

**16.80.030. General provisions.**

- A. *Exemptions.* The following project permits are exempt from this chapter:
  - 1. Landmark designations;
  - 2. Street vacations;
  - 3. Legislative actions, such as those set forth in Chapters 16.81 through 16.83 MMC.
- B. *Standard of review.* The land use regulations in effect on the date an application vests will be the standard of review.
- C. *Vesting.* A project permit application shall vest in the development regulations in effect at the time of submission of a completed project permit application as defined herein and all application fees are paid.
- D. *Conflict with other regulations.* When any provisions of this chapter conflict with provisions of other city regulations, ordinances or resolutions, the more restrictive shall apply.

(Code 1988 § 20.80.030; Ord. No. 855 § 1, 2010)

**16.80.050. Project permit procedures.**

The procedures for processing a project permit application may include a determination of completeness, notice of application, notice of hearing, and notice of decision. The following tables establish the decision type, the person or body authorized to make the decision, the general review procedures, and notice requirements that are applicable to each project permit application.

- A. Table 16.80.050(A) sets forth project permits that are categorized as Type 1 decisions with the applicable corresponding review procedures.

**Table 16.80.050(A)—Type 1 Decisions**

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building, reroof and construction permits not listed/no SEPA	BO	Yes	No	No	Yes
Mechanical permit	BO	Yes	No	No	Yes
Demolition permit/no SEPA	BO	Yes	No	No	Yes
Grading and drainage permit/no SEPA	BO	Yes	No	No	Yes
Fence permit	BO	Yes	No	No	Yes
Final short subdivision	D	No	No	No	No
Administrative tree activity permit	D	Yes	No	No	Yes
Hazardous tree designation	D	Yes	No	No	Yes
Right-of-way permit	E	Yes	No	No	Yes
Lot line adjustment	D	Yes	No	No	Yes

Zoning code interpretation	D	No	No	No	Yes
Accessory dwelling units	D	Yes	No	No	Yes
Administrative sign approval	D	Yes	No	No	Yes
Construction activity permit for projects ≤ \$499,000.00	D	Yes	No	No	Yes
SEPA letter of exemption	D <sup>1</sup>	No	No	No	Yes
Shoreline letter of exemption	D	No	No	No	Yes
Shoreline master program interpretation	D	No	No	No	Yes
Temporary use permit	D	No	No	No	Yes
<p>Notes:</p> <p>"DOC"—determination of completeness required pursuant to MMC 16.80.100</p> <p>"NOA"—notice of application required pursuant to MMC 16.80.110</p> <p>"NOH"—notice of hearing required pursuant to MMC 16.80.120</p> <p>"NOD"—notice of decision required pursuant to MMC 16.80.200</p> <p>"BO" means building official has authority to make the decision</p> <p>"D" means the director has authority to make the decision</p> <p>"E" means the city engineer or designee has authority to make the decision</p> <p><sup>1</sup> "Director" here means the person designated as the responsible official</p>					

- B. Table 16.80.050(B) sets forth project permits that are categorized as Type 2 decisions with the applicable corresponding review procedures.

**Table 16.80.050(B)—Type 2 Decisions**

Project Permit	Decision Authority	Procedure Requirements			
		DOC	NOA	NOH	NOD
Building permit/with SEPA	BO/D <sup>1</sup>	Yes	Yes	No	Yes
Demolition permit/with SEPA	BO/D <sup>1</sup>	Yes	Yes	No	Yes
Grading and drainage permit/with SEPA	BO/D <sup>1</sup>	Yes	Yes	No	Yes
Administrative right-of-way tree activity permit	D	Yes	Yes	No	Yes
Administrative special use permit	D	Yes	Yes	No	Yes
Administrative variance	D	Yes	Yes	No	Yes
Minor deviation	D	Yes	Yes	No	Yes
SEPA threshold determination	D <sup>1</sup>	Yes	Yes <sup>2</sup>	No	Yes
Preliminary short subdivision	D	Yes	Yes	No	Yes

Construction activity permit for projects ≥ \$500,000.00 and/or on a private lane or joint driveway	D	Yes	Yes <sup>3</sup>	No	Yes
Final subdivision	CC	No	No	No	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 "BO" means building official has authority to make the decision "D" means the director has authority to make the decision "CC" means the city council makes the decision "E" means the city engineer or designee has authority to issue a decision <sup>1</sup> "Director" here means the person designated as the responsible official <sup>2</sup> A NOA is not required for a SEPA threshold determination issued pursuant to WAC 197-11-340(1) <sup>3</sup> The NOA for a construction activity permit for projects greater than or equal to \$500,000.00 and/or projects on a private lane or joint driveway shall include the date and time of the open house pursuant to MMC 20.75.070 and MMC 20.75.080					

- 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 <sup>1</sup>	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	HE	Yes	Yes	Yes	Yes
Preliminary subdivision	HE/CC <sup>2</sup>	Yes	Yes	Yes	Yes
Shoreline substantial development permit	HE	Yes	Yes	Yes	Yes
Shoreline variance	HE <sup>3</sup>	Yes	Yes	Yes	Yes

Shoreline conditional use permit	HE <sup>3</sup>	Yes	Yes	Yes	Yes
<p>Notes:</p> <p>"DOC"—determination of completeness required pursuant to MMC 16.80.100</p> <p>"NOA"—notice of application required pursuant to MMC 16.80.110</p> <p>"NOH"—notice of hearing required pursuant to MMC 16.80.120</p> <p>"NOD"—notice of decision required pursuant to MMC 16.80.200</p> <p>"HE" means the hearing examiner has authority to make the decision</p> <p>"PC" means the Medina planning commission has authority to make the decision</p> <p>"CC" means the city council makes the decision</p> <p><sup>1</sup>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.</p> <p><sup>2</sup>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.</p> <p><sup>3</sup>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.</p>					

(Code 1988 § 20.80.060; Ord. No. 923 § 39, 2015; Ord. No. 900 § 38, 2013; Ord. No. 855 § 1, 2010; Ord. No. 1001, § 10, 6-14-2021; Ord. No. 1017, § 13, 12-12-2022)

**16.80.060. Meetings prior to submitting a project permit application.**

- A. *Predevelopment meeting.* The purpose of a predevelopment meeting is to acquaint the applicant with the processes of the city and to discuss issues involving development, an application, or a project.
  1. A predevelopment meeting may be held at any time before an application is submitted.
  2. The city may require a predevelopment meeting when a proposal is determined by the director to be of a size or complexity to necessitate such a meeting.
  3. A predevelopment meeting is not intended to be an exhaustive review of all potential issues and the discussion shall not be binding or prohibit the enforcement of applicable laws. Failure to provide all pertinent information may prevent the city from identifying all of the issues or providing the most effective predevelopment meeting.
- B. *Intake meeting.* This is the first formal step in the project permit review process.
  1. An intake meeting is mandatory for all project permit applications prior to submittal. The director may waive this requirement if it is determined to be unnecessary.
  2. The purpose of the meeting is to determine the adequacy of the project permit application for submission.
  3. An intake meeting is not a determination of a complete project permit application as set forth in MMC 16.80.100 and does not vest the application.

(Code 1988 § 20.80.070; Ord. No. 855 § 1, 2010)

---

### **16.80.090. Optional consolidated permit review.**

- A. An application, which involves two or more project permits, may have the review processes consolidated under the procedures for the highest category of a type of decision. The applicant shall specify whether they want the project permit applications consolidated under a single review process or separately.
- B. Only one open-record hearing and no more than one closed-record appeal shall be allowed under a consolidated review process. If a predecision hearing is provided prior to the decision on a project permit application, a subsequent open-record appeal hearing shall not be allowed.
- C. The city may require an applicant to submit project permit applications under a consolidated review process if it is found necessary to comply with the one open-record hearing rule.
- D. If multiple permits for a project are processed separately, the highest type of decision shall be final before subsequent permits can be issued. The director may waive this requirement when a project permit is not dependent on the higher type of decision for its justification or implementation.
- E. If two or more authorities are designated to decide project permits under the highest category of consolidated review, except for applications involving subdivisions, which must be decided by the city council, the director shall designate which of the authorities shall decide the consolidated project permit applications.

(Code 1988 § 20.80.090; Ord. No. 855 § 1, 2010)

### **16.80.100. Determination of completeness.**

When the tables in MMC 16.80.050 identify a requirement for a determination of completeness, the following shall apply:

- A. Within 28 days of accepting the project permit application, the city shall provide a written notice to the applicant that:
  - 1. The application is complete; or
  - 2. The application is incomplete and what is necessary to make the application complete.
- B. To the extent known by the city, the determination of completeness shall identify other agencies of local, state or federal government that may have jurisdiction over some aspect of the application.
- C. Failure to provide the written notice within 28 days shall automatically deem the application as complete.
- D. A project permit application is determined complete when it meets the submittal requirement established in MMC 16.80.070 and is accepted by the city. A determination of completeness shall not preclude the city from requesting additional information or studies as a condition to continue review of a project permit application.
- E. When a notice for an incomplete application is issued, the applicant shall have 90 days from the date of the written determination to submit the necessary information. If the city does not receive the information within 90 days, the application shall lapse. The director may grant a time extension to submit additional information, if the applicant makes such a request in writing prior to expiration of the 90 days.
- F. When an applicant submits information pursuant to subsection (E) of this section, the city shall provide written notice to the applicant within 14 days of receipt as to whether the application is complete or if

---

additional information is required. Failure to notify the applicant within the 14 days will automatically deem the application as complete.

(Code 1988 § 20.80.100; Ord. No. 855 § 1, 2010)

### **16.80.120. Notice of hearing.**

When the tables in MMC 16.80.050 identify a requirement for a notice of hearing, the following shall apply:

- A. A notice of hearing is required for all predecision hearings and shall be subject to the following:
  - 1. The city shall provide the notice of hearing at least 15 days before the hearing date; and
  - 2. In setting the hearing date, the city shall consider the time necessary for comment and appeal periods on any related SEPA threshold determination, and for the city to conduct the hearing and issue a decision within the 120-day time period prescribed in MMC 16.80.210.
- B. The content of the notice of hearing shall include the following information:
  - 1. Project description, list of project permits in the application, assigned city file number, and the city contact person;
  - 2. The date, time, and place for the hearing;
  - 3. The right of any person to participate in the hearings and request a copy of the decision;
  - 4. If applicable, the SEPA threshold determination and the deadline (date, time and place) for submitting a SEPA appeal, including a statement that any timely SEPA appeal shall be heard at the scheduled predecision hearing; and
  - 5. Any other information determined appropriate by the city.
- C. The notice of hearing shall be posted, mailed, and published in accordance with the general notice requirements in MMC 16.80.140.
- D. Continuation of a hearing does not require additional notice.

(Code 1988 § 20.80.120; Ord. No. 855 § 1, 2010)

### **16.80.130. Joint public hearing.**

- A. When requested by the applicant, the city may allow a predecision hearing to be combined with any other hearing that may be held by another local, state, regional, federal, or other agency for the same project; provided, that:
  - 1. The hearing is held within the geographic boundary of the city;
  - 2. The hearing is held within 120 days as specified in MMC 16.80.210, unless the time period is waived by the applicant;
  - 3. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements; and
  - 4. Each agency participating in the hearing has received the necessary information from the applicant about the proposed project to hold the combined hearing.
- B. In all cases, appeals and hearings shall be combined in a manner which retains applicable city procedures. The city may combine its notice requirements with other agencies' notices, and the hearing examiner shall

---

have the discretion to decide the procedures for conducting the hearing when there are conflicting procedures.

(Code 1988 § 20.80.130; Ord. No. 855 § 1, 2010)

### **16.80.210. Processing timelines.**

- A. A decision on a project permit application shall be issued within 120 days from the date the application is determined to be complete pursuant to MMC 16.80.100, except as follows:
  - 1. The city makes written findings that a specified amount of additional time is needed for processing the application; or
  - 2. A project permit or approval involves public facilities, utilities or related uses of public areas or facilities if the director determines special circumstances warrant a longer process.
- B. If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the parties of record. The notice shall include a statement of reasons why the time limits were not met, and an estimated date for issuance of the notice of decision.
- C. In calculating the 120-day time period, the following days shall be excluded:
  - 1. Any period in which the city asks the applicant to correct plans, perform required studies, or provide additional information and the applicant takes to provide the additional information.
  - 2. Any period where the city determines that submitted information is insufficient or incorrect, and has requested the applicant provide the necessary information.
  - 3. Any period, not to exceed 30 days, during which a code interpretation pursuant to MMC 16.10.050 is processed in conjunction with an underlying project permit application.
  - 4. Any period during which an environmental impact statement is being prepared.
  - 5. Any period of time for an administrative appeal or reconsideration of the hearing examiner's decision.
  - 6. Any period of time a project permit application requires approval of an amendment to the comprehensive plan or development regulation in order to receive permit approval.
  - 7. Any period of time on a project permit application that is substantially revised by the applicant, in which case a new 120-day time period shall start from the date at which the revised project application is determined to be complete.
  - 8. Any extension of time mutually agreed upon by the applicant and the city.
- D. All excluded periods are calculated from the date the city notifies the applicant to when the information satisfies the city's requirement.
- E. If the city is unable to issue a decision within the time period prescribed by this section, the city shall notify the applicant in writing. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of a decision.
- F. Failure to comply with the required timelines specified by this chapter shall not create a liability for damages.

(Code 1988 § 20.80.210; Ord. No. 900 § 39, 2013; Ord. No. 855 § 1, 2010)

---

## 16.80.220. Appeals.

The following shall apply to appeals:

- A. Type 1 and Type 2 decisions may be appealed to the hearing examiner, subject to the following:
  - 1. Appeals must be filed within 14 days following issuance of a notice of decision. If a determination of nonsignificance (SEPA) with a comment period is issued concurrently with the project decision, the appeal period shall be extended an additional seven days.
  - 2. Only parties of record with standing may initiate an appeal. Standing shall constitute the following:
    - a. For a Type 1 decision, only the applicant, property owner, and the city shall have standing;
    - b. For a Type 2 decision, the applicant, the city and any person who becomes a party of record pursuant to MMC 16.12.170 shall have standing.
  - 3. The appellant shall have the burden of proof by a preponderance of evidence that the decision was not supported by substantial evidence, except SEPA threshold determinations, which the appellant shall have the burden of proof by a clearly erroneous standard.
  - 4. Appeals must be submitted to the city by the date, time and place prescribed in the legal notice. Appeals shall be in writing and contain at a minimum the following information:
    - a. Appellant's name, address and phone number;
    - b. Identification of the application which is the subject of the appeal;
    - c. Statement of the specific objections with the decision or findings;
    - d. Statement of the grounds for appeal and the facts upon which the appeal is based;
    - e. A statement of the relief sought, including the specific nature and extent; and
    - f. A statement attesting to the truthfulness of the information being provided with the appellant's signature.
  - 5. Administrative appeals are subject to the procedures set forth in MMC 16.80.230.
  - 6. The timely filing of an administrative appeal shall stay the effective date of the decision until the appeal is either decided or withdrawn. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under the Medina Municipal Code.
- B. Type 3 decisions may be appealed to King County superior court by filing a land use petition within 21 days pursuant to Chapter 36.70C RCW.
- C. Exceptions to subsections (A) and (B) of this section.
  - 1. Appeal of a decision relating to the Medina shoreline master program shall be to the shoreline hearings board pursuant to RCW 90.58.140(6).
  - 2. There shall be no administrative appeal of a Type 1 decision on a final short subdivision.
  - 3. Appeal of a Type 2 decision on a final plat shall be to King County superior court by filing a land use petition within 21 days pursuant to Chapter 36.70C RCW.
  - 4. Appeal of a Type 3 decision by the planning commission shall be the same as an appeal of Type 1 and Type 2 decisions set forth in subsection (A) of this section.



- 
5. There is no administrative appeal of a SEPA threshold determination associated with a city council legislative action.

(Code 1988 § 20.80.220; Ord. No. 855 § 1, 2010)

**16.80.240. Development agreements.**

- A. The city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction or outside its boundaries as part of a proposed annexation or a service agreement. A development agreement sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
- B. A determination of completeness, notice of hearing and a notice of decision are required pursuant to the provisions of this chapter. The 120-day time limit for the notice of decision shall not apply to a development agreement.
- C. The city council may approve a development agreement by ordinance or resolution only.

(Code 1988 § 20.80.240; Ord. No. 855 § 1, 2010)