



CITY OF MEDINA

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MEMORANDUM

DATE: January 28, 2025
TO: Medina Planning Commission
FROM: Jennifer S. Robertson, Medina City Attorney
RE: Proposed Unit Lot Subdivision/Zero Lot Line Ordinance

Summary:

1. State Mandated Compliance for Updating Subdivision Requirements.

As part of adopting the middle housing requirements, the State legislature included a requirement in ESSHB 1110 requiring cities to allow “zero lot line” short subdivisions. RCW 36.70A.635(5), provides in pertinent part:” . A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.”

This means that the City of Medina must allow zero lot line subdivisions that result in two lots for existing lots where residential uses are allowed. In addition, by adoption of different legislation in 2023 (ESSSB 5258), the Legislature amended the State Subdivision Act (Ch. 58.17 RCW) to requires the following:

(3) All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

RCW 58.17.060(3). So while the middle housing legislation only requires the City to allow the zero lot line subdivisions up to the two lots per residential lot, ESSSB 5258 requires allowance of unit lot subdivisions, not just zero lot line short subdivisions. The proposed draft code accomplishes compliance with both bills.

2. Proposed Changes to Subdivision Code Summary.

Below, this memo walks through the changes to the draft code. The draft code is attached at **Exhibit 1**. Changes to the code are shown by the use of either ~~strike out~~ or underline text. If a section is brand new, that is also noted. Where sections of the subdivision code are not being changed, those sections are not included.

A. Definitions – Chapter 16.12 MMC.

The definition of “Lot” at MMC 16.12.130 is updated for consistency with the new unit lot subdivision provisions.

The definition of Parent Lot, Unit Lot and Lot Split are added to MMC 16.12.130 as those terms are used in the updated code. Lot split was added as that is a term that was use during in the middle housing legislation (RCW 36.70A.635(6); RCW 36.70A.681(2)) and there is a bill pending in the Legislature this session regarding “Lot Splits”.

In MMC 16.12.200, the definitions for “Subdivision” and “Short Subdivision” were updated to address until lot subdivisions. New definitions for “Unit Lot Subdivision” and “Zero Lot Line Subdivision” were also added.

B. Subdivisions – Chapter 16.73.

MMC 16.73.020 “Applicability” was updated to include short unit lot subdivisions and unit lot subdivisions. (Note: a short unit lot subdivisions is 4 or fewer lots. A unit lot subdivision is 5 or more lots.)

MMC 16.73.060 “Survey Requirements” was updated to include short unit lot subdivisions and unit lot subdivisions.

MMC 16.73.080 “Review procedures and approvals” was updated to include short unit lot subdivisions and unit lot subdivisions.

MMC 16.73.090 “Approval criteria” was updated to include short unit lot subdivisions and unit lot subdivisions. In addition, a new subsection “C” was added to specifically address unit lot subdivisions and short unit lot subdivisions. These set forth how they apply and restrictions for use of the unit lot subdivision procedures. This subsection include several protections to ensure that only the maximum density set forth is the zoning code, including the new provisions under middle housing, are used and that re-division of a lot is not allowed. This subsection also clarifies that the maximum lot coverage for the original lot is still applicable across the new lots as are the existing setbacks which must be followed for the external lot area(s)/parent lot.

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

MMC 16.73.100 “Submittal requirements” is amended to include short unit lot subdivisions and unit lot subdivisions. This also requires the applicant to show all lot lines, including internal lines, common use areas, setbacks, building footprints, etc.

MMC 16.73.100 “Approval criteria—Final short subdivision and subdivision” is amended to include short unit lot subdivisions and unit lot subdivisions.

MMC 16.73.120 “Submittal requirements—Final short subdivision and subdivision” is amended to include short unit lot subdivisions and unit lot subdivisions. A new subsection “G” was added to specifically address unit lot subdivisions.

MMC 16.73.140 “Recording with county auditor” is amended to include short unit lot subdivisions and unit lot subdivisions.

MMC 16.73.150 “Expiration of final approval” is amended to include short unit lot subdivisions and unit lot subdivisions.

3. Next Steps.

During the meeting, we will walk the Planning Commission through the draft code and take questions. In addition, the Planning Commission may provide input on the draft code.

Exhibits:

1. Draft Code with updates to the Medina Subdivision Regulations