CITY OF MEDINA, WASHINGTON

Ordinance No. 1053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RELATING TO REGULATION OF CRITICAL AREAS, AMENDING SECTIONS 16.12.060, 16.12.070, 16.12.140, 16.12.150, 16.12.170 AND 16.12.180 OF THE MEDINA MUNICIPAL CODE (MMC) TO AMEND OR ADD NEW DEFINITIONS TO CHAPTER 16.12 MMC; AMENDING MMC 16.72.060 TO MAKE THE REASONABLE USE EXCEPTION CONSISTENT WITH CRITICAL AREAS; UPDATING CHAPTER 16.50 "CRITICAL AREAS" OF THE MEDINA MUNICIPAL CODE FOR CONSISTENCY WITH THE STATE GROWTH MANAGEMENT ACT, THE CITY'S COMPREHENSIVE PLAN AND BEST AVAILABLE SCIENCE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina is a code city operating under Title 35A RCW, among other laws; and

WHEREAS, the City of Medina is required under the Washington State Growth Management Act (Chapter 36.70A RCW) to periodically review and update its Comprehensive Plan and development regulations to ensure consistency with state law; and

WHEREAS, the City of Medina completed its Comprehensive Plan Update in December of 2024; and

WHEREAS, the City completed a periodic update of its Comprehensive Plan, incorporating public input, and updated policy guidance; and

WHEREAS, following the Comprehensive Plan Update, the City is required by law to also update its critical areas ordinance; and

WHEREAS, Subtitle 16.5 of the Medina Municipal Code (Environment) governs the protection of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas; and

WHEREAS, the proposed amendments to Chapter 16.12 MMC and Subtitle 16.5 MMC are intended to align the City's regulations with the Growth Management Act, including RCW 36.70A.060 and RCW 36.70A.130, and to incorporate best available science (BAS) as required by state law; and

WHEREAS, the City's SEPA Responsible Official has performed SEPA and issued the SEPA Determination of Non-significance on December 9, 2025, and the comment period expired on December 26, 2025; and

WHEREAS, the SEPA Appeal period has passed with no appeals filed; and

WHEREAS, the City sent a copy of this Ordinance to the Washington State Department of Commerce on December 10, 2025, for 60-day review, and the required time has passed to allow this ordinance to be adopted; and

WHEREAS, on November 18, 2025, a public hearing was held by the Medina Planning Commission on this Ordinance to elicit community input; and

WHEREAS, the Planning Commission held additional public work sessions on this Ordinance on September 23, 2025, October 14, 2025, October 28, 2025, and November 18, 2025, and following the public hearing and work sessions unanimously recommend adoption of this Ordinance; and

WHEREAS, the City has provided notice and opportunity for public comment, conducted public meetings and hearings before the Planning Commission and City Council, and considered all relevant input in the development of these amendments; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; and

WHEREAS, on February 23, 2026, the City Council adopted this Ordinance during its Regular Meeting; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

<u>**Section 1.**</u> The above recitals are hereby adopted as findings in support of this Ordinance.

<u>**Section 2.**</u> Two new definitions are hereby added to Section 16.12.060 of the Medina Municipal Code to read as follows:

16.12.060. - "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.

* * * * *

Section 3. A new definition is hereby added to Section 16.12.070 of the Medina Municipal Code to read as follows:

16.12.070. - "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.

* * * * *

Section 4. Two new definitions are hereby added to Section 16.12.140 of the Medina Municipal Code to read as follows:

16.12.140. - "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).

* * * * *

Section 5. Two new definitions are hereby added to Section 16.12.150 of the Medina Municipal Code to read as follows:

16.12.150. - "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.

* * * * *

Section 6. Two new definitions are hereby added to Section 16.12.170 of the Medina Municipal Code to read as follows:

16.12.170. - "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.

* * * * *

Section 7. The definition of "qualified professional" in Section 16.12.180 of the Medina Municipal Code is hereby amended to read as follows:

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.

* * * * *

Section 9. Section 16.72.060 of the Medina Municipal Code is hereby amended to read as follows:

16.72.060. Reasonable use exception.

A. *Purpose.* The purpose for a reasonable use exception is to permit development of a site only when application of Chapter 16.50 MMC (Critical Areas) would deny all reasonable uses of a site.

B. *Applicant.* Any owner may submit an application for a reasonable use exception.

C. *Procedures.* Reasonable use exceptions are processed as a Type 3 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.

D. *Applicability.* This section shall apply where applying the critical areas regulations set forth in Chapter 16.50 MMC would deny all reasonable use of the subject property.

E. *Additional application submittal requirements.* In addition to the submittal requirements set forth in MMC 16.80.070, the applicant shall provide the following with a reasonable use exception application:

1. Critical area report consistent with the requirements of MMC 16.50.070;

2. Mitigation plan consistent with the requirements in Chapter 16.50 MMC, if necessary;

3. Applications/approvals from other agencies, as applicable;

4. Special studies prepared to support the reasonable use exception; and

5. SEPA documents.

F. *Criteria for approval.* The decision authority may approve a reasonable use exception only if the ~~following~~ criteria <u>set forth in MMC 16.50.050.A.1.a-e</u> are satisfied~~:~~.

1. ~~The application of the critical areas regulations would deny all reasonable use of the property;~~

2. ~~The proposed development does not pose an unreasonable threat to the public health, general welfare, or safety on or off the site, nor does it damage nearby public or private property;~~

3. ~~Any alteration of the critical area and/or buffer is the minimum necessary to allow for reasonable use of the property;~~

4. ~~The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant or their predecessors;~~

5. ~~Any impacts permitted to the critical area and/or buffer are mitigated in accordance with MMC 16.50.060(B) and (D) to the greatest extent feasible;~~

6. ~~The proposed development protects critical areas and/or buffer functions and values consistent with the best available science;~~

7. ~~The proposed development is consistent with other applicable regulations and requirements.~~

G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety.

Section 10. Chapter 16.50 of the Medina Municipal Code "Critical Areas" is hereby amended to read as shown on **Exhibit "A"** attached hereto and incorporated herein by this reference.

Section 11. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 12. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 13. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 14. Effective Date. This ordinance shall take effect five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 23RD DAY OF FEBRUARY BY A VOTE OF ___ FOR, ___ AGAINST, AND ___ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 23RD DAY OF FEBRUARY, 2026.

_____
Jessica Rossman, Mayor

Approved as to form: Attest:
Inslee Best Doezie & Ryder, P.S.

_____   _____
Jennifer R. Robertson, City Attorney   Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 1053 / AB