



## MEDINA CITY COUNCIL

Monday, April 22, 2024

**5:00 PM – REGULAR MEETING**

### AGENDA

#### VISION STATEMENT

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

#### MISSION STATEMENT

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



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person  
Medina City Hall - Council Chambers  
501 Evergreen Point Road, Medina, WA 98039  
**Monday, April 22, 2024 – 5:00 PM**

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### AGENDA

**MAYOR** | Jessica Rossman

**DEPUTY MAYOR** | Randy Reeves

**COUNCIL MEMBERS** | Joseph Brazen, Jennifer Garone, Harini Gokul,  
Mac Johnston, Michael Luis

**CITY MANAGER** | Stephen R. Burns

**CITY ATTORNEY** | Jennifer S. Robertson

**CITY CLERK** | Aimee Kellerman

#### Hybrid Meeting Participation

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation. In accordance with the direction from Governor Inslee, masking and social distancing will be optional for those participating in person. 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](mailto:akellerman@medina-wa.gov) and leave a message before 2PM on the day of the Council meeting. Please reference Public Comments for the Council Meeting on your correspondence. The City Clerk will call 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. The city will also accept written comments. Any written comments must be submitted by 2 PM on the day of the Council meeting to the City Clerk at [akellerman@medina-wa.gov](mailto:akellerman@medina-wa.gov).

Join Zoom Meeting

<https://medina-wa.zoom.us/j/81961696176?pwd=WjRuK3ErVy9jdmmtelAvek1VeHkzUT09>

Meeting ID: 819 6169 6176

Passcode: 689036

One tap mobile

+1 253 205 0468, 81961696176# US

#### 1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Brazen, Garone, Gokul, Luis, Johnston, Reeves, Rossman

2. **APPROVAL OF MEETING AGENDA**

3. **PUBLIC COMMENT PERIOD**

Individuals wishing to speak live during the Virtual City Council meeting may 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 Council meeting. Please reference Public Comments for the Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit.

4. **PRESENTATIONS**

None.

5. **CITY MANAGER'S REPORT**

None.

6. **CONSENT AGENDA**

None.

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

None.

9. **CITY BUSINESS**

9.1 Comprehensive Plan Update – Capital Facilities Element Final Review

**Recommendation:** Review and Approval.

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager

Time Estimate: 30 minutes

9.2 Comprehensive Plan Second Review of Each Element:

- a) Natural Environment
- b) Transportation & Circulation
- c) Parks & Open Spaces
- d) Land Use

**Recommendation:** Review and discussion.

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager

Time Estimate: 60 minutes

9.3 Non-administrative Variance and Hearing Examiner Proposal

**Recommendation:** Discussion and direction.

**Staff Contacts:** Steve Wilcox, Development Services Director and Jennifer S. Robertson, City Attorney

Time Estimate: 30 minutes

9.4 Construction Activity Permit and Sign Code Proposal

**Recommendation:** Discussion and direction.

**Staff Contacts:** Steven R. Wilcox, Development Services Director and Jennifer S. Robertson, City Attorney

Time Estimate: 20 minutes

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

11. **PUBLIC COMMENT**

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

12. **EXECUTIVE SESSION**

Time Estimate: 10 minutes

RCW 42.30.110(1)(i)

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

13. **ADJOURNMENT**

Next regular City Council Meeting: May 13, 2024 at 5 PM.

### ADDITIONAL INFORMATION

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

The agenda items are accessible on the City's website at [www.medina-wa.gov](http://www.medina-wa.gov) on Thursdays or Fridays prior to the Regular City Council Meeting.

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

### UPCOMING MEETINGS AND EVENTS

Monday, May 13, 2024 - City Council Meeting (5:00PM)

**Monday, May 27, 2024 - Memorial Day - City Hall Closed**

Tuesday, May 28, 2024 - City Council Meeting (5:00PM)

Monday, June 10, 2024 - City Council Meeting (5:00PM)

**Wednesday, June 19, 2024 - Juneteenth - City Hall Closed**

Monday, June 24, 2024 - City Council Meeting (5:00PM)

**Thursday, July 4, 2024 - Independence Day - City Hall Closed**

Monday, July 8, 2024 - City Council Meeting (5:00PM)

Monday, July 22, 2024 - City Council Meeting (5:00PM)

**Monday, August 12, 2024 - City Council Meeting - Dark No Meeting**

**Monday, August 26, 2024 - City Council Meeting - Dark No Meeting**

**Monday, September 2, 2024 - Labor Day - City Hall Closed**

Monday, September 9, 2024 - City Council Meeting (5:00PM)

Monday, September 23, 2024 - City Council Meeting (5:00PM)

Monday, October 14, 2024 - City Council Meeting (5:00PM)

Monday, October 28, 2024 - City Council Meeting (5:00PM)

**Monday, November 11, 2024 - Veterans Day - City Hall Closed** Tuesday, November 12, 2024 - City Council Meeting (5:00PM)

Monday, November 25, 2024 - City Council Meeting (5:00PM)

**Thursday, November 28, 2024 - Thanksgiving Holiday - City Hall Closed**

**Friday, November 29, 2024 - Day After Thanksgiving Holiday - City Hall Closed**

Monday, December 9, 2024 - City Council Meeting (5:00PM)

Monday, December 23, 2024 - City Council Meeting (5:00PM)

**Wednesday December 25, 2024 - Christmas Day - City Hall Closed**

### CERTIFICATION OF POSTING AGENDA

The agenda for Monday, April 22, 2024 Regular Meeting of the Medina City Council was posted and available for review on Friday, April 19, 2024 at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at [www.medina-wa.gov](http://www.medina-wa.gov).



# MEDINA, WASHINGTON

## AGENDA BILL

Monday, April 22, 2024

**Subject:** Comprehensive Plan Update – Capital Facilities Element Final Review

**Category:** City Business

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager

### **Summary**

Per the direction of this Council on March 25, 2024, the Planning Commission (PC) did an extensive review of the Capital Facilities Element of the Comp Plan Update on March 26<sup>th</sup> and April 3<sup>rd</sup>. At the latter meeting, the PC did a final review and **approved** the document with a few minor changes, along with the authorization to proceed with this Element to the City Attorney, then this Council. The DSC reviewed it, as well, at its meeting of April 16, 2024. The City Attorney has reviewed it and made a couple of minor edits. **Staff/consultant are requesting review and final approval, so that this element may be sent on to PSRC and the Dept of Commerce.**

Attached is the **redlined** copy of the element, showing the final edits done per the review by City Attorney Jennifer Robertson.

This Comp Plan Update meets and supports Council's priorities 2, 3 and 5.

Council Priorities:

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

Priorities met:

2. Preserving and fostering the development of a variety of housing types, sizes and densities to accommodate the diverse needs of all members of the community while maintaining Medina's high-quality residential setting.
3. Clear guidelines are key to the efficient and effective completion of the periodic update of the City of Medina Comprehensive Plan by the December 31, 2024, deadline established by the state Department of Commerce under the Growth Management Act.
5. Preserving the quiet, sylvan neighborhood character of Medina.

### **Attachment**

**Redlined** copy of the Capital Facilities Element, showing the edits outlined above.

**Budget/Fiscal Impact:** None

**Recommendation:** Review and Approval.

**City Manager Approval:** *Aimee Kellerman* Signed on behalf of Stephen R. Burns  
**Proposed Council Motion:** "I move to approve the revised Capital Facilities Element of the Comprehensive Plan Update so it can be sent to PSRC and the Dept. of Commerce for their review."

Time Estimate: 30 minutes

## 7. CAPITAL FACILITIES ELEMENT

### INTRODUCTION

The Growth Management Act (GMA) requires cities to prepare a Capital Facilities Element. Capital facilities refer to those physical structures and infrastructure that are owned and operated by public entities and the associated services provided. The locations of Medina’s capital facilities are shown in [Figure 9](#).

### EXISTING CONDITIONS

#### Administration and Public Safety

City Hall is housed in the former ferry terminal building located at the south end of Evergreen Point Road in Medina Beach Park. City Hall contains City Council chambers, City administrative offices, and the police department. There are currently 22 City staff including the police department that work in City Hall. Public hearings for the Planning Commission, Hearing Examiner, and City Council are also held in this facility. Public restrooms are provided in conjunction with park use. [The City Hall building provides 8,662 square feet of space on a 1.15 acre parcel.](#)

The City of Medina maintains its own police force, which is housed within City Hall. The Medina police force also serves the adjacent Town of Hunts Point under contract. Marine Patrol is provided under contract by the Mercer Island Police Department.

Fire protection is provided under contract by the City of Bellevue. However, there is no fire station located within Medina; the nearest station is in the adjacent City of Clyde Hill on NE 24<sup>th</sup> Street between 96<sup>th</sup> Avenue NE and 98<sup>th</sup> Avenue NE ([Bellevue Fire Station 5](#)). [The City of Bellevue Fire Department has confirmed sufficient capacity to continue serving the City of Medina and its projected growth. In its 2023-2024 Capital Investment Program, the City of Bellevue shows allocated funding between fiscal years 2024 and 2026 to rebuild Fire Station 5, which will maintain its emergency response capabilities and improve its firefighter training facilities, better preparing its firefighters for responses within its service area \(including the City of Medina\).](#)

The City also has a Public Works shop located in the southwest corner of Medina Park adjacent to the Puget [Power Sound Energy](#) substation. [The shop is an -occupies approximately 1,878 square foeeet building with an additional 2,637 square feet of covered maintenance bays and is currently staffed by four employees. The developed area of the Public Works shop spans two parcels, extending over the property line shared between Medina Park \(8.82 acres\) and Puget Sound Energy \(1.63 acres\).](#)

#### Schools

The Bellevue School District maintains two facilities in Medina. Medina Elementary School is located on NE 8<sup>th</sup> Street between Evergreen Point Road and 82<sup>nd</sup> Avenue NE. The school is an approximately 67,000 square foot facility. Current enrollment is [-554-550](#) students, which is [at near](#) capacity. The second Bellevue School District facility is the former Three Points School, which is now leased by Bellevue Christian Schools, a private school, for their elementary school

**Commented [KM1]:** Ensure all figure/table references are complete. This is an ongoing effort being completed by the Planning team at LDC in tandem with the Comp Plan narrative and goals/policies updates, and will be completed prior to delivery to PSRC.

**Commented [KM2]:** LDC to consider following comment from [3/25](#) Council: Consider adding the land area of each structure described, and then put it all into a table instead of text.

**Commented [KM3]:** Edits made address 3/25 Council feedback

**Commented [KM4]:** New language as of 4/15 based on response from the FD. Requested PRR from Clyde Hill for any recent updates that’ve been made to the fire station - Clyde Hill confirmed no improvements have been made since 2013.

**Commented [KM5]:** Jennifer Roberston (City Attorney) recommended edit

**Commented [KM6]:** Jennifer Roberston (City Attorney) recommended edit

**Commented [KM7]:** Edits made address 3/25 Council feedback



campus. It is located on NE 28<sup>th</sup> Street adjacent to Evergreen Point Road and SR 520. There are ~~276~~251 students attending Bellevue Christian Elementary School. They have indicated that they are ~~near~~below capacity.

St. Thomas School, another private school, is located at the corner of NE 12<sup>th</sup> Street and 84<sup>th</sup> Avenue NE, adjacent to St. Thomas Church. The school has an enrollment of 290359, which is close to maximum enrollment below their maximum capacity of 394 students.

(Private schools are mentioned only because they may contribute to, or reduce, the demand on public facilities.)

**Water and Sewer**

King County CPPs direct jurisdictions to provide water and sewer services in a cost-effective way to maintain the health and safety of residents. Conservation and efficient use of water resources are vital to ensuring long-term supply.

Water and sewer services are provided by the City of Bellevue, with the wastewater being treated by King County. Based on Bellevue’s 2015-2017 Water System Plan, high demand single-family residential water consumption projections in the Bellevue service area is estimated at 24,45584 gallons per person per year/day. Due to the large size of some Medina properties relative to the Bellevue average, and resultant increased irrigation needs, residential users in Medina may use more than this average amount. Drinking water consumption by commercial and municipal employees is estimated at 9,32855 gallons per person per year/day.

Sewer flows are not separately metered, and are therefore estimated from winter average per-capita drinking water demand. Based on the 2013 City of Bellevue Wastewater System Plan, for the Bellevue service area, average sewer water usage is estimated at 20,440 gallons per person per year. Among its sewer infrastructure throughout Medina, the City of Bellevue’s wastewater system includes an 8-inch cement or cast iron lake line that runs nearly the entire length of the Medina shoreline fronting Lake Washington. It should be noted that the golf course does not use potable water for maintaining their greens, fairways, and landscaping, but rather is allowed to pump water from Lake Washington under a “grandfathered” water use rights agreement with the State Department of Natural Resources.

King County maintains a sewage pumping station at the corner of NE 8<sup>th</sup> Street and 82<sup>nd</sup> Avenue NE on the Medina Elementary School property in an agreement with the Bellevue School District. The pump station underwent infrastructural improvements to replace pipes and valves in 2023; it is expected that additional improvements may be installed in 2024.

**Parks and Recreation**

The City provides an abundance of park and recreation space to promote the health and well-being of the community. Parks in Medina include Medina Park, Medina Beach Park, Fairweather Nature Preserve, Viewpoint Park, City Dock at Lake Lane, City Dock at 84<sup>th</sup> Ave NE, and the Points Loop Trail system. Medina’s parks and recreational spaces are described in more detail in Chapter 6, Parks and Open Space Element, of the Comprehensive Plan.

**Storm Drainage**

Federal clean water regulations require jurisdictions to adopt and implement stormwater management plans. Medina is a National Pollutant Discharge Elimination System (NPDES) Phase II permittee, and adopted its Stormwater Management Program in 2023, which is aligned with the

**Commented [KM8]:** Quantities here have been updated based on the 2017 water and wastewater plans, which are updated every 10 years and are the most recent data.

**Commented [KM9]:** Jennifer Roberston (City Attorney) recommended edit

**Commented [KM10]:** LDC to explore based on 3/25 Council feedback: Is it relevant/important to make note of the sewer line running through Lake Washington? New text has been drafted that incorporates this feedback.

**Commented [KM11]:** Adopted in 2015 and updated every 10 years, so this is the most recent data

**Commented [KM12]:** Added to address 3/25 Council feedback.

**Commented [KM13]:** Should there be mention made of Clyde Hill pushing water to the golf course? 3/26 PC comment. No need to mention who is paying for the water to be moved to the golf course

**Commented [KM14R13]:** Called the golf course maintenance shop on 4/15 to better understand this - awaiting returned call to confirm whether Clyde Hill sends water to the golf course for reuse.

**Commented [KM15]:** To address Council 3/25 feedback: Contact King County/Bellevue about upgrades recently made to describe here. “Medina Pump Station”

**Commented [KM16]:** Added to address 3/25 Council feedback

**Commented [KM17]:** Added to satisfy RCW 36.70A.070(3)

requirements set forth in Ecology’s Western Washington Phase II Municipal Stormwater Permit, current as of August 1, 2019.

In addition, King County CPPs direct all jurisdictions to manage natural drainage systems for water quality and habitat functions, minimize erosion and sedimentation, protect public health, reduce flood risks, and moderate peak stormwater runoff rates. Jurisdictions should work cooperatively to establish, monitor, and enforce consistent standards for managing streams and wetlands throughout drainage basins.

Ongoing City programs, including annual street sweeping and storm basin cleaning, further support the City’s stormwater management goals. Additionally, the City annually prepares a Six-Year Capital Improvement Plan (CIP) prioritizing and informing of the intended projects to improve Medina’s capital infrastructure. The CIP is updated regularly to ensure that changing circumstances (such as climate or population change) and their resultant impact on capital facilities in Medina are reevaluated for priority of capital investment and improvement. Proposed locations and capacities of expanded or new capital facilities will be outlined in the City’s CIP and re-evaluated in the CIP’s annual review. The City’s Six-Year Capital Improvement Plan CIP is listed in Appendix B.

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**Commented [KM18]:** Ensure the updated version is attached

**Commented [KM19]:** This language has been added to address PC feedback from 3/26 and to address the Mayor’s feedback via email on 3/25, and also implements RCW 36.70A.030(3)(b).

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**CAPITAL FACILITIES PLAN**

The City intends to continue to have water and sewer service provided by the City of Bellevue. Bellevue has indicated that they have adequate capacity to continue to service the relatively stable population in Medina.

**Commented [KM20]:** Update as needed once we hear back from Bellevue.

Medina Elementary School, Bellevue Christian School, and St. Thomas School are all near below or at enrollment capacity. School administrators at Bellevue Christian School have indicated there are no major expansions planned for this facility in the foreseeable future.

**Commented [KM21]:** Should the other schools be included? Either call them all out or mention none. 4/3 PC question

The City’s current Stormwater Management Program sets forth a task to prepare a Stormwater Management Action Plan that would inventory and map delineated public basins, investigate the health of the basins, and prioritize or determine which basins should be retrofitted or preserved (see Figure X). The program includes analysis of overall system condition and capacity, identification of a set of stormwater management techniques, a model ordinance to address development on individual properties, and a suggested capital improvement program. The majority of the capital improvements outlined in the Stormwater Management Program focus on annual as-needed maintenance, repair, and improvements to the City’s existing stormwater infrastructure.

**Commented [KM22]:** Update figure after received from Ryan

Recommendations concerning the control of point sources of stormwater runoff are aimed at either providing stormwater retention/detention and/or encouraging the use of the best management practices as defined under Department of Ecology guidelines. The Stormwater

Management Program encourages the use of public information programs or other such educational efforts to raise the awareness of City residents concerning water quality issues and solutions.

In the event that probable or expected funding is insufficient to address the capital facilities needs of the community, the City will reassess the Land Use Element of the Comprehensive Plan to consider changes that could be made to ease the burden of a lack of facility funding.

**Commented [KM23]:** Added to incorporate RCW requirement (36.70A.070(3)).

~~The City's Six-Year Capital Improvement Plan is listed in Appendix D.~~

**Commented [KM24]:** Ensure the updated version is attached

**GOALS**

CF-G1 To have adequate, cost-effective, and efficient capital facilities and services for the City's needs.

**POLICIES**

CF-P1 The Six-Year Capital Improvement Plan should be periodically updated to reflect the projected needs of the community.

CF-P2 The City Council may periodically evaluate the adequacy of City facilities; consideration of facility adequacy could include that of water conservation, efficiency, demand reduction efforts, and disaster resiliency in the siting or expanding of capital facilities. Encourage consideration of new capital facility development or expanding on or maintaining existing facilities to support forecasted growth. A full comprehensive financial analysis, including cost justification, must be completed before any proposal is recommended to Council.

**Commented [KM25]:** Revised to incorporate Council 3/25 feedback

CF-P3 The City should continue to contract with the City of Bellevue for water and sewer services, and should ensure all Medina residents have access to a safe, reliably maintained, and sustainable drinking water source that accommodate current and future needs. The City should collaborate with or otherwise support facility or infrastructural improvements at the City of Bellevue aimed at requiring water reuse or reclamation and at reducing the rate of energy consumption used to provide water and sewer services, potentially through the use of low-carbon, renewable, or alternative energy sources.

CF-P4 The City should make improvements to the stormwater system based on the City of Medina Stormwater Management Program.

CF-P5 The City should maintain requirements for stormwater retention/detention and/or the use of the best management practices as defined under Department of Ecology guidelines, and according to the objectives of the Puget Sound Water Quality Management Plan.

CF-P6 The City should pursue stormwater management strategies to promote the use of low-impact development management techniques, minimize flooding, minimize significant erosion to natural drainage ways, avoid impacts to natural features, and reduce degradation of water quality; these strategies apply holistically throughout the City, prevent or mitigate harmful environmental hazards, and inherently increase environmental resiliency in frontline communities where they may exist.

**Commented [KM26]:** Frontline communities are those that traditionally experience the worst impacts of climate change. Usually, these are underrepresented members of the community who often live in the most affordable areas of a community based on the area being less desirable due to climate considerations (less healthy air, nearby industrially-used land, flood-prone areas, etc.).

CF-P7 The City should encourage the use of public information programs or other such

educational efforts to raise the awareness of City residents concerning water quality and quantity issues and solutions.

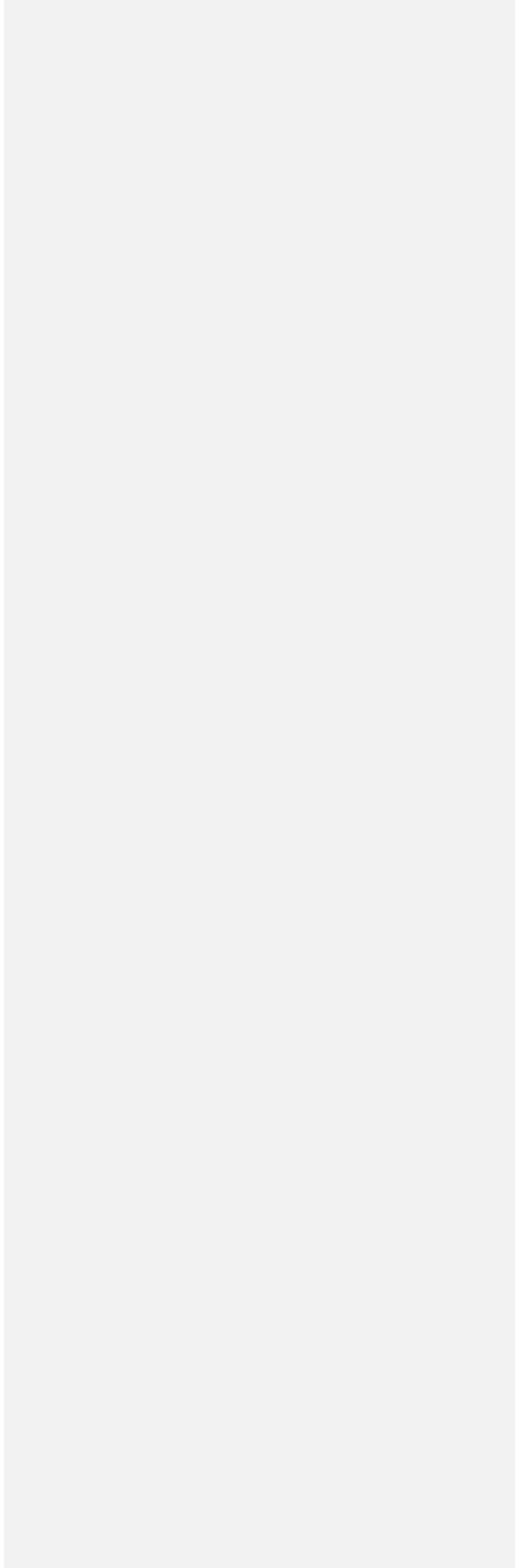
CF-P8 The City should support the development of regional plans for long-term water provision to support growth and to address the potential impacts of climate change and fisheries protection on regional water sources with other neighboring jurisdictions.

CF-P9 The City should support reused or reclaimed water to be used, where feasible, at its parks, schools, and golf course.

CF-P10 The City should consider opportunities to expand the use of City Hall for the use or enjoyment of Medina residents.

**Commented [KM27]:** Added to address Council **3/25** comment

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# MEDINA, WASHINGTON

## AGENDA BILL

Monday, April 22, 2024

**Subject:** Comprehensive Plan Second Review of Each Element:

- a) Natural Environment
- b) Transportation & Circulation
- c) Parks & Open Spaces
- d) Land Use

**Category:** City Business

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager

### **Summary**

The Natural Environment, Transportation, Parks and Open Space and Land Use Elements return this evening for a second review. All are revised to reflect feedback from the Planning Commission (PC) from April 18th and are cleaned up to have “resolved” the comments in the margins. We’re still waiting for a few outstanding responses to be resolved (e.g.: the golf course confirming Clyde Hill’s water practice). **Currently, all elements are in review with City Attorney Jennifer Robertson, also.**

Please note, per our consultant Kim Mahoney, Principal, LDC Consultants:

- All exhibits, tables, and maps are actively being updated by the LDC team. LDC Planning will be working heavy on this effort the week of April 22-26, while Kim is out-of-town – we should expect that by the time the packet goes out for the May 13<sup>th</sup> Council meeting on May 9<sup>th</sup>/10<sup>th</sup>, these updates will be completed.
- LDC will be aiming for elements to be passed by Council, for sending to the PSRC, at the May 13<sup>th</sup> meeting.
- Staff and LDC will be focusing on preparing the SEPA Checklist in May, which will **require** a draft revised version of the Comp Plan to accompany the notice of SEPA Threshold Determination when it is issued.

The following is an outline of the **action taken** on each individual element **thru April 18<sup>th</sup>**:

**Natural Environment:** Per Council’s direction of Monday, April 8<sup>th</sup>, this element was presented to the Development Services Committee (DSC) at its Tuesday, April 16<sup>th</sup> meeting. On Thursday, April 18<sup>th</sup>, the Planning Commission (PC) reviewed this element. The PC voted 5-0-0 to approve it to move forward to the City Attorney and this Council for review.

**Transportation:** Per Council’s direction of Monday, April 8<sup>th</sup>, this element was presented to the DSC at its Tuesday, April 16<sup>th</sup> meeting. On Thursday, April 18<sup>th</sup>, the PC reviewed this element. The PC voted 6-0-0 to approve it to move forward to the City Attorney and this Council for review.

**Parks and Open Space:** Per Council's direction of Monday, April 8<sup>th</sup>, this element was presented to both the Parks Board at its Monday, April 15<sup>th</sup> Special Meeting and to the DSC at its Tuesday, April 16<sup>th</sup> meeting. On Thursday, April 18<sup>th</sup>, the PC reviewed this element. The PC voted 6-0-0 to approve it to move forward to the City Attorney and this Council for review.

**Land Use:** Per Council's direction on March 11<sup>th</sup>, this element was reviewed by the Planning Commission (PC) at its Special Meetings on Thursday, March 14<sup>th</sup> and Thursday, April 18<sup>th</sup>, as well as its Regular meeting of Tuesday, March 26<sup>th</sup>. It was presented to the DSC at its Wednesday, March 20<sup>th</sup> meeting, as well. On April 18<sup>th</sup>, the PC voted 6-0-0 to approve it to move forward to the City Attorney and this Council for review.

In the packet, you will find the revised copies of the elements. They include **redlined** edits and notes in the margins that show all **changes** our consultant has made, as noted above, through the Planning Commission meeting of April 18<sup>th</sup>.

This Comp Plan Update meets and supports Council's priorities 2, 3 and 5.

Council Priorities:

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

Priorities met:

2. Preserving and fostering the development of a variety of housing types, sizes and densities to accommodate the diverse needs of all members of the community while maintaining Medina's high-quality residential setting.
3. Clear guidelines are key to the efficient and effective completion of the periodic update of the City of Medina Comprehensive Plan by the December 31, 2024, deadline established by the state Department of Commerce under the Growth Management Act.
5. Preserving the quiet, sylvan neighborhood character of Medina.

### **Attachments**

**Redlined** copies of the Natural Environment, Transportation, Parks and Open Space and Land Use Elements, showing the edits outlined above.

**Budget/Fiscal Impact:** None

**Recommendation:** Review and discussion.

**City Manager Approval:** *Aimee Kellerman* Signed on behalf of Stephen R. Burns

**Time Estimate:** 60 minutes



## 2. NATURAL ENVIRONMENT ELEMENT

### INTRODUCTION

The quality of life in the Pacific Northwest is often equated with the quality of the environment. Protecting and restoring air quality, water resources, soils, and plant, fish and animal habitats are important goals for the City of Medina.

This is particularly vital in light of federal Endangered Species Act ([ESA](#)) listings of several salmonid species. ~~Chinook-Coho~~ salmon and steelhead trout are listed as threatened by the National Marine Fisheries Service (NMFS), ~~and Chinook salmon are listed as endangered. Band-bull~~ trout are listed as threatened by the U.S. Fish and Wildlife Service (USFWS). ~~Coho salmon are a candidate species listed by NMFS.~~ All of these species are found in Lake Washington.

Medina is committed to federal, state, and regional goals of endangered species recovery of listed salmon species by addressing salmon habitat needs within and adjacent to its boundaries within Lake Washington. However, protecting these resources is challenging for a fully developed community.

The Growth Management Act (GMA) requires that comprehensive plans establish critical areas policies based on best available science as defined by WAC 365-195-905. In addition, "...cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries." King County countywide planning policies (CPP) ~~direct local jurisdictions to incorporate environmental protection and restoration efforts into their local plans and to provide effective stewardship of the environment for future generations, including preserving and protecting critical areas~~ provides that, "Local governments have a key role in shaping sustainable communities by integrating sustainable development and business practices with ecological, social, and economic concerns. Local governments also play a pivotal role in ensuring environmental justice by addressing environmental impacts on frontline communities and by pursuing fairness in the application of policies and regulations." The City defines critical area wetlands, fish and wildlife habitat conservation areas, and geologically hazardous areas. These critical areas are regulated under the City's Critical Area Regulations ([Medina Municipal Code Chapter 16-20.50](#)). The City does not contain any critical aquifer recharge areas or frequently flooded areas.

This section establishes critical areas policies based on best available science to protect the environment and enhance the community's quality of life within the constraints of a fully developed community. The section also establishes policies intending to support environmental justice within the community.

The GMA also mandates the conservation of natural resources, such as agricultural, forest, and mineral resource lands. However, Medina has none of these areas so natural resource lands will not be addressed further.

### EXISTING CONDITIONS

The City of Medina is located within the Lake Washington/Cedar River/Sammamish Watershed, also known as Water Resource Inventory Area (WRIA) 8.

The 2014 Critical Areas Map identifies and describes known critical areas within Medina (see Figure 4). These critical areas include:

- Fairweather Park [Fairweather Nature Preserve];
- Medina Park and adjacent wetlands at Overlake Golf & Country Club;

**Commented [KM1]:** Update Ciara/Dane

**Commented [KM2]:** update

**Commented [KM3]:** The critical area map shows these as "urban natural open spaces," which are not a discussed regulated critical area in MMC 16.50. It's atypical for open spaces and parks to be regulated as critical areas - how might you make construction improvements to the tennis courts, or install new play equipment without an arduous critical area permitting process? We might consider deleting these and leaving their discussion to the Parks and Open Space Element.

**Commented [KM4R3]:** This was presented to Council on 4/8 and was not dismissed - to run this idea by Commission on 4/18

**Commented [KM5R3]:** PC concurred on 4/18 that these areas should be removed from critical areas map. Dane/Ciara to update accordingly.

- Portions of the Lake Washington shoreline, which are designated as erosion hazard areas;
- The Lake Washington shoreline in its entirety, which has moderate to high liquefaction susceptibility;
- a great blue heron priority habitat area in the northeast corner of Medina Park;
- a bald eagle nest buffer along the northern shoreline of Lake Washington;
- Medina Creek (a.k.a, Fairweather Bay Creek);
- an unnamed creek draining from the Medina Park ponds;
- an unnamed creek originating in the south Clyde Hill area;
- an unnamed creek connected to the Fairweather Park wetland; and
- a potential unnamed creek originating near Evergreen Point Road, north of NE 14<sup>th</sup> Street.

These features and their vegetated buffers provide moderate habitat functions for small mammals, a variety of birds, amphibians, reptiles, and invertebrates typically found in urban green spaces. In addition, all of these features are adjacent to or ultimately drain into Lake Washington, a waterbody which contains federal ~~Endangered Species Act~~ESA-listed fish. However, none of these features, aside from the Lake Washington shoreline itself and the immediately accessible downstream reaches of the streams, contain federally listed fish. Therefore, from an ESA perspective, the most valuable function of these features to be preserved and enhanced is water quality treatment and storage, and groundwater recharge. The Washington Department of Fish and Wildlife lists Coho salmon ~~are as~~ a State-Priority Species, which ~~and~~ have been observed in Medina Creek downstream (north) of SR 520. Recent improvements to culverts underneath SR 520 may allow coho salmon to pass upstream into Medina. Therefore, in-stream fish habitat on Medina Creek could also be enhanced. Other possible functions include passive recreation and environmental education. Medina should seek opportunities to coordinate with neighboring communities to maintain or daylight culverts that cross jurisdictional boundaries, where a multi-jurisdictional joint approach to creek system and culvert management would improve fish passage and water flows through Medina and the Points communities.

Commented [KM6]: Added to incorporate feedback from 4/8 Council

**GOALS**

- NE-G1 To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.
- NE-G2 To prioritize stormwater management, point and non-point pollutant discharge reduction, and erosion control methodologies to reduce short-term and long-term water quality impacts.
- NE-G3 To promote community-wide stewardship of the natural environment for future generations through protection, preservation/conservation, and enhancement of those natural environment features which are most sensitive to human activities and which are critical to fish and wildlife survival and proliferation.

**POLICIES**

- NE-P1 The City ~~shall~~ should maintain and update critical areas regulations as required by the GMA, and utilizing the best available science. Approaches and standards for defining and protecting critical areas should be coordinated with neighboring jurisdictions where such areas and impacts to critical areas cross jurisdictional boundaries.
- NE-P2 The City ~~shall~~ should preserve and should enhance where possible the functions and values of Medina’s critical areas and natural resources in a manner consistent with best

Commented [KM7]: Added to implement CPP EN-7 (see p. 36 of the gap analysis)

NE-P3

available science, and preserve and restore its native vegetation, native biodiversity, and tree canopy, especially where it protects habitat and contributes to overall ecological function. Natural resources in Medina include forests, wetlands, estuaries, and urban tree canopy, all of which are valuable and should be protected.

The City ~~shall~~ should coordinate with other cities, King County, federal and state agencies, tribes, the Puget Sound Partnership, and the WRIA 8 Salmon Recovery Council, and other stakeholders on regional environmental issues for the benefit of Puget Sound and its watersheds, such as including surface and groundwater quality and quantity improvements, natural drainage system improvement, erosion and sedimentation minimization, flood risk abatement, stormwater runoff rate moderation, and salmon conservation. By implementing this integrated and comprehensive approach to fish, wildlife, and habitat management, the City hopes to accelerate ecosystem recovery, focusing on enhancing the habitat of salmonids, orca, and other threatened and endangered species and species of local importance.

**Commented [KM8]:** Recommended addition by DSC 4/16

**Commented [KM9]:** Added to implement CPP EN-21 and EN-32 (see p. 33-34 of the gap analysis)

**Commented [KM10]:** Added to implement CPP EN-2 and EN-16 (see p. 6 of the gap analysis)

**Commented [KM11]:** Added to implement CPP EN-17 (see p. 37 of the gap analysis)

**Commented [KM12]:** Added to implement CPP EN-9 (see p. 36 of the gap analysis)

- NE-P4 No net loss of wetlands functions, values, and acreage should result from development.
- NE-P5 The City ~~shall~~ should work to protect, preserve and, where possible, enhance water quality in Lake Washington, Medina Creek, and other streams. ~~The should ensure that public and private projects incorporate locally appropriate, low-impact development approaches developed using a watershed planning framework for managing stormwater, protecting water quality, minimizing flooding and erosion, protecting habitat, and reducing greenhouse gas emissions.~~
- NE-P6 The City ~~shall~~ should develop a mitigation incentives program that promotes improved water quality. Incentives should be monitored to determine effectiveness.
- NE-P7 ~~The City shall~~ should work to preserve stream corridors wide enough to maintain and enhance existing stream and habitat functions in all development proposals by designation of native growth protection areas or other appropriate mechanisms.
- NE-P8 The City should restore Medina Creek to provide salmon habitat by developing and implementing a salmon restoration/habitat recovery plan ~~and by facilitating development review processes that ensure that new development is consistent with germane state regulations governing stream restoration.~~
- NE-P9 The City ~~shall~~ should prohibit the introduction of invasive plant species and encourage enhancement of native plant communities in natural areas, which include, but are not limited to, fish and wildlife habitat conservation areas and their buffers. ~~The City should also encourage protection or enhancement of the urban tree canopy to provide wildlife habitat, support community resilience, mitigate urban heat, manage stormwater, conserve energy, protect and improve mental and physical health, and strengthen economic prosperity. Prioritize places where Black, Indigenous, and other People of Color communities; low-income populations; and other frontline community members live, work, and play.~~
- NE-P10 ~~θ~~—The City should encourage and educate residents on development and land use practices that minimize impacts on the natural environment, with emphasis on anadromous fisheries.
- NE-P11 ~~The City should ensure all residents, regardless of race, social, or economic status have a clean and healthy environment. The City should work to identify, mitigate, and correct for unavoidable negative impacts of public actions that disproportionately affect those frontline communities impacted by existing and historical racial, social, environmental, and economic inequities, and who have limited resources or capacity to adapt to a changing environment. The City should prevent, mitigate, and remediate harmful environmental pollutants and hazards, including light, air, noise, soil, and structural hazards, where they have contributed to racialized health or environmental disparities, and increase environmental resiliency in frontline communities.~~
- NE-P12 ~~The City should adopt and implement policies and programs to achieve a target of reducing countywide sources of greenhouse gas emissions, compared to a 2007 baseline, by 50% by 2030, 75% by 2040, and 95%, including net-zero emissions through carbon sequestration and other strategies, by 2050. Evaluate and update these targets over time in consideration of the latest international climate science and statewide targets aiming to limit the most severe impacts of climate change and keep global warming under 1.5 degrees Celsius.~~

**Commented [KM13]:** Added to implement CPP EN-3 (see p. 29 of the gap analysis)

**Commented [KM14]:** Added to implement CPP EN-10 (see p. 45 of the gap analysis)

**Commented [KM15]:** Added to implement CPP EN-11 (see p. 30 of the gap analysis)

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**Commented [KM16]:** Added to implement CPP EN-5 & DP-6 (see p. 2-3 of the gap analysis)

**Commented [KM17]:** Added to implement CPP EN-25 (see p. 50 of the gap analysis)

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**Commented [KM18]:** Added to implement CPP EN-27 (see p. 44 of the gap analysis)

NE-P13 The City should plan for development patterns that minimize air pollution and greenhouse gas emissions, including:

- a) Facilitating modes of travel other than single-occupancy vehicles including transit, walking, bicycling, and carpooling;
- b) Incorporating energy-saving strategies in infrastructure planning and design;
- c) Encouraging interjurisdictional planning to ensure efficient use of transportation infrastructure and modes of travel;
- d) Encouraging new development to use low emission construction practices, low or zero net lifetime energy requirements, and green building techniques; and
- e) Reducing building energy use through green building methods in the retrofit of existing buildings.

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NE-P14 This City should promote energy efficiency, conservation methods, sustainable energy sources, electrifying the transportation system, and limiting vehicle miles traveled to reduce air pollution, greenhouse gas emissions, and consumption of fossil fuels to support state, regional, and local climate change goals.

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## 2.1 SHORELINE MANAGEMENT SUB-ELEMENT

### INTRODUCTION

The Washington State Legislature passed into law the Shoreline Management Act (SMA) in 1971 with the paramount objectives to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or which will offer the opportunities for the public to enjoy the state's shorelines. The goals and policies of the SMA constitute one of the goals of the Growth Management Act as set forth in RCW 36.70A.020.

Administration of the SMA is a cooperative effort balancing local and state-wide interests in the management and development of shoreline areas. The City manages the shoreline areas through implementation of its ~~shoreline master program~~ Shoreline Master Program (SMP). The goals and policies set forth in this sub-element are combined with the regulations set forth in ~~Subtitle-29~~ Subtitle 16.6 of the Medina Municipal Code and together constitute the Medina ~~Shoreline Master Program~~ SMP. ~~This master program~~ The SMP represents the City's participation in a coordinated planning effort to protect the public interest associated with the shorelines of the state, at the same time, recognizing and protecting private property rights consistent with the public interest.

The City of Medina is a low-density residential community that encompasses approximately 109 acres of shoreline jurisdiction and 4.5 miles of waterfront (23,760 feet). Except for about 780 feet of publicly and ~~state-owned~~ state-owned property, all of the City's shoreline is privately owned and zoned for residential use. Medina originally adopted a Shoreline Management Master Program in 1974. The Program was updated in 2014 to comply with the 2003 Department of Ecology Guidelines found in WAC 173-26. The SMP was again updated in 2019 during its periodic review, as required by WAC 173-26-090(2).

### VISION FOR THE SHORELINE MASTER PROGRAM

The residential nature of the City's shoreline makes preservation of this character, while encouraging good stewardship and enjoyment of the shoreline, including protecting and preserving shoreline ecological functions, the primary vision of the ~~shoreline master program~~ SMP.

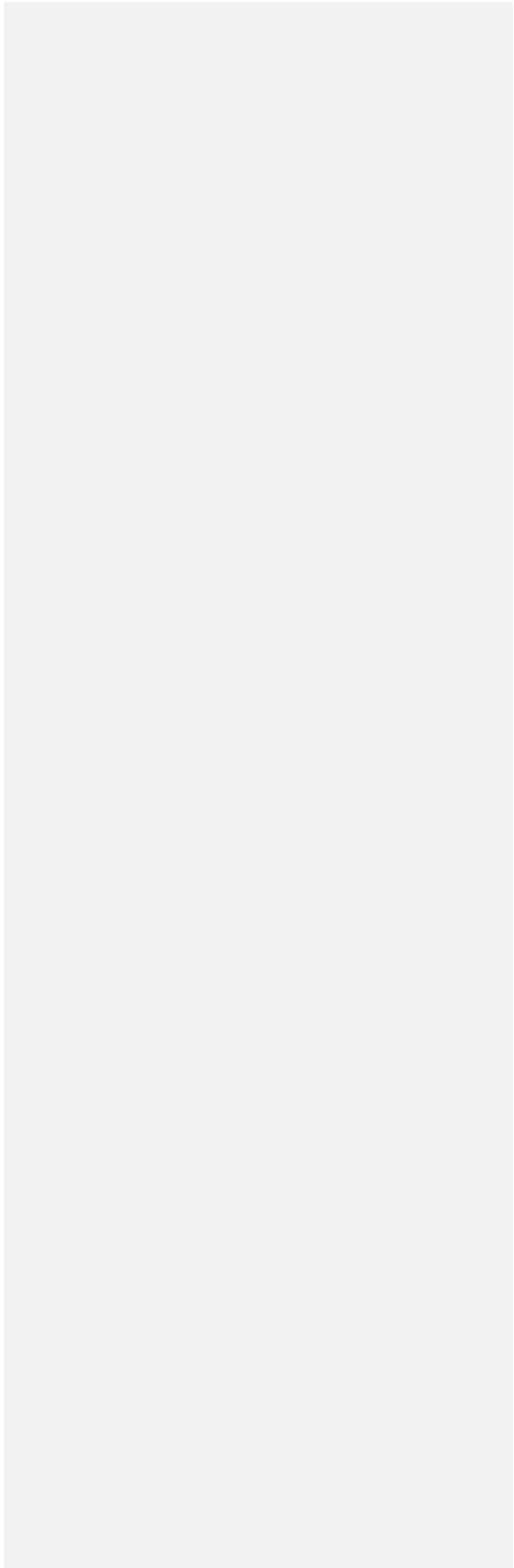
### GOALS AND POLICIES

The City's ~~Shoreline Master Program~~ SMP provides goals and policies involving the protection of, and appropriate uses for, the shoreline.

The goals and policies are grouped into the following categories:

- A. Shorelines of Statewide Significance
- B. Shoreline Environments;
- C. Shoreline Use and Activities;
- D. Public Access;
- E. Recreation;
- F. Circulation;
- G. Utilities;
- H. Environment;

I. Archaeological, Historic and Cultural





- J. Resources; and
- K. Shoreline Restoration and Ecological Enhancements.

### A. Shorelines of Statewide Significance

#### GOALS

- SM-G1 Implement the policies of the ~~Shoreline Management Act~~SMA as enunciated in RCW 90.58.020.

#### POLICIES

- SM-P1.1 This ~~Shoreline Master Program~~SMP ~~shall~~should be developed using the following guidelines in order of preference:
- a. Recognize and protect the state-wide interest over local interest.
  - b. Preserve the natural character of the shoreline.
  - c. Support actions that result in long-term benefits over short-term benefits.
  - d. Protect the resources and ecology of the shoreline.
  - e. Increase public access to publicly owned areas of the shorelines.
  - f. Increase recreational opportunities for the public ~~in~~along the shoreline.

### B. Environment Designations

The intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing and planned development patterns, biological capabilities and limitations, and the aspirations of the local citizenry.

#### GOALS

- SM-G2 Provide a comprehensive shoreline environment designation system to categorize Medina's shorelines into similar shoreline areas to guide the use and management of these areas.

#### POLICIES

- SM-P2.1 Designate properties ~~R~~residential to accommodate ~~detached single-family~~residential development.

*Designation criteria: Assign residential environment designation to shoreline areas predominantly ~~single family~~ residential development or are planned and platted for residential development.*

Areas designated as Residential are predominantly ~~single family~~ residential development and comprise approximately 98 percent of the City's shoreline jurisdiction. The following management policies should guide development within these areas:

- a. Residential activities are preferred over other land and resource consumptive development or uses. Limited non-residential uses, such as parks, day cares, **and** home businesses may be allowed, provided they are consistent with the residential character and the City’s land use regulations.
- b. Development should be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.
- c. Development regulations should require the preservation of ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

SM-P2.2 Designate properties Urban Conservancy to protect and restore ecological functions of open space, flood plain and other sensitive lands, while allowing a variety of compatible uses.

*Designation criteria: Assign Urban Conservancy environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "rural areas of more intense development" if any of the following characteristics apply:*

- i. *They are suitable for water-related or water-enjoyment uses;*
- ii. *They are open space, flood plain or other sensitive areas that should not be more intensively developed;*
- iii. *They have potential for ecological restoration;*
- iv. *They retain important ecological functions, even though partially developed; or*
- v. *They have the potential for development that is compatible with ecological restoration*

Areas designated as Urban Conservancy include Medina Beach Park, Lake Lane Dock, View Point Park/ 84<sup>th</sup> Avenue N.E. Dock, and privately owned joint-use recreational lots. The following management policies should guide development within these areas:

- a. Primary uses should be those that preserve the natural character of the area or promote preservation of open space or sensitive lands either directly or over the long term. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
- b. Water dependent recreation uses, such as public access piers, recreational floats, and swim beaches, shall be the highest priority, provided they can be located, designed, constructed, operated, and mitigated in a manner that ensures no net loss of ecological function.
- c. Water-oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water-oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and

**Commented [KM21]:** It seems like these italicized sections are a quote from some source, though I can't find which source. This language does not exist in the SMA. If this is sourced language, please confirm which source and I can review the updated source content to make this language consistent with updated source language.

**Commented [KM22R21]:** On 4/8, Council asked staff to consider whether this language stems from the SMA. The SMA does not contain this language.

**Commented [KM23R21]:** 4/16 DSC feedback: keep this in here

small playground areas would be acceptable, but tennis courts and developed sports fields would not.

- d. Standards should be established for shoreline stabilization, vegetation conservation, water quality, and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- e. Facilities should be designed for neighborhood and non-motorized use, unless vehicle access and parking can be provided and impacts on the environment and surrounding property owners can be mitigated.

SM-P2.3 Designate properties Aquatic to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

*Designation Criteria: Assign Aquatic environment designation to areas waterward of the ordinary high water mark.*

Areas designated as Aquatic are those waterward of the ordinary high water mark. The following management policies should guide development within these areas:

- a. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
- b. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- c. To reduce the impacts of shoreline development and increase effective use of water resources, multiple-use of over-water facilities should be encouraged.
- d. All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- e. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- f. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrological conditions.

SM-P2.4 Designate properties Transportation to accommodate the SR 520 highway, which is an essential public facility.

*Designation Criterion: Assign Transportation environment designation to areas of high-intensity uses related to transportation.*

Areas designated as Transportation include lands controlled by the Washington State Department of Transportation and designated as state highway right-of-way. The following management policies should guide development within these areas:

- a. Noise associated with construction activity and ongoing operations should be mitigated to the maximum extent practicable.

- b. Best management practices and mitigation for impacts should be implemented to ensure no net loss of ecological function.
- c. Where not in conflict with public safety and security of the SR 520 facility, public access should be made a priority.
- d. Vegetation and habitat should be restored and enhanced upon completion of the SR 520 replacement project using native species.
- e. The SR 520 facility, and any associated maintenance facilities occurring within the shoreline management area, particularly where visible from the water, should be fully screened from adjoining residential properties to the extent practicable with vegetation and fencing as needed.

SM-P2.5 Areas not designated shall automatically be assigned an Urban Conservancy designation.

### **C. Shoreline Uses and Activities**

Uses and activities are given preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to, or dependent upon uses of the shorelines. Preference is first to water-dependent uses, then to water-related uses and then water-enjoyment uses. The purpose is to ensure development of property is done in a manner that protects the public's health, safety and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the SMA.

### **GOALS**

- SM-G3 Locate, design and manage shoreline uses to prevent and, where possible, restore significant adverse impacts on water quality, fish and wildlife habitats, the environment, and other uses.
- SM-G4 Preserve Medina's shoreline for ~~single family residential use~~; in a manner that also protects and preserves the natural features along the shoreline and the quality of Lake Washington.
- SM-G5 Maintain the City Hall building and grounds in a manner consistent with the protection and enhancement of the shoreline environment.
- SM-G6 Limit parking within the shoreline jurisdiction.
- SM-G7 Manage public and community boating facilities to avoid or minimize adverse impacts.
- SM-G8 Manage shoreline modifications to avoid, minimize, or mitigate significant adverse impacts.
- SM-G9 Minimize impacts to the natural environment and neighboring uses from new or renovated piers and docks and their associated components, such as boatlifts and canopies.
- SM-G10 Manage signs so that they do not visually or aesthetically impair the shoreline environment.
- SM-G11 Limit the visual and environmental impacts of trams in the shoreline area.

**POLICIES**GENERAL

- SM-P3.1 Establish development regulations that avoid, minimize and mitigate impacts to the ecological functions associated with the shoreline area.
- SM-P3.2 Encourage low-impact development practices, where feasible, to reduce the amount of impervious surface within the shoreline area.
- SM-P3.3 Ensure that private property rights are respected consistent with the public interest expressed in the ~~Shoreline Management Act~~SMA.

RESIDENTIAL

- SM-P 4.1 Provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, ecological functions, preserve views, and minimize use conflicts.
- SM-P4.2 Require new development to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices.
- SM-P4.3 Provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement and restoration of high functioning vegetative buffers and natural or semi-natural shorelines.
- SM-P4.4 At a minimum, development should achieve no net loss of ecological functions, even for exempt development.

CITY GOVERNMENT FACILITIES

- SM-P5.1 Medina's City Hall and uses accessory to the City Hall should minimize impacts to shoreline character and features, visual access to the shoreline, and not interfere with the public's ability to access or enjoy the shoreline.
- SM-P5.2 Any expansion of Medina's City Hall should result in no net loss of ecological function within the shoreline jurisdiction.

PARKING

- SM-P6.1 Limit parking facilities to those supporting an authorized principal use and allowing such facilities only if the following criteria are met:
- a. Parking is designed and located to minimize adverse impacts including those related to surface water runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance;
  - b. No loss of ecological functions shall result from construction and operation of the parking facility;
  - c. The parking does not restrict access to the site by public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties; and
  - d. Preference shall be given to permeable surface materials where feasible.

BOATING FACILITIES

- SM-P7.1 Locate and design boating facilities to ensure no net loss of ecological functions and to avoid significant adverse impacts.

- SM-P7.2 Where feasible, boating facilities should include measures that enhance degraded and/or scarce shoreline features.
- SM-P7.3 Boating facilities should not unduly obstruct navigable waters and should avoid causing adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.
- SM-P7.4 Preference should be given to boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater coverage.
- SM-P7.5 Accessory uses at boating facilities should be limited to water-oriented uses, or uses that provide physical and/or visual shoreline access for substantial numbers of the general public. Non-water-dependent accessory uses should be located outside of shoreline jurisdiction or outside of the shoreline setback whenever possible.
- SM-P7.6 Boating facilities should be located, designed, constructed and operated so that other appropriate water-dependent uses are not adversely affected and to avoid adverse proximity impacts such as noise, light and glare; aesthetic impacts to adjacent land uses; and impacts to public visual access to the shoreline.

#### SHORELINE MODIFICATIONS

- SM-P8.1 The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
- SM-P8.2 The city should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological function. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.

#### SHORELINE STABILIZATION

- SM-P8.3 Shoreline stabilization should be located, designed, and maintained to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream or lake processes and the probable effects of proposed shoreline stabilization on other properties and shoreline features should be considered.
- SM-P8.4 Structures should be located and designed to avoid the need for future shoreline stabilization where feasible.
- SM-P8.5 Structural shoreline stabilization measures should only be used when a need has been demonstrated and more natural, flexible, non-structural methods have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
- a. No action (allow the shoreline to retreat naturally), increase buffers, and relocate structures.
  - b. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.

c. Rigid works constructed of artificial materials such as riprap or concrete.

- SM-P8.6 New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure, including single-family dwelling, which is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.
- SM-P8.7 New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.
- SM-P8.8 Encourage alternative methods for shoreline stabilization including non-regulatory methods. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
- SM-P8.9 New development that would require shoreline stabilization which causes significant impacts to adjacent properties should not be allowed.

#### DREDGING

- SM-P8.10 Dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values. Proposals that include dredging should provide mitigation to achieve no net loss of shoreline ecological functions.
- SM-P8.11 Dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts.
- SM-P8.12 Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill should not be allowed, except as part of a restoration or environmental cleanup project.

#### FILL

- SM-P8.13 Fills should be allowed only when tied to a specific development proposal that is permitted by the master program, and that is located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- SM-P8.14 Fill coverage should be the minimum necessary to provide for the proposed use.
- SM-P8.15 Factors such as current and potential public use of the shoreline and water surface area, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible.
- SM-P8.16 Fills waterward of the ordinary high water mark should be restricted to supporting water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with Department of Natural Resources rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration and enhancement

projects, and only when other solutions would result in greater environmental impact.

- SM-P8.17 Fills should be designed and located so that there will be no significant damage to existing ecological systems or result in hazard to adjacent life, property, or natural resource systems.

#### LAND SURFACE MODIFICATIONS

- SM-P8.18 Limit land surface modification activities in the shoreline area. Impacts from land surface modifications activities can be avoided through proper site planning, construction timing practices, and use of erosion and drainage control methods. Generally these activities should be limited to the maximum extent necessary to accommodate the proposed use, and should be designed and located to protect shoreline ecological functions and ecosystem-wide processes.

#### BREAKWATERS, JETTIES, GROINS

- SM-P8.19 Breakwaters, jetties and groins should only be permitted where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- SM-P8.20 Breakwaters, jetties and groins should be located and designed to achieve no net loss of ecological functions.

#### MOORAGE FACILITIES (PIERS AND DOCKS)

- SM-P9.1 Locate and design piers and docks to avoid adversely impacting shoreline ecological functions or processes, and where unavoidable impacts to ecological functions might occur, mitigation should be provided.
- SM-P9.2 Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.
- SM-P9.3 Piers and docks should be restricted to the minimum size necessary to meet the needs of the proposed use.
- SM-P9.4 Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term, and have been approved by applicable state agencies.
- SM-P9.5 Establish development regulations that encourage property owners to make renovations to their existing piers and docks outside of normal maintenance and repairs that improve the environmental friendliness of their structure.
- SM-P9.6 Encourage joint-use or shared piers and docks where practical.

#### SIGNS

- SM-P10.1 Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- SM-P10.2 Signs should not block or otherwise interfere with visual access to the water or shorelines.



SM-P10.3 Outdoor advertising and billboards are not an appropriate use of the shoreline areas within shoreline jurisdiction.

#### TRAMS

SM-P11.1 Joint use trams are encouraged where they can be placed on the property line.

SM-P11.2 The visual impacts of trams should be minimized.

#### **D. Public Access**

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. The purpose is to plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access.

#### **GOALS**

SM-G12 Ensure the public's ability to physically and visually enjoy the shoreline environment.

#### **POLICIES**

SM-P12.1 Views of Lake Washington from public parks should be preserved and enhanced. Enhancement of views shall not be construed to mean excessive removal of vegetation.

SM-P12.2 Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy. Public access to shoreline areas does not include the right to enter upon or cross private property, except for dedicated easements.

SM-P12.3 Public access should be required for all new shoreline development and uses where feasible, except for single-family residential development containing less than five dwelling units.

SM-P12.4 Preservation and enhancement of the public's visual access to all shoreline areas should be encouraged through the establishment of setbacks and height limits that ensure view corridors.

SM-P12.5 Ensure that development upland, as well as in-water and near-shore areas are located and designed in ways that result in no net loss of ecological functions.

SM-P12.6 Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize, insofar as practical, interference with the public's use of the water.

SM-P12.7 Access should provide for a range of users including pedestrians, bicyclists, boaters and people with disabilities to the greatest extent feasible.

SM-P12.8 Integrate shoreline public access with existing and planned trails or routes, such as the Points Loop Trail, and the City's parks and pedestrian pathway system, where feasible, to improve non-motorized access and community connections.

- SM-P12.9 The shoreline area between Medina Beach Park and the tip of Evergreen Point should be a priority for establishing new public access.
- SM-P12.10 The City should work with Washington State Department of Transportation in providing public access within any remnant property that may result from the SR 520 replacement project, or its future improvements. In particular public access should provide public entry to Lake Washington where feasible and should be connected to Fairweather Nature Preserve.
- SM-P12.11 When appropriate, Medina should consider joining with other governmental bodies in a cooperative effort to expand public access to the shoreline through programs of acquisition and development.
- SM-P12.12 Continue use of opened waterfront street ends for public access.

### **E. Recreation**

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This includes both public and non-commercial recreational opportunities.

### **GOALS**

- SM-G13 Recreation activities that are dependent on access to the water should be available to citizens of Medina.

### **POLICIES**

- SM-P13.1 Water-dependent recreational activities such as boating, fishing, and swimming should have priority over other types of recreation on Medina's public shoreline.
- SM-P13.2 Coordination with local, state and federal recreation planning should be encouraged. Shoreline recreational development should be consistent with the City's park and recreation plans.
- SM-P13.3 Open space and the opportunity for passive forms of recreation should be encouraged on public shoreline. Recreational plans should promote the conservation of the shoreline's natural character, ecological functions, and processes while expanding the public's ability to enjoy the shoreline.
- SM-P13.4 The City should encourage retention and development of the shoreline for joint use private recreational activities, such as moorage, decks, beach clubs, etc.
- SM-P13.5 Links between existing and future shoreline parks, recreation areas and public access points should be created via a non-motorized network using existing rights-of-way or through acquisition of easements and/or land, where feasible.
- SM-P13.6 Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate negative impacts on adjoining properties.

**F. Circulation**

Circulation includes transportation facilities, which are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, heliports, and other related facilities.

**GOALS**

- SM-G14 The present transportation system within the shoreline jurisdiction shall be maintained, but any expansion or modification to accommodate growth shall be designed in a manner which causes minimal impacts using the best technology and science available. New road construction in the shoreline jurisdiction should be minimized.

**POLICIES**

- SM-P14.1 New transportation facilities or the expansion of existing facilities must be designed to minimize air, noise and water pollution, adverse impacts on aquatic habitat and wildlife habitat, and the adverse impacts of excessive light, glare and community separation.
- SM-P14.2 Expansion of existing roadways should be allowed only if such facilities are found to be in the public interest and impacts can be mitigated to meet no net loss.
- SM-P14.3 New road and bridge construction and the expansion of existing transportation facilities should include improved non-motorized facilities and enhanced visual and physical public access if feasible.
- SM-P14.4 Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities, and motorized and non-motorized forms of transportation should be encouraged to the maximum extent feasible.

**G. Utilities**

Utilities are services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications.

**GOALS**

- SM-G15 Manage public and private utilities within the shoreline area to provide for safe and healthy water, and sanitary sewer services, while protecting and enhancing the water quality and habitat value of the shoreline.

**POLICIES**

- SM-P15.1 New utilities should be located outside of the shoreline jurisdiction unless no other feasible option exists. Where permitted, they should be installed to protect the shoreline and water from contamination and degradation.

- SM-P15.2 Utilities should avoid locating in environmentally sensitive areas unless no feasible alternatives exist.
- SM-P15.3 Wherever utility facilities and corridors must be placed in a shoreline area, they should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or designed to minimize impacts on the aesthetic qualities of the shoreline area.
- SM-P15.4 Utilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.
- SM-P15.5 Joint use of rights-of-way and existing utility corridors should be encouraged.

#### **H. Natural Environment**

Medina is enriched with valued natural features that enhance the quality of life for the community. Natural systems serve many essential functions that can provide significant benefits to fish and wildlife, public and private property, and enjoyment of the shoreline area.

#### **GOALS**

- SM-G16 Preserve, protect, and restore the shoreline environment.
- SM-G17 Protect, conserve, and establish vegetation along the shoreline edge.
- SM-G18 Conserve and protect critical areas, including wildlife habitat areas, within the shoreline areas from loss or degradation.
- SM-G19 Manage activities that may adversely impact surface and ground water quality or quantity.

#### **POLICIES**

##### **ENVIRONMENTAL IMPACTS**

- SM-P16.1 Protect shoreline process and ecological functions through regulatory and non-regulatory means that may include regulation of development within the shoreline jurisdiction, incentives to encourage ecologically sound design, conservation easements, and acquisition of key properties.
- SM-P16.2 Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.
- SM-P16.3 Adverse impacts on the natural environment should be minimized during all phases of development (e.g. design, construction, operation, and management).
- SM-P16.4 Shoreline developments that propose to enhance environmentally sensitive areas, other natural characteristics, resources of the shoreline, and provide public access and recreational opportunities to the shoreline are consistent with the fundamental goals of this ~~Master Program~~SMP, and should be encouraged.

VEGETATION CONSERVATION

- SM-P17.1 Where new developments and/or uses or redevelopments are proposed, native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes. Vegetation conservation and restoration should be used to mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
- a. Providing shade necessary to maintain water temperatures required by salmonids and other organisms that require cool water for all or a portion of their life cycles.
  - b. Regulating microclimate in riparian and near-shore areas.
  - c. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro-invertebrates.
  - d. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.
  - e. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
  - f. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
  - g. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase structural diversity for salmonids and other species.
  - h. Providing habitat elements for riparian-associated species, including downed wood, snags, migratory corridors, food, and cover.
- SM-P17.2 Noxious and invasive weeds. Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality. Use of non-toxic or natural controls is preferred.
- SM-P17.3 Provide incentives for the retention and planting of native vegetation, and discourage extensive lawns due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications particularly in areas recommended for designation as Shoreline Residential. Incentives could include additional flexibility with building setbacks from Lake Washington, a simplified permit process with recommended planting plans, reduced or waiver of permit fees, and/or city participation in a pilot-project that promotes shoreline restoration.

CRITICAL AREAS

- SM-P18.1 In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201(2)(a).
- SM-P18.2 In protecting and restoring critical areas within shoreline areas-, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, watershed plans, local development regulations, and state, tribal, and federal programs.

- SM-P18.3 Critical areas within the shoreline area should be managed and protected to ensure no net loss of ecological functions. When feasible, degraded ecological functions and ecosystem-wide processes should be restored.

#### **WATER QUALITY, STORMWATER, AND NON-POINT POLLUTION**

- SM-P19.1 All shoreline uses and activities should be located, designed, constructed and maintained to mitigate adverse impacts to water quality, water quantity, or hydrology.
- SM-P19.2 The City should require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objective of minimizing impervious surfaces and lessening negative impacts on water quality.
- SM-P19.3 Stormwater impacts should be addressed through the application of the most recent edition of the Adopted Surface Water Design Manual and all applicable City stormwater regulations.
- SM-P19.4 The City should provide general information to the public about the impacts of land and human activities on water quality, and encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural fertilizers.

#### **I. Archaeological, Historic and Cultural Resources**

Archaeological, historic and cultural resources are those that are either recorded at the state historic preservation office or have been inadvertently uncovered.

#### **GOALS**

- SM-G20 Historically, culturally or archaeologically significant areas or architecturally or culturally significant facilities should be protected and maintained in the public interest.

#### **POLICIES**

- SM-P20.1 Medina should preserve or allow preservation of shoreline buildings and sites with historic or architectural value, such as the old ferry ticket office (City Hall), and certain boathouses.
- SM-P20.2 Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.
- SM-P20.3 Ensure that new development is compatible with existing historic structures and cultural areas.

**J. Shoreline Restoration and Ecological Enhancement**

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

**GOALS**

SM-G21 Implement the projects, programs and plans established within the Restoration Plan as funding and staffing resources permit.

**POLICIES**

- SM-P21.1 Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
- SM-P21.2 Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
- SM-P21.3 The City should, and private entities are encouraged to, seek funding from State, Federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP or the Final WRIA 8 Chinook Salmon Conservation Plan and related documents.
- SM-P21.4 The City should develop processing guidelines that will streamline the review of restoration-only projects.
- SM-P21.5 Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

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## 5. TRANSPORTATION & CIRCULATION ELEMENT

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### INTRODUCTION

The Growth Management Act (GMA) requires jurisdictions to demonstrate the availability of transportation facilities needed to accommodate the growth in traffic over the next twenty years. King County countywide planning policies (CPP) related to transportation intend to address three overarching goals: supporting growth by focusing on serving the region with a transportation system that furthers the Regional Growth Strategy; focusing on mobility by addressing the full range of travel modes necessary to move people and goods efficiently within the region and beyond, and; maintaining system operations by encompassing the design, maintenance, and operation of the transportation system to provide for safety, efficiency, and sustainability. ~~direct jurisdictions to develop a balanced transportation system as well as coordinated financing strategies and a land use plan to implement regional mobility in support of the Vision 2040 regional growth strategy.~~ Since Medina is landlocked and expects minimal population growth in the foreseeable future, transportation issues are largely concerned with the maintenance and function of the existing street system and the impacts to this system from decisions made by larger land uses within as well as outside of the City.

**Commented [KM2]:** Updated to reflect new CPPs

### EXISTING CONDITIONS

Medina's street pattern has developed as an extension of the original City plat, which was laid out as a basic grid. The exception to this pattern is the Medina Heights neighborhood, which has been subdivided such that the streets are more curvilinear and tend to follow the prevailing topography. Nearly all streets in Medina are two lanes with one lane in each direction, with one exception. Provisions for cyclists and pedestrians are made on some collector streets. Regionally oriented transportation facilities consist of a state highway (SR 520), a Washington State Department of Transportation (WSDOT) bridge maintenance facility, and a Park & Ride lot. SR 520 passes through Medina and connects the eastside communities with Seattle via the Evergreen Point Floating Bridge. There is an east-bound off-ramp exiting SR 520 at the north end of 84<sup>th</sup> Avenue NE along with a west-bound on-ramp. A Park & Ride lot is located on the Evergreen Point Road lid, and provides pedestrian access to two public transit stops located in the median of SR 520.

**Commented [JF3]:** The existing conditions sections goes over all requirements for (6)(a)(iii) A-F "Facilities and services needs"

Issues relevant to transportation in Medina primarily concern road surface maintenance, storm drainage, and sidewalks. Traffic volumes are expected to remain relatively constant considering Medina is fully developed and no substantive population increases are expected. There are no current plans or needs for new road construction.

### Regional Transportation Facilities

The SR 520 corridor has recently been reconstructed to address increased traffic and transit demand. The updated corridor includes a number of design features intended to minimize the significant adverse impacts on the surrounding residential uses, public facilities (e.g., Fairweather Nature Preserve and the Bellevue Christian Elementary School), and the environment. The SR 520 also now provides improved traffic conditions between Seattle and the east side of the County, and provides pedestrian and bicycle regional connectivity that runs through Medina and along the SR 520 bridge. ~~These impacts include excessive noise, water and air~~

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~~pollution, and the unsightly appearance of the SR 520 corridor and the Park & Ride lot, which was unscreened. During periods of heavy rain, unfiltered drainage from the roadway produced an oil sheen on Fairweather Bay.~~

~~In hearings and meetings before the City Council and Planning Commission, the public has frequently asked that efforts be made to reduce the many impacts of the SR 520 corridor on the adjacent single-family residential neighborhoods and public facilities.~~

~~After extensive public process, the SR 520 corridor project included the following modifications:~~

- ~~• Landscaped lid, including green space, park and ride, and viewpoints across SR 520 on Evergreen Point Road to reconnect neighborhoods originally separated by construction;~~
- ~~• Sound walls with a stamped finish and vegetation screening to minimize transfer of noise and light from the roadways to the adjacent neighborhoods, parks, and school; and~~
- ~~• New stormwater facilities to collect and treat polluted road runoff.~~

~~Operation of and modifications to SR 520 could have very significant impacts on the adjacent residential and public uses within Medina. Unless effectively mitigated, activity along the corridor will increase air, noise and water pollution; increase light and glare; remove significant vegetation; increase the separation of neighborhoods within the City; adversely impact the shoreline, sensitive areas and wildlife habitat; and reduce the City's recreation resources.~~

**Street Classification**

Streets in Medina are classified on a three-tiered hierarchy developed by the Federal Highway Administration. The hierarchy reflects their functional characteristics (See Figure 7). They are described below in descending order.

**Minor Arterial**

- Interconnects and augments the Urban Principal Arterial system providing service to trips of moderate length at a somewhat lower level of travel mobility than a Principal Arterial.
- Distributes travel to geographic areas smaller than those identified with the higher system(s).
- Contains facilities which place more emphasis on land access than the higher systems(s) and offer a lower level of traffic mobility. Such facilities may carry local bus routes and provide intra-community continuity, but ideally should not penetrate identifiable neighborhoods.
- Provides urban connections to rural collector roads.

The spacing of Minor Arterial streets may vary from 1/8 to 1/2 mile in the central business district and 2 to 3 miles in the suburban fringes. The only street in this category is 84<sup>th</sup> Avenue NE between NE 12<sup>th</sup> Street and NE 28<sup>th</sup> Street. This street is utilized by Clyde Hill, Medina, and Bellevue residents to access SR 520 and as a route into downtown Bellevue.

**Collector**

- Provides both land access service and traffic circulation within residential neighborhoods, commercial and industrial areas.

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- Differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination.
- Collects traffic from local streets in residential neighborhoods and channels it into the arterial system.

This category includes the following streets:

- Evergreen Point Road between Overlake Drive West and 78<sup>th</sup> Place NE,
- Overlake Drive between Evergreen Point Road and Lake Washington Boulevard.
- NE 12<sup>th</sup> Street between Evergreen Point Road and Lake Washington Boulevard,
- NE 24<sup>th</sup> Street between Evergreen Point Road and 84<sup>th</sup> Avenue NE, and
- Lake Washington Boulevard between NE 12<sup>th</sup> Street and the Medina city limit near 851 Lake Washington Boulevard.

#### Local Access

- Provides direct access to abutting land and access to higher order systems.
- Offers the lowest level of mobility and usually contains no bus routes.
- Service to through traffic movement usually is deliberately discouraged.

This category includes all those City of Medina streets that do not fall into the previous two categories.

#### Level of Service

Level of service (LOS) is generally defined as the ability of a roadway or intersection to carry the volume of traffic. LOS is typically measured using a six-tiered rating system that can be found in the *Highway Capacity Manual*. This system is used in the [2011-2022 King County Regional Transportation Plan](#), and its use provides a level of consistency between adjacent communities and the County.

At the high end of the scale is an LOS of 'A,' where motorists experience a high level of freedom of operation and there is seldom more than one vehicle waiting at an intersection. The low end of the scale is an LOS of 'F,' which represents a forced flow of traffic and indicates a failure of the roadway or intersection to accommodate traffic volumes. The LOS ratings between 'A' and 'F' represent increasing degrees of traffic volumes relative to roadway configuration and waiting times at intersections. LOS ratings of 'D' and above indicate that there is reserve capacity on a roadway or at an intersection. For purposes of this Plan, the City adopts an LOS rating of 'C' for its arterials and an LOS rating of 'D' for intersections.

Adjacent cities employ criteria nearly identical to Medina's for LOS standards.

Medina residents currently enjoy relatively little traffic on internal streets due to the City's location, configuration, and land use mix. There are no east-west streets that offer through-routes for regional traffic except for SR 520. Since there is direct connection off of SR 520 to the internal street grid, there are no substantive impacts on neighborhood streets from motorists seeking alternative routes. though Medina residents have experienced increased traffic associated with motorists from other neighboring communities navigating through Medina's internal street grid to access SR 520 and avoid more congested areas to access the highway elsewhere.

**Commented [KM5]:** People come up 12th out of Bellevue, turn right on 84<sup>th</sup> to get onto 520, driving through Medina to get to 520 from Bellevue (4/18 PC feedback). Context has been added here to this effect.

The average weekday traffic volumes for the four most traveled streets in Medina are estimated based on the *Institute of Traffic Engineers Trip Generation Tables* since there are no traffic counts on record for internal City streets. They are as follows (Table 3):

**Table 3. Average Weekday Traffic Volumes**

	Average Weekday (vehicles/day)	PM Peak Hour (vehicles/hour)
Evergreen Point Road	2000	210
NE 24 <sup>th</sup> Street	3500	365
NE 12 <sup>th</sup> Street	2400	250
84 <sup>th</sup> Avenue NE	6000	630

**Commented [KM6]:** Being updated by LDC Planning in batch revisions to all Medina Comp Plan maps, tables, exhibits, etc.

Major trip generators in Medina include the Overlake Golf & Country Club, Medina Elementary School, Bellevue Christian School, St. Thomas School, the Wells-Medina Nursery, and traffic related to personal services or special events for, and at, individual residences. Funerals, weddings, and church functions at the St. Thomas Church (located on the corner of NE 12<sup>th</sup> Street and 84<sup>th</sup> Avenue NE) affect the area within a radius of about three blocks. These occur during the regular work week and on weekends. Traffic associated with St. Thomas School impacts the functioning of the adjacent intersection as motorists tend to queue up just past the intersection as they access the parking/pick-up area at St. Thomas Church (which serves the St. Thomas School) and then make left turns out of this area to once again pass through the intersection. This contributes to congestion at this intersection during peak travel hours. To mitigate this congestion, recent efforts have been made to queue vehicles accessing St. Thomas on the shoulder of the road along 84<sup>th</sup> Ave NE.

**Commented [KM7]:** 4/18 PC feedback

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Many parents transport their children to and from the Medina Elementary and Bellevue Christian Schools and use neighborhood streets for access. Residents of the neighborhood just south of Bellevue Christian School have expressed concern over the number of vehicles that are using neighborhood streets to access the school. The City has installed new sidewalks and a load/unload area in front of Medina Elementary to improve safety and congestion using grant funding.

**Commented [JF8]:** Demand management strategy

Other than construction-related trips, Overlake Golf & Country Club accounts for the largest number of trips originating outside of the City. Traffic volumes fluctuate seasonally, between weekdays and weekends, and with Club-sponsored special events. The entrance to the Country Club is at the end of NE 16<sup>th</sup> Street off of Evergreen Point Road. It has been estimated that the Country Club accounts for 12% to 16% of the average daily traffic on Evergreen Point Road depending on the season.

Because the City is fully developed, it is unlikely that there will be a substantial increase in traffic on internal city streets due to additional residential development.

The traffic along 84<sup>th</sup> Avenue NE between NE 12<sup>th</sup> Street and SR 520 is likely to increase during peak hours, special events, or bad weather due to increases in some regional traffic using this route as a connection between SR 520 and downtown Bellevue. This may cause increased delays at the intersections at NE 12<sup>th</sup> Street, NE 24<sup>th</sup> Street, and Points Drive (SR 520 access). A traffic study conducted by the City of Medina in <YEAR> that looked at effects of the SR 520 on-ramp at 84<sup>th</sup> Avenue NE showed no significant change in traffic; the City may wish to fund a new study to understand how traffic trends are evolving in the community.

**Commented [KM9]:** Add the date of this study and mention that the city may wish to conduct another study if congestion persists. 4/18 PC feedback. Ryan O has 2016/2017 traffic data that could go toward an update here.

| There have been several “mega-homes” built in Medina over the last ~~25~~-35 years. These have increased traffic during construction and upon completion. There has been a tendency for these

homes to require increased personnel for the daily operations of the residences, and security requires numerous personnel to access the property. Parties, outdoor art displays, and other functions are regular occurrences. This creates temporary increases in traffic flow on Medina’s neighborhood and arterial streets.

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Commented [KM11]: Being updated

**Public Transit**

There is one King County Metro Transit bus route that provides direct service to City residents via 84<sup>th</sup> Avenue NE (route 271). Figure 7 shows the location of the transit stops. Route 271 runs north-south along 84<sup>th</sup> Avenue NE from SR 520 to NE 12<sup>th</sup> Street, and provides direct access to downtown Seattle/Issaquah, the University District, and downtown Bellevue. Recognizing the value that its only regional bus route provides to the community, Medina should work to protect its limited public transportation offering from being removed or reduced in service.

Commented [KM12]: Added to incorporate feedback from 4/8 Council

The Evergreen Point Freeway Station at Evergreen Point Road and SR 520 provides direct access to 15-12 bus routes, including five-three Sound Transit routes and one Snohomish County Community Transit Route. The Park & Ride, located on the Evergreen Point lid above SR 520, includes parking for approximately 50 vehicles. Both the east-bound and west-bound stops are accessible from the Evergreen Point Road lid by pedestrian pathways.

As part of its Strategic Plan for Public Transportation 2011-2021/2021-2031, King County Metro developed revised its service guidelines for the regional transit system. These guidelines are based on the density of jobs and households, the relative percentages of low income or minority residents, and the number of employment and activity centers along a given transit corridor. Transit levels of service are then defined in terms of “Service Families,” which describe the desired frequency of service during peak, off peak, and night times. Route 271, which serves Medina along 84<sup>th</sup> Avenue NE, and the SR 520 corridor both support the highest level of all-day service. All but the southwestern portions of Medina are located within one-half mile of a transit stop on one of these two corridors, and all residences in the City are within five miles of the Evergreen Point Park & Ride.

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**Pedestrians and Bicycles**

A pedestrian walkway system should be designed to provide residents with safe and convenient access to public facilities, services, and recreational amenities. This includes getting children safely to and from schools and parks and providing good pedestrian access to transit uses at the Evergreen Point Station and along the 84<sup>th</sup> Avenue NE/NE 12<sup>th</sup> Street/Lake Washington Boulevard corridor, supporting the potential for a Walkable Medina.

Commented [KM13]: Make mention here of a “walkable Medina” - think about in the goals/policies. 4/18 PC feedback

Since Medina was platted with large lots and developed at a slow, incremental pace, most streets were constructed without curb, gutter or sidewalks. Although residents have embraced the informal, natural setting that these streets provide, key streets have been retrofitted with sidewalks and pathways as more homes have been built and school enrollments have increased.

Sidewalks have been installed along portions of Evergreen Point Road, 77<sup>th</sup> Avenue NE, 79<sup>th</sup> Avenue NE, 81<sup>st</sup> Avenue NE, Overlake Drive West, NE 10<sup>th</sup> Street, NE 12<sup>th</sup> Street, NE 16<sup>th</sup> Street, NE 21<sup>st</sup> Street, NE 24<sup>th</sup> Street, NE 32<sup>nd</sup> Street, Lake Washington Boulevard, NE 8<sup>th</sup> Street, 82<sup>nd</sup> Ave NE, 80<sup>th</sup> Ave NE, and 84<sup>th</sup> Avenue NE (see Figure 8). On all other streets, pedestrians must walk in the street or on the street shoulder.

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Medina, Clyde Hill, Hunts Point, and Yarrow Point have created a walking path, referred to as the Points Loop Trail. It utilizes the asphalt-paved path that is adjacent to the SR 520 roadway, and

meanders through Medina and Clyde Hill (see Figure 8 for route through Medina). This trail has scenic and recreational attributes that, it is hoped, will be enhanced as time goes by. A key link in this route is the “Indian Trail” that occupies the unopened portions of 77<sup>th</sup> Avenue NE. Future efforts to enhance connectivity between the Points Loop Trail and other regional trails should be encouraged.

Commented [KM14]: Will update

Popular City cycling routes include Lake Washington Boulevard, 84<sup>th</sup> Avenue NE, Overlake Drives East and West, NE 12<sup>th</sup> Street, Evergreen Point Road, NE 24<sup>th</sup> Street, and the SR 520 pathway due to their regional connectivity and scenic qualities. Of these streets, only 84<sup>th</sup> Avenue NE features bike lanes. NE 24<sup>th</sup> Street features striped wide curb lanes that function somewhat as bicycle lanes, but are not officially designated as such since they are less than the standard bicycle lane width of 5 feet. Cyclists share the road with vehicles (and sometimes pedestrians) on Lake Washington Boulevard, Overlake Drives East and West, NE 12<sup>th</sup> Street, and Evergreen Point Road. Lake Washington Boulevard and portions of Evergreen Point Road contain relatively wide shoulders and little or no on-street parking, making these roads safer for cycling. The SR 520 floating bridge replacement features a separated bicycle path. The path connects to the Points Loop Trail and facilitates bicycle travel from Medina to Seattle and other regional trails across Lake Washington.

Cyclists share the roadway with vehicles on all other streets. Most of these streets have minimal traffic and low travel speeds, making them relatively safe providing ideal conditions for cyclists who choose to ride their bicycles on the street. A noticeable increase in the number of cyclists on the Medina street system is further congesting the use of these streets. The City should encourage the use of human-powered bicycles on designated biking paths. The City should encourage the use of electric-powered bikes (“e-bikes”) on its streets.

Commented [KM15]: Is this still a statement we want to make, given Commissioner Shawn Schubring’s comments about unsafe circumstances for bicyclists in some areas?

**Nearby Air Facilities**

Nearby Seattle-Tacoma International Airport and Seattle Paine Field International Airport provides air transportation for Medina residents.

Commented [KM16]: Add paine field. 4/18 PC

**Puget Sound Air Quality Attainment Zone**

The City of Medina is located within the Puget Sound Air Quality Attainment Zone specified in the Washington State Clean Air Conformity Act. This Act is intended to implement the goals and requirements of the Federal Clean Air Act Amendments. Medina is committed to participating in the regional efforts to attain reduction in the criteria pollutants specified in the Act.

**TRANSPORTATION AND CIRCULATION PLAN**

Consistent with the Growth Management Act (GMA) and the King County CPPs, Medina’s transportation plan strives for a balanced transportation system coordinated with the land use plan. Since Medina is landlocked and expects minimal population growth in the foreseeable future, the transportation plan largely concerns maintenance and function of the existing street system. The current Six-Year Capital Improvement Plan (see Appendix B) includes the Transportation Improvement Plan and identifies a list of projects the City will undertake to improve selected roadways. The improvements involve a combination of surface improvements, sidewalks, and storm drainage improvements. Subsequent improvements to Medina’s streets should continue to focus on maintenance, storm drainage improvements (see Figure 11), and

Commented [JF17]: Land use assumptions used

Commented [KM18]: Will update

pedestrian improvements (see Non-Motorized Facilities below and Figure 8 for proposed improvements). All proposed improvements should incorporate recommendations in the City's Landscape Plan and the Community Design Inventory. ~~New transportation projects, or improvements or maintenance to existing projects, undertaken by regional transportation agencies should consider and mitigate for all potential impacts to neighboring communities, including air quality, noise, odor, and glare impacts.~~

**Commented [KM19]:** Will update

**Commented [KM20]:** Either find this and appendix it or delete references throughout the CP to this document. 4/18 PC feedback.

**Commented [KM21R20]:** Searching through the MMC and publicly-available resources, I can only find that this was a plan that is/was referred to in the Comp Plan's Community Design Element. Cannot find the actual plan, or any indication in the MMC of a requirement to design against it. Recommend deleting all instances of the term throughout the Comp Plan before finalization.

**Commented [KM22]:** Added to incorporate feedback from 4/8 Council

Public Transit.

The continuation of public transportation by King County Metro Transit is essential to a balanced circulation system for the City. The Evergreen Point Park & Ride is an important transit resource and should be maintained and enhanced, when possible. The City will continue to encourage transit use by prioritizing those improvements that enhance multimodal access to transit facilities. The bus routes should continue to utilize arterial streets. The location of transit stops should be periodically reviewed by the City Engineer and Planner to assure consistency with street design standards.

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**Non-Motorized Facilities**

The City’s Six-Year Transportation Improvement Program includes five non-motorized transportation improvements, including sidewalk repairs on four separate sidewalks, and a new pathway on the south side of NE 32<sup>nd</sup> Street from Evergreen Point Road on 80<sup>th</sup> Avenue NE.

Commented [KM23]: Here might be a good place to mention Walkable Medina - 4/18 PC

Several other sidewalk/trail improvements may be considered to enhance pedestrian access to schools, parks, transit, recreation and fitness, community facilities, and services, creating a more “Walkable Medina.”

Where sidewalks or trails are installed, they should be designed and landscaped in accordance with the City’s Landscape Plan, and public input.

Signage for the Points Loop Trail will be maintained and, where appropriate, enhanced to educate the public and encourage use of the trail.

**Financing**

The Growth Management Act requires that transportation related provisions of the comprehensive plan address the financing of local transportation systems. Since incorporation, the City’s built-out nature and stable land uses means only minimal fluctuations in population have occurred, requiring only minor modifications to the City’s transportation system. The result is that financing needs for transportation are principally for maintenance of the existing system and adding improvements when new funding opportunities arise.

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The City uses Real Estate Excise Tax, Motor Fuel Tax, general revenue taxes and grants to fund maintenance activity. In 20142023, the City collected \$1,279,832 ~~1,213,962~~ in Real Estate Excise Tax and \$57,760 ~~61,882~~ in Motor Fuel Tax to fund \$1,270,113 ~~695,163~~<sup>1</sup> worth of transportation system maintenance and improvement projects. The City does not anticipate a revenue shortfall in the next 20 years to fund maintenance of its road network. In the event revenues in any given year are short, the City has the options of adding new sources of revenue, increasing the amount of revenue from existing sources, or reducing or deferring proposed projects.

The City may explore a requirement for payment of traffic impact fees by new development projects, and may engage a traffic consultant or otherwise participate in a traffic study to inform the applicability and extent of imposing these fees.

- Commented [KM24]: Requested language by the DSC 4/16
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<sup>1</sup> Transportation system maintenance and improvement projects summed here include: street fund labor, operating supplies, professional services (street), storm drain maintenance, street irrigation utilities, replacement of plow truck, street overlays, storm sewer improvements, and sidewalk improvements.

**GOALS**

- T-G1 To maintain existing roadway surfaces.
- T-G2 To enhance equitable pedestrian and bicycle access throughout the City to promote dispersed availability of pedestrian and bicycle access to all members of the community.
- T-G3 To minimize transportation-related impacts of public facilities and uses on adjacent residential uses.

T-G4 To minimize impacts of regional transportation facilities on adjacent residential uses and the City as a whole.

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T-G5 To maintain and enhance equitable access to public transportation, addressing the needs of and promoting access to all members of the community regardless of socioeconomic status, mobility, or ethnicity.

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**Commented [KM25]:** Added to implement CPP T-8 and T-9 (see p. 103 of the gap analysis)

T-G6 To maintain and enhance the informal landscaped character of the City’s public streets.

T-G7 To maintain and/or improve local and regional air quality.

T-G8 To enhance the safety and minimize the impacts of school pickups and drop-offs on the transportation network.

**Commented [KM26]:** Feedback from mayor at 4/16 DSC meeting.

T-G9 To increase pedestrian safety and explore traffic calming techniques to improve safety of all community members using the transportation network.

**Commented [KM27]:** 4/16 DSC feedback

**POLICIES**

T-P1 The City should provide street repairs as necessary to maintain safe driving and biking surfaces, and should encourage the use of bikes on bike-specific infrastructure rather than on public streets.

**Commented [KM28]:** Added to incorporate feedback from 4/8 Council

T-P2 The City should prioritize equitable pedestrian improvements that provide safe and convenient network of pedestrian access throughout the City, including access to and from schools, parks, transit, and community facilities.

**Commented [KM29]:** Added to implement CPP T-31 (see p. 102 of the gap analysis)

T-P2.5 Pedestrian and nonmotorized improvements should be designed and prioritized to improve pedestrian and nonmotorized safety, contributing to the state’s goal of zero deaths and serious injuries, and overall encouraging physical activity.

**Commented [KM30]:** Added to implement CPP T-29 (see p. 48 of the gap analysis)

T-P3 The City ~~shall~~should seek to provide pedestrian improvements in conjunction with stormwater drainage improvements, when desirable.

T-P4 Where sidewalks, trails or pathways are installed, they ~~shall~~should be designed and landscaped in accordance with the Landscape Plan Community Design Element, and public input in order to maintain the City’s natural and informal character.

**Commented [KM31]:** What is the Landscape Plan? Based on findings of 4/19 research effort, there is no Landscape Plan and design of public spaces should instead reflect the Community Design Element of the Comp Plan.

T-P5 The City ~~shall~~should seek to maintain and enhance the Points Loop Trail within the City.

T-P6 The City ~~shall~~should implement transportation improvements as needed to maintain adopted levels of service for local streets, and to implement the priorities and policies of VISION 2050 and Medina’s Comprehensive Plan, through the implementation of a Six-Year Transportation Improvement Plan (TIP). The Transportation Improvement Plan TIP shall should be periodically updated to reflect the current needs of the community; these needs should reflect those of the entire community, regardless of a person’s socioeconomic status or those members of the community who may have been disproportionately affected by past transportation-related decisions. Prior to implementing major roadway capacity expansion projects that may be recommended in the TIP, the City should determine if capacity needs can be met from investments in transportation system operations and management, pricing programs, transportation demand

**Commented [KM32]:** Added to implement CPP T-14 (see p. 105 of the gap analysis)

**Commented [KM33]:** Implements CPP T-22

**Commented [KM34]:** Added to implement CPP T-30 (see p. 64 of the gap analysis)

management, public transportation, and system management activities that improve the efficiency of the current transportation system.

T-P7

The City ~~shall-should~~ encourage the ~~development-maintenance~~ of a bicycle/pedestrian path ~~in conjunction with the~~ to connect improvement/ ~~expansion of~~ SR 520 and the Evergreen Point Bridge, enhancing to connect to ~~and enhance~~ key non-motorized routes.

Commented [KM35]: Added to implement CPP T-15 (see p. 103 of the gap analysis)

T-P8

The City ~~shall-should~~ work with WSDOT, city residents and other groups, stakeholders and agencies to develop mitigation measures that may be implemented as part of any SR 520 improvement/expansion project. The City ~~shall-should~~ seek an overall reduction of impacts, including measures such as:

- Noise reduction measures,
- Landscaped lids and open space,
- Landscaped buffers,
- Protection of Fairweather Nature Preserve and Park,
- Enhanced motorized and non-motorized local connectivity,
- Water and air quality improvements, and
- Overall environmental protection.

- T-P9 The City ~~shall~~ should continue to be involved in regional transportation discussions and coordination to increase the share of trips made countywide by modes other than driving along through a coordinated approach to regional land use planning, and should focus its improvement or siting of transit stations along major corridors to support regional connection. Collaboration with the region should include consideration of freight mobility strategies that strengthen King County’s role as a major regional freight distribution hub and an international trade gateway.
- T-P10 The overall efficiency of the SR 520 corridor should be increased by emphasizing its use for public transportation and by providing incentives for multiple occupancy in private vehicles, use of electric or alternative fuel vehicles, and, at a minimum, retaining the current number of transit stops. To maintain or improve the SR 520 corridor, the City should pursue and advocate for new, innovative, sustainable funding methods, which could include: user fees, tolls, or other pricing mechanisms.
- T-P11 The City ~~shall~~ should seek to maintain and enhance access to the Park & Ride lot.
- T-P12 The City ~~shall~~ should continue to work with Puget Sound Partnership, tribal governments, state, regional, and local agencies and jurisdictions, and other related entities to prioritize regional transit services and pedestrian safety in areas where existing densities support transit ridership, which is an inherent component to addressing and mitigating for those transportation issues affecting air quality attainment and light and noise pollution.
- T-P13 The City ~~shall~~ should promote public education efforts aimed at reducing transportation related activities that increase air pollution, to include educating the community on transportation alternatives to single-occupancy vehicle travel, and transportation options that use alternative fuel sources.
- T-P14 The City ~~shall~~ should consider the air quality implications of new growth and development when making comprehensive plan and regulatory changes. When planning highway, street, and utility line extensions or revisions, the City should consider current state and federal air quality standards and possible increases in emissions as a result of such extensions or revisions, and should also consider the need for such improvements to be accessible to all residents of the region regardless of race, social, or economic status. Particularly where they have contributed to racialized health or environmental disparities, harmful environmental pollutants and hazards that can result from new growth and development should be prevented, mitigated, or remediated, including light, air, noise, soil, and structural hazards.
- T-P15 The City should integrate transit facilities, services, and active transportation infrastructure with public spaces and private developments to create safe and inviting waiting and transfer environments to encourage transit ridership countywide.  
~~The City adopts the FHWA system of street classification.~~
- T-P16 The City should prioritize funding transportation investments that enhance multimodal mobility and safety, equity, and climate change goals.

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**Commented [KM36]:** Added to implement CPP T-3 (see p. 105 of the gap analysis)

**Commented [KM37]:** Added to implement CPP T-20 (see p. 99 of the gap analysis)

**Commented [KM38]:** Added to implement CPP T-18 (see p. 105 of the gap analysis)

**Commented [KM39]:** Added to implement CPP EN-30 (see p. 49 of the gap analysis)

**Commented [KM40]:** Added to implement CPP T-13 (see p. 100 of the gap analysis)

**Commented [KM41]:** Added to implement CPP EN-16 (see p. 6 of the gap analysis)

**Commented [KM42]:** Added to implement CPP DP-23 (see p. 1 of the gap analysis)

**Commented [KM43]:** Added to implement CPP T-7 (see p. 103 of the gap analysis)

**Commented [KM44]:** In connection with other policies supporting investment toward non-vehicle transportation options, this language has been added to fully implement CPP T-5 (see p. 105 of the gap analysis)

**Commented [KM45]:** Added to implement CPP EN-5 and EN-28 (see p. 32 of the gap analysis)

**Commented [KM46]:** Added to implement CPP T-10 (see p. 103 of the gap analysis)

**Commented [KM47]:** Added to implement CPP T-12 (see p. 103 of the gap analysis)



T-P17 The City should develop station area plans for mobility hubs based on community engagement. Plans should reflect the unique characteristics, local vision for each station area including transit-supportive land uses, transit rights-of-way, stations and related facilities, multimodal linkages, safety improvements, place-making elements and minimize displacement.

**Commented [KM48]:** What are station area plans?  
Respond to Mark 4/16 question

**Commented [KM49R48]:** Plans that leverage their proximity to public transportation systems to encourage compelling opportunities, like business, multifamily, or services.

T-P18 The City should promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting transit, public, and private fleets; applying incentive programs; and providing for electric vehicle charging stations.

**Commented [KM50]:** Added to implement CPP T-6 (see p. 62 of the gap analysis)

T-P19 The City should plan and develop a countywide transportation system that supports the connection between land use and transportation, and essential travel that reduces greenhouse gas emissions by advancing strategies that shorten trip length or replace vehicle trips to reduce vehicle miles traveled. Apply technologies, programs, and other strategies (e.g., intelligent transportation systems (ITS), first and last mile connections) to optimize the use of existing infrastructure and support equity; improve mobility; and reduce congestion, vehicle miles traveled, and greenhouse gas emissions.

**Commented [KM51]:** Added to implement CPP T-34 (see p. 49 of the gap analysis).

T-P20 The City should seek traffic consultation to explore the application of appropriate traffic calming techniques that would improve the safety of Medina residents and visitors using its transportation network, and should prioritize implementing recommended techniques.

**Commented [KM52]:** Added to implement CPP T-32 and T-33 (see p. 49 of the gap analysis)

**Commented [KM53]:** Policy added to implement T-G9 (comment from Commissioner Pao ahead on 4/18 meeting)

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## 6. PARKS AND OPEN SPACE ELEMENT

This chapter comprises the Medina Park Plan, which is fully incorporated into this Parks and Open Space Element of the Medina Comprehensive Plan.

**Commented [KM1]:** Consider deleting the adjectives used to describe the parks (peaceful, magnificent, etc.) 4/18 PC feedback

**Commented [KM2]:** Call everything “unopened ROWs” rather than unopened streets. 4/18 PC feedback

### INTRODUCTION

The City’s large open spaces are the defining elements of Medina’s community character. In the early 1950s, residents of the newly incorporated City of Medina were concerned about the development that was taking place in nearby Bellevue. From 1959 to 1971, Medina acquired and developed Fairweather Nature Preserve, Medina Park, and Medina Beach Park. Other open space areas that were part of the incorporated City included undeveloped platted street ends that abut Lake Washington (present View Point Park and Lake Lane) and undeveloped street rights-of-way (Community Trail System [formerly called the Indian Trail] and NE 26<sup>th</sup> Street). The vision of Medina’s early residents created both active and passive parks resulting in the parks and open spaces that are enjoyed today.

### Growth Management Act

The Growth Management Act (GMA) requires comprehensive plans to contain “a park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of tree canopy coverage within the urban growth area; and d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.”

**Commented [KM3]:** This language has been added to accurately reflect the full quote from the RCW. Note that this language is inapplicable in Medina as Medina has no UGA.

The following planning goal for open space and recreation is provided in the Revised Code of Washington (36.70A.020):

“Retain open space, enhance recreational opportunities, conserve-enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.”

**Commented [KM4]:** Edited to align with current adoption of RCW 36.70A.020

Additionally, King County countywide planning policies (CPPs) direct jurisdictions to identify and protect open spaces within their comprehensive plans.

### Guiding Principle

The Medina Park Board serves as the Medina City Council’s primary advisory body on matters pertaining to the use, maintenance, and enhancement of the City’s public parks and open spaces. The board is guided by the principle that Medina’s parks are natural areas that require ongoing stewardship of the entire community so that they remain protected and nurtured. Without the requisite supervision and maintenance, the vegetation, wildlife, and quality of environment that the Medina parks provide will disappear or be altered to the detriment of the public.

**EXISTING PARKS AND CONDITIONS**

Recognized national park ~~standards/metrics~~ state show that ~~there should be 2.5 to 10 acres of neighborhood and community agencies typically offer 10.8 acres of~~ park space for every 1,000 residents<sup>1</sup>. There are ~~26.7~~ approximately 34 acres of parks or other open spaces in Medina, which equals 9.12 acres of park space per 1,000 residents. The ~~present~~ SR 520 freeway ~~construction-~~ overcrossing lid ~~of-on~~ Evergreen Point Road has added another upon completion of the project ~~will add another 0.62~~ two acres of park open space accessible to the City ~~'s inventory in recent years~~. The following is an inventory of the City's parks.

**Medina Park (Community Park)**

LOCATION: South of NE 12<sup>th</sup> Street, bounded on the east by 82<sup>nd</sup> Avenue NE and ~~undeveloped~~ 80<sup>th</sup> Avenue NE on the west.

SIZE: 17.6~~5~~ acres. The Medina Park includes two undeveloped parcels at its southern extent which may contain regulated wetland and protected habitat features (Exhibit X).

**FEATURES:**

- The site contains a wetland and two ponds that provide storm water detention
- Off-leash and On-leash Dog Areas
- Public Works Yard/City Shop facilities

**PARK FACILITY IMPROVEMENTS**

Public Restrooms	Yes
Tennis/ <del>Bocce Ball</del> Court	Yes
Playground Equipment	Yes
Walking Trails <del>&amp; Par Course</del>	Yes
Benches	Yes
Parking Facilities	Yes
<del>Sports Field</del> Playfield	<del>Yes</del> No
Pier/Dock	No
Swimming Area	No
Other Improvements	Art Sculptures; Community Notice Board; <u>Drinking Fountains; Picnic Shelter; Bicycle Racks</u>

**HISTORY**

Medina Park was created in 1965 when City officials spearheaded the purchase of five properties with matching grant dollars for approximately \$80,000. Today, the combined area offers both active and passive uses: two vehicle parking areas, fields for sport activitiesplayfields, playground area with playground equipment, a par course for exercising, tennis court, bocce ball court, walking paths, restroom facilities, and off- and on-leash dog exercise areas. Passive activities include quiet spaces for sitting, bird watching, lawns for relaxing, viewable art, and tables for picnicking.

The park today is a social epicenter, a gathering place that is expansive enough to host large

**Commented [KM5]:** What national park standards? Does the parks board know where this is referenced from? I don't know of a set standard for this - if no one else does, we could consider deleting this, it's not a required component on the CP.

**Commented [KM6R5]:** Deletion made to incorporate feedback from the Parks Board on 4/15

**Commented [KM7R5]:** Call a parks director at big cities to ask about these metrics - Randy thinks they exist

**Commented [KM8R5]:** KM called Zach Houvener and Loreen Hamilton with Redmond Parks on 4/17 - left messages with each and am awaiting returned calls to better understand these nationwide standards. Zach pointed me toward NRPA standards. See revisions made to text and footnote with source reference.

**Commented [KM9]:** 4/18 PC feedback

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**Commented [KM10]:** Are there protected wetlands/critical areas here?

**Commented [KM11R10]:** Yes - text added to that effect. We will exhibit our revised critical areas map showing layers for these features.

**Commented [KM12]:** Revised critical areas map (remove urban natural open space layer)

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**Commented [KM13]:** Feedback from the Parks Board on 4/15 - edit the table above to say "fields for sport activities"

**Commented [KM14]:** Edit made to incorporate feedback from the Parks Board on 4/15

<sup>1</sup> National Recreation and Park Association, 2023

scale events like the annual Medina Days celebration, concerts, unofficial soccer and baseball games, yet also serve individual needs of adults, children, and dogs. The ~~picturesque~~ walking paths and open areas make the park a desirable destination for human/canine socialization. In an effort to manage a compatible usage of the park by dog owners and other users, a policy was adopted by

**Commented [KM15]:** 4/18 PC feedback to remove adjectives romanticizing the open spaces/parks

the Council that divides Medina Park into two defined on-leash and off-leash sections ~~seasonally (May-September)~~ separated by the two ponds. The green lawn area in the western section of the park is watered by an irrigation system, and the eastern non-irrigated section remains the year-round off-leash dedicated area for dogs. The two original low areas of the park were developed into stormwater detention ponds and are rimmed by open grassy spaces, punctuated with trees and shrubs, seasonal plantings, artwork, meandering gravel pathways, and numerous benches for rest, introspection, and bird watching.

Commented [KM16]: Edit made to incorporate feedback from the Parks Board on 4/15

Other attributes include planted trees to commemorate an event, ~~an~~ individual's service, or ~~were planted~~ in memory of loved ones, Medina residents also enjoy the opportunity to dedicate a bench in the park. The northeast corner of the park serves as a landscaped defined entry to the City. The park is an urban bird-watching destination. The site is home to a variety of waterfowl including Canadian geese, mallards, wood ducks, cormorants, and blue heron. To celebrate famed woodcarver Dudley Carter's 100<sup>th</sup> birthday, residents purchased one of his wood sculptures, "Wind Song" and hung the piece ~~in the picnic shelter of the park, from a rough-hewn post on the southwest bank of the northerly pond next to a gravel pathway.~~ An additional stone sculpture, "Summer" stands in the southwest corner of the park and was donated by Peter Skinner, a resident of Medina.

Commented [KM17]: Suggestion from Commissioner Pao: add reference here to how a bench can be dedicated by residents

Commented [KM18]: Edit made to incorporate feedback from the Parks Board on 4/15

Commented [KM19]: Edit made to incorporate feedback from the Parks Board on 4/15

**Medina Beach Park (Community Park)**

LOCATION: South point of Evergreen Point Road (Historic site of Leschi Ferry terminal).

SIZE: 1.44 acres.

FEATURES:

- Public Beach
- City Hall and Police Station

PARK FACILITY IMPROVEMENTS:

Public Restrooms	Yes
Tennis Court	No
Playground Equipment	No
Walking Trails	No
Benches	Yes
Parking Facilities	Yes
Sports Field	No
Pier/Dock (Viewing)	Yes
Swimming Area	Yes
Other Improvements	Picnic Tables; <del>Bar B-Q</del> ; Sandy Beach; <del>Sailing Lessons</del> <u>Kayak/Paddle Board Launch; Drinking Fountains; Seasonal Lifeguards; Bicycle Racks</u>

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**HISTORY**

The north half of the Medina Beach Property was donated to the City in 1960 by the Medina Improvement Club. Situated at the south point of Evergreen Point Road at the historic site of a former ferry terminal that connected Medina with Seattle, the park is a favorite destination year round ~~for summer~~. The park offers swimming areas for all ages. Under the supervision of seasonal

Commented [KM20]: As per 4/16 discussion at DSC meeting, Michael Luis will scrub each historic section and get back to me with relevant edits

Commented [KM21]: Added to incorporate feedback from 4/8 Council

lifeguards, older children are able to swim out to a float while younger ones wade at the water's edge or play on the beach. The site

provides ~~extraordinary~~ views of Seattle, Mercer Island, and Mount Rainier. The site also serves as the municipal hub of the City. The Police Station, City Council Chambers, City Manager, Department Directors, and Administrative Staff are all located within City Hall on the site. The Planning Commission, Park Board, Emergency Preparedness Committee, and other volunteer groups regularly meet at the City Hall to conduct business.

Commented [KM22]: 4/18 PC feedback to remove adjectives describing parks/open spaces

**Fairweather Nature Preserve and Park (Neighborhood Park)**

LOCATION: At NE 32<sup>nd</sup> Street, bounded by Evergreen Point Road on the west, NE 32<sup>nd</sup> Street on the north, 80<sup>th</sup> Avenue NE on the east, and SR 520 on the south.

SIZE: 10.14 acres.

FEATURES:

- Passive Natural Forest with Walking Trails
- Stream and Natural Wetland
- Active Sports field

PARK FACILITY IMPROVEMENTS:

Public Restrooms	No
Tennis Court	Yes
Playground Equipment	No
Walking Trails	Yes
Benches	No
Parking Facilities	Yes
<del>Sports Field (practice)</del> Playfield	Yes
Pier/Dock	No
Swimming Area	No
Other Improvements	Practice Tennis Black board; Basketball Hoop; <del>Drinking Fountains; Pickleball Courts</del>

HISTORY

Fairweather Park is composed of two distinct public use areas. The western half of the park is an active use area with a small playfield, two tennis courts, a tennis practice back board, basketball hoop, and parking area that were developed in 1962 during the initial SR 520 construction. The eastern half of the park remains as a natural forest ~~nature~~-preserve with a stream passing through it and winding walking trails. The northeastern portion of the forest area is a natural wetland that drains to the east to Fairweather Bay. This forest is one of the last standing natural forests in the area and is as close to a walk in the deep woods as one can get in the heart of a city.

**Viewpoint Park (Neighborhood Park)**

LOCATION: Overlake Drive West and 84<sup>th</sup> Avenue NE

SIZE: 0.15 acres (includes street right-of-way).



FEATURES:

- Viewing Area
- Waterfront Access

PARK FACILITY IMPROVEMENTS:

Public Restrooms	No
Tennis Court	No
Playground Equipment	No
Walking Trails	No
Benches	Yes
Parking Facilities	Yes
<del>Sports Field (practice)</del> Playfield	No
Pier/Dock	Yes
Swimming Area	No
Other Improvements	Picnic Tables; <del>Sewer Lift Station</del>

HISTORY

~~Having originally been used as a ferry dock and the previous site of the Medina Baby Home,~~ Viewpoint Park is now a passive recreational park and is one of Medina’s lesser known parks. The upper portion of the park is a small triangle of land situated near the south end of 84<sup>th</sup> Avenue NE and Overlake Drive West. The triangle area is landscaped with the center of the area planted in grass with a picnic table and a seating area. The lower portion of the park has a limited parking area and a meandering pathway from the parking area down to the park area by Lake Washington. This area has a picnic table and a pier. The waterfront area provides ~~a spectacular~~ views of Lake Washington, the Seattle skyline and the Olympic Mountains. ~~The park offers a peaceful secluded area for resting, relaxing, and contemplation.~~

**Lake Lane (Neighborhood Park)**

LOCATION: 3300 Block of 78<sup>th</sup> Place NE

SIZE: 0.10 acres (street right-of-way).

FEATURES:

- Waterfront Access

PARK FACILITY IMPROVEMENTS:

Public Restrooms	No
Tennis Court	No
Playground Equipment	No
Walking Trails	No
Benches	<del>Yes</del> No
Parking Facilities	No
<del>Sports Field (practice)</del> Playfield	No
Pier/Dock	Yes
Swimming Area	No
Other Improvements	Sewer Lift Station

Commented [KM23]: Ryan Osada checking to confirm whether there is a sewer lift station at this park - as of 4/15

Commented [KM24R23]: Ryan confirmed on 4/17 that there is no sewer lift station here

Commented [KM25]: Added to incorporate feedback from 4/8 Council

Commented [KM26]: 4/18 PC - remove adjectives

**HISTORY**

Lake Lane ~~was also previously used as a ferry dock in Medina, and is now another of Medina's lesser known park that is little known and rarely used smaller parks.~~ The park is found at the end of a narrow driveway that extends from 78<sup>th</sup> Place NE to a private residence located on the north side of the park. The park fronts on Lake Washington and is only accessible by walking. No parking areas are provided. The park has a public pier where one can view Fairweather Bay, Hunts Point, and the City of Kirkland to the north. ~~Hidden away this picturesque site is an ideal spot to visit and view the waterfront surroundings.~~

**Commented [KM27]:** Added to incorporate feedback from 4/8 Council

**Commented [KM28]:** Edit made to incorporate feedback from the Parks Board on 4/15

**Commented [KM29]:** 4/18 PC feedback

**Indian Trail and Undeveloped NE 26<sup>th</sup> Street Right-of-Way (Community Trail System)**

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LOCATION: Unopened 77<sup>th</sup> Avenue NE and NE 26<sup>th</sup> Street Public Right-of-Ways.

SIZE: 2.70 acres of street right-of-way.

**FEATURES:**

- Unopened ~~street~~ right-of-way

**Commented [KM30]:** 4/18 feedback: call these unopened ROWs

**IMPROVEMENTS:**

- Walking paths from 2200 Block 77<sup>th</sup> Avenue NE to NE 28<sup>th</sup> Street;
- Public Storm Drainage System

**TRAIL SYSTEM**

~~The Community Trail System (formerly called the Indian Trail)~~ is located between the residential streets of Evergreen Point Road on the west, 78<sup>th</sup> Avenue NE on the east, NE 22<sup>nd</sup> Street on the south and NE 28<sup>th</sup> Street on the north. ~~Indian-The Community~~ Trail extends from 77<sup>th</sup> Avenue NE north of NE 22<sup>nd</sup> Street to NE 28<sup>th</sup> Street and provides a natural walking pathway for the public connecting the neighborhood south of NE 24<sup>th</sup> Street with the Three Points Elementary School on NE 28<sup>th</sup> Street. The trail also functions as a part of the Points Loop Trail system linking Yarrow Point, Hunts Point, and Clyde Hill communities. A spur off of the trail extends from the north-south main ~~Indian Trail~~ trail along the undeveloped NE 26<sup>th</sup> Street right-of-way to 79<sup>th</sup> Avenue NE. The westerly portion of this spur is over private driveways. That portion between 78<sup>th</sup> and 79<sup>th</sup> Avenue NE is a grassy area with some trees and an informal pathway. A portion of NE 26<sup>th</sup> Street right-of-way remains undeveloped between Evergreen Point Road and the ~~Indian Trail~~ trailhead.

**Commented [KM31]:** Edit this to refer to Indian Trail as the previous name of the Community Trail System. Remove or correct all other references to Indian Trail in the element - per 4/16 DSC meeting

**Other Recreational Facilities**

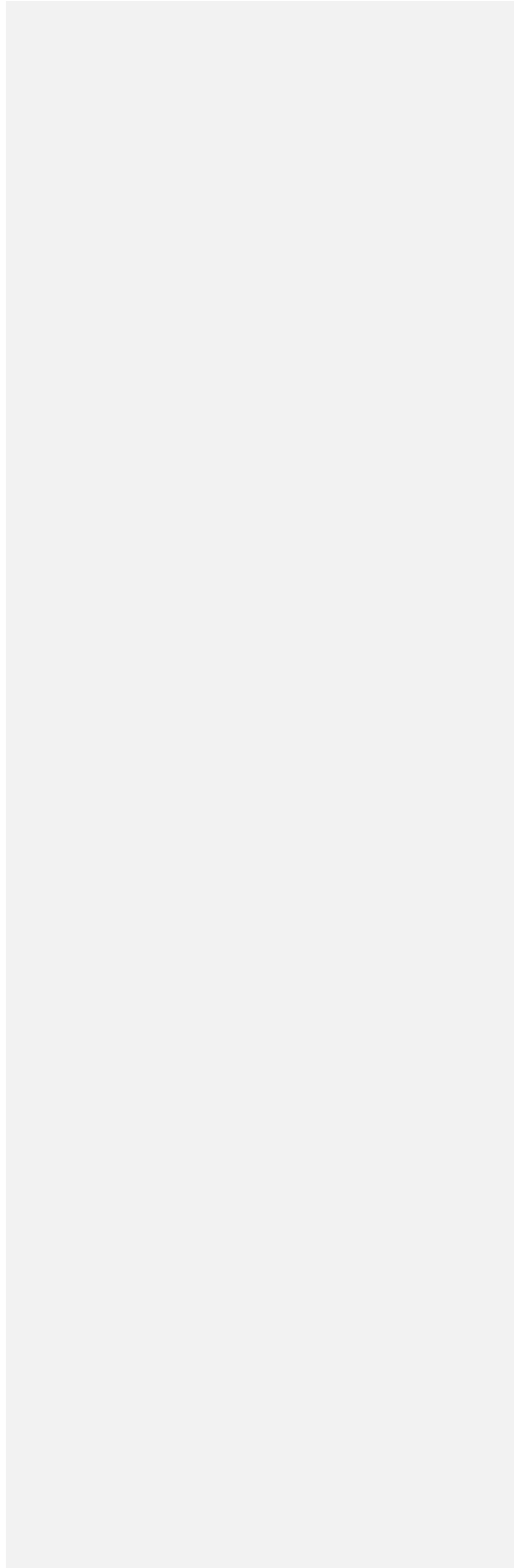
**POINTS LOOP TRAIL SYSTEM**

This was created in 1962 by the construction of the initial SR 520 freeway. The main portion of the trail system connects the local communities of Yarrow Point, Hunts Point, Clyde Hill, and Medina. The trail is a ~~five foot wide~~ paved walking path that extends along the north side of the freeway from 92<sup>nd</sup> Avenue NE in Yarrow Point to 84<sup>th</sup> Avenue NE in Hunts Point, along 84<sup>th</sup> Avenue NE over the freeway to NE 28<sup>th</sup> Street, west along NE 28<sup>th</sup> Street to Evergreen Point Road. Local trails connect to this trail system; (i.e. ~~the formerly called~~ Indian Trail at NE 28<sup>th</sup> Street). Maintenance of the system resides with each of the communities through which it passes. The major construction of the new SR 520 freeway ~~is impacting~~ ~~has improved~~ the Local Points

**Commented [KM32]:** Edit made to incorporate feedback from the Ryan Osada on 4/15

Loop Trail and ~~portions of it will be~~

|



~~replaced and realigned and now provides new~~ connections ~~will be made~~ to the new WSDOT SR 520 Regional Trail system that connects Seattle via a new floating bridge with the eastside communities of Medina, Clyde Hill, Hunts Point, Kirkland, and Bellevue. The WSDOT SR 520 Regional Trail ~~will be~~ has been constructed along the north side of the freeway connecting Seattle with the Eastside communities. A trail connection from the Regional Trail to the south end of 80<sup>th</sup> Ave NE ~~is also planned~~ has also been developed.

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**EVERGREEN POINT ROAD LID**

~~Upon~~ Since completion of the SR 520 Evergreen lid (wide bridge overcrossing) in 2014, approximately two acres of landscaped passive park area ~~will be~~ have been provided for public use. ~~The lid is used for light recreation and enjoyment, though does not provide a designated~~ off-leash dog area. The lid area ~~will~~ includes a park & ride lot with 50 parking spaces, a transit access facility with elevator and walking steps down to the freeway bus stop area ~~in the center~~ on either side of the freeway, and a viewing area on the west side of the lid with a viewing vista to the Seattle skyline to the west. A seating area and steps ~~will be~~ have been provided at the southwest corner of the Fairweather playfield to provide access from the freeway lid to the park. The lid is owned by WSDOT.

Commented [KM33]: Consider whether "enclosed" should be replaced with "designated" - discuss with Council

Commented [KM34]: Added to incorporate feedback from 4/8 Council

Commented [KM35]: May need to workshop this with the city attorney - should we make a declarative statement about maintenance costs belonging to WSDOT when that matter is still being litigated?

**OVERLAKE GOLF AND COUNTRY CLUB (PRIVATE GOLF COURSE)**

Located at 8000 NE 16<sup>th</sup> Street, the golf course provides approximately 140 acres of open space for members of the club to play golf. The property also contains a private club house and a swimming pool.

**ST. THOMAS ELEMENTARY SCHOOL PLAYGROUND (PRIVATE SCHOOL)**

Located at 8300 NE 12<sup>th</sup> Street, the school has 5.62 acres of land ~~(including the church)~~. Facilities include a playground and play structures for students.

Commented [KM36]: Double-check the acreage. 4/18 PC feedback

Commented [KM37R36]: Acreage double-checked and confirmed

Commented [KM38]: 4/18 PC requested deletion

**THREE POINTS ELEMENTARY SCHOOL PLAYGROUND (PRIVATE SCHOOL ON PUBLIC PROPERTY)**

Located at 7800 NE 28<sup>th</sup> Street, the school has approximately four acres of land. The playfield is in the westerly portion of the elementary school property that is leased from the Bellevue School District by Bellevue Christian ~~Church~~ School. The playground has a ~~dirt~~ grass sport field, play structure, and covered play area for the students.

Commented [KM39]: Edit made to incorporate feedback from the Parks Board on 4/15

Commented [KM40]: Edit made to incorporate feedback from the Parks Board on 4/15

**MEDINA ELEMENTARY SCHOOL (PUBLIC SCHOOL)**

Located at 8001 NE 8<sup>th</sup> Street, the school has approximately 7.88 acres of land. Facilities include a multipurpose playfield, play structures, and covered play areas for students.

**NEEDS ASSESSMENT**

Medina is a fully built-out residential community with limited ability for growth ~~over the next 10 years~~. The City has ~~nine~~ 12 acres of park space for every 1,000 residents ~~(not including the schools or the private golf course), which is expected to satisfy the recreational needs of the community based on park space metrics typically provided by agencies nationwide, which meets~~

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~~national standards. The need for additional park and open space will be a reflection of the community's desire to enhance existing open space and recreational opportunities rather than a rise in demand for park usage due to population increases.~~

**EVALUATION OF FACILITIES AND RECOMMENDATIONS**

~~While residents enjoy abundant park space, the Medina Comprehensive Plan sets forth goals for the need to maintain and enhance existing park space and to acquire new park space when such opportunities arise.~~

**Medina Park**

~~This park offers both active and passive uses. The tennis court represents a significant investment and is frequently utilized for games and practice. Children have been observed playing on the court with metal toys and carry rocks and other objects onto the court for play which can damage the court surface. Signs have been added at each tennis court to restrict the use of the court for tennis. Should violations continue, in order to protect the court, a push button combination lock on the entry may become necessary.~~

~~The children's playground area next to the tennis court is frequently used. There are two climbing apparatus, two swing sets, a circular rotating toy (NOVA), a seesaw, a sandbox, and some movable toys that have been donated by residents for children to use in the play area. In 2016, Medina Park Playground was expanded to add the Explorer Dome and Seesaw structures. At that time, the city also included an accessible ramp on the east entrance to meet then-current federal requirements. In 2022, the City replaced the older outdated structures and incorporated an accessible design that offers a range of play experiences for children of varying abilities. This project has made needed playground improvements that include new play equipment, new wood chip surfacing, and relocation of the sandpit. The improvements benefit the community as a whole and encourage free play for the children.~~

~~A picnic shelter has also been installed at the park for use during inclement weather.~~

~~The Public Works Shop and Yard are located in the southwest portion of the active park and is screened from the park by adequate landscaping.~~

**Medina Beach Park**

~~The primary use of this park is beach access and swimming. Milfoil and debris that is washed up on the beach area is undesirable. Power boats operating too close to the shore create a wake and are a safety concern.~~

~~The rock jetty and shoreline armoring with large rock are not easy to walk on and injuries could result. While the jetty is marked NO PUBLIC ACCESS, it is recommended that steps to the water be clearly marked.~~

~~The City Hall emergency generator and enclosure intrude into the former park area and, if possible should be placed underground or moved to a non-use area of the park.~~

**Fairweather Park and Nature Preserve**

~~The playfield area is a practice sports field of grass. The field becomes too muddy for play during~~

**Commented [KM41]:** Deleting based on the PC's feedback in other elements of the CP that restrictive/absolute language should be removed to bring the CP into 2024.

**Commented [KM42]:** Moved this section up from the end of the element, per 4/16 DSC feedback

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**Commented [KM43]:** Ryan has ideas on how to edit this - talk with Ryan (4/18 PC meeting)

the winter months. A priority need is to improve the field drainage for use year round. The parks proximity to the freeway should be accounted for in the screening of the park in the area that is not at the gateway to the park.

The nature preserve should be maintained in its natural state by continuing to remove invasive plants and ivy, and to replant native species as trees are lost due to wind and age.

The winding natural trails should continue to be maintained with natural wood steps and remain rustic in appearance. Fallen trees should remain in place, except where they obstruct a trail. Wayfinding maps should be considered to assist hikers and trail walkers.

#### **Viewpoint Park**

The park triangular overlook (viewing area) provides unique views of the Seattle skyline. The recently added picnic bench provides added ability for users to eat lunch or picnic. It is recommended that a drinking fountain be added.

The beach front area provides a place for picnics, dock access, and swimming at the pier end.

#### **Lake Lane**

The dock is the only current park physical asset at the park. Adding a bench or picnic table would be beneficial. Milfoil continues to invade the beach front area and should be controlled.

#### **Undeveloped NE 26<sup>th</sup> Street Right-of-Way**

The present trail is an asset that should be maintained in its natural condition. Limited plantings that will enhance the natural appearance of the trail are encouraged to be native and drought tolerant.

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**PARKS AND OPEN SPACE GOALS AND POLICIES**

The City’s large open spaces are the defining elements of Medina’s community character. The open space and parks provide a major recreational resource for the City’s residents. Existing parks and open spaces should be maintained and enhanced pursuant to Medina’s needs and as opportunities arise for improvement. The City shall seek to acquire properties to enhance waterfront access, retain existing views and/or preserve important environmental resources. The following are the goals and policies guiding the City’s park plan.

**GOALS**

- PO-G1 To maintain and enhance Medina’s parks and open spaces to meet the City’s needs and to reduce climate-altering pollution, especially in areas of the City that are home to historically underserved communities.  
~~An examples of a priority items include is the installation of a picnic shelter at Medina Park and reconstruction of the playfield or bicycle racks at Fairweather Park for use year-round.~~
- PO-G2 To expand and improve the City parks and open spaces through property acquisitions as special funding allows and when opportunities arise, or through funding opportunities learned of or created via regional collaboration, especially to connect open spaces in the City with regional open space networks.
- PO-G3 To identify annual revenue and special funding sources through regional collaboration to maintain and improve parks and open spaces.

**POLICIES**

- PO-P1 The City ~~shall~~ should seek to acquire additional waterfront access along the shoreline, when opportunities arise and continue to maintain the public piers.
- PO-P2 The City ~~shall~~ should seek to develop additional view parks, particularly in areas of the City that are home to historically underserved members of the community, at appropriate points in the City.
- PO-P3 The City ~~shall~~ should seek to acquire view rights to preserve the views of view parks.
- PO-P4 The City should preserve easements to protect unique trees and tree groupings, valuing their role in preventing and mitigating for harmful environmental pollutants, including light, air, noise, soil, and structural hazards, and overall protecting habitat and contributing to the ecological function of the community.
- PO-P5 The City should consider seeking participation from the Overlake Golf & Country Club to improve the landscaping landscape improvements along the Overlake Golf & Country Club frontage and seek participation in the project from the Country Club.
- PO-P6 The City should retain the Fairweather Nature Preserve in its natural state and provide maintenance only when necessary, valuing its role in the City’s green infrastructure that, when protected, reduces climate-altering pollution, sequesters and stores carbon, and increases the resilience of communities to

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**Commented [KM44]:** Added to implement CPP DP-43 (see p. 30 of the gap analysis)

**Commented [KM45]:** Added to implement CPP EN-22 (see p. 34 of the gap analysis)

**Commented [KM46]:** Edit made to incorporate feedback from the Parks Board on 4/15

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**Commented [KM47]:** 4/18 PC feedback

**Commented [KM48]:** Added to implement CPP EN-20 (see p. 47 of the gap analysis)

**Commented [KM49]:** Added to implement CPP FW-3 (see p. 5 of the gap analysis)

**Commented [KM50]:** Added to implement CPP FW-3 (see p. 5 of the gap analysis)

**Commented [KM51]:** Added to implement CPP EN-22 (see p. 34 of the gap analysis)

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**Commented [KM52]:** Added to implement CPP EN-25 (see p. 30 of the gap analysis)

**Commented [KM53]:** Added to implement CPP EN-21 (see p. 33 of the gap analysis)

**Commented [KM54]:** Edit made to incorporate feedback from the Parks Board on 4/15

**Commented [KM55]:** Added to implement CPP EN-32 (see p. 33 of the gap analysis)

climate change impacts.

PO-P7 The City should improve the Fairweather playfield for year-round use and could consider the addition of public relief facilities at the playfield.

Commented [KM56]: Added to implement CPP DP-43 (see p. 30 of the gap analysis)

Commented [KM57]: Added based on 4/18 PC feedback

PO-P8 The City should develop a long-term landscaping and maintenance plan to maintain Medina Beach Park and Medina Park in a manner that is consistent with and enhances public use for all, regardless of race, social, or economic status.

Commented [KM58]: Added to implement CPP EN-5 (see p. 30 of the gap analysis)

PO-P9 The City should consider participating in regional collaboration or strategy in supporting open space networks that connect the region, such as connecting City open spaces with those identified in the Puget Sound Regional Council's Regional Open Space Conservation Plan. The City should participate in strategizing and funding the protection of open space lands that provide valuable functions, including:

Commented [KM59]: Added to implement CPP EN-20 (see p. 34 of the gap analysis)

- a) Ecosystem linkages and migratory corridors crossing jurisdictional boundaries;
- b) Physical or visual separation delineating growth boundaries or providing buffers between incompatible uses;
- c) Active and passive outdoor recreation opportunities;
- d) Wildlife habitat and migration corridors that preserve and enhance ecosystem resiliency in the face of urbanization and climate change;
- e) Preservation of ecologically sensitive, scenic, or cultural resources;
- f) Urban green space, habitats, and ecosystems;
- g) Forest resources, and;
- h) Food production potential.

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**EVALUATION OF FACILITIES AND RECOMMENDATIONS**

~~While residents enjoy park space that meets nationally recommended standards, the Medina Comprehensive Plan sets forth goals for the need to maintain and enhance existing park space and to acquire new park space when such opportunities arise.~~

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**Medina Park**

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~~A priority need is to improve the park for use during inclement weather by the construction of a picnic shelter appropriately located for public access and use.~~

~~The Public Works Shop and Yard are located in the southwest portion of the active park and should be screened from the park by adequate landscaping.~~

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~~Wayfinding maps should be considered to assist hikers and trail walkers.~~

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**Indian Trail and Undeveloped NE 26<sup>th</sup> Street Right-of-Way**

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# 1. LAND USE ELEMENT

## INTRODUCTION

The Land Use element has been developed in accordance with the Growth Management Act (“GMA,” RCW 36.70A) to designate the proposed general distribution, location, and where appropriate, extent of land uses. The Land Use element includes population densities, building intensities, and estimates of future population growth.

This element has also been developed in accordance with King County countywide planning policies (CPP), which direct jurisdictions to focus growth in the cities within the designated Urban Growth Area.

Medina lies within the King County designated Urban Growth Area, but is not a designated Urban Center.

## EXISTING CONDITIONS

### Residential Uses

Medina is a developed community that consists almost exclusively of single-family homes on individual lots. At the time of the City's incorporation in 1955, it was the desire of the community to promote a development pattern that would maintain a single-family residential character. Since that time, Medina has developed and matured according to that vision. Medina historically promoted a development pattern of approximately two homes per acre, which originally corresponded to the maximum enrollment capacity of the then two elementary schools. The walking scale of the City's limited street grid, the often narrow streets (requiring sufficient area on a building site for off-street parking), the level of fire protection service, the limited internal public transportation system, and the density patterns adopted by Medina and its neighboring communities – all suggest that the existing density of Medina is generally accommodating for current residents.

In some parts of Medina, the development pattern that existed prior to the City's incorporation is sufficient to justify a downward adjustment of the 20,000 square foot average lots size. The Medina Heights area, for example, has been largely developed to an average lot size of 15,000 square feet; however, many of these lots are significantly smaller. In this area and others where such circumstances are present, the smallest lot size specified in the Medina Municipal Code is appropriate. In other areas of the City, existing development patterns, topography, or proximity to Lake Washington justify lower development density; hence the largest average lot size has been instituted for these areas (see Figure 2).

Actual residential densities range from approximately five units per acre in the area between NE 24<sup>th</sup> Street and NE 28<sup>th</sup> Street to less than one unit per acre along sections of the Lake Washington shoreline. Average density based on the 2014 King County Buildable Lands Report is 1.98 dwelling units per net acre.

**Commented [KM1]:** In zoning map, show unimproved streets - for Dane to tackle. 3/26 PC feedback.

**Commented [KM2R1]:** “unimproved ROW” is the term used by Medina PW - layer may be under that name

**Commented [KM3R1]:** Change the term to “unimproved ROW” where other terms are used

**Commented [KM4]:** Reflects 3/26 PC feedback

**Commented [KM5]:** Ensure this reference is correct and that the figure is accurate to reflect today's information. Dane/Ciara

**Commented [JF6]:** Needs to be updated

**Commented [KM7R6]:** Dane to update

**Non-Residential Uses**

The non-residential uses that exist in Medina are dispersed throughout the City (see Figure 3). Below is an inventory of land uses found in Medina (Table 1).

**Table 1. Land Use Inventory**

Land Use Inventory		
Land Use	Acres	Percent
Local Business	6.20	1%
Open Space	131.04	15%
Park	30.01	3%
Public Facility	2.87	0%
School / Institution	21.91	2%
Single Family Residential	583.25	65%
Transportation Right-of-Way	120.01	13%
Utility	3.11	0%
<b>Total</b>	<b>898.39</b>	

Source: King County GIS Center, January 2010

Most of the non-residential land uses that exist in Medina have been in place since before or around the time of the City’s incorporation and have become an accepted and integral part of the community. These non-residential uses are subject to the City’s special use provisions under the Municipal Code. Since Medina is fully developed, there are few vacant tracts of land currently available for further development. In addition, property currently used or designated for residential use is discouraged from being utilized for additional churches, clubs, fraternal societies, schools, museums, historic sites, conference centers, or other additional non-residential facilities; these larger scale facilities create additional traffic and disrupt residential traffic patterns, which increase greenhouse gas emissions.

**POPULATION AND GROWTH POTENTIAL**

The GMA and the CPPs encourage cities to assume an increasing share of new growth in the future, in order to minimize new growth in rural areas of King County. This means that cities planning under GMA should accommodate more compact development patterns in “appropriate areas” urban areas to absorb the additional share of future growth.

As adopted by King County, Medina’s house growth target between 2019-2044 is 19 housing units. There are existing factors that limit Medina’s ability to accommodate population growth, though not so limiting as to prevent Medina’s ability to accommodate its growth target; these factors include:

- Medina is landlocked, with no opportunities for annexation;
- Some areas in the City are incapable of supporting development or redevelopment;
- Limited public transportation system;

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- No business district (though historic uses exist in the City); and
- Environmental constraints, including wetlands, steep slopes, shoreline buffers, and other critical areas.

**Population and Employment**

Population and employment trends are the basis for determining the amount of land and services required to accommodate anticipated growth in the City.

According to the Housing Needs Assessment (~~Appendix X~~) adopted by the City in May 2022, Medina’s population as of 2021 is 2,920, with 1,195 households and an average owner-occupied household size of 2.81 persons and an average renter-occupied household size of 2.25 persons (~~Appendix X~~). Since 2000, the population has decreased by 91 persons and the number of households has decreased from 1,095 to 1,027<sup>1</sup>. Both of these numbers align with an overall slightly downward trend in both population and number of households (Figure 1). The increase in population between 1990 and 2000 was due to a substantial increase in the number of children (persons under 18), from 696 to 816. Contrary to the overall decrease in population, the number of children have continued to increase since 2000, with 862 persons under 18 in 2010.

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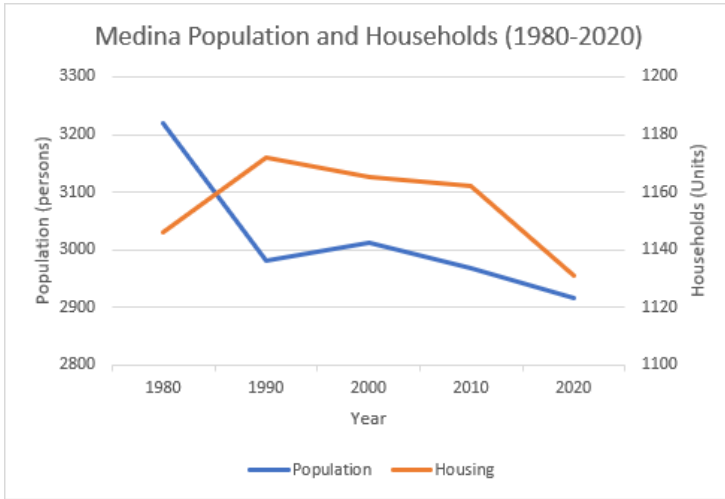
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According to 2020 data published by PSRC, there were 463 jobs based in Medina in 2020; the majority of these jobs are classified as services (69%), followed by education jobs. When considered by North American Industry Classification System (NAICS) industry sectors, jobs in Medina are predominately held in the Information industry (Appendix X).

<sup>1</sup> Household data compares 2000 and 2020 U.S. Census Bureau data



**Figure 1. Population and number of households in Medina, 1980-2020.**

**Population Forecast**

The Washington Office of Financial Management provides population forecasts for counties every 10 years. As required by the GMA, the jurisdictions in King County allocate forecasted growth for the succeeding 20 years, and develop and adopt local growth targets for housing and employment based on this allocation.

The PSRC uses these local targets to develop a future land use scenario consistent with the VISION 2050 regional growth strategy. According to this scenario, represented by the PSRC’s 2022 growth target dataset, Medina is expected to increase by 19 housing units by 2044<sup>1</sup>. Medina is not expected to accommodate any new employment opportunities by 2044.

<sup>1</sup> Local growth targets are adopted in housing units. The 2044 growth target for Medina is 19 housing units. To estimate population and household (occupied housing unit) forecasts from the growth target, PSRC applies a set of assumptions. This population forecast assumes vacancy rates similar to those observed in 2000. 2000 was chosen as a more representative, or “baseline,” year than 2010, which was affected by the recession. The forecast also assumes a person-per-household rate of 2.64, which reflects anticipated demographic changes. These are the same assumptions used in forecasting the number of households in 2044, discussed in Comprehensive Plan Chapter 4, Housing.

**Commented [KM17]:** Update with current methodology used by PSRC

**Future Growth Trends**

The GMA requires cities in King County to participate in the Buildable Lands Program, which offers the opportunity for local governments to coordinate and analyze land supply to make sure that they have enough land for development and to ensure that their respective comprehensive plans are doing what they are expected to do. The King County Buildable Lands Report (2002) estimates Medina’s capacity for total housing units is 8 under current zoning with recognition of current market trends (although, as noted above, only 27 new housing units are anticipated by 2035).

**Commented [KM18]:** Add footnote describing when the BLR was published. 3/26 PC meeting feedback

**Commented [KM19]:** Ensure this reflects current methodology - Dane

**Commented [JF20]:** Revise per new BLR data

**Commented [KM21R20]:** Dane

There are several general trends occurring in Medina that make the potential for increased growth through redevelopment limited. First, there are a number of older, smaller homes on existing lots. The most common redevelopment practice has been to raze such a structure and construct a new, larger residence in its place. Homes are also commonly remodeled to include additions, yielding a larger home on the lot. Neither of these practices result in a net increase in the total number of housing units.

Medina is surrounded by incorporated municipalities and cannot extend its boundaries through annexation; therefore, its Urban Growth Area corresponds to its existing boundaries.

An increase in the number of housing units in Medina can be achieved per existing zoning only by the following actions:

- Subdividing and developing existing properties to their maximum development potential;
- Restricting lot combinations;
- Development of accessory dwelling units.

**Commented [JF22]:** Need a LCA memo to show that there is current capacity

**Commented [KM23R22]:** Dane - please revise in Track Changes accordingly with findings of the LCA

To accommodate more residential development opportunity, the City could choose to amend its zoning standards; common considerations include reducing minimum lot size or increasing allowed density to facilitate the potential for lot redevelopment. By adopting revised or new land use regulations that implement state legislation passed in 2023 (House Bills 1110 and 1337), denser, neighborhood-scale housing options will be allowed throughout much of Medina, which is likely to organically serve the projected growth targets assigned to Medina. Findings of the Land Capacity Analysis (LCA) prepared to examine Medina’s capacity for additional housing units indicate that XX residential lots in the City could potentially be developed with one or two accessory dwelling units (ADUs), adequately serving the growth target assigned to the City. Given the passing of recent legislation, the capacity for development of ADUs, the trend of ADU development in Medina over the last five years, and the expressed feedback of preferred housing types by the Medina community, it is expected that ADU development will be the prominent solution to residential growth in Medina over the next 20 years.

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**Commented [KM26]:** Revise this as needed following LCA and discussion with Commerce

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**Commented [KM28]:** Confirm this theme throughout HNA/HAP surveying

As a fully planning community under the GMA, Medina is also subject to recent state legislation requiring the City to accommodate more diverse housing options. Complying with new state law will, in part, require the City to revise its land use and development regulations to ease the siting of accessory dwelling units (ADUs); per RCW 36.70A.681, *the city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit.* To this end, revisions to the Medina Municipal Code are expected to occur in 2025 and are expected to increase the housing capacity of the City sufficient to satisfy its assigned housing

growth targets (see Appendix X to the Comprehensive Plan for the City’s Housing Needs Assessment and Housing Action Plan further detailing the City’s approach to accommodating diverse housing options).

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While Medina is an incorporated city, its character and function are more like that of a mature residential neighborhood within a larger community. Within a four-mile radius of City Hall, there are hundreds of commercial establishments providing well over a million square feet of retail space and an increasing number of professional, health, and social services. Due to their extent and proximity, and given Medina’s assigned employment growth target of 0 by 2044, there has been little demand for these land uses within Medina.

The major employers in Medina are the three schools and ~~the golf course~~ employers in the “services” industry. Together, they account for approximately ~~300~~ 384 jobs. City government, including administrators, staff, and police, provides 24-22 jobs. There are also approximately 15 people employed by the gas station, Medina grocery store, nursery, and post office. Additional employment is provided by individual residential properties in the form of housekeeping, groundskeeping, and other household staff positions.

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Total employment within Medina is listed in the PSRC’s 2013 Quarterly Census of Employment as 461 jobs. The PSRC forecasts an increase to 496 jobs by 2035. The majority of this increase is forecasted to occur in the service sector, which is already the largest employment sector in Medina. There is no planned or expected increase in retail or commercial space in Medina. However, there are an increasing number of people working from home. Consequently, traditional employment in Medina is forecasted to remain relatively stable, but there will likely be an increase in home occupations.

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**SPECIAL PLANNING AREAS AND ESSENTIAL PUBLIC FACILITES**

Certain areas within the City have unique planning requirements because of the impact these areas and the facilities they contain have on surrounding uses. These areas and facilities typically serve regional needs, and any planning involving them requires coordination with other jurisdictions and agencies. By establishing a process for reviewing requests for development within these designated Special Planning Areas, the City can ensure that (i) the public will be included in the planning process, (ii) appropriate mitigation is implemented, (iii) adverse impacts on the surrounding uses and the City as a whole will be minimized, and (iv) regional planning will be facilitated. To accomplish these goals, development within designated Special Planning Areas will be handled through the City’s Special Use Public Hearing process.

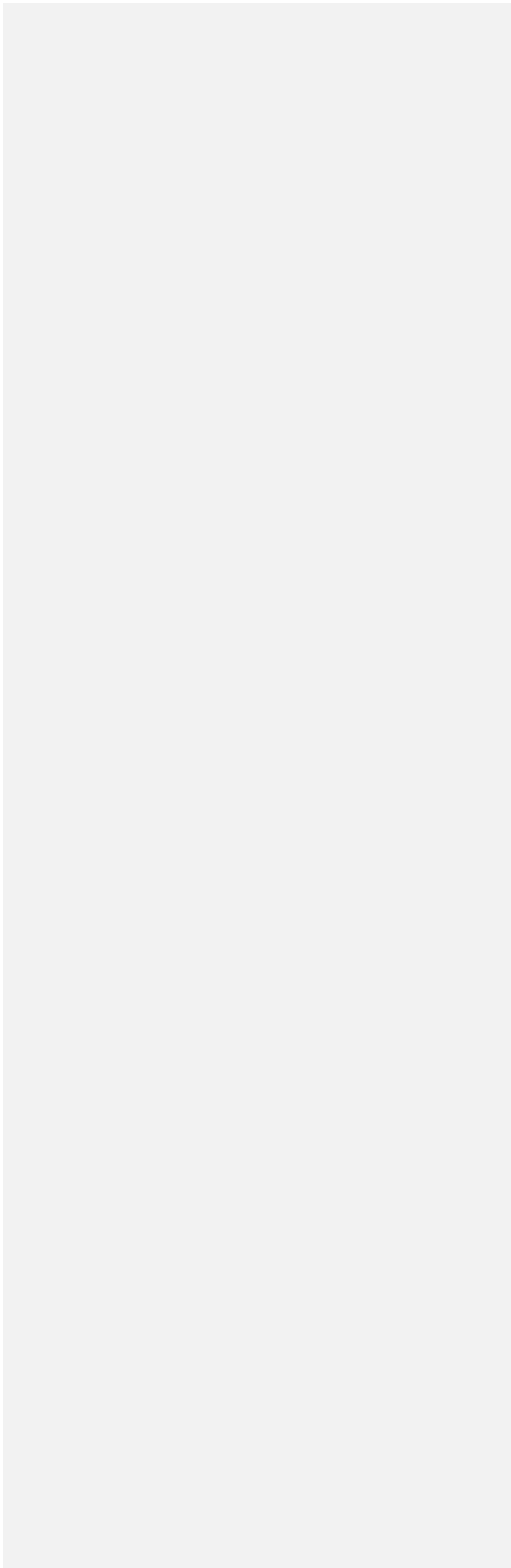
Commented [KM33]: Jonathan - is there a map of these areas?

Commented [KM34R33]: Dane - can you find this?

It is intended that future development of Special Planning Areas will be guided by the need to limit or mitigate the impact of such development on surrounding uses and the City as a whole. The role of government, in this context, is to seek a balance between regulations, the needs of a growing population, preservation of the environment, to ensure the maintenance of a high standard of living, and potentially to accommodate diverse housing options. When the development or improvement of capital facilities is considered in Special Planning Areas, the review of drainage, flooding, and stormwater runoff and any needed corrective actions to mitigate the potential for pollution in discharges that could impact the health of the Puget Sound or its connected waterbodies will be considered in the City’s annual Stormwater Management Program; additional information on this Program is included in the Capital Facilities Element of the Comprehensive Plan and should be reviewed for a holistic perspective of the City’s role and



review of these development opportunities.



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**SR 520 Corridor Special Planning Area:**

This Special Planning Area consists of the SR 520 right-of-way, including the Evergreen Point Bridge to mid-span, which runs across the City at the base of Evergreen Point, from Lake Washington on the west to the City's boundaries with the Town of Hunts Point and the City of Clyde Hill on the east. The area has undergone significant changes as part of the Washington Department of Transportation (WSDOT) SR 520 bridge replacement project. In addition to replacing the floating bridge, approaches, and interchanges, the project includes a lidded overpass at Evergreen Point Road in Medina, with pedestrian access down to a median transit stop. The new bridge features two general travel lanes and one HOV lane in each direction. The bridge also includes the SR 520 Bridge Trail that provides connectivity between Seattle and regional trails to the east used both for commuting and for recreation, and provides a pedestrian overlook and view corridor within the bridge's southern right-of-way west of Evergreen Point Road. The SR 520 Bridge Trail crosses Evergreen Point Road at-grade.

**84<sup>th</sup> Avenue N.E. Corridor Special Planning Area:**

This Special Planning Area consists of that portion of the 84<sup>th</sup> Avenue N.E. right-of-way within the City of Medina between the SR 520 interchange on the north and N.E. 12<sup>th</sup> Street on the south. The easterly portion of the 84<sup>th</sup> Avenue N.E. right-of-way is located within the City of Clyde Hill. In 2012, the City completed improvements to a 0.75-mile stretch of the corridor between NE 12<sup>th</sup> Street and NE 24<sup>th</sup> Street. Improvements included new roadway resurfacing, new road channelization with formal designated bike lanes, and a new landscaped median.

**Essential Public Facilities:**

The GMA requires that jurisdictions planning under its authority develop and adopt a process for identifying and siting essential public facilities. The GMA defines essential public facilities as "those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities [such as SR 520], state and local correctional facilities, solid waste handling facilities, and in-patient facilities, including substance abuse facilities, mental health facilities, and group homes." The County and all its cities must jointly agree upon the siting process for these types of facilities. The GMA states that no Comprehensive Plan or development regulation may preclude the siting of essential public facilities. SR 520 is the only essential public facility currently located in Medina.

The City reviews proposals for the siting of essential public facilities or the expansion of existing essential public facilities through the Special Planning Area process. If a proposed essential public facility is not located within a Special Planning Area, the proposed essential public facility should be designated as a Special Planning Area. The boundaries of the resulting Special Planning Area will be the boundaries of the proposed essential public facility.

**LAND USE PLAN**

Medina has developed and matured into the type of community envisioned at the time of its incorporation. Old and new residents alike have invested substantially in their homes on the premise that Medina will continue to maintain its residential quality and character. Development ordinances and regulations have been adopted over time to ensure that the character of Medina is maintained.

It is important to the community that uses such as the Points Loop Trail and other pedestrian and bicycle paths, post office and the Medina grocery store, and facilities such as the City Hall, clock tower, and water tower, are retained because of their functional, historic and cultural contribution to the City. Maintaining a functional and unopened street-right-of-way (ROW) system is an important component of the Medina community for the continued recreational and social joys of its residents, and should be retained. The historical character of these buildings and structures, and their appropriate uses, should be retained for future generations.

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In the absence of any substantial future growth, it is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community. Medina will continue to consider ways to creatively implement land use practices in a way that accommodates all socioeconomic groups in Medina without adversely impacting the character of the community or the environment.

**Future Land Use Designations**

The Future Land Use Map adopted in this plan establishes the future distribution, extent, and location of generalized land uses within the City (see Figure 3). The land use categories on the Future Land Use Map include Residential, Local Business, Public Facility, School/Institution, Utility, Park, and Open Space.

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**GOALS**

- LU-G1 To maintain Medina’s high-quality residential setting and character, while considering creative housing solutions to accommodate Medina community members of all socioeconomic groups.
- LU-G2 To maintain, preserve, and enhance the functional and historic contributions of Medina’s public facilities and amenities.
- LU-G3 To maintain active community involvement and equitable engagement in land use policy and regulations.
- LU-G4 To preserve community treasures, including, but not limited to, those structures and uses that reflect the City’s heritage and history.

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LU-G5 To promote connectivity, public safety, and resident health and well-being through

the use and maintenance of bicycle routes and unimproved rights-of-way in the City.

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**POLICIES**

LU-P1 The City should minimize changes to existing zoning and land use patterns, except as to meet above goals when deemed necessary by its citizens; if meeting the above goals results in denser zoning, middle housing, or infill development, the City should particularly support these housing types to be located along frequent transit corridors or within planned higher-density areas of the City.

LU-P2 The City should consider ways to restrict the size of homes in order to retain the character of the community and lessen impacts associated with construction. The City should consider ways to reduce or mitigate impacts to existing smaller housing when adjacent to larger remodeled or newly constructed homes. The City should also discourage lot combinations to reduce the loss of housing capacity.

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LU-P3 Residential uses should not be considered for conversion to non-residential use except when clearly supported by the community and when impacts to the surrounding area can be fully mitigated.

LU-P4 The City should develop a program to preserve community treasures, including, but not limited to, those historical structures that reflect the City’s heritage and history.

LU-P5 Existing non-residential uses are encouraged to be maintained. Existing non-residential uses include:

- City Hall
- Medina Grocery Store
- Post Office
- Bellevue Christian School
- Wells Medina Nursery
- Overlake Golf and Country Club
- St. Thomas Church
- St. Thomas School
- Gas Station
- Medina Elementary School
- City facilities, trail systems, and parks
- Utilities

LU-P6 Existing non-residential uses within a residential zone may be converted to residential use, or may be redeveloped with a new non-residential use in a manner compatible with surrounding properties when allowed through the conditional use process (e.g., senior center or community center).

Commented [KM42]: 4/18 PC

LU-P7 The City should work with WSDOT and City residents to develop mitigation measures that it seeks to be implemented as part of regional facilities development or improvement projects, such as SR 520 and related structures and improvements, and are designed to promote and improve physical, mental, and social health and reduce the impacts of climate change on the natural and built environments. Coordination between the City, King County, and WSDOT should reflect opportunities to promote or improve public health and safety of regional trail systems.

LU-P8 The City should encourage and facilitate equitable public participation in all land use planning processes, including participation from Medina community members, including those Medina community members of all ethnicities and races, socioeconomic statuses, members with disabilities, language access needs, and immigrants or refugees. Engagement efforts should also facilitate the participation of local tribes, the Puget Sound Partnership, and other affected jurisdictions to support regional collaborative land use planning.

LU-P9 The City ~~should encourage input from~~ ~~afford due consideration to~~ all stakeholders prior to any land use decision, including consideration of the potential physical, economic, and cultural displacement risk to residents, particularly to communities that have historically faced greater risk of displacement.

LU-P10 Development of Special Planning Areas and essential public facilities should require review of a Master Plan that addresses mitigation of impacts on surrounding uses and the City as a whole. If a proposed essential public facility is not located in an existing Special Planning Area, the proposed site of the essential public facility should be designated as a Special Planning Area.

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~~The existing residential character of Medina should promote the health and well-being of its residents by supporting equitable access to parks and open space and safe pedestrian and bicycle routes.~~

LU-P12 The City ~~shall-should~~ not ~~preclude-prevent~~ the siting of essential public facilities.

LU-P13 The process to site proposed new or expansions to existing essential public facilities should consist of the following:

- a. An inventory of similar existing essential public facilities, including their locations and capacities;
- b. A forecast of the future needs for the essential public facility;
- c. An analysis of the affordable and equitable access to public services to all communities, especially those historically underserved;
- d. An analysis of the potential social and economic impacts and benefits to jurisdictions receiving or surrounding the facilities;
- e. An analysis of the proposal's consistency with County and City policies;
- f. An analysis of alternatives to the facility, including decentralization, conservation, demand management and other strategies;
- g. An analysis of alternative sites based on siting criteria developed through an inter-jurisdictional process;
- h. An analysis of opportunities to facilitate or encourage modes of travel other than single-occupancy vehicles, the incorporation of energy-saving strategies in infrastructure planning and design, and the feasibility of using electric, sustainable, or other renewable energy sources for new or expended public facilities and developments to reduce greenhouse gasses;
- i. An analysis of environmental impacts and mitigation; and
- j. Extensive public involvement.

LU-P14 The City should consider opportunities to promote public health and address racially and environmentally disparate health outcomes by providing or enhancing opportunities to safe and convenient physical activity, social connectivity, protection from exposure to harmful substances and environments, and denser housing in potential future changes to land use designations, as appropriate to serve the needs of the Medina community.

LU-P15 To promote adequate stormwater management within the community, the City should consider land use development standards and other local regulations that could be revised, as appropriate, to better accommodate site drainage and encourage the practice of low-impact development.

LU-P16 The existing residential character of Medina should promote the health and well-being of its residents by supporting equitable access to parks and open space and safe pedestrian and bicycle routes.

LU-P17 The City should explore opportunities to improve connectivity and ensure public safety of existing pedestrian and bicycle routes in the City, as needed.

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**Commented [KM44]:** Comments sent early from Commissioner Pao ahead of 4/18 PC meeting

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**Commented [KM45]:** In response to early feedback from Commission Pao asking why this text is here, it is a requirement of the GMA for Comp Plans to govern the siting of essential public facilities. "The comprehensive plan of each county and city that is planning under RCW [36.70A.040](#) shall include a process for identifying and siting essential public facilities"

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# MEDINA, WASHINGTON

## AGENDA BILL

Monday, April 22, 2024

**Subject:** Non-administrative Variance and Hearing Examiner Proposal

**Category:** City Business

**Staff Contacts:** Steve Wilcox, Development Services Director and Jennifer S. Robertson, City Attorney

### **Summary**

#### **A. Non-Administrative Variance.**

The Council work plan for Development Services included a review of the non-administrative variance procedures for the purpose of ensuring that the City's land use codes and comprehensive plan are implemented and that variances are a rare exception, granted only when truly necessary. The non-administrative variance code is found at MMC 16.72.030. Non-administrative variances are heard by the City's hearing examiner. The City staff review the application and generate a staff report as part of the hearing examiner process. Often the applicant is represented by legal counsel for the hearing. In the past, non-administrative variances have been easily granted, which is contrary to the intent that they be a rare exception, and only granted when necessary for the property owner to make reasonable use of their property.

As an example, there have been recent code enforcement violations where structures were built without benefit of required Medina permits. Proper permitting would have identified that these structures were not allowed under our Municipal Code. Options would have been given, but permits would not have been accepted or issued. Once Medina staff became involved these structures were posted and work was stopped. Options were given including to apply for variance which did occur. In both of these recent variance applications the hearing examiner approved of the structures in the non-compliant locations. Medina does not process very many variance applications annually with some years none at all.

The attached draft revisions to MMC 16.72.030 would tighten up the criteria under which this type of variance may be granted by the hearing examiner and would provide greater guidance to the hearing examiner and applicants regarding the situations that would justify the granting of a non-administrative variance. These proposed revisions are outlined below:

1. MMC 16.72.030.A is clarified to ensure that non-administrative variances are only granted when they meet the criteria in the code.
2. MMC 16.72.030E.1 is modified to add more detail as to what type of lot may be eligible for a variance. This provides better guidance for the hearing examiner and applicant.

3. MMC 16.72.030E.2 is modified to clarify that prior non-administrative variances do not create precedent and cannot be used as a justification for obtaining a future non-administrative variance.
4. MMC 16.72.030.E.3 is modified to expand the list of items under which a non-administrative variance may not be granted, including:
  - a. To alter any provision establishing a permitted or conditional use within a zoning district; (revision to subsection “b”)
  - b. To alter any administrative provisions including procedures or fees; (revision to subsection “c”)
  - c. To legalize structures or improvements that were installed in violation of MMC and which would not be permitted without a variance; (\*\*New\*\* subsection “d”) (Note, this would prohibit the owner who builds something without permits and in violation of the code being able to keep that improvement by gaining a variance.)
  - d. To alter the maximum residential density allowed in any zoning district; (\*\*New\*\* subsection “e”)
  - e. To alter the provisions of Chapter 14.04 MMC, SEPA. (\*\*New\*\* subsection “f”)
5. MMC 16.72.030.F is modified to clarify that a non-administrative variance may only be granted if it meets all of the criteria in that section. (Note, this is far more typical variance code language than what is currently in the Medina code.)
6. MMC 16.72.030.F.1 is modified to remove the “vicinity” language when evaluating whether the grant of the non-administrative variance constitutes a special privilege. Instead, the consideration is limited to the zone. The purpose for this suggested edit is to avoid the compounding of variances granted when one is granted in an area of the city; the “vicinity” language makes it more likely that the neighboring property owner could meet this criterion just due to be near a property that obtained a variance. Limiting this to zone, treats properties in the same zone equitably, regardless of what their neighbors may or may not have been granted.
7. MMC 16.72.030.F.2 is modified to narrow what is deemed “necessary” for the purposes of granting the non-administrative variance by requiring that the variance is necessary to “make reasonable use of the property” and tying that necessity to the factors related to the lot, including factors that “substantially constrain development” such that “the property owner cannot develop the property consistent with allowed uses.”
8. MMC 16.72.030.F – **three new subsections** “5”, “6”, and “7” are recommended which provide additional criteria that must be met before a non-administrative variance can be granted. These are:
  - a. The applicant must have first evaluated alternative development concepts in compliance with the existing code and that undue hardship would result if such adherence to code provision is required;
  - b. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan;
  - c. The basis for the variance request is not the result of deliberate actions of the applicant or property owner;
9. MMC 16.72.030.F.8 (currently subsection “5”) is modified to limit the approval to reasonable use of the property as opposed to using the language “reasonable relief” as is in the current code.

10. MMC 16.72.030.G – **\*\*new subsection\*\*** – this new subsection defines “hardship”: “For purposes of this section, it shall not be deemed a hardship if the applicant can develop the property for its allowed use under the zone without the granting of a variance.” By putting this definition in the code, the hearing examiner will need to use this definition in weighing the criteria for granting the non-administrative variance.
11. MMC 16.72.030.H (previously “G”) – “Conditions of Approval” is modified to specifically permit the hearing examiner to reduce the scope or scale of any variance granted to “ensure that the variance is no more than the minimum necessary to provide reasonable use of the property”. This provides more flexibility to the hearing examiner such that the answer on whether to grant the variance is not limited to “yes” or “no”. Rather, the hearing examiner can tailor the variance to more closely meet the City’s standards while giving the applicant added flexibility to make reasonable use of the property.

If the Council is supportive of narrowing the code language for granting non-administrative variances and believes the draft code is an appropriate starting point, then the next step would be for the Council to direct staff to take this matter to the Planning Commission for review of the code, holding the public hearing, and making a recommendation to the Council.

Provide input to staff on draft revisions to MMC 16.72.030 and provide direction on whether this draft amendment should be transmitted to the Planning Commission for review and processing.

Provide input to the City Manager on the qualifications of the proposed new hearing examiner.

### **B. Hearing Examiner Proposal.**

The City of Medina hearing examiner, Alex Sidles, recently gave the City notice that he has been appointed by Governor Inslee to the Growth Management Hearings Board. Therefore, the City needs a new hearing examiner. Phil Olbrechts of Olbrechts & Associates has submitted a proposal which is attached. Mr. Olbrechts is a very experienced hearing examiner who has practiced law for over 30 years and served for many years as a city attorney or deputy city attorney earlier in his career.

The City and Mr. Olbrechts have agreed to contract terms, but the contract will not be executed until Council has an opportunity to comment on his qualifications. The requirement that the City Council be allowed to comment on qualification of a potential hearing examiner is required by MMC 2.72.020. Therefore, if any council member has comments about Mr. Olbrechts, they may either provide those comments during the council meeting or may communicate separately with the City Manager’s office.

This meets and supports Council’s priorities 3 through 5.

Council Priorities:

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

**Attachments**

- Draft update to MMC 16.72.030
- Hearing Examiner Proposal and Background for Phil Olbrechts of Olbrechts & Associates, PLLC

**Budget/Fiscal Impact:** If the Council sends the draft code to the Planning Commission, that will take staff time to process the amendment.

Hiring a new hearing examiner will be an expense to the City's budget, however, with the imminent the departure of the current hearing examiner, a new examiner needs to be hired.

**Recommendation:** Discussion and direction.

**City Manager Approval:** *Aimee Kellerman* Signed on behalf of Stephen R. Burns

**Proposed Council Motion:** "I move to direct staff to forward the proposed revisions to MMC 16.72.030 to the Planning Commission for review and processing."

**Time Estimate:** 30 minutes

**16.72.030. Nonadministrative variance.**

- A. *Purpose.* The purpose for a nonadministrative variance is to provide property owners relief from certain provisions of this title where conditions justify such relief on a case-by-case basis and where the criteria set forth in this section are met.
- B. *Applicant.* Any owner may submit an application for a nonadministrative variance.
- C. *Procedures.* Nonadministrative variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* Circumstances where relief from a dimensional standard is sought subject to the limitation set forth in subsection (E) of this section.
- E. *Limitations.*
1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to the physical characteristics of the site, such as a substandard or irregularly shaped lot, topography that significantly constrains development, or the presence of critical areas and/or buffers on the property which significantly constrain development;
  2. Evidence of other variances granted under similar circumstances shall not be considered precedent and shall not be considered in the granting of a nonadministrative variance; and
  3. No variance shall be granted for any of the following:
    - a. To alter any definition or interpretation of this title;
    - b. To alter any provision establishing a permitted or conditional use within a zoning district; ~~or~~
    - c. To alter any administrative provisions including procedural provisions or fees;
    - d. To make legal structures or improvements that were installed in violation of MMC and which would not be permitted without a variance;
    - e. To alter the maximum residential density allowed in any zoning district; or
    - f. To alter the provisions of Chapter 14.04 MMC, SEPA.
- F. *Criteria for approval.* ~~The decision authority may approve nonadministrative variance only if the following criteria are satisfied~~ Unless another section of the MMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:
1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the ~~vicinity and~~ zone in which the subject property is located; and
  2. The variance is necessary to make reasonable use of the property and such necessity is because of special circumstances relating to the size, shape, topography, ~~location or surroundings~~ or other factors on the lot such as the presence of critical areas or buffers that substantially constrain development of the subject property such that the property owner cannot develop the property consistent with allowed uses to provide it with use rights and privileges permitted other properties in the vicinity and in the zone in which the subject property is located; and

3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required; and
6. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan; and
7. The basis for the variance request is not the result of deliberate actions of the applicant or property owner; and
58. The variance granted is the minimum necessary to provide reasonable relief use of the property as defined by MMC 16.72.060.

G. Hardship defined. For purposes of this section, it shall not be deemed a hardship if the applicant can develop the property for its allowed use under the zone without the granting of a variance.

G.H. Conditions of approval. The decision authority may attach reasonable conditions, including reducing the scope or scale of any variance granted, to ensure that the variance is no more than the minimum necessary to provide reasonable use of the property safeguard the public health, general welfare and safety.

H.I. Lapse of approval.

1. An approved nonadministrative variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the nonadministrative variance is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.



March 29, 2024

Steve Wilcox  
Development Services Director  
City of Medina  
501 Evergreen Point Road  
Medina, WA 98039

Re: Olbrechts Hearing Examiner Proposal

Thank you for considering me as a potential hearing examiner for the City of Medina. I have lived in the Puget Sound area for more than fifty years and have worked for dozens of communities in that area. It would be a tremendous honor to add Medina to that list.

In summary, I have conducted over 2,000 land use hearings as a hearing examiner since the 1990s. I serve as Hearing Examiner for thirty-two municipalities, as alternate Hearing Examiner for two municipalities and City Attorney for two others. As detailed in my proposal below, I am regularly requested to conduct hearings on the most complex and controversial hearings in Washington State.

My rate is \$225 per hour with a one hour minimum per hearing day for in-person hearings. On rare occasions I use planners, attorneys and/or contract decision writers to help write up decisions. Attorneys are billed at 90% of my rate, planners at 75% and decision writers at \$75 per hour.

Thank you for your consideration of my proposal.

*Phil Olbrechts*

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Phil Olbrechts  
Olbrechts and Associates, PLLC Managing Member



## HEARING EXAMINER STATEMENT OF QUALIFICATIONS

Please accept this as my Statement of Qualifications to provide hearing examiner services to the City of Medina, as managing member of Olbrechts and Associates, PLLC. Based upon historical performance, I would probably conduct over 97% of the hearings assigned to me by the City of Medina. In very rare circumstances I would seek permission from the City for an alternate examiner to fill in if I have an unexpected conflict with a previously scheduled hearing. My primary alternate examiner, Rick Sepler, works as one of my subcontractors and, in addition to filling in during conflicts, also sometimes helps me write decisions to ensure they are timely. Mr. Sepler's qualifications are included below.

### Experience and Qualifications

#### A. Overview:

I have represented cities as a city attorney since 1989 and have held hearing examiner contracts since 1997. I currently serve as Hearing Examiner for Auburn, Federal Way, Fife, Mason County, Monroe, Mount Vernon, Langley, Newcastle, Tukwila, Blaine, Port Townsend, Port Orchard, Mountlake Terrace, Mill Creek, Algona, Fircrest, Edmonds, Renton, Lake Stevens, Puyallup, Dupont, Roy, Ruston, Kirkland, Bonney Lake, Oak Harbor, Orting, Lacey, Kitsap County, Kenmore, Sumner and Burien and as an alternate examiner for Seattle Public Schools and Snohomish County. I have conducted over 2,000 hearings in the past twenty-five years. I also serve as City Attorney for Buckley and Index. Working with planning staff of these cities daily gives me a unique understanding of how hearing examiner decisions are implemented at the staff level.

As a hearing examiner I have held hearings on every type of land use issue and permit imaginable, with projects ranging in size from removal of utility easements from Mason County subdivisions to the Villages and Lawson Hills Master Plan Developments in Black Diamond. I have the resources to handle cases of any size and complexity. As one example, the Villages and Lawson Hills Master Plans involved the construction of over 6,250 dwelling units, mostly composed of single-family homes, and over a million square feet in commercial space. Valued at over a billion dollars, the master planned communities were the largest residential development ever reviewed in King County. The hearings took over 40 hours and involved more than 3,000 pages of exhibits. The decision (EIS adequacy) and recommendations (master plan and development agreement) were issued in the requisite ten days from the close of the hearing without extensions. I've also held hearings on large master plan developments for Mount Vernon, Renton and Jefferson County and served as City Attorney in master plan developments in Poulsbo and Milton. I held a multi-day hearing on a 500-acre motorsports facility for Snohomish County involving over 600 public comment letters, an all-day hearing in Mason County for a racetrack and a hearing on the PSE Energize Eastside project. Some of my more recent contentious hearings include the redevelopment of the Weyerhaeuser campus for Federal Way, a regional methadone clinic in Sequim and a proposed 60-acre gravel pit in Belfair.

In years past as a land use attorney, I have represented neighborhood groups and developers on land use issues. I've represented parties in all levels of the courts, including the United States Supreme Court, the Growth Management Hearing Board, and the Shoreline Hearings Board



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## **B. Career Development:**

I received a B.S. in molecular biology from the University of Washington in 1986 and a J.D. with honors from Seattle University School of Law in 1989, the year I was admitted into practice. After stints as City Attorney and Planning Director of Forks, Washington (1991-94), and Planning Director of Sequim (1994), Washington, I became an associate at Ogden Murphy Wallace, P.L.L.C. (“OMW”) in 1994. I left OMW for three years in 1997 to teach land use law in the graduate planning program at the University of Washington and to work on other projects. During that time, I developed my hearing examiner practice, working for Mount Vernon, McCleary, and Shelton. I passed those clients on to my alternate examiner and returned to OMW in 2000 as *of counsel*, where I subsequently became a partner in 2004. In my time at OMW I served as City Attorney for Monroe, Buckley, Milton, Gold Bar, Index and Carnation. OMW has over forty attorneys and I worked in the firm’s municipal department, where I had the privilege of collaborating with the state’s best municipal attorneys on land use issues. I was elected to OMW’s executive board, where I managed the firm as the partner representing the firm’s municipal department.

I established Olbrechts and Associates, PLLC (“OA”) on November 1, 2010 to maintain competitive rates for my clients. Hearing examiner compensation rates are not feasible with the overhead expenses of major Seattle law firms. Over 80% of my practice is devoted to examiner services. The remaining portion of my practice is primarily composed of providing land use services to city attorney clients. As a hearing examiner, I currently conduct five to fifteen hearings per month.

## **C. Expertise:**

**Land Use Law.** I’m fully up to date on the leading edge of developing land use law due to the numerous land use seminars and courses I teach each year. I present two land use case law update webinars every year for the Municipal Research Services Center for an audience of a couple hundred planners, attorneys and municipal officials. I moderate, organize and present at several land use “boot camps” for the Planning Association of Washington every year, which involves a day long program of legal presentations on topical land use issues and “bread and butter” training on recurring land use issues. I do several land use case law presentations every year to professional conferences throughout the state. I’ve written several land use articles for organizations such as the Municipal Research Services Center and the Washington State Bar Association (“WSBA”). I have co-chaired the yearly conference of the Environmental and Land Use Law Section of the WSBA. I’ve also taught several credits of land use law in the graduate program at the University of Washington Department of Urban Design and Planning, covering both constitutional law and Washington’s land use statutory framework. I’ve presented a couple hundred “short courses” for planners and local officials across the state on behalf of the Washington State Department of Commerce to educate local officials on planning and open government laws. Because of this extensive involvement in developing case law, my land use decisions are always consistent with developing judicial and legislative requirements.

Over the years I’ve worked with dozens of local land use codes. As a city attorney I’ve been responsible for the legal review of major code updates, including the land use codes of Edmonds, Monroe, Milton,

Olbrechts and Associates, PLLC  
Hearing Examiner Proposal - 3

Buckley, Index, Gold Bar, Poulsbo and Carnation. As a Hearing Examiner for multiple jurisdictions I've become familiar with those codes as well. For twenty years I have also advised on local code compliance issues to my city attorney clients.

Through my extensive involvement in public education on land use law, I've developed a focus upon my favorite topics – constitutional takings and vesting law. Through my work I've been asked to testify at the state legislature on vesting legislation and I've made numerous presentations on how to write and implement "reasonable use" standards for critical area ordinances.

**Environmental Law.** My science education enables me to critically assess the scientific evidence that is often disputed in environmental proceedings. I have ruled upon and participated in dozens of SEPA appeals (threshold determinations and EIS adequacy), critical area ordinance reasonable use hearings and compliance issues with the National Environmental Policy Act.

**Shoreline Management Act.** I have issued hundreds of shoreline decisions for Mason County, San Juan County and the City of Edmonds. Some of my decisions have been appealed to the Shoreline Hearings Board. All decisions have been sustained. Through this work I've accumulated a significant amount of knowledge on shoreline issues, such as aesthetic impacts, shading impacts and protection of endangered fish and eelgrass and kelp.

**Code Enforcement.** I've been involved in dozens of code enforcement hearings, either as a hearing examiner, city attorney or prosecutor. The code enforcement hearings include dangerous building appeals, zoning code violations, building code violations, stormwater violations and health department violations (including solid waste violations and junk vehicle abatement). I've also written or updated several code enforcement ordinances as a city attorney.

**Other Hearings.** As a hearing examiner, I've conducted hearings and issued decisions on dangerous dog appeals, street vacations, vehicle impounds, drug property and sex crime forfeitures, rental housing violations, local improvement district formation, building code appeals and business license revocations. As a city attorney, I've been involved in the full spectrum of hearings held by city councils.

#### **D. Compensation:**

My hourly rate is \$225/hour with a one hour minimum per day of in person hearings (no minimum time for virtual hearings) and IRS mileage from Seattle. Rick Sepler, my alternate examiner, helps me write decisions when I have too many decisions due at once to meet the ten-day issuance deadline. He also substitutes for me in the very rare occasions when an unexpected conflict or illness prevents me from doing a hearing. His rate is 75% of my rate. In the absence of Mr. Sepler, I would hire other subcontractor planners at Mr. Sepler's rate. Subcontractor attorneys, if ever needed, would have a rate set at 90% of my rate. I would also seek reimbursement for hearing transcription costs. I currently use Rev.com, which charges \$1.50/minute of edited transcripts and \$0.25/minute of computer generated transcripts. Finally, I would seek reimbursement of City business license fees.

### **Roles/Duties/Approach**

My objectives as a hearing examiner are to create and maintain a hearing process that inspires trust in its competency and integrity. I seek to create a system that is accessible and responsible to the public and provides a fair opportunity for all hearing participants to express their concerns and have them addressed in a meaningful way. I believe that an important role of the examiner is to serve as a “translator” of land use law and process so that hearing participants aren’t made to feel that the only way they will be heard is through legal representation. I’m always vigilant in “road mapping” hearings for citizens and am constantly inquiring whether hearing participants understand what is happening. If hearing comments do not appear to be relevant, I will explain the relevant criteria and will work with the hearing participant(s) on ensuring that relevant concerns are placed within the proper regulatory context.

The objectives of my written decisions and recommendations are similar to those of the hearing process. My goals is to issue decisions that are: (1) legally bullet-proof; (2) fair; (3) responsive to the concerns of hearing participants; (4) understandable to lay persons; (5) consistent with past decisions, (6) successful in mitigating all impacts to the extent legally permissible, and (6) reflective of the values of the community as identified in the comprehensive plan and applicable code provisions.

My decisions are thorough. I recognize that courts give deference to the factual findings of an Examiner as well as the Examiner’s interpretation of local ordinances. However, a court cannot provide this deference unless the decision makes very clear what findings and interpretations are made. Also, I will have far more expertise in land use law than any reviewing judge. For these reasons, I provide a detailed written analysis of all significant legal and factual issues, quoting every applicable regulation and precisely identifying why a code criterion is satisfied or not satisfied. This thorough writing style leaves no room for reasonable disagreement from a reviewing judge and provides clarity to all hearing parties.

In terms of what I consider to be a “good result” from a hearing, it is basically a hearing from which all my objectives as described above have been met. I want all hearing participants to feel like they have been treated fairly, that their concerns have been thoroughly understood and addressed, and that ultimately it was worth their time to participate. A great result is that my hearings reflect positively on city government and the citizen participation ideals of local permit review.

### **Alternate Examiner**

**Richard Sepler**, Mr. Sepler has recently retired from serving as the Community Development Director for the City of Bellingham. He still currently teaches in the graduate program at the University of Washington College of Architecture and Urban Planning. For a few years, Mr. Sepler also served as the hearing examiner for the City of Mount Vernon and McCleary. Mr. Sepler helps write hearing examiner decisions.

**Professional References**

Vanessa Dolbee  
Director, Community and Econ. Dev.  
City of Lacey  
420 College Way  
Lacey, WA 98503  
Phone (360) 491-5642  
vdolbeee@ci.lacey.wa.us

Chris Larson  
Director, Community Development  
City of Fife  
5411 23<sup>rd</sup> St. E  
Fife, WA 98424  
Phone: (253) 778-3484  
clarson@cityoffife.org

Kell Rowen  
Administrator, Community Development  
Mason County  
615 Alder St.  
Shelton, WA 98585  
Phone (360) 427-9670, ext. 286  
KRowen@masoncountywa.gov



# MEDINA, WASHINGTON

## AGENDA BILL

Monday, April 22, 2024

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**Subject:** Construction Activity Permit and Sign Code Proposal

**Category:** City Business

**Staff Contacts:** Steven R. Wilcox, Development Services Director and Jennifer S. Robertson, City Attorney

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### **Summary**

#### **A. Construction Activity Permit**

The 2024-2025 Council work plan for Development Services includes a task requiring an amendment to the Construction Activity Permit (CAP) ordinance. This amendment is associated with projects located on private lanes or joint use driveways and will require a second notice board be installed which is visible to the general public.

The CAP is a consolidated administrative process which establishes site-specific application of development project construction mitigation requirements. Prescriptive construction mitigation requirements are currently in our Municipal Code. Examples of prescriptive mitigations are work hours, construction parking restrictions, site barrier, site cleanliness, etc. The CAP applies the prescriptive mitigation requirements to the specifics of a particular development project.

The CAP requires public noticing in most instances. When required, the CAP public noticing is intended to inform residents about a permit application for a development project that may impact them. Noticing is in various forms including mailing, hand delivered letter, and site notice board posting. Our CAP code defines when the various types of noticing is required. Anytime a development project, such as a new home or other large project, occurs on a private lane or joint use driveway there is a notice board required to be placed in front of the property for view by neighbors. This same notice board requirement applies to projects facing public streets too.

Many streets in Medina are not public. In addition to public right of way, Medina has many private lanes and joint use driveways that are not open for general public use. Development projects which are proposed on a private lane or a joint use driveway are not easily seen by the general public, if at all, however these projects do send out mailed notices to all properties within 500'. The notice board currently required to be placed in front of a development project on a private lane or joint use driveway may only be seen by those few neighbors who use the private access.

The 2024-2025 Council work plan for Development Services requires an additional notice board be placed such that the general public who would not otherwise enter a private lane or joint use driveway be able to see and read it. CAP Section 16.75.070 E. 2 a. defines the notice board site posting requirements. The proposed CAP Section 16.75.070 E. 2 a. includes a new subsection "v" which adds the required second notice board posting. This second notice board posting will be required at the end of the private lane or joint use driveway where it meets the public right of way. This second notice board will be placed in a visible location within the unimproved portion of the public right of way, as approved by the city.

Because the second notice board will be within the public right of way, our sign code will require an amendment to allow this.

## B. Signs

To facilitate the approval of the 2024-2025 Council work plan regarding an additional second CAP notice board posting within unimproved public right of way, an amendment to Medina Municipal Code 16.30.020 Signs is also needed. Currently our sign code prohibits placement of the CAP notice boards within the unimproved public right of way.

MMC 16.30.020.3.f. is proposed which will exempt certain signs that are required by the City. This proposed sign code amendment will allow the second notice board as proposed in A. above.

If Council supports the proposal to add a second notice board for private lane and joint use driveway development projects, and the associated sign code amendment allowing the second notice board to be placed within the unimproved public right of way, the next step is for Council to direct staff to take the matter to the Planning Commission for review of the draft code language, hold a public hearing, and make a recommendation to Council.

Provide input to staff regarding draft amendments to MMC 16.75 and MMC 16.30.020 and provide direction whether these draft amendments should be transmitted to the Planning Commission for review and processing.

This Construction Activity Permit amendment proposal meets and supports Council's priorities 3 and 5.

Council Priorities:

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

## Attachments

- Draft update to MMC 16.75
- Draft update to MMC 16.30.020

**Budget/Fiscal Impact:** If Council sends the draft code to the Planning Commission, that will take staff time to process the amendment.

**Recommendation:** Discussion and direction.

**City Manager Approval:** *Aimee Kellerman* Signed on behalf of Stephen R. Burns

**Proposed Council Motion:** "I move to direct staff to forward the proposed revision to MMC 16.75 and MMC 16.30.020 to the Planning Commission for review and processing."

Time Estimate: 20 minutes

Title 16 - UNIFIED DEVELOPMENT CODE  
CHAPTER 16.75. CONSTRUCTION ACTIVITY PERMIT

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## **CHAPTER 16.75. CONSTRUCTION ACTIVITY PERMIT**

### **16.75.010. Purpose.**

The purpose of the construction activity permit is to provide a method for citizens to participate in reducing the impacts of neighboring construction projects while applying a standardized mitigation policy so as to not unreasonably interfere with permit applicants' development rights. Additional purposes of this chapter include:

- A. Minimizing potential adverse visual and aesthetic impacts of construction.
- B. Establishing objective standards for the mitigation of construction projects.
- C. Encouraging public participation in the mitigation evaluation process.

(Code 1988 § 20.75.010; Ord. No. 995 § 3 (Exh. A), 2021)

### **16.75.020. Applicability.**

- A. Any applicant seeking a building permit from the city is subject to the provisions of this chapter; provided, that:
  1. Proposed projects with a combined permit value at or below \$499,999.00 are exempt from the requirements of MMC 16.75.070 and 16.75.080.
  2. Proposed projects with a combined permit value at or above \$500,000.00 shall comply with the additional requirements in MMC 16.75.070.
  3. Proposed projects with a combined permit value at or below \$499,999.00 having construction access on a private lane or joint-use driveway shall comply with the additional requirements in MMC 16.75.080.

(Code 1988 § 20.75.020; Ord. No. 995 § 3 (Exh. A), 2021)

### **16.75.030. Definitions.**

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

- A. *Applicant* means the person, persons, or entity who owns the property where the construction under the building permit is located, or the agent of the person, person, or entity who owns the property where the construction under the building permit is located.

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- B. *Building permit* means formal authorization by the city allowing construction activity to occur and includes any construction activity regulated under permit by the Washington State Building Code as amended by the City of Medina.
  - C. *City* means the City of Medina, Washington.
  - D. *Combined permit value* means the city-approved value of all work to be performed.
  - E. *Construction access* means the entrance and exit points for construction vehicles to reach the project site.
  - F. *Construction activity* means work performed in association with private development projects performed under a building permit including but not limited to construction, deliveries to the site, employee arrivals and departures, and heavy trucking.
  - G. *Construction activity permit* means the permit issued by the city pursuant to this chapter.
  - H. *Construction activity site plan* means a site plan which identifies all construction activity associated with the building permits through standard graphics and notation.
  - I. *Construction best management practice (BMPs)* means best management practices used in the control of silt runoff and dust control to help achieve water and air quality goals. Construction BMPs include both measures to prevent pollution and measures to mitigate pollution.
  - J. *Construction limits* means an area with established boundaries typically defined by a border consisting of temporary construction fencing which is installed for the purpose of defining the location of critical areas, shorelines, tree protection, and low impact development in addition to any other area where construction activity is prohibited.
  - K. *Construction parking* means the stopping of any vehicle associated with construction activity on private or public rights-of-way for a period of greater than 15 minutes; provided, that those vehicles owned by city staff, city consultants, public utility vehicles, or private property owners are exempt from this definition.
  - L. *Crane—fixed* means a tower crane which is affixed to the ground and is certified and regulated by the Washington State Department of Labor and Industries.
  - M. *Crane—mobile* means a mobile construction crane which is typically affixed to a vehicle and that is certified and regulated by the Washington State Department of Labor and Industries.
  - N. *Director* means the City of Medina development services director or designee.
  - O. *Joint-use driveway* means a privately or publicly owned access road without city-assigned street designation used for vehicle access and for use by more than one property.
  - P. *Heavy truck* means vehicles having a gross vehicle weight of 26,000 pounds or greater, and truck-trailer combinations having a length over 30 feet.



- Q. *Permit holder* means a person or entity that has been issued a construction activity permit.
- R. *Private lane* means a privately owned access road with city-assigned street designation that provides primary access to properties and the premises identification.
- S. *Public right-of-way* means all public streets and property granted or reserved for, or dedicated to, public use for streets and all public utilities therein, including easements in favor of the city, together with public property granted or reserved for, or dedicated to, public use for curbs, gutters and walkways or sidewalks, whether improved or unimproved, including the air rights, subsurface rights and all easements in favor of the city related thereto.
- T. *Road* means any thoroughfare or route used by vehicles including but not limited to public rights-of-way, joint-use driveways, and private lanes.
- U. *Visual barrier* means a temporary fence, landscaping, or other structure or feature that is opaque, six feet high, and reduces the sight line between the construction and neighboring properties.
- V. *Work hours* means the hours within which construction activity is permitted pursuant to Chapter 8.06 MMC.

(Code 1988 § 20.75.030; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.040. Permit commencement and conclusion.**

- A. Construction activity may not begin until a construction activity permit is issued, and the permit holder has attended a preconstruction meeting with the city.
- B. Construction activity must cease when the permit holder receives the final inspection approval by city staff.

(Code 1988 § 20.75.040; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.050. Application requirements.**

- A. A completed construction activity permit application shall be submitted to the director at the intake meeting pursuant to MMC 16.80.060(B).
- B. A complete construction activity permit application is required and shall contain the following:
1. Construction activity permit application.
  2. Legal description of the property.
  3. Proof of ownership in the form of one of the following documents:
    - a. Current purpose and sale agreement;
    - b. Title;
    - c. Deed; or

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- d. Bill of sale.
  4. Declaration of agent form.
  5. Applications shall include the actual costs incurred by the city in reviewing and processing the construction activity permit as required by Chapter 16.14 MMC.
  6. A sworn statement by the property owner(s), agent and the general contractor acknowledging responsibility for compliance with the construction activity permit.
  7. A right-of-way use permit application pursuant to MMC 12.08.010, if applicable.
  8. If an offsite notice sign is required in accordance with MMC 16.77.070.E.2.a, the location of such sign shall be identified in the application.
- C. In addition to the requirements outlined above, the director may require a construction activity site plan, drawn at one inch equals ten feet or one-eighth inch equals one foot, or another legible scale as approved by the director, and identifying the following as applicable:
1. Property boundaries and significant land, and other features including but not limited to bodies of water.
  2. Location and dimension to the property boundary of minimum required zoning setbacks.
  3. Location of all proposed structures and structures to remain.
  4. Adjacent public rights-of-way, private lanes, and joint-use driveways.
  5. Location of construction entrance.
  6. Location and swing radius of crane.
  7. The estimated duration of crane use.
  8. Location of vehicle off-site staging including but not limited to material and equipment deliveries and other uses of the public rights-of-way.
  9. Location of portable toilet a minimum of ten feet from property boundaries.
  10. Location of covered trash container a minimum of ten feet from property boundaries.
  11. Location of construction limits through the location of all critical areas, tree protection, shorelines, and low impact development BMPs.
  12. Location of outdoor tile cutting a minimum of ten feet from property boundaries.
  13. The estimated duration of outdoor tile cutting.
  14. Location of barge.
  15. The estimated duration of barge use.
  16. Any proposed utility service disruptions to neighboring properties.
  17. The estimated duration of disrupted utility service.

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**16.75.060. Permit conditions.**

The construction activity permit site plan cover sheet shall contain the following conditions:

A. *Work hours.*

1. Permitted pursuant to MMC 8.06.160.
2. Construction activity is prohibited prior to, or after, the allowed work hours subject to MMC 8.06.160(B), Exceptions.

B. *Construction parking.*

1. Construction parking is prohibited outside of the project's property boundary, unless specifically permitted including but not limited to where signed along NE 12th Street.
2. Construction entrance to property and on-site construction parking areas shall be stabilized as a construction BMP.

C. *Site maintenance.*

1. Permit holder shall install or maintain a visual barrier along the project's property boundary adjacent to other properties.
2. Project site shall contain an appropriately sized covered trash container.
3. Project site shall be kept clean of trash including but not limited to construction debris and food wrappers.
4. Construction materials shall be stored in a safe, secure, and orderly manner.

D. *Noise.*

1. Noise shall not exceed the permitted limits identified in Chapter 8.06 MMC.
2. Site workers shall endeavor to limit the sound of radios and voices from traveling across property boundaries.
3. Idling vehicles are prohibited.

E. *Utility disruption.*

1. If the proposed project will disrupt utility service for any neighboring properties, the permit holder shall provide at least seven days' written notice to all affected neighbors by delivering a city-issued door-hanging flyer at each affected home that includes the following information:
  - a. Contact information of the owner or agent for the permitted project which is causing the disruption.
  - b. The emergency contact information including name, phone number and email address for the utility contractor doing the work.
  - c. The date and duration that the service will be affected.

- F. *Road closure.* Complete closure of roads is prohibited except in an emergency.
- G. *Road obstruction.* Obstruction of roads is prohibited unless the applicant receives a right-of-way use permit pursuant to MMC 10.72.040.
- H. *Director discretion.* The director may modify the construction permit conditions meeting the requirements within this chapter at any time if additional construction impacts are identified or conditions change.

(Code 1988 § 20.75.060; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.070. Notice and open house requirements for projects at or above \$500,000.00.**

- A. Projects with a combined permit value at or above \$500,000.00 shall comply with the requirements of this section.
- B. Projects subject to provisions of this section are required to:
  - 1. Post a notice of application; and
  - 2. Hold an open house.
- C. The city shall provide a notice of application within 21 days after the determination of a complete application. The content of the notice of application shall include the following information:
  - 1. The file number assigned to the project permit.
  - 2. The date of the determination of a complete application, and the date the notice of application was mailed.
  - 3. A description of the proposal.
  - 4. A list of the requested and necessary approvals and actions required for the proposal.
  - 5. The location where the application can be reviewed.
  - 6. A statement that the public comments shall be accepted through the date of the open house.
  - 7. The date, time, and place of the open house.
  - 8. A statement of the rights of any person to comment on the application, receive notice of any hearings, and request a copy of the decision once made.
  - 9. Any other information determined appropriate by the director.
- D. The applicant shall be responsible for the notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that each required method of notification was carried out in conformance with the regulations in this chapter. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. If the affidavit of mailing is not filed as

required, any scheduled date by which the public may comment on an application shall be postponed, if necessary, in order to allow compliance with the notice requirements of this and other applicable chapters.

E. The notice of application shall be distributed in the following methods:

1. *Mailed.*

- a. Mailed to all property owners within 500 feet of the property boundary line, in all cardinal directions.
- b. Notice mailed to persons at their known address shall be judged to have been received by those persons if those persons and their addresses are named in a declaration of mailing. The failure of any person to actually receive the notice shall not invalidate any permit or approval.
- c. Notice forms shall be provided by the city.

2. *Posted.*

- a. Notice boards shall be placed by the applicant in the following manner:
  - i. At the midpoint of each abutting street frontage of the site;
  - ii. No more than five feet inside the street property line;
  - iii. With the top of the notice board between four and five feet above grade; ~~and~~
  - iv. Completely visible and accessible to both drivers and pedestrians; and
  - v. If the location of the Construction Activity is located on a private lane or joint use driveway, then the applicant shall post a second sign meeting the standards herein at the end of such private lane or joint use driveway where it meets public right of way. Such second sign shall be located in a visible location that is within the unimproved portion of the public right of way as approved by the city.
- b. Notice boards shall be provided by the city, maintained in clean and readable condition by the permit holder.
- c. Notice boards shall be removed by the permit holder within seven days after the date of the open house.

F. The open house shall:

1. Be held no earlier than 14 days after the notice of application is issued but no later than 60 days after the date of the notice of application is issued.
2. Be located at Medina City Hall.
3. Be in an electronic format as determined by the director.
3. Be led by the project applicant or assigned agent and include participation by the general contractor.

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4. Provide an opportunity for citizens to offer public input on the applicant's proposed construction mitigation.

**16.75.080. Notice requirements for projects with construction access via a private lane or joint-use driveway.**

- A. Projects at or below \$499,999.00 that require a building permit and require construction access via a private lane or joint-use driveway shall comply with the requirements of this section.
- B. Projects subject to provisions of this section are required to provide notice of application to all neighbors whose primary access is via a private lane or joint-use driveway.
- C. Within 21 days of a determination of a complete application, the applicant shall provide a notice of application, pursuant to this section. The content of the notice of application shall include the following information:
  1. The file number assigned to the project permit and the contact information for the property owner or agent.
  2. The date of the determination of a complete application, and the date of the notice of application.
  3. A description of the proposal.
  4. A list of the requested and necessary approvals and actions required for the proposal.
  5. The location where the application can be reviewed.
  6. A statement that any comments or questions shall be directed exclusively to the property owner or agent on file.
  7. Any other information determined appropriate by the director.
- D. The applicant shall be responsible for all notice distribution as required by this section. No later than 21 days from the date of the determination of complete application, the applicant shall provide to the director an affidavit attesting that the required method of notification was carried out in conformance with the regulations in this section. This affidavit shall include verification that the applicant provided notice to the intended recipients consistent with the notice requirements of this section. The construction activity permit shall not be issued until the affidavit is filed with the city pursuant to this section.
- E. The notice of application shall be distributed via hand delivery, a door-hanger, or an equivalent method as approved by the director on the front door, or other primary entrance as appropriate, of all properties whose primary access is via the private lane or joint-use driveway shared by the project site.
- F. The notice forms shall be provided by the city.

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**16.75.090. Review and approval procedure.**

- A. Construction activities permits shall be processed as a Type 1 decision. The director's decision is appealed pursuant to MMC 16.80.220.
- B. The director shall review the application for compliance with this provision of this chapter and other applicable ordinances and regulations as they currently exist or are hereafter amended and shall approve or deny the permit application in conformance with this chapter.

(Code 1988 § 20.75.090; Ord. No. 995 § 3 (Exh. A), 2021)

**16.75.100. Enforcement.**

Violations of any provisions of this chapter shall be subject to the enforcement provisions and penalties set forth in Chapters 1.15 and 16.16 MMC.

(Code 1988 § 20.75.100; Ord. No. 995 § 3 (Exh. A), 2021)

### 16.30.020. Signs.

#### B. *Applicability.*

1. *Applicability.* The requirements of this section shall apply to all signs including sign structures, unless exempt under subsection (B)(2) of this section. No sign shall be installed, erected and/or displayed within the jurisdiction of the City of Medina, except as provided for in this section and MMC 16.64.070 (shoreline master program).
2. *Exemptions.* The following signs are exempt from the requirements of this section:
  - a. Signs required by federal or state statutes or regulations that are exempt from local regulations;
  - b. Signs placed inside of buildings or within the boundaries of a lot where the sign is not visible from other properties or city rights-of-way;
  - c. Wall graphics of an artistic nature which do not contain commercial advertisement;
  - d. Signs associated with a community event sanctioned by the city or with a special event where a special event permit is obtained pursuant to Chapter 9.40 MMC; and
  - e. Signs meeting the definition of location identity sign as set forth in MMC 16.12.200, which meet the requirements set forth in MMC 16.30.030.
3. *Limited exemptions.* The following signs are exempt from permit, number, height and size requirements prescribed elsewhere in this section:
  - a. Flags that are not of a commercial nature, provided no more than three flags are displayed on the lot simultaneously;
  - b. All signs having a sign area of 100 square inches or less, provided:
    - i. The sign is not located within city rights-of-way; and
    - ii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;
  - c. Permanent signs having a sign area greater than 100 square inches, but not exceeding 144 square inches, provided:
    - i. The purpose of the sign is to warn against trespassing consistent with the restrictions on peddlers and solicitors in Chapter 5.12 MMC;
    - ii. The sign is not located within city rights-of-way; and
    - iii. No more than three signs per property qualifying for this exemption are visible from city rights-of-way or nearby properties;
  - d. Signs circulating traffic on private property provided:
    - i. The sign is not located within city rights-of-way;
    - ii. The sign does not exceed two square feet in sign area; and



- iii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;
  - e. Signs associated with nonresidential uses that communicate operational information such as, but not limited to, hours of access and open/closed signs that do not exceed two square feet in sign area;
  - f. Signs that are required by the City to be posted under Title 16 of the MMC or when required as a condition of approval of a permit issued by the City under Title 16 MMC; and
  - f.g. Municipal signs pursuant to the requirements in subsection (G) of this section.
- 4. *Prohibited signs.* The following signs are prohibited:
  - a. Signs erected and/or displayed within any public park or public property, except as specifically allowed by the Medina Municipal Code;
  - b. Signs erected and/or displayed on private property without the express consent of the owner thereof;
  - c. Signs posted on public traffic or safety sign posts;
  - d. Signs containing obscene or prurient words, scenes or graphics;
  - e. Signs mounted on utility poles or light standards without the express consent of the entity that owns or controls the utility pole;
  - f. Signs in or on vehicles or vessels visible from public property or city rights-of-way, unless the sign meets one of the following conditions:
    - i. The sign is an integral component of the vehicle or vessel and consists of magnetic, decal or is painted onto or attached to the vehicle or vessel provided the vehicle or vessel is in operational condition, and the vehicle or vessel is not a static display;
    - ii. Signs on vehicles or vessels meeting the requirements in subsection (B)(2)(c) of this section;
  - g. Signs that are determined by the director to be a hazard to public safety due to their design, materials, physical condition, or placement.