Subtitle 20.6
Shoreline Master Program

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20.60.010 Title.

Chapters 20.60 through 20.67 of the Medina Municipal Code shall be known as, and may be cited as, the "Medina Shoreline Master Program."

20.60.020 Introduction.

The Shoreline Management Act of 1971 (Act) was adopted by the public in a 1972 referendum “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”

A. The Act advances the following broad policies:
    1. Encourage water-dependent uses along the shoreline;
    2. Protect the resources and ecology of the shoreline; and
3. Promote public access of the shoreline environment.

B. The Act, and the City, recognizes the protection of private property rights while aiming to preserve the quality of unique shoreline resources.

C. The primary purpose of the Act is to provide for the management and protection of shoreline resources by planning for reasonable and appropriate uses through a coordinated planning program between the state and local jurisdictions.

20.60.030 Purpose.

The purpose of the shoreline master program is to:

A. Carry out the responsibilities imposed by the Act;

B. Promote the public health, safety and general welfare by guiding future development of shoreline resources within the City;

C. Comply with the Shoreline Master Program Guidelines set forth in Chapter 173-26 WAC.

20.60.040 Authority.

Chapters 20.60 through 20.67 of the Medina Municipal Code are adopted under the authority of Chapter 90.58 RCW and Chapter 173-26 WAC.

20.60.050 Applicability.

A. The requirements of the shoreline master program apply to all uses and development occurring within the City’s shoreline jurisdiction as defined in RCW 90.58.030 including:

1. Lake Washington; and

2. Areas extending landward 200 feet from the ordinary high water mark of Lake Washington.

B. Shoreline jurisdiction shall not include buffer areas for wetlands or streams that occur within shorelines jurisdiction, except those buffers contained within lands extending landward 200 feet from the ordinary high water mark of Lake Washington.

20.60.060 Administration.

A. All uses and development proposals within the shoreline area should be evaluated in terms of the shoreline master program. All uses and development proposals, including those that do not require a permit, must comply with the policies and regulations established by the Act as expressed through the shoreline master program.

B. The Director is vested with responsibility for administering the shoreline master program consistent with this shoreline master program and applicable provisions of the Act.

C. No development may be undertaken or is authorized unless it is consistent with the policies and provisions of the shoreline master program and the Act.

D. Shoreline permits, and shoreline exemptions, shall be processed in accordance with the requirements set forth in Chapter 20.80 MMC and the approval criteria specified for shoreline permits.

20.60.070 Relationship to other plans and regulations.

A. The Medina Comprehensive Plan provides the underlying planning framework within which the shoreline master program fits. The policies found in the Shoreline Management Sub-Element of the Comprehensive Plan are incorporated as an element of the shoreline master program.
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B. The shoreline master program shall apply as an overlay and in addition to: zoning, land use regulations, development regulations, and other regulations established by the City.

C. In the event of a conflict between the regulations in this shoreline master program and any other applicable regulations of the City, the regulation that provides the greater protection of shoreline ecological functions and aquatic habitat shall prevail.

20.60.080 Interpretation.

A. The Director is authorized to make written interpretations of the shoreline master program whenever necessary for clarification or to resolve a conflict within these regulations. Interpretations are a Type 1 decision processed pursuant to Chapter 20.80 MMC.

B. Any person may submit a written request for an interpretation to the Director, or the Director may issue an interpretation on their own initiative.

C. A request for an interpretation shall address the following decision criteria:
   1. The defined or common meaning of the word or words in the provision; and
   2. The general purpose of the provision as expressed in the section or chapter where the provision is found;
   3. The logical or likely meaning of the provision viewed in relation to the Act and the shoreline master program;
   4. Consistency with the policies and provisions set forth in Chapter 90.58 RCW, and Chapters 173-26 and 173-27 WAC;
   5. Consistency with the goals and policies set forth in the Shoreline Sub-Element of the Medina Comprehensive Plan; and
   6. Consistency with other elements of the shoreline master program.

D. The Director shall consult with the Washington State Department of Ecology for consistency of the interpretation with the Act and the shoreline master program before issuing a written interpretation.

E. A written interpretation shall have the effect and be enforced as if it is part of the shoreline master program.

F. A record of all written interpretations shall be maintained by the City and be available for public inspection and copying during regular business hours.

20.60.090 Liberal construction.

As provided in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction; the Act and the shoreline master program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and the shoreline master program were enacted and adopted, respectively.

20.60.100 Violations and Penalties.

Violation of any provision of the shoreline master program shall be subject to the enforcement provisions and penalties in Chapter 1.15 MMC and WAC 173-27-240 through 173-27-310.

20.60.200 Definitions – General Provisions.

A. Words in this shoreline master program used in the singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates otherwise.

B. The definitions in this chapter shall apply to the shoreline master program and they should be used in conjunction with other definitions found in title 17 and title 20 MMC. However, these definitions are not intended to replace or alter similar definitions found elsewhere.
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within the Medina Municipal Code except where specifically applied to the shoreline master
program.

20.60.210 “A” definitions.

A. "Act" means Chapter 90.58 RCW, the Shoreline Management Act of 1971, as hereafter
amended.
B. “Accessory dwelling unit” means a dwelling unit subordinate to a single-family dwelling unit
which:
a. Is located within the single-family dwelling unit; or
b. Is located within an accessory building as defined by the zoning code.
C. “Accessory structure, use or activity” means a structure or part of a structure, use, or activity,
which is incidental and subordinate to a permitted principal use or building.
D. “Adult family home” means a residential home in which a person or persons provide
personal care, special care, room, and board to more than one but not more than six adults
who are not related by blood or marriage to the person or persons providing the services
provided, however, any limitation on the number of residents resulting from this definition
shall not be applied if it prohibits the City from making reasonable accommodations to
disabled persons in order to afford such persons equal opportunity to use and enjoy a
E. "Agricultural activities" means agricultural uses and practices as defined in WAC 173-26.020
and amendments thereto.
F. “Alternative energy facilities” means energy generating facilities using (a) wind; (b) solar
energy; (c) geothermal energy; (d) or wave or tidal action where such facilities have
noncommercial purposes, primarily supports the use that the facilities are accessory to, and
comply with local development regulations.
G. “Aquaculture” means the culture or farming of food fish, shellfish, or other aquatic plants and
animals.
H. “Aquaculture, accessory” means the noncommercial culture or farming of food fish, shellfish,
or other aquatic plants and animals, which is located on the same lot of a principle use such
as a single-family dwelling, and in which such activity does not produce noise, odors, or
other impacts that negatively affect adjacent property owners enjoyment of their property.
I. "Average grade level" means the average of the natural or existing topography of the portion
of the lot, parcel, or tract of real property which will be directly under the proposed building
or structure: In the case of structures to be built over water, average grade level shall be the
elevation of the ordinary high water mark. Calculation of the average grade level shall be
made by averaging the ground elevations at the midpoint of all exterior walls of the
proposed building or structure.

20.60.211 “B” definitions.

A. “Bioengineering” means project designs or construction methods that use live woody
vegetation or a combination of live woody vegetation and specially developed natural or
synthetic materials to establish a complex root grid within the existing bank that is resistant
to erosion, provides bank stability, and maintains a healthy riparian environment with habitat
features important to fish life.
B. “Boathouse” means an overwater structure with walls and a roof designed for the storage of
boats, but does not include covered moorage.
C. “Boat launch” means graded slopes, slabs, pads, planks, or rails used for launching boats
by means of a trailer, hand, or mechanical device.
D. “Boat lift” means any lift for motorized boats, kayaks, canoes and jet skis; including floating lifts that are designed to not contact the substrate of the Lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the Lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.

E. “Breakwater” means a protective structure that is normally built offshore to provide protection from wave action.

F. “Bulkhead” means a vertical or nearly vertical erosion protection structure placed parallel to and near the ordinary high water line and/or the ordinary high water mark consisting of concrete, timber, steel, rock, or other permanent material for the purpose of protecting adjacent wetlands and uplands from waves and currents.

G. “Buoys” means a floating object anchored in water used to mark a location, warn of danger, or indicate a navigational channel.

20.60.212 “C” definitions.

A. “Clearing” means cutting, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, cutting means the severing of the main trunk or stem of woody vegetation at any point.

B. “Covered moorage” means any structure having a roof, but not walls that is permitted pursuant to MMC 20.65.060 to cover or shelter a moorage space or pier.

C. “Covered moorage area” means the gross area of the roof of the covered moorage structure projected on the surface or surfaces below.

D. “Critical Areas” means critical areas as defined in RCW 36.70A.030 and amendments thereto.

20.60.213 “D” definitions.

A. “Deck” means a structure attached to a wall of a building designated, established, and/or installed to provide outdoor living, cooking, and/or recreation, some sides of which are open and which may or may not have a permanent overhead covering.

B. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level.

C. “Director” means the city manager or designee.

D. “Dock” means a structure that floats on the surface of the water, without piling supports, and which may be attached to the shore or may be anchored to submerged land. Dock facilities may include wharves, boat moorage, swimming, public access, and other activities that require access to deep water.

E. “Dredging” means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands; maintenance dredging and/or support activities are included in this definition.

F. “Dwelling” means a living space or combination of rooms designed to provide independent year-round living facilities for one family or household, including household staff and guest, constructed to the minimum standards of the Building or HUD Code, and with provisions for sleeping, eating and sanitation.

G. “Dwelling, multi-family” means a residential structure containing two or more dwellings.
H. “Dwelling, single-family” means a residential structure containing one dwelling.

20.60.214 “E” definitions.

A. “Ecological functions, shoreline ecological functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments constituting the shoreline’s natural ecosystem.

B. “Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

C. “Ell” means a terminal pier section oriented perpendicular, diagonal or linear to the pier walkway.

D. “Existing grade” means the ground elevation existing on the building site at the time an application for a building or other development permit is filed at the City.

20.60.215 “F” definitions.

A. "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

B. “Feasible” means an action, such as a development project, mitigation, or preservation requirement that meets all of the following conditions:
1. Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. Provides a reasonable likelihood of achieving its intended purpose; and
3. Does not physically preclude achieving the project’s primary intended legal use.

The burden of proving infeasibility is on the applicant in cases where these guidelines require certain actions. In determining an action’s infeasibility, the City may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

C. “Fill” means for the purpose of the shoreline master program the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

D. “Finger” means a narrow pier section projecting from the pier walkway, typically perpendicular to the walkway and located landward of an ell in order to form the near-shore side of a boat-slip.

E. “Float” means a structure that floats on the surface of the water that is not attached to the shore, but that may be anchored to submerged land. Floats are typically used for swimming, diving and similar recreational activities.

F. “Float plane and helicopter moorage” means a facility where water-based aircraft and/ or helicopter are secured for moorage.
G. “Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber.

H. “Freestanding fence or wall” means a structure located above grade that is intended to provide a barrier for privacy, security or safety.

20.60.216 “G” definitions.

A. “Gabion” means a structure composed of masses of rocks or rubble held tightly together by wire mesh (typically) so as to form upright blocks or walls.

B. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

C. “Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

20.60.217 “H” definitions.

A. "Height" is the vertical distance measured from the average grade level to the highest point of a structure.

B. “Houseboat” means a structure designed and operated substantially as an overwater residence. Houseboats are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel.

C. “Horticultural activities" means cultivating plants, especially flowers, fruit, and vegetables, in gardens or greenhouses.

20.60.218 “I” definitions.

A. “Impervious surface” means any hard surface area which either prevents or retards the entry of water into the soil mantle as it would otherwise enter under natural conditions preexisting to development, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow as it would otherwise under natural conditions preexisting to development. Examples include impenetrable materials such as asphalt, concrete, brick, stone, wood and rooftops.

20.60.219 “J” definitions.

A. “Joint-use or shared” means overwater structures that are constructed for private use by more than one property owner.
20.60.221  “L” definitions.

A. “Land division” means the division or re-division of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

B. “Land surface modification” means any movement or modification of earth material on any site.

C. “Lot” means a measured piece of land having fixed boundaries and designated on a plot or survey.

D. “Lot area” means the dry land area landward of the ordinary high water line.

E. “Low impact development” means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/ transpiring, and filtering water that allows water to soak into the ground closer to its source.

20.60.222  “M” definitions.

A. “Marina” means a private or public facility providing the purchase and or lease of a slip for storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage.

B. “Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.


D. “Moorage” means a place where a boat or vessel may be secured.

E. “Moorage buoy” means a floating object anchored to provide a mooring place away from the shore.

F. “Moorage pile” means a piling to which a boat is tied up to prevent it from swinging with changes of wind, waves or other similar functions.

G. “Moorage structure” means those installations or facilities including piers, wharves, platforms, ramps, dolphins, buoys, quays, or bulkheads, or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or waterborne craft.

20.60.223  “N” definitions.

A. "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

B. “Non-water oriented uses” means uses that are not water-dependent, water-related, or water-enjoyment.

C. “Nonconforming structure” means a building or structure that does not comply with the required setbacks, height, structural coverage and other development requirements of the shoreline master program, but was lawfully constructed prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. This term applies whether or not the nonconformity was permitted by a variance.

D. “Nonconforming use” means any activity, development, or condition that by the shoreline master program is not permitted outright or permitted as an accessory use, or is not permitted by a conditional use permit or other special permitting process; but was lawfully created prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. A nonconforming use may or may not involve buildings or structures and may involve part of, or all of, a building or property.
20.60.224 “O” definitions.

A. “Ordinary high water line” means an elevation of 21.8 for Lake Washington above sea level based on the National Geodetic Vertical Datum (NGVD) of 1929. This must be converted to the North American Vertical Datum of 1988 (NAVD88) per City of Bellevue control points within Medina City limits.

B. "Ordinary high water mark" means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

C. “Outfall” means a structure used for the discharge of stormwater or sewer system into a receiving water.

20.60.225 “P” definitions.

A. “Patio” means a hard surfaced area of the ground beyond a building designed, established and/ or installed to provide for outdoor living, cooking and recreation, some sides of which are open and which may or may not have a permanent overhead covering.

B. “Pervious” means, as opposed to impervious surfaces, these are surfaces that allow water to pass through at rates similar to pre-developed conditions or better. Pervious surfaces, include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers.

C. “Pier” means a platform built on pilings or similar structures that projects over, and is raised above the water and is attached to land, and that is used for boat moorage, swimming, fishing, public access, or similar activities requiring access to deep water.

D. “Piling” means the structural supports for piers, usually below the pier decking and anchored in the water.

E. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

F. “Public access” means the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline.

G. "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

20.60.226 “Q” definitions.

A. “Qualified Professional” means a person with relevant education, experience and training, as determined by the City, in biological fields such as botany, fisheries, wildlife, soils, ecology, and similar areas of specialization.

20.60.227 “R” definitions.

A. “Reconstruction” as prescribed in MMC 20.66.090 means to undertake construction within and/ or on an existing building or structure which has a valid construction permit with fair-market construction costs greater than 60 percent of the replacement cost of the existing
building or structure being rebuilt. All project phases necessary to result in a habitable building must be included. The construction cost shall be valid for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the City.

B. “Replacement cost” as prescribed in MMC 20.66.090 means the square footage of the structure multiplied by local building costs per square foot, or a similar method of calculation.

C. “Repair” means to restore something broken or damaged to good condition.

D. “Recreational uses” means facilities designed consistent with MMC 20.64.020 and used to provide recreational opportunities to the public.

E. “Residential use” means development in which people sleep and prepare food, other than developments used for transient occupancy. As used in the shoreline master program residential development includes single-family development (known as detached dwelling unit) and the creation of new residential lots through land division.

F. “Restore,” “restoration” or “ecological restoration” means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

20.60.228 “S” definitions.

A. “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

B. “Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands together with the lands underlying them: except (i.) shorelines of statewide significance; (ii.) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii.) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

C. “Shoreline Master Program” means the Medina Shoreline Master Program adopted pursuant to RCW 90.58 and WAC 173-26.

D. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

E. “Shoreline setback” means the distance measured in feet that a structure or improvement must be located from the ordinary high water line of Lake Washington.

F. “Shoreline stabilization” means for protecting shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion. Shoreline stabilization can be separated into the following categories:

1. “Nonstructural” includes the planting or re-planting of native vegetation, beach enhancement and similar non-structural measures;
2. “Structural” includes the use of structures such as bulkheads, revetments, cribs, and gabions made of hard materials such as stone, concrete or timber;
3. “Bioengineering” includes the use of vegetation, both through planting and for structural purposes such as live staking, brush layering, and brush matting;
4. “Biotechnical measures” includes the combination of bioengineering approaches with some degree of structural design such as matting or vegetated gabion walls or mattresses, vegetated cribbing, vegetated rip rap, or keyed native toe-boulders.
G. “Shoreline stabilization, hard structural” means shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hardening materials typically include concrete, boulders, dimensional lumber or similar materials.

H. “Shoreline stabilization, soft structural” means shoreline erosion control practices that contribute to restoration, protection or enhancement of shoreline ecological functions such as the use of bioengineering and biotechnical measures.

I. “Shoreline habitat and restoration” means activities conducted for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

J. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect shoreline ecological functions, does not constitute significant vegetation removal.

K. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

L. “Substantial destruction” as prescribed in MMC 20.66.090 means to remove more than 60 percent of the existing exterior wall framing of a building or structure, as measured by the horizontal linear length of all 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.

20.60.229 “T” definitions.

A. “Tram” means an electrically driven transport vehicle that runs on rails, overhead cables, or similar structure to move passengers and goods up and down a hillside.

20.60.230 “U” definitions.

A. “Utilities” means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, storm water, and similar services and facilities.

20.60.231 “V” definitions.

A. “Vessel” includes every description of watercraft, used or capable of being used as a means of transportation on the water.

20.60.232 “W” definitions.

A. “Wall Framing,” as prescribed in MMC 20.66.090, means the assemblage of beams and struts that provide a support structure to which interior and exterior wall coverings are attached. Wall framing shall not include the horizontal ceiling joists and sloping rafters used for the roof.

B. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

C. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational
D. “Waterfront structure” means any structure built at or along the shoreline or over the shorelands and including particularly bulkheads and moorage facilities.

E. “Water frontage” means the extent of land abutting water as measured pursuant to MMC 20.63.050(A)(2)(c).

F. “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

G. “Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

H. "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

I. “Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

J. “Wireless communication facilities” means the same as given in the zoning code.
Chapter 20.61
Shoreline Environment Designations

Sections:

20.61.010 Establishment of shoreline environment designations.
20.61.020 Shoreline jurisdiction and shoreline map.
20.61.030 Residential environment
20.61.040 Urban conservancy environment.
20.61.050 Aquatic environment.
20.61.060 Transportation environment.

20.61.010 Establishment of shoreline environment designations.

Medina’s shoreline is divided into the following shoreline environment designations based upon the designation criteria prescribed by this chapter:
A. Residential;
B. Urban Conservancy;
C. Transportation; and
D. Aquatic.

20.61.020 Shoreline jurisdiction and shoreline map.

The Shoreline Environment Designation Map set forth in Figure 20.61.020 is a graphic representation of Medina’s shorelines regulated by the shoreline master program and shall serve as the official shoreline map assigning shoreline environment designations to properties subject to the following:
A. The boundaries depicted on the map are approximate location and extent of the shoreline jurisdiction with additional site-specific evaluation required to confirm and/or verify actual boundaries of the shoreline jurisdiction; and
B. Property lines shall be used for interpreting the boundaries of the shoreline environment designations, except for the aquatic environment, which is interpreted using the ordinary high water line.

20.61.030 Residential environment.

A. Purpose.
1. The purpose of the Residential environment designation is to accommodate single-family residential development and appurtenant structures that are consistent with shoreline master program.
2. A secondary purpose is to provide, where appropriate, public access and recreational uses.

B. Designation Criteria.
1. Areas designated Residential on the shoreline map includes those areas adjacent to Lake Washington that are zoned residential and developed with single-family residences or vacant, and where single-family residences are anticipated to continue in the future.
2. This designation shall apply to areas that are upland from the ordinary high water line.
20.61.040 Urban conservancy environment.

A. Purpose. The purpose of the Urban Conservancy environment designation is to protect and restore shoreline ecological functions of open space and other sensitive lands while allowing a variety of compatible uses.

B. Designation Criteria. Areas designated Urban Conservancy on the shoreline map are areas appropriate and planned for development that is compatible with maintaining or restoring shoreline ecological functions of the area, which are not generally suitable for water-dependent uses, where any of the following characteristics apply:
1. They are suitable for water-related or water-enjoyment uses;
2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
3. They have potential for ecological restoration;
4. They retain important shoreline ecological functions, even though partially developed; or
5. They have the potential for development that is compatible with ecological restoration.

C. Locations. Areas designated as Urban Conservancy include:
1. Medina Beach Park landward of the ordinary high water mark;
2. Lake Lane (Fairweather Bay off of N.E. 78th Place) landward of the ordinary high water mark;
3. South end of 84th Avenue N.E. landward of the ordinary high water mark near View Point Park;
4. Privately-owned, join-use shoreline recreational lots, including:
   a. Recreation Tract X conveyed by Lynn Short Plat;
   b. Park Tracts B and C of Lake Crest Park Division 2 (73rd Avenue N.E.);
   c. Tract A of Edgecliff Plat;
   d. Parcel 194230-0044, Dehn’s Addition Vacated;
   e. Conservation Tract (1000 Block of Evergreen Point Road);
   f. Community Beach and Road Tract (7700 Block of Overlake Drive West);
5. Areas not otherwise designated with a shoreline environment designation

20.61.050 Aquatic environment.

A. Purpose. The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

B. Designation Criteria. All areas including and waterward of the ordinary high water mark are designated as Aquatic environment.

20.61.060 Transportation environment.

A. Purpose. The purpose of the Transportation environment designation is to accommodate the infrastructure necessary for the SR 520 floating bridge and highway. A secondary purpose is to ensure those areas not needed for ongoing operations are considered for potential public access and habitat enhancement uses.

B. Designation Criteria. Areas designated Transportation on the shoreline map and are owned by Washington State Department of Transportation for the use and associated uses of State Route 520.
Figure 20.61.020: Shoreline Environment Designation Map

Medina Shoreline Environment Designations

- Residential
- Urban Conservancy
- Transportation

Waterward OHWM = Aquatic

SR-520 BRIDGE

AQUATIC
All areas waterward of the ordinary high water mark have an Aquatic designation.

North

LAKE WASHINGTON
Chapter 20.62
Shoreline Use Regulations

Sections:
20.62.010 Applicability.
20.62.020 Permitted uses, prohibited uses.
20.62.030 Use table.

20.62.010 Applicability.
This chapter applies to specific uses and types of development that typically occur in shoreline areas. This chapter is applied in conjunction with other provisions found elsewhere in the shoreline master program.

20.62.020 Permitted uses, prohibited uses.
Uses within the shoreline jurisdiction are subject to the following:
A. Uses listed with a “P” in Table 20.62.030 are permitted, subject to a substantial development permit or shoreline exemption;
B. Uses listed with a “CU” in Table 20.62.030 are conditionally permitted, subject to approval of a shoreline conditional use permit;
C. Uses listed with an “X” in Table 20.62.030 are prohibited;
D. Uses not listed in the table, may be authorized as a conditional use provided the review criteria in WAC 173-27-160, as hereafter amended, are satisfied;
E. Review procedures for deciding project permits are found in Chapter 20.80 MMC.

20.62.030 Use table.
Table 20.62.030 establishes those uses which are permitted, those uses requiring special approval and those uses that are prohibited within each shoreline environment designation.

<table>
<thead>
<tr>
<th>Shoreline Use</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling unit</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory buildings/ uses located on the same lot as a single-family dwelling other than specifically listed in the table</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Adult family home</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Detached single-family dwelling</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Multi-family dwellings (2 attached units or more)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
## Attachment A

<table>
<thead>
<tr>
<th>Commercial Use</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory home business</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water-oriented uses other than specifically listed in the table</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Non-water-oriented uses other than specifically listed in the table</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water-oriented uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Non-water-oriented uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transportation &amp; Parking Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking facilities – primary</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking facilities – accessory</td>
<td>Same as the primary use it supports</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local transportation including roads, bicycle and pedestrian facilities related to permitted shoreline activity</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>State transportation facilities including bridge and associated support facilities</td>
<td>X</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utilities</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid waste disposal, transfer sites, electrical substations and similar primary utility facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution, and associated appurtenances</td>
<td>P</td>
<td>P</td>
<td>CU</td>
<td>P</td>
</tr>
<tr>
<td>Alternative energy facilities - accessory to a permitted use</td>
<td>P</td>
<td>P</td>
<td>CU</td>
<td>P</td>
</tr>
<tr>
<td>Wireless communication facilities</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resource Land</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural activities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture other than those specifically listed in the table</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture – accessory</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forest practices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mining</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreational Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public parks and associated park improvements (landward of the ordinary high water mark)</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Public piers and docks</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public swimming beach and public recreational uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Any water-enjoyment recreational development other than those specifically listed in the table</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Non-water-oriented recreational development</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Boating Uses &amp; Facilities</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat launch motorized/ non-motorized</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Boathouse</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Buoys for vessel moorage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Buoys not for vessel moorage</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Launching Rails</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
## Attachment A

| Marina (all) | X | X | X | X |
| Piers, docks, boat lifts, moorage pilings and covered moorage | P | P | P | P |
| Temporary moorages used for vessels supporting construction activity | P | P | P | P |

### Shoreline Modifications

| Breakwaters/ jetties/ rock weirs/ groins | X | CU | CU | CU |
| Maintenance dredging of established navigation channels and basins | P | P | P | P |
| Dredging establishing, expanding, or relocating or reconfiguring navigation channels and basins | P | P | P | P |
| Dredging for fill material associated with MTCA or CERCLA habitat restoration project | P | P | P | P |
| Dredging for fill material with other significant habitat enhancement project | CU | CU | CU | CU |
| Dredging other than those specifically listed in the table | X | X | X | X |
| Fill waterward of the ordinary high water line | CU | CU | CU | CU |
| Fill waterward of the ordinary high water line which is part of an environmental restoration plan or required mitigation | P | P | P | P |
| Land surface modification | P | P | P | P |
| Shoreline habitat and restoration activities | P | P | P | P |
| Shoreline stabilization | P | P | P | P |

### Miscellaneous Uses

| Accessory noncommercial horticultural activities | P | P | X | P |
| City government facilities | CU | P | X | P |
| Non-water-oriented uses other than those specifically listed in the table | X | X | X | X |
| Scientific, historical, cultural, or educational uses | P | P | P | P |
| Trams providing access in steep slope areas | P | P | X | P |
| Trams other than specifically listed in the table | X | X | X | X |

*See explanation of “P”, “CU” and “X” in MMC 20.62.020
Attachment A

Chapter 20.63
Shoreline General Development Standards

Sections:
20.63.010 General provisions.
20.63.020 Maximum impervious surface.
20.63.030 Shoreline setbacks from Lake Washington.
20.63.040 Maximum height.
20.63.050 Development standards for divisions of land and lot line adjustments.

20.63.010 General provision.
A. The requirements in this chapter apply when a property owner or their representative initiates new development or redevelopment on their property.
B. Existing uses and/or conditions not in compliance with the requirements of this chapter may continue unaffected subject to the limitations for nonconformity prescribed by the shoreline master program.

20.63.020 Maximum impervious surface.
A. The total impervious surface on a lot, including structures, shall not exceed the standards set forth in Table 20.63.020.
B. The pertinent maximum impervious surface standard is determined based upon the lot area in Table 20.63.020 and the corresponding shoreline environment designation.
C. Compliance with maximum impervious surface is determined as a percentage using the total impervious surface on the lot divided by the lot area including lot areas outside of the shoreline jurisdiction.

<table>
<thead>
<tr>
<th>Lot Area (Square feet)</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,000 and less</td>
<td>55.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16,001 to 29,999</td>
<td>52.5%</td>
<td>30%</td>
<td>Not Applicable</td>
<td>80%</td>
</tr>
<tr>
<td>30,000 and greater</td>
<td>50.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20.63.030 Shoreline setbacks from Lake Washington.
This section establishes the minimum shoreline setback requirements from Lake Washington.
A. Shoreline setbacks shall be determined in the following manner:
   1. Where the map in Figure 20.63.030(A) designates a 30-foot shoreline setback, the minimum setback shall be 30 feet;
   2. Where the map in Figure 20.63.030(A) designates a 30-foot shoreline setback with enhancements, the minimum setback shall be:
      a. 30 feet if enhancements set forth in MMC 20.63.030(F) are provided; or
b. 50 feet if enhancements set forth in MMC 20.63.030(F) are not provided;
3. Where the map in Figure 20.63.030(A) designates a 50-foot shoreline setback, the
minimum setback shall be 50 feet;
4. Where the map in Figure 20.63.030(A) designates a stringline setback, the minimum
setback shall be the distance to the stringline established pursuant to MMC
20.63.030(D); and
5. Exceptions to shoreline setbacks are allowed pursuant to MMC 20.63.030(C);
B. The shoreline setback is measured as:
1. The distance between the ordinary high water line to the closest point of any part of a
building or structure; and
2. The measurement is taken on a horizontal plane landward from the ordinary high water
line in the direction that results in the greatest distance of the building or structure being
setback from the ordinary high water line.
C. The following structures are allowed to protrude into a shoreline setback provided the
structure is constructed and maintained in a manner that avoids or mitigates adverse
impacts to shoreline ecological functions:
1. Pedestrian walkways, provided the total impervious surface is the minimum reasonably
necessary to provide access to the shoreline;
2. Those parts of water-dependent development that require improvements to be adjacent
to the water’s edge, such as boat ramps and similar structures, but not including
cabanas, changing rooms, covered patios, or similar types of sheltered structures;
3. Facilities for public access to the water and similar water-enjoyment recreational uses;
4. Utilities which are located underground, except as required otherwise by Chapter 20.67
MMC, and are accessory to a shoreline use;
5. Bio-retention swales, rain gardens, and other similar bio-retention systems that allow
filtration of water through vegetation;
6. Infiltration systems for surface water, such as vaults and similar structural improvements,
where installation occurs as far from the ordinary high water line as feasible;
7. Uncovered decks and patios provided:
   a. No part of the structure exceeds 30 inches in height above the existing grade;
   b. No part of the structure is closer than 30 feet from the ordinary high water line;
   c. Total surface area does not exceed 500 square feet inside of the setback area for all
decks, patios and similar improvements;
   d. Materials allow water to easily pass through to the ground (example: wood decking
      with gaps between the boards and pervious ground surface below); and
   e. Within the 70 to 125-foot stringline setback area, the requirements set forth in MMC
      20.63.030(C)(7)(b) and (c) may be modified to allow uncovered decks and patios to:
      i. Protrude into the shoreline setback area provided no part of the structure is
closer than 50 feet from the ordinary high water line; and
      ii. The total surface area of decks, patios and similar improvements inside of the
setback area does not exceed 15 percent of the total shoreline setback area;
8. Small outdoor fire pits, picnic tables, benches and similar recreational features;
9. Fences and walls, which are erected consistent with zoning requirements (substituting
rear property line setback with shoreline setback requirements) provided:
   i. It does not interfere with shoreline vegetation required for mitigation;
   ii. It does not act as a shoreline stabilization measure;
10. Essential public facilities that are water-dependent and must cross the shoreline; and
11. Legally established shoreline stabilization measures.
D. Where the map in Figure 20.63.030(A) designates a stringline setback:
1. A stringline is established by drawing a straight line between the two points where the
primary single-family dwelling on each of the adjoining shoreline lots each projects the
Attachment A

greatest towards and is the closest to the ordinary high water line, including attached
structures (e.g., decks or stairs) that are 30 inches in height or greater above the existing
grade; and

2. The minimum shoreline setback is the distance between the stringline and the ordinary
high water line (see diagram in Figure 20.63.030(D); and

3. If the map in Figure 20.63.030(A) designates a 30- to 50-foot stringline setback:
   a. Where the stringline is closer than 30 feet, the minimum setback from the ordinary
      high water line shall be 30 feet;
   b. Where the stringline is greater than 50 feet, the maximum setback required from the
      ordinary high water line shall be 50 feet; or

4. If the map in Figure 20.63.030(A) designates a 70- to 125-foot stringline setback:
   a. Where the stringline is closer than 70 feet, the minimum setback from the ordinary
      high water line shall be 70 feet;
   b. Where the stringline is greater than 125 feet, the maximum setback required from the
      ordinary high water line shall be 125 feet;

5. If a stringline cannot be established because an adjoining shoreline lot does not contain
   a single-family dwelling within the shoreline jurisdiction, the following shall apply:
   a. The shoreline setback shall be 25 percent of the lot depth, subject to the setback
       limitations set forth in MMC 20.63.030(D)(3) and (4); and
   b. For the purpose of this provision:
      i. The lot depth is established by measuring the distance between the ordinary high
         water line where the land extends the greatest waterward and the boundary line
         of the lot farthest from the ordinary high water line; and
      ii. The resulting setback is applied in the same manner as prescribed in MMC
          20.63.030(B);

6. Where more than one point of a primary dwelling is equally closest to the ordinary high
   water line, the property owner subject to the stringline setback may choose which point
   to draw the stringline from;

Figure 20.63.030(D) Stringline Setback Diagram
E. Shallow lot exception.

1. Where a lot has the following conditions, the requirements set forth in MMC 20.63.030(A) and (D) shall not apply and the minimum setback between the closest point of building and structures from the ordinary high water line shall be 30 feet without enhancements:
   a. The depth of the lot is less than 150 feet; and
   b. The net buildable area of the lot is 8,200 square feet or less.

2. For the purposes of this provision, the depth of the lot shall be determined by:
   a. Measuring the distance of a horizontal line drawn midway between the side property lines between the ordinary high water line and the front lot line; and
   b. If the lot is irregular in shape, or has fewer than two side lot lines, the midway will be determined in the most reasonable manner based on the lot lines that intersect the ordinary high water line.

3. The net buildable area is the area of a lot contained within the setback limits where buildings and structures may be placed, excluding any critical areas that are unbuildable.

F. Where MMC 20.63.030(A)(2) requires enhancements for a 30-foot setback, the following shall be implemented:

1. Install a vegetative planting area in accordance with the following (see diagram in Figure 20.63.030(F)(1)):
   a. The planting area shall extend along the frontage of the lot adjoining the water;
   b. The average width measured from the ordinary high water line of the planting area shall be 10 feet with no measurement less than five feet;
   c. At least 75 percent of the planting area shall be covered by vegetation;
   d. Plantings shall consist of native species with at least 50 percent of the area planted with vegetation other than grasses such as shrubs and bushes;
   e. The remaining 25 percent of the planting area may be planted with non-native species and/or contain inanimate materials such as landscape rocks and hardened walkways;
   f. Where existing native species plants are preserved in the planting area, the native species plants may count towards the 75 percent planting coverage, including vegetation installed previously as part of a prior development activity.

![Figure 20.63.030(F)(1) Planting Area Diagram](image)

2. In lieu of the planting requirements in MMC 20.63.030(F)(1), the City shall accept an alternative planting plan provided:
   a. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as the required planting plan;
   b. The alternative planting plan is prepared by a qualified professional who can verify the equivalent protection of shoreline ecological functions; and
c. See Figure 20.63.030(F)(2) for an illustration of an alternative planting plan;

**Figure 20.63.030(F)(2) Alternative Planting Area**

![Diagram of Alternative Planting Area]

3. The use of artificial chemicals including pesticides, herbicides and fertilizers shall be prohibited (organic plant treatments are acceptable) within the shoreline setback area;
4. The shoreline enhancements required under this subsection are in addition to shoreline enhancements and/or mitigation measures required elsewhere in the shoreline master program to obtain a permit approval from the City;
5. All planting plans shall be prepared by a qualified professional and submitted to the City for approval consistent with the requirements of this Subsection;
6. All planting plans must include maintenance and monitoring provisions, including, but not limited to the following:
   a. An outline of the schedule for site monitoring;
   b. Performance standards including, but not limited to, 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
   c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;
   d. The period of time necessary to establish that performance standards have been met; not to be less than three years;
7. After shoreline enhancements are completed:
   a. The final approved setback and corresponding conditions shall be recorded at the King County Recorder’s Office; and
   b. The document for recording shall meet state and King County recording requirements with evidence of the recording submitted to the City; and
8. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City.

**20.63.040 Maximum height.**

A. Table 20.63.040 establishes the maximum height of structures permitted within each shoreline environment designation as it corresponds to the zoning district where the structure is located.
### Table 20.63.040 Maximum Height

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-16 District</td>
<td>30 feet</td>
<td>30 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-20 District</td>
<td>35 feet</td>
<td>35 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-30 District</td>
<td>35 feet</td>
<td>35 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Public Places</td>
<td>35 feet</td>
<td>35 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary State Highway</td>
<td>Not applicable</td>
<td></td>
<td></td>
<td>See MMC 20.63.040(C)</td>
</tr>
<tr>
<td>Other Zoning Districts</td>
<td>Not applicable</td>
<td></td>
<td></td>
<td>Per approval of a Conditional Use Permit</td>
</tr>
</tbody>
</table>

2. In addition to the height requirements in Table 20.63.040, structures landward of the ordinary high water line are subject to the height limitations of the zoning district where the structure is located.

3. The height of all structures within the Aquatic environment designation shall be the minimum necessary for the proposed use, except as provided otherwise by law.

4. The maximum height in Table 20.63.040 shall not apply to:
   1. Communication antennas;
   2. Chimneys;
   3. Flag poles;
   4. Temporary structures utilized during construction; and
   4. Similar appurtenances identified in this subsection, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines.

### 20.63.050 Development standards for divisions of land and lot line adjustments.

This section shall only apply to lots located in part or in whole within the shoreline jurisdiction and which are being divided or having lot lines adjusted after (effective date of the ordinance).

1. The following lot standards shall apply:
   1. Minimum lot area:
      a. Table 20.63.050(A)(1) prescribes the minimum lot area for lots in each shoreline environment as it corresponds to the zoning district where the lot is located:
Table 20.63.050(A)(1) Minimum Lot Area

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-16 District</td>
<td>16,000 square feet</td>
<td>Not Applicable</td>
<td></td>
<td>Not Applicable</td>
</tr>
<tr>
<td>R-20 District</td>
<td>20,000 square feet</td>
<td>Not Applicable</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>R-30 District</td>
<td>30,000 square feet</td>
<td>Not Applicable</td>
<td></td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Parks &amp; Public Places</td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Primary State Highway</td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Other Zoning Districts</td>
<td>Not applicable</td>
<td></td>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

b. The lot areas in Table 20.63.050(A)(1) include land areas within the boundaries of the lot outside of the shoreline jurisdiction;

c. Minimum lot area shall not apply to tracts of land restricted to providing shared or public shoreline access, ingress and egress, or tracts of land set aside to preserve and protect natural areas or critical areas; and

d. The high bank steep slope exception set forth in MMC 17.40.070 shall not apply to lots located within the shoreline jurisdiction.

2. Minimum water frontage/lot width:

a. Table 20.63.050(A)(2) prescribes the minimum water frontage and lot width requirements for lots in each shoreline environment as it corresponds to the zoning district where the lot is located:

Table 20.63.050(A)(2) Minimum Water Frontage/ Lot Width

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
<th>Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-16 District</td>
<td>55 feet</td>
<td>55 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>R-20 District</td>
<td>75 feet</td>
<td>75 feet</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>R-30 District</td>
<td>95 feet</td>
<td>120 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Parks &amp; Public Places</td>
<td>Not Applicable</td>
<td>120 feet</td>
<td></td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Primary State Highway</td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Other Zoning Districts</td>
<td>Not applicable</td>
<td></td>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>
b. Lot width is measured as the mean horizontal distance between the side lot lines where the building envelope is located, except where a lot is irregularly shaped (i.e. less than two side lot lines) the lot width may be determined using lot lines corresponding to the longer dimensions of the lot;

c. Water frontage is measured in the following manner (see diagrams in Figure 20.63.050(A)):
   i. The two property lines intersecting the ordinary high water line shall be continued waterward in a straight line; and
   ii. A centerline bisecting equal distances between the two property lines shall be established; and
   iii. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the ordinary high water line intersects one of the property lines; and
   iv. The water frontage shall be measured as the length of the straight line created in MMC 20.63.050(A)(2)(c)(iii).

Figure 20.63.050(A) Measuring Water Frontage

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d. If a lot, as a result of an action under this Section, will no longer adjoin Lake Washington, the minimum water frontage requirement will not apply.

e. Lots are not deemed nonconforming for failure to meet the minimum water frontage or lot width requirements.

B. The following exceptions to the lot standards in MMC 20.63.050(A) are allowed:

   1. Minimum lot area: A lot line adjustment may be approved with lots having less than the minimum lot area provided:
a. At least one of the existing lots has less than the required lot area set forth in Table 20.63.050(A)(1); and

b. The final lot configuration will neither cause an existing lot to have less than the existing substandard lot area nor cause an existing lot having the required lot area to have less than the required minimum lot area; or

c. If two or more existing lots have less than the required lot area set forth in Table 20.63.050(A)(1), then the final lot configuration can include more than one lot having less than the required lot area provided:
   i. Only one substandard lot in the final configuration has its lot area reduced to less than its existing lot area; and
   ii. The reduced lot area is not less than that of the existing smallest lot; and
   iii. The number of lots having less than the required lot area is not increased in the final lot configuration.

2. Minimum water frontage: A lot line adjustment or a division of land may be approved with less than the required water frontage provided:
   a. At least one of the existing lots has less than the required water frontage set forth in Table 20.63.050(A)(2); and
   b. The final lot configuration will neither cause an existing lot adjoining the lake to have less than the existing substandard water frontage nor cause a lot having the required water frontage to have less than the required minimum water frontage; or
   c. If two or more existing lots have less than the required water frontage set forth in Table 20.63.050(A)(2) then the final lot configuration can include more than one lot adjoining the lake having less than the required water frontage provided:
      i. Only one lot in the final configuration has a substandard water frontage reduced to less than its existing water frontage; and
      ii. The lot with the reduced water frontage does not have a water frontage less than the existing lot with the smallest water frontage;
      iii. The number of lots having less than the required water frontage is not increased in the final lot configuration; and

3. In addition to MMC 20.63.050(B)(2), any lot line adjustment or division of land may be approved having lots with less than the required water frontage set forth in Table 20.63.050(A)(2) provided:
   a. The purpose of the action is to promote passive recreational use of the shoreline;
   b. All future in-water development and structures and all development and structures within 50 of the ordinary high water line are prohibited, except:
      i. Development and structures associated with wildlife habitat restoration and/ or enhancements; and
      ii. Stormwater drainage pipes and outfalls, underground utilities, and small uncovered outdoor fire pits, picnic tables, and benches;
   c. All existing in-water structures and structures within 50 feet of the ordinary high water line on the property are removed, except
      i. Improvements associated with wildlife habitat enhancements;
      ii. Stormwater drainage pipes and outfalls, underground utilities, and small outdoor fire pits, picnic tables, and benches;
      iii. Authorized shoreline stabilization measures;
   d. A deed restriction prohibiting future development consistent with MMC 20.63.050(B)(3)(b) is placed upon the property and recorded with King County Records Office with evidence of the deed restriction submitted to the City;
   e. The lot line adjustment or division of land does not cause another lot adjoining the lake to have less than the required water frontage.
Attachment A

4. Minimum lot area and water frontage requirements prescribed by this subsection shall not apply to lots permanently eliminated through a lot consolidation action.

C. In addition to the requirements prescribed in this Section, lot line adjustments and divisions of land must also comply with other applicable provisions of the shoreline master program and other applicable provisions of the Medina Municipal Code.
Figure 20.63.030(A): Shoreline Setbacks

Shoreline Setback Areas

- 30' Setback
- 30' Setback with enhancements
- 50' Setback
- 30'-50' Stringline Setback
- 70'-125' Stringline Setback
Attachment A

Chapter 20.64
Use Specific Shoreline Development Standards

Sections:
20.64.010 Residential development.
20.64.020 Recreational development.
20.64.030 Community boating facilities.
20.64.040 City government facilities.
20.64.050 Transportation facilities.
20.64.060 Utilities.
20.64.080 Signage.
20.64.090 Trams.

20.64.010 Residential development.
The following requirements apply to residential development:

A. Residential development is permitted pursuant to the use table set forth in MMC 20.62.030;
B. Residential development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 20.66 MMC;
C. Overwater residential development such as houseboats and live-aboard vessels are prohibited; and
D. Fences shall not extend waterward of the ordinary high water line.

20.64.020 Recreational development.
The following requirements apply to recreational development for public use including passive facilities for walking, viewing, and fishing, and active facilities for swimming, boating, and other outdoor recreational uses:

A. Recreational development is permitted pursuant to the use table set forth in MMC 20.62.030;
B. Recreational development shall comply with the policies and regulations for the specific shoreline environment designation, applicable development regulations, and the general shoreline regulations prescribed in Chapter 20.66 MMC;
C. Recreational development shall make adequate provisions for the following:
   1. Access for pedestrian and bicycles;
   2. Landscaping, fencing or similar amenities that prevents trespassing onto adjacent properties;
   3. Signage;
   4. Measures that protect and/ or restore environmentally sensitive areas and assure no net loss of shoreline ecological functions and processes pursuant to the analysis in MMC 20.66.010; and
   5. Other measures, as necessary, to minimize adverse impacts on adjacent properties;
D. Shoreline areas with specific valuable shoreline ecological functions, such as a designated wildlife habitat conservation area, shall be used only for non-intensive recreational activities that do not involve the construction of structures, except as necessary for wildlife habitat restoration;
E. Boat launching facilities may be developed pursuant to the use table set forth in MMC 20.62.030, however, such facilities shall be separated from swimming areas and be developed consistent with the requirements in MMC 20.64.030(C); and
Attachment A

F. New or expanded recreational development shall provide public access pursuant to MMC 20.66.040, where feasible.

20.64.030 Community boating facilities.

The following requirements apply to public facilities, and private and semi-private community boating facilities that serve five or more single-family dwellings:

A. Boating facilities must be located and designed to:
   1. Avoid or minimize impacts to shoreline ecological functions;
   2. Not block, obstruct or make dangerous designated public shoreline access;
   3. Not significantly impact views of nearby residential properties;
   4. Limit overwater coverage to the minimum necessary to accommodate anticipated demand;
   5. Result in minimum shoreline stabilization being necessary to protect the facility;
   6. Follow the standards in Chapter 20.65 MMC (Shoreline Modifications), as applicable; and
   7. Not result in a net loss of shoreline ecological functions or other significant adverse impacts.

B. Boat launches requirements:
   1. All boat launches shall comply with regulations stipulated by state and federal agencies or other agencies with jurisdiction;
   2. The length of a boat launch shall be the minimum necessary to safely launch the intended craft;
   3. In no case shall the ramp of a boat launch extend beyond where the water depth is 6 feet below the low high water line for Lake Washington, except where the City determines a greater depth is necessary for boats launching at a public facility;
   4. Design requirements:
      a. A boat launch designed for non-motorized boats shall be constructed using gravel or other similar natural material; or
      b. A boat launch designed for motorized boats shall be constructed using any of the following, listed in order of preference:
         i. Open grid design with minimum coverage of lake substrate;
         ii. Seasonal ramps that can be removed and stored upland; and/or
         iii. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile;
      c. As an alternative, a less impactful design approved by state agencies may be accepted by the City.

20.64.040 City government facilities.

The following requirements apply to Medina government facilities:

A. City government facilities, including accessory uses, shall be permitted pursuant to the use table set forth in MMC 20.62.030; and

B. City government facilities shall comply with the policies and regulations for the specific shoreline environment designation, applicable zoning regulations, and the general shoreline regulations in Chapter 20.66 MMC.

20.64.050 Transportation facilities.

The following requirements apply to local and state transportation facilities:
Attachment A

A. Local and state transportation facilities are permitted pursuant to the use table set forth in MMC 20.62.030.

B. All transportation facilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 20.66 MMC.

C. The following standards are specific to transportation facilities:
   1. Transportation facilities shall be limited to existing transportation corridors;
   2. All new and expansion of existing transportation facilities must meet the following conditions:
      a. No reasonable alternative locations for the transportation facility are feasible;
      b. The construction and maintenance of the transportation facility will have the least adverse impact on the shoreline area and shoreline ecological functions; and
      c. The transportation facility is necessary for the public interest.
   3. Except for transportation facilities designated under RCW 47.05.022 as highways of statewide significance (e.g., State Route 520), the construction of new roads shall be the minimum necessary to support permitted shoreline uses;
   4. Highways of statewide significance shall be designed consistent with federal and state agency approvals;
   5. All transportation facilities within the shoreline area shall be designed to minimize impacts to wildlife habitat and allow fish passage where applicable;

D. Construction and maintenance of transportation facilities:
   1. All debris and other waste materials shall be disposed of in such a way as to prevent their entry into any water body;
   2. Areas disturbed by construction and maintenance activities shall be replanted and stabilized with approved riparian vegetation immediately upon completion of the activity. The vegetation shall be maintained until established;
   3. Mechanical means should be utilized to the greatest extent feasible instead of herbicides for roadside brush control; and
   4. Drainage and surface water runoff shall be controlled so that pollutants will not be carried into water bodies;

E. Transportation and utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline;

F. Street ends and right-of-way abutting Lake Washington and located within the shoreline jurisdiction are prohibited from being vacated, unless the vacation enables the City to implement a plan that provides comparable or improved public access to the same shoreline pursuant to RCW 35.79.035; and

G. Public street ends that abut Lake Washington shall be used for public access or recreational purposes.

20.64.060 Utilities.

The following requirements apply to utilities within the shoreline jurisdiction:

A. Utilities are allowed pursuant to the use table set forth in MMC 20.62.030;

B. All utilities shall comply with the policies and regulations for the specific shoreline environment designation, and the general shoreline regulations in Chapter 20.66 MMC;

C. Local public water, electrical, natural gas distribution, public sewer collection, cable and telephone distribution that are accessory and incidental to a permitted shoreline use shall be reviewed under the shoreline use to which the utilities are accessory;

D. Regional utility facilities involved in production, processing and transmission shall be located outside of the shoreline jurisdiction unless no other feasible option exists;
E. Where it is not feasible to locate regional utility facilities outside of the shoreline jurisdiction, they shall be placed so as to not adversely impact shoreline ecological functions or obstruct views of a significant number of nearby residential properties;

F. Utilities, which are not accessory and incidental to a permitted shoreline use, must make use of existing rights-of-way or utility easement corridors whenever possible and should avoid duplication and construction of new utility corridors within the shoreline jurisdiction;

G. New utility corridors may be authorized only if it can be demonstrated that the existing routes are not feasible;

H. Whenever feasible, utility lines, pipes, conduits, cables, meters, vaults, and similar infrastructure and appurtenances shall be placed underground to the maximum extent feasible;

I. The location and construction of outfalls shall comply with appropriate federal, state, county and city regulations;

J. Natural drainage systems shall be maintained, enhanced and restored to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions; and

K. Wireless communication facilities are permitted pursuant to the use table in MMC 20.62.030, the zoning requirements set forth in Chapter 17.90 MMC, and provided they do not obstruct the views of Lake Washington of a substantial number of nearby residences.

### 20.64.070 Signage.

In addition to the requirements for signs found in the zoning regulations, the following requirements shall apply to signage located within the shoreline jurisdiction:

A. Signs shall be located in a manner not to significantly interfere or block views of Lake Washington from nearby properties;

B. Permanent signs erected within a residential environment designation shall not exceed a maximum of two square feet in sign area (face of the sign containing the message, logo or other identification);

C. Properties with a residential environment designation shall be limited to not more than one permanent sign for each dwelling unit, except this limitation shall not apply to signs related to water navigation, signs necessary for operation, safety and directions, or signs solely displaying the address of a residence;

D. Signs shall be affixed to a pier or be wall-mounted;

E. Free-standing signs are prohibited, except one free-standing temporary real estate sign may be allowed;

F. Signage lighting shall be limited to a low-wattage external light source that does not direct lighting towards neighboring properties or Lake Washington; and

G. Except where allowed in MMC 20.64.070(F), other forms of signage lighting are prohibited; and

H. Address numbering and letters shall meet fire code requirements.

### 20.64.080 Trams.

The following requirements apply to the installation and operation of trams:

A. The installation of a tram shall be limited only to steep slope areas as defined in Chapter 20.67 MMC;

B. Construction of the tram and installation of associated equipment must minimize disruption of natural drainage patterns and removal of vegetation on the steep slope;
Attachment A

C. The tram and or landing for the tram must comply with shoreline setback, except the tram and/ or landing may be placed within a shoreline setback without the requirement for a shoreline variance provided the following can be demonstrated:

1. There are no practical alternative locations to avoid placement of the tram within a shoreline setback;
2. The existing topography makes it infeasible to place the tram or landing outside of the shoreline setback;
3. The intrusion into the shoreline setback is the minimum necessary; and
4. Mitigation is provided based upon a no net loss analysis set forth in MMC 20.66.010 assuring no net loss to shoreline ecological functions.
Chapter 20.65
Shoreline Modifications

Sections
20.65.010 General provisions applicable to all shoreline modifications.
20.65.020 Overwater structures – general provisions.
20.65.030 Piers, docks, buoys, moorage piles, swim floats – application.
20.65.040 Design standards for piers, docks, buoys, moorage piles, swim floats.
20.65.050 Alternative design standards for piers, docks, buoys, moorage piles, swim floats.
20.65.060 Modifications to overwater structures.
20.65.070 Repair and maintenance of overwater structures.
20.65.100 Covered moorage and boatlifts.
20.65.200 Shoreline stabilization – general provisions.
20.65.210 Structural shoreline stabilization – all.
20.65.220 Structural shoreline stabilization – new and enlargements.
20.65.230 Structural shoreline stabilization – replacement of existing.
20.65.240 Structural shoreline stabilization – repair of existing.
20.65.250 Structural shoreline stabilization – design requirements.
20.65.260 Hard structural shoreline stabilization mitigation requirements.
20.65.270 Structural shoreline stabilization – limitations on authorization.
20.65.280 Submittal requirements for structural shoreline stabilization.
20.65.300 Dredging and disposal.
20.65.400 Breakwaters, jetties, groins.
20.65.500 Fill.
20.65.600 Land surface modification.

20.65.010 General provisions applicable to all shoreline modifications.

The following shall apply to all shoreline modifications expressed under this chapter:
A. The shoreline modification must support an allowed shoreline use or are for the purpose of shoreline mitigation and/or shoreline enhancement;
B. The shoreline modification must comply with the policies and regulations of the specific shoreline environment designation and the general shoreline regulations found in Chapter 20.66 MMC; and
C. The shoreline modification must be constructed and maintained in a safe and sound condition and any structures determined to be unsafe or abandoned shall be removed, repaired, or have the unsafe conditions remedied immediately by the property owner.

20.65.020 Overwater structures – general provisions.

The following requirements apply to all overwater structures including piers, docks, buoys, moorage piles, boatlifts, floats, and similar types of structures:
A. Only one pier or dock plus one float is allowed per lot; limitations on other overwater structures shall be as prescribed by this chapter;
B. Overwater structures must support a permitted shoreline use, but may be located off-site from the principal use provided the lots containing the overwater structure and the principal use are located contiguous to each other and have the same distinct property ownership;
C. The Director may waive the limitation in MMC 20.65.020(B) requiring lots to be contiguous if the overwater structure provides shoreline access to the general public, or the overwater
structure provides shoreline access to three or more single-family dwellings under distinctly separate ownerships;

D. Where a new residential development has one of the following conditions, a joint-use pier or dock is required rather than individual piers or docks:
1. Divisions of land into two or more lots where waterfront access is provided to the new lots; or
2. Development of two or more single-family dwellings under distinctly separate property owners where waterfront access is provided to the new dwellings;

E. The Director may waive the limitation in MMC 20.65.020(D) requiring a joint-use pier or dock if the applicant can demonstrate a joint-use pier or dock is not feasible because of topography or environmental constraints;

F. Renting, leasing or selling moorage space to a party different than the property owner or a tenant renting or leasing the property where the moorage is located is prohibited.

G. Figure 20.65.020 illustrates the different elements of a typical pier or dock.

Figure 20.65.020 Diagram of Typical Pier/ Dock Elements

![Diagram of Typical Pier/ Dock Elements]

20.65.030 Piers, docks, buoys, moorage piles, swim floats – application.

It is recognized in the Medina Comprehensive Plan that the City is a mature nearly built-out residential community. This nearly built-out condition includes development running along the City’s shoreline. In recognition of the existing built-out conditions and the requirements set forth in the state’s shoreline guidelines, this chapter establishes multi-level design standards applicable to piers, docks, buoys, moorage piles and swim floats.

A. Where a property owner can demonstrate that a pier or dock was legally established prior to (effective date of the ordinance), the dimensional and design standards for existing overwater structures set forth in Table 20.65.040 shall apply.

B. Where a property owner cannot demonstrate that a pier or dock was legally established prior to (effective date of the ordinance), the dimensional and design standards for new overwater structures set forth in Table 20.65.040 shall apply.

C. As an alternative to the dimensional and design standards set forth in Table 20.65.040, an alternative design approved pursuant to MMC 20.65.050 may be accepted by the City regardless of the date a pier or dock is established.

D. The property owner has the burden of proof to demonstrate when a pier or dock was legally established.

E. The compliance of a pier or dock to required dimensional and design standards is resolved by which dimensional and design standards apply to a particular pier or dock as determined pursuant to MMC 20.65.030(A), (B) or (C).

F. Table 20.65.030 provides a user’s guide of the requirements that apply to all piers, docks, buoys, moorage piles, and swim floats (the table is informational only):
Table 20.65.040 Overwater Structure Dimensional & Design Standards

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Structures</strong> (See MMC 20.65.030(B))</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Structures</strong> (See MMC 20.65.030(A))</td>
<td></td>
</tr>
<tr>
<td>Maximum Overwater Surface Coverage 1</td>
<td></td>
</tr>
<tr>
<td>Single property owner</td>
<td>480 square feet 2</td>
</tr>
<tr>
<td>Shared/ Joint-use by two property owners</td>
<td>700 square feet 2</td>
</tr>
<tr>
<td>Shared/ Joint-use by more than two property owners</td>
<td>1,000 square feet 2</td>
</tr>
<tr>
<td>Public</td>
<td>Minimum necessary for reasonable use</td>
</tr>
<tr>
<td>Minimum Setback from Side Property Lines</td>
<td></td>
</tr>
<tr>
<td>Single property owner</td>
<td>12 feet</td>
</tr>
<tr>
<td>Shared/ Joint-use where straddling a common property line</td>
<td>None</td>
</tr>
</tbody>
</table>
## Attachment A

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared/ Joint-use where not straddling a common property line</td>
<td>12 feet</td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum Length</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farthest extension point of all structures from the ordinary high water line (See MMC 20.65.040(D))</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Ell</td>
<td>26</td>
<td>None</td>
</tr>
<tr>
<td>Fingers and Floating Decking</td>
<td>20</td>
<td>None</td>
</tr>
<tr>
<td><strong>Maximum Width</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walkway, located within 30 feet waterward of the ordinary high water line</td>
<td>4 feet</td>
<td>Existing width or 4 feet, whichever is greater, but not more than 6 feet where existing width is greater than 6 feet</td>
</tr>
<tr>
<td>Walkway, located greater than 30 feet waterward of the ordinary high water line</td>
<td>6 feet</td>
<td>None</td>
</tr>
<tr>
<td>Ell and Floating Decking</td>
<td>6 feet</td>
<td>None</td>
</tr>
<tr>
<td>Finger</td>
<td>2 feet</td>
<td>None</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum height above the ordinary high water line and the bottom of the stringers on a pier</td>
<td>1 ½ feet</td>
<td>1 ½ feet</td>
</tr>
<tr>
<td>Minimum height of non-pier structures</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Maximum height above the ordinary high water line and the top of the decking of a pier</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum height of piles: ³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Above the top of a pier</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>• Others – above the ordinary high water line</td>
<td>7 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>Maximum height of safety railing above surface decking ⁴</td>
<td>3 ½ feet</td>
<td>3 ½ feet</td>
</tr>
<tr>
<td>Walls, sheathing, lockers (except horizontal lockers not exceed in two feet in height) and similar construction not listed</td>
<td>Prohibited</td>
<td></td>
</tr>
<tr>
<td><strong>Location of specific structures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum distance of ells, fingers, buoys, moorage piles, and/ or floats waterward from the ordinary high water line</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum distance of all piles, except moorage piles, waterward from the ordinary high water line</td>
<td>18 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td><strong>Pier skirting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowed only when it can be demonstrated to be necessary for protection from wave action and no reasonable alternatives exist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum distance from the ordinary high water line</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
</tbody>
</table>
**Attachment A**

| Maximum depth below the ordinary high water line | 3 feet | 3 feet |
| Where installed, the minimum area of the skirting that must be maintained as open space | 50 percent | 50 percent |

**Materials**

| Decking for piers, docks, floats and platform lifts | Grating or other materials that allow a minimum 40 percent light to transmit through |
| Decking for floats where full grating or use of translucent materials is not practical | Minimum two-foot wide grating strip located down the center of the entire float that allows 40 percent light to transmit through the grating |
| Piles, buoys, moorage piles, skirting and similar structures | Treatment with pentachlorophenol, creosote, chromate copper arsenate, or similar toxic compounds are prohibited |

**Notes:**

1. Maximum overwater surface coverage includes float, ramp, ell, finger, and walkway.
2. See MMC 20.65.040(B) for allowances to increase overwater surface coverage.
3. Includes pier piles and moorage piles.
4. Safety railing shall be designed to providing maximum opening to allow air and light to pass through.

---

**B.** Where a new pier or dock is established pursuant to MMC 20.65.030(A), the maximum overwater surface coverage in Table 20.65.040 may be increased to the following standards provided the conditions in MMC 20.65.040(C) are satisfied:

1. Single-property ownership: 900 square feet;
2. Shared/ Joint-use by two property owners: 1,150 square feet; or
3. Shared/ Joint-use by more than two property owners: 1,400 square feet.

**C.** An increase to the maximum overwater surface coverage is allowed, where:

1. The increase is the minimum necessary for access to vessels;
2. The increase receives the necessary federal and state agency approvals; and
3. Mitigation is provided in addition to that required by MMC 20.65.040(E), which demonstrates the additional overwater surface coverage will result in no net loss of shoreline ecological functions pursuant to an analysis in MMC 20.66.010; and
4. Other applicable provisions of the shoreline master program are met.

**D.** The maximum length prescribed in Table 20.65.040 is measured in the following manner:

1. The length is measured along a centerline established by bisecting equally the pier or dock’s walkway width;
2. Where the centerline intersects the ordinary high water line shall be designated the point of origin;
3. The centerline continues from the point of origin along a straight line to an end point designated where a straight line drawn perpendicular to the centerline touches the farthest point waterward from the point of origin of any in-water/overwater structures associated with the property; and
4. The length is measured as the distance of the centerline between the point of origin and the end point (See diagrams in Figure 20.65.040(D)).
E. Where a new pier or dock is established pursuant to MMC 20.65.030(A), the following mitigation measures are required to be taken:

1. Remove existing in-water and overwater structures consistent with MMC 20.65.040(F);
2. Plant emergent vegetation waterward of the ordinary high water line per Washington State Fish & Wildlife and/ or Corp of Engineer requirements, unless it can be demonstrated that planting is not feasible or appropriate due to environmental constraints;
3. Install a vegetative planting area in accordance with the following (See diagram in Figure 20.65.040(E)):
   a. The planting area must cover at least 1,000 square feet of surface ground area, except where a lot has less than 100 feet of water frontage in which case the required planting area is the distance of the water frontage multiplied by 10;
   b. The planting area shall extend along the contours of the ordinary high water line;
   c. The average width measured from the ordinary high water line of the planting area shall be 10 feet with no measurement less than five feet;
   d. The length of the planting area must be at least twice the average width, unless the width of the water frontage makes this not feasible;
   e. Planting is not required in areas covered by walkways, water-dependent improvements, and other allowed improvements, however, this allowance does not decrease the total surface ground area that must be planted with vegetation;
   f. Plantings shall include a mixture of native species plants and be of a sufficient density to improve habitat ecological functions;
   g. Where existing native species plants are preserved in the planting area, the native species may be counted towards meeting the planting area coverage requirements; including vegetation installed previously as part of a prior development activity, but was not required in order to obtain approval for a permit associated with the pier or dock;
4. In lieu of the planting requirements in MMC 20.65.040(E)(3), the City shall accept an alternative planting plan provided:
   a. The alternative planting plan is approved by state and federal agencies;
   b. The alternative planting plan shall provide at least as effective protection of shoreline ecological functions as MMC 20.65.040(E)(3); and
   b. The planting plan is prepared by a qualified professional who can verify the equivalent shoreline protection;
5. All planting plans shall be prepared by a qualified professional and must include maintenance and monitoring provisions having the following:
   a. An outline of the schedule for site monitoring;
   b. Performance standards with 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three and more;
   c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards are not being met; and
   d. The period of time necessary to establish performance standards have been met, not to be less than three years; and
   e. A form of financial security as prescribed in MMC 20.65.040(G).
F. Where an existing pier or dock is replaced, mitigation shall consist of removing in-water and overwater structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures and boatlifts.
G. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the plantings, maintenance and monitoring are completed to the satisfaction of the City.
H. The planting area utilized for mitigation shall be designated a native planting preservation area subject to the following:
   1. A notice on the title of the real property shall be recorded with King County Records Office;
   2. The required content of the notice is limited to alerting future property owners that the vegetation within the planting area must be preserved and that it is a violation of the Medina Municipal Code to damage or permanently destroy native vegetation within the preservation area; and
   3. Evidence of the recording shall be provided to the City.
I. Buoys and moorage piles must be accessory to an existing or authorized pier or dock. Mitigation for these shall be pursuant to requirements imposed by federal or state agencies.
J. Shared and joint-use overwater structures shall require an easement or other documentation approved by the City providing for shared use and/ or maintenance of the subject overwater structure.
Attachment A

20.65.050 Alternative design standards for piers, docks, buoys, moorage piles and floats.

A. As an alternative to MMC 20.65.040, the City will accept as an alternative design those piers, docks, buoys, moorage piles and floats that meet the dimensional and design standards set forth in Table 20.65.050 provided:

1. The applicant obtains approval for the design from the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife; and

2. All other applicable provisions of this chapter are met, including those prescribed in MMC 20.65.040(D) through (J).

Table 20.65.050

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overwater Coverage</td>
<td>No larger than authorized through state and federal approval</td>
</tr>
<tr>
<td>Minimum Setback from Side Property Lines</td>
<td>12 feet</td>
</tr>
<tr>
<td>Maximum Length (See MMC 20.65.040(D))</td>
<td>100 feet</td>
</tr>
<tr>
<td>Maximum Width and Height of structural components</td>
<td>No greater than authorized by state and federal approval</td>
</tr>
<tr>
<td>Location of Specific Structures:</td>
<td></td>
</tr>
<tr>
<td>• Minimum distance of ells, fingers, buoys, moorage piles, and/or floats waterward from the ordinary high water line</td>
<td>30 feet</td>
</tr>
<tr>
<td>• Minimum distances of all piles, except moorage piles, waterward from the ordinary high water line</td>
<td>18 feet</td>
</tr>
<tr>
<td>Pier Skirting</td>
<td>As authorized per state and federal approval</td>
</tr>
<tr>
<td>Materials</td>
<td>Same as prescribed in Table 20.65.040</td>
</tr>
</tbody>
</table>

Notes:

1 Notes in MMC Table 20.65.040 apply as applicable

B. State and Federal Agency final approvals may be deferred to submittal of a building permit. However, the applicant must provide documentation that the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife have approved the alternative design prior to the City authorizing any construction activity associated with overwater structures.

20.65.060 Modifications to overwater structures.

The following requirements apply to overwater structures that are modified and where the existing configuration of the structure is altered (i.e. changes to the surface footprint or height):

A. Modifications, such as additions, must comply with the applicable dimensional and design standards established in MMC 20.65.030;

B. Where a modification will increase the overwater coverage, mitigation shall be provided that:

1. Is proportional to the impact generated by the increased overwater coverage; and
2. Is of sufficient quantity and quality to assure no net loss of shoreline ecological functions pursuant to the analysis set forth in MMC 20.66.010;

C. Where existing structures exceed the maximum overwater surface coverage standard, modifications, including additions, are allowed, provided the final net overwater surface coverage is not an increase from the existing conditions and the requirements of MMC 20.66.090 (nonconformity) are satisfied; and

D. Where existing overwater structure is proposed for removal, priority should be given to removing those structures located within 30 feet of the ordinary high water line, except for existing or authorized shoreline stabilization measures, boatlifts, and pier and dock walkways.

20.65.070 Repair and maintenance of overwater structures.

The following requirements apply to the repair and maintenance of overwater structures where the repair work is for the purpose of preventing the decline, lapse or cessation of the structure:

A. Repair and maintenance work is allowed;

B. Repair and maintenance may include replacing structure with similar structure if the replacement does not increase the size or shape of the structure, or significantly alter the configuration of the entire structure;

C. All repair work must use materials listed in Table 20.65.040;

D. Where repair and maintenance is to a nonconforming pier or dock, the limitations for a nonconforming structure set forth in MMC 20.66.090 shall apply; except the following repair actions are not subject to the limitations for nonconforming structures provided the constraint in MMC 20.65.070(E) is satisfied:

1. Replacement of up to 75 percent of the existing piles during any consecutive 18 month period; or

2. Repair of up to 100 percent of the existing piles provided repair does not involve driving piles into the benthic; or

3. Replacement of any structure treated with pentachlorophenol, creosote, or similar toxic compounds provided the replacement is a voluntary action to improve shoreline ecological functions and not to repair structurally hazardous conditions; or

4. Replacement of any solid decking with materials, such as grating, that allow at least 40 percent light to transmit through the material, and where the repair work does not include replacement of substructure;

E. Where repair or maintenance to a nonconforming pier or dock involves repairing multiple elements of the structure during any 18 consecutive month period, the cost for the entire repair, including those repair actions prescribed in MMC 20.65.070(D) shall be subject to the nonconforming regulations set forth in MMC 20.66.090, except those repair actions prescribed in MMC 20.65.070(D)(1) and (3) shall not be included in replacement cost calculations.

20.65.100 Covered moorage and boatlifts.

The following requirements apply to covered moorage and boatlifts:

A. Covered moorage structures and boatlifts are permitted pursuant to the use table in MMC 20.62.030 provided they are accessory to a pier or dock;

B. Table 20.65.100(B) sets forth the dimensional and design standards for covered moorage structures and boatlifts:
Attachment A

Table 20.65.100(B) Covered Moorage Dimensional & Design Standards

<table>
<thead>
<tr>
<th>Description</th>
<th>Dimensional &amp; Design Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
</tr>
<tr>
<td>Boatlifts</td>
<td>The furthest point of a boat lift shall be placed a distance not to exceed 100 feet from the ordinary high water line (See MMC 20.65.040(D) for measuring distance), except as allowed pursuant to MMC 20.65.100(D)</td>
</tr>
<tr>
<td>Covered moorage building envelope</td>
<td>A covered moorage structure shall be located within the building envelope prescribed in MMC 20.65.100(C)</td>
</tr>
<tr>
<td><strong>Maximum number</strong></td>
<td></td>
</tr>
<tr>
<td>Boatlifts</td>
<td>Three (3) freestanding or deck-mounted boatlifts and/ or jet ski lifts allowed per single-family dwelling that share the pier or dock</td>
</tr>
<tr>
<td>Covered moorage</td>
<td>One covered moorage structure per pier or dock</td>
</tr>
<tr>
<td><strong>Maximum Over water coverage</strong></td>
<td>(Excludes boatlifts)</td>
</tr>
<tr>
<td>Single</td>
<td>500 square feet.</td>
</tr>
<tr>
<td>Shared/ Joint Use (all)</td>
<td>750 square feet.</td>
</tr>
<tr>
<td><strong>Minimum Side Property Line Setback</strong></td>
<td></td>
</tr>
<tr>
<td>Single property owner/ public facilities</td>
<td>12 feet</td>
</tr>
<tr>
<td>Shared/ Joint-use facility where straddling a common property line between the owners</td>
<td>None</td>
</tr>
<tr>
<td>Shared/ Joint-use Facility where not straddling a common property line between the owners</td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum height of covered moorage above the ordinary high water line</td>
<td>16 feet</td>
</tr>
<tr>
<td>Minimum height of covered moorage above the ordinary high water line</td>
<td>4 feet</td>
</tr>
<tr>
<td><strong>Other standards</strong></td>
<td></td>
</tr>
<tr>
<td>Canopy Cover Materials</td>
<td>• Must be made of translucent materials&lt;br&gt;• Must not be constructed of permanent structural materials</td>
</tr>
<tr>
<td>Fill material for boat lifts</td>
<td>Must be clean rock or pre-cast concrete blocks provided:&lt;br&gt;• The fill is necessary to anchor the boatlift;&lt;br&gt;• Substrate prevents the embedment of anchoring devices;&lt;br&gt;• The quantity of fill material is the minimum necessary to anchor the boatlift</td>
</tr>
</tbody>
</table>

C. Table 20.65.100(B) covered moorage building envelope: The covered portion of a moorage for an individual or shared/ joint-use pier or dock shall be located inside of a covered
Attachment A

moorage building envelope established in the following manner and illustrated in Figure 20.65.100(C):

1. The covered moorage building envelope shall be formed as a horizontal triangle;
2. The base of the triangle is formed by:
   a. The two outer most property lines intersecting the ordinary high water line being continued waterward in a straight line; and
   b. A centerline is created by either:
      i. Equally bisecting the distance between the two outer property lines; or
      ii. Where a shared/joint-use pier or dock straddles a shared property line, the shared property line is the centerline; and
   c. The triangle base is created by extending a straight line between the two outer property lines that runs perpendicular to the centerline and has at least one end affixed to the point most waterward where the ordinary high water line intersects a property line;
3. The altitude of the triangle is formed along the centerline created in MMC 20.65.100(C)(2)(b);
4. The two remaining sides of the triangle are formed by extending straight lines from each of the points where the base intersects the property lines to a point on the altitude that is 100 feet waterward from where the centerline intersects the baseline; and
5. Covered moorage structures shall be at least 30 feet waterward from the ordinary high water line; and
6. The minimum side property line setbacks set forth in Table 20.65.100(B) apply.

**Figure 20.65.100(C) Covered Moorage Building Envelope**

D. Where an existing pier or dock exceeds 100 feet in length, a boatlift may be located beyond the maximum distance set forth in Table 20.65.100(D) provided:

1. No point of the boatlift extends waterward further than the farthest point of the pier or dock from the ordinary high water line;
2. Placement of the boatlift does not include installing a platform, finger or similar structure that would be located beyond the maximum distance set forth in Table 20.65.100(D);
3. The placement of the boatlift will not create obstacles to access and navigation by neighboring property owners; and
4. The nonconformity of the existing pier or dock is not abandoned as prescribed in MMC 20.66.090.

20.65.200 Shoreline Stabilization – general provisions.

Shoreline stabilization measures are used to typically address erosion impacts to property caused by natural processes such as water currents, floods, tides, wind, and/or wave actions. They can vary from nonstructural measures to structural measures and from soft measures to hard measures. The following requirements apply to all shoreline stabilization measures:
A. New development should be located and designed to the extent feasible to avoid future needs for shoreline stabilization measures;
B. New development shall be prohibited where shoreline stabilization measures will cause significant impacts to adjacent or down-current properties and shoreline areas;
C. Shoreline stabilization shall not:
   1. Significantly interfere with normal surface and/or subsurface drainage; and
   2. Cause a hazard to navigation;
D. Where a property contains steep slopes and/or buffers near the shoreline, new development shall be setback sufficiently to ensure shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by geotechnical analysis;
E. When subdividing land into building lots, the division shall be done in a manner that the new lots created will not require structural shoreline stabilization for reasonable development to occur, as demonstrated by geotechnical analysis;
F. Publicly financed or subsidized shoreline stabilization shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to shoreline ecological functions;
G. Table 20.65.200 provides a user’s guide of the key requirements for shoreline stabilization measures (the table is informational only):

<table>
<thead>
<tr>
<th>Shoreline Stabilization Measures</th>
<th>Summary of Requirements</th>
</tr>
</thead>
</table>
| Nonstructural and Structural Methods | • Nonstructural methods preferred  
                                      • Structural allowed if need is demonstrated  
                                      • Soft measures considered before hard measures |
| New or Enlargement | • Allowed when primary structure or single family dwelling is 10 feet or less from the ordinary high water line  
                       • Allowed when primary structure or single family dwelling is more than 10 feet with geotechnical analysis demonstrating need  
                       • Requires mitigation planting for hard measures |
| Replacement | • Existing may be replaced with similar  
               • Hard measures may be replaced with soft measures  
               • Existing may be replaced with different hard measures if the replacement measures significantly improves shoreline ecological functions  
               • When existing primary structure or use is more |
<table>
<thead>
<tr>
<th>Attachment A</th>
</tr>
</thead>
<tbody>
<tr>
<td>than 10 feet from the ordinary high water line, requires a written narrative that provides a demonstration of need</td>
</tr>
<tr>
<td>• Existing structure is not enlarged</td>
</tr>
<tr>
<td>Repair</td>
</tr>
<tr>
<td>• Repair is to 75 percent or less of the linear length of structure at or below the ordinary high water line</td>
</tr>
<tr>
<td>• Structure is not moved or enlarged</td>
</tr>
</tbody>
</table>

H. The following is a list of examples of shoreline stabilization measures that range from nonstructural to soft to hard structural measures:
- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls; and
- Bulkheads.

20.65.210 Structural shoreline stabilization – all.

The following requirements apply to all structural shoreline stabilization measures:
A. Where structural shoreline stabilization is allowed, soft measures such as bioengineering or biotechnical measures shall be used unless it can be demonstrated such measures are not sufficient at protecting primary structures or dwellings, in which case hard measures may be used; and
B. Structural shoreline stabilization measures shall be limited to the minimum necessary.

20.65.220 Structural shoreline stabilization – new and enlargements.

New structural shoreline stabilization, and additions to or increases in size of existing structural shoreline stabilization are allowed under the following conditions:
A. To protect an existing primary structure including single-family dwellings where the closest point of the exterior walls of the building are a distance of 10 feet or less from the ordinary high water line.
B. To protect existing primary structures including single-family dwellings where the distance from the ordinary high water line is greater than 10 feet provided:
1. On-site drainage has been directed away from the shoreline edge first;
2. Geotechnical analysis pursuant to MMC 20.65.270 provides conclusive evidence that the structure or dwelling is in danger from shoreline erosion caused by tidal action, currents and waves; and
3. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.
C. To support a new non-water-dependent development, including single family dwellings provided:
1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Geotechnical analysis pursuant to MMC 20.65.270 demonstrates a need to protect the primary structure from damage due to erosion caused by natural processes such as tidal actions, current and waves;
3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient in protecting the primary structure; and
4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.

D. To support a water-dependent development provided:
1. Shoreline erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Geotechnical analysis pursuant to MMC 20.65.270 demonstrates a need to protect primary structures from damage due to erosion;
3. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient in protecting primary structures; and
4. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.

E. To protect projects for the restoration of shoreline ecological functions provided:
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
2. The structural shoreline stabilization will not result in a net loss of shoreline ecological functions pursuant to the analysis in MMC 20.66.010.

F. Mitigation shall be provided pursuant to MMC 20.65.260.

G. Primary structures include appurtenances such as detached garages, cabanas and beach houses, but do not include, storage sheds, playhouses, greenhouses, swimming pools, spas and other ancillary residential improvements.

20.65.230 Structural shoreline stabilization – replacement of existing.

Where modification of existing structural shoreline stabilization does not constitute repair under MMC 20.65.240, modification may be allowed under the following conditions:

A. Replacement of existing structure. Existing structure may be replaced provided:
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. Replacement structure does 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 20.65.220);
5. Replacement structure does not intrude further waterward of the ordinary high water line, except as allowed pursuant to WAC 173-26-231(3)(a)(iii)(C) and amendments thereto;
6. Replacement structure is designed, located, sized and constructed to assure no net loss of shoreline ecological functions per an analysis in MMC 20.66.010;
7. A demonstration of need is provided pursuant to MMC 20.65.270 showing the 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 10 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 MMC 20.65.230(A), 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 non-toxic 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 MMC 20.65.230(B)(1);

3. The replacement structure does not increase the height or length of the existing structure; and

4. The requirements in MMC 20.65.230(A)(2), (5), (6) and (7) are applied.

20.65.240 Structural shoreline stabilization – repair of existing.

Existing structural shoreline stabilization may be repaired provided:

A. The repair involves 75 percent or less of the linear length of the structure at or below the ordinary high water line provided work above the high water line shall not count towards the linear length of the structure being repaired;

B. Repair exceeding 75 percent linear length of the structure at or below the ordinary high water line shall be subject to the requirements for replacement set forth in MMC 20.65.230;

C. The repaired structure is located in the same place as the existing structure; and

D. The repair does not increase the height, width, length, or depth of the existing structure (repairs that enlarges the existing structure are subject to the provisions set forth in MMC 20.65.220).

Figure 20.65.240 Repair Threshold Diagram

![Repair Threshold Diagram]

X ≤ 75% Linear Length = Repair

X > 75% Linear Length = Replacement

20.65.250 Structural shoreline stabilization – design requirements.

The following design standards apply to structural shoreline stabilization measures:

A. For hard structural shoreline stabilization:

1. When connecting ends of the structure to adjoining areas without hard shoreline stabilization, the connection should be in a manner as to not cause erosion of the adjoining areas;

2. When connecting ends of the structure to other hard shoreline stabilization, the connection shall not result in a net intrusion into the lake nor create net upland area;

3. Fill material landward of the shoreline stabilization shall not exceed an average of one cubic yard of material for each linear foot of hard shoreline stabilization, except as provided for in MMC 20.65.500 (Fill) and MMC 20.65.500 (Land Surface Modification);

B. For soft structural shoreline stabilization:

1. End connection shall be to existing contours or hard structural shoreline stabilization to prevent erosion at the edges; and
2. Size and the arrangement of gravel, cobbles, logs and boulders shall be in a manner that improvements remain stable long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves; and

C. For both hard and soft structural shoreline stabilization, materials shall be the minimum sizing necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

20.65.260 Hard structural shoreline stabilization mitigation requirements.

All proposals for new hard structural shoreline stabilization, including additions to and increases in the size of existing hard structural shoreline stabilization, must provide the following shoreline enhancements:

A. Improve shallow water habitat by installing waterward of the ordinary high water line gravel, cobble, or similar rocky beach material at a maximum grade of one vertical to four horizontal (1:4);

B. Install a vegetative planting area in accordance with the following (see diagram in Figure 20.65.260):
   1. The planting area shall extend along at least 75 percent of the linear landward -edge of the stabilization structure;
   2. The average width measured from the landward edge of the shoreline stabilization structure shall be 10 feet with no measurement less than five feet;
   3. Planting shall consist of native species with at least 50 percent of the area planted with bushes and shrubs;
   4. Where existing native species plants are preserved in the planting area, the native species plants may count towards the planting area requirements, including vegetation installed previously as part of a prior development activity;

C. In lieu of the enhancements required in MMC 20.65.260(A) and (B), the City shall accept alternative enhancement approved by state and federal agencies provided:
   1. The alternative enhancement shall provide at least as effective protection of shoreline ecological functions as the required mitigation; and
   2. An alternative enhancement plan is prepared by a qualified professional;

D. All enhancements shall include plans for maintenance and monitoring acceptable to the City and prepared by a qualified professional including, but not limited to, the following:
   1. An outline of the schedule for site monitoring;
   2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more;
3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;

4. The period of time necessary to establish performance standards have been met; not to be less than three years; and

E. The City may require a financial security pursuant to MMC 20.66.120 as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City; and

F. Enhancement measures shall be incorporated as necessary to avoid, or if that is not possible, to minimize adverse impacts.

20.65.270 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 20.65.230 where a need is demonstrated pursuant to MMC 20.65.270(C).

B. Where geotechnical analysis is required under MMC 20.65.220, 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 MMC 20.65.270(A);

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 a demonstration of need is required under MMC 20.65.230, 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 line 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.

20.65.280 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 select 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, no net loss analysis; and

5. 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 20.80.80 and other provisions of the Medina Municipal Code.

20.65.300 Dredging and disposal.

The following requirements apply to dredging:

A. New development should be placed and designed to avoid or minimize the need for new and/or maintenance dredging;

B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material is prohibited, except where the material is necessary for the restoration of shoreline ecological functions and processes;

C. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins is allowed pursuant to the use table in MMC 20.62.030 provided:

1. The dredging is necessary for safe and efficient accommodation of existing navigational uses;

2. Significant ecological impacts are minimized;

3. Mitigation is provided consistent with MMC 20.65.300(E);

D. Dredging for the purpose of maintaining existing navigation channels and basins, existing private or public boat moorage, water-dependent uses, or other public access may be allowed pursuant to the use table in MMC 20.62.030 provided it is limited to previously dredged and/or existing authorized locations, depth and width;

E. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions pursuant to an analysis in MMC 20.66.010;

F. Dredging operations must be designed and scheduled to:

1. Avoid impacts to fish, including fish rearing, feeding and spawning;
2. Use techniques that minimize dispersal of bottom materials; and
3. Prevent direct and indirect adverse impacts on adjacent properties;

G. Where dredging is allowed for restoration of shoreline ecological functions, the site where
the fill is to be placed must be located waterward of the ordinary high water line;

H. Project permit application submittals for dredging should include the following information:
1. A written description of the purpose for the dredging;
2. Site plan drawing outlining the area proposed for dredging including water depth based
   on the Corp of Engineer’s high water mark for Lake Washington;
3. A written description of the scope of work to be performed including dredging methods,
   timelines, and volume;
4. Habitat survey identifying aquatic vegetation, potential native fish spawning areas, or
   other physical and biological habitat parameters;
5. Information on disposal;
6. Anticipated future dredging, if applicable;
7. Copies of state and federal applications and/ or approvals; and
8. Other relevant information requested by the Director.

20.65.400 Breakwaters, jetties, groins and weirs

A. Breakwaters, jetties, groins, and weirs located waterward of the ordinary high water mark
   shall be allowed only where necessary to support water-dependent uses, public access,
   shoreline stabilization, or other specific public purpose.
B. Where a breakwater, jetty, groin or weir is installed to protect or restore shoreline ecological
   functions, the City may waive the requirement for a conditional use permit and approve it as
   a permitted use.
C. Breakwaters, jetties, groins and weirs shall be designed to protect critical areas and shall
   provide mitigation according to the mitigation sequencing defined in MMC 20.66.020.

20.65.500 Fill

A. Fill waterward of the ordinary high water mark is allowed pursuant to the use table in MMC
   20.62.030 provided the fill is necessary to support:
   1. Water-dependent use;
   2. Public access;
   3. Cleanup and disposal of contaminated sediments as part of an interagency
      environmental clean-up plan;
   4. Disposal of dredged material considered suitable under, and conducted in accordance
      with the dredged material management program of the department of natural resources;
   5. Expansion or alteration of transportation facilities of statewide significance currently
      located on the shoreline where it can be demonstrated that alternatives to fill are not
      feasible; and
   6. Mitigation action, environmental restoration, beach nourishment or enhancement project;
B. Fill landward of the ordinary high water mark shall comply with the requirements in MMC
   20.65.600 (Land Surface Modification).
C. All fill shall be located, designed, and constructed to protect shoreline ecological functions
   and ecosystem-wide processes and shall not cause:
   1. Significant damage to water quality, fish and aquatic habitat, and/ or wildlife habitat; and
20.65.600 Land surface modification.

The provisions of this section apply to land surface modification occurring landward of the ordinary high water mark.

A. Applicability:
1. Land surface modification includes, but is not limited to grading, excavation and fill activity;
2. The requirements set forth in this section are applied in conjunction with other provisions of the Medina Municipal Code, including grading and drainage requirements and other applicable provisions of the shoreline master program.

B. The following requirements apply to land surface modifications:
1. All excess materials must be disposed of in a manner that prevents entry into Lake Washington; including by erosion or surface water runoff;
2. Materials such as dirt and rocks used in construction must be stored as far as reasonably possible from the ordinary high water line to prevent erosion and surface water runoff from entering into the lake and shall incorporate best management practice measures;
3. Any large quantities of vegetation removal shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment;
4. No vegetation or other enhancements installed as part of a restoration plan or mitigation shall be removed, unless approved by the City as part of a modified restoration plan or mitigation.

C. Land surface modification involving the importing of fill material must consist of non-dissolving and non-decomposing materials, and shall not be detrimental to water quality or existing habitat, or create any other significant adverse impacts to the environment.

D. Where a land surface modification occurs within 50 feet of the ordinary high water line, the vegetation conservation requirements set forth in MMC 20.66.050 shall apply.
Chapter 20.66
General Shoreline Regulations

20.66.000 Applicability of chapter.
The regulations in this chapter apply to all uses, developments and activities within the shoreline jurisdiction.

20.66.010 No net loss of shoreline ecological functions analysis.
A. At the project level, the requirement for no net loss of shoreline ecological functions is a balancing of unavoidable shoreline ecological function losses with replacement for those losses so that further reduction to shoreline ecological functions or ecosystem-wide processes may be prevented.
B. To assure no net loss of shoreline ecological functions, applicants must demonstrate a reasonable effort to analyze environmental impacts from a proposal and include measures to mitigate impacts to shoreline ecological functions.
C. A written analysis of no net loss of shoreline ecological functions is required when any of the following circumstances are present:
   1. Where a proposed use or activity is not provided in the shoreline master program, including shoreline conditional uses for unclassified uses and shoreline variances;
   2. Where regulations reference a requirement for an analysis of no net loss of shoreline ecological functions; or
   3. Where alternative compliance or mitigation measures other than those contained within the shoreline master program are proposed.
D. Analysis of no net loss of shoreline ecological functions is not required where specific standards are provided such as setbacks, pier dimensions and tree planting, unless the standard specifically references this Section.

D. A written analysis of no net loss of shoreline ecological functions shall include the following:
   1. A description of the existing conditions, functions and values of the affected shoreline;
   2. A demonstration that mitigation sequencing has been applied pursuant to MMC 20.66.020, except MMC 20.66.020(A)(1) shall not be used to deny a use or activity specifically authorized by the shoreline master program;
   3. Where avoiding the impacts altogether is not feasible, the analysis shall include descriptions of the following:
Attachment A

a. Anticipated impacts to shoreline ecological functions;
b. Goals and objectives related to the functions and values of the impacted shoreline ecological functions for achieving no net loss;
c. Proposed mitigation actions and how these relate to the goals and objectives; and
d. Measurable criteria for evaluating whether or not the no net loss standard has been achieved.

4. Modifications to the required content may be approved if the Director determines that more or less information is necessary to adequately address demonstrating a no net loss of shoreline ecological functions.

E. The written analysis of no net loss shall evaluate the feasibility of each mitigation sequence to determine the appropriate mitigation action during the construction and operation of a proposal.

F. Mitigation actions shall have the lower priority measures applied only where higher priority measures are determined to be infeasible or not applicable. Failure to demonstrate that the mitigation sequencing standards have been met may result in a permit being denied.

20.66.020 Mitigation sequencing.

A. Applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to shoreline ecological functions. Where a no net loss of shoreline ecological functions analysis is required pursuant to MMC 20.66.010, an applicant shall follow mitigation sequencing outlined as follows in order of preference with one being the highest and six being the lowest preference:

1. Avoiding the impact altogether. Avoiding impacts means not taking an action or part of an action in order to prevent impacts to shoreline ecological functions such as moving structures further away from properly functioning shoreline areas, using different landscaping plants or techniques, substituting a less impactful use, or redesigning the proposal altogether.

2. Minimizing the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment.

4. Reducing or eliminating impacts over time by preservation and maintenance operations;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

B. When evaluating the feasibility of mitigation sequencing, the City may consider whether the cost of avoiding disturbances is significantly disproportionate compared to the environmental impact of the proposed disturbance, including any continued impacts on shoreline ecological functions and values over time.

20.66.030 Federal and state approval.

A. All work at or waterward of the ordinary high water line requires permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, or Washington Department of Ecology.

B. If structures are proposed to extend waterward of the inner harbor line, the applicant must obtain an aquatic use authorization from the Washington State Department of Natural Resources and submit proof of authorization with submittal of a building permit.
C. Documentation verifying necessary state and federal agency approvals must be submitted to the City prior to issuance of construction permits affecting shoreline areas.

20.66.040 Public access.

A. Public access is required for the following:
   1. Shoreline development by public entities including, but not limited to: the City, state agencies and public utility districts; and
   2. Residential development on a planned development involving five or more parcels and five or more new dwellings.

B. Public access may be in the form of any of the following:
   1. Physical access such as trails, walkways, piers and docks, swimming area and parks;
   2. Visual access such as view platforms or view corridors; or
   3. A combination of physical and visual access.
   4. Visual access shall not include the excessive removal of trees or native vegetation by topping or clearing.

C. Public access shall incorporate the following elements:
   1. A physical connection to the nearest public street by dedication of land or easement;
   2. Use of environmentally friendly materials and techniques such as low impact development, if feasible;
   3. Signage indicating the public’s right of access and hours of access;
   4. Landscaping including vegetative screening for adjacent residential development; and
   5. Barrier free features for ADA accessibility, if feasible.

D. All improvements associated with public access shall be designed to assure no net loss of shoreline ecological functions will result.

E. Where public access is required, it shall be fully developed and available for use by the public at the time of occupancy or use of the development.

F. The Director may waive the requirement for public access under the following conditions:
   1. The applicant demonstrates the public access is infeasible due to reasons of incompatible uses, safety, security, or adverse impacts to the shoreline environment, or due to constitutional or other legal limitations; and
   2. The applicant demonstrates reasonable alternatives are not available such as limiting hours, off-site improvements, or placement and design elements.

20.66.050 Tree management and vegetation conservation.

A. These provisions act as an overlay and in addition to the City’s tree code regulations. The tree preservation and replacement requirements of this section apply to removal of trees and vegetation within the shoreline areas.

B. Non-hazardous trees shall be preserved within the shoreline area unless replacement trees are provided for a removed tree in accordance with Table 20.66.050:

<table>
<thead>
<tr>
<th>Tree Location</th>
<th>Diameter of Tree (DBH)</th>
<th>Type of Tree Removed</th>
<th>Replacement Tree Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within Building Footprint</td>
<td>All</td>
<td>All</td>
<td>None</td>
</tr>
<tr>
<td>Outside Building Footprint</td>
<td>Less than 10 inches</td>
<td>All</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>10 inches and greater, but less than 20 inches</td>
<td>Not listed</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>20 inches and greater, but</td>
<td>Listed</td>
<td>100 percent</td>
</tr>
</tbody>
</table>

Table 20.66.050 Tree Replacement Mitigation
1. DBH means “Diameter Breast Height” which is the diameter measurement in inches of the outside bark of a tree trunk, measured at four and one-half feet above the surrounding ground surface. The DBH for multi-trunk trees forking below four and one-half feet is the diameter measurement in inches of the outside bark of a tree trunk at the narrowest part of the main stem below the tree fork. The DBH for multi-trunk trees splitting at ground level is found by taking the square root of the sum of all squared stem DBHs.

2. “Listed” means those trees found in the “City of Medina List of Suitable Tree Species for Private Property Replacement and Public Right-of-Way Planting”.

3. The total diameter of replacement trees shall at a minimum add up to the applicable percentage above multiplied by the DBH of the existing tree being replaced.

4. The building footprint is that portion of the lot covered by the primary building and measured from the outside of eaves or furthest structural projections of the primary building.

C. A tree that is more than one-third removed, but not necessarily fully removed, shall be considered a removed tree subject to the requirements in Table 20.66.050 for replacement trees.

D. Where Table 20.66.050 indicates replacement trees are required, the following applies:

1. If the existing tree being removed is less than 36 inches DBH then:
   a. The caliper of each replacement tree shall be at least three inches; and
   b. Coniferous trees shall be at least eight feet in height; and
   c. At least 25 percent of required replacement trees shall be of the same genus as the removed tree, unless the number of genera involved with tree removal will exceed the number of replacement trees that the applicant chooses to plant in compliance with this requirement;

2. If the existing tree being removed is 36 inches DBH or greater then:
   a. The caliper of each replacement tree shall be at least four inches; and
   b. Coniferous trees shall be at least 10 feet in height; and
   c. At least 50 percent of required replacement trees shall be of the same genus as the removed tree, unless the number of genera involved with tree removal will exceed the number of replacement trees that the applicant chooses to plant in compliance with this requirement;

3. Existing trees that are transplanted on-site may receive credit as replacement tree if the City is consulted prior to the transplant and the applicant follows all methods and techniques prescribed by the City for executing the transplanting of the subject tree.

E. In lieu of planting replacement trees, an applicant may satisfy the requirements for replacement trees in Table 20.66.050 as follows:

1. Pay a fee to the Medina Tree Fund calculated as follows:
   a. If a removed tree has less than 20 inches DBH, the contribution is $200 per each replacement diameter inch not planted;
   b. If a removed tree is 20 inches DBH or greater, but less than 36 inches DBH, the contribution is $250 per each replacement diameter inch not planted; or
   c. If a removed tree is 36 inches DBH or greater, the contribution is $400 per each replacement diameter inch not planted; and

2. Plant at least two replacement trees on-site unless only one replacement tree is required in which case one replacement tree is required to be planted.
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F. Hazardous Trees.

1. A tree determined to be “hazardous” by the City arborist is exempt from the requirement to provide tree replacements. To be eligible for the exemption:
   a. The tree must obtain from the City arborist a rating of 11 or 12 on a scale of 1 to 12 (1 being the least hazardous and 12 being the most hazardous); and
   b. The City arborist shall use the method for rating hazardous trees prescribed in the Medina Tree Code set forth in Chapter 12.28 MMC;

2. A tree that the City arborist has determined died from natural causes, but does not receive a hazard rating of 11 or 12, may be removed without requiring tree replacement plantings;

3. Where a tree receives a hazard rating of 8, 9, or 10, pruning exceeding one-third may be authorized without requiring replacement trees provided the amount of the tree removed will not affect the tree in a permanent adverse manner.

G. Vegetation conservation.

1. Where any of the following activities are proposed within 50 feet landward of the ordinary high water line, a restoration plan consistent with MMC 20.66.050(G)(2) is required:
   a. Clearing and/or grubbing of 2,500 square feet of surface land area or more;
   b. Land surface modifications involving 25 cubic yards of earth materials or more; and/or
   c. Removal of any trees 10 inches or greater.

2. A restoration plan shall be designed to:
   a. Stabilize soil surfaces;
   b. Filter run-off (especially lawns);
   c. Assure no net loss of shoreline ecological functions will result; and
   d. Be prepared by a qualified professional, unless waived by the Director as unnecessary.

3. The Director may modify the required content of a restoration plan where the Director determines more or less information is necessary to adequately address potential shoreline impacts and required restoration.

4. A restoration plan may be combined with other mitigation plans provided all conditions and criteria are satisfied.

H. Aquatic vegetation control, including mechanical and chemical measures, shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including state Fish & Wildlife and/or Ecology requirements.

20.66.060 Water quality, surface water runoff, and non-point pollution.

A. All shoreline development during and after construction shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.

B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.

C. All shoreline development shall comply with the applicable requirements of the City’s adopted Surface Water Design Manual and all applicable City stormwater regulations.
D. Where feasible, shoreline development must implement low impact development techniques pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

20.66.070 In-water construction.

The following requirements apply to in-water work, including, but not limited to, installation of new structures, repair of existing structures, restoration projects, and aquatic vegetation removal:

A. In-water structures and activities shall be placed and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species;
B. Removal of existing structures shall be accomplished so the structure and associated material do not re-enter the lake;
C. Waste material and unauthorized fill, such as construction debris, silt or excess dirt resulting from in-water structure installation, concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, paper and any other similar material upland of or below the ordinary high water line shall be removed;
D. Measures shall be taken in advance and during construction to ensure that no petroleum products, hydraulic fluid, cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake during in-water activities;
E. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery;
F. In-water work must be conducted in a manner that causes little or no siltation to adjacent areas and shall require a sediment control curtain in those instances where siltation is expected;
G. Fresh concrete or concrete by-products are not allowed to enter the lake at any time during in-water installation and all forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the lake;
H. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work and all disturbed areas will be protected from erosion using vegetation or other means; and
I. If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the Washington State Department of Ecology.

20.66.080 Archeological and historical resources.

The following requirements apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered:

A. Archaeological sites located in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of the shoreline master program;
B. If archaeological resources are uncovered during excavation all work shall immediately cease and the City, the Department of Archaeology and Historic Preservation and affected Native American tribes shall be immediately notified;
C. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources;

D. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value:
   1. No permit authorizing development or land modification shall be issued which would pose a threat to the site; and
   2. The development may be required to be redesigned or postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts;

E. In the event of an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified the project may be exempted from the permit requirement of these regulations provided the City notifies the Washington State Department of Ecology, the Washington State Attorney General's Office and the Washington State Historic Preservation Office of such a waiver in a timely manner;

F. Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment; and

G. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

20.66.090 Nonconforming development.

A. A nonconforming use or development (includes lots and structures) under the shoreline master program means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the shoreline master program, or amendments thereto, but which does not conform to present regulations or standards of the shoreline master program. This section shall be applied as follows:
   1. The requirements and thresholds established in this section shall apply to all development regulated under the shoreline master program.
   2. The requirements of this section are applied in combination with other sections of the Medina Municipal Code relating to nonconformity, including, but not limited to those prescribed in zoning, and the building and fire codes.
   3. A structure for which a shoreline variance has been issued shall be considered a legal nonconforming development and the requirements of this section shall apply as they apply to preexisting nonconformities.

B. A party asserting the existence of a lawfully established nonconforming lot, structure or use of land has the burden of proof that the lot, structure or use of land was not substandard in meeting the development regulations in effect at its creation.

C. Nonconforming lots. Lots, tract, parcel, site or division which were created or segregated pursuant to all applicable laws, ordinances and regulations in effect at the time, but that is nonconforming as to the present lot size may be developed so long as such development conforms to other requirements of the shoreline master program.

D. Nonconforming uses. The following shall apply to all nonconforming shoreline uses:
   1. Any legally established nonconforming use may continue until such time that the rights for the nonconforming use are abandoned pursuant to MMC 20.66.090(D)(3).
   2. A nonconforming use may not be expanded nor may the structure containing a nonconforming use be enlarged, except as may be allowed by a shoreline conditional use permit.
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3. A nonconforming use shall be determined abandoned and all rights to the nonconforming use lost if:
   a. The use is changed; or
   b. The use is discontinued for a period of 6 consecutive months or more; or
   c. The use is discontinued for a total of 6 months or more during a 12 consecutive month period; or
   d. A structure housing a nonconforming use experiences substantial destruction or reconstruction, except as provided for in MMC 20.66.090(D)(4).

4. A structure housing a nonconforming use, or used in support of a nonconforming use, that experiences substantially destruction or reconstruction may have the nonconforming use continued provided:
   a. The substantial destruction and/ or reconstruction is the result of a fire or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the City within 6-months of such fire, natural disaster, or casualty event; or
   b. The nonconforming use is eligible for, and the property owner obtains, approval for a shoreline conditional use permit.
   c. The Director may grant up to a 6 month extension of the time limitation set forth in MMC 20.66.090(D)(4)(a) provided:
      i. The property owner requests the extension in writing prior to the expiration of the time limitation; and
      ii. The property owner demonstrates extenuating circumstances not of the property owners own making that delay submission of a building permit application, such as resolution of an insurance claim.

5. Ordinary maintenance and repair of a structure housing a nonconforming use, such as painting or plumbing repair, shall be permitted provided:
   a. The work is to maintain safe and sanitary conditions and does not result in an enlargement or expansion of the structure; and
   b. The work does not result in substantial destruction or reconstruction.

6. A nonconforming use shall not be changed to another nonconforming use.

E. Nonconforming structures. The following shall apply to all nonconforming structures:

1. Any legally established nonconforming structure may continue until such time that the rights for the nonconformity are abandoned pursuant to MMC 20.66.090(E)(4).

2. 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 structural coverage, 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.

3. A nonconforming structure may be enlarged, extended, repaired, remodeled, or structurally altered provided the work does not increase the nonconformity; except nonconformity may be increased if:
   a. A minor deviation is approved to match an existing nonconforming setback or nonconforming height; or
   b. An intrusion into a setback, or additional structural coverage exceeding the shoreline maximum, is determined by the City to be reasonably necessary and the minimum necessary to improve access for elderly or disabled persons.

4. Except as provided for in MMC 20.66.090(E)(6), a nonconforming structure shall be determined to have its nonconformity abandoned and all nonconforming rights lost where:
   a. Any single-family dwelling, or any detached accessory building associated with a single-family dwelling, experiences substantial destruction; or
b. A pier or dock experiences repairs exceeding those listed in MMC 20.65.050, or if not listed experiences reconstruction; or
c. A structure, not listed in MMC 20.66.090(E)(4)(a) or (b), experiences either substantial destruction or reconstruction.

5. Where the rights to a nonconforming structure have been abandoned, continuation of the nonconformity shall cease and any subsequent repair, remodel, alteration, or rebuilding shall require the entire structure to be brought into compliance with all development regulations in effect.

6. A nonconforming structure that experiences substantial destruction or reconstruction may maintain the condition of nonconformity provided that:
   a. The substantial destruction and/or reconstruction is the result of a fire, natural disaster or other casualty not intentionally caused by any owner or tenant of the property, and a complete building permit application is filed with the City within 6-months of such fire or casualty event; or
   b. The nonconforming structure, or portion thereof, was declared to be unsafe by the City’s Building Official, and the property owner submits an application for a building permit to reconstruct within 6 months of said determination.
   c. The Director may grant up to a 6 month extension to the time limitation set forth in this section provided:
      i. The property owner requests the extension in writing prior to the expiration of the time limitation; and
      ii. The property owner demonstrates extenuating circumstances not of the property owners making that delay submission of a building permit application, such as resolution of an insurance claim.

7. Where a property exceeds maximum structural coverage standards, upper floor additions shall not constitute an expansion of the nonconforming structural coverage, provided that the resulting total gross area (footprint) of the upper floor does not exceed the maximum structural coverage prescribed for the lot.

F. In addition to the provision set forth in MMC 20.66.090(E)(6), an existing single-family dwelling, accessory patio and/or accessory deck, not complying with a shoreline setback may experience substantial destruction or reconstruction while preserving the right to the existing nonconforming shoreline setback provided:
   1. The replacement dwelling, patio or deck is reconstructed within the footprint of the existing structure;
   2. Any expansion of the footprint, including any addition to the dwelling, or adding a cover to an uncovered patio or deck, shall conform to the shoreline setback prescribed in MMC 20.63.050; and
   3. A complete application for a building permit to construct a new dwelling, deck or patio is submitted within six months following substantial destruction or reconstruction of the structure; and
   4. A patio not requiring a building permit is replaced immediately following reconstruction.

G. Unlawful uses and structures.
   1. Uses and structures that did not comply with applicable development regulations in effect at the time of its establishment are determined illegal and subject to enforcement as prescribed by law.
   2. Nothing in this section shall be interpreted as granting any right to continue occupancy of property containing an illegal use or structure.
   3. The intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use and/or structure.
Attachment A

20.66.100 Parking.

A. Parking facilities are permitted pursuant to the use table set forth in MMC 20.62.030. Parking shall be incidental and a secondary use and located as a principal use of a lot.

B. Parking facilities shall provide adequate provisions to control surface water runoff to prevent contaminating water bodies.

C. Parking facilities shall not be located waterward of the building housing the principal use, except where it can be demonstrated to the Director that an alternative design would have less adverse impact on the shoreline.

D. Exterior parking facilities shall be designed and landscaped to minimize all adverse impacts upon the shoreline.

20.66.110 Lighting.

A. Exterior lighting shall be controlled using limits on height, light levels of fixtures, light shields, and other mechanisms that:

1. Prevent light pollution or other adverse effects that could infringe upon public enjoyment of the shoreline;
2. Protect residential uses from adverse impacts that can be associated with light trespass from adjoining properties; and
3. Prevent adverse effects on fish and wildlife species and their habitats.

B. Exterior lighting shall be directed downward and away from adjoining residential properties and Lake Washington. Shielding may be required to conceal the light source.

C. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level and be designed to prevent lighting from spilling onto the lake water.

D. The following shall be exempt from the lighting requirements in this section:

1. Emergency lighting required for public safety;
2. Lighting for public rights-of-way;
3. Outdoor lighting for temporary or periodic events (e.g. community events at public parks);
4. Seasonal decoration lighting; and
5. Lighting required by a state or federal agency for navigation purposes.

20.66.120 Financial securities.

Where a financial security is required, an applicant may choose to provide a bond, line of credit, cash deposit, or other form of financial guarantee that is acceptable to the City. The terms of the financial security shall include the following:

A. An amount of funds equal to 100 percent that is sufficient to fully guarantee that all required enhancements, mitigation and/or other improvements are completed in a manner that complies with the conditions of approval and with satisfactory workmanship and materials;

B. An amount of funds equal to 100 percent that guarantees maintenance and/or monitoring requirements are followed and the expense of correcting any failures;

C. An amount equal to 100 percent to cover estimated expenses to administer the security should it become necessary to apply the financial security towards completing the enhancements, mitigation and/or other improvements;

D. Conditions under which the financial security is providing a guarantee;

E. A holding timeframe before the financial security may be released;

F. Terms to release the security, once all of the terms of the financial security have been satisfactorily completed.
20.66.130 Emergency actions.

A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action or within a time too short to allow full compliance with the provisions of the shoreline master program.

B. Emergency actions shall comply with the following conditions:
   1. Limited to using reasonable methods necessary to address the emergency;
   2. Have the least possible impacts on shoreline ecological functions and processes; and
   3. Comply with the requirements of the Medina Shoreline Master Program, to the extent feasible.

C. Notification requirements.
   1. The party undertaking the emergency action shall notify the City immediately of the existence of the emergency and the proposed emergency action, or when this is not practice, within two business days following commencement of the emergency action.
   2. The party undertaking the emergency action shall provide the City within seven days following completion of the emergency action, a written description of the work undertaken, a site plan, a description of the pre-emergency conditions, and other information requested by the City to determine the action was permitted within the scope of an emergency action.

D. Decision.
   1. The Director shall evaluate the emergency action for consistency with WAC 173-27-040(2)(d) and determine whether the action taken, or any part of the action taken, was within the scope of an emergency action.
   2. If the Director determines that the action does not qualify as an emergency action, the party may be required to obtain a permit and/or require remediation. This shall not preempt the City from determining a particular action to be a violation subject to enforcement under Chapter 1.15 MMC.
   3. Whether the situation qualified as an emergency action or not, the City may require that the property owner and/or the party that undertook the emergency action provide mitigation for impacts to shoreline ecological functions.
Chapter 20.67
Critical Areas in the Shoreline

20.67.010 Purpose
The purpose of this chapter is to designate and classify ecologically critical areas, and to protect these areas and their functions and values where they exist within the shoreline jurisdiction. The mechanisms established in this chapter are intended to protect critical areas in shoreline jurisdiction and achieve no net loss of shoreline ecological functions.

20.67.020 Shoreline critical areas - general provisions.
A. The requirements of this chapter do not extend beyond the shorelines jurisdiction limits specified in the shoreline master program and the Act. For regulations addressing critical areas and/or their buffers that are outside of the shorelines jurisdiction, see Chapter 18.12 MMC.
B. This chapter shall not repeal, abrogate or impair any existing regulations. However, where this chapter imposes greater restrictions, the requirements of this chapter shall prevail.
C. The critical areas regulations in this chapter apply as an overlay and in addition to zoning and other regulations adopted by the City, except the critical areas regulations set forth in Chapter 18.12 MMC shall not apply.
D. Compliance with this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (e.g., substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the requirements established in this chapter.
E. Impacts to critical areas must be addressed through compliance with the policies and regulations of the specific shoreline environment designation, the general shoreline regulations found in Chapter 20.66 MMC, and the regulations of this chapter.
F. Variances to the strict requirements of this chapter shall not be granted, except through the shoreline variance processes meeting the criteria set forth in WAC 183-27-170. The Reasonable Use Exception set forth in MMC 18.12.130 shall not apply to critical areas within the shoreline area.

20.67.030 Applicability.
A. Applicability. The provisions of this chapter apply to all development, activity, and associated uses within the shoreline jurisdiction, which contain critical areas and their buffers as defined in this chapter.
Attachment A

B. Critical areas exemptions. The following development, activities and associated uses shall be exempt from the requirements of this chapter; however, the critical areas exemptions do not include exemptions from other provisions of the shoreline master program such as exemptions from substantial development permits provided under WAC 173-27-040.

1. Emergency actions as set forth in MMC 20.66.130.
2. Operations, maintenance, remodel or repair of existing structures and facilities, provide there is no further intrusion into a critical area or its buffers and there is no significant increase in risk to life or property as result of the action.
3. Minor site investigation work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation in. In every case the disruption to the critical area shall be minimized and the disturbed areas immediately restored.
4. Construction or modification of navigational aids and boundary markers.

C. Limited critical areas exemptions. The following developments, activities, and associated uses shall not be required to follow a critical areas review process; provided, that they are consistent with the requirements of this chapter and the other provisions of the Medina Shoreline Master Program. The City may condition approval of such to ensure adequate critical areas protection:

1. Existing single-family residences may be expanded, reconstructed, or replaced, provided all of the following are met:
   a. Expansion within a critical area buffer is limited to 500 square feet of structural coverage beyond the existing structural coverage;
   b. The expansion extends no closer to critical area than previously;
   c. The proposal does not cause a net loss of shoreline ecological functions of wetlands, fish and wildlife habitat conservation areas, and their buffers;
   d. The proposal includes on-site mitigation to achieve no net loss of ecological functions;
   e. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards on neighboring properties; and
   f. The expansion would not cause a tree within a buffer to be labeled as a hazardous tree and thus require the removal of the hazardous tree;
2. Replacement, modification, installation or construction of streets and utilities in existing developed utility easements, improved city street rights-of-way, or developed private streets. Utilities include water, sewer lines, and stormwater and franchise (private) utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. The activity cannot further permanently alter or increase the impact to, or encroach further within, a critical area or buffer and must utilize best management practices;
3. Public and Private Non-motorized Trails. Public and private pedestrian trails provided:
   a. There is no practicable alternative that would allow placement of the trail outside of critical area or their buffers;
   b. The trail surface shall meet all other requirements including water quality standards;
   c. Trails proposed in stream or wetland buffers shall be located in the outer 25 percent of the buffer area, except when bridges or access points are proposed;
   d. Stream and wetland buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas;
   e. Trail corridors in critical areas and buffers shall not exceed six feet in width; and
   f. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report;
Attachment A

4. Select Vegetation Removal Activities. The following limited vegetation removal activities are allowed in critical areas and buffers. Otherwise, removal of any vegetation or woody debris from a critical area shall be prohibited unless the action is part of an approved alteration.
   a. The removal of the following vegetation with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation:
      i. Invasive weeds;
      ii. Himalayan blackberry (Rubus discolor, R. procerus);
      iii. Evergreen blackberry (R. laciniatus);
      iv. Ivy (Hedera spp.); and
      v. Holly (Ilex spp.), laurel, Japanese knotweed (Polygonum cuspidatum), or any other species on the King County Noxious Weed List.
   b. The cutting and removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and buffers; provided, that the provisions in MMC 20.66.050 are followed.
   c. Trimming of vegetation for purposes of providing view corridors will be allowed; and that trimming shall be limited to view corridors of 20 feet in width or less, that the limbs involved do not exceed three inches in diameter, that no more than 25 percent of the live crown is removed, and that benefits to fish and wildlife habitat are not reduced. Trimming shall be limited to hand pruning of branches and vegetation. Trimming shall not include felling, topping, stripping, excessive pruning or removal of trees.
   d. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan prepared by a qualified professional; and

5. Conservation, Preservation, Restoration and/or Enhancement.
   a. Conservation and/or preservation of soil, water, vegetation, fish and/or other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area and/or buffer; and
   b. Restoration and/or enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area and/or buffer; that actions do not alter or disturb existing native vegetation or wildlife habitat attributes; that actions improve and do not reduce the existing functions of the critical areas or buffers; and that actions are implemented according to a restoration and/or enhancement plan that has been approved by the City.

20.67.040 Definitions.

A. In addition to the definitions set forth in Chapter 20.60 MMC, the definitions set forth in Chapter 18.12 MMC, and adopted under Ordinance No. 784, shall be adopted as the definitions applicable to critical areas within the shoreline jurisdiction.

B. If any definition in Chapter 18.12 MMC conflicts with provisions in the shoreline master program, the shoreline master program shall prevail.

20.67.050 General requirements.

A. Avoid impacts to critical areas.
Attachment A

1. The applicant shall avoid all impacts that result in a net loss of shoreline ecological functions, or where the results are an unacceptable level of risk associated with a geologically hazardous area.

2. Unless otherwise provided for in this chapter:
   a. If alteration to fish and wildlife habitat conservation areas, wetlands and/or their buffers is proposed, impacts resulting from a development proposal or alteration shall be mitigated in accordance with the mitigation sequencing set forth in MMC 20.67.050(B) and an approved critical area report and any applicable SEPA documents; or
   b. A development proposal or alteration within a geologically hazardous area and/or its buffer must comply with a geotechnical report approved by the city that assesses the risk to health and safety, and makes recommendations for reducing the risk to acceptable levels through engineering, design, and/or construction practices.

B. Mitigation.
   1. Mitigation shall be in-kind and on-site, where feasible, and sufficient to maintain critical areas and shoreline ecological functions and values, and to prevent risk from hazards posed by a critical area.
   2. Mitigation shall not be implemented until after the City approves the applicable critical area report and mitigation plan. Following city approval, mitigation shall be implemented in accordance with the provisions of the approved critical area report and mitigation plan.

C. Mitigation sequencing.
   1. Pursuant to MMC 20.66.020, applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid or minimize impacts to shoreline ecological functions as provided by critical areas.
   2. When an alteration to a critical area and/or buffer is proposed, such alteration shall follow the mitigation sequencing set forth as follows:
      a. For fish and wildlife habitat conservation areas, wetlands and/or their buffers, avoiding the impact altogether by not taking a certain action or parts of an action, except this provision shall not be used to deny a use or activity specifically authorized by the shoreline master program;
      b. For geological hazards, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
      c. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce the impact;
      d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
      e. Reducing or eliminating the impacts over time by preservation and/or maintenance operations;
      f. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
      g. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

D. Mitigation plan requirements. Where mitigation is required, the applicant shall submit, and obtain approval from the City, a mitigation plan as part of, or in addition to, the critical area report. The mitigation plan shall include the following information:
   1. A description of existing critical areas and/or buffers conditions, shoreline ecological functions as provided by critical areas, and a description of the anticipated impacts;
   2. A description of proposed mitigating actions and mitigation site selection criteria;
   3. A description of the goals and objectives of proposed mitigation relating to impacts to shoreline ecological functions as provided by critical areas;
4. A review of the most current, accurate, and complete scientific and technical information available supporting proposed mitigation, a description of the plan/report author's experience to date in restoring or creating the type of critical area proposed, and an analysis of the likelihood of success of the mitigation project;

5. A description of specific measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan have been successfully attained and whether or not the requirements of these critical area regulations have been met;

6. Detailed construction plans including site diagrams, cross-sectional drawings, topographic elevations at one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome;

7. Construction plans should also include specifications and descriptions of:
   a. Proposed construction sequence, timing, and duration;
   b. Grading and excavation details;
   c. Erosion and sediment control features;
   d. A planting plan specifying plant species, quantities, locations, size, spacing, and density, with density standards as follows:
      i. Forested conditions:
         (1) Trees: Nine feet on center, or 0.012 trees per square foot (this assumes two-to-five-gallon size) with at least 50 percent conifers;
         (2) Shrubs: Six feet on center, or 0.028 shrubs per square foot (this assumes one-to-two-gallon size); and
         (3) Herbs and groundcovers: Four feet on center, or 0.063 plants per square foot (this assumes 10-inch plug or four-inch pot).
      ii. Shrub conditions:
         (1) Shrubs: Five feet on center, or 0.04 shrubs per square foot (this assumes one-to-two-gallon size); and
         (2) Herbs and groundcovers: Four feet on center, or 0.063 plants per square foot (this assumes 10-inch plug or four-inch pot).
      iii. Emergent, herbaceous and/or ground-cover conditions:
         (1) Herbs and groundcovers: One foot on center, or one plant per square foot (this assumes 10-inch plug or four-inch pot); or
         (2) Herbs and groundcovers: 18 inches on center, or 0.444 plant per square foot if supplemented by over-seeding of native herbs, emergent or graminoids as appropriate;
   e. Measures to protect and maintain plants until established;

8. A maintenance and monitoring program containing, but not limited to the following:
   a. An outline of the schedule for site monitoring;
   b. Performance standards including, but not limited to 100 percent survival of newly planted vegetation within the first two years of planting, and 80 percent for years three or more;
   c. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met;
   d. The period of time necessary to establish that performance standards have been met, not to be less than three years;

9. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with MMC 20.66.120;

10. Other information determined necessary by the Director.
Attachment A

E. Determination process. The Director shall make a determination as to whether the proposed activity and mitigation, if any, is consistent with the provisions of these critical areas regulations. The Director's determination shall be based on the following:

1. Any alteration to a critical area and/or critical area buffer, unless otherwise provided for in these critical area regulations, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
   a. The proposal will result in no net loss of shoreline ecological functions as provided by critical areas in accordance with the mitigation sequencing prescribed in MMC 20.67.050(C);
   b. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
   c. The proposal is consistent with the general purposes of these critical area regulations, the Shoreline Master Program and the public interest;
   d. Any impacts permitted to the critical area and/or buffers are mitigated in accordance with MMC 20.67.050(B), (C) and (D);
   e. The proposal protects critical area and/or buffer functions and values consistent with the most current, accurate, and complete scientific and technical information available; and
   f. The proposal is consistent with other applicable regulations and standards.

2. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and/or buffers and to conform to the standards required by these critical area regulations.

3. Except as provided for by these critical area regulations, any project that cannot adequately mitigate its impacts to critical areas and/or buffers shall be denied.

4. The City may require critical area or geotechnical reports to have an evaluation by an independent qualified professional at the applicant's expense when determined to be necessary to the review of the proposed activity.

F. Notice on title. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file for record with King County Auditor a notice approved in form by the City. The notice shall state the presence of the critical area or buffer on the property. The owner shall submit proof to the City that the notice has been filed for record within 30 days after the approval of a development permit. The notice shall run with the land, and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be a violation of this chapter.

G. Native Growth Protection Areas (NGPAs) shall be used in development proposals for subdivisions and short subdivisions in accordance with the following:

1. NGPAs shall delineate and protect those contiguous critical areas and buffers listed below:
   a. All landslide hazard areas and buffers, except when a development proposal is approved in a landslide hazard area and/or buffer per a geotechnical report;
   b. All wetlands and buffers;
   c. All fish and wildlife habitat conservation areas; and
   d. All other lands to be protected from impacts as conditioned by project approval.

2. NGPAs shall be recorded on all documents of title of record for all affected lots.

3. NGPAs shall be designated on the face of the plat or recorded drawing in a format approved by the City and include the following restrictions:
   a. Native vegetation shall be preserved within the NGPA for the purpose of preventing harm to property and the environment; and
   b. The City of Medina has the right to enforce NGPA restrictions.
20.67.060 Critical areas report.

A. If fish and wildlife habitat conservation areas, wetlands, steep slopes and/or their buffers may be affected by a proposed activity, the applicant shall submit a critical area report meeting the following requirements:

1. Prepared by a qualified professional;
2. Incorporate the most current, accurate, and complete scientific and technical information available using scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used; and
3. Evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of these critical area regulations.

B. At a minimum the report shall include the following information:

1. The applicant's name and contact information, a project description, project location, and identification of the permit requested;
2. A site plan for the proposal showing:
   a. The development proposal with dimensions and any identified critical areas and buffers within 200 feet of the proposed project; and
   b. Limits of any areas to be cleared;
3. The date the report was prepared;
4. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
5. Identification and characterization of all noncritical areas and critical areas and their buffers within, and adjacent to, the proposed project area. This information shall include, but is not limited to:
   a. Size or acreage, if applicable;
   b. Applicable topographic, vegetative, faunal, soil, substrate and hydrologic characteristics; and
   c. Relationship to other nearby critical areas;
6. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
7. An analysis of site development alternatives;
8. A description of reasonable efforts made to apply mitigation sequencing pursuant to MMC 20.67.050(C) to avoid or compensate for impacts to shoreline ecological functions as provided by critical areas;
9. Plans for mitigation in accordance with MMC 20.67.050(B), (C) and (D); and
10. Any additional information required for the critical area as specified in this chapter.

C. The applicant may consult with the Director prior to or during preparation of the critical area report to obtain City approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

D. The Director may require additional information to be included in the critical area report and may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert when determined to be necessary to the review of the proposed activity in accordance with these critical area regulations.

20.67.70 Wetlands

A. Designation.
   1. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.
2. All areas within the City of Medina that meet the wetland designation criteria in the manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of these critical area regulations.

B. Wetland ratings. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system for Western Washington (Ecology Publication #04-06-025, or as revised and approved by Ecology). These documents contain the definitions and methods for determining if the criteria below are met.

C. Wetland Rating Categories.
1. The following table provides a summary of the categories of wetland and the criteria for their categorization.

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria for Designation</th>
</tr>
</thead>
</table>
| Category I | • Represent a unique or rare wetland type;  
            • Are more sensitive to disturbance than most wetlands;  
            • Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or  
            • Provide a high level of functions.  
            • Score 70 points or higher on the rating system. |
| Category II | • Are not defined as Category I wetlands.  
             • Are difficult, though not impossible, to replace;  
             • Provide high levels of some functions;  
             • Score 51 to 69 points on the rating system |
| Category III | • Do not satisfy Category I or II criteria;  
              • Provide moderate levels of functions;  
              • Score 30 to 50 on the rating system |
| Category IV | • Do not satisfy Category I, II or III criteria;  
              • Provide the lowest levels of functions;  
              • Often are heavily disturbed;  
              • Score fewer than 30 points on the rating system |

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the City, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

3. Wetland rating categories shall not change due to illegal modifications made by the property owner or with the property owner’s knowledge.

D. Mapping.
1. The approximate location and extent of known wetlands are identified in the City of Medina Critical Areas Inventory. This inventory is to only be used as a guide for the City of Medina, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. The inventory is only a reference and does not provide a final critical area designation.

2. The exact location of a wetland’s boundary shall be determined through the performance of a field investigation by a qualified professional applying the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94), or as revised, as required by RCW 36.70A.175.

E. Wetlands – development standards.
1. Activities and uses shall be prohibited within wetland and wetland buffer areas, except as provided for in these critical area regulations.

2. The following table contains wetland buffer widths:

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Standard Buffer Width</th>
<th>Buffer if Rating Score includes 21 – 25 Habitat points</th>
<th>Buffer if Rating Score includes 26 – 29 Habitat points</th>
<th>Buffer if Rating Score includes 30 – 36 Habitat points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>75 feet</td>
<td>105 feet</td>
<td>165 feet</td>
<td>225 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>75 feet</td>
<td>105 feet</td>
<td>165 feet</td>
<td>225 feet</td>
</tr>
<tr>
<td>Category III</td>
<td>60 feet</td>
<td>105 feet</td>
<td>165 feet</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Category IV</td>
<td>40 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

3. The width of the wetland buffer shall be determined according to the wetland category and habitat scoring of the wetland and Table 20.67.070(E).

4. Measurement of wetland buffers shall be from the outer edges of the wetland boundaries as determined through the performance of a field investigation by a qualified professional applying the wetlands identification and delineation pursuant to MMC 20.67.070(B) and as surveyed in the field.

F. Wetland Buffer Reduction. The wetland buffer width in Table 20.67.070(E) may be reduced by up to a maximum of 25 percent provided:

1. The amount of reduction is based on voluntary employment of incentive-based action measures set forth in MMC 20.67.070(G);

2. A critical areas report prepared by a professional with expertise in wetlands and approved by the City using the most current, accurate, and complete scientific and technical information available determines a smaller area can be adequate to protect the wetland functions and values based on site-specific characteristics; and

3. The mitigation provided will result in a net improvement of the wetland and buffer functions;

4. Any remaining wetland buffer areas on the property not subject to the reduction, but are degraded, are re-vegetated with native plants; and

5. A five year monitoring and maintenance program is provided.

G. The following table provides incentive options that may be employed to allow for the reduction of a wetland buffer width as set forth in MMC 20.67.070(F). Where multiple options for an action are prescribed in the table, only one option under that action may be applied.
### Table 20.67.070(G) Wetland Buffer Reduction Incentive Options

<table>
<thead>
<tr>
<th>Description of Action</th>
<th>Options</th>
<th>Reduction Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove impervious surface within wetland buffer area</td>
<td>Remove at least 50 percent of the impervious surface within the reduced buffer area, but where the total impervious surface removed is less than 500 square feet</td>
<td>5 percent points</td>
</tr>
<tr>
<td></td>
<td>Remove at least 50 percent of the impervious surface within the reduced buffer, but where the total impervious surface removed is more than 500 square feet</td>
<td>10 percent points</td>
</tr>
<tr>
<td></td>
<td>Remove 100 percent of impervious surfaces within the reduced buffer, where at least 50 percent of the reduced buffer presently contains impervious surface</td>
<td>20 percent points</td>
</tr>
<tr>
<td>Install Biofiltration/ infiltration mechanisms</td>
<td>Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing surface water drainage and water quality requirements</td>
<td>20 percent points</td>
</tr>
<tr>
<td>Remove invasive, nonnative vegetation</td>
<td>Remove invasive, nonnative vegetation and continue maintenance during the 5-year monitoring program of removing relatively dense stands of invasive, nonnative vegetation from significant portions of the reduced buffer area</td>
<td>10 percent points</td>
</tr>
<tr>
<td>Install oil-water separator</td>
<td>If not required by other provisions of the Medina Municipal Code, install oil-water separators for surface water quality control</td>
<td>10 percent points</td>
</tr>
<tr>
<td>Replace Impervious materials</td>
<td>Replace impervious materials for driveway/road construction with pervious materials</td>
<td>10 percent points</td>
</tr>
<tr>
<td>Provide off-site Restoration where no on-site restoration is available</td>
<td>Restoration is provided at a 2:1 ratio or greater</td>
<td>10 percent points</td>
</tr>
<tr>
<td></td>
<td>Restoration is provided at a 4:1 ratio or greater</td>
<td>20 percent points</td>
</tr>
<tr>
<td>Remove Toxic materials</td>
<td>Remove significant refuse or sources of toxic material</td>
<td>10 percent points</td>
</tr>
</tbody>
</table>

**H. Averaging of Wetland Buffer Width.** The City may allow the wetland buffer width to be averaged provided:

1. The proposal results in a net improvement of wetland, habitat and buffer function;
2. The proposal includes re-vegetation of the averaged buffer using native plants, if needed;
3. The total area contained in the buffer of each wetland on the development proposal site is not decreased;
4. The wetland buffer width is not reduced by more than 25 percent in any one location; and
5. A critical areas report meeting the requirements set forth in MMC 20.67.060 indicates the criteria in this subsection will be met.

I. Wetland buffer averaging and wetland buffer reduction may not be used together on an individual wetland.

J. Buffers for Mitigation Shall Be Consistent. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall have the minimum buffer required for the highest wetland category involved.

K. Buffer Conditions Shall Be Maintained. Except as otherwise specified or allowed in accordance with these critical area regulations, wetland buffers shall be retained in their natural condition.

L. Temporary Markers. The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and inspected by the City prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place pursuant to MMC 20.67.070(M).

M. Permanent Signs.

1. As a condition of any permit or authorization issued pursuant to this chapter, the city manager or designee may require the applicant to install permanent signs along the boundary of a wetland or buffer.

2. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. The sign shall be worded as follows or with alternative language approved by the city:

   Protected Wetland Area
   Do Not Disturb.
   Contact the City of Medina
   Regarding Uses and Restriction

3. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity.

N. Fencing.

1. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.

2. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

O. Additional mitigation measures. In addition to the requirements in MMC 20.67.050(B), (C) and (D), when mitigation for wetland and/or wetland buffer impacts is required, the following supplementary requirements shall apply:

1. Mitigation for alterations to wetland and/or wetland buffer shall achieve equivalent or greater shoreline ecological functions and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No. 04-06-013), as revised.

2. Wetland or wetland buffer mitigation actions shall not result in a net loss of wetland or buffer area except when the lost wetland or buffer area provides minimal functions and the mitigation action(s) results in a net gain in wetland or buffer functions as determined by a site-specific function assessment.
Attachment A

3. Mitigation actions shall address and provide equivalent or greater wetland and buffer functions and values compared to wetland and buffer conditions existing prior to the proposed alteration.

4. Mitigation actions shall be in-kind and conducted within the same basin and on the same site as the alteration except when the following apply:
   a. There are no reasonable on-site opportunities for mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
   b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
   c. Off-site locations shall be in the same basin and the same Water Resource Inventory Area (WRIA).

5. Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

   a. The ratios in the following table shall apply to wetland creation or restoration that is in-kind, on-site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Creation or Re-establishment</th>
<th>Enhancement as Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>6:1</td>
<td>16:1</td>
</tr>
<tr>
<td>Category II</td>
<td>3:1</td>
<td>12:1</td>
</tr>
<tr>
<td>Category III</td>
<td>2:1</td>
<td>8:1</td>
</tr>
<tr>
<td>Category IV</td>
<td>1.5:1</td>
<td>6:1</td>
</tr>
</tbody>
</table>

   b. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:
      i. Uncertainty exists as to the probable success of the proposed restoration or creation; or
      ii. A significant period of time will elapse between impact and replication of wetland functions; or
      iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
      iv. The impact was an unauthorized impact.

   c. Decreased Replacement Ratio. The Director may decrease these ratios under the following circumstances:
      i. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
      ii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will not result in a net loss of shoreline ecological functions; and
      iii. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.
d. Minimum Replacement Ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.

7. Wetland Mitigation Banks.
   a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
      i. The bank is certified under Chapter 173-700 WAC;
      ii. The city manager or designee determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
      iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
   b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.
   c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, bank service areas may include portions of more than one WRIA for specific wetland functions.

8. Wetland Enhancement as Mitigation.
   a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands.
   b. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.
   c. The enhancement acreage shall be pursuant to the ratios in Table 20.67.070(O).

20.67.080 Geologically hazardous areas.

A. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. In the City of Medina, areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:
   1. Erosion hazard;
   2. Landslide hazard; and

B. Specific hazard areas – Designation.
   1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.
   2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to, the following:
      a. Areas of historic failures, such as:
         i. Those areas delineated by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a “severe” limitation for building site development;
ii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or
landsides on maps published by the U.S. Geological Survey or Department of
Natural Resources;
b. Areas with all three of the following characteristics:
i. Slopes steeper than 15 percent; and
ii. Hillsides intersecting geologic contacts with a relatively permeable sediment
overlying a relatively impermeable sediment or bedrock; and
iii. Springs or ground water seepage;
c. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding
planes, joint systems, and fault planes) in subsurface materials;
d. Areas potentially unstable because of rapid stream incision, stream bank erosion,
and undercutting by wave action;
e. Areas located in a canyon or on an active alluvial fan, presently or potentially subject
to inundation by debris flows or catastrophic flooding; and
f. Steep slopes, which are any area with a slope of 40 percent or steeper and with a
vertical relief of 10 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 10 feet of vertical relief.

3. Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of
damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil
liquefaction, lateral spreading, or surface faulting. One indicator of potential for future
earthquake damage is a record of earthquake damage in the past. Ground shaking is
the primary cause of earthquake damage in Washington. The strength of ground
shaking is primarily affected by:
a. The magnitude of an earthquake;
b. The distance from the source of an earthquake;
c. The type and thickness of geologic materials at the surface; and
d. The subsurface geologic structure.
Settlement and soil liquefaction conditions occur in areas underlain by cohesionless,
loose, or soft-saturated soils of low density, typically in association with a shallow ground
water table.

C. Mapping.
1. The approximate location and extent of geologically hazardous areas are shown on the
adopted critical area maps. The adopted critical area maps include:
a. U.S. Geological Survey landslide hazard, seismic hazard and volcano hazard maps;
b. Department of Natural Resources seismic hazard maps for Western Washington;
c. Department of Natural Resources slope stability maps;
d. Federal Emergency Management Administration flood insurance maps; and
e. Locally adopted maps.
2. These maps are to be used as a guide for the City of Medina, project applicants and/or
property owners, and may be continuously updated as new critical areas are identified.
They are a reference and do not provide a final critical area designation.

D. Additional report requirements.
1. For development proposed to be located in erosion or landslide hazard areas, the
applicant shall submit a geotechnical report prepared by a qualified professional. A
steep slope hazard must also meet the requirements for a critical area report set forth in
MMC 20.67.060.
2. The Director may require a geotechnical report for development proposed in a seismic
hazard area.
E. Where a geotechnical report is required, a geotechnical assessment of the geological hazards including the following site- and proposal-related information shall be included in either the geotechnical report or the critical areas report.

1. Site and construction plans for the proposal showing:
   a. The type and extent of geologic hazard areas, any other critical areas, and any critical area buffers on, adjacent to, within 200 feet of, or that are likely to impact the proposal or be impacted by the proposal;
   b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the geologically hazardous area; and
   c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;

2. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
   a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
   b. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
   c. A description of the vulnerability of the site to the relevant geologic hazard;

3. A geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties; and

4. Recommendations for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. The Director may assign buffer and building setbacks based on this information. For steep slopes, the minimum buffer widths are specified in MMC 20.67.080(J).

5. When hazard mitigation is required:
   a. The mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation);
   b. Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function; and
   c. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

6. Where a valid geotechnical report has been prepared and approved by the City within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area or geotechnical report provided the applicant submits a geotechnical assessment detailing any changed environmental conditions associated with the site.

7. Additional information determined by the Director to be necessary to the review of the proposed activity and the subject hazard.

F. In addition to the geotechnical report requirements specified in MMC 20.67.080(E), a geotechnical or critical area report (as specified in MMC 20.67.080(D)) for an erosion hazard or landslide hazard shall include the following information:
Attachment A

1. A site plan for the proposal showing the following:
   a. The height of slope, slope gradient, and cross section of the project area;
   b. The location of springs, seeps, or other surface expressions of ground water on or within 200 feet of the project area or that have potential to be affected by the proposal; and
   c. The location and description of surface water runoff.

2. The geotechnical analysis shall specifically include:
   a. A description of the extent and type of vegetative cover;
   b. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development;
   c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
   d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
   e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down-slope properties;
   f. A study of slope stability including an analysis of proposed angles of cut and fills and site grading;
   g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement; and
   h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

3. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.

4. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water.

5. Whenever development, including, but not limited to, stairs, pathways, trams and their support structures, retaining walls, and structures, is performed on any erosion, landslide hazard, or steep slope area as defined in this chapter, a mitigation plan shall be prepared.
   a. The plan shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability.
   b. All disturbed areas shall be re-vegetated by the property owner.
   c. Re-vegetation shall include planting of species indigenous to the Northwest, together with a schedule of their maintenance.

6. Monitoring Surface Waters. If the Director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City of Medina.

G. Seismic hazard areas shall require geotechnical reporting consistent with MMC 20.67.080(E) and the following:
   a. The site map shall show all known and mapped faults within 200 feet of the project area or that have potential to be affected by the proposal.
   b. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

H. Geologically hazardous areas – general development standards.
Attachment A

1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that a qualified professional determines:
   a. Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;
   b. Will not adversely impact other critical areas or their buffers;
   c. Are designed so that the hazard is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
   d. Are certified as safe by a qualified engineer or geologist, licensed in the state of Washington.

2. Essential Public Facilities Prohibited. Essential public facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

I. Geologically hazardous areas – specific development standards.

1. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical report is submitted and certifies that:
   a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
   b. The development will not decrease slope stability on adjacent properties; and
   c. Such alterations will not adversely impact other critical areas or their buffers.

2. A buffer shall be established from all edges of steep slopes as defined in MMC 20.67.080(B)(2)(f). The size of the buffer shall be determined by the Director to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
   a. Minimum Buffer.
      i. At the base of a steep slope, the buffer shall be equal to one-half the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the toe of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the toe of the slope.
      ii. At the top of a steep slope, the buffer shall be equal to one-third the height of the slope. The height of the slope shall be measured vertically from the toe to the top of the slope. For slopes less than 100 percent, the buffer shall be measured horizontally from the top of the slope. For slopes greater than or equal to 100 percent, the buffer shall be measured horizontally from the projection of a 100-percent slope originating at the toe of the slope.
      iii. The buffer may be reduced when a qualified professional demonstrates to the City’s satisfaction that the reduction will not increase the risk to health and safety.
      iv. The buffer may be increased where the Director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

3. Development within erosion or landslide hazard areas and/or their buffers shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides equivalent or greater long-term slope stability while meeting all other provisions of these critical area regulations. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
   a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;
b. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
c. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
d. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
e. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
f. Development shall be designed to minimize impervious lot coverage.

4. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

5. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the City of Medina may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.

6. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

7. Point discharges from surface water facilities and roof drains onto or upstream from erosion or landslide hazard area shall be prohibited except as follows:
   a. Conveyed via continuous storm pipe down-slope to a point where there are no erosion hazards areas downstream from the discharge;
   b. Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state; or
   c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.

8. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
   a. Land that is located wholly within erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within erosion or landslide hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.
   b. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the City of Medina determines that no other feasible alternative exists.

9. On-site sewage disposal systems, including drain fields and infiltration drainage systems, shall be prohibited within erosion and landslide hazard areas and related buffers.

10. New stabilization structures for existing primary residences shall be permitted within shoreline areas only where no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure, and then only if no net loss of shoreline ecological functions will result.

11. Activities proposed to be located in seismic hazard areas shall meet the standards of MMC 20.67.080(H).
This section shall not apply to shorelines of the state under Chapter 90.58 RCW, except to the extent specific areas within shorelines of the state qualify for a fish and wildlife habitat conservation designation consistent with this section.

A. Fish and wildlife habitat conservation areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
   a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
   b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington, identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.

2. State Priority Habitats and Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status; sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.

3. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city as approved by the Medina City Council, including those that possess unusual or unique habitat warranting protection.

4. Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. In the City of Medina, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031, not including Type S or Type 1 Waters.

6. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

7. Land found by the Medina City Council to be essential for preserving connections between habitat blocks and open spaces.

B. Water typing. Streams shall be designated in accordance with Table 20.67.090(B):
### Table 20.67.090(B) Stream Water Type

<table>
<thead>
<tr>
<th>Water Typing</th>
<th>Designation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 1 Stream</strong></td>
<td>Segments of streams that are at least seasonally utilized by fish for spawning, rearing or migration. Stream segments which are fish passable from Lake Washington are presumed to have at least seasonal fish use. Fish passage should be determined using the best professional judgment of a qualified professional.</td>
</tr>
<tr>
<td><strong>Type 2 Stream</strong></td>
<td>Perennial non fish-bearing streams. Perennial streams do not go dry any time during a year of normal rainfall. However, for the purpose of stream typing, Type 2 streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations then the point of perennial flow should be determined using the best professional judgment of a qualified professional.</td>
</tr>
<tr>
<td><strong>Type 3 Stream</strong></td>
<td>Segments of natural waters that are not classified as Type 1 or 2 streams. These are seasonal, non fish-bearing streams in which surface flow is not present for a significant portion of a year of normal rainfall and are not located downstream from any Type 2 or higher stream.</td>
</tr>
</tbody>
</table>

**C. Mapping.**

1. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Medina, as most recently updated. The following critical area maps are hereby adopted:
   a. Department of Fish and Wildlife Priority Habitat and Species Maps;
   b. Department of Natural Resources, Official Water Type Reference Maps, as amended;
   c. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
   d. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
   e. City of Medina official habitat maps.

2. These maps are to be used as a guide for the City of Medina, project applicants, and/or property owners. They are a reference and do not provide a final critical area designation.

**D.** In addition to the critical area report requirements prescribed in MMC 20.67.060, a habitat assessment shall be included. A habitat assessment is an investigation of the project area to evaluate the presence or absence of potential critical fish or wildlife habitat. The habitat assessment shall include the following site- and proposal-related information:

1. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
2. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations that have been developed for species or habitats located on or adjacent to the project area;

3. A discussion of any ongoing management practices that will protect habitat after the project site has been developed, including any proposed monitoring and maintenance programs;

4. When appropriate due to the type of habitat or species present or the project area conditions, the Director may also require the habitat management plan to include:
   a. An evaluation by the State Department of Fish and Wildlife, local Native American Indian tribe, or other qualified expert regarding the applicant’s analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and/or
   b. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

E. Fish and wildlife habitat conservation areas – general development standards.

1. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not result in a net loss of shoreline ecological functions. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter.

2. Whenever activities are proposed in or adjacent to a habitat conservation area, which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical area report prepared by a qualified professional and approved by the city, and guidance provided by the appropriate state and/or federal agencies.

3. All activities, uses, and alterations proposed to be located in or within the established buffers of water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of anadromous fish and fish habitat.

4. Plant, wildlife, or fish species not indigenous to Western Washington State shall be excluded from habitat conservation areas unless authorized by a state or federal permit or approval.

5. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

6. The Director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers consistent with the mitigation sequencing set forth in MMC 20.67.050(C). Conditions may include, but are not limited to, the following:
   a. Establishment of buffer zones;
   b. Preservation of critically important vegetation;
   c. Limitation of public access to the habitat area, including fencing to deter unauthorized access;
   d. Seasonal restriction of construction activities;
   e. Establishment of a duration and timetable for periodic review of mitigation activities; and
   f. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

7. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater shoreline ecological functions, and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation should occur in the same sub-drainage basin as the habitat impacted.
8. Any approval of alterations or impacts to a habitat conservation area shall be supported by the most current, accurate, and complete scientific and technical information available.

F. Fish and wildlife habitat conservation area – buffers.

1. The Director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas.
   a. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat.
   b. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby.

2. The following standard buffers shall be established, measured outward on the horizontal plane from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

<table>
<thead>
<tr>
<th>Water Type</th>
<th>Standard Buffer Width</th>
<th>Minimum Buffer Width with Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1 Stream</td>
<td>100 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Type 2 Stream</td>
<td>75 feet</td>
<td>37.5 feet</td>
</tr>
<tr>
<td>Type 3 Stream</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

3. Reduction of Stream Buffer Widths. The Director may allow the standard buffer width to be reduced by up to the listed minimum buffer width in Table 20.67.090(F)(2) provided:
   a. A critical area report and mitigation plan approved by the City, and the most current, accurate, and complete scientific and technical information available applied on a case-by-case basis determine that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and the proposal will result in a net improvement of stream and buffer functions;
   b. A plan for mitigating buffer-reduction impacts is prepared using selected incentive-based mitigation options in Table 20.67.090(F)(3);
   c. Where a substantial portion of the remaining buffer is degraded, re-vegetation with native plants in the degraded portions shall be included in the remaining buffer area; and
   d. A five year monitoring and maintenance plan shall be included.
   c. Incentive options may be accumulatively applied to allow a reduction allowance not to exceed 50 percent of the standard buffer width and Table 20.67.090(F)(2).
   d. Where multiple options for an action are prescribed in the Table 20.67.090(F)(3), only one option under that action may be applied.

<table>
<thead>
<tr>
<th>Description of Action</th>
<th>Options</th>
<th>Reduction Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of Impervious Surface</td>
<td>Reduce impervious surfaces within the to-be-remaining buffer area by at least 50 percent</td>
<td>Up to 10 percentage points</td>
</tr>
<tr>
<td></td>
<td>Remove all impervious surface where the to-be remaining buffer is presently more than 50 percent impervious</td>
<td>Up to 20 percentage points</td>
</tr>
</tbody>
</table>
## Attachment A

<table>
<thead>
<tr>
<th>Description of Action</th>
<th>Options</th>
<th>Reduction Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation of biofiltration/infiltration mechanisms</td>
<td>Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements</td>
<td>Up to 20 percentage points</td>
</tr>
<tr>
<td>Removal of invasive, nonnative vegetation</td>
<td>Remove and employ extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area</td>
<td>Up to 10 percentage points</td>
</tr>
<tr>
<td>In-stream habitat enhancement</td>
<td>Placement of log structure, bioengineered bank stabilization, or culvert removal;</td>
<td>Up to 20 percentage points</td>
</tr>
<tr>
<td></td>
<td>Improve fish passage and/or creation of side channel or backwater areas.</td>
<td>Up to 25 percentage points</td>
</tr>
<tr>
<td>Installation of oil/water separators</td>
<td>If not required by other provisions of the Medina Municipal Code, install oil/water separator for stormwater quality control</td>
<td>Up to 10 percentage points</td>
</tr>
<tr>
<td>Use of pervious materials</td>
<td>Use pervious materials for driveway/road construction</td>
<td>Up to 10 percentage points</td>
</tr>
<tr>
<td>Off-site restoration, if no on-site area is possible</td>
<td>Restoration is provided at a 2:1 ratio or greater</td>
<td>Up to 10 percentage points</td>
</tr>
<tr>
<td></td>
<td>Restoration is provided at a 4:1 ratio or greater</td>
<td>Up to 20 percentage points</td>
</tr>
<tr>
<td>Remove toxic material</td>
<td>Remove significant refuse or sources of toxic material</td>
<td>Up to 10 percentage points</td>
</tr>
</tbody>
</table>

4. Averaging of Stream Buffer Widths. The Director may allow the standard stream buffer width to be averaged in accordance with a critical area report if:
   a. The proposal will result in a net improvement of stream, habitat and buffer function;
   b. The proposal will include re-vegetation of the averaged buffer using native plants, if needed;
   c. The total area contained in the buffer of each stream on the development proposal site is not decreased; and
   d. The standard stream buffer width is not reduced by more than 50 percent or to less than 25 feet wide, whichever is greater, in any one location.

G. Signs and Fencing.
1. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized disturbance will occur, and verified by the Director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.
2. As a condition of any permit or authorization issued pursuant to this chapter, the Director may require an applicant to install permanent signs along the boundary of a habitat conservation area or buffer. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the city manager or designee:

Habitat Conservation Area
Do Not Disturb
Contact City of Medina Regarding Uses and Restriction
Fencing

3. The city manager or designee may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing may prevent future impacts to the habitat conservation area.

4. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to minimize interference with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

5. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
   a. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
   b. Land that is located partially within a habitat conservation area or its buffer may be divided; provided, that an accessible and contiguous portion of each new lot is located outside of the habitat conservation area or its buffer and meets the City of Medina’s minimum lot size requirements.
   c. Access roads and utilities serving the proposed lots may be permitted within the habitat conservation area and associated buffers only if the City of Medina determines that no other feasible alternative exists and when consistent with these critical areas regulations.