MEDINA, WASHINGTON

PLANNING COMMISSION SPECIAL MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Tuesday, November 18, 2025 – 6:00 PM

AGENDA

COMMISSION CHAIR | Laura Bustamante
COMMISSION VICE-CHAIR | Shawn Schubring
COMMISSIONERS | Julie Barrett, Li-Tan Hsu, Evonne Lai, Mark Nelson, Brian Pao
STAFF LIAISON | Steven Wilcox, Development Services Director
CITY SUPPORT STAFF | Rebecca Bennett, Development Services Coordinator

Hybrid Meeting Participation

The Medina Planning Commission offers both in-person and online meeting participation. If you will be participating online and wish to speak to the Commission at the meeting, please register with Medina's Development Services Coordinator prior to 2:00pm on the day of the Planning Commission meeting at 425.233.6414, or email rbennett@medina-wa.gov. You will be called by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comments and will be asked to stop when the time limit is reached. The Commission will also accept your written comments. Written comments must be submitted by 2:00pm on the day of the Planning Commission meeting to the Development Services Coordinator.
Join Zoom Meeting

https://medina-wa.zoom.us/j/87191593042?pwd=U9MAya4sSW2blBummPqAOqOljSWCUJ.1

Meeting ID: 871 9159 3042

Passcode: 922830

One tap mobile

+12532050468,,87191593042#,,,,*922830# US

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1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MEETING AGENDA

3. APPROVAL OF MINUTES

3.1 Planning Commission Meeting Minutes of October 28, 2025
Recommendation: Adopt Minutes.
Staff Contact: Rebecca Bennett, Development Services Coordinator

4. ANNOUNCEMENTS

4.1 Staff/Commissioners

5. PUBLIC COMMENT PERIOD

Please see "Online Meeting Participation" above.

6. PUBLIC HEARING

6.1 Public Hearing - Proposed Amendments to the Critical Areas Ordinance
Hold a public hearing, to take public testimony on the Critical Areas Ordinance
Staff Contact: Steven Wilcox, Development Services Director

Time Estimate: 20 minutes

7. EXECUTIVE SESSION

RCW 42.30.110(1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

Time Estimate: 30 minutes, which may be extended

8. PLANNING COMMISSION BUSINESS

8.1 Concerns of the Commission

8.2 Critical Areas Ordinance Update
Recommendation: Approval of the Draft CAO Update Ordinance as Recommendation to the Council
Staff Contact: Steven Wilcox, Development Services Director with Staff from our consultant Dan Nickel, Kim Frappier, and Douglas Yormick

Time Estimate: 1 hour and 30 minutes

9. ADJOURNMENT

Next Planning Commission Meeting: December, 16, 2025 at 6:00 PM.

ADDITIONAL INFORMATION

Planning Commission meetings are normally conducted on the 4th Tuesday of the month at 6:00pm, unless otherwise scheduled. Please see the City of Medina website for a current meeting schedule.

In compliance with the Americans with Disabilities Act, if you need an accommodation, including auxiliary aids or services, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

UPCOMING MEETINGS

Tuesday December 16, 2025 (3rd Tuesday). Special Meeting
Tuesday, January 27, 2026
Tuesday, February 24, 2026
Tuesday, March 24, 2026
Tuesday, April 28, 2026
Wednesday, May 27, 2026 (4th Wednesday) - Special Meeting
Tuesday, June 23, 2026
Tuesday, July 28, 2026
August - Dark, No Meeting
Tuesday, September 22, 2026
Tuesday, October 27, 2026
November 2026 TBD - Special Meeting
December 2026 TBD - Special Meeting

MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Tuesday, October 28, 2025 – 6:00 PM

MINUTES

1. CALL TO ORDER / ROLL CALL

Planning Commission Chair Laura Bustamante called the Planning Commission meeting to order in the Medina Council Chambers at 6:02pm.

PRESENT
Commission Chair Laura Bustamante
Commissioner Julie Barrett
Commissioner Evonne Lai
Commissioner Mark Nelson
Commissioner Brian Pao (arrived 6:04pm)

ABSENT
Commission Vice-Chair Shawn Schubring
Commissioner Li-Tan Hsu

STAFF
Bennett, Findlay-Reitan, Nickle, Swanson, Wilcox, Yormick

2. APPROVAL OF MEETING AGENDA

ACTION: By consensus, the meeting agenda was approved as presented.

3. APPROVAL OF MINUTES

3.1 Planning Commission Meeting Minutes of October 14, 2025
Recommendation: Adopt Minutes.
Staff Contact: Rebecca Bennett, Development Services Coordinator

ACTION: Motion to approve the meeting minutes as amended. Motion passed 4-0

Motion made by Commissioner Nelson, Seconded by Commissioner Barrett.
Voting Yea: Commission Chair Bustamante, Commissioner Barrett, Commissioner Lai, Commissioner Nelson

4. ANNOUNCEMENTS

4.1 Staff/Commissioners

Director of Development Services, Steve Wilcox, reported that the primary project currently underway is the Critical Areas Ordinance. He also reminded the Commissioners that he attended an Affordable Housing Panel held in Kirkland last week.

Chair Bustamante noted that she distributed an article regarding the City of Duvall's position on Affordable Housing. She also mentioned that the City Council is having discussions on gas powered leaf blowers.

5. PUBLIC COMMENT PERIOD

Planning Commission Chair Bustamante opened the public comment period. Public comment was made by Medina resident Mark Mowat. Public comment was made by Medina resident Kristen Edelhertz. Chair Bustamante closed the public comment period.

6. DISCUSSION

6.1 Concerns of the Commission

None were heard.

6.2 Critical Areas Ordinance Update
Recommendation: Discussion only
Staff Contact: Steven Wilcox, Development Services Director with Staff from our consultant Dan Nickel, Kim Frappier, and Douglas Yormick

Facet gave Power Point presentation and went through the most recent draft of the Critical Areas Ordinance. Commissioners discussed and asked questions.

7. ADJOURNMENT

Next Planning Commission Meeting: November, 18, 2025 at 6:00 PM.

Meeting adjourned at 9:04pm.

ACTION: Motion to adjourn. Approved 5-0.

Motion made by Commissioner Barrett, Seconded by Commissioner Pao.
Voting Yea: Commission Chair Bustamante, Commissioner Barrett, Commissioner Lai, Commissioner Nelson, Commissioner Pao

MEDINA, WASHINGTON

Tuesday November 18, 2025

Subject: Critical Areas Ordinance Update

Planning Commission Action: Discussion and Approval of Recommendation

Staff Contacts: Steven Wilcox, Development Services Director with Staff from our consultant Dan Nickel, Kim Frappier, and Douglas Yormick

The goal of this meeting is completion of a recommendation of the Critical Areas Ordinance Update for the Council. Please see the Proposed Planning Commission Motion at the end of this Agenda Bill.

Meeting Format

Included in this agenda is a Public Hearing and an Executive Session. The Hearing is necessary to gain public comments on the final draft CAO update for inclusion with the recommendation to the Council.

Please hold your questions during the Public Hearing until item 8.2.

The Executive Session will have topics as brought by our City Attorney.

It is possible that this Planning Commission meeting will need to continue for longer than the typical 2-hours.

Next Steps

With the Planning Commission's approval and direction, staff will forward the CAO update as a recommendation to Council. Council is scheduled to consider the Planning Commission's recommendation at their December 8, 2025 meeting. At the Council's direction, staff will forward the CAO update to the Washington State Department of Commerce to begin a 60-day review period by agencies.

The Development Services Department monthly staff report for the Council dated November 10, 2025 is provided for your review. The November staff report provides additional information and an updated process summary that you may find helpful. If you would like any of the referenced attachments to the staff report please let me know.

Attachments

- Current Draft CAO Update Ordinance. Red text is new to this edition. Blue text is a change that was brought back from the previous edition.
- Public Comment Matrix.
- DFW Letter of Support for Stream Buffer Width Amendments Dated 10/14/25.
- Comment dated November 10, 2025 from McCullough Hill, PLLC.
- Development Services staff report for Council dated November 10, 2025.

Proposed Planning Commission Motion:

I move to recommend approval of the Critical Areas Ordinance update and to direct staff to forward the Planning Commission's recommendation to the City Council.

16.12.180. - "E" definitions.

Ecosystem function or function means the products, physical and biological conditions, and environmental qualities of an ecosystem that result from interactions among ecosystem processes and ecosystem structures. Ecosystem functions include, but are not limited to, sequestered carbon, attenuated peak streamflows, aquifer water level, reduced pollutant concentrations in surface and ground waters, cool summer in-stream water temperatures, and fish and wildlife habitats.

Ecosystem values or value means the cultural, social, economic, and ecological benefits attributed to ecosystem functions.

16.12.180. - "F" definitions.

Fish habitat means habitat, which is used by fish life at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat.

16.12.180. - "M" definitions.

Mitigation In-kind refers to replacing the same type of habitat or ecological function that was impacted (e.g., restoring riparian vegetation if riparian vegetation was removed).

Mitigation Out-of-kind refers to replacing a different type of habitat or function (e.g., creating off-channel habitat instead of restoring riparian vegetation).

16.12.180. - "N" definitions.

No net loss means the actions taken to achieve and ensure no overall reduction in existing ecosystem functions and values or the natural systems constituting the protected critical areas. This may involve fully offsetting any unavoidable impacts to critical area functions and values pursuant to the Growth Management Act, WAC 365-196-830 'Protection of critical areas,' or as amended.

Noxious weed means any plant species that has been designated as a noxious weed by the Washington State Noxious Weed Control Board under Chapter 17.10 RCW or the King County Noxious Weed Control Program. This definition includes Class A, B, and C noxious weeds as listed in the most current official state or county noxious weed lists, as amended.

16.12.180. - "P" definitions.

Priority habitats means a habitat type with unique or significant value to many species. An area identified and mapped as priority habitat has one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, and unique or dependent species.

Priority species means fish and wildlife species requiring protective measures and/or management actions to ensure their survival. A species identified and mapped as a priority species fit one or more of the following criteria: State-listed candidate species, vulnerable aggregations, and Species of recreational, commercial, and/or Tribal importance.

16.12.180. - "Q" definitions.

Qualified professional means a person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, geology, or related field, and two years of related work experience.

~~1. A qualified professional for streams and fish and wildlife habitat conservation areas or wetlands must have a degree in biology or related field and relevant professional experience.~~

~~2. A qualified professional for a geologic hazard must be a professional engineer or geologist, licensed in the State of Washington.~~

1. Streams, wetlands, and fish and wildlife habitat conservation areas – For wetlands, a qualified wetland professional is a person with professional wetland experience who meets all of the following:

   a. A Bachelor of Science or Bachelor of Arts or equivalent degree in hydrology, soil science, botany, ecology, resource management, or related field; or four years of full-time work experience as a wetland professional may substitute for a degree; and

   b. At least two additional years of full-time work experience as a wetland professional, including delineating wetlands, preparing wetland reports, conducting functional assessments, and developing and implementing mitigation plans; and

   c. Completion of additional wetland-specific training programs. This may include a comprehensive program such as the University of Washington Wetland Science and Management Certificate Program, or individual workshops on topics such as wetland delineation, function assessment, mitigation design, hydrophytic plant identification, or hydric soil identification.

   A person certified as a Professional Wetland Scientist (PWS) through the Society of Wetland Scientists professional certification program meets the above criteria.

2. Geologically hazardous areas – A qualified professional for geotechnical reports and assessments must be licensed in the State of Washington as a professional engineer (PE) with geotechnical expertise, a licensed geologist (LG), a licensed engineering geologist (LEG), or a licensed hydrogeologist (LHG) as defined under RCW 18.220.010.

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SUBTITLE 16.5. ENVIRONMENT

CHAPTER 16.50. CRITICAL AREAS

16.50.010. Purpose.

A. The purpose of this chapter is to designate and classify ecologically critical areas, to protect these areas and their functions and values, and to supplement the development regulations contained in the Medina Municipal Code by providing for additional controls required by the Growth Management Act.

B. Within the city, known critical areas include wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas. The city recognizes that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents, and/or may pose a threat to human safety or to public and private property. The standards and mechanisms established in this chapter are intended to protect critical areas while providing property owners with reasonable use of their property.

C. This chapter seeks to:

1. Protect the public health, safety and welfare by minimizing adverse impacts of development;
2. To protect property owners from injury, property damage or financial losses due to erosion, landslides, steep slope failures, seismic events, volcanic eruptions, or flooding;
3. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats through application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals;
4. Prevent adverse cumulative impacts to water quality, wetlands, streams, fish and wildlife and their potential habitats;
5. Direct activities not dependent on critical area resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;
6. Alert appraisers, assessors, owners and potential buyers or lessees to the development limitations of environmentally sensitive areas; and
7. Implement the goals, policies, guidelines and requirements of the State Environmental Policy Act, the Growth Management Act, Chapter 43.21C RCW, the Medina comprehensive plan, and all city functional plans and policies.

(Code 1988 § 20.50.010; Ord. No. 924 § 3 (Att. B), 2015)

16.50.020. General provisions.

A. This chapter is not intended to repeal, abrogate or impair any existing regulations. Should a regulation in this chapter conflict with other regulations, the conflict shall be resolved consistent with MMC 16.10.030 and in favor of the provision which provides the most protection environmentally to the critical areas unless specifically provided otherwise in this chapter or such provision conflicts with federal or state laws or regulations.

B. This chapter shall apply as an overlay and in addition to zoning and other regulations adopted by the city, except within the shoreline jurisdiction. Where critical areas are located within the shoreline jurisdiction, Chapter 16.67 MMC shall apply in lieu of this chapter.

C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

D. Consistent with MMC 16.10.020, the provisions of this chapter set forth the minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes set forth in MMC 16.50.010. If other chapters in this code conflict or are inconsistent with this chapter 16.50, then this chapter shall prevail.

E. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA).

F. Any individual critical area adjoined by another type of critical area shall have the buffer and the requirements applied that provide the most protection to the critical areas involved. Where any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, the provisions of that which provides the most protection to the critical areas shall apply.

G. Interpretations of this chapter shall be done in accordance with MMC 16.10.050.

H. Approval of a permit or development proposal pursuant to the provisions of this title does not discharge the obligation of the applicant or property owner to comply with the provisions of this title.

(Code 1988 § 20.50.020; Ord. No. 924 § 3 (Att. B), 2015)

16.50.030. Applicability.

A. This chapter shall apply to all areas outside of the shoreline jurisdiction within the municipal boundaries of the city which contain critical areas and their buffers as defined in this chapter.

B. These provisions apply to projects undertaken by either private or public entities.

C. All development permits, including but not limited to building, grading, drainage, short plats, lot line adjustments, variances, conditional and special uses, and demolition, shall be reviewed pursuant to the provisions of this chapter.

D. Variances to the provisions in this chapter shall not be granted, except as provided for in MMC 16.50.050.

(Code 1988 § 20.50.030; Ord. No. 924 § 3 (Att. B), 2015)

16.50.035 Guidance documents adopted by reference; Ddirector authority.

A. The following documents are referenced in this Subtitle 16.50 MMC and are hereby adopted by reference and incorporated herein:

1. 1987 Corps of Engineers Wetland Delineation Manual by the U.S. Army Corps of Engineers (USACE);
2. 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0);
3. Washington Department of Ecology Wetland Rating System for Western Washington: 2014 Update, Version 2.0 (Hruby and Yahnke 2023) (Ecology Publication No. 23-06-009);
4. Department of Fish and Wildlife Water Crossing Design Guidelines, May 2013;
5. National Marine Fisheries Service Anadromous Salmonid Passage Facility Design, February 2008; or
6. Guidelines for Salmonid Passage at Stream Crossings in Oregon, Washington, and Idaho (June 2022); and
7. Invasive or noxious species listed by the Washington State Noxious Weed Control Board or the King County Noxious Weed Control.
8. The Washington Department of Fish and Wildlife's Priority Habitats and Species management recommendation publications

B. The Ddirector shall have the authority to adopt updated versions of the documents adopted in this section by publishing links to the updates onto the city website and placing these updated documents on file with the clerk's office. In such case, the updated documents shall apply.

16.50.040. Exemptions, existing structures, ~~trams~~, and limited exemptions.

A. *Critical areas exemptions.* The following developments, activities and associated uses shall be exempt from the requirements of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

1. Emergency actions necessary to prevent an immediate threat to public health, safety or welfare, or that pose an immediate risk of damage to private property and that require action in a time frame too short to allow compliance with this chapter, provided:

   a. Immediately after the emergency action is completed, the owner shall notify the city of these actions within 14 days; and

   b. The owner shall fully restore and/or mitigate any impacts to critical areas and buffers in accordance with an approved critical area report and mitigation plan.

   c. Emergency actions shall use reasonable methods to address the emergency with the least possible impact on the critical area. Emergency response measures shall not include the construction of new permanent structures where none previously existed. In instances where the Director determines that a new protective structure constitutes an appropriate response to the emergency, such structure shall either be removed upon abatement of the emergency condition or shall be subject to the acquisition of all permits that would have been required in the absence of an emergency. The Director shall determine if the action taken was within the scope of the emergency actions allowed in this subsection.

2. Operation, maintenance, remodel or repair of existing structures and facilities, provided there is no further intrusion into a critical area or its buffer and there is no significant increase in risk to life or property as a result of the action.

3. Passive recreation, education, and scientific research activities that do not degrade critical areas or buffers, such as fishing, hiking and bird watching, not including trail building or clearing.

4. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where:

   a. Such activities do not require construction of new roads or significant amounts of excavation; and

   b. The disruption to the critical areas and buffers shall be minimized and the disturbed areas immediately restored.

5. Construction or modification of navigational aids and boundary markers.

B. *Existing structures.*

1. Existing structures that are legally established may be maintained, repaired and remodeled provided there is no further intrusion into a critical area or its buffer.

2. All new construction must conform to the requirements of this chapter except as provided for single-family residences in subsection (C)(1) of this section and in compliance with the provisions of Chapter 16.36 MMC Nonconformity.

3. Structures damaged or destroyed due to disaster (including nonconforming structures) may be rebuilt in like kind in accordance with Chapter 16.36 MMC and provided there is no net loss of critical area functions. Reconstruction of structures that have been abandoned for more than 12 consecutive months, or where the previous structure has been demolished, shall comply with current code requirements.

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. 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. The existing single-family residence may expand vertically to add upper stories;

   b. Expansion within a critical area buffer is limited to 500 square feet of footprint beyond the existing footprint;

   cb. The expansion extends no closer to critical area than the existing setback;

   dc. The proposal preserves the functions and values of wetlands, fish and wildlife habitat conservation areas, and their buffers;

   ed. The proposal includes ~~on-site mitigation to offset any impacts~~ mitigation, which may be located on-site or off-site, as determined appropriate by the City, and is sufficient to fully offset to critical areas and their buffers, consistent with best available science and in accordance with MMC 16.50.60(C) mitigation sequencing;

   fe. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards on neighboring properties; and

g~~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 nonmotorized trails. Public and private pedestrian trails, provided:

   a. An alternatives analysis demonstrates there is no practicable alternative that would avoid the critical area or its buffer, or that would place the trail farther from the critical area while still meeting the essential purpose of the trail~~There is no practicable alternative that would allow placement of the trail outside of critical areas or their buffers~~;

   b. The trail surface shall ~~meet all other requirements including water quality standards~~be pervious or elevated (e.g., boardwalk) where feasible, meet applicable water quality standards, and be designed to minimize grading, vegetation removal, and soil compaction;

   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 and no practicable alternative exists;

   d. Stream and wetland buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas, or an equivalent area of degraded buffer within the same buffer segment shall be enhanced to maintain no net loss of buffer function;

   e. Trail corridors in critical areas and buffers shall not exceed five ~~six~~ feet in width, except that up to eight feet may be approved to meet ADA accessibility or multi-use safety needs, as demonstrated in the alternatives analysis; ~~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 and shall incorporate measures to avoid directing drainage toward the hazard area;

   g. Trail location, design, and construction shall minimize impacts and disturbances to the extent practicable, be informed by the most current WDFW Priority Habitats and Species data, and incorporate applicable management recommendations;

   h. Lighting, fencing, and signage shall be wildlife-friendly, minimize disturbance, and be located only where necessary for safety or resource protection; and

   g.i. Areas of temporary disturbance shall be restored promptly following the completion of the disturbance. Restoration shall include replanting with native vegetation appropriate to the site.

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 consisting of invasive or noxious species listed by the Washington State Noxious Weed Control Board or the King County Noxious Weed Control Program with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used; herbicide application, where necessary, is limited to Washington State Department of Ecology–approved aquatic herbicides and adjuvants; hazardous substances are

avoided; soil disturbance and compaction are minimized; and all disturbed areas are promptly replanted with native vegetation consistent with MMC 16.50.060(D)(7)(d). ~~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:

i. The applicant submits a report from a qualified professional (e.g., certified arborist or professional forester) that documents the hazard as specified in Chapter 16.52 MMC and provides a replanting schedule for replacement trees;

ii. Tree cutting shall be limited to limb and crown thinning, unless otherwise justified by a qualified professional. Where limb or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree, and the method of removal shall avoid adverse impacts to riparian ecosystem functions to the maximum extent practicable;

iii. All native vegetation cut (tree stems, branches, tops, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease transmittal to other healthy vegetation or the remaining material would threaten the survival of existing native vegetation. However, no cut material shall be left on a steep slope or landslide hazard area without the approval of a qualified professional. Retained material should be placed to avoid obstructing hydrologic flows or causing bank instability;

iv. Trees shall be cut to leave standing snags when doing so allows the hazard of the tree to be eliminated, unless removal is necessary to address public safety or property damage risks;

v. The landowner shall replace any native trees that are felled ~~or topped~~ with new trees at ratios specified in Chapter 16.52 MMC within one year in accordance with an approved restoration plan prepared by a qualified professional. Tree species that are native and indigenous to the site shall be used;

vi. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods for removal that will minimize impacts; ~~and~~

vii. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or topped by the landowner prior to receiving written approval from city; provided, that within 14 days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this title;~~.~~ a~~A~~nd

viii. Removal activities shall avoid and minimize damage to remaining trees and vegetation within the critical area or its associated buffer, limit equipment use to hand tools or low-impact machinery where feasible, and implement soil protection measures to minimize disturbance and compaction.

c. Trimming of vegetation for purposes of providing view corridors will be allowed; provided:

i. It is consistent with Chapters 14.08 and 16.52 MMC and that trimming shall be limited to view corridors of 20 feet in width or less;

ii. The limbs involved do not exceed three inches in diameter;

iii. Not more than 25 percent of the live crown is removed;

iv. Benefits to fish and wildlife habitat are not reduced;

v. Trimming is limited to hand pruning of branches and vegetation; and

vi. Trimming does 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.

(Code 1988 § 20.50.040; Ord. No. 958 § 2, 2018; Ord. No. 924 § 3 (Att. B), 2015)

16.50.050. Relief from critical areas regulations.

A. Reasonable Use Exception

1. If strict application of this chapter would deny all reasonable use of the subject property, the owner may apply for a reasonable use exception pursuant to MMC 16.72.060 and shall be based on the following criteria:.

a. The proposed use is the minimum necessary to allow reasonable use of the property and there is no feasible alternative with less impact to critical areas;

b. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant or a predecessor in interest after the effective date of this regulation;

c. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

d. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and

e. The proposal is consistent with other applicable regulations and standards.

B. Public Agency Utility Exemption

1. If application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception from the requirements of this chapter pursuant to MMC 16.72.070.

2. The agency or utility must prepare a study requesting the exemption and submit it to the Director and must incorporate other required documents such as land use or building construction permit applications, critical areas studies, and SEPA documents.

3. The Director is responsible for reviewing studies and applications and makes the final decision to approve, approve with conditions, or deny the exemption based on the following criteria:

    a. There is no other practical alternative to the proposed development with less impact on the critical areas;

    b. The application of the critical area regulations would unreasonably restrict the ability to provide utility services to the public;

    c. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

    d. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and

    e. The proposal is consistent with other applicable regulations and standards.

4. This exemption may not allow the use of the following critical areas for regional retention/detention facilities except where there is a clear demonstration the facility is required to protect public health and safety or to repair damaged natural resources including:

    a. Category I or II wetlands or their buffers with Federal or State threatened or endangered plant species; and

    b. Category I or II wetlands or their buffers which provide critical or outstanding actual habitat for the following unless the applicant clearly demonstrates that there would be no adverse impact on critical or outstanding actual habitat for:

        i. Species listed as endangered or threatened by the Federal or State government;

        ii. Washington Department of Fish and Wildlife priority species;

        iii. Herons;

        iv. Raptors;

        v. Salmonids and salmon habitat.

(Code 1988 § 20.50.050; Ord. No. 924 § 3 (Att. B), 2015)

16.50.060. General requirements.

A. *Avoid impacts to critical areas.*

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area(s) and/or buffer(s) or do not result in an acceptable level of risk for a steep slope hazard area and/or its buffer.

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 subsection (C) of this section 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/or buffer 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. Applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid or minimize impacts to critical areas and buffers.

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;

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, functions, and values, 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 the functions and values of the critical area(s) and/or buffer(s);

4. A review of the best available science 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 consisting of native species appropriate to the site and eco-region, sourced from plant stock grown under local conditions where available, to increase survival and resilience to climate stressors. The planting plan shall specify ~~specifying~~ plant species, quantities, locations, size, spacing, and density, with density standards as follows:

        i. *Forested conditions.*

            (A) *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;

            (B) *Shrubs:* Six feet on center, or 0.028 shrubs per square foot (this assumes one- to two-gallon size); and

            (C) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).

        ii. *Shrub conditions.*

            (A) *Shrubs:* Five feet on center, or 0.04 shrubs per square foot (this assumes one- to two-gallon size); and

            (B) *Herbs and groundcovers:* Four feet on center, or 0.063 plants per square foot (this assumes ten-inch plug or four-inch pot).

        iii. *Emergent, herbaceous and/or groundcover conditions.*

            (A) *Herbs and groundcovers:* One foot on center, or one plant per square foot (this assumes ten-inch plug or four-inch pot); or

            (B) *Herbs and groundcovers:* Eighteen inches on center, or 0.444 plants per square foot if supplemented by overseeding 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. The methods of assuring the property owner is informed about the mitigation locations, maintenance, monitoring period and closure, and financial guarantee release requirements.

    b. An outline of the schedule for site monitoring;

    c~~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;

dc. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring or evaluation indicates performance standards have not been met; and

ed. The period of time necessary to establish that performance standards have been met, shall be based on critical area type and vegetation community, and shall not be less than five years for all critical area mitigation sites. Extended monitoring periods may be required by the City when site-specific conditions, mitigation complexity, or best available science indicate a longer period is necessary to ensure successful establishment and persistence of functions and values. Monitoring shall be the responsibility of the applicant and conducted by a qualified professional, with reports submitted to the City in accordance with the approved mitigation plan. ~~not to be less than three years;~~

9. The mitigation plan shall include financial guarantees to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with subsection (G) of this section;

10. Other information determined necessary by the Dedirector.

E. *Determination process.* The Dedirector shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of these critical areas regulations. The Dedirector'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 functions and values of the critical area(s) and/or buffer(s) in accordance with the mitigation sequencing prescribed in subsection (C) of this section;

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 and the public interest;

d. Any impacts permitted to the critical area and/or buffers are mitigated in accordance with subsections (B), (C) and (D) of this section;

e. The proposal protects critical area and/or buffer functions and values consistent with the best available science; 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. *NGPAs in development proposals.* 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 has the right to enforce NGPA restrictions.

G. *Performance securities.* The city may require the applicant of a development proposal to post a cash performance bond or other acceptable security in a form and amount determined sufficient to guarantee satisfactory workmanship, materials and performance of structures and improvements allowed or required by application of this chapter. The city shall release the security upon determining that all structures and improvements have been satisfactorily completed. If all such structures and improvements are not completed to the satisfaction of the city within the time period set forth in the security (or 12 months from posting if no other time period is stated), the city may take all measures which the city, in its sole discretion, deems reasonable and recover all costs of such measures from the security, including all consulting fees and all attorney's fees incurred.

(Code 1988 § 20.50.060; Ord. No. 924 § 3 (Att. B), 2015)

16.50.070. 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 best available science 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 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 direct, indirect, and cumulative impacts to critical areas resulting from the proposed development, including short-term and long-term impacts to critical area functions and values within and adjacent to the site;

7. An analysis of site development alternatives;

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to MMC 16.50.060(C) to avoid or compensate for impacts to critical area and buffer functions and values;

9. Plans for mitigation in accordance with MMC 16.50.060(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 Ddirector 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 Ddirector 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.

(Code 1988 § 20.50.070; Ord. No. 924 § 3 (Att. B), 2015)

16.50.080. Wetlands.

A. *Designation.*

1. Wetlands are those areas designated in accordance with WAC 173-22-035, including the 1987 Corps of Engineers Wetland Delineation Manual by the U.S. Army Corps of Engineers (USACE) and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ~~as amended.~~ ~~the approved federal wetland delineation manual and applicable regional supplements set forth in WAC 173-22-035.~~

2. All areas within the city 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: 2014 Update, Version 2.0 (Hruby and Yahnke 2023) (Ecology Publication No. 23-06-009) ~~14-06-029~~, 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. Wetlands shall be classified and described consistent with the categories and definitions contained in the Washington Department of Ecology Wetland Rating System for Western Washington: 2014 Update, Version 2.0 (Hruby and Yahnke 2023), Ecology Publication No. 23-06-009~~, as amended~~.~~The following table provides a summary of the categories of wetlands and the criteria for their categorization:~~

~~Table 16.50.080(C): Wetland Categories~~

~~Category~~	~~Criteria for Designation~~
~~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.~~
~~Category II~~	~~• Are not defined as Category I wetlands;~~
	~~• Are difficult, though not impossible, to replace;~~
	~~• Provide high levels of some functions.~~
~~Category III~~	~~• Do not satisfy Category I or II criteria;~~
	~~• Can often be adequately replaced with a well-planned mitigation project;~~
	~~• Provide moderate levels of functions.~~
~~Category IV~~	~~• Do not satisfy Category I, II or III criteria;~~
	~~• Can often be adequately replaced and improved upon with a well-planned mitigation project;~~
	~~• Provide the lowest levels of functions;~~
	~~• Often are heavily disturbed.~~

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.

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, 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 approved federal wetland delineation manual and applicable regional supplements, 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 this title.

2. The following table establishes wetland buffer widths:

Table 16.50.080(E): Wetland Buffer Widths

Wetland Category	Standard Buffer Width (ft) without minimization measures/habitat corridor	Mitigated Buffer Width (ft) with minimization measures/habitat corridor
Category I		
Bogs and Wetlands of High Conservation Value	250	190
Habitat score 8-9	300	225
Habitat score 6-7	150	110
Habitat score 3-5	100	75
Category II		
Habitat score 8-9	300	225
Habitat score 6-7	150	110
Habitat score 3-5	100	75
Category III		
Habitat score 8-9	300	225
Habitat score 6-7	150	110
Habitat score 3-5	80	60
Category IV		
All types	50	40

~~Wetland Category~~	~~Buffer width if wetland scores less than 5 habitat points~~	~~Buffer width if wetland scores 5 habitat points~~	~~Buffer width if wetland scores 6—7 habitat points~~	~~Buffer width if wetland scores 8—9 habitat points~~
~~Category I~~	~~100 feet~~	~~140 feet~~	~~220 feet~~	~~300 feet~~
~~Category II~~	~~100 feet~~			
~~Category III~~	~~80 feet~~			~~Not applicable~~
~~Category IV~~	~~50 feet~~	~~Not applicable~~		

3. Wetland buffers shall be vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with noxious weeds that do not perform needed functions, the buffer shall either be planted to create the appropriate native plant community per standards and requirements of BMC 19.40.180 or be widened to ensure that the buffer provides adequate functions to protect the wetland.

4. Impact minimization measures in the following table are required for developments proposing to use the mitigated buffer widths (righthand column) in the previous table. The applicant shall implement as many measures as practical and applicable in Table 16.50.080(F).

5. The width of a wetland buffer shall be determined by the wetland category designated in subsection (A) of this section and the corresponding habitat scoring of the wetland set forth in Table 16.50.080(E).

6. 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 subsection (A) of this section and as surveyed in the field.

7. Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an existing public or private road or legally established development, as determined by the Director. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer. Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. The Director shall evaluate whether the interruption will affect the entirety of the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, the Director may require a critical area report to analyze and document the buffer functionality.

8. For wetlands that score six points or more for habitat function, use of the mitigated buffers widths is allowed if a habitat corridor is provided consistent with the following criteria:

    a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and:

        i. A legally protected, relatively undisturbed and vegetated area (e.g., Priority Habitats, compensatory mitigation sites, wildlife areas/refuges, national, county, and state parks where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve), or

        ii. An area that is the site of a Watershed Project identified within, and fully consistent with, a Watershed Plan as defined by RCW 89-08-460, or

        iii. An area where development is prohibited according to the provisions of the local shoreline master program, or

        iv. An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW.

9. The corridor is permanently protected for the entire distance between the wetland and the shoreline or legally protected area by a conservation easement, deed restriction, or other legal site protection mechanisms.

10. Presence or absence of the shoreline or Priority Habitat must be confirmed by a qualified professional or shoreline Administrator

11. The Impact Minimization Measures are implemented, as applicable, to minimize the impacts of the adjacent land uses.

12. If a habitat corridor is not present, mitigated buffer widths shall be allowed through demonstrated use of applicable measures listed in the Impact Minimization Measures table and the presence or absence of a potential habitat corridor must be determined by a qualified professional.

13. If an applicant does not apply the minimization measures or does not provide a protected corridor when one is available, then the standard buffers shall be used.

F. Wetland Impact Minimization Measures

Table 16.50.080(F) Wetland Impact Minimization Measures

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Commercial/Industrial • Recreation (e.g., athletic fields) • Residential • Agricultural buildings	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial/Industrial • Recreation (e.g., athletic fields, bleachers, etc.) • Residential • Agriculture	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff	• Parking lots • Roads • Commercial/Industrial • Residential areas • Landscaping • Agriculture	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Commercial/Industrial • Residential areas • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc.	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow or sheet flow from lawns that directly enter the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns
Pets and human disturbance	• Residential areas • Recreation	• Use privacy fencing • Plant dense native vegetation to delineate buffer edge and to discourage disturbance • Place wetland and its buffer in a separate tract

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
		• Place signs around the wetland buffer every 50 to 200 feet, and for subdivisions place signs at the back of each residential lot • When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers
Dust	• Tilled fields • Roads	• Use best management practices to control dust

~~F. *Wetland buffer reduction.* The wetland buffer widths in Table 16.50.080(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 subsection (G) of this section;~~

~~2. A critical areas report prepared by a professional with expertise in wetlands and approved by the city using the best available science determines a smaller area can be adequate to protect the wetland functions and values based on site-specific characteristics;~~

~~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 revegetated with native plants; and~~

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

~~G. *Wetland buffer reduction incentive options.* Table 16.50.080(G) provides incentive options that may be employed to reduce a wetland buffer width as allowed in subsection (F) of this section. Where multiple options for an action are prescribed in the table, only one option under that action may be applied.~~

~~**Table 16.50.080(G): Wetland Buffer Reduction Incentive Options**~~

~~Description of Action~~	~~Option~~	~~Reduction Allowance~~
~~Remove impervious surface within wetland buffer area~~	~~Remove at least 50 percent of the impervious surface area within the reduced buffer area, provided the total impervious surface area removed is less than 500 square feet~~	~~5 percent points~~
	~~Remove at least 50 percent of the impervious surface area within the reduced buffer area, provided the total impervious surface area removed is more than 500 square feet~~	~~10 percent points~~
	~~Remove 100 percent of impervious surface area within the reduced buffer area,~~	~~20 percent points~~

	~~provided at least 50 percent of the reduced buffer area presently contains impervious surface~~	
~~Install biofiltration/infiltration mechanisms~~	~~Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing surface water drainage and water quality requirements~~	~~20 percent points~~
~~Remove invasive, nonnative vegetation~~	~~Remove invasive, nonnative vegetation and continue maintenance during the five-year monitoring program of removing relatively dense stands of invasive, nonnative vegetation from significant portions of the reduced buffer area~~	~~10 percent points~~
~~Install oil-water separator~~	~~If not required by other provisions of the Medina Municipal Code, install oil-water separators for surface water quality control~~	~~10 percent points~~
~~Replace impervious materials~~	~~Replace impervious materials for driveway/road construction with pervious materials~~	~~10 percent points~~
~~Provide off-site restoration where no on-site restoration is available~~	~~Restoration is provided at a 2:1 ratio or greater~~	~~10 percent points~~
	~~Restoration is provided at a 4:1 ratio or greater~~	~~20 percent points~~
~~Remove toxic materials~~	~~Remove significant refuse or sources of toxic material~~	~~10 percent points~~

G~~H~~. *Averaging of wetland buffer width.* The city may allow the wetland buffer width around the boundaries of the wetland to be averaged provided all of the following criteria are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower-rated area ~~The proposal results in a net improvement of wetland, habitat and buffer function~~;
2. ~~The proposal includes revegetation of the averaged buffer using native plants, if needed~~ The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower- functioning or less-sensitive portion as demonstrated by a critical area report from a qualified wetland professional;
3. ~~The total area contained in the buffer of each wetland on the development proposal site is not decreased~~ The total area of the buffer after averaging is equal to the area required without averaging;
4. ~~The wetland buffer width is not reduced by more than 25 percent in any one location~~ The buffer at its narrowest point is never less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater; and
5. A critical areas report meeting the requirements set forth in MMC 16.50.070 indicates the criteria in this subsection are satisfied.

~~I. *Wetland buffer averaging and wetland buffer reduction.* Wetland buffer averaging set forth in subsection (H) of this section and wetland buffer reduction set forth in subsections (F) and (G) of this section shall not be used together on an individual wetland.~~

I. Increased Wetland Buffer Width. Buffer widths shall be increased by 33 percent as determined by the Director, through review od a critical areas report when a wider buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation shall include but not be limited to the following criteria:

a. The wetland is used by a state or federally listed plant or animal species. These species would be those listed under WAC 220-610-010, 50 CFR 17-11, 50 CFR 17-12, or other state or federal regulations;

b. The wetland has critical habitat; or a priority area for a priority species as defined by WDFW; or Wetlands of High Conservation Value as defined by the Washington Department of Natural Resources' Natural Heritage Program;

c. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts;

d. The adjacent land has minimal vegetative cover; or

i. More than 25 percent of the buffer area is covered by nonnative and/or invasive plant species; or

ii. Tree and/or shrub vegetation covers less than 25 percent of the buffer area and the wetland buffer has a slope less than 25 percent

~~a.~~e. The land has slopes greater than 30 percent.

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.* The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. Except as otherwise specified or allowed in accordance with these critical area regulations, ~~wetland buffers shall be retained in their natural condition~~ wetland buffers shall be undisturbed as well as 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 subsection (M) of this section.

M. *Permanent signs.*

1. As a condition of any permit or authorization issued pursuant to this chapter, the Director ~~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 Ddirector ~~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 set forth in MMC 16.50.060(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 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)~~ Wetland Mitigation in Washington State–Part 1: Agency Policies and Guidance (Version 2) (Ecology, USACE, and EPA 2021 Publication number 21-06-003), as revised.

2. Wetland or wetland buffer mitigation actions shall not result in a net loss of wetland or buffer area, and shall follow the mitigation sequencing process identified in MMC 16.50.060(C). Compensation shall be provided at a level that replaces lost functions and values through Table MMC 16.50.080(O) or the credit-debit method (Ecology Publication No. 10-06-011). Mitigation 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 using best available science.

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 Wwater Rresource Iinventory Aarea (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.

6. Mitigation ratios.

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 16.50.080(O): Wetland Mitigation Ratios

Category of Impact Wetland	Creation or Re-establishment	Rehabilitation	Enhancement or Preservation
Category I: based on total score	4:1	8:1	16:1
Category I: Mature Forested	6:1	12:1	24:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

~~Wetland Category~~	~~Creation or Reestablishment~~	~~Enhancement as Mitigation~~
~~Category I~~	~~6:1~~	~~16:1~~
~~Category II~~	~~3:1~~	~~12:1~~
~~Category III~~	~~2:1~~	~~8:1~~
~~Category IV~~	~~1.5:1~~	~~6:1~~

b. Increased replacement ratio. The D~~d~~irector 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 D~~d~~irector may decrease these ratios under the following circumstances: ~~if the proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.~~

i. Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;

ii. Documentation by a qualified professional demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;

iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful; or

iv. In wetlands where several Hydrogeomorphic (HGM)classes are found within one delineated boundary, the areas of the wetlands within each HGM class can be scored and rated separately and the ratios adjusted accordingly, if all of the following apply:

a. The wetland does not meet any of the criteria for wetlands with "Special Characteristics" as defined in the rating system;

b. The rating and score for the entire wetland is provided along with the scores and ratings for each area with a different HGM class;

c. Impacts to the wetland are all within an area that has a different HGM class from the one used to establish the initial category; and

~~a.~~d. The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classes lies at least 50 feet outside of the footprint of the impacts

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 certified wetland mitigation bank or in-lieu fee program may be approved for use as compensation for unavoidable impacts to wetlands when:

i. For mitigation banks, the bank is certified under Chapter 173-700 WAC;

ii. The D~~d~~irector ~~city manager~~ or designee determines that the wetland mitigation bank or in-lieu fee program provides appropriate compensation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the mitigation bank or in-lieu fee program.

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 16.50.080(O).

(Code 1988 § 20.50.100; Ord. No. 924 § 3 (Att. B), 2015)

16.50.090. 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, 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
3. Seismic hazard.

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 landslides 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 ten 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 ten 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;

e. Washington Department of Natural Resources (DNR) Liquefaction Susceptibility Map of King County; and

fe. Locally adopted maps.

2. These maps are to be used as a guide for the city, 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 16.50.070.

2. The Ddirector 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;

4. Recommendations for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. The Dd~~i~~rector may assign buffer and building setbacks based on this information. For steep slopes, the minimum buffer widths are specified in subsection (I)(2)(a) of this section;

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; and

7. Additional information determined by the Dd~~i~~rector to be necessary to the review of the proposed activity and the subject hazard.

F. In addition to the geotechnical report requirements specified in subsection (E) of this section, a geotechnical or critical area report (as specified in subsection (D) of this section) for an erosion hazard or landslide hazard shall include the following information:

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 runout hazard of landslide debris and/or the impacts of landslide runout on downslope 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 revegetated by the property owner.

c. Revegetation shall include planting of species indigenous to the Northwest, together with a schedule of their maintenance.

6. Monitoring surface waters. If the Dd~~i~~rector 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.

G. Seismic hazard areas shall require geotechnical reporting consistent with subsection (E) of this section and the following:

1. 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.

2. 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.

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 subsection (B)(2)(f) of this section. The size of the buffer shall be determined by the Dd~~d~~irector 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. The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater.

ii. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the city's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area.

iii. The buffer may be increased where the Dd~~d~~irector 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 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 downslope to a point where there are no erosion hazards areas downstream from the discharge;

b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped 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 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. Activities proposed to be located in seismic hazard areas shall meet the standards of subsection (H) of this section.

(Code 1988 § 20.50.200; Ord. No. 924 § 3 (Att. B), 2015)

16.50.100. Fish and wildlife habitat conservation areas.

A. Fish and wildlife habitat conservation areas are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges,

breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. In the City of Medina, 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 220-610-010 ~~232-12-014~~ (state endangered species), and WAC ~~232-12-011~~ 220-200-100 (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, 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.

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 16.50.100(B):

Table 16.50.100(B): Stream Water Type

Water Typing	Designation Criteria
Type 1 Stream	Segments of streams that are used by fish at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat. ~~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.~~
Type 2 Stream	Perennial non-fish-habitat~~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.
Type 3 Stream	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.

C. Mapping.

1. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the city, as most recently updated. The following critical area maps are hereby adopted:

   a. Department of Fish and Wildlife Priority Habitat and Species Maps;

   b. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;

   c. Statewide Washington Integrated Fish Distribution (SWIFD) database;

   d. The Washington Department of Natural Resources Natural Heritage Program;

   e. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and

   f. City of Medina official habitat maps.

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

D. Initial fish and wildlife habitat assessment.

1. An applicant proposing development activities and uses located adjacent to or within fish and wildlife habitat conservation areas, which are defined in subsection (A) of this section, may have a written

initial fish and wildlife habitat assessment prepared to investigate the presence and extent of regulated site-specific habitat within the project area prior to satisfying the requirements set forth in MMC 16.50.070 (Critical areas report) and this section.

2. The initial fish and wildlife habitat assessment is a preliminary investigation to determine the presence or absence of site-specific critical fish and wildlife habitat within the project area.

3. The initial fish and wildlife habitat assessment shall be prepared by a qualified professional and include the following content:

   a. A description of the project area;

   b. Information documenting the investigation of the project area;

   c. Findings based on the investigation stating whether critical fish and wildlife habitat is present or absent within the project area (the presence of critical fish species alone does not constitute a site-specific critical fish and wildlife habitat); and

   d. Any suggested relevant recommendations or best management practices assuring compliance with this chapter.

   The qualified professional may consult with the Dd~~d~~irector prior to or during the preparation of the assessment to determine if more or less information is necessary.

4. Results of the initial fish and wildlife assessment.

   a. If the assessment shows the presence of site-specific critical fish and wildlife habitat within the project area, then the requirements set forth in MMC 16.50.070 and this section shall apply.

   b. If the assessment shows the absence of site-specific critical fish and wildlife habitat within the project area, then further analysis through the requirements set forth in MMC 16.50.070 and this section shall not be required.

E. Except where subsection (D)(4)(b) of this section applies, in addition to the critical area report requirements prescribed in MMC 16.50.070, 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 assessment ~~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 Dd~~d~~irector may also require the habitat assessment ~~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.

F. Fish and wildlife habitat conservation areas—General development standards.

1. A habitat conservation area may be altered only if consistent with mitigation sequencing as prescribed in MMC 16.50.060(C) and the proposed alteration of the habitat or the mitigation proposed does not result in a net loss of ecological functions. All new structures and land alterations shall be prohibited within habitat conservation areas, except as allowed in accordance with this chapter.
2. Whenever activities are proposed in or adjacent to a habitat conservation area, except as outlined in subsection (D) of this section, 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 Dd~~d~~irector 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 16.50.060(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 superior 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 subdrainage basin as the habitat impacted. Mitigation shall follow the priority sequence outlined in state guidance and WDFW policy:
   a. On-site, in-kind: mitigation occurs at or near the impact site and replaces the same ecological functions and habitat types that were lost;
   b. Off-site, in-kind: mitigation occurs at a different location but still replaces the same ecological functions and habitat types that were lost;
   c. On-site, out-of-kind: mitigation occurs at or near the impact site but replaces different ecological functions or habitat types than those lost;
   d. Off-site, out-of-kind: mitigation occurs at a different location and replaces different ecological functions or habitat types than those lost.

8. Any approval of alterations or impacts to a habitat conservation area shall be supported by best available science.

9. On-site sewage disposal systems, including drain fields and infiltration drainage systems, shall be prohibited within fish and wildlife habitat conservation areas and related buffers.

G. Fish and wildlife habitat conservation area—Buffers.

1. The D~~d~~irector 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.

   c. Setbacks for protection of Lake Washington are provided in MMC 16.63.030 and buffers for protection of Lake Washington tributaries within shoreline jurisdiction are established in MMC 16.67.080.

2. The following standard buffers for streams located outside of shoreline jurisdiction shall be established, adjacent to streams, 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 16.50.100(G)(2): Stream Buffers

Water Type	Standard Buffer Width	~~Minimum Buffer Width with Enhancement~~
Type 1 Stream	150~~100~~ feet	~~50 feet~~
Type 2 Stream	100~~75~~ feet	~~37.5 feet~~
Type 3 Stream	100~~50~~ feet	~~25 feet~~

~~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 16.50.100(G)(2) provided:~~

~~a. A critical area report and mitigation plan approved by the city, and the best available science 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 16.50.100(G)(3);~~

~~c. Where a substantial portion of the remaining buffer is degraded, revegetation with native plants in the degraded portions shall be included in the remaining buffer area;~~

~~d. A five-year monitoring and maintenance plan shall be included;~~

~~e. Incentive options may be accumulatively applied to allow a reduction allowance not to exceed 50 percent of the standard buffer width and Table 16.50.100(G)(2); and~~

~~f. Where multiple options for an action are prescribed in the Table 16.50.100(G)(3), only one option under that action may be applied.~~

Table 16.50.100(G)(3): Stream Buffer Reduction Incentive Options

Description of Action	Options	Reduction Allowance
Removal of impervious surface	Reduce impervious surfaces within the to-be-remaining buffer area by at least 50 percent	Up to 10 percentage points
	Remove all impervious surface where the to-be-remaining buffer is presently more than 50 percent impervious	Up to 20 percentage points
Installation of biofiltration/infiltration mechanisms	Install bioswales, created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements	Up to 20 percentage points
Removal of invasive, non-native vegetation	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	Up to 10 percentage points
In-stream habitat enhancement	Placement of log structure, bioengineered bank stabilization, or culvert removal	Up to 20 percentage points
	Improve fish passage and/or creation of side channel or backwater areas	Up to 25 percentage points
Installation of oil-water separators	If not required by other provisions of the Medina Municipal Code, install oil-water separator for stormwater quality control	Up to 10 percentage points
Use of pervious materials	Use pervious materials for driveway/road construction	Up to 10 percentage points
Off-site restoration, if no on-site area is possible	Restoration is provided at a 2:1 ratio or greater	Up to 10 percentage points

	~~Restoration is provided at a 4:1 ratio or greater~~	~~Up to 20 percentage points~~
~~Remove toxic material~~	~~Remove significant refuse or sources of toxic material~~	~~Up to 10 percentage points~~

4. The buffer widths in the table above assume the buffer is vegetated with a native plant community appropriate for the ecoregion. To be considered fully functioning, a stream buffer must contain:

   a. An average of 80% native vegetation cover, with no more than 10% noxious weed cover; and

   b. A native plant community that includes tree, shrub, and groundcover strata in proportions that mimic native forest for the region.

5. If the existing buffer does not meet vegetative buffer standards above, the buffer must be densely planted to create the appropriate native plant community through the implementation of a mitigation plan per MMC 16.50.060.D or be widened by 33 percent to ensure that the buffer provides adequate functions to protect the stream.

6. Averaging of Stream Buffer Widths. The D~~d~~irector 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 averaged buffer must meet the vegetative standards described in subsections 4. If the existing buffer does not meet these standards, the buffer must be densely planted to create the appropriate native plant community through the implementation of a mitigation plan per MMC 16.50.060.D; ~~The proposal will include revegetation 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 25~~50~~ percent ~~or to less than 25 feet wide, whichever is greater,~~ in any one location.

7. Buffers may exclude areas that are functionally and effectively disconnected from the stream by an existing public or private road or legally established development, as determined by the Director, through review of a critical areas report. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer. Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. The Director shall evaluate whether the interruption will affect the entirety of the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, the Director may require a critical area report to analyze and document the buffer functionality.

H. Permitted activities in stream buffers. The following specific activities may be permitted within a stream, pond, lake, water of the state, or associated buffers when the activity complies with the provisions set forth in this title, and subject to the following standards:

1. *Clearing and grading.* When clearing and grading is permitted as part of an authorized activity or as otherwise allowed in these standards, the following shall apply:

    a. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year; provided, that the City of Medina may extend or shorten the dry season on a case-by-case basis, based on actual weather conditions.

    b. The soil duff layer in ungraded areas shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other nonwetland and stream areas of the project site.

    c. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.

    d. Erosion and sediment control shall be provided.

2. *Streambank stabilization.* Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft-armoring techniques in accordance with an approved critical area report.

3. *Roads, trails, bridges, and rights-of-way.* Construction of trails, roadways, and minor road bridging, less than or equal to 30 feet wide, may be permitted in accordance with an approved critical area report subject to the following standards:

    a. There is no other feasible alternative route with less impact on the environment;

    b. The crossing minimizes interruption of downstream movement of wood and gravel;

    c. Mitigation for impacts is provided pursuant to an approved mitigation plan and critical area report;

    d. Road bridges are designed according to the Department of Fish and Wildlife Water Crossing Design Guidelines, May 2013 or ~~as amended, or the~~ National Marine Fisheries Service Anadromous Salmonid Passage Facility Design, February 2008, or the Guidelines for Salmonid Passage at Stream Crossings in Oregon, Washington, and Idaho (June 2022) ~~or as amended~~; and

    e. Trails and associated viewing platforms shall not be made of continuous impervious materials.

4. *Utility facilities.* New utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report if they comply with the following standards:

    a. Fish and wildlife habitat areas shall be avoided to the maximum extent feasible;

    b. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;

    c. The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;

    d. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;

    e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and

    f. The utility installation shall not increase or decrease the natural rate of channel migration.

5. *Stormwater conveyance facilities.* Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:

   a. No other feasible alternatives with less impact exist;

   b. Mitigation for impacts is provided; and

   c. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

I. 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 Dd~~d~~irector 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 Dd~~d~~irector 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 Dd~~d~~irector ~~city manager~~ or designee:

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

3. The Dd~~d~~irector ~~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.

J. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:

1. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.

2. 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's minimum lot size requirements.

3. Access roads and utilities serving the proposed lots may be permitted within the habitat conservation area and associated buffers only if the city determines that no other feasible alternative exists and when consistent with these critical areas regulations.

(Code 1988 § 20.50.300; Ord. No. 924 § 3 (Att. B), 2015)

City of Medina Public Comment Matrix

DATE	COMMENTER	APPLICABLE CODE SECTION	CONCERN/COMMENT	ADDITIONAL CONTENT - e.g., proposed language from agencies	RESPONSE	CHANGE MADE	ADDITIONAL NOTES
9/26/2025	Andy Crossett		The commenter supports the overall direction of the amended CAO but expresses concern about the presence of certain invasive tree species in critical areas. Specifically, they recommend excluding English holly, black locust, horse chestnut, Norway maple, and similar species due to their tendency to naturalize and outcompete native vegetation.	N/A	There are locations within the code which specify native vegetation preferenc within critical area buffers. Additional language was added to the wetland section MMC 16.50.080.E.3 to specify buffers shall be vegetated with a native plant community appropriate for the ecoregion.	Yes, see BMC 16.50.080.E.3	
9/26/2025	Bruce Hand	16.50.100(G)	Concern about potential impacts of proposed amendments to MMC 16.50.100(G) regarding buffer widths, particularly in relation to their property, which was built in 1960 and lies near a stream designated as a critical area. They note uncertainty caused by a highlighted comment in the draft ("buffer width incomplete and will need to be updated") and seek clarification on whether their property might be affected by future changes. The commenter emphasizes the importance of understanding potential impacts, especially given plans to sell the property within five years.	N/A	This comment was submitted before the proposed stream buffer updates were included in the draft code. Mr. Hand attended the open house, where we demonstrated the different buffer options under consideration. The proposed stream buffer increases will not affect Mr. Hand's property, even under the largest buffer scenario.	No	
10/2/2025	WDFW	16.12.180. Definitions	It is important to include a definition of 'fish habitat' in this section.	Fish Habitat means habitat, which is used by fish life at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat, as defined in WAC 220-660-030(52).	Definition has been added	Yes, see BMC 16.12.180	
10/2/2025	WDFW	16.12.180. Definitions.	We suggest including the definition of ecosystem functions as found in WAC 365-196-210 (14), as both ecosystem functions and ecosystem values are mentioned throughout this chapter.	Ecosystem functions are the products, physical and biological conditions, and environmental qualities of an ecosystem that result from interactions among ecosystem processes and ecosystem structures. Ecosystem functions include, but are not limited to, sequestered carbon, attenuated peak streamflow, aquifer water level, reduced pollutant concentrations in surface and ground waters, cool summer in-stream water temperatures, and fish and wildlife habitat functions.	Definition has been added	Yes, see BMC 16.12.180	This was also a Planning Commission comment made on 10/14
10/2/2025	WDFW	16.12.180. Definitions.	Same comment as above	Ecosystem values are the cultural, social, economic, and ecological benefits attributed to ecosystem functions.	Definition has been added	Yes, see BMC 16.12.180	This was also a Planning Commission
10/2/2025	WDFW	16.12.180. Definitions.	We recommend including this definition, as it is referenced throughout this chapter.	No Net Loss of Critical Areas means the actions taken to achieve and ensure no overall reduction in existing ecosystem functions and values or the natural systems constituting the protected critical areas. This may involve fully offsetting any unavoidable impacts to critical area functions and values pursuant to the Growth Management Act, WAC 365-196-830 'Protection of critical areas,' or as amended.	Definition has been added	Yes, see BMC 16.12.180	This was also a Planning Commission comment made on 10/14

10/2/2025	WDFW	16.12.180. Definitions.	We recommend that the adjacent definitions for 'Priority Habitat' and 'Priority Species' be added here, taken from WDFW's Priority Habitats and Species List. Priority habitats and species are two distinct concepts that are represented through WDFW's Priority Habitats and Species Program (PHS).	Priority Habitat means a habitat type with unique or significant value to many species. An area identified and mapped as priority habitat has one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, and unique or dependent species. Priority Species means fish and wildlife species requiring protective measures and/or management actions to ensure their survival. A species identified and mapped as a priority species fit one or more of the following criteria: State-listed candidate species, vulnerable aggregations, and Species of recreational, commercial, and/or Tribal importance.	Definition has been added	Yes, see BMC 16.12.180
10/2/2025	WDFW	16.12.180. Definitions.	According to WDFW's best available science (Riparian Ecosystems, Volume 1), more than 85% of terrestrial wildlife species in Washington depend on riparian areas at some point in their life cycle, making these zones among the most biologically diverse and ecologically important in the state. It is important to distinguish the riparian management zone (RMZ) as a distinct definition here to connect with other sections of this chapter.	Riparian management zone (RMZ) means the area that has the potential to provide full riparian functions. In many forested regions of the state, this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a CMZ is present, this occurs within one site potential tree height measured from the edges of the CMZ. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet (WDFW Vol 2).	Current recommendations for stream protections through classification and buffers was selected after detailed review of BAS and GIS analysis of Site Potential Tree Height (SPTH). The City is incorporating BAS in the proposed stream buffer/riparian increases, vegetative buffer standards,and emphasis on mitigation sequencing.	No
10/2/2025	WDFW	16.50.035 Guidance documents adopted by reference; director authority	We recommend the adjacent addition, as WDFW's PHS information is considered best available science (BAS) under the Growth Management Act (GMA) (WAC 365-190-130(4)(b)). WDFW's PHS publications detail management recommendations for many priority habitats and species. For more information, please visit our website: https://wdfw.wa.gov/species-habitats/at-risk/phs/recommendations#habitats	8. The Washington Department of Fish and Wildlife's Priority Habitats and Species management recommendation publications;	This comment has been included in the draft CAO	Yes, see 16.50.035.A.8
10/2/2025	WDFW	16.50.040. Exemptions, existing structures, and limited exemption	Allowing expansions into critical area buffers is inconsistent with the principles of "no net loss" of ecological functions. Riparian Management Zones (RMZs) or healthy stream buffers are designated with specific widths because the widthdirectly determines their ability to provide ecological functions. Any reduction, even 500 square feet, diminishes those functions and results in measurable ecological loss. In addition, such provisions are difficult to track over time. This erosion of functional buffers undermines the fundamental purpose of establishing buffers in the first place. If we recognize the ecological value of protecting buffers, it is contradictory to then permit incremental encroachments that compromise those very protections. If expansions are proposed within critical areas and their buffers, we recommend the applicant apply through the Reasonable Use Exemption permit.	C. 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 footprint beyond the existing footprint;~~	Any proposed expansion is only allowed over previous disturbed area, does not encroach closer to the critical area than the the structure and requires review of a mitigation plan to ensure no net loss of critical area function or values. Reasonable use cannot be utilized for expansion of a structure since one of the review criteria states, "*The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant or a predecessor in interest after the effective date of this regulation* ".	No

10/2/2025	WDFW	16.50.040. Exemptions, existing structures, and limited exemption	Restricting exemptions to restoration that does not alter the size or dimensions of a critical area or buffer may unintentionally discourage larger-scale restoration projects. In addition, the provision does not exempt restoration activities that involve disturbing existing vegetation, an action that is often necessary to successfully implement certain restoration efforts. Language that may be more conducive to restoration work might include: “Restoration projects not associated with required mitigation for other projects may be allowed within critical areas and buffers, provided that: (a) the project is reviewed and approved by the Director; (b) the project uses best available science and best management practices; and (c) the project results in no net loss of ecological functions and values, with a preference for net ecological gain.”	C. 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;	This section outlines exemptions from critical area review. Limiting these exemptions ensures that small-scale restoration efforts are not burdened by unnecessary regulatory requirements, allowing individuals to undertake beneficial ecological work without triggering formal review processes. In contrast, large-scale restoration projects , which involve altering the size, shape, or function of a critical area are addressed under the critical areas subsection. These projects require a critical areas report and a mitigation plan to ensure that ecological functions are maintained or enhanced.	No
10/2/2025	WDFW	16.50.060. General requirements	We recommend including the following within this section to ensure that avoidance of impacts is adequately assessed: To demonstrate that avoidance has been adequately assessed, the applicant must, at a minimum, address the following considerationwhere applicable: (A) Alternative building locations on the property; (B) Adjustments to the project footprint and orientation; (C) Modification of non-critical area setbacks, where feasible, as a first option before encroaching into critical areas or their buffers; (D) Multi-story design or alternate building design	A. Avoid impacts to critical areas. 1. The applicant shall avoid all impacts that degrade the functions and values of a critical area(s) and/or buffer(s) or do not result in an acceptable level of risk for a steep slope hazard area and/or its buffer.	The City agrees that avoidance is a critical step in protecting critical areas and appreciates WDFW’s proposed language. The draft CAO already incorporates mitigation sequencing consistent with WAC 365-195-830 and WAC 365-195-915. Specifically: 1. MMC 16.50.060.C.2 outlines the full mitigation sequence, beginning with avoidance, followed by minimization, rectification, reduction, compensation, and monitoring. 2. MMC 16.50.070.B.(7&8) requires applicants to describe “reasonable efforts made to apply mitigation sequencing” in their critical area study. While the code does not list specific avoidance techniques (e.g., alternative building locations, multi-story design), the Director has discretion to require additional information under MMC 16.50.070.D to ensure that avoidance has been adequately considered.	No
10/2/2025	WDFW	16.50.070. Critical areas report	If not addressed elsewhere in this chapter, we recommend critical area reports include any possible surface water impacts off-site. For example, a project at the top of a slope that substantially increases impervious surfaces could worsen flooding, runoff, and degrade stream conditions for downstream property owners.	B. At a minimum the report shall include the following information: … 2. A site plan showing: a. The development proposal with dimensions and any identified critical areas and buffers within 200 feet of the proposed project; and	The City believes this is already addressed by MMC 16.50.070.B.6. This standard requires an assessment of probable direct, indirect and cumulative impacts resulting from the development, including adjacent to the site.	No

10/2/2025	WDFW	16.50.080. Wetlands	The preference for on-site in-kind mitigation should also be stated within the FWHCAs section. Fish-bearing streams rely on intact ecosystem functions and values, such as shading, large wood recruitment, filtration, and habitat connectivity, precisely where they occur. These functions cannot be replicated elsewhere, as aquatic species depend on them across the watershed for survival and recovery. Off-site or mitigation banking may provide some benefits, but it does not often replace the localized functions critical to maintaining fish populations and overall watershed health. Please review WAC 220-660-080 4. b. for guidance that specifies WDFW's requirements. For more information, please review the document State of Washington Alternative Mitigation Policy Guidance For Aquatic Permitting Requirements from the Departments of Ecology and Fish and Wildlife. This document outlines WDFW's mitigation preferences, including: "WDFW Decision Basis: For those impacts that are determined to be unavoidable, WDFW's existing mitigation policy (M5002 – Requiring or Recommending Mitigation) states that priorities for compensatory mitigation location and type, in the following sequential order of preference, are:	O (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:	This comment has been included in the draft CAO	Yes, see MMC 16.50.100.F.7
10/2/2025	WDFW	16.50.100. Fish and wildlife habitat	We greatly appreciate the distinct designation of these areas as a type of critical area. If a method for identifying the connections between habitat blocks has not yet been established, the resources below may be helpful: - King County's iMap, established bounds for 'Wildlife Habitat Networks.' - Page 72-82 of WDFW's Washington Habitat Connectivity Action Plan and mapping resource. - Integrating Wildlife Habitat Connectivity Into Local Government Planning guidance document. - See the Bellingham wildlife corridor analysis as an example methodology for mapping these corridors at the local level.	A.(7) Land found by the Medina city council to be essential for preserving connections between habitat blocks and open spaces.	Rather than codifying specific methods for identifying wildlife habitat connectivity in the Critical Areas Ordinance, the City will continue to rely on critical area reports submitted by applicants. These reports are subject to third-party review to ensure accuracy and compliance with best available science. The City appreciates WDFW's guidance and will keep these resources in mind as part of the review process.	No
10/2/2025	WDFW	16.50.100. Fish and wildlife habitat	It is important to designate the Riparian Management Zone (RMZ) as a distinct type of FWHCA. We recommend replacing the term stream buffer throughout this chapter with Riparian Management Zone, consistent with WDFW's BAS and guidance. The term RMZ more accurately reflects the full ecological scope and functions of these areas, including the riparian processes essential to sustaining fish and wildlife populations and supporting overall watershed health. RMZs support five key ecological functions: (1) recruitment of large woody debris to create habitat structure, (2) shading to maintain water temperatures and dissolved oxygen levels, (3) bank integrity and root reinforcement to reduce erosion and maintain habitat quality, (4) filtration of nutrients and sediments in surface and subsurface flows to protect water quality, and (5) supports diverse riparian habitat for fish and wildlife species.	A(8) Riparian Management Zone	Current recommendations for stream protections through classification and buffers was selected after detailed review of BAS and GIS analysis of Site Potential Tree Height (SPTH). The City is incorporating BAS in the proposed stream buffer/riparian increases, vegetative buffer standards,and emphasis on mitigation sequencing.	No

10/2/2025	WDFW	16.50.100. Fish and wildlife habitat conservation areas. Table 16.50.100(B): Stream Water Type	Protections for streams should be defined using the term fish habitat, as defined in the adjacent WAC as, ""Fish habitat" or "habitat that supports fish life" means habitat, which is used by fish life at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat." Even if a stream segment currently has a fish passage barrier, that barrier will eventually need to be corrected, as required by state law (WAC 220-660-190) to allow fish passage when the infrastructure is replaced. Classifying such streams to meet fish habitat standards ensures that land uses do not compromise or preclude the recovery of what will become a future fish-bearing stream. Additionally, we recommend reaching out to WDFW's local habitat biologist to perform site visits in the early stages of project proposals when the designation of a stream is in question (WAC 220-101-020). Early collaboration is critical to inform the broader scope of the project. Failing to include WDFW in the early stages may induce hardships on the applicant if the stream is incorrectly designated or the buffer is incorrectly	Type 1 Stream Segments of streams that are considered fish habitat, as defined by WAC 220-660-030(52). ~~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.~~ Type 2 Stream Perennial non-fish-habitat ~~bearing~~ streams. Perennial streams do not go dry any time during a year of normal rainfall.	This comment has been included in the draft CAO	Yes, see MMC 16.50.100.B
10/2/2025	WDFW	16.50.100. Fish and wildlife habitat conservation areas.	To meet WDFW's current best available science standards and management recommendations (released in 2020), we recommend the utilization of WDFW's Site Potential Tree Height at 200 years (SPTH200) to measure RMZ widths (see WDFW's mapping tool and field delineation guidance). Looking at the mapping tool linked in the previous sentence, Medina should have an RMZ of 100 feet in many locations and an RMZ of 196 feet in others. We encourage the city to plot these RMZ widths (found in our downloadable data) across parcel data. Because Medina has relatively few streams, adhering to these recommendations is unlikely to affect many residents. To stop pollutants from entering streams, RMZs must be 100 feet wide and fully vegetated at a minimum. Meeting RMZ standards is especially critical in highly developed areas like Medina, where elevated levels of impervious surface contribute to increased stormwater runoff and water quality degradation. The importance of addressing water quality concerns is demonstrated by the listing of Fairweather Creek on Ecology's water quality atlas, which outlines a trend of continued degraded biological integrity over time. Several urban jurisdictions have already aligned	G.(2) Table 16.50.100(G)(2): ~~Stream Buffers~~ Riparian Management Zone Widths	Current recommendations for stream protections through classification and buffers was selected after detailed review of BAS and GIS analysis of Site Potential Tree Height (SPTH). The City is incorporating BAS in the proposed stream buffer/riparian increases, vegetative buffer standards,and emphasis on mitigation sequencing.	No

10/2/2025	WDFW	16.50.100. Fish and wildlife habitat conservation areas.	WDFW does not recommend buffer averaging for RMZs (stream buffers). To our knowledge, there is no scientific evidence supporting the idea that reducing a riparian buffer in one area while expanding it elsewhere achieves no net loss of ecological functions and values. WDFW's Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020) shows that riparian buffer widths are established on the specific ecological functions they are intended to support, which are directly tied to the width, continuity, and quality of vegetation within the buffer. Any reduction to any part of the RMZ results in a direct loss of habitat functions. However, if averaging is limited to areas that no longer provide ecological function, such as existing pavement, then this provision may be more consistent with no net loss standards. If buffer averaging is retained, we strongly recommend adding a provision that no portion of the buffer may be reduced below 100 feet. Scientific research compiled in WDFW's Best Available Science demonstrates that 100 feet is the minimum width necessary to provide basic functions such as pollution filtration. Allowing buffers narrower than this threshold would compromise water quality protection.	G.(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 revegetation 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~~ 25 percent or to less than 100 ~~25~~ feet wide, whichever is greater, in any one location.	BAS documents how buffer functions vary by width and condition. Variation in buffer condition, such as slope, vegetation type/density and adjacent land uses can all impact the level of functions provided. Ecology recommends this option for wetlands. Wetland and stream buffers often overlap and provide similar functions. For consistency, the City is applying buffer averaging allowances to both wetlands and streams.	No	
10/6/2025	Mark Nelson	General Comment	My concern is that we accommodate the replacement or refurbishment of existing structures, such as stairs that have existed on these steep slopes before the city was incorporated, be allowed to be rebuilt to provide and maintain safe passage up and down steep slopes. The current codes do not allow structures to be built that are over 30 inches above grade to be rebuilt and are prohibiting property owners safe access up and down those slopes that they have enjoyed since before the city was incorporated, in some case 80 years.		I do not see any standard within the CAO that limits these structures to 30 inches or less. This could be a standard found in the Shoreline Master Program.	No	
10/7/2025	Bruce Hand	16.50.100	It is noted in the proposed update to MMC 16.50.080 Wetlands, Section Wetlands – Development standards there has been added subsections which recognize areas "functionally and effectively disconnected from wetlands" by a public or private road may be excluded from buffer areas. Why is there no similar proposed update for addition to MMC 16.50.100 Fish and Wildlife Habitat Conservation Areas?		This change was included in the latest draft	Yes, see MMC 16.50.100.G.7	

10/14/2025	Mark Mowat	16.50.100	First, we appreciate the inclusion of Section 16.50.040.B in the draft ordinance, which confirms that property owners may maintain, repair, and remodel their homes as long as new structures do not extend further into critical area buffers. This language provides needed clarity and reassurance for existing property owners. We strongly urge the City to incorporate a "functionally disconnected buffer" provision into the stream regulations, as proposed for the wetland regulations. There is no basis to include the "functionally disconnected buffer" provision for wetlands and not for streams. a. As currently written, the draft would extend stream buffers through existing homes and onto adjacent lots, where the habitat connection is already disrupted. This is inconsistent with the wetland regulations, which appropriately recognize that buffers should not extend beyond physical barriers such as homes or roads. b. Adding the same provision for streams would ensure fair, science-based, and consistent treatment of critical areas while preventing unnecessary restrictions on properties like ours that are already functionally separated from the stream.	This change was included in the latest draft	Yes, see MMC 16.50.100.G.7	
10/17/2025	Kristen Edelhertz	General Comment	The commenter expresses serious concern about the proposed increases to buffer widths around wetlands, streams, and other critical areas. They support environmental protection but are worried about impacts to property values, development potential, and private property rights, particularly for older homes and smaller lots. They note their home constructed in 1968 may face disproportionate restrictions compared to larger, newer homes closer to the stream. Additional concerns include limitations on tree removal, the cost and accessibility of the reasonable use exception process, and the overall burden placed on individual property owners.	The proposed wetland buffer increases are minimal and, in some cases, buffer widths are decreasing due to updated wetland scoring guidance from the Washington State Department of Ecology. Care has been taken to address nonconforming situations, allowing existing structures to continue and, when certain criteria are met, even expand. Additionally, the draft includes new standards for interrupted buffers for both streams and wetlands, which may allow development to occur on the landward side of a public or private road when ecological connectivity is disrupted. Concerns about tree removal and permit fees are noted; however, these topics fall outside the scope of the Critical Areas Ordinance update. Overall, the City is working to balance environmental protection with the rights of property owners. These discussions will continue with the Planning Commission as the update process moves forward.	No	
10/23/2025	Mark Mowat and McCullough Hill PLLC	MMC 16.50.080.E.6 & MMC 16.50.100.G.7	The commenter, on behalf of a property owner, requests that the City include a “functionally disconnected buffer” exemption in the stream regulations similar to what is proposed for wetlands. They argue that buffers should not extend beyond legally established structures because such structures eliminate buffer functions. The exemption should apply to both roads and structures and, when a buffer interruption affects more than 50% of a lot, it should apply to the entire lot if supported by a critical areas report. The proposed revisions aim to ensure consistency between wetland and stream regulations, protect ecological functions, and avoid rendering lots undevelopable, which could lead to takings claims.	This change was included in the latest draft	Yes, see MMC 16.50.100.G.7	The interuped buffer standard for streams has been revised to match the interupted buffer standard for wetlands.

11/10/2025	McCullough Hill PLLC	MMC 16.50.080.E.6 & MMC 16.50.100.G.7	The commentor supports the inclusion of "functionally and effectively disconnected buffer" in stream regulations (MMC 16.50.100.G.7). Requests a presumption that if >50% of a buffer is interrupted, the entire buffer may be excluded—if supported by a site-specific critical areas report based on Best Available Science (BAS). Argues this approach improves certainty, avoids arbitrary decisions, and aligns better with BAS than current draft language.	The City's intent in using identical language for both stream and wetland buffers is to promote consistency and clarity across critical area types. However, it is important to note that while Ecology recognizes disconnected buffers as an accepted practice for wetlands to allow sensible flexibility, WDFW does not support their use for streams. This distinction is significant and informs our regulatory approach. The proposed provision is intended to create similar standards for both streams and wetlands. The suggested amendment introduces a presumption of full buffer interruption when more than 50% of the buffer is affected, contingent on a critical areas report. While we understand the desire to provide greater certainty for property owners, we are concerned that this presumption may go further than what BAS supports for stream buffers. Additionally, the CAO amendments are intended to establish high-level, citywide standards rather than address site-specific circumstances. Drafting language with individual properties in mind could compromise the broader applicability and scientific integrity of the ordinance. We will continue to evaluate this language to ensure that any buffer exclusions are grounded in site-specific analysis, while also striving to maintain regulatory clarity and fairness.	Yes, additional language has been included to specify this is a directors decision after review of a critical areas report. See MMC 16.50.100.G.7	The interuped buffer standard for streams has been revised to match the interupted buffer standard for wetlands. Ecology recognizes interupted buffer standard as an allowance for sensible flexibility. To ensure consistancy across critical areas the language should remain similar to avoid confusion since often these critical area buffers may overlap or provide similar habitat functions.

State of Washington
Department of Fish and Wildlife, Region 4
Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

October 14, 2025

City of Medina
501 Evergreen Point Rd
Medina, WA 98039

RE: WDFW's comments for Medina's Critical Area Ordinance update, Chapter 16.50

Dear Planning Staff and Commissioners,

My name is Morgan Krueger, and I serve as the Regional Land Use Lead for the Washington Department of Fish and Wildlife (WDFW). My coverage area includes Medina and surrounding jurisdictions. Thank you for the opportunity to comment **in support** of Medina's proposed stream buffer width amendments within Chapter 16.50 of the Critical Areas Ordinance (CAO).

The decisions before you are vital to the long-term health of Medina's waterways and community, as well as the recovery of federally listed salmon populations. Riparian areas—commonly referred to as stream buffers—provide essential ecosystem services such as filtering pollutants, reducing flood risk, and stabilizing streambanks. Protecting these areas is both an environmental responsibility and an investment in public health, safety, and community resilience.

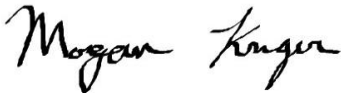
Medina's current water quality challenges are intrinsically linked to the health and management of its riparian corridors. Fairweather Creek is listed on the Department of Ecology's 303(d) list, meaning it is formally identified as impaired under the federal Clean Water Act and does not currently meet basic water quality standards. Strengthening riparian protections is a direct and scientifically supported way to address water quality impairments and improve both ecological and community outcomes.

WDFW's Best Available Science (Volume 1) and management recommendations (Volume 2) demonstrate that a 100-foot buffer is the minimum width necessary to effectively filter pollutants before they reach streams. We appreciate Medina's commitment to incorporating this standard, as well as its inclusion of vegetative requirements that ensure these areas function as intended.

The city's proposed amendments, while not fully consistent with all of WDFW's BAS recommendations, take a proactive step toward improving ecological resilience and water quality.

Thank you for your time and commitment to safeguarding Medina's natural resources.

Sincerely,



Morgan Krueger
Regional Land Use Lead
Washington Department of Fish and Wildlife

CC:
Kara Whittaker, Land Use Conservation and Policy Section Manager (Kara.Whittaker@dfw.wa.gov)
Marian Berejikian, Land Use Conservation and Policy Planner (Marian.Berejikian@dfw.wa.gov)
Marcus Reaves, Regional Habitat Program Manager (Marcus.Reaves@dfw.wa.gov)
Stewart Reinbold, Assistant Regional Habitat Program Manager (Stewart.Reinbold@dfw.wa.gov)
Maria McNaughton, Habitat Biologist (Maria.McNaughton@dfw.wa.gov)
Region 4 Southern District Planning Inbox (R4SPlanning@dfw.wa.gov)
Lexine Long, WA Department of Commerce (Lexine.Long@commerce.wa.gov)

McCULLOUGH HILL PLLC

November 10, 2025

VIA ELECTRONIC MAIL

Medina Planning Commission
c/o Steven Wilcox, Development Services Director
swilcox@medina-wa.gov

Re: Comments on 2025 Critical Areas Ordinance Update

Dear Planning Commission Members:

These comments are submitted on behalf of Mark Mowat, owner of two parcels in the City of Medina, regarding the City's proposed updates to its Critical Area Ordinance ("CAO").

First, we very much appreciate your inclusion of the "functionally and effectively disconnected buffer" concept in the proposed stream regulations in MMC 16.50.100.G.7. This revision will ensure consistency between and wetland and stream regulations and provide predictability for property owners.

We have one remaining request— which is to clarify that if a functionally and effectively disconnected buffer affects more than 50% of a lot, the buffer should be presumed to be fully interrupted on the entirety of the lot, provided that presumption is supported by a critical areas report.

To be clear, we are not proposing that the City pre-determine that all 50%-plus functionally disconnected buffers extend to the entirety of the lot. We agree that such a request would not be supported by Best Available Science ("BAS"). Rather, our proposal would simply establish a presumption that would need to be supported by a site-specific critical areas report, which would need to be based on BAS.

Our proposed amendment is *more consistent* with BAS than the current draft regulations-- which allow the Director to make a completely discretionary functionally-disconnected determination with no requirement that the determination be based on a critical area report or BAS. Our proposed amendment will (1) provide more certainty to property owners and prospective purchasers of constrained lots; and (2) ensure that all functionally and effectively disconnected buffer determinations are supported by a critical area report, mitigating the risk of arbitrary decision-making and requiring compliance with BAS on a site-specific basis.

For context, the Mowat parcels are located east of Medina Elementary School. One of the parcels, 8120 Overlake Drive West, is developed with the family home. The adjacent parcel, 8216 Overlake Drive West, is currently undeveloped. A mapped stream runs along the western parcel boundary, approximately 80' from the property line of the eastern parcel, as depicted on the map below.

If the standard stream buffer were increased to 150', as currently proposed, a stream buffer could extend across the north half of the 8216 lot, significantly impacting development of that lot. The Owner should be entitled to submit a site-specific critical areas study demonstrating that the current house creates a functionally disconnected buffer on the entirety of the 8216 lot. If the critical area study cannot substantiate that conclusion based on BAS, the Director would not accept it. But the Director should not be able to make an arbitrary determination, without any sort of site-specific study, that would significantly, adversely impact development potential on that lot. This is the process outlined in the current draft regulations.

Our specific proposed amendment is underlined below:

> Buffers may exclude areas that are functionally and effectively disconnected from the stream by an existing public or private road or legally established development, as determined by the Director. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer. Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. An interruption that affects more than 50% of the buffer on a lot shall be presumed to exclude the buffer on the entirety of the lot, provided that presumption is supported by a critical areas report prepared by a qualified wetland consultant. ~~The Director shall evaluate whether the interruption will affect the entirety of the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, the Director may require a critical area report to analyze and document the buffer functionality.~~

The above revisions are consistent with Best Available Science, they will ensure functions and values are protected, and they will protect the City against potential takings claims by ensuring that lots are not arbitrarily rendered undevelopable.

Thank you for your attention to these comments.

Sincerely,

McCULLOUGH HILL PLLC

/s/Courtney E. Flora

cc: Medina City Council
Jennifer Robertson and Dawn Reitan, City Attorneys

City of MEDINA WASHINGTON

501 Evergreen Point Road, Medina WA 98039
425.233.6400 www.medina-wa.gov

Date: November 10, 2025

To: Honorable Mayor and City Council

Via: Jeff Swanson, City Manager

From: Steven R. Wilcox. Development Services Department Director

Subject: Development Services Department Monthly Report

Critical Areas Ordinance Update

Medina's Planning Commission continues their work on the Critical Areas Ordinance update (CAO update). Since my last Council staff report, Planning Commission has had two meetings where they have reviewed and discussed the CAO update. There have also now been changes to the CAO update timing which I describe below.

Medina's Planning Commission has not completed the review of the CAO update and does not yet have a recommendation for the Council. Because of this, it is still premature for the Council to discuss the CAO update draft language. A good option for the Council at this moment would be to attend the November 18, 2025 Planning Commission meeting in-person or online. If Councilmembers would like any documents that the Planning Commission has been publicly discussing I can provide those as requested.

The Planning Commission has been involved with the CAO update discussion since September 23rd. The eventual recommendation presented to the Council will have been prepared by our experienced environmental consultant Facet, thoroughly vetted by the Planning Commission, and approved by our City Attorney. We are fortunate to have an attorney involved who has experience in CAO updates.

As the Council would expect, the talented volunteer professionals on the Planning Commission have been deeply engaged in the CAO update process and have offered a significant amount of their time towards resolving this important matter. I have observed that Commissioners have been consistent in their efforts to protect Medina residents through a focus on reduction of added burdens created by the new state CAO update mandates. The Planning Commission has maintained a balance between reducing Medina impacts of the CAO update while also drafting language which will eventually be approved by various state agencies. The Medina CAO update team has been seeking alignment with state requirements at a level which adversely impacts residents the least possible.

CAO update impacts on Medina residents are primarily a result of new stream and wetland buffers (setback dimensions) which encumber properties. Buffer dimensions can impact property use. Our consultant Facet is experienced and excellent at what they are doing for us, but they are not deeply connected with the City of Medina. The Planning Commission, our City Attorney and I review Facet recommendations with consideration for impacts on Medina residents. Significant changes have been made to initial recommendations by Facet regarding buffers.

Washington State Department of Fish and Wildlife (DFW) has Best Available Science based requirements, and they also have preferences. DFW preferences vs. requirements are not always clear. The Planning Commission has carefully evaluated which approaches are least burdensome on Medina residents while also working to clarify what the state will ultimately approve as meeting basic mandates. An example of this is the concept where a potential tree height is used to determine buffer dimensions. Tree height buffers are a DFW preferred method, but this results in much larger buffers and greater impacts on Medina residents' use of their property. The Planning Commission was able to evaluate options and are now settling on a concept which is the least burdensome on Medina residents that the state will approve.

Our current Critical Areas map will be re-produced in 2026. The new map will be on our Medina website in a form which will provide better accuracy, clarity and function. Unfortunately, the Critical Areas map will not provide a precise location of critical areas such as top of a steep slope, wetland edge or stream edge to measure from. To be precise at one moment would potentially mean not being accurate at another. Critical areas can change over time making a delineation of the precise location impractical for the City of Medina to create and maintain.

A close representation of critical areas locations is possible and that is a goal of mapping. As has been standard practice each time a development project application comes to Medina there will be need for the applicant to use our critical areas map to perform their own delineation. Depending on what level of information is needed, it is possible that someone may need the assistance of a professional such as a surveyor or wetlands biologist.

For those residents, or others in process of feasibility analysis and who would like to know about critical areas impacts on a parcel, they will have a very good idea based on our 2026 map, but as with a developer, the actual buffer impact through measurement will be left to the individual to determine. The City of Medina will continue to provide information on its regulations through text, maps and personal assistance, but individual measurements must be made by the interested individuals using the data and mapping provided. Precision measurements are left to actual field conditions at the time the questions are asked.

Here is an updated summary of the CAO update process and anticipated next steps:

- July 30, 2025. Public Forum and Open House. This was an introduction for the public to the CAO update. The timing for this meeting was not ideal, and it was lightly attended.

- September 23, 2025. Planning Commission meeting. This was the Planning Commission's first meeting on the CAO update. Our consultant Facet presented background for the CAO update discussion. Best Available Science was discussed, and Commissioners asked several questions with discussion following. The first draft of the CAO update was given to the Planning Commission in their agenda packet, but the public review was not started on September 23rd due to meeting time constraints.

- October 2, 2025. Washington State Department of Fisheries and Wildlife (DFW) submitted comments on Medina's first draft of the CAO update ordinance. DFW had previously requested a copy of the CAO update ordinance first draft for comment.

- October 13, 2025. Facet staff, our City Attorney and I met with DFW staff to review their comments on the first draft of Medina's CAO update ordinance. Following this meeting, DFW provided us with a letter supporting the approach being taken to stream buffers.

- October 7, 2025. Second public Forum and Open House. A presentation was made by staff from our consultant Facet. Those attending were able to ask questions within the group during the presentation and then individually. Facet had an interactive map where a property address was entered, and potential stream buffers were overlaid. There are at least two properties with potential for significant buffer impacts.

There were 21 people at the Forum/Open House in-person and online. We received one formal comment from a property owner who does not currently appear will be impacted by the CAO update.

- October 14, 2025. Special Planning Commission meeting. This was the Planning Commission's first review of the CAO update draft.

  Our Attorney Dawn Findlay Reitan began the discussion with an overview of MMC Ch. 16.36. – Nonconformity, and MMC Ch. 16.50.050. – Relief from critical areas regulations. This presentation at the start of the meeting answered important questions ahead of the CAO update discussion by Commissioners.

- October 28, 2025. Planning Commission meeting. A public comment matrix was created which provides organization and describes how those comments have been integrated into the CAO update, or otherwise responded to. Our City Attorney attended this meeting.

  The Planning Commission Agenda Bill, and the Facet PowerPoint used in the presentation are provided for your review.

- November 18, 2025. Planning Commission meeting. This meeting will have a public hearing. The public comment matrix will be updated. A recommendation for the Council is expected as a result of this meeting and public hearing.

- December 8, 2025. Council meeting. I anticipate that the Planning Commission's CAO update recommendation will be presented to the Council at this meeting. This meeting is noticed for a public hearing. This will be the second public hearing on this topic.

  The Council will not be asked to approve the CAO update on December 8th. A request for CAO update approval will come to the Council following completion of state agencies review which will likely be in February 2026.

  On December 8th the Council will be asked to approve sending the CAO update as a final draft and to direct staff to forward the document to the Department of Commerce to begin a 60-day state agency review.

  Submittal to Washington state agencies through the Department of Commerce will happen the day after Council approves the CAO update draft to be sent. Department of Commerce has said they will need their full 60-day review period. SEPA review by Medina will also begin immediately after Council approval to do so.

- December 31, 2025. This is the CAO update due date for adoption by the City of Medina. This State due date will not be met. I have informed both the Department of Commerce and Department of Fish and Wildlife of our CAO update status and will keep both agencies up to date on progress. A late start by Medina created this situation. The risk of not achieving the deadline is considered minimal for Medina provided there is not a delay.

- February 2026. First or second Council Meeting. I had previously anticipated the CAO update being presented to Council for final approval in January 2026, however the timing is now likely into February.

  There may be new comments to review when the Council sees the CAO update following state agency reviews.

Our CAO update consultant Facet has three staff involved in our project. Dawn Findlay Reitan from Inslee Best is lead on the CAO update for us. I am finding myself in a coordination, administration and technical role. The

CAO update is heavy in technical complexity and requires close legal oversight. Jennifer Robertson is keeping close to the progress and will be involved with the CAO update presentation at Council meetings.

Affordable Housing

On October 16th I attended an event by an Eastside based organization named Imagine Housing. See Home · Imagine Housing or imaginehousing.org. This was the third annual affordable housing event by Imagine Housing with this one sponsored by Amazon. There were five eastside Mayors who were on a panel with a moderator from Imagine Housing. The Mayors of Bellevue, Bothell, Kenmore, Kirkland, and Issaquah discussed topics including approaches to affordable housing in their cities, difficulties, successes, and their ideas of what is needed to forward affordable housing on the eastside.

King County Councilmember Claudia Balducci opened the event as a keynote speaker. There were several people from Department of Commerce and various housing interest groups. About 50 people were in attendance at the Kirkland Performing Arts Center.

For Medina's purposes I can summarize the 2-hour event:

- The issues of property market value vs. affordable housing are the same for other eastside cities.
- Some differences between Medina and other eastside cities regarding affordable housing include variety of potential and existing zoning within the city, existing affordable housing types such as mobile home parks, apartments, lower income single family homes, etc. Existing affordable housing types have become a focus of retention and maintenance for those jurisdictions that have these.
- There must be a stated government policy and defined plan for focusing on the creation of affordable housing. Medina has a start on this through the Comprehensive Plan and Middle Housing Ordinances. Policy to enact affordable housing is considered a next step.
- The panel agreed that regulation is the most effective way to impact the ability to create affordable housing.
- There are limited State and other funding resources available to create affordable housing meaning there needs to be creativity and cooperation. A partnership with city, interest groups, funding resources, and a developer may be a direction needed to create affordable housing.

Prior to the start of the event there was an opportunity to meet and mingle with the attendees. I had the opportunity to talk with two local housing interest group representatives including one from Futurewise.

Overall, Medina's presence at affordable housing events seems important. Having a friendly conversation with organizations such as Futurewise about Medina's desires, actions and challenges towards affordable housing seems positive. Showing an interest which will draw support, learning about potential methods of creating affordable housing and applying those, and then taking policy action will eventually result in affordable housing in Medina.

Code Enforcement

Please see the October Code Enforcment report provided for your review.

With construction activity down this year, much of our code enforcment is focused on sign removals and other relatively minor issues.

Our Buillding Official Rob Kilmer is proactive regarding various public right of way code enforcment. However, much of our code enforcement is reactive to complaints as residents become aware and then notify Development Services.

Tree Inventory

The 2025 portion of the Medina public tree inventory has been completed. A budget request has been submitted for completion of right of way tree inventory in 2026.

Please see the summary report by our City Arborist, Andy Crosssett provided.

Tree Canopy Study

Consideration for how to better define the results of the Facet (consultant) 2025 Tree Canopy Study are being discussed.

The study results show that canopy in Medina remained about the same over the past 11 years when a visual assessment implies otherwise.

Once there is a better method of explaining the study results I will return this to the Council.

Permit Applications and Inquiries of Interest

American Tower Company (ATC)
The ATC permit application to upgrade 10 existing facilities (wood poles with antennas) which previously included the proposed addition of 10 electric meters placed on wood 4x4 posts within the public right of way is moving forward.

ATC has submitted a revised permit application showing that they no longer propose the electric meters and will instead continue to use the same system they had previously with PSE that required no meters.

Of the 10 existing poles to be modified, 9 qualify for an Eligible Facility Request (EFR). An EFR essentially means that within given parameters, a telecommunications company can modify existing facilities without the need for variances or other non-administrative processes which would typically involve public noticing and the Hearing Examiner's review and decision. One of the 10 poles does not qualify for an EFR due to the extent of proposed changes.

The 9 EFR qualifying poles will have building, right of way, and construction activity permits issued by Medina.

Medina continues to work with ATC towards re-negotiating their lease of the second floor of the Medina Public Works building. We have a comparison of rates and our City Attorney's office is working on the lease language.

Middle Housing
I will be meeting with the owner of 7658 NE 12th St. to hear about ideas for potential redevelopment under Middle Housing (Ord. 1040), and Zero Lot Line (Ord. 1041) rules.

We have no permit applications associated with Middle Housing.

As we learn through experience about the applications of Middle Housing in Medina, our Development Services web page will be developed with FAQ's and other guidance.

AT&T Monopole
AT&T applied for a building permit to change their existing cell facility on St. Thomas Church property near the corner of NE 12th and 84th Ave. NE. The AT&T monopole is the south of two existing poles at the location. From time to time the telecommunications companies need to update their facilities.

The application meets Eligible Facilities Request rules and will only require a building permit.

Permitting

There were more permits issued in October; however, development activity remains slow in 2025 and well behind 2024. At this point, there is no reason to assume that 2026 development activity in Medina will increase over 2025.

Permit Reports
Attached are the permit received and issued reports for October 2025.

The October Permits Issued report shows permit valuation:

October 2024 YTM = $59,618,758.24
October 2025 YTM = $22,128,576.18

The YTM difference between 2024 vs. 2025 is ($37,490,182.06)

Permit valuation is only an indication of activity. Financial data will give accurate accounting.

Attachments:
October 28, 2025 Planning Commission Agenda Item 6.2 Critical Areas Ord. Update – Agenda Bill
October 28, 2025 Critical Areas Ordinance Update Facet (consultant) PowerPoint Presentation
2025 City of Medina Parks Tree Inventory Summary by Andy Crossett, Medina City Arborist
October 2025 Code Enforcement Report
October 2025 Permits Received Report
October 2025 Permit Issued Report