



MEDINA, WASHINGTON

AGENDA BILL

Monday, January 13, 2025

Subject: Middle Housing Update

Category: City Business

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Summary

The work on the Middle Housing project for the City of Medina has been progressing at a rapid pace in the weeks since City Council last met in December 2024. The objective of this agenda bill is to 1) provide a brief summary of the community engagement activities that are on-going, and 2) review the proposed Code Amendments that would bring the City of Medina into compliance with the new state housing mandates for Tier 3 cities by **June 30, 2025**.

Community Engagement

Preparations for two community forums are underway, with the first one occurring on Thursday, January 9, 2025, at St. Thomas Episcopal Church. A brief summary of the event will be provided at the Council meeting. A second community forum is scheduled for Wednesday, January 15, 2025, at Medina City Hall.

Middle Housing Ordinance

As discussed in previous meetings, the Middle Housing legislation requires adoption of an ordinance demonstrating compliance by June 30, 2025. **The main focus of this Council meeting will be to review the code revisions that have been developed to date.**

Exhibit #1 is an updated gap analysis developed in Excel as a matrix for a quick summary of the code amendments. Exhibit #2 is the code amendments in Word. For discussion purposes, the proposed code amendments are depicted in “Track Changes”. The document will be converted into ordinance format at a later date.

Summary of Proposed MMC Amendments

The following is a summary of the proposed changes in order of appearance in the Code Amendment document:

MMC 16.00.020(B)(2) Statement of Purpose

On pg. 3 of the code amendment document (Exhibit 2) the term “single-family” has been removed from the sentence to instead refer to protecting “the community’s residential nature...”.

MMC 16.12 Definitions

The following definitions within the Medina Municipal Code are being revised, deleted, or added. The definitions depicted in the **color red** are definitions that are required to be included within the

MMC pursuant to the Middle Housing legislation which amended RCW 36.70A.030 Definitions. All definitions are followed by a brief rationale for the amendment.

- **Accessory Building** (pg. 3)
This definition is being revised to provide a differentiation between “accessory building” and “accessory dwelling unit”.
- **Accessory Dwelling Unit** (pg. 3)
This definition is being revised to specify that an ADU that exceeds the size limitations of MMC 16.34.020 shall be considered a duplex (if attached) or a cottage (if detached).
- **Administrative Design Review** (pg. 3)
This is a new definition required pursuant to the Middle Housing legislation which amended RCW 36.70A.070.
- **Condominium** (pg. 7)
This is a new definition which duplicates the language of RCW 64.34.020(10). It is not required per the Middle Housing legislation but is relevant to the other housing-related amendments to the code.
- **Cottage** (pg. 7)
This term is proposed for deletion and will be replaced with a new definition for “cottage housing”.
- **Cottage housing** (pg. 7)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Courtyard apartments** (pg. 7)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Duplex** (pg. 9)
This is a new definition agreed upon by City Council in a previous meeting. The new housing legislation requires that Tier 3 cities allow duplexes as a permitted use in residential zones, but allows the jurisdiction to craft their own definition.
- **Major Transit Stop** (pg. 10)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Middle Housing** (pg. 11)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Short Term Rental** (pg. 13)
This is a new definition proposed by City Staff for clarity. This is not a requirement of the Middle Housing legislation.

- **Single-family dwelling** (pg. 16)
This definition is proposed with a revision to clarify that the dwelling unit shall not meet the definition of an ADU.
- **Single-family zones** (pg. 16)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Stacked Flat** (pg. 17)
This is a new definition, required pursuant to the Middle Housing legislation which amended RCW 36.70A.030, Definitions.
- **Tier 3 City** (pg. 19)
This is a new definition that has been provided by the State but is optional. Staff recommends inclusion of the definition for clarity when describing Medina as a Tier 3 city.
- **Townhouses** (pg. 19)
This is a proposed new definition. The new Middle Housing legislation does not require Tier 3 cities to allow for townhouses, however, the inclusion of definitions for housing types not permitted can help provide differentiation and clarity between housing types.
- **Unit** (pg. 21)
This is a new definition provided by Staff in response to Council's request to provide a term. This definition was shared with City Council during the November 25 City Council meeting. This defined provides clarity in response to the State's use of the term "unit".
- **Unit density** (pg. 21)
This is a new definition recommended by the State for inclusion but is one that the City may define.

MMC 16.20.010 Comprehensive Plan and Zoning (pgs. 22-23)

- Subsection A is proposed for amendment to remove the term "single-family" and instead refer only to the "residential" setting of the community.
- Table 16.20.010 is a table which includes a description of the Comprehensive Plan Land Use Designations in the first column, with the associated Implementing Zone Designations in the second column. The term "single-family residential" is being removed and replaced with the simplified term "residential".

MMC 16.20.020(B) Adoption of official zoning map (pg. 24)

This section of the code provides a description of each of the zoning districts. The term "single-family" has been removed from each of the residential zones (R-16), (R-20) and (R-30).

MMC 16.21.030 Use Table (pgs. 26-27)

The use chart is an important tool within the development code to help users of the code determine which uses are permitted or prohibited within each of the various zoning districts. With the Middle Housing legislation requirements, the required Middle Housing types have been added to the chart, including:

- Duplex

- Cottage Housing
- Stacked Flats
- Courtyard apartments

Additional uses have been added as placeholders but have not yet been identified as to which zoning districts in which they will be allowed. These uses include “low-rise apartments”, “short term rental” and “townhouses”

Finally, an additional footnote has been added under the Shoreline Use, to provide a reference to the limitations specific to Middle Housing.

MMC 16.21.060 Maximum dwelling units on a lot (pgs. 28-29)

This section of code has been updated significantly in order to comply with the State requirements found in RCW 36.70A.635(5). This section previously stated that one only dwelling unit was allowed for lot, with the exception of ADU’s.

- This section of code has been amended to provide more specificity about the allowance of two units per lot, including language describing the exemptions to the 2-unit per lot requirement.
- A new subsection (C) has been added to clarify that the unit density standard does not apply to lots after subdivision below 1,000 square feet.
- A possible subsection (D) has also been added for Council consideration. This section, if included, would provide direction that any other modifications to the unit density standards would only be allowed through the implementation of a Development Agreement.

MMC 16.30.060 Residential Off-Street Parking (pg. 41)

A new subsection (2) has been incorporated to specify the off-street parking requirements for Middle Housing dwellings. This language is being included for compliance with RCW 36.70A.635(6).

The additional provisions are as follows:

- No off-street parking will be required within one-half mile walking distance of a major transit stop
- A maximum of one off-street parking space per unit shall be required on lots greater than 6,000 square feet before any zero lot subdivisions or lot splits.

MMC 16.30.090 Cottage Housing (pg. 42)

No additional text has yet been added, but this is being reserved as a placeholder for the location of the performance standards for the cottage housing that is required to be included in the code as an allowed use. The recommendation from the Planning Commission on November 18 was to limit the maximum gross size to 1,200 square feet.

MMC 16.30.100 Medium Density Housing (pg. 42)

No additional text has yet been added, but this is being reserved as a placeholder for the future discussion on the zoning districts that might accommodate medium density housing in compliance with mandated affordable housing targets.

MMC 16.34.020 Accessory Dwelling Units (pgs. 42-44)

While the term Middle Housing does not include “Accessory Dwelling Units” the City of Medina is also including legislation (required by House Bill 1337) related to ADU’s in the Middle Housing update. The code amendments within this section of the code are as follows:

- Subsection (A) - ADU's will now be included in the density and minimum lot area requirements, where they were previously excluded.
- Subsection (C) now allows for up to two (2) ADU's on a lot for each single-family dwelling located on the same lot, provided that the unit density standards are not exceeded. This section goes on to further state that if a lot is developed with a duplex, or with two units classified as Middle Housing, then no ADU is permitted on that lot.
- Subsection (D) Development Standards has also been updated to comply with HB 1337. A summary of the proposed new language is as follows:
 - ADU's will only be allowed on lots that meet the minimum lot size requirements for the principal unit.
 - ADU's will not be allowed on lots with critical areas, lots that are not connected to a public sewer system, or lots that are within the shoreline jurisdiction.
 - ADU's may not be used as "short term rentals".
 - The maximum gross floor area of an ADU is set at 1,000 square feet. (Although the maximum may be higher, it cannot be less than 1,000 square feet.)
 - The maximum roof height of an ADU is 25 feet, or the maximum height allowed for the primary unit (whichever is less).
- Subsection (E) now includes language about the exception to ADU parking requirements, which is not applicable when the ADU is located within one-quarter mile of a transit stop.
- Subsection (F) previously included a brief statement that garage space could be converted into an ADU. Two revisions are being proposed for these sections:
 - Accessory buildings have been listed as allowable structures for conversion into ADU's.
 - A provision has been added to require that parking spaces removed for conversion to ADU's must be replaced elsewhere on the property.

This language is required under RCW 36.70A.698(1). However, there is an additional step that the City can take:
 Under RCW [36.70A.698\(2\)](#) the city may require off-street parking within this ¼ mile if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons. supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

Draft Middle Housing Ordinance

The summary above identified sections of code that have been amended as a matter of achieving compliance with the Middle Housing mandates set by the State. Some sections of code were identified as topics that warrant further discussion.

The draft code amendment is scheduled for submission to the Department of Commerce by January 31, 2025. City Council will have the opportunity to review the ordinance at their meetings of January 13 and January 27. If the City Council provides policy guidance on any of the topics still under review by the January 27 meeting, the feedback will be incorporated into the draft ordinance that will be sent to the Department of Commerce at the end of the month.

Final Middle Housing Ordinance

The final ordinance must be submitted to the Department of Commerce by June 30, 2025. This ordinance must demonstrate compliance with the Tier 3 housing policy mandates. Policy

decisions on topics not currently in the ordinance will need to be made within a condensed timeline if they are to be included in the Middle Housing ordinance.

Topics that warrant additional discussion before the June deadline include the following:

- Zero Lot Subdivisions
 - The State Middle Housing mandate requires the City to allow zero lot line subdivisions. Other state law requires the City to adopt unit lot subdivisions. Zero lot line subdivisions can be a type of unit lot subdivision; therefore, the City Attorney's office is preparing an ordinance for unit lot subdivisions that will include the zero-lot line option. That ordinance will be part of the Middle Housing package and will be shared with the Planning Commission and the Council at future meetings.
- Affordability requirements
 - The City Attorney's office will be working on affordable housing provisions and density options that will achieve compliance with State and King County requirements.
- Unit Density Standards
 - The City Attorney's office has put together a draft ordinance that will be presented to the Planning Commission for review and recommendation at their January 16 meeting. The draft ordinance and PC recommendation will be forwarded to City Council for review at their January 27 meeting.

Topics that are related but not necessary for inclusion in the Middle Housing ordinance are as follows:

- Zoning district allowances for the following: townhouses, low-rise apartments and short-term rentals.
- Cottage Housing Standards
- Medium Density Housing
- Fence Height

Future Policy Work

Topics for inclusion in a separate ordinance, that have been identified in relation to the impacts of Middle Housing can be considered on a separate timeline. These topics are not required elements of the Middle Housing legislation and can be reviewed by the City in the coming months. These topics include the following:

- Lighting
 - City Staff will develop a Dark Sky ordinance for City Council consideration.
- Noise
 - City staff is currently evaluating options for a noise ordinance related to leaf blowers. The discussions with Council can be expanded to consider other noise considerations.
- Parking
 - A parking study is currently underway. At such time that the study is complete, the topic will come before City Council for further review and consideration.

Based on the various list of topics to be reviewed in the coming year, City Staff will be working to further refine the Planning Commission workplan for 2025. This will be discussed with the Planning Commission in their upcoming meeting of January 16, 2025. The PC recommendation will then be presented to the City Council for discussion at the January 27, 2025 meeting.

This Middle Housing Land Use Code Update project continues to meet and support Council's priorities 1, 2 and 5.

Council Priorities:

1. Financial Stability and Accountability
2. **Quality Infrastructure**
3. **Efficient and Effective Government**
4. Public Safety and Health
5. **Neighborhood Character and Community Building**

Attachments

- Exhibit 1 – Gap Analysis of Code Amendments
- Exhibit 2 – Code Amendment document in Word

Budget/Fiscal Impact: Proceeding with the Middle Housing Scope of Work is consistent with the City's obligations under the Commerce Middle Housing Grant. By meeting the required milestones, the City will be able to draw from the grant funds.

Recommendation: Discussion only; no action needed.

City Manager Approval: 

Proposed Council Motion: N/A

Time Estimate: 45 minutes