



Development Impacts Project **Phase 1**

Mahoney Planning, LLC
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Medina City Council Public Hearing
September 28, 2026

Agenda

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Council Direction

April 27, 2026:

“Direct the Planning Commission to study each presented zoning reform opportunity for its efficacy in satisfying the goals of the Development Impacts Project and prepare a recommendation for Council's adoption.”

Further discussion divided the project into **two phases**:

- **Phase 1** (immediate address of The Problem)
- **Phase 2** (long-term resolution)

Key Components of Phase 1

Solve The Problem Expeditiously

- Plan against **loss of privacy, property enjoyment, and value** to neighbors of new development caused by bulky development
- Resolve potential unintended consequences of 1052, particularly as it relates to **narrow lots**

Engage the Community Early

- Host a **Charrette**. Invite Stakeholder **collaboration** toward solution

Rely on Existing Tools for Expeditious Resolution

Consistent Charrette Feedback

- **City should be involved** in mitigating development impacts
- Code should allow for **flexible design and creativity**. Lots in Medina are often substandard, challenged, unique
- Code should **clearly** state what is allowed to be built
- **Landscape screening** is acceptable mitigation
- **Narrow lots** need relief from Ord. 1052
- Phase 1 needs **quick resolution**
- Many ideas to consider at **Phase 2** (incentivizing preferred development, pitched roofs, modulation, administrative design review process, refreshed side setback perspective, new zone for small lots)

Phase 1 Resolution

Amended Minor Deviation

What is a Minor Deviation?

- Administrative Discretionary Permit (Type 2)
 - Decision issued by **Director**, not Hearing Examiner
 - **Includes Notice of Application** mailed to all neighbors within 300', published, and posted. Includes **Notice of Decision**
 - **Appealable** to Hearing Examiner
 - Application is **not ministerial**. Not allowed by right. **Can be denied**.
 - No changes to the Minor Deviation's administration are proposed.
- Application Process
 - Pre-Development meeting encouraged
 - Application reviewed for completeness, then noticed
 - Application reviewed for consistency with Minor Deviation approval criteria and zoning code compliance
 - Decision rendered (conditions can be added to approval) and noticed

Phase 1 Resolution

Amended **Minor Deviation**

- Combines with Dev Impacts IOCs to permanently codify all edits
- Expands **applicability** of Minor Deviation to include demo/new construction/reconstruction
- Allows for **side setbacks** to align with previous standard **IF** project meets Minor Deviation approval criteria, including:
 - The granting of such minor deviation **will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity** and zone in which the subject property is situated; and
 - The proposed development **will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code.**

Phase 1 Resolution (Cont.)

- Allows Director to impose Conditions of Approval to mitigate impacts
 - **Landscape** Maintenance Covenant for maintaining **privacy landscape screen** in perpetuity. Screen can be maintained to match max. building height
 - Upper story **glazing may be limited to as much as 20%** when facing side property lines and built within narrower side setbacks
 - **Uncovered decks** protruding into narrow side setbacks limited to **100 square feet** when more than 30 inches above grade
- Adds/edits **definitions** for: certified arborist, certified horticulturist, reconstruction, replacement cost, upper story

Projects that comply with development standards are **not** required to undergo Minor Deviation

Code Comparisons

- What's changed since February 2026?

Pre-Ord. 1052	Ords. 1052 & 1059	Recommended Phase 1 Code
Side Setbacks: 10' (lots smaller than 20,000 square feet)	Side Setbacks: 15' (lots smaller than 20,000 square feet)	Side Setbacks: 15' (lots smaller than 20,000 square feet). Can build to 10' with approved Minor Deviation
Side Setbacks: greater of 10' or 15% lot width not to exceed 20' (large lots)	Side Setbacks: greater of 15' or 20% lot width not to exceed 20' (large lots)	Side Setbacks: greater of 15' or 20% lot width not to exceed 20' (large lots). Can build to 10' or 15% with approved Minor Deviation
Structures in Side Setbacks: no landscape requirement	Structures in Side Setbacks: partial landscape screen required when 30" or more above grade	Structures in Side Setbacks: no change; will implement 1052/1059
Uncovered Decks in Side Setbacks: allowed if maintaining 50% of side setback and less than 30" above grade	Uncovered Decks in Side Setbacks: allowed if maintaining 75% of side setback and less than 30" above grade, if solid landscape screen is installed	Uncovered Decks in Side Setbacks: no change; will implement 1052/1059

Code Comparisons (Cont.)

Pre-Ord. 1052	Ords. 1052 & 1059	Recommended Phase 1 Code
Mechanical Equip. in Side Setbacks: Allowed at nonconforming structures, must maintain 5' setback	Mechanical Equip. in Side Setbacks: Allowed at nonconforming structures, must maintain 10' setback	Mechanical Equip. in Side Setbacks: no change; will implement 1052/1059
Sound Attenuation Devices in Side Setbacks: No limitation	Sound Attenuation Devices in Side Setbacks: Allowed if located such that neighbors do not hear them	Sound Attenuation Devices in Side Setbacks: no change; will implement 1052/1059
Bonus Height: R-20, R-30, and SR-30 zones allowed to build to 30' above OG or 36' above FG	Bonus Height: Removed bonus height opportunity	Bonus Height: no change; will implement 1052/1059
Vacant Residence Lighting: No limitation	Vacant Residence Lighting: Prohibits light trespass. Prohibits interior lights visible from neighboring residences.	Vacant Residence Lighting: no change; will implement 1052/1059
Lot Width R-16/R-20: 70'	Lot Width R-16/R-20: 90'	Lot Width R-16/R-20: no change; will implement 1052/1059

Phase 1 Recommended Code Edits

Section 9. Definitions of “Arborist, certified” and “Arborist, city” are hereby added to Section 16.12.020 to read as follows:

16.12.020. – “A” definitions.

* * * * *

Arborist, certified means a specialist in the care and maintenance of trees who is certified by the International Society of Arboriculture (ISA).

Arborist, city means a certified arborist appointed by the city manager or designee. The city arborist is responsible for evaluating trees according to the International Society of Arboriculture in evaluating hazardous trees in urban areas.

* * * * *

Section 10. The definition of “Horticulturist, certified” is hereby added to Section 16.12.090 to read as follows:

16.12.090. – “H” definitions.

Horticulturist, certified means a specialist in plant cultivation who is either a Certified Professional Horticulturist (CPH) or a Certified Horticulturist (CH) as designated by the American Society for Horticulture Science.

* * * * *

Phase 1 Recommended Code Edits

Section 10. The definitions of “Reconstruction” and “Replacement cost” in Section 16.12.190 of the Medina Municipal Code are hereby to read as follows:

16.12.190. - "R" definitions.

* * * * *

Reconstruction means to undertake construction within and/or upon an existing structure which has a valid construction permit with fair-market construction costs greater than 60 percent 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.~~ Construction costs shall be based on the greater of bid cost or the adopted valuation table for new square footage.

* * * * *

Replacement cost ~~means the square footage of the structure multiplied by local building costs per square foot for the type of structure, or a similar method of calculation~~ means the total cost of design and construction to replace an existing structure.

* * * * *

Section 110. The definition of “Story, upper” is hereby added to Section 16.12.200 to read as follows:

16.12.200. – “S” definitions.

* * * * *

Story, upper means any floor, story, or space located above the ground floor, whether that ground floor is characterized as a daylight basement, main floor, or otherwise. On sloping lots, the upper story shall be determined based on its position in relation to the ground elevation where the structure is developed along the sloping lot as would satisfy a reasonable person to be the upper story.

Phase 1 Recommended Code Edits

16.30.070. Landscape screening.

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B. Landscape screening – Types and description.

* * * * *

3. Privacy landscape screening.

- a. Privacy landscape screening is a screen of landscaped vegetative species known for their ability to grow expeditiously and function as a visual barrier.
- b. Where privacy landscape screening is required, the following shall apply:
 - i. Shrub and tree species shall consist of a mixture of species sourced from the Medina Privacy Landscape Species list on file with the Development Services Department, unless the city approves the use of an unlisted species. The Director has the authority to update the Medina Privacy Landscape Species list from time to time by providing a copy to the City Clerk and posting it on the City's website.
 - ii. The selected species shall be planted to provide solid year-round sight-obscuring screening from the ground up.
 - iii. Shrubs and trees shall be a minimum of six feet in height at the time of planting. The City may require shrubs or trees to exceed six feet in height at the time of planting if the Director determines the additional height is needed to satisfy MMC 16.71.010(F).
 - iv. Shrubs and trees shall be planted having a planting pattern of at least three feet in width.
 - v. Where practical, existing mature vegetation should be incorporated into the screen.
 - vi. Privacy landscape screening shall be maintained to ensure a height of 28 feet or the maximum allowed height of a building on the subject site, whichever is less.

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Draft Landscape Maintenance Covenant Template

Reflects feedback from
Bellevue Fire Marshal



CITY OF MEDINA

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CITY OF MEDINA LANDSCAPE IMPROVEMENT MAINTENANCE AGREEMENT RESTRICTIVE COVENANT (individual form)

THIS LANDSCAPE IMPROVEMENT MAINTENANCE AGREEMENT RESTRICTIVE COVENANT is made this ____ day of _____, 20____, by _____ (“Grantor”) and the City of Medina, a Washington municipal corporation (“Grantee”).

RECITALS:

- A. Grantor is the owner of certain real property in the City of Medina, Washington, described as set forth in **Exhibit “A”** and referred to in this Agreement as the “Property”. Grantor desires to construct a development on said Property, which development located at _____ (Parcel No. _____).
- B. As part of developing the Property, Grantor requested a Minor Deviation under Section 16.71.010 of the Medina Municipal Code (“MMC”) under Permit No. _____ from the Grantee. A condition of approval of the Minor Deviation required Grantor to install certain landscaping improvements which are required to be maintained in perpetuity.
- C. In order to ensure that Grantor and successors will continue to maintain the landscape improvements, Grantor agrees to execute and record this restrictive covenant.

COVENANT AGREEMENT:

Grantor and Grantee hereby covenant and agree as follows:

1.0 Construction and Installation of Landscape Improvements.

1.1 In connection with Grantor’s proposed development of the Property, Grantee has required and Grantor has agreed to construct Landscape Improvements on Grantor’s Property, including trees, shrubs, and irrigation (“Improvements”). These Improvements are described and shown on a recordable landscape plan prepared by a qualified professional of _____ approved by the City on _____,

Phase 1 Recommended Code Edits

16.71.010. Minor deviation.

A. *Purpose.* The purpose of a minor deviation is:

1. To allow for minor departures from numeric development standards for ~~remodeling~~ alteration projects; and
2. To allow flexibility in design while preserving legally established nonconforming conditions with respect to setback requirements and maximum building heights; and-
3. To allow departures from minimum side yard setback ~~and maximum building height standards~~ for development projects, including new development, alterations, additions, substantial destruction, or ~~substantial~~ reconstruction.

Phase 1 Recommended Code Edits

D. *Applicability.* A minor deviation may be approved for the following:

3. Departures from building height and side setback zoning standards to allow any project to develop against the alternative building height and side setback standards set forth in this section provided:

a. All other numeric development standards applicable to the project are adhered to; and

b. The project includes mitigation measures that will offset any material detriment to the public welfare, or any injury to property or improvements in the vicinity and zone in which the subject property is located, or any substantial reduction in the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code.

c. Development proposed under this subsection may depart from side yard setback zoning standards and may develop against the following alternative side yard setback standards:

<u>Square Footage of the Lot Area</u>	<u>Minimum Setback from the:</u> <u>Side Property Line</u>
<u>Less than 10,001</u>	<u>10 feet</u>
<u>From 10,001 to 13,000</u>	
<u>From 13,001 to 15,000</u>	
<u>From 15,001 to 20,000</u>	
<u>Greater than 20,000</u>	<u>The greater of 10 feet or 15% of the lot width; not to exceed 20 feet</u>

1. Protrusions in setback areas shall otherwise comply with MMC 16.22.040.

Phase 1 Recommended Code Edits

- G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved. Specific to a decision to approve a minor deviation under subsection (D)(3) of this section, the decision authority may apply any or all of the following conditions of approval as necessary to safeguard the public health, general welfare, and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved:
1. A privacy landscape screen pursuant to MMC 16.30.070(B)(3) shall be installed along the perimeter of the lot from which the structure is set back against the alternative side yard setback standards set forth in subsection (D)(3)(c) of this section. A maintenance covenant shall be recorded against the property that commits to maintaining the privacy landscape screen in a manner that complies with MMC 16.30.070(B)(3) and upkeep the landscape screen so as not to encroach adjoining properties. The maintenance covenant shall run with the land in perpetuity;
 - a. Where a privacy landscape screen is required, a landscape plan shall be submitted to the city demonstrating consistency with MMC 16.30.070(B)(3). The landscape plan shall include provisions for maintenance and irrigation of the landscape screen, and shall include planting best management practices that will guide installation of the privacy landscape screen. Should the landscape plan include shrubs or trees installed in excess of six feet in height at the time of planting, a certified arborist or certified horticulturist shall select the landscape species and shall observe their installation to ensure planting best management practices are adhered to. The landscape plan shall be reviewed and approved by the city prior to development activity.

Phase 1 Recommended Code Edits

2. ~~Upper story glazing shall~~ may be limited, including, but not limited to, establishing to a maximum glazing area of 20 percent of any upper story elevation facing side property lines when the alternative side setback standards set forth in subsection (D)(3)(c) of this section are built against, unless additional glazing is required to comply with locally adopted building codes;
3. ~~Uncovered decks~~ Decks or verandas which exceed 30 inches in height above the existing or finished grade, whichever grade is lower, are limited to an area of no more than 100 square feet when any portion of the deck or veranda is developed within the alternative side setback standards set forth in subsection (D)(3)(c) of this section;
4. All lighting shall comply with MMC Chapter 16.25 and with MMC 16.44.040; and
5. Additional mitigation measures may be required such as, but not limited to, increased screening, required fencing, altered location, reducing the scale of the structure, etc., to minimize any negative impacts generated by approving the minor deviation for the structure.

Conditions of Approval: Why?

- Privacy Landscape Screen
 - Would require planting a screen of **fast-growing** species that can be maintained to a height no taller than allowed building height
 - Maintained via **recorded covenant in perpetuity** for long-term efficacy
 - **Creates privacy** where it may otherwise be lost to neighboring development
- Upper-Story Glazing
 - Can be exercised to **limit exposure** into neighboring interior spaces or outdoor leisurely spaces, **adding privacy** to neighbors of new development
 - Could allow for limitation to as much as 20% (could allow more than 20% glazing) and **can consider design mitigations** (i.e., frosted or clerestory windows)

Conditions of Approval: Why?

- Uncovered Deck Size Limitation
 - Recognizes the tendency for large upper-story decks to invite gatherings with visibility into neighboring spaces
 - **Combines** with side setback protrusion limitation (must maintain 75% of setback and be screened)
 - Adds deck size restriction given the **totality of massing** close to side property line (house + deck closer than 15', rather than house at 15' and deck closer than 15') to limit total noise impacts to neighboring residences
- Broad Mitigation Measures
 - Creates opportunity for unanticipated impacts or unique circumstances to be mitigated, **helping to protect against** loss of neighboring privacy and property enjoyment

Why Does the Revised Minor Deviation Work?

- Creates a means for mitigating development impacts on neighboring properties
 - Property owners can build to 15' side setback by right, **or** build to 10' if impacts are mitigated. Creates either additional space between development **or** mitigation measures to offset impacts **that cannot be required in ministerial permits.**
- Creates a path toward realizing prior development potential that is **not** quasi-judicial
 - Property owners today face two options: 1) Re-design to 15', or 2) Non-Admin Variance in front of HEX (very low chance of success)
 - Minor Deviation creates a permitting path with **greater chance of success without need to re-design**

Why Does the Revised Minor Deviation Work?

Satisfies Phase 1 Scope:

- Solves The Problem Expeditiously ✓
- Engaged the Community ✓
- Relies on Existing Tools ✓

Noticing & Public Engagement

- **Commerce NOI**

- Request for expedited 14-day review **approved** 8/14/2026 – no agency comments

- **SEPA**

- DNS Noticed 8/7/2026 – no public/agency comments

- **Council NOH**

- Posted, published, emailed to all legible project participant addresses 9/3/2026. One comment received as of date of materials preparation.

Planning Commission Recommendation

At its August 25, 2026 public hearing on the Phase 1 Ordinance, Planning Commission unanimously passed this recommendation:

“I move to recommend approval of the Development Impacts Project, Phase 1 Ordinance and to direct staff to forward the Planning Commission’s recommendation to the City Council.”

Attachment 2 to the agenda bill includes Planning Commission’s recommended ordinance **with adjustments** made to reflect consistent feedback offered from Council at its September 14 study session.

Phase 1 Schedule & Recommended Future Motion

September 28 – Council Public Hearing (could take action)

October 12 – Request Adoption of Ordinance (subject to change)

Recommended Future Motion: “I move approval of Ordinance No. 1062, as expressed in Attachment _____ included with the agenda bill, to address impacts of construction, to increase privacy and peaceful enjoyment for residents in residential development standards, amending the following sections of the Medina Municipal Code for this purpose: 16.22.030, 16.22.040, 16.23.050 and 16.23.060(C)&(D), 16.44.040, 16.12.020, 16.12.090, 16.12.200, 16.30.070(B), 16.71.010, providing for severability and corrections; terminating the interim official control adopted under Ordinance No. 1052 and extended by Ordinance No. 1059; and establishing an effective date.”

Phase 2 to commence following completion of Phase 1.

Questions or Comments?

Please offer any thoughts, questions, or other feedback on this material.

Thank you!