



CITY OF MEDINA

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MEMORANDUM

DATE: March 25, 2025
TO: Medina Planning Commission
FROM: Jennifer S. Robertson, City Attorney and Jonathan G. Kesler, AICP,
Planning Manager
RE: Review of Middle Housing and Subdivision Ordinance Drafts

Summary:

The City Council previously reviewed the **Proposed Unit Lot Subdivision/Zero Lot Line Ordinance** at the Council Study Session on February 24, 2025. During that meeting, Council gave direction for revisions. Those revisions have been made to the document, which is attached. In the Council study session, Council will have a second opportunity to discuss this revised Ordinance. In addition, during the regular Council meeting that begins immediately after this study session, Council members had a final review of the proposed Ordinance before it is submitted to the Department of Commerce on March 25, 2025, for the mandatory 60-day review.

The regular session included time for review of the Middle Housing Ordinance which is also being transmitted to Commerce on March 25, 2025. **The Planning Commission (PC) will also review the Ordinance Drafts, that Council saw on March 24th, this evening. Note: Any changes made by Council will be noted at the PC meeting tonight.**

The outline of the Proposed Unit Lot Subdivision/Zero Lot Line Ordinance is as follows:

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, since Medina is counting ADUs towards the middle housing density, a lot division could also occur for the allowed ADUs. This will be effectuated via a short unit lot subdivision that is limited to the maximum density in the middle housing ordinance.

2. Overview of Proposed Changes to Subdivision Code.

Below, this memo walks through the changes to the Medina subdivision code, including revisions since the last Council meeting on this topic. The draft ordinance is attached as 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 short 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 “Short Subdivision” is updated to address until lot subdivisions. New definitions for “Unit Lot Short Subdivision” and “Zero Lot Line Subdivision” were also added. The definitions applicable to long subdivisions were deleted since the last draft.

B. Subdivisions – Chapter 16.73.

MMC 16.73.020 “Applicability” was updated to include short unit lot subdivisions. The reference to unit lot subdivisions (long, not short) was removed from this draft.

MMC 16.73.060 “Survey Requirements” was updated to include short unit lot subdivisions. The reference to unit lot subdivisions was removed in this draft.

MMC 16.73.080 “Review procedures and approvals” was updated to include short unit lot subdivisions. . The reference to unit lot subdivisions was removed in this draft.

MMC 16.73.090 “Approval criteria” was updated to include short unit lot subdivisions (but no longer includes unit lot subdivisions). In addition, a new subsection “C” was added to specifically address short unit lot subdivisions. These set forth how they apply and restrictions for use of the short unit lot subdivision procedures. This subsection includes 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 (but no longer includes unit lot subdivisions). This also requires the applicant to show all lot lines, including internal lines, common use areas, setbacks, building footprints, etc.

MMC 16.73.110 “Approval criteria—Final short subdivision and subdivision” is amended to include short unit lot subdivisions (and no longer includes unit lot subdivisions).

MMC 16.73.120 “Submittal requirements—Final short subdivision and subdivision” is amended to include short unit lot subdivisions (it no longer includes unit lot subdivisions). A new subsection “G” was added to specifically address short unit lot subdivisions.

MMC 16.73.140 “Recording with county auditor” is amended to include short unit lot subdivisions (but no longer includes unit lot subdivisions).

MMC 16.73.150 “Expiration of final approval” is amended to include short unit lot subdivisions (but no longer includes unit lot subdivisions).

The outline of the Proposed Middle Housing Ordinance is as follows:

The City of Medina contracted with SCJ Alliance in September of 2024, after which they met with the City Council for the first time on October 14, 2024. Subsequent meetings with City Council included presentations on the State requirements, and the status of the mandated updates to the Uniform Development Code.

During the January 27, 2025 meeting, City Council reviewed a draft ordinance that was sent to the Department in advance of a January 31, 2025 deliverable deadline. Development of the ordinance took place in various stages. In addition to meetings with City Council, the Planning Commission and Development Services Committee also reviewed the State requirements and materials produced by SCJ to provide recommendations on the code amendments. To aid in this process, SCJ developed a gap analysis matrix to identify the sections of Medina’s needed to be updated, and an accompanying code amendment document with all revisions shown in **Track Changes**.

To aid jurisdictions in achieving compliance with the new state mandates, the Department of Commerce has produced guidance materials to help interpret the new state laws. These materials were reviewed to aid in the development of the code amendments, along with unique materials and graphics prepared by SCJ Alliance that were specific to Medina.

Included within the materials drafted by Commerce was a DRAFT middle housing ordinance that jurisdictions could choose to adopt. Jurisdictions were given the opportunity to review the ordinance and make local policy decisions about certain items within the model ordinance. However, if jurisdictions DO NOT adopt an ordinance by their specified deadline, then the model ordinance goes into effect as written by the State.

Medina’s effort to be more deliberate about what to include in the ordinance was important, as the model ordinance goes above and beyond what is required by State legislation. In comparison, the state model ordinance is much more restrictive than Medina’s current draft ordinance.

The City of Medina has exerted great effort into understanding which portions of the housing legislation were required for the City. The objective of SCJ Alliance has been to help Medina achieve compliance, while considering local policy choice where allowed.

The following is a summary of the amendments to the draft ordinance that was submitted to the Department of Commerce (see Exhibit 2):

- New definitions and updates to definitions as required by State law.
- Modifications to land use designations and zoning district labels to remove the term single-family
- The use table was updated to include the mandate middle housing types, specifically:
 - Duplex
 - Cottage housing
 - Stacked flats
 - Courtyard apartments
- Maximum accessory dwelling units (ADUs/DADUs) on a lot was increased to **two** units per lot. This complies with the State requirements found in RCW 36.70A.635(5)
- Off-street parking requirements were amended to describe that only one parking space can be required for units less than 6,000 square feet, and no more than two can be required for units greater than 6,000 square feet.
- ADU regulations were updated to comply with HB 1337 requirements.

As described previously, the work session is an opportunity to review the draft ordinance and have time for a question and answer period with city staff and the consultants.

Exhibits:

Exhibit 1: Unit Lot Subdiv. Ordinance, revised

Exhibit 2: Proposed Middle Housing Ordinance, revised