



# MEDINA, WASHINGTON

## PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person  
Medina City Hall - Council Chambers  
501 Evergreen Point Rd, Medina, WA 98039  
**Tuesday, June 25, 2024 – 6:00 PM**

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### AMENDED AGENDA

**COMMISSION CHAIR** | Laura Bustamante  
**COMMISSION VICE-CHAIR** | Shawn Schubring  
**COMMISSIONERS** | Julie W. Barrett, Li-Tan Hsu, Evonne Lai, Mark Nelson, Brian Pao  
**PLANNING MANAGER** | Jonathan Kesler, AICP  
**DEVELOPMENT SERVICES COORDINATOR** | Rebecca Bennett

#### Hybrid Meeting Participation

The Medina Planning Commission 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 Development Services Coordinator at 425-233-6414 or email [rbennett@medina-wa.gov](mailto:rbennett@medina-wa.gov) and leave a message before 2:00 pm on the day of the Planning Commission meeting. The Development Services Coordinator will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comments and will be asked to stop when you reach the 3-minute limit. The city will also accept written comments. Any written comments must be submitted by 2:00 pm on the day of the Planning Commission meeting to the Development Services Coordinator at [rbennett@medina-wa.gov](mailto:rbennett@medina-wa.gov).

Join Zoom Meeting

<https://medina-wa.zoom.us/j/87504217737?pwd=ORaXZl1DWX162Mjp7cb3nnGrSPbCD1.1>

Meeting ID: 875 0421 7737

Passcode: 651995

One tap mobile

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1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MEETING AGENDA**

### 3. **APPROVAL OF MINUTES**

#### 3.1 Planning Commission Regular Meeting Minutes of May 29, 2024

**Recommendation:** Adopt minutes

**Staff Contact:** Rebecca Bennett, Development Services Coordinator

### 4. **ANNOUNCEMENTS**

#### 4.1 Staff/Commissioners

### 5. **PUBLIC COMMENT PERIOD**

Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Development Services Coordinator, Rebecca Bennett, via email ([rbennett@medina-wa.gov](mailto:rbennett@medina-wa.gov)) or by leaving a message at 425-233-6414 by 2:00 pm the day of the Planning Commission meeting. Please reference Public Comments for the Planning Commission meeting on your correspondence. The Development Services Coordinator will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3-minute limit.

### 6. **DISCUSSION**

#### 6.1 Concerns of the Commission

#### 6.2 2024 Comprehensive Plan Update, 2<sup>nd</sup> review and approval of the Preface, Introduction and Background and Context Sections.

**Recommendation:** Discussion and direction

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager; with Dane Jepsen, Associate Planner, LDC Consultants

**Time Estimate:** 30 minutes

#### 6.3 Report on completion of the Medina Shoreline Master Program (SMP) Permit Monitoring Project Grant

**Recommendation:** Discussion

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager, with Alex Capron, AICP, Senior Planner, Facet Northwest

**Time Estimate:** 30 minutes

### 7. **ADJOURNMENT**

Next meeting is the regular monthly meeting of Tuesday, July 23, 2024, at 6:00 pm

### **ADDITIONAL INFORMATION**

Planning Commission meetings are held on the 4th Tuesday of the month at 6:00 pm, unless otherwise specified.

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

### **UPCOMING MEETINGS**

Tuesday, July 23, 2024 - Regular Meeting

August 2024 - Dark, no meeting

Tuesday, September 24, 2024 - Regular Meeting

Tuesday, October 22, 2024 - Regular Meeting

Tuesday, November 26, 2024 - Regular Meeting cancelled - Special Meeting Date TBD

Tuesday, December 24, 2024 - Regular Meeting cancelled - Special Meeting Date TBD



# MEDINA, WASHINGTON

## PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person  
Medina City Hall - Council Chambers  
501 Evergreen Point Road, Medina, WA 98039  
**Wednesday, May 29, 2024 – 6:00 PM**

### MINUTES

**COMMISSION CHAIR** | Laura Bustamante  
**COMMISSION VICE-CHAIR** | Shawn Schubring  
**COMMISSIONERS** | Julie Barrett, Li-Tan Hsu, Evonne Lai, Mark Nelson, Brian Pao  
**PLANNING MANAGER** | Jonathan Kesler  
**DEVELOPMENT SERVICES COORDINATOR** | Rebecca Bennett

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

Chair Bustamante called the meeting to order at 6:02pm.

**PRESENT**

Chair Laura Bustamante  
Commissioner Li-Tan Hsu  
Commissioner Evonne Lai  
Commissioner Mark Nelson  
Commissioner Brian Pao (arrival @ 6:06pm)

**ABSENT**

Vice Chair Shawn Schubring  
Commissioner Barrett

**STAFF/CONSULTANTS PRESENT**

Bennett, Burns, Jepsen, Kesler, Mahoney, Osada,

**2. APPROVAL OF MEETING AGENDA**

Without objections, the meeting agenda was approved as presented.

**3. APPROVAL OF MINUTES**

3.1 Planning Commission Meeting Minutes of April 23, 2024

**Recommendation:** Adopt minutes.

**Staff Contact:** Rebecca Bennett, Development Services Coordinator

**ACTION:** Motion to approve minutes as presented. (Approved 4-0)

Motion made by Commissioner Hsu, Seconded by Commissioner Nelson.  
Voting Yea: Chair Bustamante, Commissioner Hsu, Commissioner Lai, Commissioner Nelson

**4. ANNOUNCEMENTS**

4.1 Staff/Commissioners

Burns and Kesler thanked commissioners for their work on the Comprehensive Plan. Kesler announced that Mahoney will be leaving LDC and Jepsen will be taking her place. Mahoney thanked the commissioners for working with her. Chair Bustamante thanked Mahoney for her work and welcomed Jepsen.

**5. PUBLIC COMMENT PERIOD**

There was no public comment.

**6. DISCUSSION**

6.1 Concerns of the Commission

None were heard.

6.2 2024 Comprehensive Plan Update, 1<sup>st</sup> review of the Preface, Introduction and Background and Context Sections

**Recommendation:** Discussion and direction

**Staff Contact:** Jonathan Kesler, AICP, Planning Manager; with Kim Mahoney, Principal and Dane Jepsen, Associate Planner of LDC Consultants

Time Estimate: 45 minutes

Kesler gave brief PowerPoint Presentation on the first review of the preface, introduction and background and context sections. Commissioners discussed and asked questions.

**7. ADJOURNMENT**

Meeting adjourned at 7:02pm.

**ACTION:** Motion to adjourn. (Approved 5-0)

Motion made by Commissioner Pao, Seconded by Commissioner Nelson.  
Voting Yea: Chair Bustamante, Commissioner Hsu, Commissioner Lai, Commissioner Nelson, Commissioner Pao



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

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## MEMORANDUM

DATE: June 25, 2024  
TO: Medina Planning Commission  
FROM: Jonathan Kesler, AICP, Planning Manager  
RE: 2024 Comprehensive Plan Update, 2<sup>nd</sup> review and approval sought of the Preface, Introduction and Background and Context Sections.

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The hard work of reviewing the Comp Plan Elements is done and they were sent to the Puget Sound Regional Council (PSRC) and the state Department of Commerce (DOC) for their mandatory, approximately 60-day, review. While that is in process, this Commission did its first **internal** review of the Preface, Introduction and Background and Context Sections of the Comp Plan at the May 29<sup>th</sup> regular meeting.

These sections, as you recall from last month, are **not** reviewed by any outside governmental body, but are shaped by Medina’s own governing bodies **only**. The 1<sup>st</sup> review changes recommended by the Commission on May 29<sup>th</sup> have been incorporated into these pages. In the packet, you will find the revised “clean” copy, along with the redlines that resulted from last month’s review. Staff seeks **final** approval of these sections so that they may move on to the City Council for final review in July.

## A. PREFACE

This Plan represents the vision of Medina residents on the City's development as a unique residential community and as part of the Seattle/Bellevue metropolitan region. If the Plan is carried out, the quality of life enjoyed by Medina's residents will be preserved for the future.

The preparation of the original plan began with the Growth Management Joint Workshop which was held in April 1991. Following the adoption of the Critical Areas Ordinance in 1992 and review of the City's zoning ordinance in 1993, the City of Medina adopted its first Comprehensive Plan in May 1994.

The Planning Commission has been responsible for assuring citizen involvement in updates of this Plan by holding both regular and special meetings during all their review processes. Community meetings and public hearings are typically posted in prominent locations in the community and are published in the monthly City newsletter. After the public hearings, the Planning Commission recommendations are sent to the City Council for review and adoption.

This Comprehensive Plan is supported by several documents. For detail on a particular issue, reference is best made to the appropriate supporting document. These include the Medina Municipal Code, the Shoreline Master Program (MMC Subtitle 16.6), Medina Tree Management Code (MMC Ch. 16.52), Critical Areas Regulations (MMC Ch. 16.50), Comprehensive Stormwater Management Plan (1993, updated 2019), and the Six-Year Transportation Improvement Program (updated annually).

This Plan is not intended to be static; it will be periodically reviewed and revised as necessary. The Planning Commission will carry out a review of this Plan at least once ten eight years, in accordance with RCW 36.70A.130, as amended.

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## B. INTRODUCTION

A comprehensive plan is a collective vision about how a community perceives itself and a statement about the kind of place the residents want it to become. The plan is an opportunity for articulating what needs to be preserved and enhanced and, conversely, what the community wishes to avoid. It is a document that functions as a guide for instituting land use regulations and making public decisions concerning individual development proposals.

The comprehensive plan must periodically be updated to respond to changing conditions and attitudes, both within and outside of the community. These updates reflect the trend of the current times and the collective vision for the City’s future. This update to the Comprehensive Plan incorporates local, regional, and state level priorities that include new recent legislation on affordable and emergency housing, social equity and health, and environmental resiliency and sustainability.

In 1990 and 1991, the state legislature passed two Acts regarding growth management. The first, SHB (Senate House Bill) 2929, required that all communities within King County must inventory critical areas, update their comprehensive plans to include a number of specific elements, and adopt regulations to implement the plan. The second, HB (House Bill) 1025, required that King County countywide planning policies (CPPs) be developed and adopted to address issues of a regional nature. Each city and town within the county must also respond to these issues within their comprehensive plan. Since that time, Medina’s Comprehensive Plan has been updated seven times: in 1994, 1999, 2005, 2012 (twice), 2014, and 2015.

In 2021 and 2023, the state legislature passed several Acts impacting local planning and development requirements for housing. HB 1220, passed in 2021, expanded requirements for the provision of affordable housing and introduced new requirements for the provision of emergency housing and restrictions on development-limiting regulations. HB 1110, passed in 2023, introduced requirements for expanded housing options to provide “middle housing” (such as townhomes and duplexes) in traditionally single-family detached housing areas. Finally, HB 1337, passed in 2023, introduced requirements for expanded development opportunities for ADUs and established restrictions on local regulation of ADUs. HB 2321, passed in 2024, made future modifications to text drafted in HB 1110 to clarify the application of this legislation at the local level. These recent changes to state regulations impacted the 2023 comprehensive plan update; changes were incorporated along with the consideration of local goals and attitudes.

### STATE PLANNING GOALS

The Growth Management Act (GMA) sets out fifteen statutory goals. The GMA legislation mandates inclusion of five basic plan elements and associated information requirements that are to guide development of comprehensive plans. For a community’s plan to be valid, it must be consistent with the requirements of the GMA, which means that a plan must not conflict with the state statutory goals or countywide policies.

The fifteen statutory state goals are as follows:

1. Guide urban growth to areas where urban services can be adequately provided;
2. Reduce urban sprawl;
3. Encourage efficient multimodal transportation systems;
4. Encourage the availability of affordable housing to all economic segments of the population;
5. Encourage economic development throughout the state;
6. Assure private property is not taken for public use without just compensation;
7. Encourage predictable and timely permit processing;
8. Maintain and enhance natural resource-based industries;
9. Encourage retention of open space and development of recreational opportunities;
10. Protect the environment and enhance the quality of life for Washington residents;
11. Encourage the participation of citizens in the land use planning process;
12. Ensure adequate public facilities and services necessary to support development;
13. Identify and preserve lands and sites of historic and archaeological significance;
14. Ensure that development regulations, plans, policies, and strategies adapt to and mitigate effects of a changing climate<sup>1</sup>;
15. Shoreline Management<sup>2</sup>.

Medina is a small residential community with limited development capacity. The City strives to prioritize the vitality and character of its neighborhoods while meeting the goals and requirements of the GMA. Like all communities, Medina will grow and change to meet the needs of its residents and future generations; this is represented in the City's adopted housing target of 19 new housing units by the year 2044. The population increase will be progressively accommodated through development of remaining vacant lots and in-fill development on redevelopable lots or developed lots, such as by adding accessory dwelling units (ADUs). City Development Services Department project review will ensure adequate urban facilities and services are in place to meet the needs of the City's residents.

The City must comply with portions of the GMA relating to land use, housing, capital facilities, utilities, transportation, and park and recreation. To comply with these, the City has coordinated this comprehensive plan with state and regional jurisdictions, as well as its city councilors, commissioners, and residents.

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<sup>1</sup> Per [RCW 36.70A.095](#), Medina is not required to adopt a climate change or resiliency element in its comprehensive plan; climate change and resiliency concerns are addressed through policies in the existing elements.

<sup>2</sup> Shoreline management is addressed in the City of Medina's Shoreline Master Program as adopted in [Municipal Code Subtitle 16.6](#).

**COUNTYWIDE PLANNING GOALS**

The King County countywide planning policies (CPP), adopted by the Growth Management Planning Commission (GMPC) and ratified by King County cities, are aimed at more effective use of existing land through a policy framework prioritizing social equity and health. The goal is to establish higher density centers within the County and promote infill development to accommodate new growth so that remaining rural and resource lands may be preserved.

In 2021, the CPPs were revised to address changes to the GMA and reflect the regional direction established in VISION 2050. VISION 2050 was adopted in 2020 by the Puget Sound Regional Council (PSRC), an association of cities, towns, ports, tribes, and state agencies that serves as a forum for making decisions about regional growth management in the central Puget Sound region of Washington. VISION 2050’s regional growth strategy outlines how the central Puget Sound region should plan for additional population and employment growth. All jurisdictions in King County have a role in accommodating this growth, and the 2021 CPPs provide direction for local comprehensive plans and regulations.

The 2021 CPPs are designed to achieve six overarching goals:

1. Restore and protect the quality of the natural environment for future generations;
2. Direct growth in a compact, centers-focused pattern that uses land and infrastructure efficiently and that protects rural and resource lands;
3. Provide a full range of accessible and safe housing options to meet the needs of all economic and demographic groups within all jurisdictions;
4. For people throughout King County, provide opportunities that allow prosperity and enjoyment of a high quality of life through economic growth and job creation;
5. Serve the region well with an integrated, multi-modal transportation system that supports the regional vision for growth, efficiently moves people and goods, and is environmentally and functionally sustainable over the long term; and
6. Provide access for residents in both urban and rural areas to necessary public services in order to advance public health and safety, protect the environment, and carry out the Regional Growth Strategy.

The City’s Comprehensive Plan has been updated to address each of these policy areas, including housing, transportation, and the environment. The plan has been updated based on residential targets that align with VISION 2050. Through a Land Capacity Analysis (LCA), the City determined that additional measures were necessary, to support and enable the production and preservation of affordable housing, to meet the City’s assigned housing target for the year 2044.

To help ensure that there are housing opportunities, the City allows development of undersized lots and reasonable improvements of nonconforming structures. The City also allows ADUs and has taken steps to support and promote their development to accommodate increased population demands. Additionally, the City participates in ARCH, A Regional Coalition for Housing, a program in which provides both rental and ownership opportunities below market rate in order to bring affordable housing to the greater King County community.

Medina does not contribute a significant amount of traffic to the regional transportation system

because there are no major employers or commercial districts and a relatively small population size. Medina supports development of an improved regional transportation system and encourages residents to utilize the public transit that is available to the community.

The Comprehensive Plan includes a Natural Environment element that contains policies to restore, protect, preserve, and enhance the natural environment and high quality of life, for now and future generations, including water quality and salmon habitat. The Natural Environment element calls for coordination with other local, regional, state, and federal entities on environmental issues.

Medina's land use pattern is consistent with that of its neighboring jurisdictions. There is a high degree of cooperation and sharing of information between the City and its neighbors. This high level of communication ensures consistency between each jurisdiction's plans and capital projects. Medina recognizes its place in a larger regional community where collective decisions are necessary to protect and enhance the quality of life we all enjoy. The City will continue to involve itself in regional issues and, to the extent possible, participate in their resolution.

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## C. BACKGROUND AND CONTEXT

*And now the sturdy ferries no longer ply from Leschi to Medina; the axe blade has given way to the bulldozer; nor do strawberries grow on the land. Yet there is a spark, a feeling which unites today with yesterday - and augurs well for tomorrow.*

William Parks, Mayor 1955

### HISTORY

Once inhabited by several Native American tribes, including the Duwamish, Snoqualmie, and Suquamish, the place we call Medina today began as a collection of farms and orchards on the shore of Lake Washington across from Seattle. During the late 1880s, wealthy area residents began purchasing waterfront land from these homesteaders. By the 1890s these lands were being converted into broad lakefront estates. In 1913 the Medina ferry terminal was constructed, and in 1914 the town was formally platted. Medina grew slowly until 1941, when the first floating bridge was constructed. With the increased accessibility to Seattle, more people began to settle permanently on the east side of the lake, and the residents of Medina began to feel the pressures of growth.

Plans for a second floating bridge that would have the east terminus in Medina and bring the town within minutes of Seattle's population caused residents to begin considering incorporation. Three alternatives were debated over several years: incorporation with Bellevue, incorporation with the other "Points" communities, and separate incorporation. Residents voted to incorporate separately in July 1955, and in August 1955 Medina officially became a city of 1,525 people. In 1964 a perimeter portion of Medina Heights was annexed to the City, with the remainder of this neighborhood added in 1967. From 1959 to 1971 Medina acquired and developed Fairweather Nature Preserve, Medina Park, and Medina Beach Park. Another seven residential parcels located on the east side of Lake Washington Boulevard adjacent to Clyde Hill were annexed in 1987. With these acquisitions, the land use pattern and mix was established.

At the time of incorporation there were five major objectives:

1. To maintain the residential character of the area,
2. To place zoning and planning under local control,
3. To spend a greater share of taxes locally,
4. To institute a small government under full local control, and
5. To maintain the maximum freedom of choice for change.

### SETTING AND CHARACTER

Medina occupies a large peninsula projecting into the central portion of Lake Washington on the lake's east shore. The lake separates Medina from Seattle, with the SR 520 floating bridge, which enters Medina at the base of Evergreen Point, bringing Seattle's downtown to within nine miles of Medina. Medina is bordered on the northeast by the Town of Hunts Point and on the east by the City of Clyde Hill, both all-residential communities. On the southeast, Medina is bordered by a relatively low-density, residential section of the City of Bellevue.

The downtown commercial center of Bellevue has grown rapidly and is approximately one and one-half miles to the east. More industrial sections of Bellevue are located near Interstate 405, which runs north-south, intersecting SR 520 approximately three miles to the east of Medina.

The commercial center of Bellevue provides Medina residents with ready access to a wide variety of stores, restaurants, and other commercial establishments, including Bellevue Square and Lincoln Square. Additionally, Bellevue has developed into a technological hub that provides a high degree of skilled employment. Bellevue has zoned the areas abutting the commercial core for high-density residential development, which allows apartments and townhouses. Consequently, there is a full range of residential opportunities near Medina available for people who choose this kind of environment and wish to live in close proximity to commercial amenities.

Certain limited non-residential development exists in Medina, such as the Wells Medina Nursery, gas station, Medina grocery store, the post office, Medina Elementary School, St. Thomas Church, St. Thomas School, Bellevue Christian School, and City Hall, which provide services to the City's residents. The City Hall building, which is the former ferry terminal, and the Medina grocery store, which is the former telephone exchange, were originally constructed when Medina was served by ferry from Seattle. Although these structures have been put to different uses, they continue to serve as important reminders of the City's cultural past.

Medina finds itself in the center of an increasingly urban metropolitan area. The City is attempting to maintain its identity in the face of exploding growth that has been occurring all through King County. Medina's unique character is due in part to its lake front location. With approximately five miles of waterfront, the City is graced by premium single-family residential development along the lakeshore, and a mixture of modest homes in the north-central portion of the City, establishing the character of the City as a high-quality residential community.

Medina also has a distinctive and sylvan quality that is typified by semi-wooded and heavily landscaped lots that provide visual and acoustic privacy between neighbors and abutting city streets. Many of the residences are situated in open settings, which take advantage of the attractive lake and territorial views. Additional contributing factors are elaborately landscaped lots as well as the large tracts of open space, which can be seen from city streets. The more significant of these open spaces are the City's two interior parks, Fairweather Nature Preserve and Medina Park, and the Overlake Golf & Country Club. Overlake's golf course is an attractive, open green space located in a shallow valley, which runs through the center of the City. The golf course serves as a visual amenity for surrounding homes, passers-by who view it from city streets, and residents of Clyde Hill.

The City will encourage development within the community that is compatible in scale with the surrounding housing, while meeting the requirements of the GMA, and progressing on its adopted housing targets. Minimizing changes to existing zoning and land use patterns and integrating development organically with the surrounding community are seen as important to protecting the City's character. It is felt that the City should take steps to preserve the natural amenities and other characteristics which contribute to the quality of life for the benefit of its residents of all ages, backgrounds, and income levels.

## A. PREFACE

This Plan represents the vision of Medina residents on the City's development as a unique residential community and as part of the Seattle/Bellevue metropolitan region. If the Plan is carried out, the quality of life enjoyed by Medina's residents will be preserved for the future.

The preparation of the original plan began with the Growth Management Joint Workshop which was held in April 1991. Following the adoption of the Critical Areas Ordinance in 1992 and review of the City's zoning ordinance in 1993, the City of Medina adopted its first Comprehensive Plan in May 1994.

The Planning Commission has been responsible for assuring citizen involvement in updates of this Plan by holding both regular and special meetings during all their review processes. Community meetings and public hearings are typically posted in prominent locations in the community and are published in the monthly City newsletter. After the public hearings, the Planning Commission recommendations are sent to the City Council for review and adoption.

~~Preparation of the original Plan was preceded by four related efforts:~~

- ~~1. Growth Management Joint Workshop held in April 1991 with Clyde Hill, Hunts Point, and Yarrow Point;~~
- ~~2. Inventory of Critical Areas conducted in 1991 and the adoption of the Critical Areas Ordinance in March 1992;~~
- ~~3. Joint workshop with Clyde Hill, Hunts Point, Yarrow Point, and King County Officials on County Policies, September 1992; and~~
- ~~4. Review of the City's zoning ordinance by the Planning Commission with adoption by the City Council in June 1993.~~

~~These efforts resulted in the identification of issues of a citywide nature to be addressed in the Comprehensive Plan, and the adoption of the Medina Comprehensive Plan in May 1994. The Comprehensive Plan was later amended by Ordinance No. 660 in July 1999, by Ordinance No. 886 in June 2012, by Ordinance No. 887 in July of 2012, by Ordinance No. 906 in April 2014, and by Ordinance No. 783 in March 2005.~~

~~The Planning Commission has been responsible for assuring citizen involvement in updates of this Plan by holding regular meetings and special community meetings during all of their review processes. Community meetings and public hearings are typically posted in prominent locations in the community, published in the monthly City newsletter, and published in the *Eastside Journal* newspaper. After the public hearings, the Planning Commission recommendations are sent to the City Council for review and adoption.~~

This Comprehensive Plan is supported by a number of several documents. For detail on a particular issue, reference is best made to the appropriate supporting document. These include the Medina Municipal Code, the Shoreline Master Program (MMC Subtitle 16.620-6), Medina Tree Management Code (MMC Ch. 16.20.52), Critical Areas

**Commented [KM1]:** Dane, if I don't have time to edit this myself, here are the notes I took from the 5/29 Planning Commission meeting (pg numbers referenced here reflect the page number of that meeting's agenda packet):

- Pg. 17, in discussion of Bellevue, include that Bellevue is also now a tech hub
- Trends of the current time should be reflected throughout these pages (increased use of tech, affordable housing, diversity/inclusion) at a summary level to harmonize the discussion here with the edits that've been made to the Comp Plan elements
- Old/dated info needs to be updated (like references to 2014 buildable lands report, Comp Plan is now updated every 10 years instead of every 8, and the like)
- Consider: is so much history of the GMA really needed?
- Pg. 10 - the East Side Journal is no longer a thing. Also, do we really need to describe history all way back to 1901? Consider trimming down, maybe all that's needed is reference to the last comp plan adoption.
- Pg. 13 reads defensively (too closed off to "other" groups). The Housing Element likely has good language that could be carried over here in summary to describe the more open/diverse/inclusive/receptive nature of the city today. Also on pg. 13, update the stated county goals as-needed.
- Pg. 12, ensure that the stated statutory goals are still accurate
- Pg. 17, incorporate the word "sylvan" into para 5. Ensure that the discussion of 6 old/historic buildings is still accurate. Amend again some defensive/exclusionary language on this page.

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**Commented [DJ2]:** Replace this with a short narrative description of the history of Comprehensive Planning in Medina. No need for eastside journal

**Commented [DJ3R2]:** Replaced with shortened summary of initial comp plan adoption



Regulations (MMC Ch. ~~1620.50 and 20.67~~), Comprehensive Stormwater Management Plan (1993, updated ~~2019~~2012), and the Six-Year Transportation Improvement Program (updated annually).

This Plan is not intended to be static; it will be periodically reviewed and revised as necessary. The Planning Commission will carry out a review of this Plan at least once ~~every ten~~ eight years, in accordance with RCW 36.70A.130, as amended.

**Commented [DJ4]:** These code references have been updated

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## B. INTRODUCTION

A comprehensive plan is a collective vision about how a community perceives itself and a statement about the kind of place the residents want it to become. The plan is an opportunity for articulating what needs to be preserved and enhanced and, conversely, what the community wishes to avoid. It is a document that functions as a guide for instituting land use regulations and making public decisions concerning individual development proposals.

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The comprehensive plan must periodically be updated ~~in order~~ to respond to changing conditions and attitudes, both within and outside of the community. ~~These updates reflect the trend of the current times and the collective vision for the City's future. Medina's Comprehensive Plan had its first substantive update in April 1986. In 1990, the Plan was amended to reflect recommendations from the Land and Tree Committee, which included tree preservation requirements and design standards for City rights-of-way. This update to the Comprehensive Plan incorporates local, regional, and state level priorities that include new recent legislation on affordable and emergency housing, social equity and health, and environmental resiliency and sustainability.~~

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Commented [DJ5]: When was the first comp plan adopted?

Commented [DJ6R5]: Baring a detailed records search, I could not find any mention of this comp plan adoption other than within the previous draft.

In 1990 and 1991, the state legislature passed two Acts regarding growth management. The first, SHB (Senate House Bill) 2929, required that all communities within King County must inventory critical areas, update their comprehensive plans to include a number of specific elements, and adopt regulations to implement the plan. The second, HB (House Bill) 1025, required that King County countywide planning policies (CPPs) be developed and adopted to address issues of a regional nature. Each city and town within the county must also respond to these issues within their comprehensive plan. Since that time, Medina's Comprehensive Plan has been updated seven times: in 1994, 1999, 2005, 2012 (twice), 2014, and 2015.

~~In 2021 and 2023, the state legislature passed several Acts impacting local planning and development requirements for housing. HB 1220, passed in 2021, expanded requirements for the provision of affordable housing and introduced new requirements for the provision of emergency housing and restrictions on development-limiting regulations. HB 1110, passed in 2023, introduced requirements for expanded housing options to provide "middle housing" (such as townhomes and duplexes) in traditionally single-family detached housing areas. Finally, HB 1337, passed in 2023, introduced requirements for expanded development opportunities for ADUs and established restrictions on local regulation of ADUs. HB 2321, passed in 2024, made future modifications to text drafted in HB 1110 to clarify the application of this legislation at the local level. These recent changes to state regulations impacted the 2023 comprehensive plan update; changes were incorporated along with the consideration of local goals and attitudes.~~

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### STATE PLANNING GOALS

The Growth Management Act (GMA) sets out ~~thirteen~~ fifteen statutory goals. The GMA legislation mandates inclusion of five basic plan elements and associated information

requirements that are to guide development of comprehensive plans. For a community's plan to be valid, it must be consistent with the requirements of the GMA, which means that a plan must not conflict with the state statutory goals or countywide policies.

The ~~thirteen~~-~~fifteen~~ statutory state goals are as follows:

1. Guide urban growth to areas where urban services can be adequately provided;
2. Reduce urban sprawl;
3. Encourage efficient multimodal transportation systems;
4. Encourage the availability of affordable housing to all economic segments of the population;
5. Encourage economic development throughout the state;
6. Assure private property is not taken for public use without just compensation;
7. Encourage predictable and timely permit processing;
8. Maintain and enhance natural resource-based industries;

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- 9. Encourage retention of open space and development of recreational opportunities;
- 10. Protect the environment and enhance the quality of life for Washington residents;
- 11. Encourage the participation of citizens in the land use planning process;
- 12. Ensure adequate public facilities and services necessary to support development;
- 13. Identify and preserve lands and sites of historic and archaeological significance;
- 14. Ensure that development regulations, plans, policies, and strategies adapt to and mitigate effects of a changing climate<sup>1</sup>;
- Shoreline Management<sup>2</sup>;
- 15.

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~~Medina is a small, fully developed residential community with limited development capacity. that The City strives to prioritize the vitality and character of its neighborhoods while meeting the goals and requirements of the Growth Management Act (GMA). However, development capacity within the City is limited. Like all communities, Medina will grow and change to meet the needs of its residents and future generations; this is represented in the City's adopted housing target of 19 new housing units by the year 2044. The City cannot increase its land area and the population will increase will be progressively accommodated through development of remaining vacant lots and in-fill development on redevelopable lots or developed lots, such as by adding only by the amount represented by the few remaining vacant and/or redevelopable lots, changes in family size, or the potential inclusion of accessory dwelling units (ADUs). City Development Services Department project review will ensure a The 2014 Buildable Lands Report states that the City has capacity for about 46 additional residences. Adequate urban facilities and services are in place to meet the needs of the City's residents meet the foreseeable needs of a stable population. There is no business district, and there is no land for one to develop, nor do residents wish to see such development occur.~~

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~~The City must comply with portions of the GMA relating to land use, housing, capital facilities, utilities, transportation, and park and recreation. To comply with these, the City has coordinated this comprehensive plan with state and regional jurisdictions, as well as its city councilors, commissioners, and residents. There are few actions the City could take that would be in conflict with the requirements of the Growth Management Act. In Medina, there are no resource lands to protect and no real threat to individual property rights. Since there are However, with little to no large tracts of undeveloped land, Medina it would be difficult for the city to cannot contribute to additional urban growth, sprawl, or inappropriate economic development, and there are no resource lands to protect and no real threat to individual property rights. The City has historically imposed strict environmental controls through the State Environmental Policy Act (SEPA), its Shoreline Master Program, the grading and drainage permit process, and its Critical Areas Regulations in MMC Ch. 14.04., 16.60., and 16.70.Ch. 20.50 and 20.67.]~~

Commented [DJ9]: reads defensively (too closed off to "other" groups). The Housing Element likely has good language that could be carried over here in summary to describe the more open/diverse/inclusive/receptive nature of the city today.

Commented [DJ10R9]: Jonathan, I added a considerable amount of language regarding housing and growth that I would appreciate your review on.

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Commented [DJ11]: Consider revising

Commented [DJ12R11]: Determined this section was not necessary

Commented [DJ13]: Code references outdated

Commented [DJ14R13]: These have been updated to current references

Commented [CO15]: Updated Chapter/Code References in Medina MC:

- SEPA Model Ordinance (Ch.14.04.)
- Critical Areas (Ch. 16.60.)
- Shoreline Master Program (Ch. 16.60.)
- Administrative Approvals (Ch. 16.70.) - Grading and Draining Permit (16.70.070.)

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<sup>1</sup> Per RCW 36.70A.095, Medina is not required to adopt a climate change or resiliency element in its comprehensive plan; climate change and resiliency concerns are addressed through policies in the existing elements.

<sup>2</sup> Shoreline management is addressed in the City of Medina's Shoreline Master Program as adopted in Municipal Code Subtitle 16.6.

**COUNTYWIDE PLANNING GOALS**

The King County countywide planning policies (CPP), ~~adopted in response to the requirements of the Growth Management Act adopted by the Growth Management Planning Commission (GMPC) and ratified by King County cities,~~ are aimed at more effective use of existing land through a policy framework prioritizing social equity and health. ~~Their~~The goal is to establish higher density centers within the County and promote infill development to accommodate new growth so that remaining rural and resource lands may be preserved.

In 202142, the CPPs were revised to address changes to the ~~Growth Management Act~~GMA and ~~to specifically~~ reflect the regional direction established in VISION 205040. VISION 205040 was adopted in 202008 by the Puget Sound Regional Council (PSRC), an association of cities, towns, ports, tribes, and state agencies that serves as a forum for making decisions about regional growth management in the central Puget Sound region of Washington. VISION 205040's regional growth strategy outlines how the central Puget Sound region should plan for additional population and employment growth. All jurisdictions in King County have a role in accommodating this growth, and the 202142 CPPs provide direction for local comprehensive plans and regulations.

The 202142 CPPs are designed to achieve six overarching goals:

1. Restore and protect the quality of the natural environment for future generations;
2. Direct growth in a compact, centers-focused pattern that uses land and infrastructure efficiently and that protects rural and resource lands;
3. Provide a full range of accessible and safe ~~Meet the~~ housing options to meet the needs of all economic and demographic groups within all jurisdictions;

Commented [DJ16]: describe the process of the Comp Plan update and describe the things that informed it. (sources)  
"These updates reflect the trend of our current times" In reference to affordable housing, racial equity, infrastructure

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- 4. For people throughout King County, provide opportunities ~~that allow to~~ prosperity and enjoyment of a high quality of life through economic growth and job creation;
- 5. Serve the region well with an integrated, multi-modal transportation system that supports the regional vision for growth, efficiently moves people and goods, and is environmentally and functionally sustainable over the long term; and
- 6. Provide access for residents in both urban and rural areas to ~~the necessary~~ public services ~~needed~~ in order to advance public health and safety, protect the environment, and carry out the ~~r~~Regional ~~g~~Growth ~~s~~Strategy.

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The City's Comprehensive Plan has been updated to address each of these policy areas, including ~~economic growth and job creation,~~ housing, transportation, and the environment. The plan has been updated based on residential ~~and employment~~ targets that align with VISION 20~~5040~~. Through a ~~development Land Ce~~apacity ~~A~~analysis (LCA), the City determined that ~~additional measures were necessary, to support and enable the production of and preservation of affordable housing, in order it has the land capacity and zoning in place~~ to meet the City's assigned housing ~~and employment~~ targets for the year 2044~~35~~.

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~~Medina's size and lack of undeveloped land precludes it from becoming an urban or manufacturing center and makes siting of major public capital facilities (other than SR 520) or engaging in economic development an impossibility.~~

To help ensure that there are housing opportunities, the City allows development of undersized lots and reasonable improvements of nonconforming structures. The City also allows ~~for accessory dwelling units ADUs and has taken steps to support and promote their development to~~ accommodate increased population demands. Additionally, ~~the~~ City participates in ARCH, A Regional Coalition for Housing, ~~a program in which provides both rental and ownership opportunities below market rate~~ in order to bring affordable housing to the greater King County community.

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Commented [DJ25]: Find applicable language for ADUs and affordable housing

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Commented [DJ26]: Need to revise to include the ownership of a portion of affordable housing

Commented [CO27R26]: added information from the ARCH website to include ownership

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Medina does not contribute a significant amount of traffic to the regional transportation system because there are no major employers or commercial districts and a relatively small population size. Medina supports development of an improved regional transportation system and encourages residents to utilize the public transit that is available to the community.

The Comprehensive Plan includes a Natural Environment element that contains policies to restore, protect, preserve, and enhance the natural environment and high quality of life, for now and future generations, including water quality and salmon habitat. The Natural Environment element calls for coordination with other local, regional, state, and federal entities on environmental issues.

Medina's land use pattern is consistent with that of its neighboring jurisdictions. ~~There is a high degree of cooperation and sharing of information between the City and its neighbors, which is exemplified by the monthly meetings held between each jurisdiction's mayor and city/town administrators.~~ This high level of communication ensures consistency between each jurisdiction's plans and capital projects. Medina recognizes its place in a larger regional community where collective decisions are necessary to protect and enhance the quality of life we all enjoy. The City will continue to involve itself in regional issues and, to the extent possible, participate in their resolution.

Commented [DJ28]: Jonathan, is this still the case?

Commented [DJ29R28]: No it is not

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## C. BACKGROUND AND CONTEXT

*And now the sturdy ferries no longer ply from Leschi to Medina; the axe blade has given way to the bulldozer; nor do strawberries grow on the land. Yet there is a spark, a feeling which unites today with yesterday - and augurs well for tomorrow.*

William Parks, Mayor 1955

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### HISTORY

Once inhabited by several Native American tribes, including the Duwamish, Snoqualmie, and Suquamish, the place we call Medina today began as ~~Medina was originally~~ a collection of farms and orchards on the shore of Lake Washington across from Seattle. During the late 1880s, wealthy ~~area residents and owners~~ began purchasing waterfront land from the ~~se~~ homesteaders. By the 1890s these lands ~~had been~~ were being converted into broad lakefront estates. In 1913 the Medina ferry terminal was constructed, and in 1914 the town was formally platted. Medina grew slowly until 1941, when the first floating bridge was constructed. With the increased accessibility to Seattle, more people began to settle permanently on the east side of the lake, and the residents of Medina began to feel the pressures of growth.

Plans for a second floating bridge that would have the east terminus in Medina and bring the town within minutes of Seattle's population caused residents to begin considering incorporation. Three alternatives were debated over several years: incorporation with Bellevue, incorporation with the other "Points" communities, and separate incorporation. Residents voted to incorporate separately in July 1955, and in August 1955 Medina officially became a city of 1,525 people. In 1964 a perimeter portion of Medina Heights was annexed to the City, with the remainder of this neighborhood added in 1967. From 1959 to 1971 Medina acquired and developed Fairweather Nature Preserve, Medina Park, and Medina Beach Park. Another seven residential parcels located on the east side of Lake Washington Boulevard adjacent to Clyde Hill were annexed in 1987. With these acquisitions, the land use pattern and mix was established.

At the time of incorporation there were five major objectives:

1. To maintain the residential character of the area,
2. To place zoning and planning under local control,
3. To spend a greater share of taxes locally,
4. To institute a small government under full local control, and
5. To maintain the maximum freedom of choice for change.

### SETTING AND CHARACTER

Medina occupies a large peninsula projecting into the central portion of Lake Washington on the lake's east shore. The lake separates Medina from Seattle, with the SR 520 floating bridge, which enters Medina at the base of Evergreen Point, bringing Seattle's downtown to within nine miles of Medina. Medina is bordered on the northeast by the Town of Hunts Point and on the east by the City of Clyde Hill, both ~~all-single-family~~ residential

communities. On the southeast, Medina is bordered by a relatively low-density, ~~single-family~~ residential section of the City of Bellevue. The downtown commercial center of Bellevue has grown rapidly and is approximately one and

one-half miles to the east. More industrial sections of Bellevue are located near Interstate 405, which runs north-south, intersecting SR 520 approximately three miles to the east of Medina.

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The commercial center of Bellevue provides Medina residents with ready access to a wide variety of stores, restaurants, and other commercial establishments, including Bellevue Square and Lincoln Square. Additionally, Bellevue has developed into a technological hub that provides a high degree of skilled employment. Bellevue has zoned the areas abutting the commercial core for high-density residential development, which allows apartments and townhouses. Consequently, there is a full range of residential opportunities near Medina available for people who choose this kind of environment and wish to live in close proximity to commercial amenities.

Commented [DJ30]: Kim Mahone in discussion of Bellevue, include that Bellevue is also now a tech hub, or higher degree of skilled employment

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Certain limited non-residential development exists in Medina, such as the Wells Medina Nursery, gas station, Medina grocery store, the post office, Medina Elementary School, St. Thomas Church, St. Thomas School, Bellevue Christian School, and City Hall, which provide services to the City's residents. The City Hall building, which is the former ferry terminal, and the Medina grocery store, which is the former telephone exchange, were originally constructed when Medina was served by ferry from Seattle. At least six private buildings remain from this era (houses, cottages, a barn, the telephone exchange, etc.). Although these structures have been put to different uses, they continue to serve as important reminders of the City's cultural past.

Commented [DJ32]: This could use some research

Commented [DJ33R32]: There are a handful of places that are publicly registered as historic structures in Medina, but other than the ones named I cant find any that are specifically "non-residential" uses so I don't think they fit in this summary

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Medina finds itself in the center of an increasingly urban metropolitan area. The City is attempting to maintain its identity in the face of exploding growth that has been occurring all through King County. Medina's unique character is due in part to its lake front location. With approximately five miles of waterfront, the City is graced by premium single-family residential development along the lakeshore, and a mixture of modest homes in the north-central portion of the City, establishing the character of the City as a high-quality residential community.

Medina also has a distinctive and sylvan quality informal natural setting that is typified by semi-wooded and heavily landscaped lots that provide visual and acoustic privacy between neighbors and abutting city streets. Many of the residences are situated in open settings, which take advantage of the attractive lake and territorial views. Additional contributing factors are elaborately landscaped lots as well as the large tracts of open space, which can be seen from city streets. The more significant of these open spaces are the City's two interior parks, Fairweather Nature Preserve and Medina Park, and the Overlake Golf & Country Club. Overlake's golf course is an attractive, open green space located in a shallow valley, which runs through the center of the City. The golf course serves as a visual amenity for surrounding homes, passers-by who view it from city streets, and residents of Clyde Hill.

Commented [DJ34]: Add descriptive language including "sylvan" or other such as elaborately landscaped lots

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~~It is the position of the community that development should~~The City will encourage development within the community that is compatible in scale with the surrounding housing-continue to, while meeting the requirements of the GMA, and progressing on it's adopted housing targets. in the form of single family residences. Minimizing changes to existing zoning and land use patterns and integrating development organically with the surrounding community. Maintaining overall densities and instituting controls to limit the

~~over-development of individual lots~~ are seen as important to protecting the City's character. It is felt that the City should take steps to preserve the natural amenities and other characteristics, which contribute to the quality of life for the benefit of its ~~citizens~~ residents of all ages, backgrounds, and ~~and a wide range of~~ income levels.

**Commented [DJ35]:** Revise to not exclusively reference single-family. Insert language from housing element generally. Provide for ALL income levels.

**Commented [DJ36R35]:** Jonathan, I revised some of the City's priority text about character in here, please review

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# TECHNICAL MEMORANDUM



Date: June 21, 2024

To: Jonathan Kesler, Planning Manager - City of Medina Development Services Department

From: Alex Capron, AICP, Senior Planner

Project Name: Medina SMP Permit Monitoring

Project Number: 2108.0181.00

## Subject: Medina SMP Permit Monitoring Project

In the winter of 2024 the City of Medina began working with Facet (formerly DCG/Watershed) to establish a Shoreline Master Program (SMP) Permit Monitoring Database to track SMP compliance for current and future shoreline permit authorizations. This project is currently funded by Department of Ecology, set to conclude in June 30<sup>th</sup> 2024. The intent with this database is to quantify impacts both waterward and landward the Ordinary High Water Mark (OHWM) of Lake Washington as well as mitigation effectiveness for projects within roughly 200-foot adjacent to this waterbody, a shoreline of the state.

The City's SMP regulations are codified within Medina Municipal Code Subtitle 16.6 - Shoreline Master Program.

This project concludes with the following:

1. Comprehensive review spreadsheet of 26 shoreline permits (since SMP Comprehensive Update adoption in 2014).
2. Completed internal database including 26 entered permits, as-built and 5-year mitigation monitoring (where required and documented), color-coded by due date.
3. SMP Compliance Assessment Report
  - a. Summary Review of Permit Findings

Items #1 and #2 (internal City documents) and item #3 will all be discussed as part of this June 25<sup>th</sup> presentation to Planning Commission.



# Shoreline Master Program Compliance Assessment

## CITY OF MEDINA



**JUNE 21, 2024**

*Prepared for:*

**Department of Ecology, Shorelands**

Carolyn Chase, Project Manager  
300 Desmond Drive SE  
Lacey, WA 98503

*Prepared on behalf of:*

**City of Medina**

Jonathan Kesler, Planning Manager  
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Medina, WA 98039

*Agreement Number:* SEASMPCCZM-2224-Medina-00007

Facet Reference: 2108.0181.00

Prepared by:

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**APPENDIX A: Memo of Permit Findings**



# 1. Project Overview

## 1.1 Background

In 2022, the Washington State Department of Ecology (Ecology) awarded funding to jurisdictions across the state under the Shoreline Master Program Competitive Grant Program to be used to support local government shoreline planning efforts. The City of Medina (City) elected to use awarded funds to implement a shoreline permit monitoring program to better assist the City with tracking and implementation of shoreline permits. The City contracted Facet<sup>1</sup> to assist with the project and determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City’s Shoreline Master Program (SMP) and whether completed authorized projects are compliant with issued permits.

The primary focus of the project was to ascertain whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). To determine this, shoreline authorizations issued since the Comprehensive SMP Update in 2014 were reviewed for compensatory mitigation and SMP compliance. Information gathered during permit review was compiled into a spreadsheet and analyzed to help identify compliance gaps. A permit tracking system was developed to collect important project details, assist City staff in determining if mitigation sequencing and compensatory mitigation are required, track receipt of as-built and monitoring reports (when required), and ultimately help to ensure no net loss of shoreline ecological functions.

## 1.2 Applicability

The current SMP is codified in the Medina Unified Development Code under Subtitle 16.6 – Shoreline Master Program, last amended in 2014 during the Comprehensive Update. The SMP applies to all uses and development occurring along Lake Washington, including areas extending landward 200 feet from the ordinary high water mark (OHWM), and wetland and stream buffer areas contained within lands extending landward 200 feet from the OHWM of Lake Washington. Shoreline environment designations within the City include Residential, Urban Conservancy, Transportation, and Aquatic.

## 1.3 SMP No Net Loss Standards

No net loss provisions are primarily located in Medina Municipal Code (MMC) 16.63 – General Shoreline Regulations, including the following sections:

- MMC 16.66.010 – No net loss of shoreline ecological functions analysis;
- MMC 16.66.020 – Mitigation sequencing; and
- MMC 16.66.050 – Shoreline vegetation management

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<sup>1</sup> Formerly DCG/Watershed

Specifically, MMC 16.66.010 defines the requirement for no net loss, specifies when a written analysis of no net loss is required, and describes what the written analysis should include. Chapter 16.67 – Critical Areas in the Shoreline also contains provisions related to no net loss of shoreline ecological functions, including the requirement for mitigation and mitigation sequencing, pursuant to MMC 16.66.020 (noted above).

## 2. Methodology

Shoreline permits issued since the 2014 Comprehensive Update were selected using a randomized Microsoft Excel spreadsheet, with two WSDOT Shoreline Conditional Use Permits dating back to 2011. A total of 26 issued permits were reviewed, including all permit documents provided by the City such as site plans, supplemental reports, findings of fact, and/or issued permits. The results of each permit review were compiled into a spreadsheet for consistency. Information collected included permit number, permit type, project description, if mitigation sequencing was necessary/provided, if mitigation was required/provided, if as-built documentation was provided, and no net loss observations. Upon review of the permits, information gathered was analyzed and documented in a Memo of Shoreline Permit Review Findings (Appendix A) that was further used to develop a permit tracking spreadsheet using Microsoft Excel.

## 3. Compliance Assessment

### 3.1 Permit Review Findings

Of the 26 permits reviewed, two were conditional use permits, 13 were substantial development permits, and 11 were shoreline exemption permits. Issued shoreline exemptions were found to meet the exemption criteria listed in MMC 16.70.030. MMC 16.66 – General Shoreline Regulations requires no net loss of shoreline ecological functions and mitigation sequencing. Specifically, MMC 16.66.010(C) outlines the circumstances under which a written analysis of no net loss is required. Of the permits reviewed, twenty-one required a written analysis of no net loss based on the City’s requirements; however, only one No Net Loss Analysis was submitted to the City. 31% of permits reportedly included a Fish and Wildlife Habitat Assessment or Critical Areas Report that likely addressed no net loss; however, very few of these reports were available for review. Notably, the City has often reviewed permits via third-party review from various companies and has recently experienced staff turnover.

Twenty-five permits required a demonstration of mitigation sequencing based on the type of development, proposed impacts, and/or presence of critical areas; however, only two of the permits included documentation that demonstrated mitigation sequencing. Based on the SMP development regulations, mitigation for unavoidable shoreline impacts was required for 17 permits. However, compensatory mitigation was infrequently provided. When mitigation was provided, it was often the

installation of spawning gravel or a combination of tree and shrub plantings, as prescribed under the US Army Corps of Engineers Nationwide Permit authorizations and National Marine Fisheries Service Restoration and Permitting Program (RAP) to achieve programmatic Endangered Species Act Compliance for listed species within Lake Washington.

Construction plans available for review generally lacked proposed construction sequence, timing and duration information, grading and excavation details, location of critical areas and/or quantified impacts, making project-related impact assessments difficult to determine. In general, mitigation plans did not meet the requirements listed in MMC 16.67.040(D), including the requirement for a minimum three-year maintenance and monitoring program. Consequently, only one monitoring report and one as-built report were provided. While the City's SMP requires a three-year maintenance and monitoring program, there is no provision requiring an as-built report to be provided, or monitoring reports to be submitted annually. Given that the SMP requirement is present, yet as-built and monitoring reports are not being submitted or received, the City should require that as-built reports are to be submitted within six months of installation and monitoring reports are to be submitted annually for a minimum of three years as Conditions of Approval.

Per MMC 16.67.080(D), an initial fish and wildlife habitat assessment is always required for shoreline projects located adjacent to or within Lake Washington. Based on our review, it appears the city is occasionally receiving an initial fish and wildlife habitat assessment. While some staff reports reference Critical Area Reports, No Net Loss Analysis, and Fish and Wildlife Habitat Assessments, indicating they were sometimes included in permit submittals, these reports were not within the permit files at the time of permit review and could not be located by the City. Without reviewing the reports, it is inconclusive if these assessments are adequately providing an assessment of the probable cumulative impacts to critical areas or a demonstration of mitigation sequencing.

### 3.2 Project Tracking Spreadsheet

The permit tracking spreadsheet was designed to capture project details and specific information to help City staff consistently administer SMP standards through shoreline permit approvals and ensuring no net loss of ecological functions. As noted below in Section 3.3, the City collects sufficient information from applicants at the time of permit submittal. Completing the project tracking spreadsheet should only require minor additional work from City staff, and in the long term will help ensure the City is receiving required documentation consistent with SMP provisions and no net loss standards.

Additionally, the spreadsheet has a tab dedicated to tracking monitoring requirements. As built documentation and monitoring reports were inconsistently provided to the City. Based on the response to *Mitigation Required* in the permit database tab (yes response), the permits requiring as built and monitoring reports will populate in the Monitoring Tracking tab with additional details to be filled in, including date as-built should be submitted by applicant and corresponding monitoring reports on an annual or semi-annual basis. Should the City upgrade to a different permitting software in the future, this information could be used to send email or notification reminders to permit applicants whose projects require mitigation monitoring for up to three years.

### 3.3 Permit Applications

The City uses SmartGOV software to accept and process permit applications. SmartGOV allows the City to add custom fields, additional text, or drop-down options for the applicant to fill out. Medina also requires application forms for the various shoreline permit types substantial development (non-administrative and administrative), shoreline conditional use, shoreline variance, and substantial development exemption permits. These forms contain checklists of required documents, prompting the applicant to fill in specific project elements and details. The more comprehensive application, the non-administrative substantial development permit application form, requests the following information:

- Are there critical areas other than Lake Washington?
- Will work occur in Lake Washington?
- Shoreline Environment Designation
- If work will occur in Lake Washington, what type of development?
- Does the project include a shoreline variance or shoreline conditional use permit?
- Project description
- Demonstration of compliance with the Shoreline Management Act, SMP, and Comprehensive Plan

Additionally, the application form requires that the site plan accompanying a non-administrative substantial development permit must include the following:

- General description of the proposed project, including use or uses
- Identification of the shoreline waterbody
- Existing conditions
- Identification of the OHWM
- General description of vegetation on-site
- Landscaping or restoration plan
- Mitigation measures

In general, the shoreline variance and shoreline conditional use permit application forms request similar information as that outlined above. However, the substantial development exemption application requires much less information and does not include a checklist of required documents. For consistency, we recommend this application form include most of the same fields as the other permit forms, as even a letter of exemption requires the same information to demonstrate compliance with SMP regulations. Given the lack of site plans and site plan details provided in the permits reviewed, we recommend that the substantial development exemption application form also be amended to include the requirement for a site plan outlining the above information.

Upon review of the permit application forms and SmartGOV fields, the City generally appears to be requiring necessary information and collecting appropriate project details from applicants at the time of submittal. However, given the lack of site plan details provided in the permits reviewed, we recommend that the City ensures site plans include the details outlined on the permit checklist upon intake. Site plans not meeting the minimum submission requirements should be deemed incomplete and returned to the applicant for correction. The more information the City requires the applicant to provide during the applicant process, the more efficient filling out the permit tracking spreadsheet will be for staff.

### 3.4 SMP Guide

The City has an SMP User Guide available on the city website that includes a flow chart of the shoreline application process that directs applications through key elements of the SMP, including shoreline environment designation, the use table, and permit type. The Guide also includes dimensional and design standards for allowed uses, and walks users through several permitting scenarios from a workflow perspective. The guide can be found on the City’s website here: [https://www.medinawa.gov/sites/default/files/fileattachments/development\\_services/page/16955/smp\\_user\\_guide\\_7.2023.pdf](https://www.medinawa.gov/sites/default/files/fileattachments/development_services/page/16955/smp_user_guide_7.2023.pdf).

### 3.5 SMP Review

According to Shoreline No Net Loss and Mitigation guidance published by Ecology (May 2023), applicants must demonstrate how mitigation sequencing will be applied to achieve no net loss. Further, unavoidable impacts within the shoreline setback generally require compensatory mitigation. Project categories that require a no net loss analysis because they do not typically avoid all impacts include:

- Use or development occurring waterward of the OHWM;
- Use or development occurring within a shoreline buffer (or setback);
- Use or development occurring on a site with a critical area or critical area buffer;
- Use or development requiring a shoreline conditional use permit or shoreline variance; and
- Use or development required by the SMP to document mitigation sequencing.

MMC 16.66 – General Shoreline Regulations sets forth the requirements for no net loss of shoreline ecological functions and mitigation sequencing. Specifically, MMC 16.66.010(C) outlines the circumstances under which a written analysis of no net loss is required and what the analysis must include. While this is a unique and beneficial provision, it is only partially consistent with Ecology guidelines, as noted above. The City should consider an amendment to the SMP for consistency with Ecology’s guidance and to capture development on sites with a critical area or critical area buffer, which is applicable to all of Medina’s shoreline jurisdiction along Lake Washington.

MMC 16.66.020 outlines mitigation sequencing in order of preference; however, the City is not consistently being provided documentation that includes mitigation sequencing. A demonstration of mitigation sequencing can be documented through a number of means but is most commonly provided through a combination of application materials, such as site plans, project narratives, and

SEPA checklists. The City should consider including an amendment to the SMP that clearly states a demonstration of mitigation sequencing is always required for shoreline developments to ensure each proposal meets no net loss standards.

Additionally, mitigation sequencing in MMC 16.66.020 includes monitoring, yet monitoring requirements are located elsewhere in the SMP, within MMC 16.67.040, which pertains to critical areas in the shoreline. Specifically, MMC 16.67.040.D(8) requires a mitigation plan to include a maintenance and monitoring program that outlines a schedule for site monitoring, performance standards, contingency plans, and the period of time necessary to establish that performance standards have been met, not to be less than three years. While MMC 16.67 references MMC 16.66.020 (*Mitigation Sequencing*), MMC 16.66 does not reference MMC 16.67. The lack of mitigation sequencing, mitigation plans, and monitoring reports received by the City from permit applicants indicates this is likely an unclear requirement for both applicants and City staff. For clarity, the City could consider moving mitigation plan requirements to Chapter 16.66, to follow MMC 16.66.020.

Lake Washington is the only waterbody in the City of Medina regulated by the SMP and is a shoreline of the state (WAC 222-16-031). Fish and Wildlife Habitat Conservation Areas (FWHCAs) are regulated as critical areas under MMC 16.67 and include said waters of the state. Thus, pursuant to MMC 16.67.080(D), an initial fish and wildlife habitat assessment appears to be always required for shoreline projects located adjacent to or within Lake Washington. Conversely, a critical area report is not required for every permit application. The City may consider updating MMC 16.67.050 to clarify that a critical areas report is only required for projects containing FWHCAs when an initial fish and wildlife habitat assessment is provided that identifies the presence of site specific critical fish or wildlife habitats within the project area and conclude the project may affect FWHCAs and/or their buffers.

## 4. Conclusions

Overall, the City is not consistently receiving documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Submitted documents often lack critical information, such as quantified impacts, subsequent mitigation, and mitigation plans. Finally, few as-built and monitoring reports verifying mitigation installation, maintenance, and monitoring were included in permit materials. As a result, City compliance with no net loss standards of the SMP is inconclusive but is most likely not being achieved.

Fortunately, the City can begin implementation of the permit tracking spreadsheet and make adjustments to the permit application forms to require more specific information and project details that will ultimately assist the City in determining if a project is meeting no net loss of shoreline ecological functions. Further, the City may consider amendments to the SMP that provide clarity on when a demonstration of mitigation sequencing is required.

## 5. Recommendations

To ensure no net loss of shoreline ecological functions occurs during future development activities and permit authorizations, the following procedural and SMP code recommendations should be considered:

1. Require applicants to submit all required information as part of screening process prior to initiating review.
  - a. This can likely be accomplished as part of the online submittal for permitting. Items constituting a complete application can be introduced during a pre-application meeting.
  - b. Amend the non-administrative substantial development exemption application form to require information fields similar to the other permit forms and a checklist of site plan requirements.
2. Require that mitigation sequencing be clearly demonstrated for all shoreline projects.
3. Require and retain an initial fish and wildlife habitat assessment for all shoreline projects in order to assess the presences of critical species and habitat, and if applicable, require a critical area report to address impacts to species that have a primary association to the project area.
4. Consider moving mitigation plan requirements found in MMC 16.67.040 to Chapter 16.66, so that it follows MMC 16.66.020.
5. Consider an amendment to MMC 16.66.010(C) for consistency with Ecology's guidance on no net loss and shoreline mitigation.
6. Consider updating MMC 16.67.050 to clarify that a critical areas report is only required for projects containing FWHCAs when an initial fish and wildlife habitat assessment is provided that identifies the presence of site specific critical fish or wildlife habitats within the project area and conclude the project may affect FWHCAs and/or their buffers.
7. Require as-built documentation as a condition of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
  - a. Consider requiring performance bonds, as necessary.
8. Require annual monitoring for up to three years and annual monitoring reports to ensure success of the required mitigation.
  - a. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.
9. Maintain application files and other documents considered part of the record for a minimum of 10 years.

# References

City of Medina Unified Development Code. Subtitle 16.6 SHORELINE MASTER PROGRAM | Code of Ordinances | Medina, WA | Municode Library. Accessed May 2024.

Washington State Department of Ecology. Shoreline No Net Loss and Mitigation Guidance for Local Governments. May 2023.

DRAFT



**APPENDIX A:** Memo of Permit Findings



# TECHNICAL MEMORANDUM

Date: May 29, 2024  
To: Jonathan Kesler, City of Medina Planning Manager  
From: Alex Capron, AICP, Senior Planner, Hilary Hahn, Environmental Planner & Donna Keeler, Senior Planner  
Project Name: City of Medina SMP Permit Monitoring  
Project Number: 2108.0181.00

## Subject: Shoreline Permit Review Findings

The City of Medina contracted with Facet (formerly DCG/Watershed) to assist with implementation of the City’s Shoreline Permit Monitoring Project (funded through a grant from the Washington State Department of Ecology) to identify implementation gaps in the City’s permitting system. Specifically, this work would determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City’s Shoreline Master Program (SMP) and whether completed authorized projects comply with the issued permits. The project primarily focuses on whether SMP requirements are likely meeting the requirement of no net loss of shoreline ecological functions (NNL). Secondarily, the project will also develop a permit monitoring database for tracking future shoreline permits and any associated mitigation plan and monitoring reports. Ultimately, a final report will be developed that documents methods and results for the proposed permit tracking system, as well as adaptive management techniques to address any compliance gaps identified.

### Methodology

Shoreline permits issued within the past five years were selected using a randomized Microsoft Excel spreadsheet. A review of all permit documents, including site plans, supplemental reports, findings of fact, issued permits, as-builts, and monitoring reports was completed to assess whether the issued permits have been meeting no net loss standards established in the City’s 2014 SMP. The results of each review were compiled into a spreadsheet for consistency.

### Findings

A total of 26 issued permits were reviewed, of which, two were conditional use permits, 13 were substantial shoreline development permits and 11 were shoreline exemption permits. Issued shoreline exemptions met the exemption criteria listed in Medina Municipal Code (MMC) Chapter 16.70.030 of the SMP. There were 25 permits that required mitigation

sequencing based on the type of development, proposed impacts, and presence of critical areas. Our review found that two of the permits included documentation that demonstrated mitigation sequencing. Construction plans generally lacked proposed construction sequence, timing and duration information, grading and excavation details, location of critical areas and/or quantified impacts, making project-related impact assessments difficult to determine. However, the majority of the construction plans that were submitted did show plantings that met specified locations standards.

Based on the SMP development regulations, mitigation for adverse shoreline impacts was required for 17 permits. Mitigation was regularly included in the conditions for approval, however, project #18-011 was the only project to include a mitigation plan that met the requirements listed in MMC 16.67.040(D) and the species and density criteria outlined in MMC 16.67.040(7)(D) of the SMP. Additionally, it was the only project to include an as-built report. Further, MMC 16.67.040(8) requires all mitigation plans to include a maintenance and monitoring program for a period necessary to establish that performance standards have been met, but not to be less than three years. This requirement was not included as a condition of approval on any of the shoreline permits reviewed. The maintenance and monitoring plans should contain an outline of the schedule and monitoring, performance standards and contingency plans.

All of the projects reviewed were within 200 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA). Per the Critical Areas Regulations outlined in MMC Chapter 16.67 of the SMP, a critical area report is required for projects impacting a FWHCA or its buffer. Critical area reports for projects adjacent to FWHCAs require an assessment of the probable cumulative impacts to critical areas resulting from the proposed development, and an analysis of site development alternatives, a description of reasonable efforts made to apply mitigation sequencing to avoid or compensate for impacts to shoreline ecological functions, and a mitigation plan. Based on our review, critical area reports were infrequently included in the application materials. Some permit submittals included a No Net Loss Analysis or Habitat Assessment, however these reports inconsistently provided an impact analysis and/or mitigation recommendations.

## Conclusions

Overall, our review determined that there was an observable lack of documentation in some of the total reviewed permits to support the staff's findings of fact and to formulate a defensible record. However, the City has often reviewed permits via third-party review from various

companies and has recently experienced staff turnover. From documents reviewed, it is concluded that the City is not consistently receiving documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Further, conditioning the requirements within shoreline authorizations is also inconsistently done. Submitted documents sometimes lack required information, such as quantified impacts, subsequent mitigation, and landscape or planting plans. Finally, one as-built report and one monitoring report verifying mitigation installation, maintenance, and monitoring was included in the permit materials. Therefore, it cannot be concluded that the City is meeting no net loss standards of the SMP. The framework to properly assess a no net loss analysis is outlined in the SMP and should be used as a resource for City staff to improve shoreline development authorization methods.

## Recommendations

To ensure no net loss of shoreline ecological functions occurs during future development activities and permit authorizations, the following recommendations should be considered:

1. Require that mitigation sequencing be clearly demonstrated for the entire shoreline environment, or reasons why it isn't applicable.
2. Require and retain critical area reports for new project impacts adjacent to and within Fish and Wildlife Habitat Conservation Areas in order to assess impacts to species that have a primary association to the project area.
3. Require as-built documentation as a condition of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
  - a. Consider requiring performance bonds, as necessary.
4. Require annual monitoring for up to five years and annual monitoring reports to ensure success of the required mitigation.
  - a. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.
5. Require applicants to submit all required information as part of screening process prior to initiating review.
  - a. This can likely be accomplished as part of the online submittal for permitting. Items constituting a complete application can be introduced at the pre-application meeting.
6. Maintain application files and other documents considered part of the record for a minimum of 10 years.