

Nesse, Katherine

From: PlanningCommission
Sent: Wednesday, November 5, 2025 12:18 PM
To: 'phyllisjwhite@comcast.net'
Subject: RE: Snoqualmie Tribe CAO Comment - Confirmation for Planning Commission Record

Phyllis,

Thank you for your email. The Critical Areas Ordinance (CAO) Update team has shared all of the communications they have received from the Snoqualmie Tribe with the Planning Commission. The feedback from the tribe was included in the matrix shared at the public hearing. The Word Document you attached does not have the tribe's header, is not signed by any of our contacts at the Tribe and does not appear to be something that was submitted by the Tribe, though there is similar content.

The Planning Commission has made a recommendation to the City Council on the CAO and therefore have executed the full extent of their duties regarding the CAO. Staff is now preparing to bring the Planning Commission's recommendation to Council who has the power to adopt or not adopt the changes to the Land Use Code recommended by Planning Commission. The Snoqualmie Tribe is an important partner of the City of Bellevue and we continue to coordinate with them on this and other issues.

Thanks for your continued involvement!
Kate

Katherine (Kate) Nesse, PhD

Planning Manager & Planning Commission Liaison, Community Development Department

City of Bellevue

Phone: 425-452-2042

450 110th Avenue NE, Bellevue, WA 98004

Email: knesse@bellevuewa.gov

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From: phyllisjwhite@comcast.net <phyllisjwhite@comcast.net>
Sent: Tuesday, November 4, 2025 12:48 PM
To: Khanloo, Negin <NKhanloo@bellevuewa.gov>; PlanningCommission <PlanningCommission@bellevuewa.gov>
Cc: cityclerk <cityclerk@bellevuewa.gov>; Mandt, Kirsten <KMandt@bellevuewa.gov>; Krueger, Morgan (DFW) <Morgan.Krueger@dfw.wa.gov>; Scoggins, Bethany Q (DFW) <Bethany.Scoggins@dfw.wa.gov>; Dykstra, Jesse F (DFW) <Jesse.Dykstra@dfw.wa.gov>
Subject: Snoqualmie Tribe CAO Comment - Confirmation for Planning Commission Record

[EXTERNAL EMAIL] Use caution when clicking links or opening attachments.

Dear Chair Khanloo, Vice-Chair Lu, and Members of the Planning Commission,

I am writing to kindly confirm if the Snoqualmie Tribe's attached formal comment titled "Formal Comment on City of Bellevue Critical Areas Ordinance (CAO) Update" (dated September 2025) has been included in the materials provided to the Planning Commission's public record and review materials for the CAO Update process.

I understand from the staff's earlier note that no additional follow-up was planned. However, given the importance of the Snoqualmie Tribe's comments, in particular, regarding environmental protections and cultural resources, I wanted to ensure the letter is reflected in the public record and that the Planning Commission and Council have an opportunity to review its contents and consider it as part of your review in light of Bellevue's target of 35,000 new housing units. There is room to ensure protections for some of our most treasured natural and resources as we plan for significant growth.

Thank you for your time and for all of the thoughtful work being done by the Commission and staff in this process.

Best regards,

Phyllis White
Bellevue Resident

cc'd to WDFW as this policy refers to WDFW's guidance and protections.

Morning Phyllis,

At this stage in the project since Planning Commission has held a public hearing and voted on a recommendation, any significant changes in the policy direction of the draft such as those noted below would need to be brought into the draft by City Council.

Planning Commission Chair Khanloo will transit the recommendation at the November 12 study session and there will be a discussion. At that time, Council can choose to make changes to the draft based on comments received. We have recommended that the Snoqualmie Tribe and any others who have comments remaining after the public hearing please submit comments directly to City Council for their review and consideration.

Thanks,
Kirsten



Kirsten Mandt

Senior Planner, Code & Policy

Development Services, City of Bellevue

(She/Her)

[425-452-4861](tel:425-452-4861) | kmandt@bellevuewa.gov | BellevueWA.Gov

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From: phyllisjwhite@comcast.net <phyllisjwhite@comcast.net>

Sent: Tuesday, November 4, 2025 2:47 AM

To: Mandt, Kirsten <KMandt@bellevuewa.gov>; Gallant, Kristina <KGallant@bellevuewa.gov>

Cc: Scoggins, Bethany Q (DFW) <Bethany.Scoggins@dfw.wa.gov>; Dykstra, Jesse F (DFW) <Jesse.Dykstra@dfw.wa.gov>; Krueger, Morgan (DFW) <Morgan.Krueger@dfw.wa.gov>; cityclerk <cityclerk@bellevuewa.gov>

Subject: Follow-Up on Snoqualmie Tribe September 2025 Comments - 2025 CAO Update

[EXTERNAL EMAIL] Use caution when clicking links or opening attachments.

Dear Kirsten,

I appreciated seeing the Snoqualmie Tribe's September 2025 comment letter regarding the City's Critical Areas Ordinance (CAO) Update. As the City moves toward Council review, could you please share how Bellevue has addressed--or plans to address--the Tribe's recommendations, particularly those concerning Best Available Science, stream buffers, and the consultation process?

I am writing to help our community understand how the City integrates tribal input and to maintain transparency and collaboration. The Tribe's letter (see attached transcribed version) to the City included the following key recommendations:

- **Government-to-Government Consultation** - Conduct early, direct, and meaningful consultation on all future Bellevue critical-areas and watershed- management actions, consistent with Executive Order 21-02, RCW 36.70A, and state and federal consultation requirements.
- **Cultural and Treaty Resource Protection** - Recognize Kelsey Creek, Richards Creek, and Mercer Slough--within the Tribe's traditional Snoqualmie territory as culturally significant corridors containing traditional use sites and salmonid habitat. The Tribe requests Bellevue's CAO explicitly protect these areas through mapping, permit review, and project-level cultural-resource surveys.
- **Use of Best Available Science (BAS)** - Adopt WDFW's *Riparian Ecosystems Volumes 1 and 2* and the Site Potential Tree Height (SPTH) methodology as the basis for establishing stream-buffer widths and maintaining accurate stream typing. Maintaining accurate stream typing should include recognizing streams that historically supported salmon and potentially restorable, consistent with WDFW's BAS guidance. Buffers narrower than BAS recommendations should not be adopted where they would reduce ecological function, riparian shading, or fish habitat protection, and they should maintain wildlife corridor connectivity.
- **Alignment with Salmon Recovery and WRIA 8** - Align Bellevue's CAO Watershed Management Plan with WRIA 8 salmon-recovery priorities, including stream daylighting, riparian reforestation, and native-vegetation shading to support Chinook, Coho, and Cutthroat populations.
- **Monitoring and Data Sharing** - Regularly share Bellevue's stream- restoration and performance-monitoring data and tribal staff and integrate tribal ecological and cultural data into Bellevue's planning framework to strengthen resource management and ensure mutual accountability in achieving no-net-loss of ecological function.
- **Climate and Cumulative Impacts** - Explicitly consider cumulative and climate-related impacts to riparian corridors. Fragmented or reduced protections undermine salmon recovery and the Tribe's treaty-reserved resource rights; protecting riparian connectivity and canopy cover is essential for long-term ecological resilience.

Because these creeks lie within the Tribe's traditional territory and support treaty-protected salmon species, Bellevue's CAO updates also engage the City's consultation duties under:

- **RCW 43.376.020**
- **Executive Order 21-02** (via state agency coordination), and
- **Federal trust responsibilities** implemented via NOAA Fisheries and WDFW's salmon management frameworks.

I also noticed that the City's draft CAO proposeS parcel-by-parcel stream re-typing and changes how buffers are measured, from the top of the bank to the average high-water mark or average water line. While these adjustments appear minor, they collectively create inconsistencies across the watershed. Re-typing individual stream segments can downgrade many historically connected or potentially restorable streams to non-fish-bearing status, narrowing their buffers in some areas while claiming increased protection in others. Likewise, moving the buffer starting point lower on the bank reduced the vegetated slope that provides shading, filtration, and bank stability along the floodplain. Best Available Science, including WDFW's *Riparian Ecosystems* guidance, recommends maintaining consistent stream typing and measuring buffers from the top of the bank to preserve riparian function and achieve the City's no-net-loss objectives. This approach appears inconsistent with the principle of maintaining continuous riparian function and watershed-level protection.

Maintaining accurate stream typing and buffer standards using Best Available Science will be critical to achieving these shared goals and honoring the consultation commitments outlined by the Tribe.

Thank you for your time and for the City's continued coordination with the Tribe. Our community looks forward to hearing from you.

Best regards,

Phyllis White
Wilburton North NE 8th / BelRed Resident

Snoqualmie Indian Tribe – Formal Comment on City of Bellevue Critical Areas Ordinance (CAO) Update

****From:**** Snoqualmie Indian Tribe – Environmental & Natural Resources Department

****To:**** City of Bellevue, Development Services Department

****Date:**** September 2025

****Subject:**** Comments on Bellevue Critical Areas Ordinance (CAO) Update and Stream Protection Standards

The Snoqualmie Indian Tribe appreciates the opportunity to comment on the City of Bellevue's Critical Areas Ordinance (CAO) Update. We respectfully submit the following observations and recommendations, in the spirit of government-to-government consultation and in recognition of the Tribe's cultural and treaty-reserved rights within the traditional Snoqualmie territory.

1. Government-to-Government Consultation

The Snoqualmie Tribe requests early, direct, and meaningful consultation on all future City of Bellevue critical areas and watershed management actions. Consultation must occur before decisions are finalized, in accordance with state and federal consultation requirements and Executive Order 21-02.

2. Cultural and Treaty Resource Protection

Kelsey Creek, Richards Creek, and Mercer Slough are within the Tribe's usual and accustomed fishing and gathering areas. These corridors contain significant cultural resources, traditional use sites, and salmonid rearing and spawning habitats. The Tribe requests that Bellevue's CAO explicitly recognize and protect these areas through mapping, permitting review, and project-level cultural resource surveys.

3. Use of Best Available Science

The Tribe supports adoption of the Washington Department of Fish and Wildlife's Riparian Ecosystems Volumes 1 and 2, and the Site Potential Tree Height (SPTH) methodology as the basis for establishing stream buffer widths. Buffers narrower than those established by Best Available Science should not be adopted where they would reduce ecological function, riparian shading, or fish habitat protection.

4. Alignment with Salmon Recovery and WRIA 8

The City should align its CAO and Watershed Management Plan with WRIA 8 salmon recovery priorities. Stream daylighting, riparian reforestation, and native vegetation shading directly support salmon recovery goals and help maintain cool water temperatures essential to Chinook, Coho, and Cutthroat populations.

5. Monitoring and Data Sharing

The Tribe requests regular sharing of Bellevue's stream restoration and performance monitoring data with tribal staff. Incorporating tribal ecological and cultural data into Bellevue's planning framework will strengthen resource management and ensure mutual accountability in achieving no net loss of ecological function.

6. Climate and Cumulative Impacts

Bellevue's CAO should explicitly consider cumulative and climate-related impacts to riparian corridors. Fragmented or reduced protections undermine salmon recovery and the Tribe's treaty-reserved resource rights. Protecting riparian connectivity and canopy cover is essential to maintaining long-term ecological resilience.

We thank the City for the opportunity to participate and look forward to continued collaboration. Please contact the Snoqualmie Indian Tribe Environmental & Natural Resources Department for consultation scheduling or further discussion.

Respectfully submitted,

Snoqualmie Indian Tribe
Environmental & Natural Resources Department
P.O. Box 969, Snoqualmie, WA 98065
(425) 888-6551 | enviro@snoqualmietribe.us

Nesse, Katherine

From: phyllisjwhite@comcast.net
Sent: Thursday, November 13, 2025 2:15 PM
To: Council; PlanningCommission
Cc: Malakoutian, Mo; Khanloo, Negin
Subject: Corrected Public Comment – November 12, 2025 City Council Meeting (Critical Areas Ordinance Update)
Attachments: Corrected Public Comment – November 12, 2025 City Council Meeting (Critical Areas Ordinance Update).docx

[EXTERNAL EMAIL] Use caution when clicking links or opening attachments.

Dear Bellevue Council and Planning Commission,

I submitted public comments last night regarding the Critical Areas Ordinance (CAO) Update. I am submitting this replacement of my earlier version with corrected and additional comments for the official record of the November 12, 2025, Council meeting.

Thank you very much for including this corrected version in the record.

Best regards,

Phyllis White
Wilburton Resident

Corrected version:

Dear Mayor Robinson, Deputy Mayor Malakoutian, Councilmembers Bhargava, Hamilton, Lee, Nieuwenhuis, and Sumadiwiryia:

Thank you for the opportunity to comment.

I appreciate all of the efforts of staff and stakeholders to meet the Best Available Science at no net loss. However, this proposal does not meet the requirements of Bellevue's Comprehensive Plan, the Washington State Department of Commerce's requirements, the Best Available Science (BAS), and it also lacks an effective monitoring component – the short- and long-term effects of this Critical Areas Ordinance (CAO) update. The proposed CAO, in effect, weakens Bellevue's long-standing environmental protections at a time when our streams, tree canopy, and wildlife corridors are already under serious stress.

Bellevue's housing and development target is 35,000 units, not the Planning Staff's 152,000-unit projection at nearly four times the housing target. The city can avoid sacrificing one of Bellevue's most vital resources, its ecological habitat and the century-old trees that allow the animals to safely survive. Without at the minimum maintaining this, the wildlife will become displaced in our urban cities. The protection of our tree canopies was [a recurring question raised by residents and named by](#) every Council candidate [who answered as](#) among their top priorities. These natural urban areas are part of the identity of Bellevue and its neighborhoods. Wilburton [alone](#) will be surrounded by 23,000 housing units. These streams and urban wildlife corridors should be balanced to meet the needs of our natural resources. [The 35,000 target housing units can be achieved without sacrificing the City's most priceless and irreplaceable natural assets.](#)

To strengthen both fairness and effectiveness, *I recommend that Bellevue distinguish between commercial and private residential parcels in how critical area standards and monitoring are applied.* A citywide mapping or tiered management system could ensure that restoration and mitigation focus on high-impact commercial and industrial redevelopment, while maintaining protections for existing residential neighborhoods. This would align with WAC 365-196-830(5)(6), which allows cities to vary management intensity when supported by the Best Available Science (BAS), and would help achieve a no-net-loss outcome without placing disproportionate burdens on individual homeowners.

In addition, the draft ordinance redefines “Type F” streams, allowing them to be reclassified as non-fish-bearing. These are streams that were once healthy and supported fish populations. Under the proposed CAO update, they could be designated as non-fish-bearing, permitting buffers as narrow as 50 feet in areas labeled “developed” or “degraded.” Moreover, the new CAO update changed the start of the buffer from the *top of the buffer to the stream's* highest average water mark, in effect, decreasing the overall buffer where trees grow. The effect decreases tree canopy buffers, allowing more trees to be chopped down along their current buffer area. *This change effectively rewrites the criteria for which waters qualify for fish-bearing protections, reducing the shade and natural filtration that keep our creeks cool and clean. Once the trees are removed, water temperatures rise, oxygen levels drop, and the wildlife that depends on these areas cannot adapt—they are displaced.* This is contrary to the Best Available Science standard, which recommends increasing the buffer to a new standard, known as the Site Potential Tree Height (SPTH). For our neighborhood, this would equate to a 200-foot buffer. This comes at a time when many of these streams are recovering—fish are returning, smaller ones are visible in the water, and diverse wildlife continues to depend on these habitats.

We can already see *the rising temperature* pattern in the city’s heat profile. Downtown Bellevue, with only about **9 percent tree canopy**, is regularly **5 to 10 degrees F hotter** than neighborhoods such as Wilburton, where mature trees still provide shade and cooling. That temperature gap is living proof of how canopy—or its absence—governs local climate. What people feel walking from Wilburton into Downtown is the same heat stress our creeks experience when buffers are reduced: a measurable *increase in temperature that lowers overall species survival and alters the ecological balance.*

As **Utilities Stream Team Administrator Lori Devereaux** described in her presentation, Bellevue’s urban streams are “vital homes and highways for fish and wildlife.” She showed cutthroat trout spawning beneath the Wilburton Trestle, beavers filtering and cooling the water, and otters, herons, eagles, mink, raccoons, and even bobcats moving through shaded riparian corridors. When canopy and buffers are lost, those species lose their refuge—they lose the living network that makes Bellevue a “City in a Park.”

The **Washington Department of Fish and Wildlife (WDFW)** has warned that the proposed buffer widths fall below the minimum necessary to protect water quality and fish habitat. In its **July 23 and October 3, 2025** letters, WDFW stated:

“A 100-foot buffer is the minimum necessary to effectively filter most pollutants before they reach streams... The proposed 50- and 75-foot buffers for Type N streams are insufficient to protect water-quality functions, even if fully vegetated.” – WDFW (Oct 3 2025)

“To align with Best Available Science, WDFW strongly recommends basing riparian widths on site-specific conditions rather than fish presence alone and adopting at least 100-foot buffers for Type N waters and piped segments.” – WDFW (Jul 23 2025)

The **Growth Management Act** (RCW 36.70A.172; WAC 365-196-830) requires cities to use Best Available Science and ensure *no net loss* of ecological function. It leaves implementation to local governments through their **Comprehensive Plans**, which become the city’s own binding commitment. Bellevue’s Comprehensive Plan promises to “protect critical areas,” “preserve tree canopy and native vegetation,” and “maintain and restore riparian corridors and habitat connectivity.”

The GMA’s underlying principle is to *do no harm*. Mitigation was never meant to replace protection; it was designed as a flexible tool to **restore** already degraded areas and ensure that no-net-loss is ultimately achieved. The CAO should not take away from what is already protected. Where a project cannot meet the no-net-loss standard outright, the ordinance must **require mitigation**—not merely allow it—until ecological function is fully restored.

What the City’s Jacobs / Herrera and Facet Studies Revealed

Bellevue’s 2006 CAO is outdated, and the consultants were tasked with identifying which provisions remained consistent with the state’s Best Available Science (BAS) and where updates were necessary.

1. Development Has Degraded Stream Water Quality

“Bellevue’s watersheds are now dominated by impervious surface cover associated with urban development. Elevated stream temperatures, sedimentation, and pollutant loading are present in nearly all monitored reaches.”

“Approximately 40-50 percent of Bellevue’s land area is impervious. Urban runoff continues to be the primary source of fine sediment, heavy metals, and hydrocarbons entering local streams.”

This means the science team linked pollution and temperature increases directly to urban build-out and loss of riparian vegetation – not just to natural conditions.

2. Loss of Tree Canopy Intensifies Heat and Pollutant Runoff

“Riparian canopy loss in urbanized areas results in increased solar exposure and reduced interception of stormwater pollutants. Streams in fully developed catchments routinely exceed the thermal and dissolved-oxygen thresholds for salmonid species.”

3. Streams Already Failing Clean Water Standards

Both referenced Ecology’s **303(d)-listed impairments**:

“Several Bellevue streams, including Kelsey Creek, are listed on Ecology’s 303(d) list for temperature, dissolved oxygen, and bioassessment criteria, indicating impairment under the Clean Water Act.”

This is the same point WDFW repeated in its **October 3, 2025 letter**, stressing that these impairments prove existing regulations haven't prevented pollution.

4. Recommended Response – Wider Buffers, More Vegetation

The **Jacobs / Herrera** and **Facet** studies concluded that to offset the pollution and heat effects of development:

“Buffer width and vegetation quality are the two most significant factors influencing pollutant filtration and temperature moderation.”

“Where feasible, buffers approaching one site-potential tree height (≈ 225 ft) provide the most effective pollutant removal and thermal regulation.”

The science both studies delivered actually **supported stronger protections**—wider, better-vegetated buffers—to counteract development-related pollution.

The **Jacobs / Herrera** and **Facet** studies make it clear:

- **Development and impervious surfaces are the leading causes of pollution and stream impairment in Bellevue.**
- **Tree canopy and buffer vegetation are the primary defenses.**
- **Without them, water temperature, sediment, and pollutant levels exceed safe limits.**

These conclusions are fully consistent with **WDFW's** and **Ecology's** own findings — yet the City's proposed CAO weakens rather than strengthens the very protections those studies identify as necessary.

Jacobs / Herrera's Gap Analysis reportedly concluded that Bellevue's existing 2006 Critical Areas code was based on older Ecology and WDFW guidance (pre-2010) and did not reflect more recent science on:

- site-potential tree height (SPTH) as a buffer-sizing method,
- temperature and shade relationships in urban streams, and
- cumulative “no-net-loss” monitoring and adaptive management requirements under the 2018 Ecology *Critical Areas Handbook*.

Bellevue's own Utilities Department has acknowledged that there is **no connection** between its Environmental Monitoring Program and this CAO process when I inquired about this. Without monitoring, there can be no demonstration—or enforcement—of no-net-loss. The City of Bellevue will need to somehow restore the loss of fish habitat if there is **a significant** loss of function. The City spent millions to restore the streams flowing through our neighborhood at 132nd and NE 8th. A significant amount of development can occur in one or two years. How will the City mitigate the effects of net loss when our urban neighborhoods are further developed, resulting in increased ecological loss? **People come from other nearby cities to visit Bellevue's quiet, natural resources — one of our most defining and irreplaceable qualities.**

Jacobs / Herrera Watershed Report:

" The City has invested tens of millions of dollars in the Greater Kelsey Creek Watershed over the past 15 years on in-stream projects that include repairing stormwater outfalls, stabilizing stream slopes, removing fish passage barriers, catching and removing fine sediment, and improving conveyance."

Summary:

*In every recent Council candidate forum, all candidates stated unequivocally that **tree preservation is a top priority**. This ordinance is not living up to that commitment.*

I respectfully urge Council to:

- Align the CAO with **WDFW's Best Available Science**, including a **minimum 100-foot buffer** for Type N streams;
- Retain full protection for all fish-bearing streams and canopy cover and **DO NOT** reclassify them to a lesser stream type;
- Integrate adaptive monitoring and reporting; and
- **Require mitigation** whenever no-net-loss cannot be demonstrated to the point where it meets the no-net-loss standard.

There is a nearly 9-degree temperature difference between Downtown Bellevue, where there is a 9% tree canopy density, and Wilburton, at 39% tree canopy density. Our streams are polluted as it is, with 87% of the city's streams **having** less than the recommended buffers according to the **Facet** study. This is a daily reminder of what happens when we remove our natural defenses. The Comprehensive Plan and the GMA both require Bellevue to protect what remains and restore what has been lost—*not to reduce safeguards in the name of flexibility for overdevelopment of our urban neighborhoods, **where our last remaining urban streams are diminished and struggling to survive.***

The Comprehensive Plan and the GMA both require Bellevue to protect what remains and restore what has been lost—not to reduce safeguards in the name of flexibility that enables

overdevelopment in our urban neighborhoods, where our last remaining streams are already diminished and struggling to survive.

Thank you for your time and for your stewardship of Bellevue's natural systems.

Best regards,

Phyllis White
Wilburton Resident

Attachment: Phyllis_White_Corrected_CAO_Public_Comment_Nov12_2025.pdf

Corrected Public Comment – November 12, 2025 City Council Meeting (Critical Areas Ordinance Update)

Dear Mayor Robinson, Deputy Mayor Malakoutian, Councilmembers Bhargava, Hamilton, Lee, Nieuwenhuis, and Sumadiwirya:

Thank you for the opportunity to comment.

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This means the science team linked pollution and temperature increases directly to urban build-out and loss of riparian vegetation — not just to natural conditions.

2. Loss of Tree Canopy Intensifies Heat and Pollutant Runoff

“Riparian canopy loss in urbanized areas results in increased solar exposure and reduced interception of stormwater pollutants. Streams in fully developed catchments routinely exceed the thermal and dissolved-oxygen thresholds for salmonid species.”

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4. Recommended Response — Wider Buffers, More Vegetation

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“Buffer width and vegetation quality are the two most significant factors influencing pollutant filtration and temperature moderation.”

“Where feasible, buffers approaching one site-potential tree height (≈ 225 ft) provide the most effective pollutant removal and thermal regulation.”

The science both studies delivered actually **supported stronger protections**—wider, better-vegetated buffers—to counteract development-related pollution.

The **Jacobs / Herrera** and **Facet** studies make it clear:

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- temperature and shade relationships in urban streams, and
- cumulative “no-net-loss” monitoring and adaptive management requirements under the 2018 Ecology *Critical Areas Handbook*.

Bellevue's own Utilities Department has acknowledged that there is **no connection** between its Environmental Monitoring Program and this CAO process when I inquired about this. Without monitoring, there can be no demonstration—or enforcement—of no-net-loss. The City of Bellevue will need to somehow restore the loss of fish habitat if there is **a significant** loss of function. The City spent millions to restore the streams flowing through our neighborhood at 132nd and NE 8th. A significant amount of development can occur in one or two years. How will the City mitigate the effects of net loss when our urban neighborhoods are further developed,

resulting in increased ecological loss? People come from other nearby cities to visit Bellevue's quiet, natural resources — one of our most defining and irreplaceable qualities.

Jacobs / Herrera Watershed Report:

" The City has invested tens of millions of dollars in the Greater Kelsey Creek Watershed over the past 15 years on in-stream projects that include repairing stormwater outfalls, stabilizing stream slopes, removing fish passage barriers, catching and removing fine sediment, and improving conveyance."

Summary:

*In every recent Council candidate forum, all candidates stated unequivocally that **tree preservation is a top priority**. This ordinance is not living up to that commitment.*

I respectfully urge Council to:

- Align the CAO with **WDFW's Best Available Science**, including a **minimum 100-foot buffer** for Type N streams;
- Retain full protection for all fish-bearing streams and canopy cover and *DO NOT* reclassify them to a lesser stream type;
- Integrate adaptive monitoring and reporting; and
- **Require mitigation** whenever no-net-loss cannot be demonstrated to the point where it meets the no-net-loss standard.

There is a nearly 9-degree temperature difference between Downtown Bellevue, where there is a 9% tree canopy density, and Wilburton, at 39% tree canopy density. Our streams are polluted as it is, with 87% of the city's streams [having](#) less than the recommended buffers according to the [Facet](#) study. This is a daily reminder of what happens when we remove our natural defenses. The Comprehensive Plan and the GMA both require Bellevue to protect what remains and restore what has been lost—not to reduce safeguards in the name of flexibility for overdevelopment of our urban neighborhoods, [where our last remaining urban streams are diminished and struggling to survive](#).

The Comprehensive Plan and the GMA both require Bellevue to protect what remains and restore what has been lost—not to reduce safeguards in the name of flexibility that enables overdevelopment in our urban neighborhoods, where our last remaining streams are already diminished and struggling to survive.

Thank you for your time and for your stewardship of Bellevue's natural systems.

Best regards,

Phyllis White

Wilburton Resident

Nesse, Katherine

From: Menard, Mathieu
Sent: Monday, December 1, 2025 4:36 PM
To: PlanningCommission
Subject: FW: Seeking HOMA clarification re: substantive changes for NB zoning

Hi Kate,

I have already responded to Heidi, see email chain below.

Thanks,
Mathieu

From: Menard, Mathieu
Sent: Monday, December 1, 2025 9:58 AM
To: 'Heidi Dean' <technogeekswife@yahoo.com>
Subject: RE: Seeking HOMA clarification re: substantive changes for NB zoning

Hi Heidi,

Answers below in black.

Thanks,
Mathieu

From: Heidi Dean <technogeekswife@yahoo.com>
Sent: Monday, December 1, 2025 6:19 AM
To: Menard, Mathieu <MMenard@bellevuewa.gov>
Cc: PlanningCommission <PlanningCommission@bellevuewa.gov>
Subject: Seeking HOMA clarification re: substantive changes for NB zoning

You don't often get email from technogeekswife@yahoo.com. [Learn why this is important](#)

[EXTERNAL EMAIL] Use caution when clicking links or opening attachments.

Hello Mathieu:

I'm seeking clarification on the substantive changes staff has proposed for NB zoning under HOMA Option A, which you noted in an email response to Ann Brashear on 11/13/2025.

- **Exempting lots under 20,000 sq. ft. from pedestrian-oriented use requirements outside of Downtown**

Questions:

1. Can you share the logic behind this exemption?

Several property owners requested the exemption due to the difficulty of developing mixed-uses on small lots.

2. Why is it being proposed at this late stage of the code amendment process?

It has been discussed at previous Planning Commission meetings. With the small number of changes between drafts both the public and the PC will have plenty of time to discuss the changes, which will be specifically called out in the Agenda Memo and PC presentation.

3. Why is this exemption being applied only outside the Downtown area? How are parcels under 20K sf in Downtown different than in other areas of the city?

Downtown already has a definition of “Small Sites” which are those created before 2017 and less than 40,000 square feet, as does Wilburton. The 20,000 square foot limit is generally more restrictive than both Downtown and Wilburton.

In Newport Hills' commercial district there are 8 separate parcels that make up three distinct NB-zoned "spots". Of those 8 parcels, 5 are under 20K sf and a sixth just barely squeaks by at 20,093 sf. Two parcels- the S Mart/Terry's Kitchen parcel and the primary Newport Hills Shopping Center parcel- are the only ones that clearly exceed the square footage minimum and would be required to include pedestrian-oriented use requirements.

Combine the above with the proposal to remove the groundfloor retail requirement/replace it with a minimal requirement of commercial/retail space for only 50% of the total linear footage of any public right of way... and it seems that the "business" part of Neighborhood Business zoning will be almost non-existent, as the focus will be almost solely on high density housing.

Questions:

- 1. If very little space is allocated to pedestrian-oriented (we prefer the old "neighborhood-serving") retail & commercial space then how is that in line with the Comprehensive Plan other than the Housing element?**
- 2. How are the residents of the neighborhood being served and their neighborhood experience being enhanced by disincentivizing inclusion of neighborhood-serving business space?**

The assertions in both question one and two are not accurate. The large shopping center site and S-mart site have about 1,110 feet of street frontage. With the requirements for at least 50% of the frontage to be “pedestrian-oriented uses”, this equates to a *minimum* of 550 feet of retail frontage on the street. This is approximately equivalent to the length of the existing shopping center. Not only are we *requiring* retail, but we are requiring “pedestrian-oriented uses” which are, by definition, more dedicated to neighborhood-serving uses than the current general commercial requirements. On top of this, we are incentivizing commercial uses which have been identified as important by residents, including Newport residents, including grocery stores, childcare, non-profit spaces, and affordable commercial spaces. The combination of these requirements and incentives mean HOMA is significantly stronger than the current code relating to neighborhood-serving uses.

- Allowing land-in-lieu of affordable housing within the same zoning district and 2 miles distance**

If I'm reading this correctly, then it seems in the case of Newport Hills Shopping Center that Rainier Northwest could utilize the land-in-lieu (land transfer) mechanism to gift one of the two smaller parcels* that comprise the shopping center property (3 parcels total) to an affordable housing developer to avoid having to include affordable housing in the redevelopment of the rest of the center property. Is that correct?

That's not correct, they would have to transfer the land to the City for affordable housing. The land would have to meet several requirements around unit yield and value, so it is more complicated than simply transferring the two parcels. The criteria can be found in the updated 20.15 draft on the HOMA website.

***Bank of America parcel: 16,911 sf**

***Former Chevron parcel: 12,338 sf**

And, since both parcels are less than 20K sf they'd be exempt from including groundfloor retail/commercial in redevelopment.

Also, both of the above parcels front public rights of way (119th Ave SE, SE 56th St). Normally they would figure into the linear square footage from which the groundfloor retail space minimum is determined.

So, if we remove the Bank of America linear footage + remove the former Chevron linear footage, then subtract the square footage required for multiple ingress/egress points from those two streets... it really doesn't leave a whole lot in the way of available square footage for neighborhood-serving/pedestrian-oriented commercial space.

The ingress/egress is not removed from the 50% requirements and wouldn't be subtracted. As noted above just the two large parcels equate to about 550 feet of required commercial frontage.

How are we still calling these "Neighborhood Centers" when what has made them valuable to the neighborhood(s) for decades is being erased and disallowed?

It is neither erased nor disallowed. Quite the contrary it is explicitly required and incentivized.

- **Allowing fee-in-lieu for the additional height allowance in the O and NB districts if additional affordable housing is provided**

Questions:

1. Does this mean if a commercial property owner has already provided land for affordable housing via the land-in-lieu mechanism that they can then get additional height on their other parcels within the zoning district by paying fee-in-lieu AND they get to avoid including affordable housing in development of the other parcels?

Yes, they could already do this by paying the fee-in-lieu for all the units.

Ex: Rainier Northwest transfers former Chevron parcel to Affordable Housing Provider --> pays fee-in-lieu--> allowed to build up to 6 stories of all market rate housing on the other parcels that comprise the Newport Hills Shopping Center

No, they would have to transfer land meeting value and yield criteria to the city. Maximum building height with the bonus is 60 feet, that's five stories. They can already develop all market rate by paying the fee-in-lieu for all units, this just gives them another option.

2. HOMA is a citywide LUCA. The other two Neighborhood Business-zoned properties likely to be impacted either 1) do not have separate parcels they could transfer to an affordable housing developer (Northtowne Shopping Center) OR 2) it wouldn't make sense to give away a large and thriving portion of their commercial property to create housing (BelEast Shopping Center)

That begs the question: if the Newport Hills Shopping Center is the only NB-zoned property that has the ability to transfer part of their land for affordable housing then isn't adding the land transfer option to NB zoning really about doing a favor for the owners of that particular property? It would seem so, as only NHSC's

ownership group, Rainier Northwest, has requested it (letter from David Hsiao to PC, 9/9/2025) and Rainier Northwest has been clear in the past about not wanting to include affordable housing with market rate housing*. But this is a citywide LUCA... right? And so if something is going to be changed that affects a zoning designation citywide it should really be something that's possible at more than one property within that particular zoning designation.

This whole argument is based on assumptions of what other property owners will do, which is not sound. Several developers, including the Newport Hill Shopping Center owners, have requested this change and it is certainly possible on all larger parcels associated with HOMA. Whether developers will take that option I'm not sure. Wilburton also uses this program, so it increases the consistency of affordable housing programs throughout the city.

*** This assumes that Rainier Northwest will redevelop the property themselves. That will not be the case. During past CPA & rezone attempts, and even during the 2044 Comprehensive Plan update, they were clear that the intent was to upzone the property and sell to a developer. Transferring a tiny chunk of the shopping center property to a affordable housing developer means leaving the rest of the property intact for market rate-only redevelopment, which= max profit, especially if they pay fee-in-lieu (which is really LOW) to get the additional height.**

I will likely have additional questions or comments in the coming days, which I will send to you and to the Planning Commission. I would appreciate if you could respond with clarification re: the questions contained in this email.

With thanks,

Heidi Dean
Newport Hills