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TO: Mayor Robinson and City Councilmembers

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SUBJECT: Mid-point check-in on the Critical Areas Ordinance Update process and scope.

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## **Executive Summary**

This item will serve as a mid-point check-in with the Council on the Critical Areas Ordinance (CAO) Update Land Use Code Amendment (LUCA). The Council initiated this LUCA during the February 25 study session. Two foundational steps were identified: incorporating the best available science (BAS) and conducting a gap analysis based on the BAS to inform what parts of our current critical areas ordinance must be updated. Community engagement will also play a key role in shaping the final outcomes of this LUCA alongside technical components. The five priorities guiding this work include aligning with current state requirements and BAS, balancing housing and environmental needs, improving code usability, enhancing mapping and data accuracy, and ensuring robust community engagement.

As directed at initiation, a mid-point check-in with Council will occur after the technical consultant completes the BAS review and gap analysis, to finalize the LUCA scope and ensure alignment with Council expectations.

## **Background**

Every 10 years, the Growth Management Act, Chapter 36.70A RCW (GMA), requires local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations using BAS to ensure protection of these areas. State law requires the designation and protection of five types of critical areas: wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. The City is required to complete its next critical areas ordinance update by December 31, 2025.

### February 25 Council Initiation

At the February 25 study session, Council initiated this LUCA, outlining key priorities and objectives to guide the update of the Critical Areas Ordinance.

#### *Council Priorities:*

1. Align with current state requirements and best available science
2. Balance housing needs with environmental protection
3. Ensure meaningful community engagement
4. Improve usability of the CAO for staff and applicants
5. Enhance data accuracy and mapping tools

#### *Key Feedback Highlights:*

- Strong support for priorities, especially balancing housing growth with environmental protections
- Avoid unintentionally blocking development
- Ensuring robust engagement
- Emphasize objectivity and transparency
- Consider quality of life alongside environmental goals
- Address climate change impacts
- Explore innovative and flexible approaches
- Maintain predictability and consistency in the code
- Review performance-based options, particularly for urban streams
- Minimize creation of nonconformities
- Identify areas where flexibility can be added

This direction set the stage for the consultant's review of best available science and work on the gap analysis.

### Best Available Science

As part of this update, the City must incorporate the BAS to document the scientific basis for its regulations or provide justification for any deviations. Additionally, Bellevue must give special consideration to conservation and protection measures that support anadromous fisheries. To meet these requirements, the City has hired a technical consultant, Facet, to conduct a BAS review. This work was completed in May and the BAS report is included as Attachment A.

### Gap Analysis

The BAS review directly informs the gap analysis that identifies where existing critical areas regulations may be inconsistent with BAS or GMA requirements. This analysis also explores opportunities to refine LUC regulations to improve clarity, consistency, and usability while better aligning with broader city priorities, such as supporting housing growth, daylighting streams in BelRed, supporting development along the Eastrail corridor, and streamlining the development review process for sites with critical areas. The gap analysis is included as Attachment B.

### Planning Commission Process

The Planning Commission has held three study sessions on this topic in April, May, and June.

- April: Staff introduced the project, outlined the proposed approach and scope (as presented to Council in February), and reviewed priorities, objectives, public engagement plans, and the project timeline.
- May: Staff presented the Best Available Science, the public engagement plan, and a high-level overview of key areas where significant code changes are proposed.
- June: Staff shared the finalized gap analysis and more detailed proposals for key code changes, and requested Commission feedback to inform the draft code.

Following these sessions, several themes have emerged as key inputs from the Commission. Staff is working with the consultant team to incorporate as much of this feedback as feasible into the draft code, expected in late-July. Input areas include:

- Incorporating performance-based strategies for urban streams, using development to enhance buffer conditions and critical area protections
- Allowing multiple units under reasonable use exceptions to reflect middle housing density changes
- Providing flexibility for development on steep slopes
- Eliminating the density/intensity factor that limits housing density potential
- Ensuring equity considerations are integrated throughout

### Community Input

Community input is central to this project. The engagement plan focuses on informing the public about critical areas, state requirements, and proposed regulation updates, while actively gathering feedback.

In addition to maintaining a project webpage and participating in Bellevue Development Committee meetings, staff organized the following engagement opportunities (full plan in Attachment C):

- June 16: In-person open house at City Hall with an overview presentation and critical areas topic-based stations. Staff and consultants were available to answer questions and gather feedback.
- July 7: Online open house offering the same information in a virtual format to increase accessibility.

A summary of community input from both sessions will be posted online later this month. Additional community engagement will follow the release of the public draft in late July to present key changes and collect further feedback.

Staff also continues to respond to emails, calls, and meeting requests from residents and stakeholders.

### **Proposed LUCA Scope for Critical Areas Code Update**

The current LUCA is proposed based on initial City Council direction, Best Available Science review, a completed Gap Analysis, and community and Planning Commission input. The proposed scope is included as Attachment D and includes updates to enhance clarity, environmental protection, and regulatory efficiency across the following focus areas:

- Definitions
- Stream Buffers & Daylighting
- Wetland Buffers
- Steep Slopes & Geologic Hazards
- Development Factor & Density in Critical Areas
- Critical Aquifer Recharge Areas (CARAs)

### **Next Steps**

This LUCA includes three phases: (1) Research and Engagement, (2) Drafting and Public Review, and (3) Finalization and Adoption. This mid-point check-in with Council concludes Phase One and marks the transition into Phase Two, where staff will begin drafting the LUCA based on analysis and input gathered to date.

In Phase Three (November–December 2025), the Planning Commission will hold a public hearing and provide a recommendation to Council. Council will then review the LUCA and, when ready, direct staff to finalize the ordinance for adoption before the state deadline of December 31, 2025.

Attachment A – Best Available Science Report

Attachment B – Gap Analysis

Attachment C – Public Engagement Plan

Attachment D – Updated LUCA Scope