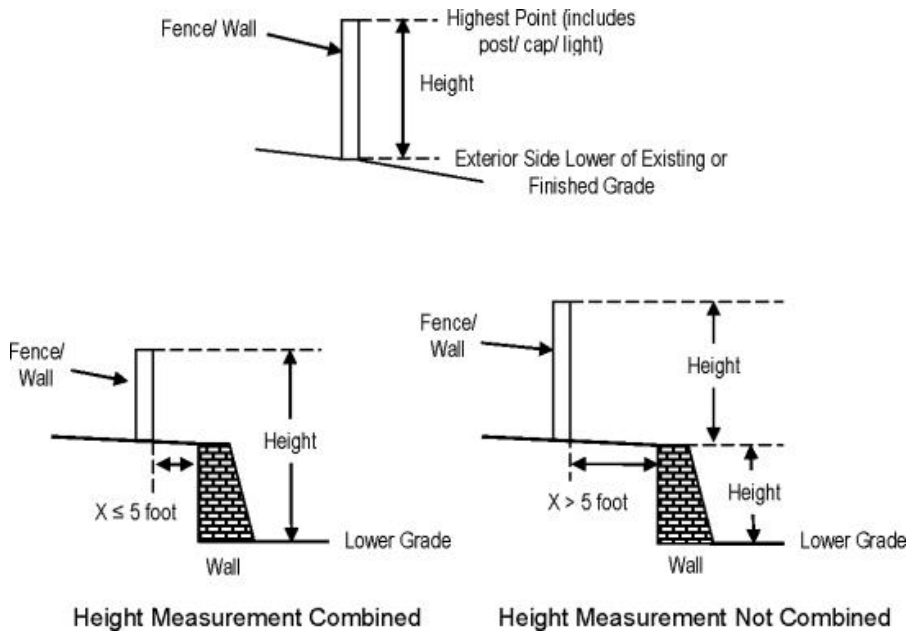


Figure 16.30.010(B)(2): Measuring Fence/Wall Height



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:

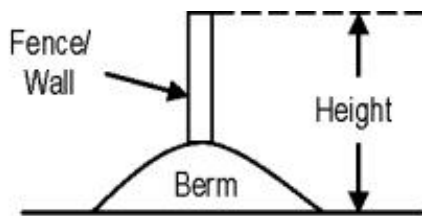
1. The building official determines a guard rail is required pursuant to the building codes set forth in Chapter 16.40 MMC; and
2. The solid component parts of the guard rail are evenly distributed and cover no more than 50 percent of the total surface area of the side elevation of the guard rail.

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 turnaround.

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.

Section 14. Section 16.30.060 of the Medina Municipal Code is hereby amended to read as follows:

16.30.060. Residential off-street parking.

1. 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;

2. Off-street parking for each middle-housing dwelling unit shall be provided as follows:

- A. No off-street parking shall be required within one-half mile walking distance of a major transit stop.
- B. Two off-street parking spaces per unit are required for lots greater than 6,000 square feet.
- C. A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

3. Off-street parking for both single-family residential dwellings as well as middle-housing shall be as follows subject to the following additional requirements:

- A. 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
- B. Parking areas shall not be located within setback areas, except as allowed otherwise by law.

Section 15. A new Section 16.30.090 of the Medina Municipal Code is hereby amended to read as follows:

16.30.090 Increased Density for Housing.

The City Council may approve a development agreement to alter the maximum density requirements set forth in MMC 16.21.060(A) and other standards as set forth in Chapter 16.76 MMC. Any such development agreement shall be consistent with the MMC and state law. The Council may prioritize providing greater flexibility of development standards and greater density based on the requirement that the housing be affordable to low-income or very low-income households.

Section 16. Section 16.34.020 of the Medina Municipal Code is hereby amended to read as follows:

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~~ included within the ~~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.
- C. ~~A maximum of two~~ Only one accessory dwelling units may be permitted on a lot per each single-family dwelling located on the same lot, provided that the unit density set forth in MMC 16.21.060 for that lot is not otherwise exceeded. If a lot is developed with a duplex, or with two units meeting the definition of middle housing, then no accessory dwelling unit is permitted on that lot.
- D. Development standards.
 - 1. The accessory dwelling unit shall comply with the development standards of the zoning where the accessory dwelling unit is located, including, but not limited to, minimum lot coverage, setbacks, etc.
 - 2. Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal single-family unit under the code. In addition, for any lot which is the result of a subdivision or a lot split and which is below the minimum lot size for the zone, no additional dwelling units, including accessory dwelling units, shall be allowed.

3. Accessory dwelling units shall not be allowed on any lot that contains critical areas or buffers or that is not connected to a public sewer system.
 4. Accessory dwelling units shall not be allowed within the shoreline jurisdiction.
 2. ~~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.~~
 5. All of the structures on the property shall have ~~the~~ a cohesive and consistent appearance, including roof shape, glazing, exterior finishing materials and colors, of a single-family with all other dwelling units and any other permitted accessory structures on the lot.
 - ~~The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation.~~
 5. ~~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.~~
 6. A certification by City of Bellevue utilities is required indicating that water supply and sanitary sewage are available to adequately serve the accessory dwelling unit.
 7. Accessory dwelling units may not be used as short-term rentals.
 8. The maximum gross floor area for an accessory dwelling unit is 1,000 square feet.
 9. The maximum roof height for an accessory dwelling unit is no more than twenty-five (25) feet, or the maximum height allowed for the primary unit on the lot, whichever is lower.
- E. 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 unit. The only exception for the accessory dwelling unit off-street parking requirement is when the accessory dwelling unit is located within one-quarter mile of a major transit stop.
- F. Garage space and other accessory buildings may be converted into an accessory dwelling unit unless such development would result in the property exceeding the unit density requirements set forth in MMC 16.21.060. However, if the converted accessory building contained parking, the minimum parking standards for both the principle single-family unit and any accessory dwelling unit must be replaced elsewhere on the property. Nonconforming use rules as set forth in chapter 16.36 MMC apply to any accessory buildings that are converted which are not consistent with the applicable codes at the time of conversion. ~~only if the number of covered garage spaces eliminated by the conversion is replaced by the same number of covered garage spaces elsewhere on the property.~~

- G. An accessory dwelling unit must contain:
1. Bathroom facilities that include a toilet, sink and a shower or bathtub; and
 2. Food storage and preparation facilities and a sink.
- H. 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, in a form approved by the city, by the property owner to maintain the accessory dwelling unit in compliance with the standards set forth in this section.
- I. 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; and
 2. The requirement for maintaining the accessory dwelling unit in compliance with the requirements of this section.
- J. 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.

Section 17. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 18. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 19. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 20. Effective Date. This ordinance shall take effect at 12:01 AM on July 1, 2025, which is at least five days after publication as provided by law.

ATTACHMENT 1

AGENDA ITEM 6.1

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE XX DAY OF XX 2025 BY
A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN AUTHENTICATION
OF ITS PASSAGE THE XX DAY OF XX 2025.

Jessica Rossman, Mayor

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

Attest:

Jennifer R. Robertson, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB



CITY OF MEDINA

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

MEMORANDUM

DATE: April 22, 2025
TO: Medina Planning Commission
FROM: Jonathan G. Kesler, AICP, Planning Manager and Dawn Lindsay Reitan, Assistant City Attorney
RE: Public Hearing on Unit Lot Subdivision/Zero Lot Line Ordinance

SUBJECT:

Proposed Land Use Code Amendment to revise the Medina Municipal Code to accommodate unit lot subdivisions and zero lot line subdivisions by adopting the State-mandated middle housing regulations to implement House Bills (HB) 1110.

BACKGROUND:

As part of adopting the middle housing requirements, the State legislature included a requirement in ESSHB 1110 requiring cities to allow “zero lot line” short subdivisions. RCW 36.70A.635(5), provides in pertinent part: “A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.” This means that the City of Medina must allow zero lot line subdivisions that result in two lots for existing lots where residential uses are allowed. In addition, since Medina is counting ADUs towards the middle housing density, a lot division could also occur for the allowed ADUs. This will be accomplished via a short unit lot subdivision that is limited to the maximum density in the middle housing ordinance.

The City Council previously reviewed the **Proposed Unit Lot Subdivision/Zero Lot Line Ordinance** at the Council Study Session on February 24, 2025, During that meeting, Council gave direction for revisions. Those revisions were made to the document, which was later reviewed by the Planning Commission during their meeting of March 25, 2025.

OVERVIEW OF PROPOSED CHANGES TO THE SUBDIVISION CODE:

Below, this memo walks through the changes to the Medina subdivision code, The proposed ordinance has been included as an attachment. Changes to the code are shown by the use of either strike out or underline text. If a section is brand new, that is also noted. Where sections of the subdivision code are not being changed, those sections are not included.

A. Definitions – Chapter 16.12 MMC.

The definition of “Lot” at MMC 16.12.130 is updated for consistency with the new short unit lot subdivision provisions. The definition of Parent Lot, Unit Lot and Lot Split are added to MMC 16.12.130 as those terms are used in the updated code. Lot split was added as that is a term that was used during the middle housing legislation (RCW 36.70A.635(6); RCW 36.70A.681(2)) and there is a bill pending in the Legislature this session regarding “Lot Splits”. In MMC 16.12.200, the definition for “Short Subdivision” is updated to address unit lot subdivisions. New definitions for “Unit Lot Short Subdivision” and “Zero Lot Line Subdivision” were also added. The definitions applicable to long subdivisions were deleted since the last draft.

B. Subdivisions – Chapter 16.73.

MMC 16.73.020 “Applicability” was updated to include short unit lot subdivisions. The reference to unit lot subdivisions (long, not short) was removed from this draft.

MMC 16.73.060 “Survey Requirements” was updated to include short unit lot subdivisions. The reference to unit lot subdivisions was removed in this draft.

MMC 16.73.080 “Review procedures and approvals” was updated to include short unit lot subdivisions. . The reference to unit lot subdivisions was removed in this draft.

MMC 16.73.090 “Approval criteria” was updated to include short unit lot subdivisions (but no longer includes unit lot subdivisions). In addition, a new subsection “C” was added to specifically address short unit lot subdivisions. These set forth how they apply and restrictions for use of the short unit lot subdivision procedures. This subsection includes several protections to ensure that only the maximum density set forth in the zoning code, including the new provisions under middle housing, are used and that re-division of a lot is **not** allowed. This subsection also clarifies that the maximum lot coverage for the original lot is still applicable across the new lots, as are the existing setbacks, which must be followed for the external lot area(s)/parent lot.

A new code section, **MMC 16.73.095 “Lot segregations – Zero-lot-line development”** is proposed for when the unit lot subdivision is also a zero-lot line subdivision.

MMC 16.73.100 “Submittal requirements” is amended to include short unit lot subdivisions (but no longer includes unit lot subdivisions). This also requires the applicant to show all lot lines, including internal lines, common use areas, setbacks, building footprints, etc.

MMC 16.73.110 “Approval criteria—Final short subdivision and subdivision” is amended to include short unit lot subdivisions (and no longer includes unit lot subdivisions).

MMC 16.73.120 “Submittal requirements—Final short subdivision and subdivision” is amended to include short unit lot subdivisions (it no longer includes

unit lot subdivisions). A new subsection “G” was added to specifically address short unit lot subdivisions.

MMC 16.73.140 “Recording with county auditor” is amended to include short unit lot subdivisions (but no longer includes unit lot subdivisions).

MMC 16.73.150 “Expiration of final approval” is amended to include short unit lot subdivisions (but no longer includes unit lot subdivisions).

PROCEDURAL REQUIREMENTS:

The review procedures for processing text code amendments to the development regulations are outlined in Chapter 16.81 of the Medina Municipal Code as follows:

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 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.

All code requirements were followed leading up to the Planning Commission public hearing as follows:

PUBLIC NOTICE:

The Notice requirements are outlined in MCC 16.81.070. Notice of the April 22, 2025, Planning Commission public hearing was published in the Seattle Times and on the City website on April 2, 2025. See **Exhibit 1**.

SEPA AND STATE REVIEW:

The City issued a SEPA Determination of Non-Significance (DNS) on Tuesday, March 25, 2025. See **Exhibit 2**. The deadline to submit comments to the City is Thursday, April 24, 2025.

The draft ordinance was submitted to the Washington State Department of Commerce on March 25, 2025, and the required 60-day notice period will end on May 24, 2025. As of the date of this report, no comments from state agencies had been received.

PUBLIC OUTREACH:

In addition to following the minimum noticing requirements, the City also expended great efforts to be transparent with Medina community members about the new state requirements and to involve them throughout the process of updating the code.

On June 10, 2024, the City Council adopted a Public Engagement Plan (PEP) via Resolution 444. This plan was utilized as a guiding document by City Staff and planning SCJ Alliance planning consultants. The City contracted with SCJ Alliance in September of 2024, after which they met with the City Council for the first time on October 14, 2024. Subsequent meetings with City Council included presentations on the State requirements, and the status of the mandated updates to the Uniform Development Code.

More information about the community outreach efforts, and the results of the survey, can be found on the Medina City website here:

<https://www.medina-wa.gov/developmentservices/page/new-housing-laws-middle-housing-and-adu-legislation-and-medina>

DECISION CRITERIA:

In addition to detailing the noticing requirements, the Medina City Code also provides decision criteria for making text amendments to the development regulations. These are found in MCC 16.81.080, as follows:

- 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.

RECOMMENDATION:

Staff has concluded that the attached Unit Lot Subdivision/Zero Lot Line Ordinance is consistent with the decision criteria required for adoption of amendments to development regulations pursuant to MCC 16.81.080. Staff recommends that the Planning Commission adopt the proposed ordinance.

Exhibits:

See Item 6.1, the Middle Housing Ordinance, for these same exhibits.

Attachment:

Unit Lot Subdivision/Zero Lot Line Ord. No. XXX

CITY OF MEDINA, WASHINGTON

Ordinance No. **xxx**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, AMENDING THE MEDINA UNIFIED DEVELOPMENT CODE TO PROVIDE FOR ZERO LOT LINE SUBDIVISIONS CONSISTENT WITH THE REQUIREMENTS OF RCW 36.70A.635(5), AMENDING SECTIONS 16.12.130, 16.12.200, 16.73.020, 16.73.060, 16.73.080, 16.73.090, 16.73.100, 16.73.110, 16.73.120, 16.73.140 AND 16.73.150 OF THE MEDINA MUNICIPAL CODE (MMC) AND CREATING A NEW SECTION 16.73.095 OF THE MMC, PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted legislation regarding middle housing (ESSHB 1110) and imposed requirements on cities to bring their land use codes into compliance with that legislation; and

WHEREAS, Medina is classified as a “Tier 3 city” under the middle housing legislation and is required to have a compliant code by June 30, 2025; and

WHEREAS, the City is also in the process of updating its zoning code to provide for middle housing and that work requires amending Section 16.12.200 “S” definitions which are amended by this Ordinance; and

WHEREAS, in order to avoid two separate ordinances contemporaneously amending the same section of code, the middle housing amendments to the “S” definitions are included in this Ordinance; and

WHEREAS, the State legislature included a requirement in ESSHB 1110 for cities to allow “zero lot line” short subdivisions (RCW 36.70A.635(5)) where the number of lots created is equal to the unit density required under the middle housing legislation; and

WHEREAS, under the middle housing legislation, Medina is required to allow two dwelling units on any lot that is zoned for residential development; and

WHEREAS, this means that the City of Medina must allow zero lot line subdivisions that result in the number of lots equal to the unit density under middle housing for lots for existing lots where residential uses are allowed; and

WHEREAS, in order to ensure consistency between state law and the Medina Municipal Code (MMC), certain updates are required; and

WHEREAS, unit lot short subdivisions are a type of subdivision that allows for smaller unit lots for increased housing density; and

WHEREAS, in order to allow the zero lot line subdivisions, it is in the public interest to create a short unit lot subdivision process that can be used to divide a single residential lot into the number lots equal to the middle housing unit density for the purposes of middle housing development and to create special standards when such subdivision is also a zero lot line development; and

WHEREAS, the Medina Planning Commission held three (3) study sessions on this Ordinance and the Medina City Council held eight (8) meetings where this Ordinance was discussed; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day review on March 25, 2025; and

WHEREAS, on March 25, 2025, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, the City issued a Notice of Public Hearing for the proposed code amendment at least 15 days prior to the public hearing before the City's Planning Commission which was published in the City's official newspaper and provided to the public in accordance with Title 16 MMC; and

WHEREAS, following the public hearing, the Planning Commission voted to recommend approval of this Ordinance to the City Council; and

WHEREAS, the City Council reviewed this Ordinance along with the recommendation from the Planning Commission during its regular meeting on April 28, 2025; and

WHEREAS, the City Council held a public hearing on this Ordinance on May 12, 2025 to take additional comment; and

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

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

Section 1. Section 16.12.130 of the Medina Municipal Code is hereby amended to read as follows:

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 subdivided lands having fixed boundaries being of sufficient area and dimension to meet the minimum and maximum underlying zoning district requirements for width, area and street frontage, except for unit lots approved in accordance with MMC 16.73.090.C or MMC 16.73.095; (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, parent means a lot which is subdivided into unit lots through the unit lot subdivision process.

Lot split means a legal lot which is divided into the number of new lots equal to the unit density under middle housing. At least one of the new lots may be smaller than the required minimum lot size. Lots which are split by a "lot split" may not be split nor subdivided a second time.

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.

Lot, unit means a lot created from a parent lot and approved through the unit lot subdivision process.

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.

Section 2. Section 16.12.200 of the Medina Municipal Code is hereby amended to read as follows:

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 as measured from existing grade.

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)."

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 this Code within which no 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.

Short term rental means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.

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 determining 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.

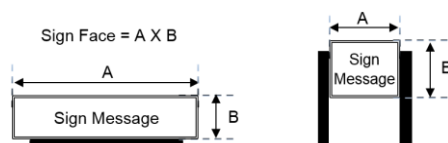
Sign, commercial means a sign containing commercial content used for identifying a building, use, business or event, or to advertise the sale of goods, products, events or services. This includes real estate and event signs.

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

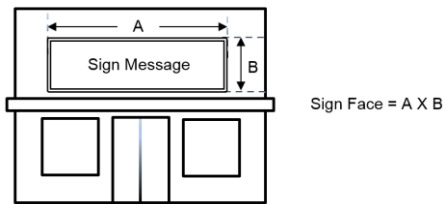
1



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.

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 noncommercial 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.

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 operating as a single housekeeping unit ~~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.~~

Single-family zones means those zones where single-family detached residences are the predominant land use.

Single housekeeping unit means one or more person(s) who jointly have common access to and common use of all living, kitchen, and eating areas within the dwelling unit and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method.

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.

Stacked flat means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

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.

Street means a right-of-way, ~~opened or unopened~~ developed or undeveloped, 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. While a short unit lot subdivision is a type of short subdivision, it is limited to the creation of no more than the number of lots established as the maximum unit density set forth in MMC 16.21.060 for the purposes of middle housing.

Subdivision, short unit lot means a type of subdivision that allows a parent lot to be divided into no more than the number of lots established as the maximum unit density set forth in MMC 16.21.060 within a development that also includes common areas and that is approved through the unit lot subdivision process. A unit lot subdivision is a type of short subdivision that is created for the purpose of splitting a single residential lot into lots for the construction of middle housing. A short unit lot subdivision is a type of lot split.

Subdivision, zero lot line means a type of short unit lot subdivision whereby there is reduced building setbacks from the new lot line. The standards set forth in MMC 16.73.095 apply to zero lot line subdivisions.

Substantial destruction means damage of any origin that is voluntarily or involuntarily sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the fair market value of the structure before the damage occurred. 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.

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 signs, antennas or other necessary associated hardware are mounted, including, but not limited to, lattice towers, monopoles, utility support structures, and existing nonresidential 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.

Section 3. Section 16.73.020 of the Medina Municipal Code is hereby amended to read as follows:

16.73.020. Applicability.

- A. This chapter shall apply to all divisions of land including short subdivisions, short unit lot 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.

Section 4. Section 16.73.060 of the Medina Municipal Code is hereby amended to read as follows:

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, short unit lot 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.

Section 5. Section 16.73.080 of the Medina Municipal Code is hereby amended to read as follows:

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 or preliminary short unit lot 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 or final short unit lot subdivision is processed as a Type 1 decision pursuant to Chapter 16.80 MMC.
 - d. The final short subdivision or final short unit lot subdivision shall be submitted to the director within five years of the date that the preliminary 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 delinquent 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.

Section 6. Section 16.73.090 of the Medina Municipal Code is hereby amended to read as follows:

16.73.090. Approval criteria—Lot line adjustment, short subdivision, short unit lot 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.

C. Short unit lot subdivision.

1. Applicability.

- a. The provisions of this subsection apply exclusively to the short unit lot subdivision of land proposed to be developed as

middle housing with attached or detached dwellings in all zoning residential districts in which residential dwellings are permitted.

b. This subsection may only be utilized for the division of lots which either meet the minimum lot size for the underlying zone or are legal non-conforming lots that existed prior to June 30, 2025.

c. Unless expressly modified by this section, all provisions applicable to short subdivisions, including subsection B above, are also applicable to short unit lot subdivisions.

2. General Requirements.

a. Unit lots shall be subject to all applicable requirements of the City's zoning code, except as otherwise modified by this section.

b. *Subdivision of middle housing units on a single lot.* A short unit lot subdivision proposed for a residential lot shall be limited such that the maximum number of lots shall be no greater than the maximum number of dwelling units on a lot as set forth in MMC 16.21.060. In addition, each unit lot shall be entirely outside of a critical area and shoreline buffers, and building setbacks shall be required from any critical area buffer consistent with Subtitles 16.5 and 16.6 of the Medina Municipal Code.

c. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements; provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements and the density requirements for the underlying zone. The overall development of the parent lot must meet the development and design standards of the underlying zone, including the maximum density. The maximum lot coverage for the underlying zone shall apply collectively to all properties within the unit lot subdivision based on the maximum lot coverage for the parent lot prior to subdivision. In addition, if the lot maximum is increased under MMC 16.73.090.C.2.b based on the development of one or more accessory dwelling units, then the usage of those lots shall be permanently restricted to use for an accessory dwelling unit and may not be converted for use for a different type of dwelling unit.

d. Within the parent lot, required parking for the dwelling units may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the King County Recorder's Office.

e. A short unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent lot as necessary to comply with all applicable development standards. Such easements shall be recorded with the King County Recorder's Office.

f. Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common

open space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the King County Recorder's Office.

g. If the development includes zero lot line residential development, the performance standards contained in MMC 16.73.095 will also apply.

3. Notes on Plat. Notes shall be placed on the plat recorded with the King County Recorder's Office to state the following:

a. The title of the plat shall include the phrase "Short Unit Lot Subdivision."

b. The individual unit lots are not separate buildable lots. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

c. Approval of the design and layout of the development was granted by the review of the development as a whole on the parent lot.

d. Additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, addition, or changes in use shall comply with conditions of approval of the short unit lot subdivision and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.

e. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot nor create any additional lots.

e. Additional divisions of land which create a new lot shall not be permitted in this Short Unit Lot Subdivision.

Section 7. A new Section 16.73.095 is hereby added to the Medina Municipal Code to read as follows:

16.73.095 Lot segregations – Zero-lot-line development.

In any zone where zero-lot-line development is permitted, interior setbacks may be modified during the short unit lot subdivision review as follows:

A. If a building is proposed to be located within a normally required interior setback:

1. An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;

2. The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;

3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block,

textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

4. The final short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

B. In the residential zones, setbacks on existing individual lots may be modified; provided, that the standards set forth in subsection (A)(1) of this section are met.

Section 8. Section 16.73.100 of the Medina Municipal Code is hereby amended to read as follows:

16.73.100. Submittal requirements.

An applicant seeking approval of a lot line adjustment, preliminary short subdivision, preliminary short unit lot 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.
- 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;
 - m. Topographical information showing existing contour lines at intervals of two feet elevation; and
 - n. For short unit lot subdivisions, show the boundaries of the parent lots and unit lots, show areas of common use, show ingress and ingress, show all setback lines, and show the general building footprints for the proposed unit lots.
- 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.

Section 9. Section 16.73.110 of the Medina Municipal Code is hereby amended to read as follows:

16.73.110. Approval criteria—Final short subdivision and subdivision.

The following criteria shall be used to review and approve a final short subdivision, final short unit lot 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.

Section 10. Section 16.73.120 of the Medina Municipal Code is hereby amended to read as follows:

16.73.120. Submittal requirements—Final short subdivision and subdivision.

An applicant seeking final approval of a short subdivision, short unit lot 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, short unit lot 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 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.
- G. For short unit lot subdivisions, the following notes shall be included on the face of the plat:
 1. The title of the plat shall include the phrase "Short Unit Lot Subdivision."
 2. The individual unit lots are not separate buildable lots. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
 3. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent lot.
 4. Additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, addition, or changes in use shall comply with conditions of approval of the unit lot subdivision and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.
 5. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot nor create any additional lot.
 6. Additional divisions of land which create a new lot shall not be permitted in this Short Unit Lot Subdivision.

Section 11. Section 16.73.140 of the Medina Municipal Code is hereby amended to read as follows:

16.73.140. Recording with county auditor.

All lot line adjustments, final short subdivisions, final short unit lot 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.

Section 12. Section 16.73.150 of the Medina Municipal Code is hereby amended to read as follows:

16.73.150. Expiration of final approval.

Approvals of lot line adjustments, final subdivisions, final short unit lot subdivisions, and final short subdivisions shall automatically expire if the plans are not recorded within one year of the written approval date.

Section 13. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 14. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 15. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 16. Effective Date. This ordinance shall take effect at 12:01 AM on July 1, 2025, which is at least five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE XX DAY OF XX 2025 BY A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE XX DAY OF XX 2025.

Jessica Rossman, Mayor

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

Attest:

Jennifer R. Robertson, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB

- 7.2 Critical Areas Ordinance Update
No Documents- Update item only.