



# CITY OF MEDINA

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## MEMORANDUM

DATE: October 25, 2022  
TO: Medina Planning Commission  
FROM: Stephanie Keyser, Planning Manager  
RE: Minor Code Clean-Up (2022)

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The following outlines the proposed minor code clean-up for 2022.

Section	Title	Proposed Amendment
<b>MMC 10.08.010</b>	Streets and Roads	Remove house address
<b>MMC 12.44</b>	Street Vacations	Clarifies that costs will be recovered for city staff time even if a petitioner withdraws their street vacation petition ( <i>City Attorney</i> drafted amendment)
<b>MMC 16.12.090</b>	“H” Definitions	Remove housekeeping unit from H definitions
<b>MMC 16.12.200</b>	“S” Definitions	Housekeeping amendments to the S definitions
<b>MMC 16.22.040</b>	Protrusions Into Setback Areas	Cleans up the section and clarifies existing mechanical equipment location and units for nonconforming houses
<b>MMC 16.30.020</b>	Signs	Remove language in the code that regulates the content of signs ( <b>Reed V. Gilbert</b> )
<b>MMC 16.34.020</b>	Accessory Dwelling Units	Amend ADU section to remove burdensome language
<b>MMC 16.34.040</b>	Accessory Recreational Facilities	Correct a scrivener’s error
<b>MMC 16.52.190</b>	Tree Protection Measures during Development	Clarifies tree protection during development
<b>MMC 16.70.030</b>	Construction Code of Conduct	Repeal Construction Code of Conduct (Clean Up)
<b>MMC 16.71.010</b>	Minor Deviation	Clarify that a structure using a minor deviation application cannot experience substantial destruction
<b>MMC 16.71.040</b>	Level 1 Tailored Construction Mitigation Plan	Repeal Level 1 Tailored Construction Mitigation Plan (Clean Up)
<b>MMC 16.71.050</b>	Administrative Right-of-Way Tree Activity Permit	Clarify permit covers tree and vegetation in the right-of-way
<b>MMC 16.72.080</b>	Level 2 Tailored Construction Mitigation Plan	Repeal Level 2 Tailored Construction Mitigation Plan (Clean Up)

<b>MMC 16.72.090</b>	Nonadministrative Right-of-Way Tree Activity Permit	Clarify permit covers tree and vegetation in the right-of-way
<b>MMC 16.72.100</b>	Nonadministrative Tree Activity Permit	Clarify this permit is for Landmark trees with a DBH of 50 inches or greater, as required in MMC 16.52.160(E)
<b>MMC 16.80.050</b>	Project Permit Procedures	Clarify that the Hearing Examiner is the decision authority for Site Plan Reviews

### Summary of Proposed Amendments

1. MMC 10.08.010 – Streets and Roads. The purpose of this amendment is to remove the referenced street address that identifies the end of the Medina city limits on Lake Washington Blvd. It's not appropriate to have an address as an identifier in code as addresses can and do change.
2. MMC 12.44 – Street Vacations. The amendments in this chapter are to clarify that if a petitioner withdraws their street vacation petition, or if it is denied, they (the petitioner) are still responsible to reimburse the city for full expenses and costs incurred processing the petition.
3. MMC 16.12.090 – “H” Definitions. The purpose of this amendment is to remove housekeeping unit from the “H” definitions.
4. MMC 16.12.200 – “S” Definitions. The purpose of this amendment is to amend definitions in the “S” definitions.
5. MMC 16.22.040 – Protrusions Into Setback Areas. The purpose of this amendment is to clarify that existing mechanical units may be replaced by installing a new unit in the same location, regardless of setbacks. This amendment also provides relief for residents of legally nonconforming houses so that they may place new units in the side setbacks, provided they are 5-feet away from the property line. In both of these circumstances, the units still must pass the required sound test and screening required by code. There would be no new impact to neighbors.
6. MMC 16.30.020 – Signs. The purpose of these amendments is to be in compliance with Reed v. Gilbert. Although PC did a sign code update in 2017, the code still has language where *content* is regulated, which is not allowed.
7. MMC 16.34.020 – Accessory Dwelling Units. The purpose of these amendments is to remove language that's overly burdensome to homeowners and frankly are an example where theory (code) and practice just don't mesh. This is more often a problem when someone has an existing structure that they want to either convert to an ADU (like an existing detached garage) or they have an existing ADU that they want to expand or remodel and start using again. The code requires an additional separated use for a detached ADU. An example of creating a second use would be building a second-floor apartment on the detached garage. This creates an overly burdensome situation on homeowners who have ended up having to spend more money or come up with ridiculous floor plans that wall off section or create an outside accessible “storage closet” just to meet the intent of the code.
8. MMC 16.34.040 – Accessory Recreational Facilities. The purpose of this amendment is to correct a scrivener's error.
9. MMC 16.52.190 - Tree Protection Measures during Development. The purpose of this amendment is to clarify tree protection during site development.

10. MMC 16.70.030 – Construction Code of Conduct. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
11. MMC 16.71.010 – Minor Deviation. The purpose of this amendment is to clarify that a structure cannot experience either substantial destruction or reconstruction during to qualify for a minor deviation. This ties a limit to the minor deviation process and aligns it closer to its intent which is for a remodel and not a total new construction house. If a homeowner wanted to go down that path they would do a variance.
12. MMC 16.71.040 – Level 1 Tailored Construction Mitigation Plan. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
13. MMC 16.71.050 – Administrative Right-of-Way Tree Activity Permit. The purpose of this amendment is to clarify permit covers tree and vegetation in the right-of-way.
14. MMC 16.72.080 – Level 2 Tailored Construction Mitigation Plan. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
15. MMC 16.72.090 – Nonadministrative Right-of-Way Tree Activity Permit. Clarify permit covers tree and vegetation in the right-of-way.
16. MMC 16.72.100 – Nonadministrative Tree Activity Permit. Clarify this permit is for Landmark trees with a DBH of 50 inches or greater, as required in MMC 16.52.160(E).
17. MMC 16.80.050 – Project Permit Procedures. The purpose of this amendment is a clean-up to clarify that the Hearing Examiner is the decision authority for Site Plan Reviews