



Bellevue Planning Commission

September 24, 2025

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Study Session on the Critical Areas Ordinance (CAO) Land Use Code Amendment (LUCA).

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POLICY ISSUES

Every ten 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 Best Available Science (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.

Bellevue last conducted a major update to its CAO in 2006. Since then, limited amendments to the CAO have been adopted to address specific regulatory needs. The proposed LUCA to update the City's CAO is necessary to maintain compliance with the GMA and meet the state-mandated deadline of December 31, 2025.

This update will incorporate BAS to align Land Use Code (LUC) regulations with current, science-based environmental best practices while balancing the need for enhanced environmental protections with the City's growth priorities outlined in the recently adopted Comprehensive Plan. Additionally, the update will help ensure the City remains eligible for grants, loans, and other state and federal funding for public projects and infrastructure.

The Comprehensive Plan provides policy guidance for developing these updates along with the BAS and public engagement. Relevant Comprehensive Plan policies that have informed the scope of the project include, but are not limited to:

- **Policy CL-52:** Use geotechnical information and an analysis of critical areas functions and values to evaluate the geologic and environmental risks of potential development on geologically hazardous areas and implement appropriate controls on development.
- **Policy CL-54:** Use specific criteria in decisions to exempt specific small, isolated or artificially created steep slopes from critical areas designation.
- **Policy CL-87:** Require and provide incentives for the opening of piped stream segments during redevelopment where scientific analysis demonstrates that substantial habitat function can be restored, and where the cost of restoration is not disproportionate to the community and environmental benefit.
- **Policy CL-88:** Preserve and enhance native vegetation in Critical Area buffers and integrate

suitable native plants in urban landscape development, considering species' climate resilience.

- **Policy CL-100:** Use prescriptive development regulations for critical areas based on the type of critical area and the functions to be protected; and as an alternative to the prescriptive regulations, allow for a site specific or programmatic critical areas study to provide a science-based approach to development that will achieve an equal or better result for the critical area functions.
- **Policy CL-106:** Facilitate the transfer of development potential away from critical areas and the clustering of development on the least sensitive portion of a site.

This project will include changes to the Land Use Code, predominantly to the Critical Areas Overlay, Part 20.25H LUC.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION



DIRECTION



INFORMATION ONLY



The goal of this study session is to provide Planning Commission with an overview of the revised draft LUCA, which includes attachments A, B, and C, focusing on the policy areas Council prioritized at project initiation, as well as a summary of feedback received during summer engagement events. Staff is looking for feedback on the draft code and after the study session, the Planning Commission will be asked to direct staff to schedule a public hearing on the proposed LUCA at a future meeting. Scheduling this hearing is necessary to ensure compliance with the state's December 31, 2025 deadline.

BACKGROUND/ANALYSIS

Site Potential Tree Height Analysis

During the June 25 study session, staff introduced the Washington Department of Fish and Wildlife's (WDFW) recommended methodology for defining stream buffers using Site Potential Tree Height (SPTH). The consultant team has conducted mapping analysis to determine the potential impacts of adopting SPTH to establish Riparian Management Zones (RMZs) and define stream buffers. The document that includes this data, as well as takeaways and recommendations based on the analysis is included as attachment D.

Because this methodology is a component of the BAS, the City must analyze impact of applying this new methodology to streams in the City, and if varying from the BAS, provide documentation as to why we are choosing to implement buffers in the code differently. The current standard buffers do not meet the most updated BAS, however, because of the impacts of implementing buffers as large as those recommended by the WDFW methodology, staff and the consultant team have been working on finding a middle ground with the additional flexibilities for degraded streams.

One component of the analysis includes utilizing a model known as the "FEMAT Curves¹." These curves indicate the relationship between the distance of a tree from a given channel versus the cumulative effectiveness of a given distance on a number of desirable outcomes for riparian areas. These include shading, root strength, wood debris in the channel, etc. As applied to the City's context, the analysis

¹ FEMAT stands for Forest Ecosystem Management Team, which represents a group of experts who developed a conceptual model to determine how to protect riparian areas in forested landscapes.

showed diminishing returns on effectiveness for Type F streams when buffers are expanded beyond the 150-foot mark. This information was one of the components used to set the standard buffers in the revised draft. These buffer widths are also similar to other local jurisdictions with similar stream and development contexts and provide a level of consistency interjurisdictionally.

July 23 Study Session

At the July 23 study session, Planning Commissioners had questions and comments related to the following topics:

- Alignment with the BAS
- Cumulative impacts of development over time on the environment
- Performance-based strategies and buffer flexibilities for degraded streams
- Development potential in BelRed

Further discussion of performance-based strategies is provided below.

Performance-Based Strategies

There was additional discussion around what approach should be taken regarding stream and wetland buffers in urbanized environments where there are streams in degraded or piped condition. As we discussed at the prior meeting, performance-based strategies are a tool that can be utilized to incentivize mitigation for streams in a degraded or piped condition. They are already a component in the current regulations that apply to project review as part of mitigation sequencing and any approved modifications.

A performance-based approach that would permit applicants to reduce buffers without restriction, provided a net ecological gain can be shown, is not feasible given the regulatory framework in Washington State; established City priorities; interjurisdictional commitments, detailed further below; and stewardship and ecological restoration best practices. Staff, working with the consultant team and in further consultation with agencies and the development community, have developed a revised approach to stream buffers, summarized in attachment E, and included in the revised draft in section LUC 20.25H.075. Staff is also working, alongside agencies, to evaluate language that would permit an “innovation mitigation project” that would be larger in scale than a project-by-project basis that could have beneficial impacts on the watershed level. Prioritization could be based on opportunities for improvements already identified in the City’s watershed management work.

An important consideration regarding stream buffer reduction is that stormwater impacts are not the only component which inform City regulations. Stream buffers also provide habitat as a part of a riparian management area, along with additional cooling for the water, key for salmon spawning, beaver habitat², and increasing the amount of in-stream wood debris. These benefits all contribute to the entire system-wide health of the City and State’s waterways. Generally, the wider and denser the distribution of riparian vegetation, including trees, the better ecological outcomes. The draft LUCA is balancing these necessary riparian management tools with the knowledge that many of the degraded streams are located in areas where we have also been tasked to drive growth, particularly adjacent to light rail stations and Regional and Countywide Growth Centers.

² Both salmon and beaver are considered keystone species, meaning a species that has a disproportionately large effect on its natural environment relative to its abundance.

Key Revisions in Draft Code: Stream Buffers & Daylighting Incentives

Key components of the revised draft regarding stream buffers and daylighting incentives that have changed since the July 23 meeting based on the BAS, consultant analysis, agency comment, feedback from Planning Commission and public engagement are described below.

Proposed Code Component	Background & Rationale
<i>Updated standard stream buffers to align with BAS</i>	<ul style="list-style-type: none">• Increase to standard buffers to better align with the Best Available Science• Separating Type Np (Non-Fish Perennial) and Ns (Non-Fish Seasonal) streams with different buffers• Removing type O streams from regulation where Type O means “all segments of waters that are not type S, F or N waters and that are not physically connected to type S, F or N waters by an above ground channel system, stream, or wetland.”
<i>Updated performance-based incentives for daylighting and improving degraded stream channels</i>	<ul style="list-style-type: none">• Increased flexibility for buffers on daylit stream segments by reducing buffers down to 50 feet<ul style="list-style-type: none">◦ Includes additional flexibility through buffer averaging• Added buffer flexibility for improvements made to degraded streams that are:<ul style="list-style-type: none">◦ Meandering and impact site design geometry; or◦ In an armored condition• These changes encompass the common degraded conditions that streams are found in more urban and currently or formerly industrialized areas of the city.• Focuses on the conditions of streams to be improved rather than attempting to define what an “urban stream” is, given the entirety of the city is within the Urban Growth Boundary. Allows these flexibilities and incentives to be utilized citywide.• Staff is coordinating with the BelRed project to look for further opportunities to provide development incentives for projects that include stream restoration projects. Any BelRed-specific changes would be implemented through the BelRed LUCA, currently underway.
<i>Innovative Mitigation</i>	<ul style="list-style-type: none">• Innovative mitigation project pathway for development sites that may utilize existing legally established structures or impervious surface where they are also providing full compensatory mitigation that provides the functions and values that would have otherwise been provided by the application of the standard buffer.

	<ul style="list-style-type: none"> • Includes opportunities for collaborative mitigation projects
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Interdepartmental Coordination

Background and Current Efforts

Surface water, water, and wastewater teams at the City work together to coordinate planning and implementation efforts. A key component of their work is ensuring the health of all related waterways in the City of Bellevue as well as coordinating with regional efforts, particularly those around salmon habitat. The City has investments in policy and capital improvements around stream health and salmon and beaver habitat, including the WRIA 8 interlocal agreement, most recently adopted as resolution 10511 on May 20, 2025. This interlocal agreement is a commitment between various agencies within the watershed to work together to protect and restore salmon habitat, as guided by the Salmon Conservation Plan.

As a part of this work, the City employs biologists who evaluate key watersheds for stream health throughout the City, including those in more developed and urbanized areas. Examples include the 2021 Greater Kelsey Creek Watershed Assessment Report, which evaluates pollutant loading; stormwater runoff from impervious surfaces; loss of floodplain and riparian function; and road culverts and other physical barriers for the waterways in the watershed. These reports evaluate and analyze the area within 100 feet on both sides of the stream, which is consistent with the minimum buffer recommended by WDFW. These waterways include: Kelsey Creek, Sturtevant Creek, Richards Creek, Sunset Creek, West Tributary, Goff Creek, Valley Creek, and Sears Creek, all of which are located in or connected to urban environments such as BelRed and Wilburton.

City staff that work on the above watershed assessment and monitoring work reinforced the important role adequate stream buffers serve in protecting the system-wide health of City waterways. Staff shared similar concerns as those from WDFW and the Snoqualmie Tribe regarding adopting a stream buffer methodology that would allow stream buffer reduction without limit. These discussions introduced complexity to the view that daylighting a stream is always better for the stream, even if a buffer is very narrow. Utilities staff shared that in some cases, depending on the adjacent environment and protections, it may be more beneficial for stream health to keep those streams in a piped condition rather than daylighting a stream with an inadequate buffer.

Policy Guidance

Although a draft of the Watershed Management Plan is not yet available for public review, there are key management actions that can help inform direction for this LUCA on watershed and stream level.

For example, as part of the finalized *Watershed Improvement Strategy: Management Actions for Stream Health* document, developed in support of the Watershed Management Plan, the Kelsey Creek Subbasin has been categorized as an “improve” subbasin with moderate/high sensitivity to population growth and urban development. Some of the projects identified for recommended inclusion as City Improvement Projects include water runoff and habitat restoration for streams within or directly associated with degraded areas. It is important that regulations for private development projects do not undercut city efforts.

Public Comment

A key component of the project initiation direction from Council was to include robust engagement with a wide variety of stakeholders. These stakeholders represent a diverse range of opinions on how to implement some of the key changes in this LUCA.

Over the summer, staff held three engagement events: two public information sessions ahead of the preliminary draft development and release, and an additional virtual session after the preliminary draft release to collect comments and field questions. The most frequent comments and concerns from residents and other general members of the public included adopting the recommended buffers based on the WDFW site potential tree height methodology and concerns over reduced environmental protections. Resident concerns around unstable slopes were also noted. Additional comments at the sessions included wanting more publicly-available information on what critical areas may exist in different residential areas and climate change impacts to critical areas.

Staff also received comments from some agencies and other jurisdictions, including WDFW, the Snoqualmie Tribe, and the Department of Natural Resources (DNR). These comments included:

- A focus on strengthening stream buffer protections
- Ensuring the inclusion of habitat into environmental protection language
- Generally, many comments in support of ensuring no net loss of functions and values in a variety of code components.
- Strengthening the language in the geotechnical code to be clearer and more inclusive of all hazards
- Provision of resources to the public on mapping and additional information on critical areas

Comments received from development community stakeholders focused on:

- Incentives for stream daylighting and improvement of degraded streams
- Greater development site flexibilities, generally
- Removing density reductions for sites with critical areas
- Clearer delineations for when a steep slope is considered a hazard and flexibilities for manmade slopes

These comments were reviewed, and the draft LUCA was updated where feasible to include these comments. Many of these components were already addressed in the preliminary draft, guided by council direction to look for balance between growth objectives and environmental goals, and removing barriers to development where feasible. Additional detail on public engagement is included in the workshop summaries in attachment F.

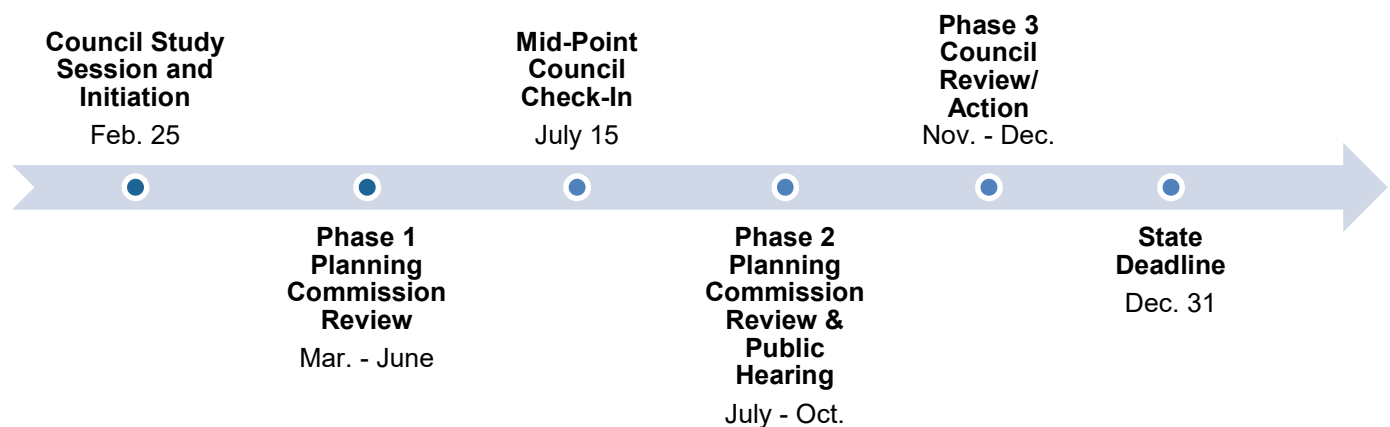
Public Engagement

For additional detail, see the public engagement plan provided as an attachment to the [May 28th meeting materials](#).

1. Process IV Requirements. Process consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment, including:
 - Notice of Application and Notice of Public Hearing
 - Public hearing on the proposed LUCA with Planning Commission

2. Online Presence. A dedicated city webpage with project information, FAQs, the latest LUCA draft, point of contact for questions, and instructions for submitting comments.
3. Direct Engagement and Feedback. Ongoing discussions with residents, environmental groups, the development community (including the Bellevue Development Committee), and King County and neighboring cities to gather feedback and ensure a range of voices are heard
4. Community Workshops. Two workshops were held to discuss BAS updates and regulatory implications, as well as to gather feedback on proposed changes.
5. Virtual Public Information Session. An interactive online event was held for the public to provide feedback on the draft CAO.

LUCA Schedule



ATTACHMENT(S)

- A. CAO Update Revised Strike Draft – Part 20.25H
- B. CAO Update Strike Draft – Citywide
- C. CAO Update Strike Draft - CARAs
- D. Site Potential Tree Height Analysis Memo
- E. Stream Regulations Memo
- F. Engagement Summaries