



Bellevue Planning Commission

October 22, 2025

PLANNING COMMISSION PUBLIC HEARING ITEM

SUBJECT

Public Hearing on the Critical Areas Ordinance (CAO) Land Use Code Amendment (LUCA).

STAFF CONTACT(S)

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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



Following discussion on the proposed LUCA on September 24, with prior sessions on July 23, June 25, May 28, and April 23, the Planning Commission directed staff to schedule a public hearing. Tonight, the Commission will be asked to hold the public hearing on the proposed LUCA, included as attachment A, and following the Public Hearing, make a recommendation on the proposed LUCA. Planning Commission retains the option to direct staff to schedule a subsequent meeting during which a recommendation will be made, however this would likely delay the project enough to not meet the state deadline for compliance of December 31, 2025.

BACKGROUND/ANALYSIS

Code Development

A key component for the foundation of the proposed draft code was an update to the best available science (BAS), as is required by the state under the Growth Management Act (GMA). State law also requires that the BAS places special emphasis on protecting anadromous fisheries and incorporates science that has been peer reviewed. The current code was then evaluated against the updated BAS, as well as the scope and direction established by Council. Additional evaluation was done to look for opportunities for streamlining the code and improving its usability. Engagement sessions were conducted to identify priorities from the public. Internal staff were also engaged to coordinate planning efforts related to critical areas in other departments, such as the ongoing work to update the Watershed Management Plan, which also included public engagement efforts that were reviewed. A matrix listing written comments received as of the date of publishing this memo, along with associated staff responses, is included as attachment B.

September 24 Study Session

During the September 24 study session, the discussion primarily centered on stream buffers in BelRed and other similarly developed areas of the city. Commissioners asked questions around the basis for the proposed buffer widths, which prompted a discussion around the application of some of the different flexibilities offered in the draft code for degraded streams and whether there was enough flexibility to ensure that development in areas like BelRed was still feasible.

Following discussion, the Planning Commission directed staff to schedule the LUCA for public hearing. The Staff Report describing the background and review process, including demonstrating the LUCA's compliance with the applicable decision criteria in LUC 20.30J.135, is included with this Memorandum as Attachment C.

Key Components of the Strike Draft

Key components of the revised draft organized by critical area type are included in the table below

Critical Area	Proposed Updates
<i>Streams</i>	• For non-degraded streams: • Type F stream buffers increase from 100 to 150 feet • Differentiate perennial and seasonal Type N Streams • Perennial Type N stream buffers increase from 50 to 75 feet • Seasonal Type N stream buffers remain at 50 feet • Remove Type O streams • Buffer reduction to 50 feet for degraded stream conditions: • Daylighting • Armored or other degraded open channels • Retain buffer averaging • Additional 25% reduction if averaging criteria not feasible • Measure buffers from ordinary high-water mark rather than top-of-bank • Add habitat corridor requirement per Department of Ecology guidance • Add vegetated buffer standards with fencing and signage
<i>Wetlands</i>	• Update habitat scores and mitigation ratios consistent with Department of Ecology guidance • Add vegetated buffer standards with fencing and signage • Add regulatory exemption for small Category IV wetlands • Retain buffer averaging
<i>Geologic Hazard Areas</i>	• Create exemption pathway for manmade slopes to not qualify as a critical area • Simplify regulations to only require a buffer for geologic hazard areas rather than a buffer and setback • Add buffer reduction pathway • Add regulatory exemption for "minor work" as defined within the new code section

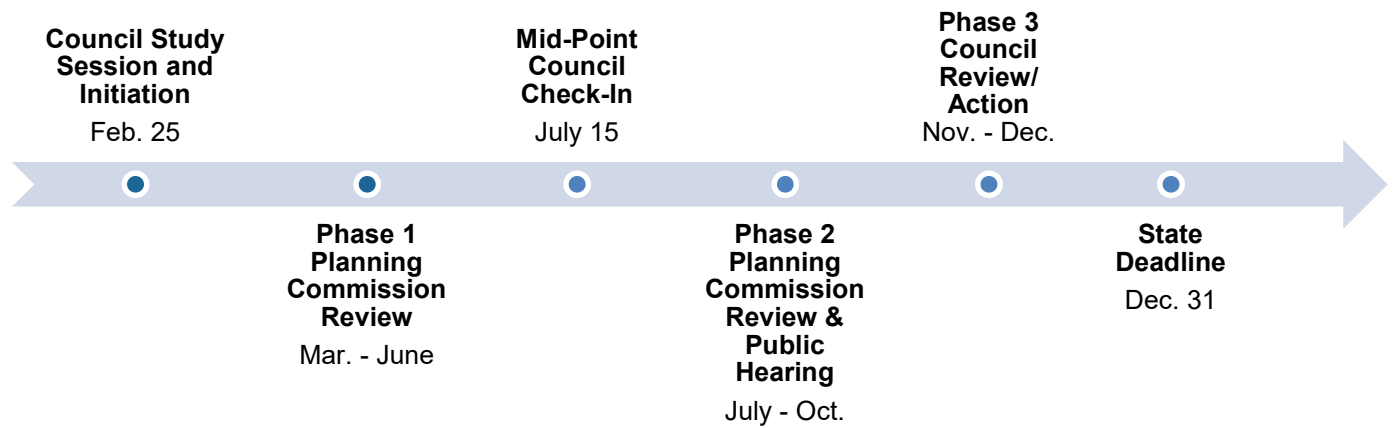
<i>Critical Aquifer Recharge Areas</i>	• Add new section for CARAs to implement required regulations for wellhead protection areas • Generally establishes area where added protections for groundwater are needed and restricting some uses such as gas stations
<i>Reasonable Use Exception (RUE)</i>	• Increase allowance of units allowed as an RUE to reflect increased minimum residential densities from middle housing • Streamline and simplify RUE limits of disturbance
<i>All</i>	• Remove Density/Intensity calculation for development yield • Remove restriction on lot coverage calculation • Standardize buffer structure setbacks (except for geologic hazard areas) • Add innovative mitigation option for sites in a degraded condition to provide additional site design flexibility

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 LUCA Strike Draft
- B. Public Comment Matrix
- C. Staff Report
- D. CAO Update LUCA Resolution