

Chapter 10.08 – Streets and Roads

10.08.010 – Functional classification of the City of Medina’s streets and roads.

Applying the definitions as established by the Federal Highway Administration (FHWA), U.S. Department of Transportation, for a minor arterial, collector, and local access transportation route, the following designations are adopted for the City of Medina's streets and roads:

A. *Minor arterial.*

1. 84th Avenue NE, from NE 12th Street to NE 28th Street.

B. *Collector.*

1. Evergreen Point Road, from Overlake Drive West to 78th Place NE.
2. Overlake Drive West, from Evergreen Point Road to Groat Point Drive.
3. Overlake Drive East, from Groat Point Drive to Lake Washington Boulevard.
4. NE 12th Street, from Evergreen Point Road to Lake Washington Boulevard.
5. Lake Washington Boulevard, from NE 12th Street to the Medina city limit near 854 Lake Washington Boulevard.
6. NE 24th Street, from Evergreen Point Road to 84th Avenue NE.

C. *Local access.*

1. All other streets and roads within the City of Medina.

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Chapter 12.44 – Street Vacations

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12.44.050. - Petition by owners.

The owners of an interest in real estate abutting upon or underlying public ROW may petition the city council for vacation thereof in accordance with requirements of this chapter.

A. The petitioner shall apply for a vacation by submitting the following to the city clerk:

1. A vacation petition with supporting affidavits on forms provided by the city.
2. A diagram of the location and a survey of the subject property and immediate area of the proposed vacation including the abutting and/or underlying properties, all prepared by a licensed surveyor registered in the State of Washington.
3. A legal description of the subject property prepared by a licensed surveyor registered in the State of Washington.
4. For each abutting and underlying property and petitioner, a title report indicating the extent and type of ownership and providing a legal description of the petitioner's property.
5. The vacation fees and deposits as established by this chapter and city ordinance.
6. Any additional information or material the city determines is reasonably necessary for the city council to understand, consider and evaluate the requested vacation.

B. The petition shall be filed with the city clerk and shall be signed by owners of more than two-thirds of the property abutting the subject property (based on front footage) or underlying the subject property (based on square footage).

C. The city clerk shall determine the petition's compliance with this chapter. For the purpose of determining the sufficiency of signatures of owners of private property on a petition or a consent to vacate determined by the city council, the following rules shall govern as applicable:

1. The signature of an owner of property shall be as set forth in the King County assessor records and confirmed by a title report.

2. In the case of a property subject to a contract of purchase, the signature of the contract grantor and grantee shall be required.

3. In the case of property ownership by corporation or similar entity, the signature of the officer authorized by the bylaws and resolution of the board of directors evidenced by an excerpt of the bylaws and copy of the resolution, each duly certified by the secretary of the corporation, and granting such authority.

4. In the case of property owned or controlled by an estate, guardian or conservator of a decedent or incompetent, the signature of the duly qualified administrator, executor or guardian accompanied by a duly certified copy of his/her judicial appointment or designation.

D. Each petitioner shall be responsible to reimburse the City for the full expenses and costs incurred by the City to process the petitioner's requested vacation, regardless of the outcome of the City's review and decision thereon or petitioner's withdrawal of the petition. In addition to any other provisions of the MMC or this chapter, the City Manager shall keep account of all administrative and working time, costs and expenses, including those incurred by City employees, contractors, consultants, legal counsel, appraisers, appointed officers and other individuals acting on behalf of or for the benefit of the City in the course of processing the petition. The City Manager shall periodically compile such time, costs and expenses and invoice the petitioner for payment thereof, which shall be made by petitioner not more than fifteen (15) from the date of the invoice. Upon the City's final decision to grant, deny or otherwise act on the petition, the City Manager shall compile a final invoice for all remaining unpaid amounts, time, costs and expenses and shall present such invoice to the petitioner for prompt payment. No vacation shall become final nor be recorded until all invoices have been paid in full by the petitioner. In the event petitioner does not make timely payment as set forth herein, the City may suspend further review and processing of the petition.

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12.44.080. - Petition fees and costs; compensation.

A. The petition, properly signed, shall be filed with the city clerk and accompanied by payment of the application fee and the estimated appraisal cost, which amounts shall be paid into the general fund of the city to defray the costs and expenses incurred by the city to: appraise the subject property, determine the sufficiency of the petition, evaluate and investigate the petition, and report the facts, circumstances and conclusions concerning the petition to the city council. Fees and costs shall not be returned or refunded to the petitioners regardless of the city council's action on the petition.

B. The amount of the fees and costs due upon filing shall be as follows:

1. The minimum application fee established by the city's then current fee schedule.

2. An appraisal fee deposit of \$2,500.00, which may be adjusted by the city manager up to the amount of the MAI appraisal bid or estimate submitted to the city.

C. In the event that the application fee, and/or the appraisal ~~deposit costs~~ set forth in subsection (B) of this section is insufficient to reimburse the city for all of the city's costs and expenses incurred in relation to the petition, the balance shall be determined and paid by the petitioner in accordance with MMC 12.44.050(D). ~~immediately upon receipt of the city's invoice.~~

D. In the event the vacation is granted by the city council, the petitioner shall immediately pay upon receipt of an invoice the amount required by the city council as compensation for the area being vacated as provided in MMC 12.44.180 and all amounts payable in accordance with MMC 12.44.050(D). A vacation ordinance shall not be effective until such time as the petitioner pays all sums due to the city, including all compensation due to the city for the vacation and all costs and expenses of the city in processing the petition. The city shall not record an approved vacation ordinance until such time as all such compensation, fees, costs and reimbursements are paid in full. If any portion of such amount remains unpaid for 30 days after submittal of a final invoice to the petitioner, the city council shall rescind and vacate the approved vacation ordinance.

E. In the event that the city council initiates a vacation, fees shall not be required unless council directs otherwise.

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Chapter 16.12 – Definitions

16.12.090. "H" definitions.

Habitat conservation areas means areas designated as fish and wildlife habitat conservation areas.

Hardscape means any inorganic decorative landscape materials, including but not limited to stones, boulders, cobbles, pavers, decorative concrete incorporated into an overall landscape design of the grounds. This definition includes, but is not limited to, patios, walkways, steps, and other paved areas on the ground.

Hazard areas means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, or other geologic condition.

Hazard tree means a tree designated by the city arborist as having a high to extreme risk using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) system. A hazard tree must have a likely or very likely potential to fail and a target that might sustain injury or damage. Hazard trees are created through a variety of circumstances including human influences, disease, and weather.

Hearing body means the body designated by the city council to preside over an open-record hearing or closed-record appeal.

Hearing examiner means the person appointed pursuant to MMC 2.72.020 with the powers and duties prescribed in Chapter 2.72 MMC.

Height means a vertical distance measured between two points.

Home business means an economic enterprise to make a product or perform a service, or to undertake any activity that requires a business license from the State of Washington, that is conducted or operated pursuant to MMC 16.31.010 within a single family dwelling by the resident occupant or owner thereof, which use or activity shall be clearly incidental and secondary to the residential use of the dwelling, including the use of the dwelling as a business address in a directory or as a business mailing address.

Horticulture means the occupation of cultivating plants, especially flowers, fruit, and vegetables.

Hot tub means a hydro-massage pool, or tub for recreational or therapeutic use designed for immersion of users, and usually having a filter, heater, and motor-driven blower.

Household staff means individuals who spend more than 50 percent of their working time employed at the residence site and in no event work less than 20 hours per week, including caregivers.

~~*Housekeeping unit* means one or more persons living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other. A housekeeping unit does not include larger institutional group living situations such as dormitories, fraternities, sororities, and similar groups where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.~~

Hydraulic project approval (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

Hydric soil means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

Hydrophytic vegetation means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

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16.12.200. "S" definitions.

School means a school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.

School operation means any institution of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial school.

Scrub-shrub wetland means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Security barrier means an obstruction, such as fences, walls, vegetation and similar elements that restricts public access.

Seismic hazard areas means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Sensitive areas. See "critical areas."

SEPA. See definition of "State Environmental Policy Act (SEPA)."

Service area means the vicinity around a wireless communication facility that effectively receives signals from and transmits signals to the facility.

Setback means the minimum distance from the property line to where a structure may be built. (See MMC 16.22.030.)

Setback area means the area of a lot or building site between the property line and the limits set by city regulations within which no permanent structure may intrude unless allowed otherwise by law.

Shorelands or shoreland areas means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Washington State Shoreline Management Act of 1971 and the City of Medina shoreline master program, Chapters 16.60 through 16.67 MMC.

Shorelines means all of the water areas of the state as defined in RCW 90.58.030, including reservoirs and their associated shorelands, together with the lands underlying them except:

1. Shorelines of statewide significance;
2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

Shorelines of statewide significance means those areas defined in RCW 90.58.030 and limited in the City of Medina to Lake Washington.

Sign means any medium visible to the public including its structure and component parts which is used or intended to be used out of doors to convey a message to the public or otherwise attract attention to its subject matter, for advertising or any other purposes.

Sign, A-board means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

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

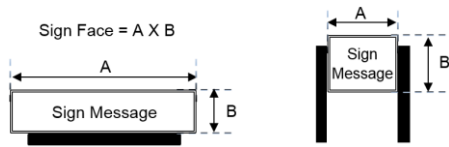
Sign, banner means a sign made of lightweight fabric or similar material that is temporarily mounted to a pole or building by one or more edge. National, state or municipal flags, or the official flag of any institution, shall not be considered banners.

~~*Sign, commercial* means a sign containing commercial content used for identifying a building, use, business or event, or to advertise the sale of goods, products, events or services. This includes real estate and event signs.~~

Sign face means the surface upon, against or through which the letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign is displayed or illustrated, not including the sign support structure, or architectural features of a building.

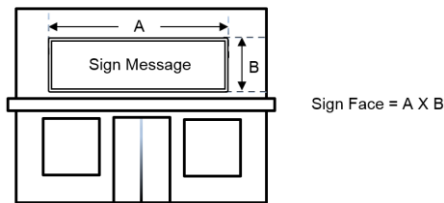
1. In the case of freestanding signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate including borders upon which the sign message is displayed or illustrated. See Figure 1.

Figure 1



2. In the case of signs displayed on or mounted to buildings or fences, the sign face shall include the area of the entire panel, cabinet or face substrate upon which the sign message is displayed including framed, painted or illuminated borders that contrast the sign from the background of the building or fence. See Figure 2.

Figure 2



3. In the case of signs consisting of individual letters and/or individual graphic elements painted or affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn using connected straight lines closest to the edge of the letters or separate graphic elements comprising the sign message. See Figure 3.

Figure 3



Sign, freestanding means a sign attached to a self-supporting structure such as columns, poles, or braces placed in or upon the ground.

Sign height means the total vertical measurement of a sign including all components of the sign and the sign's support structure.

Sign, illuminated means a sign characterized using artificial light, either projecting through its surface (internally or trans-illuminated), or reflecting off its surface (externally illuminated).

Sign, location identity means signs that identify address numbers, property owners, and/or geographic areas such as neighborhoods and subdivisions.

Sign, mounted means a sign that is applied or affixed to a building, wall or fence.

Sign, municipal means a sign erected by the City of Medina, or its authorized representatives, for the safety, convenience or information of its citizens, including, but not

limited to, traffic control signs, legal notices, city entrance signs, and signs announcing public and community events, meetings, and activities.

~~Sign, noncommercial means a sign containing noncommercial content used for identifying a building, use, or event, or to advertise noncommercial matters, excluding municipal signs.~~

Sign, off-site means any sign that advertises or relates to an event, activity, use, good, product, or service that is not available on the premises upon which the sign is erected.

Sign, on-site means any sign that advertises or relates to an event, activity, use, good, product, or service that is lawfully permitted to be offered, sold, traded, provided, or conducted at the location or premises upon which the sign is erected.

Sign, permanent means any sign which is affixed to the ground or to any permanent structure or building, including walls, awnings and fences, in such a manner that it cannot be moved or transported with ease, and which is intended to remain in one location and position for an extended period of time.

Sign, real estate and events means a temporary sign that is for the sole purpose of advertising a parcel, tract, lot, site or home for rent, lease or sale; for advertising the sale of a home's household belongings; or which identifies an individual or company performing an active construction project that has obtained building permits under MMC 16.40.010(A) or (B), and which construction activity is visible from a public street right-of-way, including remodels. For purposes of this definition, "construction projects" shall not include routine maintenance of property such as landscaping care.

Sign support structure means any structure designed specifically for the support of a sign and which does not form part of the sign proper or of the display.

Sign, temporary means a sign ~~displaying either commercial or noncommercial messages~~ which is not permanently affixed to the ground or any permanent structure or building, and which is capable of being moved or transported with ease, and which is only intended to be used for a short period of time.

Sign, window means a sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

Significant tree means a tree of at least six-inch DBH size and of a species as identified on the "City of Medina List of Suitable Tree Species" as set forth in Chapter 16.52 MMC.

Single-family dwelling means a dwelling unit which is occupied as, or designed or intended for occupancy as, a residence by one family and may include family guests and/or household staff. The owner of the single-family dwelling may provide lodging to persons who are not guests and who are not part of a family provided the total number of persons, including nonfamily persons living in the dwelling, does not exceed three, excluding children with familial status within the meaning of Title 42 United States Code, Section 3602(k). The limitation on the number of nonfamily persons living in the dwelling shall not apply to adult family homes, family day-care providers' home facilities as prescribed by RCW 35A.63.215, and other living arrangements which would violate Title 42 United States Code, Section 3604.

Single-family dwelling, detached means a separate unconnected single-family dwelling surrounded by open space and yards and which contains one dwelling unit and up to one accessory dwelling unit. A detached single-family dwelling may have detached accessory buildings including, but not limited to, garages, accessory recreational facilities, cabanas and similar residential accessories having no more than one room plus a bathroom and otherwise not designed as an independent residence.

Single Housekeeping Unit, means one household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method.

Soil survey means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Spa. See definition under "hot tub."

Species means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, endangered means any fish or wildlife species or subspecies that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of local importance means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, priority means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, threatened means any fish or wildlife species or subspecies that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Sport court means an area of ground defined by permanent surfacing, equipment and/or fencing for the purpose of playing tennis, badminton, basketball and similar social games.

State Environmental Policy Act (SEPA) means environmental review procedures required under Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 16.04 MMC.

Steep slope means any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof.

Stream means a course or route, formed by nature or modified by humans and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include specially designed irrigation and drainage ditches, grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by salmonids or to convey watercourses that were naturally occurring prior to construction.

Street means a right-of-way, opened or unopened, that is intended for motor vehicle travel or for motor vehicle access to abutting property. "Street" includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of the zoning code, "street" shall not include private lanes.

Street frontage means the property line abutting streets.

Structural coverage means the area of a lot covered by structures. (See MMC 16.23.030.)

Structure means that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Subdivision, accumulative short means multiple short subdivisions of contiguous existing lots held under common ownership, which would result in the creation of five or more lots within a five-year period of the initial short subdivision approval. "Ownership" for the purpose of this definition means ownership as established at the date of the initial short subdivision approval.

Subdivision, short means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Substantial destruction means to remove more than 60 percent of the existing exterior wall framing of a structure, as measured by the horizontal linear length of all existing exterior walls. Any partial removal of existing framing shall count towards the measurement of horizontal linear length the same as if the entire framing within that horizontal linear length was removed, except partial removal shall not include replacement of windows or doors when no beams or struts are removed. For the purpose of substantial destruction, existing exterior walls shall exclude exterior walls built less than 18 months prior to submittal of a building permit application. The calculation of the 18 months shall include to the time after the date the last permit involving construction of a new exterior wall was finalized by the city.

Substantially means significant in the size or amount and has a noticeable impact on the current situation to a degree that would satisfy a reasonable person as significant.

Support structures means the structure to which antennas and other necessary associated hardware are mounted, including, but not limited to, lattice towers, monopoles, utility support structures, and existing nonresidential buildings.

Swimming pool means any artificially constructed water-holding device that has a minimum depth of 42 inches and is of sufficient size for swimming, wading, immersion, or therapeutic purposes.

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Chapter 16.22 – Lot Development Standards

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16.22.040. Protrusions into setback areas.

The following structures may be located within a setback area, excluding setbacks from Lake Washington, which are subject to Chapter 16.63 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 16.50.090(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 the required distance pursuant to Table 16.22.030
- D. 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;
- E. Fences and freestanding walls which comply with the requirements set forth in MMC 16.30.010;
- F. 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;
- G. Ramps and similar structures installed to a single-family dwelling to provide access for elderly and/or disabled persons;
- H. 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;
- I. 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;
- J. 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;
- K. Small accessory structures and outdoor mechanical equipment provided:
1. The protrusion is limited to the setback area from a rear property line and a minimum 15-foot setback from the rear property line is maintained;
 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 16.30.070 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; For outdoor mechanical equipment, the following shall apply:

- a. An existing unit may be replaced with a new unit in the same location regardless of setback requirements;
- b. For existing legally nonconforming residences that do not conform to the current side yard setback requirements, a new unit may be installed in the side yard setback provide a minimum 5-foot setback is maintained from the side property line; and
- 6. All mechanical equipment shall meet the sound requirements set forth in MMC 8.06.

L. 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 ten feet above the finished grade;
- 3. The play structure does not occupy a footprint greater than 100 square feet;
- 4. A minimum ten-foot setback from the rear property line is maintained;

M. Swimming pools, spas and hot tubs as provided for in MMC 16.34.040;

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

O. 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 13.06.020.
- 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 16.12 MMC, include but are not limited to the following:
 - a. Rain garden;
 - b. Bioretention;
 - c. Dispersion; and
 - d. Biofiltration treatment.

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16.30.020. Signs.

- A. *Purpose.* The purpose of this chapter is to recognize that signs have a strong visual impact on the character and quality of the community. As a part of the scenery, signs attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps set the tone for the neighborhood. The city recognizes the value of maintaining its high-quality residential character through the provision of appropriate and

aesthetic signage. In addition, limiting the size, type and location of signs will minimize their distracting effect on drivers and thereby improve traffic safety.

B. Intent. The intent of this chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This chapter has also been adopted to:

1. Promote and accomplish the goals, policies and objectives of the city's comprehensive plan and zoning code; and
42. To provide content-neutral design standards for signage; and
23. To recognize the predominately high-quality, single-family residential setting and built-out character of the community by permitting signs that complement this character; and
34. To establish regulations for the design, number, placement and size of exterior signs consistent with the city's high-quality residential character; and
45. To provide business establishments the ability to identify themselves with signage consistent with the high-quality residential setting of the community; and
56. To promote public safety by controlling the amount of clutter and visual distractions caused by signs; and
67. To establish minimum requirements for maintenance of signs.

C. Interpretations. This chapter shall not be interpreted to restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this chapter which purports to permit speech by reason of the type of sign, identify of the sign user or otherwise, shall be interpreted to allow commercial or noncommercial speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent that any provision of this chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

BD. Applicability.

1. *Applicability.* The requirements of this section shall apply to all signs including sign structures, unless exempt under subsection (B)(2) of this section. No sign shall be installed, erected and/or displayed within the jurisdiction of the City of Medina, except as provided for in this section and MMC 16.64.070 (shoreline master program).
2. *Exemptions.* The following signs are exempt from the requirements of this section:
 - a. Signs required by federal or state statutes or regulations that are exempt from local regulations;
 - b. Signs placed inside of buildings or within the boundaries of a lot where the sign is not visible from other properties or city rights-of-way;
 - c. Wall graphics of an artistic nature which do not ~~contain commercial advertisement~~ conform to the definition of sign in MMC16.12.200;
 - d. Signs associated with a community event sanctioned by the city or with a special event where a special event permit is obtained pursuant to Chapter 9.40 MMC; and

- e. Signs meeting the definition of location identity sign as set forth in MMC 16.12.200, which meet the requirements set forth in MMC 16.30.030.
3. *Limited exemptions.* The following signs are exempt from permit, number, height and size requirements prescribed elsewhere in this section:
- a. Flags that are not of a commercial nature, provided no more than three flags are displayed on the lot simultaneously;
 - b. All signs having a sign area of 100 square inches or less, provided:
 - i. The sign is not located within city rights-of-way; and
 - ii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;
 - c. Permanent signs having a sign area greater than 100 square inches, but not exceeding 144 square inches, provided:
 - i. The purpose of the sign is to warn against trespassing consistent with the restrictions on peddlers and solicitors in Chapter 5.12 MMC;
 - ii. The sign is not located within city rights-of-way; and
 - iii. No more than three signs per property qualifying for this exemption are visible from city rights-of-way or nearby properties;
 - d. Signs circulating traffic on private property provided:
 - i. The sign is not located within city rights-of-way;
 - ii. The sign does not exceed two square feet in sign area; and
 - iii. No more than two signs qualifying for this exemption are visible from city rights-of-way or nearby properties;
 - e. Signs associated with nonresidential uses that communicate operational information such as, but not limited to, hours of access and open/closed signs that do not exceed two square feet in sign area; and
 - f. Municipal signs pursuant to the requirements in subsection (G) of this section.
4. *Prohibited signs.* The following signs are prohibited:
- a. Signs erected and/or displayed within any public park or public property, except as specifically allowed by the Medina Municipal Code;
 - b. Signs erected and/or displayed on private property without the express consent of the owner thereof;
 - c. Signs posted on public traffic or safety sign posts;
 - ~~d. Signs containing obscene or prurient words, scenes or graphics;~~
 - ed. Signs mounted on utility poles or light standards without the express consent of the entity that owns or controls the utility pole;
 - fe. Signs in or on vehicles or vessels visible from public property or city rights-of-way, unless the sign meets one of the following conditions:
 - i. The sign is an integral component of the vehicle or vessel and consists of magnetic, decal or is painted onto or attached to the vehicle or vessel provided the vehicle or vessel is in operational condition, and the vehicle or vessel is not a static display;

- ii. Signs on vehicles or vessels meeting the requirements in subsection (B)(2)(c) of this section;
- gf. Signs that are determined by the director to be a hazard to public safety due to their design, materials, physical condition, or placement.

GE. *General sign provisions.*

1. *How to apply the sign code.* The principal use of the property, or the principal use of the property abutting a city right-of-way, shall control in applying the nonresidential sign standards in subsection (D) of this section, or the residential sign standards in subsection (E) of this section. The Medina Comprehensive Plan, Table 1: Land Use Inventory identifies nonresidential uses in the city.
2. *Determining signs allowed by use.*
 - a. **Commercial establishments Nonresidential uses** may have:
 - i. Permanent signs authorized under subsection (D)(1) of this section;
 - ii. Temporary commercial and noncommercial signs authorized under subsections (D)(2)(a) and (b) of this section;
 - iii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iv. Real estate and event signs authorized under subsection (F) of this section; and
 - iv. Location identity signs authorized in MMC 16.30.030;
 - b. Nonresidential uses other than commercial establishments may have:
 - i. Permanent signs authorized under subsection (D)(1) of this section;
 - ii. Temporary noncommercial signs authorized under subsection (D)(3)(b) of this section;
 - iii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iv. Real estate and event signs authorized under subsection (F) of this section; and
 - iv.** Location identity signs authorized in MMC 16.30.030.
 - c. Residential uses may have:
 - i. Permanent and temporary noncommercial signs authorized under subsection (E) of this section;
 - ii. Exempt signs authorized under subsections (B)(2) and (3) of this section;
 - iii. Real estate and event signs authorized under subsection (F) of this section; and
 - iv. Location identity signs authorized in MMC 16.30.030.
3. *Sign permits.* A building permit is required for the following:
 - a. Erecting, installing or replacing any permanent sign having greater than two square feet of sign area;
 - b. Erecting, installing or replacing any temporary sign located within any city right-of-way having greater than four square feet in sign area;
 - c. Erecting, installing or replacing any temporary **construction** sign unless exempt pursuant to subsection (B)(2)(b) of this section;
 - d. Repairs to any sign meeting the size requirements in subsection (C)(3)(a) or (b) of this section, excluding ordinary repairs as defined by the adopted building code set forth in Chapter 16.40 MMC.

4. *Maintenance requirements.*

- a. Signs, including any and all components of the structures and/or supports thereof, shall be maintained in a proper state of repair; and
- b. The director may order abatement by repair, rehabilitation, demolition or removal of any sign determined to be in a poor state of repair or dangerous due to likely structural failure or faulty wiring.

5. *Illumination.*

- a. The illumination shall be by a steady continuous light source;
- b. Outdoor signs may be illuminated only by an external light source, except in the neighborhood auto servicing zone signs may be internally illuminated;
- c. Lighting must be shielded to prevent direct glare and/or light trespass into adjoining lots;
- d. Lighting shall be designed, located, installed and directed in such manner as to prevent objectionable light at (and glare across) the property lines and disability glare at any location on or off the property;
- e. No lighting shall be directed towards passing traffic or towards nearby properties;
- f. The recommendations set forth by the Illuminating Engineering Society of North America (IES) shall be used in evaluating lighting for consistency with these criteria;
- g. The luminance level shall not exceed five candelas per square foot (cd/ft^2);
- h. The following types of illumination of signs are prohibited when visible from public rights-of-way or nearby properties:
 - i. All strobe or flashing lights;
 - ii. All moving or animated features that manifest motion;
 - iii. Any lighted sign where the display can be changed or altered by electrical, electronic or computerized methods; or
 - iv. Other types of illumination where the light source is not steady or continuous.

6. *Signs in a city right-of-way.* Placement of signs within a city right-of-way shall comply with the following:

- a. Signs shall be placed a minimum distance of ten feet from the edge of pavement, except:
 - i. The director may approve placement at a distance of less than ten feet on a case-by-case basis after considering public safety factors; or
 - ii. Where the edge of pavement includes raised curbs, a sign may be placed less than ten feet from the edge of pavement provided the sign does not cause unsafe conditions for the public's use of the right-of-way;
- b. Consent by the abutting property owner is required before placement of any sign within a city right-of-way, excluding municipal signs; and
- c. Applicable requirements in Chapter 12.28 MMC are followed.

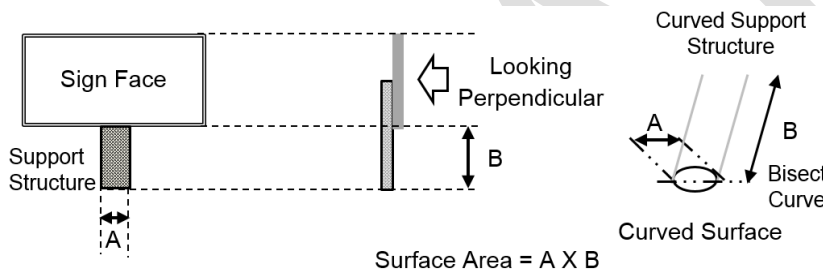
7. *Measuring sign height.* The height of a sign is measured from the lowest point of the existing grade beneath the sign to the highest point of the sign and sign structure.

8. *Time limitations.* Where a nonpermanent sign is required to be removed after a designated time period, the designated time period shall be the maximum amount of

time the sign can be erected or displayed during any consecutive 12-month period, except as provided for real estate/construction signs in Table 16.30.020(F).

9. *Scenic Vista Act.* Signs that are visible from the SR 520 state highway or located within the state highway right-of-way may be subject to the Scenic Vista Act set forth in Chapter 47.42 RCW.
10. *Support structures for freestanding signs.*
 - a. The surface area of the support structure that is visible when looking perpendicular at the sign face shall not exceed 120 percent of the maximum sign area allowed for the sign.
 - b. When the surface area of a support structure is curved, the curve shall be projected onto an xy-plane to calculate the surface area.
 - 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.

Diagrams 16.30.020(C)(10) Surface Area of Support Structure



DE. *Nonresidential signs.* Signs associated with nonresidential uses shall comply with all of the standards set forth in this subsection (D).

1. *Permanent signs.* Table 16.30.020(D)(1) sets forth the requirements for permanent signs associated with nonresidential uses.

Table 16.30.020(D)(1): Permanent Sign Standards—Nonresidential

Description	Development Standard
Maximum sign area	24 square feet per sign
Maximum height:	
• Freestanding sign	4 feet
• Mounted sign*	Not to exceed the height of the building
Maximum number of signs	One per each public street frontage the building and/or principal use is adjacent to, not to exceed 2
Placement location:	
• On-site sign	Allowed

• Off-site sign	Prohibited
• On city right-of-way	Prohibited
Sign illumination	Allowed (see MMC 16.30.020(C)(5))
Sign removal	Required within 30 days after abandonment
*Mounted signs are limited to being affixed to a building only	

2. *Temporary signs.*

- a. *Commercial signs.* Table 16.30.020(D)(2)(a) sets forth the requirements for temporary commercial signs associated with nonresidential uses.

Table 16.30.020(D)(2)(a): Temporary Commercial Sign Standards—Nonresidential

Description	Development Standard
Maximum sign area	12 square feet
Maximum height:	
• Freestanding sign	4 feet
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached
Maximum number of signs	One per each public street frontage the building and/or principal use is adjacent to, not to exceed 2
Placement location:	
• On-site sign	Allowed
• Off-site sign	Prohibited
• On city right-of-way	Allowed adjacent to lot only (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited
Sign removal	Must be taken down during nonbusiness hours

- b. *Noncommercial signs.* Table 16.30.020(D)(2)(b) sets forth the requirements for temporary noncommercial signs associated with nonresidential uses.

Table 16.30.020(D)(2)(b): Temporary Noncommercial Sign Standards—Nonresidential

Description	Development Standard
Maximum sign area:	
• Banner sign	15 square feet
• A-board sign	8 square feet
• All other signs	4 square feet
Maximum height:	
• Freestanding sign	4 feet
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached
Maximum number of signs:	
• Banner signs exceeding 4 square feet in sign area	One

• Signs located on city right-of-way	One per each 50 feet plus one for any remaining fraction thereof of abutting lineal street frontage	
• All other signs	No restriction	
Placement location:		
• On-site sign	Allowed	
• Off-site sign	Allowed	
• On city right-of-way	Banner sign	Prohibited
	All other temporary signs	Allowed (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited	
Sign removal	Must be removed within 24 hours of related event ending, or within 26 weeks of being erected and/or displayed, whichever period is shorter	

3. *Specific content.* Permanent and temporary commercial signs associated with commercial establishments can display only content specific to the commercial establishment and/or products, goods and services offered on site by the commercial establishment.
4. *Window signs.*
 - a. Temporary signs placed on a building window shall not cover more than 40 percent of the transparent surface area of the window.
 - b. A permanent sign painted or etched on a window may be allowed in lieu of a mounted or freestanding sign prescribed in Table 16.30.020(D)(1) provided the maximum sign area does not cover more than 40 percent of the transparent surface area of the window.
5. In addition to the nonresidential commercial and noncommercial sign standards prescribed by this subsection (D), real estate and event signs are allowed that comply with the standards in subsection (F) of this section.

EG. *Residential sign standards.* Signs associated with residential uses shall comply with all of the standards set forth in this subsection (E).

1. *Commercial signs.* Permanent and temporary commercial signs shall not be erected and/or displayed on properties, or in the adjacent city right-of-way, having a principal use that is residential, except for real estate and event signs complying with the requirements in subsection (F) of this section.
2. *Noncommercial signs.* Table 16.30.020(E) sets forth the requirements for all permanent and temporary noncommercial signs associated with residential uses.

Table 16.30.020(E): Noncommercial Sign Standards—Residential

Description	Development Standard
Maximum sign area:	
• Banner sign	15 square feet
• All other signs	4 square feet
Maximum height:	
• Freestanding sign	4 feet

• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached	
Maximum number of signs:		
• Banner signs exceeding 4 square feet in sign area	One	
• Signs located on city right-of-way	One per each 50 feet plus one for any remaining fraction thereof of abutting lineal street frontage	
• All other signs	No restriction	
Placement location:		
• On-site sign	Allowed	
• Off-site sign	Permanent sign	Prohibited
	Temporary sign	Allowed
• On city right-of-way	Permanent sign	Prohibited
	Banner sign	
	A-board sign	
	All other temporary signs	Allowed (see MMC 16.30.020(C)(6))
Sign illumination	Prohibited	
Sign removal—Temporary sign	Must be removed within 24 hours of related event ending, or within 26 weeks of being erected and/or displayed, whichever period is shorter	
Sign removal—Permanent sign	Required within 30 days after abandonment	

FH. *Real estate and event signs.* Real estate and event signs shall comply with all of the standards set forth in this subsection (F).

1. In applying the definition of real estate and event sign to Table 16.30.020(F), the following subcategories of real estate and event signs shall apply:
 - a. Real estate/construction signs, which are for the sole purpose of advertising a parcel, tract, lot, site or home for rent, lease or sale; or which identify the individual or company performing an active construction project including remodels of a property that has obtained a building permit under MMC 16.40.010(A) or (B) from the city, and which construction activity is visible from a public street right-of-way.
 - b. Event signs, which are for the sole purpose of selling a home's household belongings or for advertising an open house event associated with the sale of a parcel, tract, lot, or site.
2. Table 16.30.020(F) sets forth the requirements for all real estate and event signs.

Table 16.30.020(F): Real Estate and Event Sign Standards

Description	Development Standard
Maximum sign area:	
• Real estate/construction sign	5 square feet
• Event sign	4 square feet
Maximum height:	

• Freestanding sign	6 feet			
• Mounted sign	Not to exceed the height of the building, wall or fence to which it is attached			
Maximum number of signs:				
• Real estate/construction sign	One per lot, except as provided in MMC 16.30.020(F)(3)			
• Event sign	3			
Placement location:				
• Real estate/construction sign:				
	• On-site sign	Allowed		
	• Off-site sign	Prohibited, except as allowed in MMC 16.30.020(F)(3)		
	• On city right-of-way	Banner sign	Prohibited	
		All other real estate signs	Allowed adjacent to lot only	
• Event sign:	• On-site sign	Allowed		
	• Off-site sign	Prohibited		
	• On city right-of-way	Banner sign	Prohibited	
		All other event signs	Allowed (see MMC 16.30.020(H))	
Illumination	Prohibited			
Sign removal:				
• Real estate/construction sign	See MMC 16.30.020(F)(5)			
• Event sign	Must be removed daily within one hour after event closes each day, not to exceed being displayed more than three days per week			

3. The maximum number of real estate/construction signs may be increased as follows:
 - a. One additional real estate sign may be posted on the waterfront side of a lot adjoining Lake Washington or on a side facing the golf course when a lot adjoins a golf course;
 - b. If a property does not adjoin a city right-of-way, one additional real estate sign advertising only a parcel, tract, lot, site or home for rent, lease or sale may be placed at the entrance to a private lane serving the subject property;
 - c. Additional construction signs are prohibited.
4. Event signs may be located further off site than adjacent to the subject lot provided subsection (C)(5) of this section is satisfied.
5. A real estate/construction sign may be erected or displayed on a site for the duration the property is for sale or the construction project is active, and shall be removed within 24 hours or the next business day, whichever time is longer, after close of property sale or completion of a construction project.

G. *Municipal signs.*

1. The requirements for permits for permanent signs set forth in subsection (C)(3) of this section shall apply to municipal signs, excluding traffic control signs.
2. Nothing else in this section shall restrict the erecting or posting of signs by the city, or its authorized representatives, for the safety, convenience or information of its citizens.

HJ. *Nonconforming signs.*

1. All permanent signs that do not conform to the specific standards of this Code that were erected in conformance with a valid permit or were erected in conformance with then applicable ordinances and regulations shall be considered legally nonconforming signs.
2. Nonconforming rights are not granted to temporary signs or signs that were in violation of previous versions of the Medina sign code.
3. Legally nonconforming signs may continue unless:
 - a. The sign is abandoned; or
 - b. The sign is changed as to the location, shape, or dimensions; or
- c. The user fails to keep the sign in good repair consistent with the maintenance requirements imposed by this section. In such cases, the sign as changed or repaired must comply with all applicable provisions of this section.

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Chapter 16.34 – Accessory Uses

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16.34.020. 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. 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 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;

3. All of the structures on the property shall have the appearance of a single-family dwelling and any other permitted accessory structures;
 4. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation;
 5. 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;
 6. The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained; and
 7. 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.
- F. 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.
- G. 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.
- H. 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.
- I. A property owner seeking to establish a legal accessory dwelling unit shall apply to register the dwelling unit with the city pursuant to MMC 16.70.070. The application shall include an agreement by the property owner to maintain the accessory dwelling unit in compliance with the standards set forth in this section.
- J. 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. The requirement for maintaining the accessory dwelling unit in compliance with the requirements of this section.
- K. The registration of the accessory dwelling unit may be canceled pursuant to MMC 16.70.070 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.

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16.34.040. Accessory recreational facilities.

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- 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 16.34.040(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 ~~ten~~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 16.34.040(C)(4).)

Chapter 16.36 – Nonconformity

16.36.060. Nonconforming structures.

The following shall apply to all nonconforming structures:

- A. Any legally established nonconforming structure may continue until such time that the rights for the nonconformity are abandoned pursuant to subsection (D) of this section.
- B. Where multiple structures exist on the same lot, the requirements of this section shall apply to each structure independent of the other structure on the same lot; except where the nonconformity is due to exceeding the applicable structural coverage maximum, the requirements of this section shall apply to the combined structural coverage of all structures on the same lot as if they were one structure (example: a nonconforming structural coverage for a single-family dwelling and a detached garage would be considered abandoned if the total exterior walls of the single-family dwelling plus the exterior walls of the detached garage were demolished consistent with the threshold established in subsection (D) of this section).
- C. A nonconforming structure may be enlarged, expanded, extended, repaired, remodeled, or structurally altered provided the work does not increase the nonconformity as specified in subsection (G) of this section, except nonconformity may be increased if:
 1. A minor deviation is approved pursuant to MMC 16.71.010 to match an existing nonconforming setback or nonconforming height; or
 2. An intrusion into a setback, or additional structural coverage exceeding the zoning maximum, is determined by the city to be (a) reasonably necessary and (b) the minimum necessary to improve access for elderly or disabled persons.
- D. Except as provided for in subsection (F) of this section, a nonconforming structure shall be determined to have its nonconformity abandoned and all nonconforming rights lost where:
 1. ~~Any single-family dwelling, or any detached accessory building associated with a single-family dwelling, experiences substantial destruction; or~~

~~21. A structure, not listed in subsection (D)(1) of this section, experiences either substantial destruction or reconstruction.~~

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Chapter 16.65 – Shoreline Modifications

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16.65.120 – Structural shoreline stabilization – Replacement of existing.

Where modification of existing structural shoreline stabilization does not constitute repair under MMC 16.65.130, modification may be allowed ~~under the following conditions:~~ provided the least impacting technically feasible bank protection alternative for the protection of fish life is used. For the purposes of this section “feasible” shall mean available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

- A. Replacement of a residential marine shoreline stabilization or armoring requires a site assessment by a qualified professional to consider the least impactful alternatives. A hard armor technique should only be proposed after considering site characteristics such as the threat to major improvements, wave energy, and other factors in an analysis of alternatives as required in MMC 16.65.160. The common alternatives are in order from most preferred to least preferred:
- a. Remove the structure and restore the beach;
 - b. Remove the structure and install native vegetation;
 - c. Remove the structure and control upland drainage;
 - d. Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;
 - e. Remove the hard structure and construct upland retaining walls;
 - f. Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or
 - g. Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.
- ~~AB. Replacement of existing structure. Existing structure may be replaced, provided:~~ Where the analysis of alternatives has determined that the least impactful alternative is the removal of the hard structure and replacement with a hard shoreline structure in the same footprint as the existing structure, the following shall apply:
- ~~1. The existing structure cannot adequately perform a shoreline stabilization function;~~
 - ~~2. Replacement involves constructing new structure to replace existing structure;~~
 - ~~3. Replacement structure is with similar structure including using soft measures to replace hard measures;~~
 - ~~4. The R~~replacement structure does shall not increase the height, width, length, or depth of the existing structure, ~~except as may be necessary to implement soft structural stabilization~~ (other replacements that enlarge the existing structure are subject to the provisions set forth in MMC 16.65.110);

- ~~52. The R~~replacement structure ~~does shall~~ not intrude further waterward of the ordinary high water mark, except as allowed pursuant to WAC 173-26-231(3)(a)(iii)(C) and amendments thereto;
- ~~63. The R~~replacement structure ~~is shall be~~ designed, located, sized and constructed to assure no net loss of shoreline ecological functions per an analysis in MMC 16.66.010;
- ~~74.~~ A demonstration of need is provided pursuant to MMC 16.65.160 showing the hard shoreline stabilization structure is necessary to protect principal use or structure from erosion caused by currents, tidal action or waves, except this requirement does not apply:
- a. If the principal use or structure is located ten feet or less from the ordinary high water line; ~~or~~
 - ~~b. If soft measures are used to replace hard structure that results in significant restoration of shoreline ecological functions or processes;~~
- ~~B. In addition to subsection (A) of this section, replacement of an existing structural shoreline stabilization may be authorized if:~~
- ~~1. The replacement is for the purpose of significantly improving one or more shoreline ecological functions (e.g., replacing a bulkhead built with toxic materials with nontoxic materials) and not because the existing structure can no longer adequately serve its purpose; and~~
 - ~~2. An analysis is prepared by a qualified professional evaluating the effects of the existing structure on shoreline ecological functions and the change a replacement structure will have on shoreline ecological functions consistent with subsection (B)(1) of this section; and~~
 - ~~3. The replacement structure does not increase the height or length of the existing structure; and~~
 - ~~4. The requirements in subsections (A)(2), (5), (6) and (7) of this section are applied.~~

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16.65.160. Structural shoreline stabilization—Limitations on authorization.

- A. Structural shoreline stabilization is not authorized except as follows:
1. For hard structural measures a geotechnical analysis must demonstrate that there is a significant possibility that a primary structure or single-family dwelling will be damaged within three years as a result of shoreline erosion in the absence of such measures; or
 2. For soft structural measures a geotechnical analysis must demonstrate that there is significant possibility that a primary structure or single-family dwelling will be damaged as a result of shoreline erosion in the absence of such measures, but the need does not have to be as immediate as three years; or
 3. Replacement under MMC 16.65.120 where:
 - a. An analysis of alternatives is demonstrated pursuant to subsection (C) of this section; and
 - b. A need is demonstrated pursuant to subsection (C) of this section.

- B. Where geotechnical analysis is required under MMC 16.65.110, the analysis shall be prepared by a qualified professional with the following information:
1. An assessment of erosion potential including rates of erosion and estimated time frames of erosion from waves or other natural processes in the absence of shoreline stabilization;
 2. An assessment of the processes causing the erosion including on-site drainage both waterward and landward of the ordinary high water mark;
 3. An assessment of the risk shoreline erosion might cause damage to primary structures and single-family dwellings in the absence of structural shoreline stabilization;
 4. An assessment of the urgency and necessity for structural shoreline stabilization considering site-specific conditions pursuant to subsection (A) of this section;
 5. An assessment of the feasibility of using soft structural shoreline stabilization measures in lieu of hard measures; and
 6. Narrative on design recommendations for minimizing the use of shoreline stabilization materials and to assure no net loss of shoreline ecological functions.
- C. Where an analysis of alternatives is required under MMC 16.65.120, a report containing the following shall be required:
1. A report prepared by a qualified professional (e.g., shoreline designer or a consultant familiar with lakeshore processes and shore stabilization);
 2. The content of the report shall include an analysis of each of the following possible actions for the replacement of the site's residential marine shoreline stabilization or armoring:
 - a. Remove the structure and restore the beach;
 - b. Remove the structure and install native vegetation;
 - c. Remove the structure and control upland drainage;
 - d. Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;
 - e. Remove the hard structure and construct upland retaining walls;
 - f. Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or
 - g. Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.
 3. The analysis shall discuss the threat to major improvements, wave energy, impacts to the near shore environment, and other factors.
 4. A recommendation on the least impactful alternative to be used shall be supported by the analysis throughout the report.
- CD. Where a demonstration of need is required under MMC 16.65.120, the following shall be provided:

1. A written narrative that demonstrates a need for the shoreline stabilization structure that is prepared by a qualified professional (e.g., shoreline designer or a consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer;
2. The content of the narrative shall include the following:
 - a. An assessment of the necessity for structural stabilization to protect principal use or structure, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure;
 - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the ordinary high water mark in the absence of structural shoreline stabilization;
 - ~~c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures; and~~
 - ~~d.~~ Design recommendations for minimizing impacts and ensuring that the replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions.

16.65.170. Submittal requirements for structural shoreline stabilization.

- A. The following are general submittal requirements for proposals involving structural shoreline stabilization:
 1. Plan and cross-section views of the existing and proposed shoreline configuration showing accurate existing and proposed topography and the ordinary high water mark;
 2. Detailed construction sequence and specifications for all materials with the sizing and placement of materials selected to accomplish the following:
 - a. Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat-driven waves;
 - b. Allow safe passage and migration of fish and wildlife; and
 - c. Minimize or eliminate juvenile salmon predator habitat;
 3. Where applicable, geotechnical analysis or narrative evaluating need;
 4. Where applicable, an analysis of alternatives;
 - ~~4~~5. Where applicable, no net loss analysis; and
 - ~~5~~6. Where applicable, enhancement plans and monitoring and maintenance reports.
- B. The provisions of this section shall not limit the city's ability to establish additional submittal requirements consistent with MMC 16.80.070 and other provisions of the Medina Municipal Code.

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Chapter 16.70 – Administrative Approvals

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~~16.70.030 Construction code of conduct.~~

~~A. *Applicant.* Any owner may submit an application for a construction code of conduct.~~

~~B. *Procedures.*~~

~~1. Construction code of conducts are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and~~

~~2. Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the construction code of conduct.~~

~~C. *Applicability.* This section applies to where a construction code of conduct is required pursuant to MMC 16.75.040.~~

~~D. *Limitations.* The construction code of conduct is a construction mitigation plan prepared by the city that establishes prescriptive measures for reducing construction impacts on neighboring properties and streets. Compliance with the measures set forth in a construction code of conduct are binding on the signatories required in subsection (B)(2) of this section.~~

~~E. *Criteria for approval.* The evaluation criteria set forth in MMC 16.75.040 as they currently exist or are hereafter amended constitute the criteria for approving a construction code of conduct.~~

~~F. *Conditions of approval.* The decision authority may attach to a code of conduct on a case-by-case basis such reasonable mitigation measures as necessary to protect the public health, general welfare and safety from the negative impacts of construction activity.~~

16.70.0430. Substantial development permit exemption.

A. *Applicant.* Any owner may submit a request for a written exemption from the requirement for a substantial development permit.

B. *Procedures.* An exemption from a substantial development permit is processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

C. *Applicability.* This section shall apply to activities defined as development pursuant to RCW 90.58.030(3)(a), and located within the shoreline jurisdiction as defined by the Shoreline Management Act, and implements the provisions set forth in WAC 173-27-040 as they currently exist or are hereafter amended.

D. *Limitations.*

1. Exemptions are to be construed narrowly and only development that meets the precise terms of one or more of the listed exemptions may be granted an exemption; and

2. If any part of a proposed development is not eligible for one of the listed exemptions, then an exemption shall not be granted.

E. *Criteria for approval.*

1. The development for which the exemption is sought must meet one or more of the conditions set forth in WAC 173-27-040(2); and

2. The development must comply with and be consistent with the Medina shoreline master program (Chapters 16.60 through 16.67 MMC), Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures), and Chapter 90.58 RCW (Shoreline Management Act).

- F. *Conditions of approval.* The decision authority may attach conditions as necessary to prevent undesirable effects on the shoreline area and carry out the spirit and purpose of the regulations set forth in the Medina shoreline master program and the Shoreline Management Act.

16.70.0540. Administrative tree activity permit.

- A. *Applicant.* Any owner may submit an application for an administrative tree activity permit.
- B. *Procedures.* Administrative tree activity permits are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- C. *Applicability.* This section applies to the activities associated with removing and planting trees set forth in MMC 16.52.160(B).
- D. *Criteria for approval.* The decision authority may approve an administrative tree activity permit only if the requirements set forth in Chapter 16.52 MMC are satisfied.
- E. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
- F. *Lapse of approval.*
1. An administrative tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
 2. Expiration of the administrative tree activity permit is automatic and notice is not required; and
 3. No extension of the time period for the permit is allowed.

16.70.0650. Temporary use permit.

- A. *Applicant.* Any owner may submit an application for a temporary use permit.
- B. *Procedures.* Temporary use permits are processed as a Type 1 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- C. *Applicability.* This section shall apply to those uses authorized as temporary uses pursuant to Chapter 16.35 MMC.
- D. *Limitations.* Only one temporary use permit may be granted within a five-year time period from the date the original temporary use permit is issued, except a second temporary use permit may be granted if:
1. For temporary public facilities:
 - a. In the opinion of the director, a significantly different public facility will occupy the use of the property;
 - b. The second temporary use permit is consistent with the requirements set forth in this chapter; and
 - c. No additional temporary use permit is approved for at least five years following approval of the second temporary use permit.
 2. For temporary wireless communication facilities:

- a. A complete nonadministrative special use permit application has been submitted to the city;
 - b. The extension of time, at the discretion of the director, is necessary to allow for the processing of permits and construction of facilities; and
 - c. No additional temporary use permit is approved for at least five years following approval of the second temporary use permit.
- E. *Criteria for approval.* The decision authority may approve a temporary use permit only when the following criteria are satisfied:
1. The temporary use will not materially be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity;
 2. For a temporary public facility, there is adequate parking within a sufficient proximity to the site for employees, city vehicles and customers;
 3. Except in the case of emergencies, the temporary use will not cause noise, light or glare which adversely impacts surrounding uses; and
 4. The temporary use shall comply with all codes applicable to development, such as zoning and building codes, except as otherwise provided for in MMC 16.35.040 and 16.35.050.
- F. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

16.70.0760. Accessory dwelling unit registration.

- A. *Applicability.* Any owner installing an accessory dwelling unit (ADU) pursuant to MMC 16.34.020 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 16.80 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 ~~2016~~.34.020; and
 2. The property owner agrees to maintain the ADU in compliance with the requirements in MMC ~~2016~~.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 to maintain the ADU as prescribed in subsection (C)(2) of this section; and
 - c. 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 16.34.020. 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 16.80.220 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.

16.70.0870. Grading and drainage permit.

- A. *Applicant.* Any owner may submit an application for a grading and drainage permit.
- B. *Procedures.* Grading and drainage permits are processed as a Type 1 decision, unless a SEPA threshold determination is required in which case the application is processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- C. *Applicability.* This section applies to all permits required under Chapter 16.43 MMC.
- D. *Criteria for approval.* The codes and standards referenced in Chapter 16.43 MMC and other applicable ordinances and regulations, as they currently exist or are hereafter amended, set forth the criteria for approving grading and drainage permits.
- E. *Conditions of approval.* The decision authority may attach such conditions as reasonably necessary to safeguard the public health, general welfare, and safety.
- F. *Lapse of approval.* Grading and drainage permits shall expire as prescribed for building permits in Chapter 16.40 MMC.

Chapter 16.71 – Administrative Discretionary Approvals

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~~16.71.040. Level 1 tailored construction mitigation plan.~~

- ~~A.—*Purpose.* The purpose of a Level 1 tailored construction mitigation plan is to mitigate the adverse effects on adjacent properties and public streets caused by major construction projects.~~
- ~~B.—*Applicant.* Any owner may submit an application for a Level 1 tailored construction mitigation plan.~~
- ~~C.—*Procedures.*~~
- ~~1.— Level 1 tailored construction mitigation plans are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and~~
 - ~~2.— Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the Level 1 tailored construction mitigation plan.~~
- ~~D.—*Applicability.* This section applies to where a Level 1 tailored construction mitigation plan is required pursuant to the criteria in Chapter 16.75 MMC.~~
- ~~E.—*Limitations.* The tailored construction mitigation plan is a construction mitigation plan consisting of both city-developed and applicant-proposed measures for reducing construction impacts on neighboring properties and streets. The measures set forth in a Level 1 tailored construction mitigation plan are binding on all of the signatories required in subsection (C)(2) of this section.~~
- ~~F.—*Criteria for approval.* The criteria for approval of a Level 1 tailored construction mitigation plan are those set forth in MMC 16.75.040, as it currently exists or is hereafter amended.~~
- ~~G.—*Conditions of approval.* The decision authority may attach reasonable mitigation measures as necessary to protect the public health, safety and general welfare from the impacts of construction activity.~~
- ~~H.—*Lapse of approval.* A Level 1 tailored construction mitigation plan shall remain in effect until such time all construction permits associated with the Level 1 tailored construction mitigation plan expires.~~

16.71.0540. Administrative right-of-way tree activity permit.

- A. *Purpose.* The purpose of an administrative right-of-way tree activity permit is to authorize removal or pruning of city trees and vegetative cover consistent with the Medina tree code.
- B. *Applicant.* Only owners enumerated in MMC 16.52.160(C) may submit an application for an administrative right-of-way tree activity permit.
- C. *Procedures.* Administrative right-of-way tree activity permits are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* This section shall apply to the pruning and removal of trees as set forth in MMC 16.52.160(C).

- E. *Criteria for approval.* The decision authority may approve an administrative right-of-way tree activity permit only if the following criteria are satisfied:
1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
 2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
 3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
 4. Removal of the city tree is permitted pursuant to MMC 16.52.190(D);
 5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;
 6. Tree trimming or pruning is done in accordance with the following:
 - a. The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;
 - b. The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and
 - c. The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree;
 7. All other requirements set forth in MMC 16.52.190 are satisfied.
- F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
- G. *Lapse of approval.*
1. An administrative right-of-way tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
 2. Expiration of the administrative right-of-way tree activity permit is automatic and notice is not required; and
 3. No extension of the time period for the permit is allowed.

16.71.0650. Administrative substantial development permit.

- A. *Purpose.* The purpose of an administrative substantial development permit is to regulate developments and uses of water bodies and associated upland areas to protect human health and the natural environment, but by the scope of the development warrant a less cumbersome approval process.
- B. *Applicant.* Any owner may submit an application for an administrative substantial development permit.
- C. *Procedures.* Administrative substantial development permits are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* This section shall apply to activities within the meaning of the term "development" as defined in RCW 90.58.030(3)(a), and located within the shoreline jurisdiction as defined by the Shoreline Management Act, provided:

1. The development is not exempt from a substantial development permit pursuant to WAC 173-27-040 as it currently exists or is hereafter amended; and
 2. The development does not include any dredging waterward of the ordinary high water mark; and
 3. The development does not include grading activity involving more than 500 cubic yards of material within the shoreline jurisdiction, excluding fill material used specifically for fish and wildlife habitat restoration; and
 4. The total cost or fair-market value of the entire proposed development does not exceed \$50,000.00 provided:
 - a. The calculation for total cost or fair-market value shall include all costs, excluding permit fees and taxes, associated with development on the property during a period beginning from the date an application for the administrative substantial development permit is submitted and ending 18 months after the date all permits issued by the city for the property are finalized; and
 - b. Development may not be divided into phases for the purpose of avoiding a higher designation of decision type, except as provided in subsection (D)(4)(a) of this section.
- E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.080, the applicant shall provide the following with an administrative substantial development permit:
1. A site plan containing the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
 2. A landscaping and/or restoration plan, as applicable;

3. Mitigation measures, as applicable;
 4. Quantity, source, and composition of all fill material that is placed on the site, whether temporary or permanent;
 5. Quantity, composition and destination of all excavated and/or dredged material; and
 6. Additional submittal information set forth in the shoreline master program for the use.
- F. *Criteria for approval.* The decision authority may approve an administrative substantial development permit only if the following criteria are satisfied:
1. The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (Chapter 90.58 RCW);
 2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (Chapter 173-27 WAC); and
 3. The proposed development is consistent with the requirements of the Medina shoreline master program.
- G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- H. *Revisions to permit.* Revisions to an administrative substantial development permit shall be consistent with WAC 173-27-100 as it currently exists or is hereafter amended.
- I. *Lapse of approval.* Administrative substantial development permit shall expire as set forth in WAC 173-27-090 and amendments thereto.

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Chapter 16.72 – Quasi-Judicial Approvals

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~~16.72.080. Level 2 tailored construction mitigation plan.~~

- ~~A. *Purpose.* The purpose of a Level 2 tailored construction mitigation plan is to mitigate the adverse effects on adjacent properties and public streets caused by major construction projects.~~
- ~~B. *Applicant.* Any owner may submit an application for a Level 2 tailored construction mitigation plan.~~
- ~~C. *Procedures.*~~
- ~~1. Level 2 tailored construction mitigation plans are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and~~
 - ~~2. Before the city issues permits authorizing grading, demolition or construction activity, the property owners, designated agent, and contractor shall sign the Level 2 tailored construction mitigation plan.~~
- ~~D. *Applicability.* This section applies to where a Level 2 tailored construction mitigation plan is required pursuant to the criteria in Chapter 16.75 MMC.~~

~~E. *Limitations.* The Level 2 tailored construction mitigation plan is a construction mitigation plan consisting of both city-developed and applicant-proposed measures for reducing construction impacts on neighboring properties and streets. The measures set forth in a Level 2 tailored construction mitigation plan are binding on all of the signatories required in subsection (C)(2) of this section.~~

~~F. *Criteria for approval.* The evaluation criteria set forth in MMC 16.75.040 shall serve as the criteria for approving a Level 2 tailored construction mitigation plan.~~

~~G. *Conditions of approval.* The decision authority may attach such mitigation measures as necessary to protect the public health, safety and general welfare from the impacts of construction activity.~~

~~H. *Lapse of approval.* A Level 2 tailored construction mitigation plan shall remain in effect until such time all construction permits associated with the construction mitigation plan expire.~~

16.72.0980. Nonadministrative right-of-way tree activity permit.

- A. *Purpose.* The purpose of a nonadministrative right-of-way tree activity permit is to authorize removal or pruning of trees and vegetative cover in the city right-of-way consistent with the Medina tree code.
- B. *Applicant.* Any owner, or any public or private agencies with authority to operate within the city right-of-way or their authorized agents who have written authorization to act on their behalf, may submit an application for a nonadministrative right-of-way tree activity permit.
- C. *Procedures.* Nonadministrative right-of-way tree activity permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* This section shall apply to the pruning and removal of city trees as set forth in MMC 16.52.160(D).
- E. *Criteria for approval.* The decision authority may approve a nonadministrative right-of-way tree activity permit only if the following criteria are satisfied:
1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
 2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
 3. The tree trimming, pruning or removal will have no materially detrimental effects on nearby properties;
 4. Removal of a city tree is permitted pursuant to MMC 16.52.190(D);
 5. Tree mitigation is provided in accordance with MMC 16.52.190(E) for removed trees;
 6. Tree trimming or pruning is done in accordance with the following:
 - a. The trimming or pruning does not exceed 25 percent of the canopy of the tree in the area, unless supported by ANSI Standard A300;
 - b. The trimming or pruning does not adversely affect adjoining and nearby properties regarding erosion control, noise control, shade, or other existing landscaping within the unimproved areas of the right-of-way; and
 - c. The trimming or pruning complies with ANSI Standard A300 and does not cause unnecessary mutilation or damage to the tree.
 7. All other requirements set forth in MMC 16.52.190 are satisfied.

- F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
- G. *Lapse of approval.*
 - 1. A nonadministrative right-of-way tree activity permit shall expire within 18 months from the later date of the decision being issued or an appeal becoming final;
 - 2. Expiration of the nonadministrative right-of-way tree activity permit is automatic and notice is not required; and
 - 3. No extension of the time period for the permit is allowed.

16.72.10090. Nonadministrative tree activity permit.

- A. *Purpose.* The purpose of a nonadministrative tree activity permit is to authorize removal of large significant trees consistent with the Medina tree code.
- B. *Applicant.* Any owner may submit an application for a nonadministrative tree removal permit.
- C. *Procedures.* Nonadministrative tree removal permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* This section shall apply to removal of trees as set forth in MMC 16.52.160(D), excluding trees rated as hazard pursuant to MMC 16.52.120.
- E. *Criteria for approval.* The decision authority may approve a nonadministrative tree activity permit only if the following criteria are satisfied:
 - 1. The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan;
 - 2. The proposal is consistent with the public interest in maintaining an attractive and safe environment;
 - 3. The tree removal will have no materially detrimental effects on nearby properties;
 - 4. The tree has not been granted special protection pursuant to MMC 16.52.080;
 - 5. All requirements set forth in Chapter 16.52 MMC are satisfied;
 - 6. All other ordinances, regulations and policies applicable to tree removal are followed.
- F. *Reasonable conditions.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.
- G. *Lapse of approval.*
 - 1. A nonadministrative tree activity permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final;
 - 2. Expiration of the nonadministrative tree activity permit is automatic and notice is not required; and
 - 3. No extension of the time period for the permit is allowed.

16.72.1400. Substantial development permit.

- A. *Purpose.* The purpose of a substantial development permit is to regulate development and uses of water bodies and associated upland areas consistent with the Medina shoreline master program.
- B. *Applicant.* Any owner may submit an application for a substantial development permit.
- C. *Procedures.* Substantial development permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* This section shall apply to activities and uses defined as development pursuant to RCW 90.58.030(3)(a) and located within the shoreline jurisdiction as defined by the Shoreline Management Act, provided:
 - 1. The development does not qualify for an exemption as set forth in MMC 16.70.040;
 - 2. The development does not qualify for an administrative substantial development permit as set forth in MMC 16.71.060.
- E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a substantial development permit shall include the following:
 - 1. A site plan containing the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
 - 2. A landscaping and/or restoration plan, as applicable;
 - 3. Mitigation measures, as applicable;

4. Quantity, source and composition of all fill material that is placed on the site whether temporary or permanent;
 5. Quantity, composition and destination of all excavated and/or dredged material; and
 6. Additional submittal information set forth in the Medina shoreline master program for the use.
- F. *Criteria for approval.* The decision authority may approve a substantial development permit only if the following criteria are satisfied:
1. The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (Chapter 90.58 RCW);
 2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (Chapter 173-27 WAC); and
 3. The proposed development is consistent with the provisions of the Medina shoreline master program.
- G. *Conditions of approval.* The decision authority may attach such conditions as to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- H. *Revisions to permit.* Revisions to a substantial development permit shall be consistent with WAC 173-27-100.
- I. *Lapse of approval.* Substantial development permit shall expire as set forth in WAC 173-27-090 and amendments thereto.

16.72.1210. Shoreline conditional use permit.

- A. *Purpose.* The purpose of a shoreline conditional use permit is to provide a system within the Medina shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020.
- B. *Applicant.* Any owner may submit an application for a shoreline conditional use permit.
- C. *Procedures.*
1. Shoreline conditional use permits are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
 2. Shoreline conditional use permits approved by the city are transmitted to the Washington State Department of Ecology pursuant to WAC 173-27-200 for Ecology's approval, approval with conditions, or denial.
- D. *Applicability.* The following may be permitted if a shoreline conditional use permit is approved:
1. Uses listed as a conditional use in the Medina shoreline master program; or
 2. Uses which are not classified or specifically prohibited in the Medina shoreline master program provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Medina shoreline master program.

E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a shoreline conditional use permit shall include the following:

1. The site plan shall include:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the mark's location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
2. A landscaping and/or restoration plan, as applicable;
3. Mitigation measures, as applicable;
4. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
5. Quantity, composition and destination of all excavated and/or dredged material; and
6. Additional submittal information set forth in the Medina shoreline master program for the use.

F. *Criteria for approval.* The decision authority may approve a shoreline conditional use permit only if the following criteria are satisfied:

1. That the proposed use is consistent with the policies set forth in RCW 90.58.020 and the Medina shoreline master program;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program;
4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

In the granting of a shoreline conditional use permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

- G. *Conditions of approval.* The decision authority and the Washington State Department of Ecology may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- H. *Revisions to permit.* Revisions to a shoreline conditional use permit shall be consistent with WAC 173-27-100 and amendments thereto.
- I. *Lapse of approval.* A shoreline conditional use permit shall expire as set forth in WAC 173-27-090.

16.72.1320. Shoreline variance.

- A. *Purpose.* The purpose for a shoreline variance is to provide a mechanism strictly limited to granting relief where there are extraordinary circumstances relating to the physical character or configuration of property.
- B. *Applicant.* Any owner may submit an application for a shoreline variance.
- C. *Procedures.*
 - 1. Shoreline variances are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC; and
 - 2. Shoreline variances approved by the city are transmitted to the Washington State Department of Ecology pursuant to WAC 173-27-200 for Ecology's approval, approval with conditions, or denial.
- D. *Applicability.* Shoreline variances may be granted for relief from specific bulk dimensional or performance standards set forth in the Medina shoreline master program where the requirement of such will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020 and the Medina shoreline master program.
- E. *Additional submittal requirements.* In addition to the requirements set forth in MMC 16.80.070, an application for a shoreline variance shall include the following:
 - 1. The site plan shall include:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary high water mark:
 - i. This may be an approximate location provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and

- the biological and hydrological basis for the mark's location as indicated on the plans shall be included in the development plan;
- ii. Where the ordinary high water mark is neither adjacent to nor within the boundary of the project, the site plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
- f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
2. A landscaping and/or restoration plan, as applicable;
 3. Mitigation measures, as applicable;
 4. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
 5. Quantity, composition and destination of all excavated or dredged material; and
 6. A site plan that clearly indicates where development may occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- F. *Criteria for approval.* The decision authority may approve a shoreline variance only if the following criteria are satisfied:
1. Where the variance is for development landward of the ordinary high water mark the following approval criteria shall apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in subsection (F)(1)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
 2. Where the variance is for development waterward of the ordinary high water mark the following approval criteria shall apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes all reasonable use of the property;
 - b. That the hardship described in subsection (F)(2)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot

- shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief;
 - f. That the public interest will suffer no substantial detrimental effect; and
 - g. That the public rights of navigation and use of the shorelines will not be adversely affected.
3. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.
- G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- H. *Revisions to permit.* Revisions to a shoreline conditional use permit shall be consistent with WAC 173-27-100.
- I. *Lapse of approval.* A shoreline variance shall expire as set forth in WAC 173-27-090.

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Chapter 16.80 – Project Permit Review Procedures

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- C. Table 16.80.050(C) sets forth project permits that are categorized as Type 3 decisions with the applicable corresponding review procedures.

Table 16.80.050(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 HE	Yes	Yes	Yes	Yes
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 16.80.100

"NOA"—notice of application required pursuant to MMC 16.80.110

"NOH"—notice of hearing required pursuant to MMC 16.80.120

"NOD"—notice of decision required pursuant to MMC 16.80.200

"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

¹ The 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.

² Hearing 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.

³ If 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.