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.