



MEDINA, WASHINGTON

AGENDA BILL

Monday, June 14, 2021

Subject: Minor Code Amendments

Category: Ordinance/Public Hearing

Staff Contact: Stephanie Keyser, AICP, Planning Manager

Summary

The attached proposed amendments are intended to 1) clean-up and clarify the existing code 2) streamline process for both staff and applicants 3) and incorporate new direction from the legislature. The proposed amendments were sent out via GovDelivery and have been available on the city's website since April 1, 2021. Staff hosted a virtual open house on April 15th and has met with one resident virtually to answer questions on the proposal. Planning Commission held a public hearing on May 25th and voted unanimously (4-0) to recommended approval of the proposed amendments. Council will hold a second public hearing and adoption on June 14th.

Attachments

1. Staff Report – Minor Code Amendments
2. Ordinance No. 1001

Budget/Fiscal Impact: None

Staff Recommendation: Adopt

City Manager Approval: 

Proposed Council Motion: "I Move to adopt Ordinance No. 1001 as presented"

Time Estimate: 30 minutes.



CITY OF MEDINA

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MEMORANDUM

DATE: June 14, 2021
 TO: Honorable Mayor and Medina City Council
 FROM: Stephanie Keyser, AICP, Planning Manager
 RE: Minor Code Amendments

It is staff's goal to bring to Council on an annual basis, small code amendments that are intended to: 1) clean-up and clarify the existing code 2) streamline process for both staff and applicants 3) and incorporate new direction from the legislature. The proposed amendments were sent out via GovDelivery and have been available on the city's website since April 1, 2021. Staff hosted a virtual open house on April 15th and has met with one resident virtually to answer questions on the proposal. Planning Commission discussed the proposed amendments on April 27th and had a public hearing at their May 25th meeting where they unanimously (4-0) voted to recommend approving these amendments. Council will hold the second public hearing and adoption at the June 14th meeting.

New Legislation – Accessory Dwelling Units (ADU's)

Accessory Dwelling Units (ADU's) have been recognized as a tool cities can use to help the housing crisis in Washington. In 2020, the Governor signed two bills, both of which have new provisions for ADU's. In Medina, every house is allowed to have an ADU. A homeowner may elect to build one either within or attached to their residence or it may be detached if it has another use. For example, someone could build an ADU on top of a detached garage.

Accessory Dwelling Units (Amending MMC 20.34.020 and 20.70.070)

The first bill, HB2343, reduces hurdles for homeowners to build an ADU on their property. Currently, the minimum size for an ADU is 300 square feet. The amendment will remove this minimum requirement. It should be noted that the maximum square footage will remain, which is the lesser of 1,000 square feet or 40% of the gross floor area of the house plus the ADU combined. Although in Medina, the majority of building permits that are submitted for ADU's tend to be as large as possible by code, in the past year, staff has received an increase in inquiries into building small (less than 300 square feet) ADU's for aging parents/in-laws and college-age children. This amendment removes the size hurdle and opens up the accessibility for building an ADU. It should be noted that building codes still apply, so regardless of size, and ADU must have bathroom facilities that include a toilet, sink and a shower or bathtub, and a kitchen or foot storage area and

preparation facility that has a sink. The second part of HB2343 will remove the owner occupancy requirement.

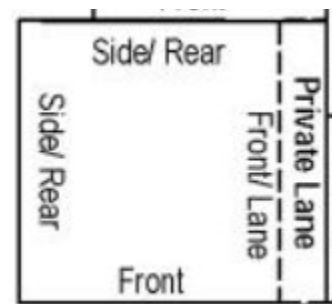
Accessory Dwelling Unit Parking (SB6617)

The second (SB6617) requires cities to remove the parking requirement for ADU's within ¼ mile of a major transit stop unless the city determines there is not enough parking space to accommodate this. At the beginning of 2021, the city directed their planning consultant to undertake a parking study. This was paid for by the planning consultant line item in the Development Services 2021 budget. Over the course of three months, the consultants conducted parking counts and an analysis of available space. The conclusion of the report was that Medina does not have adequate street parking to accommodate the requirement in SB6617, therefore no amendment is required.

Amendments to MMC 20.22.030 – Lot Development Standards

There are two proposed amendments in MMC 20.22.030 Lot Development Standards that are intended to clarify the code. The first being that lots located at the end of a terminal street are allowed the same logical orientation as lots on a private lane. When lots that have access off of an easement or private lane have a condition where the orientation of the house or the orientation of the adjacent properties do not correspond to the longer and shorter dimensions of the lot, the homeowner may elect to establish the setbacks using the *logical* orientation rather than the dimensions of the lot; this amendment would give lots at the end of a terminal street the same option.

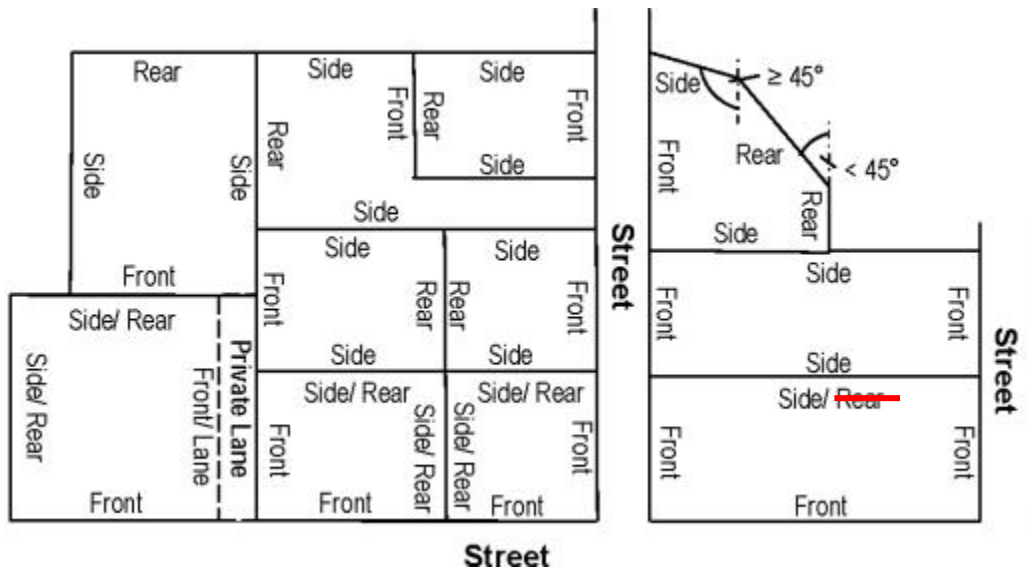
The second amendment relates to a property with three *fronts* as indicated in Figure 20.22.030(B). A front simply relates to the location of a property line that is contiguous with a street and assigns that property line the front yard setback dimension (which is the same dimension as a rear setback). For example, for lots that span a block and have property lines that touch *two* separate streets, they would have two *fronts* and two *side* yard setbacks. The absence of the word rear from Figure 20.22.030(B) does not mean they would not have a backyard or that they would be forced to have two front doors. Where Figure 20.22.030(B) indicates two setbacks separated by a slash (/), that means that the property owner has the option to choose which property designation they would like. In the clip from Figure 20.22.030(B) below, the homeowner could choose whether they wanted the side yard to be the north property line or the west property line; the other property line would be designated as rear.



The proposed amendment is to remove the option for a rear with properties that have three *fronts* or have three property lines that are contiguous along three streets. The reasoning behind this is

that no one is ever going to voluntarily elect to reduce their building envelope by opting for another rear instead of a side (front and rear setbacks are always larger than side setbacks). Now, one might think that another option would be to remove the possibility to choose a side yard setback, thereby create three *fronts* and one *rear*, however doing so would make these lots the most constrained in Medina. There are approximately four lots that have this situation but more can always be created through lot line adjustments. Of the four existing lots, two of them are substandard (smaller than the minimum lot size required by the zoning district) and two exceed the minimum square footage requirement. For the smaller lots, the side yard setback would be 10 feet and for the larger lots, the side yard setback would be 20 feet (for lots larger than 20,000 square feet, side yard setbacks are determined by calculating the greater of 10 feet or 15% of the lot width not to exceed 20 feet). The proposal is below.

Figure 20.22.030(B): Setback Property Line Designations
 (See “Property Line” definitions in Chapter 20.12 MMC)



Amending MMC 20.22.040 – Protrusions into setback areas

Throughout this past year of being stuck at home, one of the requests that has dramatically increased is that of creating outdoor living space in the form of a patio or a deck. In Medina, Chapter 20.22.040 lists the things that are allowed to protrude into the setbacks. Examples listed in this section include driveways, walkways, and play structures. The city has historically taken the interpretation that if something is not listed in this section of the code, it cannot protrude. On-grade patios and decks are not listed in this section therefore they are not allowed to protrude into the setbacks.

However, as with all code, there are always exceptions to the rules. A resident is permitted to build a swimming pool or sport court in their backyard that protrudes into the setbacks. Typically, a pool will include a cool deck that goes all around it. Additionally, lots that are within the Shoreline

Jurisdiction, which are those lots 200 feet inland from the Ordinary High-Water Mark, are specifically allowed to have patios and decks protrude (it should be noted that shoreline lots are governed by the Shoreline Master Program, which is a subsection of the code).

Right now, the only way to build a patio that extends into the setbacks is through a non-administrative variance. Throughout this past year, many people have amended their site plans or decided not to move forward with a new patio because of this requirement. In order to make things equitable between lots by the water and lots that are upland, staff is proposing to amend the section to allow on-grade patios and decks to protrude providing a 15-foot setback is maintained from the front property line; a 10-foot setback from the rear; and a side yard setback that is ½ of the required setback (for example a property with a 10-foot side yard setback would be allowed to have a small patio protrude up to 5-feet from the property line).

It should be noted that this amendment does not allow someone to go up *vertically*. Someone would not be permitted to build an outdoor kitchen or a pergola within these setbacks. This is strictly for flat, on-grade surfaces.

Amending MMC 20.30.020 – Signs

The purpose of this amendment is to clarify when a sign that has two sides needs to be averaged to determine surface area. This amendment will make language consistent with the sign area definition in MMC 20.12.200.

Amending MMC 20.34.040 – Accessory Recreational Facilities

Pools and sport courts are considered accessory recreational facilities and require a land use application called an Administrative Special Use Permit (ASUP) before a building permit may be submitted. Because outdoor pools and sport courts can have impacts on neighbors (noise from outdoor use, lighting, etc.) the purpose of the ASUP is to notify neighbors that one is going to be built. Only after the ASUP process is completed can the applicant submit the Building Permit, Construction Activity Permit, Tree Permit (if required), and Grading and Drainage Permit (if required). The ASUP is only the first step.

The code currently does not make an exception if the pool or sport court is going to be located inside of a building. The city has recently had a couple of indoor pools come in for permit that, because there is not a differentiation in the code, had to go through the ASUP process. This does not make a lot of sense because any impacts from the *end use* (which is the reason behind the ASUP) are going to be contained within the building. *Construction* impacts are handled through the Construction Activity Permit, which is tied to the building permit.

The proposed amendment will clarify that if a pool or sport court is located within a building, an ASUP is not required. This is intended to streamline process.

Repealing MMC 20.73.085 and 20.73.165

Both of these sections expired on December 31, 2014 and were replaced by subsequent sections. This is intended to be a code clean-up.

Amendments to MMC 20.80.060

The purpose of these amendments is to remove the old Construction Mitigation Language that is still in the Type 1, 2, and 3 Decisions table and to replace that will the new Construction Activity Permit Language. This is intended to be a code clean-up.

Table of Amendments

Section	Title	Proposed Amendment
MMC 20.22.030	Lot Development Standards	Clarify lots at the end of a terminal street to be allowed a logical orientation, similar to lots on a private lane
MMC 20.22.030	Lot Development Standards	Clarify property line designations figure
MMC 20.22.040	Protrusions into Setback Areas	Allow uncovered decks and patios to protrude into setback (<i>consistent with shoreline jurisdiction</i>)
MMC 20.30.020	Signs	Clarify when to average surface area to determine the sign area (<i>consistent with definition in MMC 20.12.200</i>).
MMC 20.34.020	Accessory Dwelling Units	Remove minimum square footage requirement for ADUs (HB2343)
MMC 20.34.020	Accessory Dwelling Unit	Remove ADU owner occupancy requirement (HB2343)
MMC 20.34.040	Accessory Recreational Facilities	Clarify <i>indoor</i> accessory recreational facilities do not require an administrative special use permit
MMC 20.70.070	Administrative Approvals	Remove owner occupancy requirements from accessory dwelling unit registration (HB2343)
MMC 20.73.085	Review Procedures and Approvals	Repeal. <i>Section expired December 31, 2014.</i>
MMC 20.73.165	Subdivision Vesting After Approval	Repeal. <i>Section expired December 31, 2014.</i>
MMC 20.80.060	Type 1 Decisions	Amend code of conduct for CAP permits ≤ \$499,999

MMC 20.80.060	Type 2 Decisions	Amend CMP Level 1 for CAP ≥ \$500,000 and/or on a private lane
MMC 20.80.060	Type 3 Decisions	Repeal CMP Level 2

Adoption Timeline

Action	Due	Progress
Proposal available online/sent out through GovDelivery	April 1	Completed
Virtual Open House	April 15	Completed
Planning Commission to discuss proposal	April 27	Completed
Present proposal to Council for first discussion	May 10	Completed
Planning Commission to hold public hearing	May 25	Completed
Council to hold final public hearing and adopt code amendments	June 14	June 14

Ordinance No. 1001

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON AMENDING LOT DEVELOPMENT STANDARDS (MMC 20.22); CITY WIDE USES (MMC 20.30); ACCESSORY USES (MMC 20.34); ADMINISTRATIVE APPROVALS (MMC 20.70); LAND DIVISIONS (MMC 20.73); AND PROJECT PERMIT REVIEW PROCEDURES (MMC 20.80).

WHEREAS, Title 20 of the Medina Municipal Code (“MMC” or “Code”) contains the City of Medina’s (“City”) unified development code; and

WHEREAS, on March 27, 2020, the Governor signed SB 6617 which pertained to Accessory Dwelling Units—Off-Street Parking into law; and

WHEREAS, on June 11, 2020, SB 6617 went into effect; and

WHEREAS, Section 4, Subsection (1) of SB 6617 states that cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop; and

WHEREAS, Section 4, Subsection (2) of SB 6617 states that a city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit; and

WHEREAS, there are three major transit stops within the City: 1) Evergreen Point Park & Ride, 2) the bus stop on 84th Avenue NE located north of NE 24th Street, and 3) the bus stop at 84th Ave NE and NE 20th Street; and

WHEREAS, the City used its planning consultant firm, The Blueline Group, to conduct a parking study beginning in January 2021; and

WHEREAS, The Blueline Group provided a memorandum on March 25, 2021 and the final on-street parking study in April 2021; and

WHEREAS, the study concluded that the City does not have adequate space to support the on-street parking requirement for accessory dwelling units within one-quarter mile of a major transit stop; and

WHEREAS, the City provided a Notice of Intent to Adopt certain code amendments to the Washington State Department of Commerce in accordance with RCW 36.70A.106 and MMC 20.81.070 on March 29, 2021; and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared and a Determination of Non-Significance (DNS) was issued on March 31, 2021; and

WHEREAS, the City published a legal ad in the Seattle Times on April 30, 2021 for a public hearing before the Medina Planning Commission to solicit and receive public testimony regarding the proposed amendments; and

WHEREAS, the Planning Commission reviewed and evaluated the proposed amendments during the public hearing on May 25, 2021; and

WHEREAS, after considering staff recommendation and reviewing the record, the Planning Commission voted unanimously to recommend approval of the proposed amendments to City Council on May 25, 2021; and

WHEREAS, the City published a legal ad in the Seattle Times on May 19, 2021 for a virtual public hearing on June 14, 2021 before the City Council to solicit and receive additional public testimony regarding the Planning Commission's recommendation on the proposed amendments; and

WHEREAS, the City Council finds based on City staff's recommendation and public testimony, these amendments are consistent with the City's Comprehensive Plan, will enhance public health, safety and welfare; and advance the public's interest; and

WHEREAS, the City Council desires to take the actions set forth in this ordinance,

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

Section 1. Findings. The City Council adopts the foregoing recitals as its findings and conclusions concerning the matters described therein, also intending thereby to provide a record of the facts, issues and process involved in its consideration.

Section 2. Amendment to MMC 20.22.030. The Medina Municipal Code Section 20.22.030 is hereby amended as follows:

20.22.030 Building and structure setbacks.

A. Table 20.22.030 establishes the minimum distance required for any part of any building or structure to be set back from the pertinent property line. The minimum setback requirements are applied to each lot by the square footage of the lot area and the corresponding setback standards in the table. (See definition of "lot area" and the definitions of "property lines" in Chapter 20.12 MMC and Figures 20.22.030(B) and (C) for establishing and delineating setbacks.)

Table 20.22.030: Minimum Building/Structure Setbacks

Square Footage of the Lot Area	Minimum Setback from the:			
	Front Property Line	Rear Property Line	Side Property Line	Lake Washington Shoreline
Less than 10,001	25 feet	25 feet	10 feet	See MMC 20.63.030
From 10,001 to 13,000	26 feet	26 feet		
From 13,001 to 15,000	28 feet	28 feet		
From 15,001 to 20,000	30 feet	30 feet		
Greater than 20,000	30 feet	30 feet	The greater of 10 feet or 15% of the lot width; not to exceed 20 feet	

B. Setbacks are measured as the distance between the property line and the closest point of any part of the building or structure to the property line, including but not limited to architectural elements, roof eaves, gutters and mechanical equipment. (See Figure 20.22.030(A).)

C. To determine compliance with the setback standards in Table 20.22.030, the setback is measured along a horizontal plane consistent with subsection (B) of this section.

D. Where a lot adjoins a private lane and has less than 30 feet of public street frontage, the front, rear and side property lines shall be determined as follows, except as provided in subsection (E) of this section:

1. The side property lines shall generally correspond to the long dimension of the lot;
2. The front and rear property lines shall generally correspond to the shorter dimensions of the lot;
3. If the dimensions of the lot form a square, the applicant may elect to designate the front property line with the rear and side property lines designated consistent with the definitions in Chapter 20.12 MMC.

E. Where a lot adjoining a private lane or at the terminal end of the street has a condition where the orientation of the dwelling on the lot, or the orientation of dwellings on adjacent properties, logically suggests setbacks that do not correspond to the longer and shorter dimensions of the lot, the setbacks shall be established using the logical orientation rather than the dimensions of the lot.

F. In addition to the setbacks prescribed by this section, if a lot adjoins a private lane, a setback from the private lane easement is required pursuant to MMC 20.91.060.

Figure 20.22.030(A): Measuring Setbacks

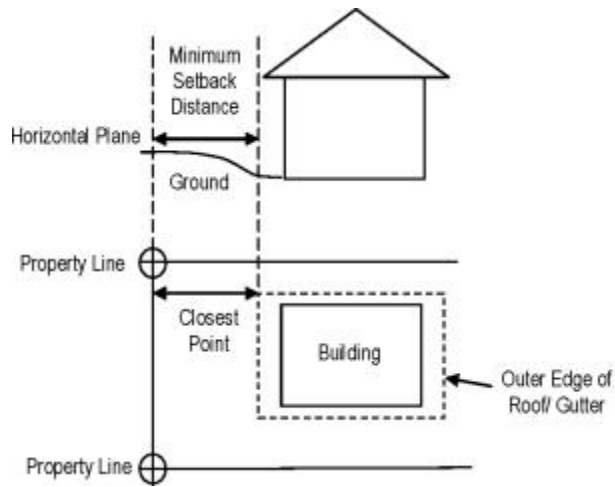


Figure 20.22.030(B): Setback Property Line Designations (See "Property Line" definitions in Chapter 20.12 MMC)

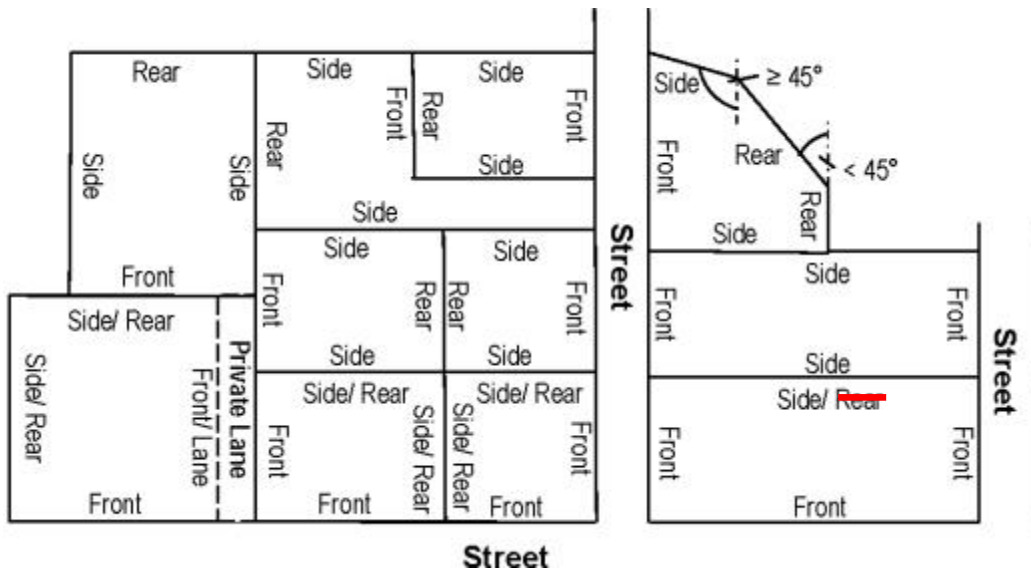
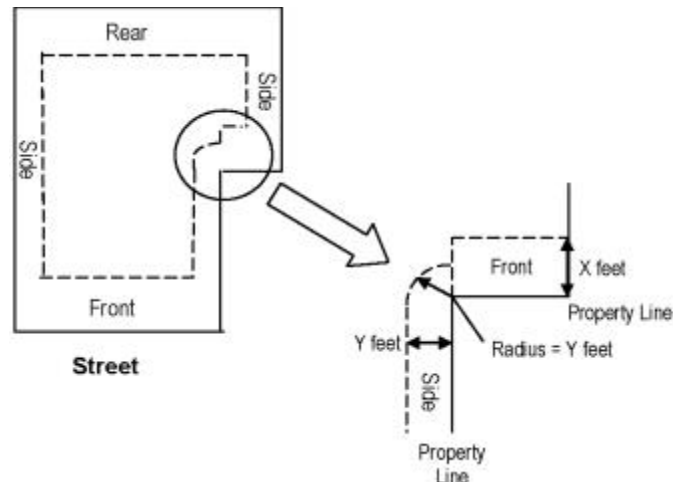


Figure 20.22.030(C): Setbacks at Step Shaped Property Line Intersections



Section 3. Amendment to MMC 20.22.040. The Medina Municipal Code Section 20.22.040 is hereby amended as follows:

20.22.040 Protrusions into setback areas.

The following structures may be located within a setback area, excluding setbacks from Lake Washington, which are subject to Chapter 20.63 MMC:

A. Utilities which are located underground and accessory to a principal use, except the requirement for undergrounding is not required if the limitation in MMC 20.50.200(I)(6) applies;

B. Walkways, stairs and steps, and driveways, not including parking spaces, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower;

C. Uncovered decks and patios, provided:

1. No part of the structure exceeds 30 inches in height above the existing or finished grade, whichever grade is lower; and

2. The following setbacks are maintained:

a. A minimum 15-foot setback is maintained from the front property line;

b. A minimum 10-foot setback is maintained from the rear property line; and

c. A minimum side-yard setback equal to one-half (1/2) the required distance pursuant to Table 20.22.030

CD. Window wells that do not project more than six inches above the ground level and do not protrude more than four feet into the setback area;

DE. Fences and freestanding walls which comply with the requirements set forth in MMC 20.30.010;

EF. Irrigation systems at or below finished grade, including yard hydrants, sprinkler heads and similar features that do not exceed 36 inches above the finished grade;

FG. Ramps and similar structures installed to a single-family dwelling to provide access for elderly and/or disabled persons;

GH. Foundation footings where the footing structure does not protrude more than two feet into the setback area and is located entirely below the ground surface;

HI. Improved surface areas for off-street parking provided:

1. The protrusion is limited to the setback area from a front property line;
2. The parking area is designed in a manner that is clearly distinguishable from the driveway;
3. A minimum 15-foot setback is maintained from the front property line;
4. The top of the parking surface does not exceed 30 inches above the existing or finished grade, whichever is lower;

IJ. A chimney provided:

1. The protrusion is limited to the setback area from a side property line;
2. The maximum horizontal width of the chimney inside the setback area is five feet; and
3. The chimney does not protrude more than two feet into the setback area;

JK. Small accessory structures and outdoor mechanical equipment provided:

1. The protrusion is limited to the setback area from a rear property line;
2. The highest point of the accessory structure or outdoor mechanical equipment does not exceed eight feet in height above the finished grade;
3. The accessory structure or outdoor mechanical equipment does not occupy a footprint greater than 100 square feet;
4. Solid landscape screening pursuant to MMC 20.30.060 is planted that screens the structure or mechanical equipment from adjoining properties; and
5. A minimum 15-foot setback from the rear property line is maintained;

KL. Open play structures without roofs or walls provided:

1. The protrusion is limited to setback areas from a rear property line;
2. The maximum height of the play structure does not exceed 10 feet above the finished grade;
3. The play structure does not occupy a footprint greater than 100 square feet;
4. A minimum 10-foot setback from the rear property line is maintained;

LM. Swimming pools, spas and hot tubs as provided for in MMC 20.34.040;

MN. Raised planting bed boxes, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower;

NO. Low impact development best management practices or treatment best management practices provided:

1. The best management practice shall be designed, constructed, and maintained in accordance with the stormwater manual adopted under MMC 20.43.200.
2. Best management practices, including associated vegetation, shall be located entirely on private property.
3. The maximum height of any structural element associated with the best management practice shall not exceed 30 inches above the existing or finished grade, whichever grade is lower.
4. The best management practice shall be designed to manage or treat stormwater runoff solely from the building site and from less than 5,000 square feet of impervious surface.
5. Examples of acceptable best management practices, as those practices are defined in Chapter 20.12 MMC, include but are not limited to the following:
 - a. Rain garden;
 - b. Bioretention;
 - c. Dispersion; and
 - d. Biofiltration treatment.

Section 4. Amendment to MMC 20.30.020(C). The Medina Municipal Code Section 20.30.020(C)(10)(c) is hereby amended as follows:

c. When a sign contains information on two sides, only one side is counted in determining sign area, except A-board signs where the average area of the two surface areas shall be used to determine surface area.

Section 5. Amendment to MMC 20.34.020. The Medina Municipal Code Section 20.34.020 is hereby amended as follows:

20.34.020 Accessory dwelling units.

This section establishes the development criteria that apply to accessory dwelling units.

- A. Accessory dwelling units meeting the requirements of this section are excluded from density and minimum lot area requirements.
- B. Accessory dwelling units shall be fully contained within and attached to a single-family dwelling, or must be located within a detached accessory building containing another permitted accessory use.
- C. Accessory dwelling units are prohibited as the only use in a detached accessory building.
- D. Only one accessory dwelling unit may be permitted on a lot per each single-family dwelling located on the same lot.

~~E. The property owner of record must occupy either the single-family dwelling or the accessory dwelling unit as a legal residence. Legal residency must be evidenced by actual residency. Legal residency shall terminate by reason of absence in excess of one year. Legal residency shall immediately terminate upon the payment or receipt of rent for both units.~~

~~EE.~~ Development Standards.

1. The accessory dwelling unit shall comply with the development standards of the zoning where the accessory dwelling unit is located;

~~2. The accessory dwelling unit shall contain not less than 300 square feet of gross floor area;~~

~~32.~~ The accessory dwelling unit shall contain no more than the lesser of 1,000 square feet of gross floor area, or 40 percent of the total square footage of the gross floor area of the single-family dwelling and accessory dwelling unit combined;

~~43.~~ All of the structures on the property shall have the appearance of a single-family dwelling and any other permitted accessory structures;

~~54.~~ The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation;

~~65.~~ There shall be no sign or other indication of the accessory dwelling unit's existence other than an address sign and a separate mail box;

~~76.~~ The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained; and

~~87.~~ A certification by city of Bellevue utilities is required indicating that water supply and sanitary sewage are available to adequately serve the accessory dwelling unit.

~~GE.~~ There shall be one off-street parking space provided for the accessory dwelling unit, which shall be in addition to any off-street spaces required for the principal single-family dwelling.

~~HG.~~ Garage space may be converted into an accessory dwelling unit only if the number of covered spaces eliminated by the conversion is replaced by the same number of covered spaces elsewhere on the property.

~~IH.~~ An accessory dwelling unit must contain:

1. Bathroom facilities that include a toilet, sink and a shower or bathtub; and
2. Kitchen or food storage and preparation facilities and a sink.

~~IJ.~~ A property owner seeking to establish a legal accessory dwelling unit shall apply to register the dwelling unit with the city pursuant to MMC 20.70.070. The application shall include an agreement by the property owner ~~to occupy either the single-family dwelling or the accessory dwelling unit and~~ to maintain the accessory dwelling unit in compliance with the standards set forth in this section.

~~KJ.~~ After the accessory dwelling unit is approved, a registration form signed by the record holders of the property shall be recorded with the King County auditor's office. Said registration form shall contain:

1. The street address and legal description of the property; and
- ~~2. Description of the requirement for owner occupancy; and~~
- ~~3~~2. The requirement for maintaining the accessory dwelling unit in compliance with the requirements of this section.

LK. The registration of the accessory dwelling unit may be canceled pursuant to MMC 20.70.070 by the property owner by recording a certificate of cancellation in a form satisfactory to the city with the King County department of records and elections. The city may record a notice of cancellation upon failure to comply with the standards set forth in this section.

Section 6. Amendment to MMC 20.34.040. The Medina Municipal Code Section 20.34.040 is hereby amended as follows:

20.34.040 Accessory recreational facilities.

This section establishes the development criteria that apply to outdoor accessory recreational facilities, including minor accessory recreational facilities.

A. Accessory recreational facilities are categorized as either major or minor pursuant to the following:

1. Major accessory recreational facilities include the following and require approval of an administrative special use permit pursuant to MMC 20.71.030, provided a major accessory recreational facility is exempt from this section when completely located within a single-family residence or an accessory building:

- a. Active sports courts such as tennis, paddle tennis, basketball, and similar facilities;
- b. Swimming pools;
- c. Hot tubs and spas, except as allowed in subsection (B) of this section; and
- d. Other similar sports facilities that provide active outdoor recreational activity and with similar impacts on adjoining properties.

2. Minor accessory recreational facilities such as a basketball hoop and temporary game nets do not require approval of an administrative special use permit provided:

- a. Installation of the facility does not require additional paved surface area;
- b. No illumination beyond normal house lighting is installed for use of the facility;
- c. The facility is not located inside any setback areas, except as allowed for major recreational facilities in subsection (C)(3) of this section; and
- d. Maximum noise level requirements in Chapter 8.06 MMC are followed.

B. Hot tubs and spas do not require approval of an administrative special use permit where:

1. If the hot tub and/or spa is permanent:
 - a. The facility is located within 20 feet of a single-family dwelling;

- b. Special outdoor lighting is not installed other than in-water low-light illumination directed away from any adjoining properties;
- c. Pump and mechanical equipment are located inside of the residential structure or enclosed by sound attenuating structure;
- d. A barrier is provided as prescribed by the building code;
- e. The facility is not located inside any setback areas; and
- f. The hot tub/spa drains into the sanitary sewer system.

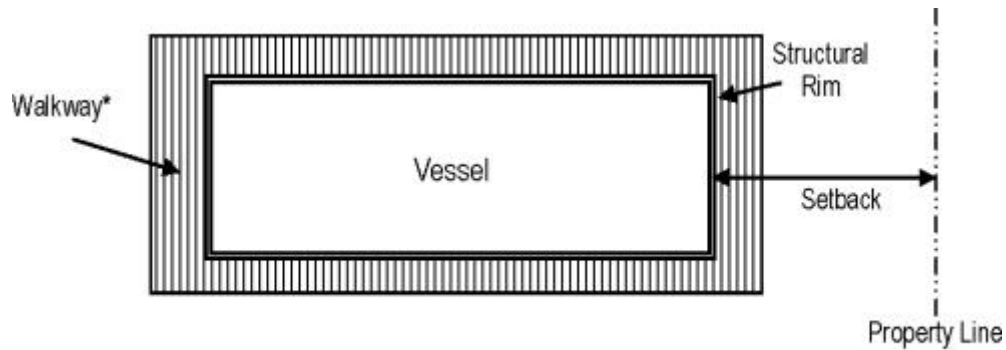
2. If the hot tub and/or spa is temporary:

- a. It is not erected for more than seven days during any one-month period;
- b. It meets the criteria in subsections (B)(1)(a) through (e) of this section.

C. Development Standards.

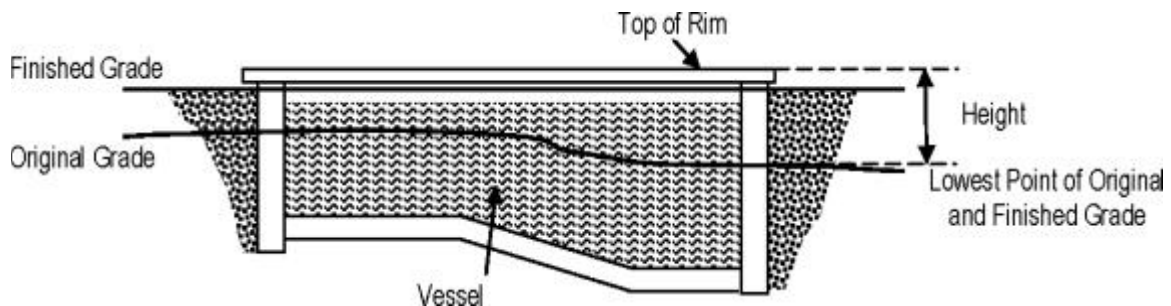
- 1. Major recreational facilities shall comply with the development requirements of the zone in which the recreational facility is located, except as provided in subsection (C)(3) of this section.
- 2. Swimming pools, spas and hot tubs shall have the setback measured from the property line to the outside edge of the structural rim of the vessel (see Figure 20.34.040(C)(2)).
- 3. Major recreational facilities may protrude into setback areas provided:
 - a. At least a 15-foot setback is maintained from each rear and front property line; and
 - b. At least a 10-foot setback is maintained from each side property line.
- 4. The height of a swimming pool, hot tub or spa is measured from the lowest point of original grade or finished grade, whichever grade is lower, underneath the perimeter of the facility to the highest point of the structural rim of the vessel. (See Figure 20.34.040(C)(4).)

Figure 20.34.040(C)(2): Measuring Setback for Swimming Pools, Hot Tubs and Spas



*Walkway may be subject to other setback requirements.

Figure 20.34.040(C)(4): Height of Swimming Pools, Hot Tubs and Spas



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

- a. Solid landscape screening pursuant to MMC 20.30.060 shall be installed along the perimeter of the lot from which the facility is set back, such that the use is concealed year-round from public streets, private lanes, and nearby properties;
- b. All lighting shall be oriented or shielded such that the light does not shine or spill over onto neighboring properties or Lake Washington;
- c. Fences and barriers shall meet all development and building code requirements; and
- d. Additional mitigation measures may be required such as, but not limited to, restricted hours of use, limitations on lighting, increased screening, altered location, etc., to minimize any negative impacts generated by the use of the accessory recreational facility.

Section 7. Amendment to MMC 20.70.070. The Medina Municipal Code Section 20.70.070 is hereby amended as follows:

20.70.070 Accessory dwelling unit registration.

A. Applicability. Any owner installing an accessory dwelling unit (ADU) pursuant to MMC 20.34.020 shall apply for an accessory dwelling unit registration.

B. Review Procedures. Approval of an accessory dwelling unit is processed as a Type 1 decision pursuant to the requirements set forth in Chapter 20.80 MMC.

C. Approval Criteria. The decision authority may approve an ADU only when the following criteria are met:

1. The ADU meets the requirements set forth in MMC 20.34.020; and
- ~~2. The property owner enters into a written agreement with the city to occupy the primary single-family dwelling, or the ADU pursuant to subsection (D) of this section; and~~
- ~~3~~2. The property owner agrees to maintain the ADU in compliance with the requirements in MMC 20.34.020.

D. Written Agreement.

1. Before a certificate of occupancy is issued for the ADU, the property owner shall complete, sign, have notarized, and record an ADU registration form.
2. The contents of the ADU registration form shall include the following:
 - a. The street address and legal description of the property where the accessory dwelling unit is located;
 - ~~b. The written agreement for occupancy as prescribed in subsection (C)(2) of this section;~~
 - ~~eb~~. The written agreement to maintain the ADU as prescribed in subsection (C)(~~3~~2) of this section; and
 - ~~dc~~. Any other relevant information determined necessary by the decision authority.
3. The property owner shall record the ADU registration with King County recorder's office. A copy of the recorded document and recording number shall be provided to the city.
4. The ADU registration may be cancelled under the following conditions:
 - a. The property owner may cancel the ADU registration if:
 - i. The ADU is permanently removed from the property; or
 - ii. The property owner provides to the city evidence that the use has been removed and obtains approval from the city to cancel the ADU registration; and
 - iii. The property owner records a certificate of cancellation with King County recorder's office and provides a copy of the recorded certificate of cancellation to the city.
 - b. The city may cancel the ADU registration if the property owner fails to comply with the general requirements in MMC 20.34.020. Cancellation of the ADU registration shall be in accordance with the following procedures:
 - i. The city provides a notice of cancellation to the property owner who shall have a right to appeal the decision to cancel pursuant to MMC 20.80.220 for a Type 1 decision;

ii. Once a decision to cancel becomes final, the city shall record a certificate of cancellation with King County recorder’s office;

iii. A copy of the recorded certificate of cancellation shall be provided to the property owner after which the use as an accessory dwelling unit shall cease.

E. Lapse of Approval. Approval of an accessory dwelling unit shall expire if the building permit for the accessory dwelling unit expires and substantial construction of the accessory dwelling unit has not started. Approval of an accessory dwelling unit shall also expire if the use is abandoned during its existence, or if a certificate of cancellation is recorded.

Section 8. MMC 20.73.080 Repealed. The Medina Municipal Code Section 20.73.080 is hereby repealed in its entirety.

Section 9. MMC 20.73.165 Repealed. The Medina Municipal Code Section 20.73.165 is hereby repealed in its entirety.

Section 10. Amendment to MMC 20.80.060. The Medina Municipal Code Section 20.80.060 is hereby amended as follows:

20.80.060 Project permit procedures.

The procedures for processing a project permit application may include a determination of completeness, notice of application, notice of hearing, and notice of decision. The following tables establish the decision type, the person or body authorized to make the decision, the general review procedures, and notice requirements that are applicable to each project permit application.

A. Table 20.80.060(A) sets forth project permits that are categorized as Type 1 decisions with the applicable corresponding review procedures.

Table 20.80.060(A) – Type 1 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building, reroof and construction permits not listed/no SEPA	BO	Yes	No	No	Yes
Mechanical permit	BO	Yes	No	No	Yes
Demolition permit/no SEPA	BO	Yes	No	No	Yes
Grading and drainage permit/no SEPA	BO	Yes	No	No	Yes
Fence permit	BO	Yes	No	No	Yes
Final short subdivision	D	No	No	No	No
Administrative tree activity permit	D	Yes	No	No	Yes
Hazardous tree designation	D	Yes	No	No	Yes
Right-of-way permit	E	Yes	No	No	Yes

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Lot line adjustment	D	Yes	No	No	Yes
Zoning code interpretation	D	No	No	No	Yes
Accessory dwelling units	D	Yes	No	No	Yes
Administrative sign approval	D	Yes	No	No	Yes
Code of conduct approval <u>Construction activity permit for projects ≤ \$499,000</u>	E D	Yes	No	No	Yes
SEPA letter of exemption	D ¹	No	No	No	Yes
Shoreline letter of exemption	D	No	No	No	Yes
Shoreline master program interpretation	D	No	No	No	Yes
Temporary use permit	D	No	No	No	Yes
Notes: “DOC” – determination of completeness required pursuant to MMC 20.80.100 “NOA” – notice of application required pursuant to MMC 20.80.110 “NOH” – notice of hearing required pursuant to MMC 20.80.120 “NOD” – notice of decision required pursuant to MMC 20.80.200 “BO” means building official has authority to make the decision “D” means the director has authority to make the decision “E” means the city engineer or designee has authority to make the decision ¹ “Director” here means the person designated as the responsible official					

B. Table 20.80.060(B) sets forth project permits that are categorized as Type 2 decisions with the applicable corresponding review procedures.

Table 20.80.060(B) – Type 2 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes
Demolition permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes
Grading and drainage permit/with SEPA	BO/D ¹	Yes	Yes	No	Yes
Administrative right-of-way tree activity permit	D	Yes	Yes	No	Yes
Administrative special use permit	D	Yes	Yes	No	Yes
Administrative variance	D	Yes	Yes	No	Yes
Minor deviation	D	Yes	Yes	No	Yes
SEPA threshold determination	D ¹	Yes	Yes ²	No	Yes
Preliminary short subdivision	D	Yes	Yes	No	Yes

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Tailored construction mitigation plan— Level-1 Construction activity permit for projects ≥ \$500,000 and/or on a private lane or joint driveway	D	Yes	Yes ³	No	Yes
Final subdivision	CC	No	No	No	Yes
<p>Notes:</p> <p>“DOC” – determination of completeness required pursuant to MMC 20.80.100</p> <p>“NOA” – notice of application required pursuant to MMC 20.80.110</p> <p>“NOH” – notice of hearing required pursuant to MMC 20.80.120</p> <p>“NOD” – notice of decision required pursuant to MMC 20.80.200</p> <p>“BO” means building official has authority to make the decision</p> <p>“D” means the director has authority to make the decision</p> <p>“CC” means the city council makes the decision</p> <p>“E” means the city engineer or designee has authority to issue a decision</p> <p>¹“Director” here means the person designated as the responsible official</p> <p>²A NOA is not required for a SEPA threshold determination issued pursuant to WAC 197-11-340(1)</p> <p>³<u>The NOA for a construction activity permit for projects greater than or equal to \$500,000 and/or projects on a private lane or joint driveway shall include the date and time of the open house pursuant to MMC 20.75.070 and MMC 20.75.080</u></p>					

C. Table 20.80.060(C) sets forth project permits that are categorized as Type 3 decisions with the applicable corresponding review procedures.

Table 20.80.060(C) – Type 3 Decisions

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Nonadministrative special use permit	HE	Yes	Yes	Yes	Yes
Conditional use permit	HE	Yes	Yes	Yes	Yes
Historical use permit	HE	Yes	Yes	Yes	Yes
Nonadministrative variance	HE	Yes	Yes	Yes	Yes
Site-specific rezone	PC/CC ¹	Yes	Yes	Yes	Yes
Reasonable use exception	HE	Yes	Yes	Yes	Yes
Nonadministrative right-of-way tree activity permit	HE	Yes	Yes	Yes	Yes
Nonadministrative tree activity permit	HE	Yes	Yes	Yes	Yes
Site plan review	PC	Yes	Yes	Yes	Yes
Tailored construction mitigation plan Level-2	PG	Yes	Yes	Yes	Yes

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Preliminary subdivision	HE/CC ²	Yes	Yes	Yes	Yes
Shoreline substantial development permit	HE	Yes	Yes	Yes	Yes
Shoreline variance	HE ³	Yes	Yes	Yes	Yes
Shoreline conditional use permit	HE ³	Yes	Yes	Yes	Yes

Notes:
 "DOC" – determination of completeness required pursuant to MMC 20.80.100
 "NOA" – notice of application required pursuant to MMC 20.80.110
 "NOH" – notice of hearing required pursuant to MMC 20.80.120
 "NOD" – notice of decision required pursuant to MMC 20.80.200
 "HE" means the hearing examiner has authority to make the decision
 "PC" means the Medina planning commission has authority to make the decision
 "CC" means the city council makes the decision
¹The planning commission holds the open-record hearing and makes a recommendation to the city council. The city council decides the rezone at a closed-record meeting.
²Hearing examiner holds the open-record hearing and makes a recommendation to the city council. The city council decides the preliminary subdivision at a closed-record meeting.
³If the hearing examiner's action on shoreline variances and shoreline conditional use permits is to approve the application, the approval shall be submitted to the Washington State Department of Ecology for approval, approval with conditions, or denial pursuant to WAC 173-27-200.

Section 10. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 11. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 12. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

ATTACHMENT 2

Passed by the Medina City Council and approved by the Mayor this 14th day of June 2021.

Jessica Rossman, Mayor

Attested to by:

Approved as to form:

Aimee Kellerman, City Clerk

Scott Missall, City Attorney

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB