



# CITY OF MEDINA

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## MEMORANDUM

DATE: September 27, 2022  
TO: Medina Planning Commission  
FROM: Stephanie Keyser, Planning Manager  
RE: Minor Code Clean-Up (2022)

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Below is the summary of amendments in this year's clean-up. The proposal includes housekeeping items, a clean-up of repealed sections, and amendments that will make the code conform to recent and not-so-recent legislation. Included in this are amendments to the sign code. Attachments 3a and 3b are examples of Oak Harbor's and Wenatchee's sign matrix. It is staff's opinion that since we are doing a small amendment to the sign code, it might be more user friendly for Medina to adopt a similar, more visual matrix. This would **not** alter the existing permitted standards but would instead move the sections in two (permanent and temporary), clear tables. Staff would like the Commission's opinion on whether to do this and if there is a preference for something similar to Oak Harbor or Wenatchee.

Section	Title	Proposed Amendment
MMC 10.08.010	Streets and Roads	Remove house address
MMC 12.44	Street Vacations	Clarifies that costs will be recovered for city staff time even if a petitioner withdraws their street vacation petition ( <i>City Attorney</i> amendment)
MMC 16.12.090	"H" Definitions	Remove housekeeping unit from H definitions
MMC 16.12.200	"S" Definitions	Housekeeping amendments to the S definitions
MMC 16.22.040	Protrusions Into Setback Areas	Clarifies existing mechanical equipment location and units for nonconforming houses
MMC 16.30.020	Signs	Remove language in the code that regulates the content of signs ( <b>Reed V. Gilbert</b> )
MMC 16.34.020	Accessory Dwelling Units	Amend ADU section to remove burdensome language
MMC 16.34.040	Accessory Recreational Facilities	Correct a scrivener's error
MMC 16.36.060	Nonconforming Structures	Clarify a nonconformity is lost when a structure experiences <i>either</i> substantial destruction or substantial reconstruction
MMC 16.65.120	Structural Shoreline Stabilization – Replacement of Existing	Clarify when shoreline stabilization (bulkheads) or armoring may be replaced ( <b>SB 5273</b> )

<b>MMC 16.65.160</b>	Structural Shoreline Stabilization – Limitations on Authority	Clarify the analysis of alternatives report requirement ( <b>SB 5273</b> )
<b>MMC 16.65.170</b>	Submittal Requirements for Structural Shoreline Stabilization	Clarify an analysis of alternatives might be applicable ( <b>SB 5273</b> )
<b>MMC 16.70.030</b>	Administrative Approvals	Repeal Construction Code of Conduct (Clean Up)
<b>MMC 16.71.040</b>	Administrative Discretionary Approvals	Repeal Level 1 Tailored Construction Mitigation Plan (Clean Up)
<b>MMC 16.72.080</b>	Quasi-Judicial Approvals	Repeal Level 2 Tailored Construction Mitigation Plan (Clean Up)
<b>MMC 16.80.050</b>	Project Permit Procedures	Clarify that the Hearing Examiner is the decision authority for Site Plan Reviews

### Summary of Proposed Amendments

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

floor plans that wall off section or create an outside accessible “storage closet” just to meet the intent of the code.

8. MMC 16.34.040 – Accessory Recreational Facilities. The purpose of this amendment is to correct a scrivener’s error.
9. MMC 16.36.060 – Nonconforming Structures. The purpose of this amendment is to clarify that a structure loses its nonconformity when it experiences substantial destruction or substantial reconstruction. This will help clarify the Minor Deviation land use application that allows a homeowner to build an addition to their nonconforming house. Substantial destruction is defined as removing more than 60% 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 of 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 (MMC 16.12.200). Reconstruction is defined as construction within and/or on an existing structure which has a valid construction permit with fair-market construction costs greater than 60% of the replacement cost of the existing structure being enlarged, extended, repaired, remodeled, or structurally altered. All project phases necessary to result in a habitable building must be included. The calculation for fair market construction costs shall include all costs of construction associated with the structure for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the city (MMC 16.12.190).
10. MMC 16.65.012 – Shoreline Modifications. The purpose of this amendment is to comply with SB 5273 which clarifies when shoreline stabilizations (bulkheads) or armoring can be replaced and establishes a list of alternatives to stabilization replacement listed from most preferred to least.
11. MMC 16.65.160 – Structural Shoreline Stabilization – Limitations on Authority. The purpose of this amendment is to establish what is required by the analysis of alternatives when a homeowner wants to replace their existing shoreline stabilization or armoring.
12. MMC 16.65.170 – Submittal Requirements for Structural Shoreline Stabilization. The purpose of this amendment is to clarify that when applicable, an analysis of alternatives is required.
13. MMC 16.70.030 – Administrative Approvals. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
14. MMC 16.71.040 – Administrative Discretionary Approvals. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
15. MMC 16.72.080 – Quasi-Judicial Approvals. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
16. MMC 16.80.050 – Project Permit Procedures. The purpose of this amendment is a clean-up to clarify that the Hearing Examiner is the decision authority for Site Plan Reviews