

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MINUTES

October 22, 2025
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Chair Khanloo, Vice Chair Lu, Commissioners Goepppele Kennedy, Nilchian, Villaveces

COMMISSIONERS REMOTE: Commissioner Ferris

COMMISSIONERS ABSENT: None

STAFF PRESENT: Thara Johnson, Community Development Department; Kristina Gallant, Kirsten Mandt, Nick Whipple, Reilly Pittman, Development Services Department; Laurie Devereaux, Utilities Department; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Deputy Mayor Malakoutian

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:30 p.m.)

The meeting was called to order at 6:30 p.m. by Chair Khanloo who presided.

2. ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA
(6:32 p.m.)

A motion to approve the agenda was made by Commissioner Goepppele. The motion was seconded by Commissioner Kennedy and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:33 p.m.)

Deputy Mayor Malakoutian expressed appreciation for the Commission's work and noted that on October 21, the City Council held two study sessions applicable to the Commission. The first focused on the city's Affordable Housing Strategy where it was revealed that maintaining the current approach will result in a shortfall of approximately 2,000 housing units over the next decade. The second study session examined the Multifamily Tax Exemption (MFTE) program, and the success of the supercharger initiative in Wilburton. The Council discussed ways to

expand the approach citywide to encourage development.

5. STAFF REPORTS
(6:33 p.m.)

A. Planning Commission Meeting Schedule

Planning Director Thara Johnson took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items. The Commissioners were reminded of the survey sent out in advance of the annual retreat and they were urged to complete it. It was also noted that the Jurassic parliamentary training session has been moved to December 8. Attention was called to a flyer in regard to a drive for essentials and hygiene supplies.

6. WRITTEN AND ORAL COMMUNICATIONS
(6:36 p.m.)

Chair Khanloo took a moment to note that under Ordinance 6752, the topics about which the public may speak during a meeting are limited to subject matters related to the city of Bellevue government and within the powers and duties of the Planning Commission. Additional information about the new rules of decorum governing conduct of the public during meetings can be found in Ordinance 6752.

A. Written Communications
(6:37 p.m.)

Thara Johnson stated that eight to ten additional written comments were received following publication of the Commission packets, primarily in regard to the Critical Areas Ordinance, all of which were forwarded to the Commissioners.

B. Oral Communications - None
(6:38 p.m.)

7. PUBLIC HEARING
(6:38 p.m.)

A. Critical Areas Ordinance (CAO) Land Use Code Amendment (LUCA)

A motion to open the public hearing was made by Commissioner Goepppele. The motion was seconded by Commissioner Nilchian and the motion carried unanimously.

Laurie Devereaux, Utilities Department Stream Team Program Administrator, introduced a visual overview of the city's stream ecosystems, beginning with an image of Kelsey Creek. In the scene there was a beaver, a Great Blue Heron could be seen fishing, ducks were swimming, and unseen were spawning fish beneath the surface. It was stated that Bellevue's urban streams serve as essential habitats and migratory corridors for local fish and wildlife. Bellevue has more than 85 miles of open streams. Using a series of photographs and video footage, Laurie Devereaux highlighted the ecological richness of the Kelsey Creek watershed, which drains more than a third of the city into Mercer Slough. The Commissioners were guided virtually from the

noisy roadside above to the shaded creek below where a city-installed camera continuously monitors the stream environment. The camera, which was upgraded about two years ago, includes night vision and provides rare footage of aquatic life such as spawning cutthroat trout and native salmonids that return from Lake Washington each winter to reproduce in local tributaries. There are also river otters in Kelsey Creek that travel through the city almost every night from Lake Washington and Mercer Slough to Larson Lake, navigating miles of urban and natural terrain. Video clips were shared which showed otters cooperatively herding fish, including large cutthroat trout nearly two feet long, within stormwater infrastructure such as overflow pipes. Additional footage depicted other species sharing the stream corridor: a bald eagle clutching a cutthroat trout while perched near the Wilburton Trestle; a mink inspecting remnants of the eagle's meal; and a deer entering the water beside herons and wood ducks. The scenes, it was noted, underscore the importance of riparian zones not only for aquatic life but also for terrestrial species that rely on vegetated streambanks as safe passageways through the city's developed areas.

Laurie Devereaux described the remarkable spawning runs of the native peamouth minnow, which return to Kelsey Creek by the hundreds and thousands each spring for brief, intense spawning periods lasting only a day or two. Such events resumed only after reconstruction of the Mercer Slough fish ladder in 2003, which restored connectivity to upstream reaches. The abundance of minnows attracts herons, eagles, and otters, creating what can be likened to a wildlife party. Additional footage illustrated the feeding behavior of great blue herons, which consume multiple half-pound minnows despite their own light weight. Beavers are the superheroes of habitat in terms of the crucial ecological role they play. By building dams, beavers create ponds that improve habitat diversity, filter water, recharge groundwater, and cool stream temperatures, thereby enhancing resilience to climate change.

Laurie Devereaux emphasized that urban streams function as climate refuges for both wildlife and people, especially during extreme heat events such as the July 2022 heat wave when animals, including raccoons, were observed cooling and foraging in Kelsey Creek. The animals depend on access to open natural areas and are regular nocturnal visitors, favoring native prey such as crayfish and peamouth minnows rather than human refuse.

Yarrow Creek, a narrow tributary running beside I-405 and SR-520, sustains large cutthroat trout. Richards Creek supports both migratory and resident populations of the same species despite its industrial surroundings. The Commissioners were shown footage contributed by a volunteer that showed a Chinook salmon entering Mercer Slough and proceeding toward Kelsey Creek. A barred owl was seen fishing in the same area shortly thereafter, an illustration of how wildlife of many kinds rely on the city's habitats.

Reflecting on Bellevue's extensive network of green corridors, Laurie Devereaux characterized the city's streams as shiny little gems linking the city's parks and neighborhoods. The Commissioners were shown footage that captured a bat flying over the water and, in the background, a bobcat walking along Kelsey Creek. All such sightings were made possible because city leaders in the 1960s chose to preserve open streams as part of the stormwater

system. That foresight has enabled the current balance between flood control and ecological protection. Stream habitats also sustain numerous beneficial insects whose life cycles feed fish, birds, and bats, reinforcing the interconnectedness of the system.

The Commissioners were encouraged to view the publicly available Kelsey Creek live camera, which documents the natural interactions year-round. Bellevue's urban streams serve as vital homes and passageways for wildlife.

Code and Policy Senior Planner Kirsten Mandt provided some historical context and summarized the Commission earlier discussions from the September study session which had focused on buffer flexibility, mitigation approaches, and options for clearer visual aids and case studies to illustrate how the regulations would apply to real sites.

There are five major critical areas addressed in the ordinance: wetlands, fish and wildlife habitat (including streams), critical aquifer recharge zones, and geologic and flood hazards. The periodic ten-year review is mandated by the Growth Management Act and has to be grounded in best available science.

Kirsten Mandt recounted the project's public engagement timeline, beginning with outreach at EarthFest in April and continuing through several open houses held both in person and online. The sessions allowed residents, agencies, developers, and tribes, including the Snoqualmie Tribe and the Department of Fish and Wildlife, to comment on proposed updates. The process yielded a balanced middle ground between environmental protection and development flexibility.

The Commissioners were reminded that the proposed removes the density-intensity calculations that previously reduced development potential based on the extent of critical areas on a site; the change was described as a simplification that would avoid unnecessary reductions. Similar adjustments are proposed for lot-coverage calculations to further streamline compliance. The amendments also eliminate dwelling-unit-per-acre calculations in lower-density districts and remove restrictions that prevent middle-housing provisions from applying within critical-area overlays.

Kirsten Mandt said the proposal includes a simplified reasonable use exception provision to ensure property owners retain the ability to develop without creating a regulatory taking, which is aligned with updated citywide housing densities. The revision allows up to two residential units within defined limits of disturbance, along with narrow categories of low-impact commercial uses.

Under the proposed framework, the buffer requirements vary according to environmental condition and stream type, with incentives for enhanced vegetation. Standard buffers apply to well-vegetated or restored streambanks, while non-vegetated conditions trigger larger buffers. The revisions distinguish between perennial and seasonal streams, setting buffers at 75 feet and 50 feet respectively, and expand fish-bearing stream buffers to 150 feet. Certain non-fish-bearing (Type O) streams are removed from regulation altogether. The revisions represent a balanced application of current science designed to maintain ecological function while simplifying

implementation for property owners.

There is flexibility built in with regard to degraded streams. The buffer can be reduced to 50 feet when paired with required functional improvements. Longer-segment daylighting projects receive a streamlined review; and buffer averaging can be utilized. If buffer averaging still proves infeasible after the mitigation sequencing, an additional reduction of up to 25 percent can be considered.

With regard to wetlands, Kirsten Mandt reported fewer structural changes in the draft but noted the updated habitat scores consistent with Department of Ecology guidance, adoption of vegetated buffer standards parallel to those for streams, and clarifying language on mitigation timing and ratios. A habitat corridor requirement applies to wetlands with high habitat scores, and a new pathway, drawn from the Department of Ecology's model code, allows the filling of small, lower-quality Category IV wetlands with low habitat scores, particularly where they are hydrologically disconnected and contribute minimally to broader habitat functions.

An innovative mitigation pathway is included for especially constrained sites where mitigation sequencing has been documented. Under the option, the edge of existing improvements can serve as the buffer line if the applicant fully compensates for the ecological functions and values of the standard buffer. Compensation can combine on-site buffer bump-outs, on-site enhancements, and off-site mitigation within the WRIA 8 watershed, including the potential for coordinated projects among applicants or with local organizations. An illustrative example was shared which showed a highly impervious parcel with an open, degraded channel. The standard 50-foot buffer, the edge of impervious areas, and the full 150-foot buffer were mapped to demonstrate how applicants could prioritize on-site replacement, then on-site enhancement, and finally off-site tools such as mitigation banking or an in-lieu fee to address the remaining deficit.

Regarding critical aquifer recharge areas (CARAS), Kirsten Mandt explained that Bellevue lacks major CARAs and will continue to rely on wellhead protection, best management practices for storm water infiltration, and prohibitions against high-risk uses such as gas stations. The Department of Health reviewed the provisions.

For buffer setbacks, the draft consolidates to a single 15-foot structure setback adjacent to buffers; the setback itself will not be treated as a critical area, and limited intrusions are allowed depending on structure height.

Kirsten Mandt said the core safety protections for steep slopes are retained, but some flexibility has been added, including a buffer exemption for certain man-made slopes, a geotechnical pathway for buffer reduction supported by monitoring and third-party review, a method to modify hazards with regulation continuing over any remaining hazardous portion, a simplified approach to geological hazard buffers sized to the distance necessary for health and safety, and a minor-work exemption for appropriate small-scale activities.

It was noted that the process had moved into the hearing phase with the goal of securing a Commission recommendation in time for City Council consideration next month to meet the

year-end deadline.

The Commission then heard testimony from members of the public.

Morgan Krueger with the Washington Department of Fish and Wildlife emphasized that Bellevue lies within Tier 1 and Tier 2 priority habitat areas for federally listed Chinook salmon. With regional populations below ten percent of historic levels, it is more important than ever for Bellevue's policies to reflect the best available science to support the recovery of the species for generations to come. Many of the city's waterways are listed as impaired under the Clean Water Act, which means they do not meet basic water quality standards. The draft's 75-foot and 50-foot widths will not adequately protect water quality functions. Smaller Type N streams are often heavily degraded and flow directly into Lake Washington and other fish bearing waters, and inadequate buffers directly contribute to pollution and habitat impacts across the watershed. The Commission was urged to adopt a minimum 100-foot vegetated buffer for all Type NP and NS streams.

Sahar Amini with Habitat for Humanity expressed support for the proposed updates, stating that the draft reflects the intent of the Growth Management Act and aligns with the Comprehensive Plan while striking a balance between environmental stewardship and responsible development. The speaker highlighted the value of flexible, science-based alternatives such as site-specific critical area studies and the transfer of development potential for sustaining both environmental outcomes and predictability for property owners. The Commission was urged to recommend adoption of the amendments to the City Council.

Joe Cantrell spoke on behalf of Columbia Pacific Advisors and thanked the city staff and the Commission for their collaboration during the Critical Areas Ordinance update. The proposed code now will support the kind of environmentally beneficial redevelopment the city has long sought. The Columbia Pacific Advisors team is developing a project that would partially daylight a section of Goff Creek, transforming an impaired corridor into an ecological and community asset. Under previous versions of the ordinance, such projects were not incentivized, making it difficult to pair habitat enhancement with urban development goals. The updated code strikes the right balance by allowing flexibility that encourages both restoration and growth, thereby achieving mutual benefits for the environment and the Bell-Red area's redevelopment.

Tim Hay, a resident who lives adjacent to both Kelsey Creek and Goff Creek, expressed concern that the proposed amendments depart from the scientific findings of the consultant, FACET Engineering. The assertion was made that staff modified FACET's best available science recommendations to accommodate the interests of developers. The Commission was urged to fully adopt the consultant's original standards. The concerns outlined in a letter submitted by Phyllis White about maintaining ecological integrity were echoed. With regard to Goff Creek, it was noted that a long-standing beaver dam has blocked salmon passage, thereby disrupting fish migration that once reached nearby residential areas. Goff Creek should be designated as fish-bearing, and salmon recovery should take precedence over beaver protection, given that salmon and orca populations depend on one another.

Chase Prepala with Trammell Crow Residential described the company's plans for a 321-unit multifamily housing development on a site at 112th Avenue SE and Southeast 8th Street near the East Main light rail station. The project site currently contains an aging 1980s office building surrounded by surface parking. The property includes a small Category III wetland situated in the middle of the parking lot, an area serving primarily as stormwater runoff for the pavement. The development proposal would replace the degraded feature with a comprehensive restoration of the larger, higher-value Category II wetland that directly connects to Sturtevant Creek on the property's eastern edge. The city's code should be revised to permit limited impacts to low-functioning Category III wetlands when doing so would achieve a net ecological gain and enable transit-oriented housing. Such flexibility would align with Bellevue's housing and environmental goals. A memorandum was submitted which outlined the proposed code revisions supported by best-available science from the Department of Ecology.

Kramer Canup, a senior environmental scientist with Soundview Consultants, spoke in support of the Trammell Crow proposal, explaining that Soundview Consultants had prepared the technical documentation and recommended code language. The plan would create 321 housing units in the East Main Transit Oriented Development zone while funding the full restoration of the Category II wetland and Sturtevant Creek. The existing Category III wetlands on-site are confined within a paved parking area; they possess minimal ecological value, and lack riparian vegetation or viable fish habitat. The restoration investment of approximately \$100,000 will produce measurable habitat improvements and restore the creek's functions. Similar impacts to low-functioning Category III wetlands are routinely permitted elsewhere in the region when net ecological benefits can be demonstrated. The Commission was urged to incorporate an allowance for such impacts within the updated code that would both support the city's housing targets and achieve meaningful environmental enhancement.

Jessica Roe with McCullough Hill spoke representing Trammell Crow Residential and reiterated the client's support for the staff's overall updates, particularly the improvements addressing interrupted wetland buffers. Proposed was an amendment that would create a narrowly tailored degraded Category III wetlands exemption modeled on the existing Category IV provisions. The amendment would apply only to transit-oriented development zones, require proof of ecological net gain, and enable infill housing on underutilized sites like the East Main property. The proposed changes are consistent with best-available science and are supported by the technical memorandum submitted by Soundview Consultants. The speaker clarified a separate technical matter concerning Bellevue's shoreline code, which still references the city's outdated 2008 critical areas ordinance. The Commission was encouraged to correct the cross-reference in future updates. For the purpose of the evening's deliberations, the Commission was asked to focus on the proposed wetland exemption amendment without which projects such as the East Main redevelopment and similar sites will remain infeasible despite offering both housing and restoration benefits.

Charlie Bauman, a Bellevue resident involved in redevelopment planning for a six-acre BelRed property near light rail, commended city staff for crafting a draft ordinance that resolves long-standing regulatory conflicts in the area. BelRed is simultaneously one of Bellevue's most transit-accessible housing-ready districts in the city, and one of the most constrained districts due

to degraded stream corridors and inflexible past requirements. The proposed code recognizes the urban realities and shifts the focus toward voluntary, science-based redevelopment that advances ecological restoration while supporting housing production. The new provisions for stream restoration, buffer flexibility, and innovative mitigation establish clear prescriptive and performance-based approval paths, creating options suited to complex redevelopment projects. The compensatory mitigation opportunities will allow meaningful ecological improvements across the watershed while enabling progress on housing. The combination of the ordinance and the forthcoming BelRed Land Use Code Amendment could yield thousands of new housing units and substantial stream restoration along the Goff Creek corridor. The Commission was urged to fully support the proposal.

Martin A. Selig thanked staff for their emphasis on flexibility and incentives and urged the Commission to encourage innovation in daylighting buried streams by providing creative rewards, either economic or symbolic, for developers and residents who propose new ideas. Bellevue's policies should inspire ongoing ingenuity to sustain the city's growth and livability. The Commission should separate the downtown areas from other mixed-use areas to allow non-controversial development near transit corridors to proceed more quickly while the more complex downtown planning continues.

Neil Mulnick echoed the prior testimony and praised the collaborative process that shaped the draft. There are many streams and creeks in the city that are in a degraded state. As the owner of a site with a large parking lot that lies adjacent to Sturtevant Creek, the speaker explained that the proposed framework would make it feasible to redevelop sites now dominated by impervious surfaces while providing funding and mechanisms for environmental enhancement. The ordinance was characterized as a balanced, science-based approach that could unlock long-stalled growth in key districts such as Wilburton and BelRed by enabling both redevelopment and restoration.

Lee Sargeant commended the Commission and staff for their work and reflected on the importance of maintaining a balance between human development and the preservation of Bellevue's natural spaces, noting that some residents underestimate the value of vegetation and open landscapes. Support was voiced for the city's effort to reconcile growth with environmental stewardship, and appreciation was expressed for the city's balanced approach.

A motion to close the public hearing was made by Commissioner Kennedy. The motion was seconded by Commissioner Goeppele and the motion carried unanimously.

****BREAK****

(7:48 p.m. to 7:54 p.m.)

Vice Chair Lu expressing appreciation for the clarity and usefulness of the staff presentations and specifically endorsed two code amendments: the innovative mitigation pathway, which allows approval to coincide with the critical land-use permit, and the revised reasonable-use exception, which expands eligibility to cases involving severe economic impact rather than requiring a total loss of economic viability.

Vice Chair Lu requested clarification on the technical distinction between Category III and Category IV wetlands and the rationale for limiting exemptions to the lower classification. Dan Nickel, environmental consultant with FACET, said the city follows the Department of Ecology standards which rate wetlands from Category I through Category IV based on a detailed scoring system that assesses hydrologic, habitat, and other ecological functions, along with the influence of surrounding land uses. While distinctions between the highest- and lowest-quality wetlands are generally clear, differentiating between the categories can be more nuanced depending on a numerical rating developed through the Department of Ecology methodology. Category III wetlands represent higher-functioning systems than Category IV wetlands, which may be low-quality or hydrologically disconnected. Department of Ecology research supports allowing fill in certain degraded Category IV wetlands, but not in higher categories where ecological value is greater and mitigation opportunities are more limited.

Vice Chair Lu asked whether the innovative mitigation pathway could apply to Category III wetlands. Kirsten Mandt clarified that the pathway addresses buffer modification rather than wetland filling, which is subject to separate federal and state regulations.

Commissioner Ferris commending staff for the overall quality of the work and specifically praising Laurie Devereaux's earlier stream presentation. Also acknowledged was the persuasive environmental testimony provided by state and local speakers, but it was emphasized that there is a need to balance environmental protections with continued development. Support was voiced for the code flexibility provisions in the code. Support was also expressed in support of the amendments proposed by McCullough Hill on behalf of Trammell Crow, which are aimed at maintaining balance.

Commissioner Kennedy also thanked the staff, consultants and presenters for their thorough work, and called out Laurie Devereaux's presentation as both vivid and informative. Further clarification was sought regarding how the innovative mitigation mechanism interacts with the proposals affecting Category III and IV wetlands. Kirsten Mandt reiterated that the innovative mitigation option applies only to buffers and not to direct wetland fill, which remains subject to stricter standards, including Department of Ecology and federal oversight. Dan Nickel added that filling a wetland may occur only after following the required mitigation sequencing steps of avoidance, minimization, and documentation, and is generally limited to variances or reasonable-use cases. Kirsten Mandt further explained that the proposed Category IV exemption provides a simpler route for low-value, isolated wetlands that offer limited hydrologic or habitat benefits, whereas higher-quality Category III wetlands are not eligible for such treatment.

Commissioner Nilchian voiced agreement with Commissioner Ferris's comments and also praised staff's success in threading a complicated needle by introducing needed flexibility while protecting ecological integrity.

Commissioner Nilchian asked if adopting the proposed Category III wetland exemption might conflict with state or federal expectations. Kirsten Mandt clarified that while the concern is not about funding, a broad exemption could diverge from Department of Ecology guidance, which

emphasizes case-by-case mitigation sequencing rather than categorical waivers. Environmental Planning Manager Reilly Pittman added that projects involving wetland fill also require separate Army Corps of Engineers and state permits, and said the difference between Category III and IV designations often hinges on a single point in the Department of Ecology rating system, which illustrates how fine the line between the two can be.

Commissioner Nilchian asked about the distinction between perennial and seasonal non-fish-bearing streams. Kirsten Mandt explained that under the proposal, developers would need to determine whether a stream flows year-round. Perennial streams would have slightly larger buffers than seasonal ones, while Type O channels, artificial ditches and similar features, would be removed from regulation altogether. Reilly Pittman said the new approach aligns Bellevue's code with state's methodology. Under the current code there is a buffer and a setback, which can account for up to 75 feet of total regulated area. That is not being reduced by the proposal, it is just all being called buffer.

Commissioner Villaveces thanked staff for the detailed and inspiring presentation, noting that their efforts helped to place the policy discussions in a broader environmental context. Referring to the testimony from the Washington Department of Fish and Wildlife's Morgan Krueger, Commissioner Villaveces asked if the city's proposed code sufficiently protects biodiversity or if the smaller stream buffers being proposed were the reason for Krueger's concerns. Kirsten Mandt said staff have had a couple of conversations with both the Department of Fish and Wildlife and neighboring jurisdictions. Bellevue's approach seeks to balance the recommendations of the Department of Fish and Wildlife, which are based on conditions in fully forested, non-urban environments, with the realities of a developed city. While the state agency generally advocates for 100-foot buffers to preserve infiltration, water quality, and habitat, Bellevue's proposal integrates flexibility and incentives for ecological enhancement within existing built-out areas. Dan Nickel added that the 100-foot buffer standard derives from science focused on maintaining water quality, and said the city's approach emphasizes redevelopment that improves current conditions, even if not fully achieving natural conditions. The proposed code increases buffer widths where vegetation is lacking, and offers a clear incentive for restoration.

Commissioner Villaveces agreed with the code's flexibility and its capacity to inspire creative design solutions on difficult urban sites, adding that development teams would have multiple pathways to achieve both housing and ecological outcomes. Building on the point, it was proposed that the flexibility offered for stream buffers might also be extended to wetlands. Referring to the example involving small, isolated wetlands on a potential transit-oriented development site, it was suggested that removing the low-function wetlands in favor of enhancing adjacent high-value wetlands could deliver an overall ecological net gain while allowing for needed housing near transit. Any new provisions should be written generally, not specific to any site, but should allow innovative mitigation that balances environmental restoration and housing production. Kirsten Mandt said one of the challenges is a blanket exemption for fill. While the draft code permits wetland fill under certain conditions, she suggested the Commission be cautious about broad exemptions. The existing process requires the formal mitigation sequencing of avoiding, minimizing, and compensating for impacts to

justify any fill. It is concerning that the referenced site's current design relies heavily on surface parking; structured parking or alternative layouts could achieve a better balance between ecological and development goals. The property lies within a low-density zone intentionally established to protect the Mercer Slough wetland complex, with existing code language prioritizing ecological function over urban intensity.

Kristina Gallant said the East Main Land Use Code that was adopted in 2021 specifies that the Mercer Slough and its associated wetlands are shorelines of statewide significance and preservation of their natural character must take precedence over development interests. The policy intent for the district is to support transit access while maintaining a lower intensity to protect the critical natural features.

Commissioner Villaveces acknowledged the policy framework but reiterated concern that minor, isolated wetlands, such as those within parking medians, should not prevent construction of much-needed housing. Developers should be allowed to propose compensatory mitigation strategies that demonstrate ecological net gain even if it is through wetland removal and off-site restoration. Kirsten Mandt explained that such outcomes could potentially occur through the existing mitigation sequencing process. An example from Bothell was cited where a small, low-value wetland was filled in exchange for substantial restoration of a higher-quality system on the same site. However, the city cannot endorse a general exemption for wetland fill outside of the process.

Chair Khanloo interjected to clarify that while the code provides procedural pathways for mitigation, outcomes cannot be guaranteed until each project undergoes full review. Kristina Gallant concurred and emphasized that the process ensures site-specific analysis and prevents blanket permissions that could unintentionally undermine ecological protections. The current discussion concerns a conceptual proposal, not an active application, and therefore remains hypothetical.

Reilly Pittman noted that most of Bellevue's wetlands are classified as Category II or III, meaning any code change would apply broadly and could have far-reaching environmental effects. Even if flexibility might seem appropriate for one parcel, the ordinance must function equitably across the entire city.

Commissioner Goepple commended the staff for their thorough and well-balanced draft of the Critical Areas Ordinance update. After reviewing the materials carefully, it is clear staff hit a home run, particularly in how the draft handles degraded streams and incorporates reasonable flexibility, such as the tiered setbacks and potential 25 percent reductions. The proposal achieves a strong balance between environmental protection and development opportunity.

Turning to a specific proposed amendment regarding the removal of small wetlands to facilitate housing development, Commissioner Goepple expressed reservations about its scope. While supportive of finding creative ways to enable needed housing, the proposed amendment goes too far in terms of its applicability; it could apply to wetlands up to 10,000 square feet in size, which would include areas significantly larger than those actually under discussion. Also questioned

was the appropriateness of replacing wetlands with surface parking lots. Flexibility should not come at the expense of ecological integrity. Commissioner Goepple indicated the need for additional time to consider any potential adjustments that could achieve the desired housing outcomes without setting an overly broad precedent.

Chair Khanloo thanked the staff and environmental representatives for their work and for the detailed discussions. Referencing the map of the property under discussion near Mercer Slough, it was stated that it appears to contain inaccuracies compared to the actual conditions visible via online maps. Noting familiarity with the area, a request was made for additional clarification from staff regarding Mercer Slough's role within Bellevue's ecological system. Laurie Devereaux responded that while not familiar with the specific parcel in question, every wetland and wooded area in Bellevue should be viewed as part of a connected ecological network. Mercer Slough serves as a major environmental corridor and a gateway for wildlife movement through the city, linking urban habitats with regional watersheds that drain into Lake Washington and Puget Sound.

Reilly Pittman stated that in terms of regulations, Mercer Slough is one of the city's most complex and regulated natural environments; it encompasses overlapping shorelines, wetlands, streams, floodplains, and geotechnical zones. Many of the nearby developments were built decades ago on fill, which poses unique challenges for modern regulation and maintenance. The broader policy question before the Commission is how to allow continued urban development while maintaining critical area protections. That is exemplified by the issues surrounding Mercer Slough.

Vice Chair Lu concurred with Commissioner Goepple regarding the need for caution when applying citywide code changes without fully understanding their cumulative effects.

Commissioner Kennedy acknowledged the written and verbal testimony received from the Washington Department of Fish and Wildlife and from several community members expressing concerns about buffer width reductions for non-fish-bearing streams. The scientific materials presented by the city's consultant demonstrates through modeling that 150-foot buffers effectively preserve water quality and ecological function. The draft increases buffer widths for fish-bearing streams but retains smaller dimensions of between 50 and 75 feet for non-fish-bearing streams. Staff and the consultant were asked to confirm that the narrower buffers would still adequately protect water quality and habitat. Dan Nickel responded by summarizing the scientific reasoning and policy balance underlying the city's proposal. The Department of Fish and Wildlife's position is that all streams, whether or not they support fish, contribute to downstream ecosystem health. The agency's 100-foot minimum buffer recommendation reflects what is necessary to maintain water quality and associated functions such as soil stabilization, temperature control, and habitat connectivity. The current proposal preserves the state's stream typing system but calibrates it for urban conditions in recognition that full compliance with the 100-foot standard may not be feasible in a built-out city. Setting 75-foot buffers for perennial non-fish-bearing streams and 50 feet for seasonal ones represents an incremental improvement over the existing standards while also balancing housing and redevelopment needs. Although the widths do not fully meet the state's best available science threshold, they are supplemented by

new enhancement provisions that encourage buffer restoration and vegetation improvements. Taken together, the measures achieve a pragmatic equilibrium between ecological protection and the realities of urban redevelopment within Bellevue.

Kirsten Mandt added that the recommendation for stream buffer dimensions stems in part from earlier study sessions held in the spring. During those meetings, the Commission reviewed the site potential tree height methodology recommended by the Department of Fish and Wildlife and concluded that such a standard was impractical for Bellevue's built environment. As a result, the proposed buffers, particularly the 75-foot width for perennial non-fish-bearing streams, represents a compromise between environmental goals and urban feasibility.

Commissioner Kennedy acknowledged that the adjustment to 75 feet reflects an increase from the existing code and recognizes that full restoration to pre-development conditions is neither possible nor realistic in an urbanized city. Reilly Pittman explained that most Bellevue streams exist in complex ecological systems involving adjacent wetlands, floodplains and steep slopes, which means that protective buffers often overlap. The layered regulatory approach is intended to reflect the physical realities of Bellevue's landscape rather than imposing uniform, forest-condition standards derived from rural contexts. The recommendations of the Department of Fish and Wildlife are based on what would exist in a natural, undisturbed state, whereas Bellevue must also meet the Growth Management Act's mandate to accommodate urban growth.

Commissioner Kennedy allowed that the Commission's work is focused on establishing citywide standards that will govern future projects for the next decade. Assurance was sought that the proposed code maintains sufficient flexibility for site-specific application through mechanisms such as mitigation sequencing. Kirsten Mandt confirmed that mitigation sequencing remains embedded in the code and functions as the central process through which developers demonstrate avoidance, minimization, and compensation of impacts, thereby maintaining no net loss of ecological function or achieving net gain where incentives apply. The Commissioners were reminded that the Shoreline Master Program, which incorporates the critical areas code by reference, will be updated by 2029, and that will provide another opportunity to refine the policy, including any future consideration of isolated wetlands.

A motion to extend the meeting to 10:30 p.m. was made by Commissioner Ferris. The motion was seconded by Commissioner Nilchian and the motion carried 6-1, with Commissioner Ferris voting against the motion.

Commissioner Ferris expressed support for the code as drafted and joined earlier speakers in opposing a broad amendment designed to address a single site. The work of staff was praised and confidence was affirmed in the proposed balance of flexibility and environmental protection.

Commissioner Goepple revisited the topic of flexibility around wetlands and suggested that rather than adopting a blanket exemption for wetland fill, the city should explore a narrower approach, one that would allow for flexibility in buffers and setbacks for projects meeting certain criteria. Kirsten Mandt said the concept was already encompassed within the innovative mitigation provisions, which allow buffer adjustments to align with existing development edges

provided compensatory mitigation is undertaken as though the full buffers remained in place. The provision applies not only to streams but also to wetland buffers. Commissioner Goeppel welcomed the clarification and indicated the need for continued caution when it comes to adopting the more sweeping amendment under discussion.

Commissioner Villaveces raised a question regarding the applicability of the code's mitigation chapter and cited language indicating that redevelopment projects on previously developed sites encroaching into critical area buffers may request mitigation options, and asked whether that would apply to the specific property under discussion. Vice Chair Lu voiced the understanding that the language is speaking specifically to buffers and not to wetland.

Reilly Pittman explained that the existing code contains a range of allowed public and infrastructure uses within or near critical areas, including reasonable use provisions, vegetation management, and public facilities such as roads, trails, utilities, and sound transit projects. While public infrastructure may sometimes involve wetland impacts mitigated through restoration or mitigation banking, private development is handled differently. Private projects fall under the city's critical areas report process, which requires demonstrating net ecological improvement. The current code maintains a flat prohibition on wetland fill except in the case of Category IV wetlands explicitly allowed by state guidance. Deviating from those standards by permitting wetland fill beyond what state law allows would expose the city to claims of environmental degradation. Mitigation sequencing is important because it requires project proponents to avoid impacts where possible, minimize unavoidable impacts, and finally mitigate any remaining damage through compensatory measures. Redevelopment sites often present competing pressures, including economic design constraints versus ecological protection, but the city's regulatory structure prioritizes environmental improvement rather than financial return.

Commissioner Villaveces thanked staff for the clarification and suggested that further discussion might be needed in a future session. Chair Khanloo said there will not be another session given the need for the Commission to make a recommendation to the Council so that the Council can act on it before the end of the year, which is the Growth Management Act deadline. Kirsten Mandt explained that missing the deadline would place Bellevue out of compliance.

Supervising Civil Attorney Matt McFarland clarified that the deadline established by the Growth Management Act applies to the date by which the Council must take final action. Both the Commission and the Council have a limited number of meetings prior to the December recess. If the Commission were to need another meeting, it would have to be added to the Commission's calendar within the next couple of weeks.

Chair Khanloo reiterated the goal of completing deliberations during the meeting. Kirsten Mandt added that the Commissioners could still append comments or clarifying notes for the Council's consideration if additional policy points arise.

Commissioner Villaveces asked if driveways qualify as exempted public improvements under the disturbance limits for critical areas. Kirsten Mandt replied that while limits of disturbance typically apply to structures and landscaped areas, access points such as private roads and

driveways are often exempt, though the specific language would need to be verified.

Chair Khanloo asked if there could be any potential legal risk given the comments made by the Department of Fish and Wildlife, possibly by the Snoqualmie Tribe. Kirsten Mandt expressed confidence that the proposed code will withstand legal scrutiny. Kristina Gallant added that at the recent Washington State Planning Conference, it was clear that with the exception of Anacortes, no other city in the region has fully adopted the site potential tree height methodology recommended by the Department of Fish and Wildlife. What Anacortes proposed was much more extreme than what is being proposed for Bellevue, which is well supported by both science and precedent.

Vice Chair Lu and Commissioners Ferris and Kennedy affirmed their approval with the draft code as proposed.

Commissioner Kennedy suggested that when the Shoreline Master Program update is on the table the Commission will have another opportunity to revisit some of the issues. Thara Johnson agreed that would be the most appropriate venue. Any additional recommendations or notes from the Commission could be transmitted to the Council as part of the final resolution. The shoreline code update, which requires Department of Ecology review and approval, will provide an ideal opportunity to address potential wetland flexibilities in direct coordination with state regulators.

Dan Nickel stated that the Washington Department of Ecology is currently revising its administrative guidelines under the Shoreline Management Act. One of the proposed rule changes under consideration would prohibit local jurisdictions from adopting critical areas ordinances by reference within shoreline master programs, as is currently allowed. Under the new framework, Bellevue will instead need to embed its critical area regulations directly within its shoreline program, or include them as an appendix. When the city conducts its Shoreline Master Program update in 2029, it will not need to reopen or amend the broader Critical Areas Ordinance, since the relevant provisions could be addressed directly within the shoreline update.

A motion that the Planning Commission recommend the Critical Areas Ordinance Land Use Code Amendment, as presented in “Attachment A” of the meeting materials, to the City Council, accompanied by a note calling for future consideration of additional flexibility regarding wetlands, was made by Commissioner Goepppe. The motion was seconded by Vice Chair Lu.

Commissioner Ferris asked whether the note should refer specifically to the transit-oriented development site that had been the focus of earlier discussion, or if it should apply more broadly across the city. Chair Khanloo responded that policy notes should remain general rather than site-specific. Vice Chair Lu agreed, stating that the Commission’s responsibility is to address citywide policy, not individual parcels.

Commissioner Kennedy, however, raised a concern that including a broadly worded note about wetlands might be premature since the Commission had not yet determined what such flexibility should entail.

Kirsten Mandt pointed out that because the issue arose late in the game, staff had not had sufficient time for a detailed analysis or the development of a legally defensible recommendation. The suggestion was made that the issue could instead be incorporated into the next critical areas review cycle or considered as part of the forthcoming Shoreline Master Program update. Kristina Gallant added that the City Council would be setting the scope for the update around 2027 and could at that time direct staff to explore additional wetland flexibility. That would be the cleanest and most procedurally appropriate way to address the issue.

Answering a question asked by Commissioner Nilchian, Kristina Gallant clarified that as part of the standard procedure the Commission Chair typically presents the Commission's recommendation to the Council.

Commissioner Goepple withdrew the motion on the table.

A motion that the Planning Commission recommend the Critical Areas Ordinance Land Use Code Amendment to the City Council as set forth in Attachment A to the agenda memo was made by Commissioner Goepple. The motion was seconded by Vice Chair Lu and the motion carried unanimously.

8. STUDY SESSION – None
(9:02 p.m.)

9. OTHER BUSINESS – None
(9:02 p.m.)

10. APPROVAL OF MINUTES
(9:02 p.m.)

A. September 10, 2025

A motion to approve the September 10, 2025 minutes was made by Commissioner Nilchian. The motion was seconded by Commissioner Ferris and the motion carried unanimously.

11. EXECUTIVE SESSION – None
(9:03 p.m.)

12. ADJOURNMENT
(9:03 p.m.)

A motion to adjourn was made by Commissioner Ferris. The motion was seconded by Commissioner Nilchian and the motion carried unanimously.

Chair Khanloo adjourned the meeting at 9:03 p.m.