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 2, 2025

City of Medina
Steve Wilcox, Development Services Director
501 Evergreen Point Rd
Medina, WA 98039

RE: Case ID 2022-C-201, WDFW's draft comments for Medina's Critical Area Ordinance update

Dear Mr. Wilcox

On behalf of the Washington Department of Fish and Wildlife (WDFW), thank you for the opportunity to comment on Medina's draft Critical Area Ordinance (CAO) amendments as part of the current periodic update. Within the State of Washington's land use decision-making framework, WDFW is considered a technical advisor for the habitat needs of fish and wildlife and routinely provides input into the implications of land use decisions.

We provide these comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations – a mission we can only accomplish in partnership with local jurisdictions.

Table 1. Recommended changes to proposed code language.

Code Section	Code Language (with WDFW suggestions in red)	WDFW Comment
16.12.180. 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, as defined in WAC 220-660-030(52).	It is important to include a definition of 'fish habitat' in this section.
16.12.180. Definitions.	*Ecosystem functions* are the products, physical and biological	We suggest including the definition of ecosystem functions as found in WAC 365-196-210 (14), as

	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.	both ecosystem functions and ecosystem values are mentioned throughout this chapter.
16.12.180. Definitions.	*Ecosystem values* are the cultural, social, economic, and ecological benefits attributed to ecosystem functions.	See comment above. Ecosystem functions and values are terms used together. See WAC 365-196-210 (15).
16.12.180. Definitions.	*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.	We recommend including this definition, as it is referenced throughout this chapter.
16.12.180. Definitions.	*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	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).

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	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. Definitions.	*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).	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.
16.50.035 Guidance documents adopted by reference; director authority.	8. The Washington Department of Fish and Wildlife's Priority Habitats and Species management recommendation publications;	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
16.50.040. Exemptions, existing structures, and	C. 1. Existing single-family residences may be ~~expanded,~~ reconstructed~~,~~ or replaced, provided all of the following are met:	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 width directly

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limited exemptions.	~~a. Expansion within a critical area buffer is limited to 500 square feet of footprint beyond the existing footprint~~;	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.
16.50.040. Exemptions, existing structures, and limited exemptions.	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;	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."
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.	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 considerations where 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

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		encroaching into critical areas or their buffers; (D) Multi-story design or alternate building design
16.50.070. Critical areas report.	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	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.
16.50.080. Wetlands.	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:	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: 1. On-site, in-kind 2. Off-site, in-kind 3. On-site, out-of-kind 4. Off-site, out-of-kind"
16.50.100. Fish and wildlife habitat	A.(7) Land found by the Medina city council to be essential for preserving connections between habitat blocks and open spaces.	We greatly appreciate the distinct designation of these areas as a type of critical area.

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conservation areas.		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.
16.50.100. Fish and wildlife habitat conservation areas.	A(8) Riparian Management Zone	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.
16.50.100. Fish and wildlife habitat conservation areas. Table 16.50.100(B): Stream Water Type	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	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

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<td>Perennial non-fish-habitat~~bearing~~ streams. Perennial streams do not go dry any time during a year of normal rainfall.</td>
<td>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 sized.</td>
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<td>16.50.100. Fish and wildlife habitat conservation areas.</td>
<td>G.(2) Table 16.50.100(G)(2): ~~Stream Buffers~~ Riparian Management Zone Widths
<table>
<tr><th>Water Type</th><th>Standard ~~buffer~~ RMZ width</th></tr>
<tr><td>Type 1 Stream</td><td>~~100 feet~~ SPTH</td></tr>
<tr><td>Type 2 Stream</td><td>~~75~~ 100 feet</td></tr>
<tr><td>Type 3 Stream</td><td>~~50~~ 100 feet</td></tr>
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The standard RMZ widths presume the area is vegetated with a native plant community for the ecoregion, consisting of an average of 80 percent native cover comprised of native trees, shrubs, and groundcover plants, and less than 10 percent cover of noxious weeds. If the existing buffer does not meet these standards, the buffer must either be enhanced by an approved mitigation plan or increased by 33 percent.</td>
<td>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 ($SPTH_{200}$) 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 with WDFW's recommendations. For example, King County is proposing urban stream regulations that include no buffers below 100 feet. Woodinville is similarly advancing amendments aligned with WDFW's BAS. Shoreline is proposing a standard 200-foot width for all stream types. These examples illustrate how urban jurisdictions are proactively collaborating with WDFW to incorporate scientifically defensible standards,</td>
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		strengthening their CAOs against potential appeals. We encourage staff to look at these approaches, as there are many ways jurisdictions can better align with WDFW's BAS.
16.50.100. Fish and wildlife habitat conservation areas.	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.	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.

Thank you for taking the time to consider our recommendations to better reflect the best available science for fish and wildlife habitats and ecosystems. We value the relationship we have with your jurisdiction and the opportunity to work collaboratively with you throughout this periodic update cycle. If you have any questions or need our technical assistance or resources at any time during this process, please don't hesitate to contact me or the Regional Land Use Lead, Morgan Krueger (morgan.krueger@dfw.wa.gov).

Sincerely,

Signature on final

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CC:
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