

Nesse, Katherine

From: CLAIRE BOYSEN <claireboysen@me.com>
Sent: Monday, October 20, 2025 5:02 PM
To: PlanningCommission
Cc: Transportation Reception; Newport Hills Community Club
Subject: HOMA

Follow Up Flag: Follow up
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Hello Planning Commission,

It is irresponsible to even consider denser building in Newport Hills. The builders responsible never add enough parking on their own property to accommodate the people moving into the buildings and they have to pay for every parking spot they use. The parking spills out onto the streets, endangering pedestrians trying to cross or get to their cars, and forcing passing cars to drive extremely close to each other. It leaves very little if any parking for customers of local businesses.

This has happened in The Commons at Newcastle and in Newport Hills on SE 60th St. between 123rd Ave SE and 119th Ave SE.

The business district in Newport Hills is a large property, however if dense high rise living is constructed without a plan of underground parking or high rise parking for way more than just residents of the building it will affect our neighborhood way into the future. and must be a really good amount of parking for our local businesses. If not it is extremely out of the question. The Planning Commission and City Council of Bellevue are being held to a higher standard. This does not mean siding with associates or businesses that have an interest in profiting from a decision that would irrevocably affect our neighborhood into the future.

The guidelines for parking to large housing structures, as it stands today, is undersized. If they cannot accommodate all the vehicles to people moving on their property then they should not be allowed to build. It leaves no parking for people trying to do business in these areas. Not all streets are wide enough for street parking.

If the City of Bellevue are truly interested in the safety of our citizens, then the escalation of housing without sufficient parking for all residents and cohabitants on the housing property should stop.

I would guess that most of the people on the Bellevue City Council and Planning Commission do not live in large densely built housing structures with only one paid parking spot per bedroom. With this in mind, think carefully how you treat the public citizens of your area.

Newport Hills is a single family housing area and we would like to keep it that way. The 4-6 housing units on a single family zoned lot is OUT OF THE QUESTION. I have already stated that this trend to add denser housing and more congestion is a big mistake that would affect our neighborhood into the future. I could add to the list Clyde Hill, Medina, Yarrow Point and Somerset as single- family zoned lots.

Thank you for your time,
Claire Boysen
claireboysen@icloud.com
425-351-5710

PS. The new slower speeds in some areas of Bellevue are a great improvement. Keep it up. I hope since adding even more speed bumps to 119th Ave SE, keeps people from speeding down that hill and passing cars at an unsafe speed. The ALL WAY PEDESTRIAN CROSSINGS are great. Hope there are more in the future.

We love the Bellevue Down Town Circle Park. Hope you have plans in the future for high rise parking, it has been tight since the improvements were done. It would be a shame to plan to visit the park and find no parking available and go home. All the businesses in OLD BELLEVUE on Main depend on the pedestrian traffic coming from the Bellevue Park also.

Nesse, Katherine

From: Mark Craig <mccraig@Henbart.com>
Sent: Tuesday, October 21, 2025 10:23 AM
To: PlanningCommission
Subject: Public Comment – Support for Clarifying Man-Made Steep Slope Regulation

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Public Comment – Support for Clarifying Man-Made Steep Slope Regulation

Property: 132nd Avenue NE & NE Spring Boulevard (Bel-Red Subarea)
Submitted by: Mark Craig, President, Henbart LLC
Date: 10/21/2025

To the Bellevue Planning Commission and Staff,

Thank you for the opportunity to provide comment regarding the proposed amendments addressing man-made steep slopes within the Bel-Red subarea.

Our property in the vicinity of 132nd Avenue NE and NE Spring Boulevard is directly affected by this provision. The site contains previously graded slopes that were created during prior commercial and infrastructure improvements, not natural critical areas. These constructed slopes have long been stabilized and function as part of an urbanized setting surrounded by existing and planned mixed-use development consistent with the City's Bel-Red vision.

The current treatment of these man-made slopes as "critical areas" introduces unnecessary complexity and delay for redevelopment projects that will bring housing production, sustainable mass-timber construction, and transit-oriented density adjacent to the Spring District.

We strongly support the City's effort to distinguish between *natural* steep slopes that warrant environmental protection and *engineered/man-made* slopes that should not be subject to the same regulatory thresholds. This clarification will promote predictability, align with the Bel-Red intent to encourage responsible development, and help facilitate timely delivery of much-needed housing and employment uses in this district.

We respectfully urge the Commission and Council to adopt the proposed changes that eliminate or appropriately exempt man-made slopes from critical area designation.

Sincerely,

Mark Craig
President

Nesse, Katherine

From: Rebecca Bloom <rebeccab@columbiapacific.com>
Sent: Tuesday, October 21, 2025 10:59 AM
To: PlanningCommission
Subject: Planning Commission Meeting 10/22 - Public Comment Letter, Critical Areas Ordinance (CAO)
Attachments: Letter to Planning Commission - Critical Areas Ordinance Update 102125.pdf
Follow Up Flag: Follow up
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Dear Planning Commissioners,

Please find attached our public comment letter with respect to agenda item #7(a), the Critical Areas Ordinance Land Use Code Amendments public hearing.

We would be happy to answer any questions you may have.

Respectfully,

Rebecca Bloom, CRE
Chief Investment Officer, Real Estate Equity
Columbia Pacific Advisors
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COLUMBIA PACIFIC ADVISORS, LLC
1910 Fairview Avenue East, Suite 300
Seattle, Washington 98102

October 21, 2025

Bellevue Planning Commission
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004

Re: Comments for Public Hearing - Critical Areas Ordinance

Dear Chair Khanloo and Members of the Planning Commission:

On behalf of Columbia Pacific Advisors, I would like to express our sincere appreciation to City staff and the Planning Commission for your time, collaboration, and responsiveness throughout the Critical Areas Ordinance (“CAO”) update process.

Our team has been working on a development concept that would partially daylight a portion of Goff Creek. This is the type of action that the City’s goals desire—growth creating environmental benefit. Under the previous iterations of the CAO, as you heard in our previous public comments, this type of habitat enhancement was not incentivized, making it difficult to pursue a design that both supports ecological function and fits within the urban development goals for the Bel-Red Subarea. We are very pleased that the updated regulations now incentivize this type of approach and provide the flexibility needed to allow habitat enhancement and development to occur in concert. This is truly a “win-win” outcome for the neighborhood—supporting both environmental stewardship and thoughtful urban growth. We look forward to working with Development Services on our plan in a manner that implements these incentives and flexibility.

Once again, thank you to City staff and the Planning Commission for your careful work in crafting a CAO that fits Bellevue’s unique context—one that both protects and enhances critical habitats while enabling appropriate development around the light rail and within the Bel-Red area.

Sincerely,

COLUMBIA PACIFIC ADVISORS, LLC



Rebecca Bloom, Chief Investment Officer

Nesse, Katherine

From: Charlie Bauman <charlie@gtcctl.com>
Sent: Tuesday, October 21, 2025 2:40 PM
To: PlanningCommission
Cc: Mandt, Kirsten; Gallant, Kristina; Whipple, Nicholas; Pittman, Reilly; Horner, Rebecca D; Carlson, Diane (she/her); Todd, Joseph; Council Office
Subject: 10.22.2025 Planning Commission Public Hearing Comment - Critical Areas Update

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Dear Planning Commissioners,

I want to express my strong support for the current draft of the Critical Areas Ordinance (CAO) update. This represents a major step forward for Bellevue—particularly for the Bel-Red area—by providing a framework to achieve both housing and ecological restoration.

Bel-Red represents an extraordinary opportunity: roughly 900 acres of largely paved, low-rise industrial and commercial land situated between Microsoft's global headquarters and downtown Bellevue, with more regional light rail access than any other neighborhood in the state. It also happens to be an area with a disproportionate share of degraded streams and critical areas. For decades, these properties have been constrained by outdated code provisions that prevented redevelopment and inadvertently blocked the very restoration it was intended to engender. This draft finally begins to unlock that potential.

Over the past several years, many stakeholders have worked to identify this missed opportunity and practical improvements as a remedy. Staff, Council, and this Commission have listened and embraced that opportunity with a thoughtful, balanced draft that enables genuine ecological improvement while restoring development feasibility for long-stalled sites.

Several key elements of this draft deserve strong support:

- **Removes the outdated density penalty.** Eliminates a long-standing barrier to reinvestment on critical-area sites and brings long-overdue alignment between the City's housing and environmental restoration goals.
- **Modernizes OHWM and steep slope classification.** Updates technical definitions and removes man-made, illogical impediments to development.
- **Adds strong daylighting and stream restoration tools.** The new daylighting and degraded-stream provisions offer much needed flexibility for complicated projects that uncover, re-meander, and restore piped or armored streams.
- **Introduces compensatory mitigation options.** Provides a science-based mechanism to allow certain projects with a lack of on-site restoration to still proceed by contributing to the long-term protection of habitat mitigation banks.
- **Expands innovative mitigation opportunities.** Creates a safety-valve permitting option for constrained urban sites, allowing alternative mitigation that delivers equivalent or superior ecological function.

Together, these improvements create a workable, flexible code with multiple pathways for Bel-Red's most challenging sites. In Bel-Red alone, this update—combined with a forthcoming and hopefully similarly pragmatic Land Use Code Amendment—should unlock thousands of housing units along the Goff Creek corridor alone,

while transforming nearly half a mile of buried or ditched stream into functioning, connected habitat and open space—all through private investment.

This is a milestone worth recognizing and Staff deserves a great deal of credit for approaching this update with depth, technical rigor, and a genuine understanding of the balance at stake.

Thank you to Staff and this Commission for your thoughtful, persistent work. This draft reflects a practical, forward-looking framework that deserves full support.

Respectfully,

Charlie Bauman

GT Capital

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(425) 802-3352

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Nesse, Katherine

From: Jodie Alberts <jodie@bellevuechamber.org>
Sent: Tuesday, October 21, 2025 3:21 PM
To: Villaveces, Andres; Ferris, Carolyn; Goepppele, Craighton; Khanloo, Negin; Lu, Jonny; Kennedy, Mariah; Nilchian, Arshia; PlanningCommission
Cc: Jessica Clawson
Subject: PLUSH Comments: Critical Areas Ordinance
Attachments: PLUSH CAO Letter_10.21.2025.pdf

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Chair Khanloo and Commissioners,

On behalf of the Bellevue Chamber's PLUSH Committee, please find the attached letter expressing our strong support for the proposed Critical Areas Ordinance update. We appreciate the Commission's thoughtful work on this effort, as well as the City's commitment to advancing environmental restoration and predictable, responsible redevelopment in our urban stream corridors.

As reflected in our comments, we believe the draft represents a major step forward and strikes the right balance between ecological improvement and feasibility.

Thank you for your continued leadership on this important update.
Jodie

Please let me know if you have any questions or would find it useful for us to walk through any of our comments in more detail.

Jodie Alberts | Vice President of Government Affairs

Bellevue Chamber of Commerce

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PLUSH COMMITTEE

Permitting, Land Use, Sustainability, & Housing

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425-454-2464

staff@bellevuechamber.org



October 21, 2025

Bellevue Planning Commission
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004

Re: Support for Proposed Critical Areas Ordinance Update

Dear Chair Khanloo and Planning Commissioners,

On behalf of the Bellevue Chamber's PLUSH Committee, thank you for your ongoing work to strengthen Bellevue's environmental regulations while supporting thoughtful urban redevelopment. We write today to express our support for the proposed Critical Areas Ordinance (CAO) update.

This draft reflects a significant and long-needed modernization of the code. It creates a clearer framework for restoring degraded environmental systems in urban settings, while also ensuring that redevelopment and housing feasibility are not sacrificed in the process. We believe the proposal strikes the right balance between environmental stewardship and smart growth. In particular, we want to highlight several key strengths:

- 1. Strong framework for degraded urban areas**

The proposal is a major step forward for redeveloping impaired and channelized urban stream corridors. It enables restoration that achieves *true ecological gain* while allowing long-burdened sites to move forward responsibly.

- 2. Removal of the outdated density penalty**

Eliminating the density reduction on parcels with critical areas is a pivotal change. This update finally aligns the CAO with Bellevue's housing, infill, and climate goals by removing a structural disincentive to urban restoration.

- 3. Updated OHWM, Steep Slope, and buffer logic**

Modernizing the OHWM definition, creating a pathway for Steep Slope Exceptions, and rationalizing buffer provisions provide a more predictable, science-based baseline—one that reflects today's understanding of urban systems rather than wilderness conditions.

- 4. Daylighting and stream reconfiguration tools**

We strongly support the new sections on Stream Daylighting and Degraded Stream Restoration Incentives (20.25H.080.C, D, and E). These provisions unlock the ability to open or re-meander streams in ways that restore ecological function while granting needed design flexibility.

5. Clear and flexible mitigation pathways

The expanded Compensatory Mitigation options, paired with an improved Innovative Mitigation section (20.25H.225), ensure there are viable solutions for the most complex sites. This maintains the city's commitment to ecological improvement and no-net-loss, without inadvertently halting redevelopment.

6. A pragmatic and balanced approach

Taken together, these changes are environmentally ambitious, implementable, and adaptive. They provide multiple, science-driven pathways to restore streams, improve habitat, and advance housing production in challenging urban contexts.

Note on consistency with nonconforming structure provisions

Separately, as the City continues updates to its nonconforming structure provisions, we want to ensure those efforts maintain the long-standing ability to maintain, alter, and rebuild structures within critical area buffers. While this topic is outside the scope of the current CAO update, it is closely related, and we encourage continued alignment so property owners retain a clear and predictable path for reinvestment in existing sites.

Recommendation

We respectfully urge the Planning Commission to **support the CAO draft in its entirety**. The proposal is thoughtful, balanced, and forward-looking. It will deliver better ecological outcomes while enabling investment, infill, and restoration in areas where improvement is most needed.

We also want to acknowledge and thank City staff for the depth of effort, technical rigor, and collaborative spirit that is evident throughout this draft.

Thank you for your consideration and for your continued leadership.

Sincerely,



Jodie Alberts
Vice President, Government Affairs



Jessica Clawson
PLUSH Committee Chair

Nesse, Katherine

From: Veronica Shakotko <Vshakotko@mbaks.com>
Sent: Tuesday, October 21, 2025 3:23 PM
To: PlanningCommission
Cc: Mandt, Kirsten; Gallant, Kristina; Whipple, Nicholas; Horner, Rebecca D; Nesse, Katherine
Subject: Critical Area Ordinance Written Comments - October 22 PC Agenda
Attachments: 2025, 10-21 Bellevue PC CAO Comment Letter.pdf

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Dear Chair Khanloo, Vice Chair Lu, and Planning Commissioners,

Thank you for the opportunity to share our input on the City's Critical Areas Ordinance update in advance of tomorrow's public hearing. MBAKS represents nearly 2,500 members who work to create housing for current and future Bellevue residents. We believe everyone deserves a place to call home.

Efficient use of developable land and predictable permitting are critical for Bellevue to meet its housing goals. Additional regulatory layers may unintentionally make some projects unworkable, prompting builders to explore opportunities in other jurisdictions where the permitting path is clearer and more predictable. We appreciate the Planning Commission's continued work and offer the following recommendations to help align the ordinance with the GMA's full set of goals including housing, property rights, and efficient permitting, and protection of critical area functions and values.

- 1. Bellevue Has Clear Discretion Under the GMA.** Bellevue can adopt balanced regulations that reflect local conditions. There is no evidence that the current Critical Areas Ordinance fails to protect critical area functions and values, allowing room to maintain flexibility for modest residential projects while meeting environmental standards.
- 2. Retain the Current Stream Buffer Measurement Standard.** Keep the top-of-bank method for measuring buffers. Changing to the ordinary high water mark would shrink buildable areas and reduce predictability without improving ecological outcomes.
- 3. Do Not Use Site Potential Tree Height for Stream Buffers.** Avoid speculative models that inflate buffer widths beyond what is necessary. Regulations should rely on observed site conditions and be proportional to actual environmental needs.
- 4. Avoid New CARA Regulations Without Data.** Do not add new Critical Aquifer Recharge Area rules unless Bellevue-specific evidence shows current protections are inadequate. Added layers would increase cost and complexity without clear benefit.
- 5. Allow Development on Engineered Slopes.** Support development on previously stabilized or graded slopes with geotechnical review. Treating these areas as natural hazards adds cost without improving safety.

6. **Expand Performance-Based Flexibility.** Reward projects that provide measurable environmental improvements, such as habitat restoration or stormwater upgrades, through buffer adjustments or streamlined review.
7. **Maintain Flexibility in Reasonable Use Exceptions.** Continue allowing more than one unit under a Reasonable Use Exception when the disturbance area is unchanged. This supports small-scale housing while protecting critical areas.
8. **Provide Clear Mapping and Thresholds.** Publish maps and size thresholds for habitat corridors and wetland buffers to improve predictability and reduce costly mid-project revisions.

MBAKS appreciates the City's collaboration and strongly urges the Planning Commission to revise the draft to preserve Bellevue's environmental protections while ensuring that housing and growth targets remain achievable.

Respectfully,
Veronica



Veronica Shakotko

Senior King County Manager
Master Builders Association of King and Snohomish Counties
m 425.435.8990
335 116th Ave. SE, Bellevue, WA 98004

Find us on [f](#) [t](#) [in](#) [ig](#)

Everyone deserves a place to call home.



October 21, 2025

Bellevue Planning Commission
450 110th Ave. NE
Bellevue, WA 98004

RE: Critical Area Ordinance (CAO) – October 22 Agenda

Dear Chair Khanloo, Vice Chair Lu, and Planning Commissioners:

The Master Builders Association of King and Snohomish Counties (MBAKS), representing nearly 2,500 members, is the largest homebuilders' association in the country. Our members are actively working to create housing for current and future Bellevue residents, and we believe everyone deserves a place to call home.

Bellevue is expected to plan for thousands of new homes by 2044 to meet regional growth targets. This makes efficient use of developable land and predictable permitting more important than ever. Each new regulatory barrier, delay, or ambiguous rule makes it harder to build the housing Bellevue needs. Smaller projects, especially those on tight or already developed lots, may not be feasible under the added complexity. Builders may shift to jurisdictions with clearer and more coordinated regulations, reducing local housing supply.

MBAKS has submitted several comment letters over the past few months with specific concerns about Bellevue's proposed Critical Areas Ordinance update. We appreciate the Planning Commission and staff for their engagement and thoughtful discussions. However, members remain concerned about changes that could increase uncertainty and cost without clear environmental benefit. If these issues are not addressed, Bellevue risks missing housing targets and falling further behind on affordability. We urge the Planning Commission to carefully consider the full set of GMA goals, including housing capacity, permit efficiency, and property rights, alongside protection of critical area ordinance functions and values.

MBAKS offers the following recommendations on provisions that could affect regulatory certainty, development feasibility, and the City's ability to align growth planning with the functions and values embedded in the Critical Areas Ordinance.

1. Bellevue Has Clear Discretion Under the GMA

Under the Growth Management Act, Bellevue has broad authority to design regulations that reflect local conditions and priorities. In *Yakima County v. Eastern Washington Growth Management Hearings Board*, the court reaffirmed that jurisdictions have significant discretion to adopt development standards tailored to their unique context. Similarly, *Lewis County v. Western Washington Growth Management Hearings Board* confirms that when local regulations are challenged, they are presumed valid unless proven clearly erroneous based on the full record.

To our knowledge, there is no documented evidence or case record indicating that Bellevue's current Critical Areas Ordinance fails to protect environmentally sensitive



areas or is out of compliance with the GMA or best available science. In the absence of a demonstrated failure, the Planning Commission and City Council have ample legal and policy space to adopt a balanced ordinance that advances environmental protection while supporting the city's housing, infill, and affordability goals.

2. Retain the Current Stream Buffer Measurement Standard Using Top of Bank

We urge the City to retain the current approach to measuring stream buffers from the top of bank, rather than shifting to the ordinary high water mark (OHWM). While this may appear to be a small technical change, it can significantly reduce the buildable area on narrow lots, especially in established neighborhoods. In prior projects, even modest shifts in the starting point for buffers have resulted in substantial redesigns or the inability to proceed with modest housing types. Retaining the top of bank standard ensures consistency and predictability for builders and homeowners alike, while still protecting the core functions and values that stream buffers are intended to serve within the Critical Areas Ordinance.

3. Do Not Adopt Site Potential Tree Height (SPTH) as a Basis for Stream Buffers

We oppose the use of site potential tree height (SPTH) modeling for stream buffers. This approach applies a one-size-fits-all metric based on theoretical tree height rather than actual site conditions. Applying these assumptions, even on sites with minimal canopy or previously disturbed soils, can produce excessive buffer widths that far exceed what is necessary to protect riparian function. For example, a stream that currently requires a 30 foot buffer could be subjected to a 90 foot buffer under SPTH modeling, even in areas lacking mature tree cover. These inflated buffers have already made otherwise viable sites infeasible, particularly for modest infill or redevelopment projects. MBAKS urges the City to rely on observed site conditions and adopt standards that are proportionate, predictable, and grounded in the actual functions and values of each critical area.

4. Do Not Add New CARA Regulations Without Supporting Data

We oppose the addition of new requirements for Critical Aquifer Recharge Areas (CARAs) unless there is clear, Bellevue-specific evidence showing that the current standards are inadequate. The City should not expand regulation based on theoretical concerns or general assumptions. In other jurisdictions, overly cautious CARA rules have unnecessarily restricted development on urban lots without demonstrable environmental benefit. Without a clear scientific or regulatory rationale, additional CARA layers would increase permitting complexity, add cost, and deter infill development. Bellevue's current CARA protections already address groundwater risks. Any new requirements should be avoided unless supported by data that shows a direct and measurable need.

5. Allow Development on Previously Engineered or Graded Slopes

We urge the City to allow development on previously engineered or stabilized slopes when supported by geotechnical review. Many Bellevue lots contain historic grading, retaining walls, or filled slopes built under past approvals that now support homes, utilities, or driveways. Treating these as natural geologic hazards adds permitting delays and costs without improving safety or environmental outcomes. Allowing case-by-case flexibility here can preserve the functions and values of the ordinance while addressing real-world site conditions.

6. Expand Performance-Based Flexibility Tied to Environmental Outcomes

We support the development of performance-based pathways and encourage the City to codify incentives for applicants who provide measurable ecological improvements. For example, residential projects that enhance stormwater infiltration, replant native vegetation, or remove invasive species can contribute meaningful environmental benefits. These actions should be recognized with options such as



flexible buffer adjustments or simplified permitting. This kind of flexibility helps maintain project feasibility while still achieving the critical area ordinance's intended ecological functions and values. It offers a balanced, outcomes-based approach that encourages stewardship alongside housing production.

7. Maintain Flexibility in Reasonable Use Exceptions for Small-Scale Housing Types

We support retaining draft language that allows more than one housing unit to be approved under a Reasonable Use Exception (RUE) when the environmental footprint remains the same. For example, this flexibility would enable a property owner to construct two smaller homes instead of one larger home within the same impact area. This helps advance Bellevue's goals for gentle density and middle housing while preserving the integrity of environmentally sensitive areas.

8. Provide Clear Mapping and Thresholds for Habitat Corridors and Wetland Buffers

We recommend that the City establish clear maps, size thresholds, and definitions for new habitat corridor and wetland buffer provisions. Without these tools, property owners and applicants cannot confidently determine what rules apply, increasing pre-application uncertainty and project risk. In previous examples, clear geospatial data and threshold guidance have helped applicants design appropriate site layouts earlier in the process and avoid late-stage revisions or mitigation costs.

Thank you again for the opportunity to comment. We stand ready to work with the City on solutions that meet both environmental and housing needs.

Sincerely,

Veronica Shakotko
Master Builders Association of King & Snohomish Counties
Senior King County Government Affairs Manager

CC: Kirsten Mandt, Senior Planner
Kristina Gallant, Planning Manager
Nick Whipple, Code and Policy Director
Rebecca Horner, Development Services Director

Nesse, Katherine

From: Jessica Roe <jroe@mhseattle.com>
Sent: Tuesday, October 21, 2025 4:46 PM
To: PlanningCommission; Mandt, Kirsten; Gallant, Kristina; Nesse, Katherine
Cc: Hoyt, Mark; Prepula, Chase; Jon Pickett; Kramer Canup; Rachael Hyland; Sarah Willis; Ian Morrison
Subject: Critical Areas Code update comment letter
Attachments: 2025-10-21 Letter to Bellevue Planning Commission.pdf

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

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Dear Planning Commissioners and staff,

On behalf of Trammell Crow Residential, attached please find a comment letter for tomorrow's public hearing on the Critical Areas Code update. It includes two proposed amendments to the current critical areas update draft ordinance that we hope you will consider and include in your recommendation to City Council.

Thank you very much for all your efforts. Please reach out with any questions.

Best,
Jessica

Jessica L. Roe
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October 21, 2025

Planning Commission
City of Bellevue
Email: planningcommission@bellevuewa.gov

VIA EMAIL

Re: Critical Areas Update Requested Amendments

Dear Commissioners:

Thank you for the opportunity to comment on the City of Bellevue's ("City") Critical Areas Ordinance update. We appreciate the Bellevue staff and Planning Commission's extensive work on the update so far.

As described in our previous comments, Trammel Crow Residential proposes converting the existing commercial parking lot on the Gateway Office Property (11400 SE 8th Street) into 321 new residential units. The property is in the East Main Transit Oriented Development Lower Density ("EM-TOD-L") zone, only 1,800 feet from the East Main light rail.

The Project requires filling a relatively small area (approximately 0.35 acre) of lower functioning, degraded Category III wetlands that are located within the existing 1985 parking lot. The Project would result in net ecological gain with compensatory mitigation to the 2.75 acres of high-quality Category II wetland associated with Sturtevant Creek on the site. Since the critical areas code makes no allowance for impacts to degraded Category III wetlands, the Project is infeasible, and the City's vision for housing in East Main may not be achieved here.

In the September 23, 2025, Planning Commission study session Commissioners expressed support for the TCR housing proposal so long as net ecological gain is achieved on the site. Since net ecological gain can be achieved with proposed compensatory mitigation for the Project, we ask that the Planning Commission include the following two amendments in its recommendation to City Council. A redline of each proposed amendment is included as attachment 1 below.

- 1. Small Wetlands Exemption: LUC 20.25H.095.D.3.** Our proposed amendment is consistent with Best Available Science and Department of Ecology Guidance, as described in the Soundview Memorandum Attached. This proposed exemption is very limited in scope. It would only apply where net ecological gain can be achieved and is further limited by the degraded quality of the wetland, its small size, and its location in TOD zones. This is ultimately a policy choice for the City where competing priorities exist. If the loss of a small, degraded wetland may result in overall ecological enhancement and housing near light rail, the City should allow for a mechanism to approve such a proposal in its Code. Note any development proposal to fill the qualifying Category III wetlands such as the Project would still be subject to review and approval by staff of a critical areas report and proposed compensatory mitigation at the time of application. Without this amendment, however, the unmitigated parking lot condition will continue in perpetuity.

October 21, 2025

Page 2

2. **Update to reference in Shoreline Code.** One wetland on the northern boundary of the Gateway Office site is regulated by the shoreline code. The Shoreline Code incorporates the soon-to-be old 2018 Critical Areas Code by reference. According to staff, the shoreline code is not to be updated until 2029. We recommend that the Shoreline Code be updated now to reference the newly adopted 2025 critical areas code, consistent with the most current Best Available Science. We have described this very technical issue in the attached letter to City staff. Without this update, the old 2018 critical areas code would govern a single interrupted buffer on the northern edge of property while the new 2025 code would apply to the rest of the site. In our view, the updated Best Available Science should be incorporated by reference now into the Shoreline Code. To the contrary, the City would apply the old 2018 code within the shoreline while the new 2025 applies to other wetlands – a strange result and the Project would be infeasible.

Finally, we have reviewed the updated section LUC 20.25H.095.D.3.b of the draft ordinance regarding interrupted buffers and support staff's proposed change. We appreciate City staff's work on this section.

The above two requested amendments are also required, however, to make the Project feasible. The Growth Management Act requires that development be prioritized in urban areas to reduce urban sprawl, and that cities meet housing targets. RCW 36.70A.020; RCW 36.70A.115. It also requires that critical areas protection be administered in accordance with Best Available Science. RCW 36.70A.172. The proposed code amendments are consistent with both of these requirements, but the City will not be able to prioritize housing in its most urban areas if no flexibility is afforded in the critical areas code to fill lower priority, degraded wetlands.

We ask for your support for our amendments, and that they be included in the Planning Commission's recommended draft to City Council. Please do not hesitate to contact us with any questions.

Sincerely,

s/ Jessica Roe

On behalf of Mark Hoyt, Trammel Crow Residential

Cc: Kirsten Mandt
Kristina Gallant

Enclosures:

1. Requested Amendments in redline
2. Soundview Consultants Memorandum: Small Wetlands Exemption and Best Available Science
3. Letter to K. Mandt addressing Shoreline Code update issue

REQUESTED AMENDMENTS

1. Proposed Small Wetland Exemption.

New section LUC 20.25H.095.D.3 (below in blue):

2. Small Wetland Exemptions. Wetlands that meet the following criteria are not subject to the avoidance and minimization requirements of the mitigation sequence (LUC 20.25H.215) in accordance with the following provisions, and they may be filled if the impacts are fully mitigated. Impacts should be mitigated through the purchase of credits from a mitigation bank or in-lieu fee program. In order to verify whether the following criteria are met, a critical areas report is required per LUC 20.25H.230.

a. All Category IV wetlands less than 4,000 square feet that:

- i. Are not associated with riparian areas or their buffers;
- ii. Are not associated with shorelines of the state or their associated buffers;
- iii. Are not part of a wetland mosaic;
- iv. Do not score 6 or more points for habitat function based on the Washington State Wetland Rating System for Western Washington per LUC 20.25H.095.C;
- v. Do not contain priority habitat or species identified by the Washington Department of Fish and Wildlife and do not contain state or federally listed species or their critical habitat or species of local importance identified in LUC 20.25H.150.

b. Wetlands less than 1,000 square feet that meet the above criteria are exempt from the buffer provisions contained in this Chapter.

3. **Small, Low Functioning Wetlands in TOD Districts.** Wetlands that meet the following criteria may be filled if the impacts are fully mitigated. Impacts should be mitigated onsite or through the purchase of credits from a mitigation bank or in-lieu fee program, unless unavailable, in which case permittee-responsible mitigation may be approved at the discretion of the Director. All of the following criteria must be met:

- a. Category IV or III with low habitat score of 5 points or less;
- b. Measure 10,000 square feet or less in size;
- c. Are not located within or subject to shoreline jurisdiction;
- d. Do not contain verified priority habitat or species (as identified by the Washington Department of Fish and Wildlife) or verified state or federally listed species or their critical habitat or species of local importance identified in LUC 20.25H.150;

- e. the proposed development results in new housing and complies with the city's comprehensive plan;
- f. the mitigation requirements of LUC 20.25H.215 are met.

At the discretion of the Director, Category IV and III wetlands within the TOD zone not meeting the above criteria may be filled if the impacts are fully mitigated.

2. Proposed Update to Shoreline Code.

Update all references to the 2018 critical areas code in LUC 20.20E to reflect the date of adoption of the updated, 2025 critical areas code.

For Example:

LUC 20.20E.010.B.1.b.

b. This part, commonly referred to as the Shoreline Overlay District. This part has been annotated for ease of use. Definitions of shoreline-specific terms are located in LUC [20.25E.280](#). Definitions of general terms that apply throughout the Land Use Code are located in Chapter [20.50](#) LUC (as set forth in the Land Use Code on ~~xxx, 2025May 21, 2018~~) which is incorporated by this reference into the SMP.

Other sections to be updated:

LUC 20.20E.010.B.1.c.

LUC 20.20E.010.C.b.ii.

LUC 20.20E.010.C.c.iii.

LUC 20.25E.030 Shoreline use charts. Resources Chart, Note 1.

LUC 20.25E.040.B.

LUC 20.25E.040.B.1.

LUC 20.25E.040.B.2.

Chart 20.25E.050.A Dimensional Requirements in the Shoreline Overlay District, Note 4.

LUC 20.25E.050.B.3.

LUC 20.25E.050.C.1.

LUC 20.25E.060.G.

LUC 20.25E.060.I.4.e.

LUC 20.25E.060.K.9.

LUC 20.25E.060.K.10.

LUC 20.25E.060.K.12.

LUC 20.25E.065.B.2.e.

LUC 20.25E.065.D.

LUC 20.25E.065.E.1.c.

LUC 20.25E.065.E.2.a.i.

LUC 20.25E.065.F.7.a.

LUC 20.25E.065.F.7.a.ii.

LUC 20.25E.065.F.9.

LUC 20.25E.065.F.11.

LUC 20.25E.065.H.2.

LUC 20.25E.065.H.4.b.ii(1)

LUC 20.25E.065.H.4.b.ii(2)

LUC 20.25E.065.I.2.a.

LUC 20.25E.065.I.2.d.

LUC 20.25E.280. Agricultural Land.

LUC 20.25E.280. Shoreline Vegetation, Existing.

CAO Update Memorandum

To: City of Bellevue Planning Commissioners and Staff **Date:** October 21, 2025

From: Kramer Canup, Soundview Consultants LLC
Rachael Hyland, Soundview Consultants LLC
Jon Pickett, Soundview Consultants LLC

Re: Policy Rational for Small Low Functioning Wetland Exemption and Alignment of Shoreline Master Program with CAO Update

Trammel Crow Residential is requesting code amendments to the City of Bellevue's Critical Areas Update to allow for filling of small, interrupted wetlands on the Gateway Office Park site located at 11400 SE 8th Street in the EM-TOD-L zone.

The Project requires filling a relatively small area (approximately 0.35 acres total) of lower functioning, degraded Category III wetlands that are located within the existing 1985 parking lot. The Project would result in net ecological gain through compensatory wetland restoration mitigation to the approximately 2.75 acres of high-quality Category II wetland associated with Sturtevant Creek on the site. Since the critical areas code makes no allowance for impacts to degraded Category III wetlands, the Project is infeasible, and the City's vision for housing in East Main may not be achieved here.

The City of Bellevue's Code is particularly stringent in making no allowance for filling lower quality wetlands in exchange for compensatory mitigation. We regularly work on development projects through the Puget Sound where this would be allowed with a review of Critical Areas Report and Mitigation Plan. In our view, the proposed code amendments are wholly consistent with Best Available Science. The purpose of this memorandum is to explain Best Available Science that supports the requested Small Wetland Exemption code amendment. Ultimately, the requested code amendment is very conservative in its approach to modification of a wetland by limiting with size and location in TOD zones. Since compensatory mitigation is required, net ecological gain is required by the code amendment and would be achieved on the Gateway Office Park site.

The Growth Management Act (GMA) requires that development be prioritized in urban areas to reduce urban sprawl and limit impacts on larger and higher functioning aquatic areas, typically found in rural settings. The proposed code amendments are consistent with the Best Available Science while supporting the City in meeting their housing targets. Without the proposed code amendments, the City's will not have the ability to allow the fill of low functioning and degraded wetlands which will prohibit growth within the urbanized areas.

A. Proposed Small Wetland Exemption.

The Proposed Amendment is provided below in [blue](#). The next section addresses consistency with Best Available Science.

LUC 20.25H.095.D.3:

2. Small Wetland Exemptions. Wetlands that meet the following criteria are not subject to the avoidance and minimization requirements of the mitigation sequence (LUC 20.25H.215) in accordance with the following provisions, and they may be filled if the impacts are fully mitigated. Impacts should be mitigated through the purchase of credits from a mitigation bank or in-lieu fee program. In order to verify whether the following criteria are met, a critical areas report is required per LUC 20.25H.230.

- a. All Category IV wetlands less than 4,000 square feet that:
 - i. Are not associated with riparian areas or their buffers;
 - ii. Are not associated with shorelines of the state or their associated buffers;
 - iii. Are not part of a wetland mosaic;
 - iv. Do not score 6 or more points for habitat function based on the Washington State Wetland Rating System for Western Washington per LUC 20.25H.095.C;
 - v. Do not contain priority habitat or species identified by the Washington Department of Fish and Wildlife and do not contain state or federally listed species or their critical habitat or species of local importance identified in LUC 20.25H.150.
- b. Wetlands less than 1,000 square feet that meet the above criteria are exempt from the buffer provisions contained in this Chapter.

3. **Small, Low Functioning Wetlands in TOD Districts.** Wetlands that meet the following criteria may be filled if the impacts are fully mitigated. Impacts should be mitigated onsite or through the purchase of credits from a mitigation bank or in-lieu fee program, unless unavailable, in which case permittee-responsible mitigation may be approved at the discretion of the Director. All of the following criteria must be met:

- a. Category IV or III with low habitat score of 5 points or less;
- b. Measure 10,000 square feet or less in size;
- c. Are not located within or subject to shoreline jurisdiction;
- d. Do not contain verified priority habitat or species (as identified by the Washington Department of Fish and Wildlife) or verified state or federally listed species or their critical habitat or species of local importance identified in LUC 20.25H.150;
- e. the proposed development results in new housing and complies with the city's comprehensive plan;

f. the mitigation requirements of LUC 20.25H.215 are met.

At the discretion of the Director, Category IV and III wetlands within the TOD zone not meeting the above criteria may be filled if the impacts are fully mitigated.

Rationale: The *Washington State Department of Ecology Wetland Guidance for Critical Areas Update* dated October 2022 (referred to going forward as the “2022 CAO Update Guidance”) acknowledges that it is reasonable to exempt smaller, lower-functioning wetlands so long as compensatory mitigation is provided. See DOE CAO Update Guidance, pp. 13-14. The basis for this concept is grounded in the Best Available Science reflected in the wetland rating classification and habitat scores system (Hruby & Yahnke, 2023), described below. Category III and IV wetlands, such as those located on the Gateway Office Park site, have lower ecological functions often resulting from historic and ongoing disturbances such as man-made structures, stormwater runoff pollution, and seasonal mowing. While the 2022 CAO Update Guidance acknowledges that size is not the only basis upon which to exempt wetlands from protective requirements, it states that size is an administrative tool to allow some flexibility in planning while avoiding the filling of all lower quality wetlands. See DOE CAO Update Guidance, pg. 14.

The 2022 CAO Update Guidance does not preclude wetland exemption for Category III wetlands so long as compensatory mitigation is provided. Where numerous policy considerations compete, the size factor coupled with the rating system and habitat score allows a city to prioritize the preservation of higher rated wetlands with better ecological functions. The proposed code amendment limits the scope of impacts to Category III and IV wetlands in four ways: by limiting it in 1) size, 2) location in TOD zones, 3) only applying to wetland with low habitat scores, and 4) scope, applying only to developments that will result in new housing. At the same time, the requirement to complete mitigation sequencing ensures that the proposed fill of eligible wetlands is not indiscriminate and is necessary to meet the project’s purpose and needs. The compliance with mitigation sequencing as well as compensatory mitigation requirements will, at a minimum, result in not net loss of ecological function. Ultimately, the code amendment is a policy call that would result in no net loss of ecological functions through the implantation of mitigation sequencing and compensatory mitigation, while also allowing for necessary housing where it needs to be prioritized near light rail.

Proposed Project: In the case of the Gateway Office Park, the small wetlands within the parking lot are preliminarily rated as Category III wetlands with low habitat scores of 3-4 points. The associated buffers of these wetlands are functionally interrupted by a large parking lot constructed in the 1980s prior to the implementation of CAO. As a result, the wetlands are subject to degradation in the form of constant pollution from the direct unfiltered drainage runoff from the legal nonconforming parking lot. The proposed fill of the small, low functioning wetlands on the Trammel Crow Residential site will be compensated through a combination of the purchase of credits from an approved mitigation bank, as well as onsite enhancement of the larger, higher functioning wetland onsite. These mitigation efforts are anticipated to result in an overall ecological life onsite and within the watershed.

Best Available Science: The proposed code amendment is consistent with Best Available Science articulated in the wetland classification system including habitat scores, and Mitigation Sequencing. Each is described in further detail below.

Wetlands Classification and Habitat Score. Wetlands are classified utilizing the Wetland Rating Manual for Western Washington. Wetland rating scores range from 9 to 27 and are broken into four categories.

Category IV wetlands receive 15 points or less, Category III wetlands receive between 16 and 19 points, Category II wetlands receive between 20 and 22 points, and Category I wetlands receive 23 to 27 points.

The rating manual assigns points for various functions. An important factor to consider is that the rating manual is identifying the functions that the wetland provides in terms of the landscape. The rating assigns scores for physical characteristics of the wetland associated with certain functions, such as the various plant structure that provide habitat, but it also assigns points for functions that the wetland provides relative to its surroundings, such as the treatment of runoff from a nearby stormwater outfall. In these scenarios, the adjacent land uses result in the wetland providing a certain function and therefore increase the score. As a result, a wetland in an undisturbed landscape could rate vastly different from a wetland with the same exact physical characteristics but located in an urban landscape. Conversely, wetlands may provide certain functions as a result of adjacent land uses, the same land uses can also be degradations that inhibit wetland functions, causing it to score lower.

Category III wetlands are wetlands with a moderate level of functions but generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands (DOE Wetland Rating Manual Version 2, pg. 10). According to the DOE rating manual, Category III wetlands are the most common of the four categorizations, followed closely by Category II wetlands. Category IV wetlands have the lowest level of functions and are often heavily disturbed. While Category IV wetlands are identified in the Wetland Rating Manual as the least commonly occurring category of wetland (approximately as common as the highest rated Category I wetlands), Category IV wetlands are not necessarily uncommon in urban and developing landscapes where historic and ongoing human land uses have resulted in degraded functionality and isolation. As noted above, Category IV and III wetlands are often disturbed, but can often be successfully replaced through well planned mitigation. Additionally, Category IV and III wetlands with low habitat scores of 5 points or less have the lowest level of habitat function, which can often be readily replaced, resulting in a net gain in ecological function through well planned mitigation.

Local codes outline certain activities that are considered exempt from the code provision because they are not anticipated (and scientifically supported) to have significant adverse impacts, as well as allowed uses, which are limited in their scope, and often associated with public interests such as federally funded projects or publicly accessible lands. As a result, allowed uses are typically limited in their applicability to private projects. Some codes are vague, allowing for wetland impacts regardless of rating through a variance or reasonable use exception if the proposed activity is not considered an allowed use, whereas other jurisdictions outright prohibit any impacts that do not align with exemptions or allowed uses. A good middle ground of these two approaches is to set parameters on permissible wetland impacts that do not qualify as exempt or allowed uses. The most common parameter utilized for this purpose is the wetland rating and typically size. The 2022 CAO Update Guidance indicates that it is reasonable for jurisdictions to include code language allowing for flexibility in the mitigation sequencing and/or exemptions that allow for impacts to small, low functioning wetlands.

As Category IV wetlands are rated the lowest, it is logical that these would be allowed to be impacted, as they provide the lowest level of function. However, as Category IV wetlands are somewhat less common, this code provision would not be usable for the majority of projects, and therefore would only provide limited relief for planning purposes. As a result, many jurisdictions extend this allowance for Category IV wetlands to Category III wetlands as well; as does the City of Bellevue, but only under

very specific circumstances outlined in the table presented LUC 20.25H.055.B. However, most jurisdictions throughout the Puget Sound region do not limit wetland impacts to only specific criteria and instead regulate and assess approval of wetland impacts utilizing mitigation sequencing, which assesses the necessity of the impact based on all the steps that have been taken to avoid, minimize, mitigate, and compensate for the proposed impact. As required by DOE guidance both of these allowances for limited filling of Category III and IV wetlands still require compensatory mitigation for any proposed impacts, as well as mitigation sequencing

Mitigation Sequencing. The 2022 CAO Update Guidance is clear that compensatory mitigation may be provided even for smaller wetland exemptions. Mitigation sequencing requires that the Applicant demonstrate avoidance and minimization efforts have been made and still impacts are necessary. These efforts include prioritizing the avoidance of higher rated wetlands over lower rated wetlands when impacts are necessary. As a result, the lower rated Category III and IV wetlands are most frequently the wetlands that are inhibiting developments on encumbered sites. Finding land that is devoid of wetlands entirely is becoming increasingly difficult and/or cost prohibitive. For sites in urban and developing landscapes, Category III and IV wetlands are very common and often a result of the historical and ongoing land uses. In some cases, a project may be able to avoid impacts to small, low functioning wetlands, but ultimately would result in these features becoming entirely isolated from the natural landscape and surrounded by development. In these scenarios, it could be ecologically beneficial to allow those wetlands to be filled and provide mitigation that will provide an overall ecological lift of functions.

Compensatory mitigation can take many forms such as permittee-responsible in-kind mitigation, mitigation banks, or in-lieu fee. Any form of compensatory mitigation must ensure no net loss of wetland function. As replacement of Category III and IV wetlands and their functions are the most successful, a code provision allowing impacts to select Category III and IV wetlands with appropriate compensatory mitigation is the happy medium that will allow development within the EM-TOD zone while also ensuring no net loss of wetland habitat. Additionally, the stipulation that this allowance is limited to the TOD District and housing specifically will also ensure that the allowance is not taken advantage of indiscriminately and can only be applied to projects that are ultimately in the best interest of the public.

This is addressed by the proposed code amendment. In the case of the Gateway Office Park site, this will result in a net ecological gain through purchase of credits from an approved mitigation bank, likely Keller Farms, and restoring a portion of the existing Category II wetland on the eastern area of the property to offset the impacts to the lower functioning Category III wetlands located in the parking lot, consistent with Best Available Science.

Net Ecological Gain. In the case of the Gateway Office Park site, the following compensatory mitigation would be proposed in consultation with the City. Note that compensatory mitigation must be approved by city staff who may require other additional methods of mitigation:

- Restore the existing degraded Category II wetland onsite to offset impacting approximately 0.35 acre of the Category III wetlands located in the parking lot.
 - The onsite Category II wetland that is associated with the fish bearing Sturtevant Creek on the east and north portions of the property is dominated by non-native invasive reed canarygrass, which is preventing native plants from establishing, choking out the

stream channel, and increasing sediment collection, which are all negatively impacting salmon and fish health within the stream.

- Restoring the onsite Category II wetland consists of developer funded planting of thousands of trees and shrubs and removing and controlling invasive plants for a period of 10 years.
 - This restoration will result in the establishment of a native evergreen and deciduous tree canopy that would increase shading within the wetland and stream, reduce air temperatures and water temperatures within the stream, and diversify habitat structure. All of which would significantly improve habitat conditions for native salmon, fish and other wildlife populations.
- Purchase of credits from the Keller Farms Mitigation Bank.

B. Proposed Small Wetland Exemption Conclusion.

The proposed small wetland code amendment is consistent with what many jurisdictions throughout the Puget Sound allow with the review of a critical areas report. The proposed exemption is limited in scope and would result in more housing near light rail while also facilitating a net ecological gain on sites with degraded wetlands.

C. Shoreline Code Update Request.

It is also recommended that the City update its Shoreline Code to reference the new critical areas code once adopted, as explained below. The Shoreline Code currently references the old 2018 CAO by reference. An example of this is below in [blue](#).

LUC 20.25E.010.B.1.c:

- A. Part 20.25H LUC, Critical Areas Overlay District (as set forth in the Land Use Code on [xx/xx/xxxx date of the CAO Update](#)) exclusive of sections listed in LUC 20.25E.010.C.1.c.

Rationale: We recommend revising Shoreline Master Program (SMP) LUC 20.25E which applies to critical areas within the shoreline jurisdiction. Continuing to implement the 2018 CAO for wetlands and streams regulated under the SMP can lead to significant confusion for any citizen, consultant, developer, or city planner who is trying to interpret the SMP regulations. Additionally, it would be difficult for these parties to actually find the outdated 2018 CAO on the Bellevue website as the outdated 2018 code would only be applicable in very specific circumstances in relation to the SMP. Finally, the draft CAO that is planned to be implemented in late 2025 or 2026 is based on the updated Best Available Science. Ultimately, revising LUC20.25E to incorporate the updated 2026 CAO would be a good outcome for the fairness of code interpretation by all parties and would also be based on best available science. This update could be reviewed at the same time by the Washington State Department of Ecology as the Draft CAO, as both would require review and approval from WSDOE.

Once you have had a chance to review this information, please feel free to call me at 253-514-8952 to discuss our findings.

Sincerely,



Kramer Canup
Senior Project Manager & Environmental Scientist

October 21, 2025

Date



Rachael Hyland
Associate Principal- Professional Wetland Scientist (PWS)

October 21, 2025

Date



Jon Pickett
Principal

October 21, 2025

Date

Soundview Consultants LLC- Project Team Qualifications

Rachael Hyland is an Associate Principal Senior Environmental Scientist with 11 years of professional experience, and is a Professional Wetland Scientist (PWS #3480) through the Society of Wetland Scientists as well as a Certified Ecologist through the Ecological Society of America. Rachael has a background in wetland and ecological habitat assessments in various states, most notably Washington, Connecticut, Massachusetts, Rhode Island, and Ohio. She currently performs wetland, stream, and shoreline delineations and fish and wildlife habitat assessments; conducts environmental code analysis; coordinates with regulatory parties, and provides quality assurance on environmental assessment and mitigation reports, biological evaluations, and permit applications to support clients through the regulatory and planning process for various land use projects. Her noteworthy experiences include delineation of large scale sites and associated mitigation work including wetland creation and stream relocation, and delineation of highly complex, disturbed, and problematic sites requiring extensive background research and understanding of soils and hydrology. Additionally, she also has extensive knowledge of bats and their associated habitats and white nose syndrome (*Pseudogymnoascus destructans*), a fungal disease affecting bats which was recently documented in Washington.

Education: Bachelor of Science degree in Ecology and Evolutionary Biology from University of Connecticut. *Professional Trainings:* 40-hour wetland delineation training for Western Mountains, Valleys, & Coast and Arid West Regional Supplement through Terrascience and Northcentral and Northeast supplement through Institute for Wetland and Environmental Education and Research; Using the Revised 2014 Wetland Rating System for Western Washington, How to Determine the Ordinary High Water Mark, Navigating SEPA, Selecting Wetland Mitigation Sites Using a Watershed Approach, Wetland Classification, and Using the Credit-Debit Method for Estimating Mitigation Needs from Washington State Department of Ecology; Biological Assessment for Transportation Projects from Washington State Department of Transportation *Qualified Author and Scientist Lists:* Washington State Department of Transportation Biological Assessment Junior Author; Pierce County Qualified Wetland and Wildlife Specialist; Kitsap County Qualified Wetland, Habitat, and Shoreline Consultant.

Jon Pickett is a Principal with 15 years of professional experience. Jon has a background in environmental and shoreline compliance and permitting, wetland and stream ecology, fish and wildlife biology, mitigation compliance and design, and environmental planning and land use due diligence. Jon oversees a wide range of large-scale industrial, commercial, and multi-family residential projects throughout Western Washington, providing environmental permitting and regulatory compliance assistance for land use entitlement projects from feasibility through mitigation compliance. Jon performs wetland, stream, and shoreline delineations and fish & wildlife habitat assessments; conducts code and regulation analysis and review; prepares reports and permit applications and documents; provides environmental compliance recommendation; and provides restoration and mitigation design.

Education: Bachelor of Science degree in Natural Resource Sciences from Washington State University and Bachelor of Science and Minor in Forestry from Washington State University. *Professional Trainings:*

40-hour wetland delineation training (Western Mountains, Valleys, & Coast and Arid West Regional Supplements); and trainings from Washington State Department of Ecology (WSDOE) Using the Revised Washington State Wetland Rating System (2014) in Western Washington How to Determine the Ordinary High-Water Mark (Freshwater and Marine), Using Field Indicators for Hydric Soils, and the Using the Credit-Debit Method for Estimating Mitigation Needs. *Qualified Author and Scientist Lists:* Whatcom County Qualified Wetland Specialist and Wildlife Biologist and is a Pierce County Qualified Wetland Specialist.

Kramer Canup is a Senior Project Manager and Environmental Scientist with 10 years of professional experience. Kramer has a professional background in project management, ecological restoration, vegetation monitoring, invasive plant management, monitoring protocol development, grant writing, tropical ecology, wildlife monitoring and environmental education. He currently manages residential and commercial projects, performs wetland and ordinary high water delineations and shoreline assessments; conducts environmental code analysis and prepares environmental assessment and mitigation reports, biological evaluations, and permit applications to support clients through the planning and permitting processes. His noteworthy experiences include supporting clients with navigating environmental regulations related to land use and development, managing wetland and riparian restoration projects, leading wetland and ordinary high water delineations throughout the Puget Sound region, and instructing study abroad courses in the Peruvian Amazon for the University of Washington.

Education: Bachelor of Arts in Environmental Studies with a minor in Ecological Restoration from the University of Washington. *Professional Trainings:* Basic Wetland Delineator Training with the Wetland Training Institute 40-hour USACE wetland delineation training. Kramer has been formally trained through the Washington State Department of Ecology, Coastal Training Program, How to Determine the Ordinary High Water Mark, Using the Washington State Wetland Rating System (2014), and Using the Credit-Debit Method for Estimating Mitigation Needs.

October 21, 2025

Kirsten Mandt
Senior Planner, Code & Policy
Development Services, City of Bellevue
kmandt@bellevuewa.gov

VIA EMAIL

Re: Critical Areas Update – Public Hearing Comments

Dear Kirsten:

On behalf of Trammel Crow Residential, I wanted to follow up with you regarding the City of Bellevue's ("City") Critical Areas Ordinance ("CAO") update. As you know from our prior comments and communications, TCR is evaluating converting the existing commercial parking lot on the Gateway Office Property (11400 SE 8th Street) into 321 new residential units ("Project"). To facilitate this Project, we recommended specific proposed amendments that would facilitate housing development while preserving and restoring higher quality wetland areas onsite. There are several wetlands on the Property. At the northern edge of the site, there is a wetland associated with the Mercer Slough. Under the City's Shoreline Master Program ("SMP"), the Mercer Slough and associated wetlands are within the jurisdiction of the Shoreline Management Act.

At the September 24, 2025, Planning Commission meeting and in subsequent correspondence with the City, the City has stated any CAO amendments would not apply to the Project because "[c]ritical areas in the Shoreline Overlay District shall be regulated in accordance with Part 20.25H LUC (Critical Areas Overlay District (as set forth in the Land Use Code on May 21, 2018, which is incorporated by this reference into the SMP) exclusive of the subsections listed in LUC 20.25E.010.C.1.c.iii.). LUC 20.25E.060.G. Accordingly, because the SMP has incorporated a specific version of the critical areas code by reference, the old Critical Areas Code, which last had a major update in 2006 with minor amendments through 2018, will continue to apply to all critical areas that are within the shoreline overlay district until there is an SMP amendment. In recent correspondence with the City, you stated that the next time the SMP is scheduled to be amended is during the mandated periodic update in 2029.

It is short-sided to wait to update the SMP for three years and will result in confusing and inconsistent application of the law for the next 3+ years for any property that is within or near the shoreline that also includes a critical area. Thankfully, the City does not have to (and should not) wait until 2029 to update its SMP to align with the revised CAO, which is updating the 2006-era regulations to align with the Best Available Science available in 2025. This is precisely why the guidance documents from the State of Washington make clear that, if an SMP is to incorporate the City's CAO by reference, updates to the CAO must be accompanied by a limited amendment to the SMP.

The Washington State Department of Commerce guidance for Critical Areas Ordinance updates recommends the following:

- 5) If the CAO has been adopted by reference in the Shoreline Master Program (SMP), an update to the SMP will be required if the local government wants the critical area regulations to apply in shoreline jurisdiction. Jurisdictions may consider amending the SMP concurrently with critical area amendments. The joint review process under WAC 173-26-104 should help jurisdictions with a unified approach to amending the CAO and SMP.

In fact, this is the process that Bellevue used when it last updated its SMP and CAO. In 2018, Ordinances 6416 and 6417 amended the City's SMP and CAO, respectively. As noted in the WHEREAS clauses in Ordinance 6417, the SMP and CAO were amended at the same time "to avoid confusion or inadvertent inconsistencies between the amendments to the Bellevue critical areas overlay necessary to comply with GMA, and amendments that were approved by the Council to comply with the SMA . . ."

Ecology guidance similarly flags as a disadvantage a city's choice for its SMP to incorporate CAO regulations by reference due to the potential for the SMP to remain stuck in the past as it relates to regulations of critical areas within a shoreline overlay, but Ecology provides a solution to this problem. In such a case, "any future amendments to the CAO provisions will require a limited SMP amendment to be applied to the Shoreline area." Department of Ecology SMP Handbook, Chapter 18, Integration of Critical Areas Ordinance, p. 7, available at:

<https://apps.ecology.wa.gov/publications/parts/1106010part18.pdf>.

State law provides two options for SMP amendments outside of the periodic update process. The preferred option is to slow down on implementing the CAO update and institute a joint review process where the SMP is updated on a limited basis to incorporate by reference the new CAO ordinance. This process can be found at WAC 173-26-104. The second option is to pursue a limited amendment pursuant to WAC 173-26-090, Locally initiated review. Under this provision, a local government should "make amendments deemed necessary to reflect changing local circumstances, new information or improved data. Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise." Because the CAO has been updated with the Best Available Science, the critical areas located within the City's shoreline jurisdiction will be left behind. As an example, to align its SMP with the recent updates to its Critical Areas Ordinance, the City of Burien used the limited amendment process as outlined in Burien Ordinance 640, attached. In this example, the limited SMP amendment included a series of public meetings and took approximately 1 year to complete.

We recommend that the City adopt the CAO it wants now based on Best Available Science and amend the SMP to align with the updated CAO. We have attached a redline with this amendment. Ideally the updates occur concurrently, but at a bare minimum, the SMP updates should be pursued immediately to avoid unnecessary confusion and dual standards for the next 3+ years.

October 21, 2025

Page 3

We look forward to working through the process with you on an SMP amendment. Please do not hesitate to contact us with any questions.

Sincerely,

s/ Jessica Roe
McCullough Hill PLLC

Cc: Matthew McFarland, City Attorney
Kristina Gallant, Planning Manager

Nesse, Katherine

From: Katie Kendall <kkendall@mhseattle.com>
Sent: Wednesday, October 22, 2025 11:04 AM
To: PlanningCommission
Cc: Nesse, Katherine
Subject: Comments on Critical Areas Ordinance, File 25-627
Attachments: 10.21.2025 Gaw Capital Letter to Planning Commission on CAO Ordinance.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

Dear Commissioners,
Thank you for the opportunity to provide comments on the proposed Critical Areas Ordinance. Attached please find comments submitted on behalf of Gaw Capital Partners.

Katie Kendall
Partner
MCCULLOUGH HILL PLLC
701 Fifth Avenue, Suite 6600
Seattle, Washington 98104
Direct: 206.812.6964
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October 22, 2025

VIA ELECTRONIC MAIL

Bellevue Planning Commission
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98004

Re: Comments on Draft Critical Areas Ordinance, Agenda Item 25-627 Public Hearing

Dear Commissioners:

Thank you for the opportunity to provide additional comments on the City of Bellevue's proposed draft Critical Areas Ordinance (CAO). We submit these comments on behalf of Gaw Capital Partners, the owner of Bellefield Office Park.

We thank the City for the updated draft and responses. Based on the responses and the new changes to the CAO, we have additional comments and questions.

The City attorney's responses on the Gaw comments indicate that it is the City's intent to rely upon new consolidated nonconforming provisions under LUC 20.20.561 with the HOMA legislation, or LUC 20.20.560 if HOMA is not adopted. For those areas within the shoreline jurisdiction of the City, Part LUC 20.25E will continue to apply under either circumstance. While we appreciate the idea of consolidating code provisions, I worry that this consolidation will result in further confusion. The confusion may be able to be resolved with clarifying edits, but I urge staff and the Commission to consider how this ultimately be applied to ensure the application meets the intent of the revisions. For example, the CAO section on nonconforming structures does not state that the provisions in LUC 20.20.560 or .561 will control. An additional reference would alleviate this issue. In the proposed HOMA legislation, it is made clear that the new nonconforming sections in proposed LUC 20.20.561 will apply unless there is a conflict with the CAO provisions. What this provision does is rely upon staff's future interpretation of what is a conflict between the codes. Again, adding clarity in the CAO that the provisions of LUC 20.20.560 or .561 apply except as noted in the CAO will likely address this issue.

Of concern, however, is that in the latest version of the CAO is how the City would address the accidental destruction of an existing primary structure. Previously, it could be replaced as the buffer was modified to exclude the structure. Now that the City has removed the references to "existing primary structures," it appears LUC 20.20.560 would apply (or the HOMA legislation if adopted). Unfortunately, LUC 20.20.560 requires that if a nonconforming structure is destroyed by more than 75% of its replacement value, it must be brought up to code. HOMA fixes this issue, but as it is not yet adopted, there could be an issue in the interim. Under this existing Code provision, when a building is nonconforming because it is within a critical areas buffer is accidentally destroyed by fire by more than 75% of its value, it would accordingly not be able to rebuild in the same location due to the presence of critical area buffers. While this may make sense outside of critical areas or shoreline zones, it ultimately precludes replacement of a destroyed structure in a buffer. This is a change from the existing CAO ordinance and conflicts

October 22, 2025

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with the shoreline regulations and the proposed HOMA legislation. For Bellefield, it would likely be able to rebuild within the same footprint because Bellefield is also located within the City's Shoreline Jurisdiction and subject to Part LUC 20.25E, which allows replacement within the existing footprint. Nevertheless, to remove confusion and to allow for reconstruction in such a casualty event, I would recommend utilizing the same or similar provision that is used for nonconforming structures within the shoreline, found at LUC 20.25E.040.G.5.b.

Thank you for your consideration.

Sincerely,

/s/ Katie Kendall
McCULLOUGH HILL PLLC

Nesse, Katherine

From: phyllisjwhite@comcast.net
Sent: Wednesday, October 22, 2025 12:36 PM
To: Council; Robinson, Lynne; Malakoutian, Mo; Bhargava, Vishal; Hamilton, Dave; Lee, Conrad; Nieuwenhuis, Jared; Sumadiwirya, Claire
Cc: PlanningCommission; Mandt, Kirsten
Subject: Comments on SEPA Review for the Draft Critical Areas Ordinance (CAO) Update (File No. 25-116714)
Attachments: SEPA Wilburton Kelsey Creek Watershed.docx
Follow Up Flag: Follow up
Flag Status: Flagged

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

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

Thank you for your work on providing greater protection of Bellevue's critical areas and its "City in the Park" character and using the Best Available Science. We appreciate the City's goal in meeting Bellevue's 35,000 required housing unit target. I am submitting this letter on behalf of residents living between NE 8th Street and Bel-Red Road, from 132nd Avenue NE to 136th Place NE—a long-established Wilburton neighborhood within the upper Kelsey Creek watershed, and for other neighborhoods sharing similar interests. Our neighborhood lies directly upstream of Bellevue's designated fish-bearing waters. 90% of the streams in our neighborhood run through private properties. Our neighborhood is surrounded by some of the City's largest growth areas. :

- Wilburton Vision Implementation Area – ~ 14,800 housing units
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Together these areas represent roughly 21,300 new housing units, not including extensive office and commercial development. These projects clearly demonstrate Bellevue's capacity to meet its 35,000-unit growth target without reducing existing critical-area protections in our residential watershed.

The City of Bellevue's Critical Ordinance Update (File No. 25-116714)

I am writing to bring attention to the City's SEPA Determination of Non-Significance (DNS) for the Draft CAO Update to address probable significant adverse impacts to fish habitat, riparian canopy, and hydrologic processes. Under WAC 197-11-330(1)(b), the presence of probable significant adverse environmental impacts requires a Mitigated DNS or EIS, not a DNS.

Background: Kelsey Creek Watershed Health

The Greater Kelsey Creek Watershed Assessment (Jacobs-Herrera, 2021) prepared for Bellevue Utilities documents substantial ecological loss caused by urbanization and channel alteration.

Key findings include:

- Severe hydrologic alteration from impervious surfaces
- Riparian canopy loss and stream channel confinement

- Fish passage barriers
- The “tens of millions of dollars” required for restoration.

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The City’s consultant evaluated buffer methods for the CAO update.

Facet recommendations include:

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- Adopt Site Potential Tree Height (**SPTH200**) as the scientifically supported buffer-sizing method.
- **Recognize that the fixed-width Option 2 (150 / 100 / 75 ft) chosen by the City provides less protection than BAS and does not account for canopy or temperature performance.**
- Encourage monitoring and adaptive management to verify long-term success of stream-enhancement projects.

The assessment concludes that further degradation may render recovery technically and financially infeasible. Preventing additional loss through a Best Available Science (BAS) compliant Critical Areas Ordinance is the most effective and economical strategy.

I strongly request consideration for the following for no net loss of ecological function:

1. Restore Type F Classification for Downgraded Streams

Several Kelsey Creek sub-tributaries, historically fish-bearing or restorable to fish use, were downgraded from Type F to Type N streams in the Draft CAO. Under WAC 222-16-030(5)(h), “potential habitat likely to be used by fish” qualifies as Type F if recovery is feasible through restoration or management.

Reclassification should occur at the watershed scale, and not parcel by parcel. Case-by-case determinations by consultants yield inconsistent outcomes and undermine cumulative protection.

Field observations and historic data confirm that many neighborhood tributaries maintain continuous baseflow, cold groundwater inputs, and mature riparian vegetation—all hallmarks of fish-supporting habitat. These conditions meet the WAC definition of Type F or restorable fish habitat and warrant re-designation. Some of our neighbors report seeing fish, and there is also the consideration for beavers, blue herons, crustaceans, ducks, and the many different wildlife depending on the natural environment for protection, food, and habitat.

I am submitting supporting photographic evidence of fish observed in neighborhood tributaries as an attachment to this letter for inclusion in the SEPA record.

2. Retain Protections for Type O (Ephemeral and Headwater) Streams

Under RCW 36.70A.020(9), the Growth Management Act requires local jurisdictions to protect the environment and enhance critical areas. Reducing buffer widths and removing Type O stream protections conflicts with this statutory mandate.

The Draft CAO removes Type O streams and their buffers, which contradicts the BAS. The Washington Department of Fish and Wildlife (WDFW) and Department of Ecology recognize that intermittent and ephemeral headwater channels perform vital hydrologic and habitat functions sustaining downstream fish-bearing systems.

“Headwater streams, including intermittent and ephemeral channels, comprise the majority of stream network length and are critical to downstream ecosystem function.” — WDFW, Riparian Ecosystems, Vol. 1: Science Synthesis (2020), pp. 58–60

Removing these mapped corridors eliminates buffer protections for riparian canopy, groundwater recharge, nutrient transport, and temperature regulation, directly conflicting with WAC 365-196-830 requirements to address cumulative and indirect impacts.

Bellevue should retain and protect all headwater flow paths, also consistent with King County’s BAS documentation.

3. Stream Buffer Measurement and Best Available Science

The Draft CAO proposes measuring stream buffers from the Ordinary High-Water Mark (OHWM). However, in highly altered urban channels, the OHWM underestimates historic riparian extent and canopy coverage.

WDFW’s Riparian Ecosystems (2020–2024) and the City’s own Stream Regulations Memo (Facet 2025) recommend using Site Potential Tree Height (SPTH200) for determining buffer widths—an approach consistent with BAS and long-term functional goals.

Despite this, the Draft CAO adopts fixed buffers (150/100/75 ft) that are less protective and omit canopy-based performance metrics or monitoring requirements. Relying on future restoration to offset lost buffer function is scientifically unsupported and inconsistent with SEPA and GMA “no net loss” standards.

WDFW Priority Habitat and Species SPTH Mapping Tool: [Priority Habitats And Species: Riparian Ecosystems and the Online SPTH Map Tool](#)

4. Comparison to King County Standards

King County’s CAO measures buffers from the OHWM or streambank edge, using up to 180 ft for fish-bearing aquatic areas within the Urban Growth Area and 100 ft for other shorelines—standards based on current WDFW BAS. Bellevue’s proposed distances and amended Stream Types fall short of these regional and scientific benchmarks.

5. Reliance on Restoration or Mitigation and Tree Canopy Spread Loss

SEPA documentation suggests that restoration projects can offset habitat losses. However, BAS explicitly warns that restoration “does not guarantee ecological equivalency” and that preventing degradation is both the scientifically and economically preferred approach.

Bellevue’s own Environmental Stewardship Plan (ESP) notes steep tree canopy declines in Wilburton—a 2% decrease over a decade, equivalent to 18 acres lost between 2011 and 2021—the steepest loss among all city neighborhoods without measurable recovery. Further reductions would compound watershed degradation.

6. LUC 20.25H.085 Mitigation and Monitoring

Additional Provisions in the Draft CAO: "Environmental Analysis: All proposed changes are primarily administrative and are unlikely to result in impacts to the natural or built environment."

The Draft CAO says developers must submit a mitigation plan if their project impacts a stream or buffer, but it no longer requires them to prove that the mitigation actually works. The previous code

required five years of monitoring and measurable success standards (eg survival of planted vegetation). The new draft leaves those details up to City discretion. There is not requirement for the developer.

20.25H.090 Critical areas report – Additional provisions.

The SEPA review must account for canopy loss within and adjacent to stream buffers, since loss of shade and evapotranspiration directly affects riparian temperature and flow functions.

6. Best Available Science (BAS) and Compliance Concerns

Under WAC 365-196-830 and WAC 365-195-900 through 925, local jurisdictions must:

- Base critical-area regulations on Best Available Science;
- Ensure no net loss of ecological functions;
- Address cumulative effects; and
- Include monitoring and adaptive management provisions.

In addition, Bellevue’s FACET 2025 BAS review does not reference recent WDFW publications emphasizing riparian canopy continuity, wildlife passage, and thermal regulation. The Draft CAO also removes wildlife-corridor protections (LUC 20.25H.075–.090) that were integral to earlier ordinances.

Without these measures, Bellevue cannot verify “no net loss” of function at a basin scale—contrary to SEPA and GMA standards.

7. Neighborhood and Cumulative Context

Our neighborhood is one of the few remaining vegetated headwater zones in the Kelsey Creek system. Preserving these small tributaries will not hinder Bellevue’s housing goals—surrounding growth areas already exceed most of the City’s 2044 Comprehensive Plan targets for our neighborhood.

Because the Draft CAO emphasizes parcel-by-parcel review rather than basin-level management, cumulative degradation will go untracked until restoration becomes cost-prohibitive. This reactive approach undermines adaptive management under WAC 365-195-915.

Requested Actions

1. Re-evaluate streams between 132nd and 136th Avenues NE as potential Type F waters under WAC 222-16-030(5)(h).
2. Measure stream buffers from the historical or natural OHWM, not altered banks.
3. Adopt the SPTH200 canopy-based buffer method consistent with WDFW Riparian Ecosystems (2020–2024).
4. Include a basin-level monitoring and adaptive-management program in the final CAO.
5. Issue a Mitigated DNS or EIS acknowledging significant impacts to riparian canopy, temperature, and fish habitat connectivity.
6. Reinstate wildlife-corridor and connectivity provisions in LUC 20.25H.075–.090 to maintain ecological linkages among streams, wetlands, and uplands.

Conclusion

Bellevue’s Draft CAO Update, as written, does not fully meet Best Available Science or no net loss standards under the Growth Management Act and SEPA (WAC 197-11-330).

Growth in Wilburton, BelRed, and the Spring District can proceed without sacrificing one of our most important and rare natural corridors that sustain the ecological health of Kelsey Creek and the City of Bellevue. Once degraded, these areas are extremely costly—and often impossible—to restore. Protecting them now is not only consistent with BAS but also essential to Bellevue's investment in long-term environmental and economic sustainability.

Based on these findings, I request Council to carefully reconsider issuing a Determination of Nonsignificance (DNS) unless enforceable adaptive mitigation measures are incorporated to ensure compliance with the Best Available Science and no-net-loss standards under WAC 365-196-830.

Without citywide tracking of canopy density and more comprehensive performance monitoring, this is likely to create a likely cumulative loss of shade, infiltration, and wildlife connectivity in the neighborhood areas with streams. Voluntary mitigation does not guarantee adaptive management and no net loss of ecological function with increasing permeable surfaces. If the City cannot ensure full mitigation through adoption of SPTH200 buffers, canopy restoration, and basin-level monitoring, it should prepare a Supplemental Environmental Impact Statement (EIS) to evaluate these impacts consistent with the Best Available Science.

Thank you for your consideration and commitment to ensuring that Bellevue's CAO update remains compliant with state environmental standards and guided by sound science.

Ensuring that the CAO update reflects Best Available Science and meets SEPA and GMA standards is essential to maintaining Bellevue's environmental integrity.

Respectfully,

Phyllis White
Wilburton Resident

Kelsey Creek, One of Bellevue's 4 major watersheds:

Bellevue is home to 4 major watersheds, Coal Creek, Lake Sammamish, Lake Washington, and the Greater Kelsey Creek. One of the major components in Bellevue's watershed assessments is the condition of the riparian canopy cover (trees and their canopy spread). **Of the 4 watersheds, the Greater Kelsey Creek and its sub-watersheds have the lowest percent of riparian canopy cover and the highest percent of riparian impervious surface cover (Greater Kelsey Creek Watershed Assessment Report - page 2-67). Moreover, 90% of the riparian corridor are on private properties.** King County's DRNP Water Quality Index rated Kelsey Creek at NE 8th with a "Moderate" score and its Oxygen levels, a "Poor" rating score.

As a resident of Wilburton, I am writing for your consideration to support our request to preserve one of the few remaining residential areas in our city where riparian corridors are preserved and fostered in our Wilburton neighborhood when addressing future development in our residential subarea.

This also falls in line with the Transit-Oriented Development (TOD) Vision in support of open space and natural systems, and to continue to foster the Comprehensive Plan's Natural Determinants policies:

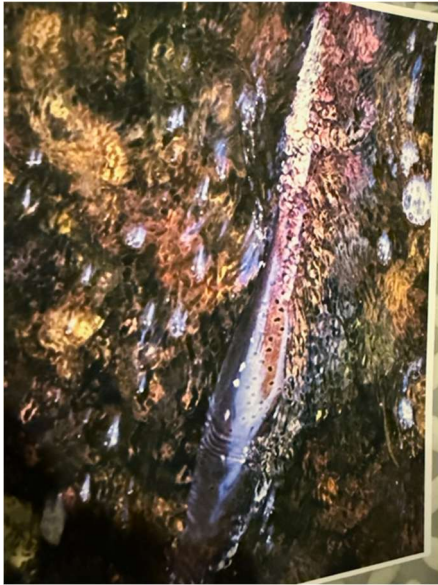
- S-WI-16 Protect and enhance streams, drainage ways, and wetlands in the Kelsey Creek Basin
- S-WI-17 Prevent development from intruding into the floodplain of Kelsey Creek and the Goff Creek.

The natural environment in our Wilburton subarea plays a crucial role in providing a profound sense of well-being. Wilburton residents are dedicated to protecting, restoring, and enhancing the livability of Wilburton. This well-being includes the Kelsey Creek Watershed Basin system and all of its basin streams, such as the Goff stream, sub-tributaries, and wetlands flowing throughout our Wilburton neighborhood.

The wildlife riparian corridor in Wilburton is home to many animals that fall into Washington Fish and Wildlife's priority and endangered habitat and species. They include the Great Blue Heron, the Bald Eagle, Chinook Salmon, Coho Salmon, Sockeye Salmon, Steelhead, bats, owls, hawks, a variety of different birds, as well as other wildlife all living near this source of water and century old trees. Therefore, I am also advocating for the implementation of further measures to protect the preservation, restoration and integrity of the ecological system surrounding Wilburton's streams, marshlands, the trees, plant life, and wildlife habitat.

Wilburton is home to many animals that fall into Washington Fish and Wildlife's priority and endangered habitat and species. They include the priority species Great Blue Heron, the Bald Eagle, Chinook Salmon, Coho Salmon, Sockeye Salmon, Steelhead, bats, owls, hawks, and a variety of different birds, and in **Goff Creek, the threatened species Bull Trout.**

Here are a few photos of wildlife and landmark trees in our cul-de-sac and neighboring streets. The majority of the trees in our subarea are significant and landmark trees.



Salmon in streams on 134th , year unknown.



Salmon in streams on 134th , year unknown.



Red-tailed Hawk on neighbor's roof in Wilburton



Another Hawk on neighbor's Tree.



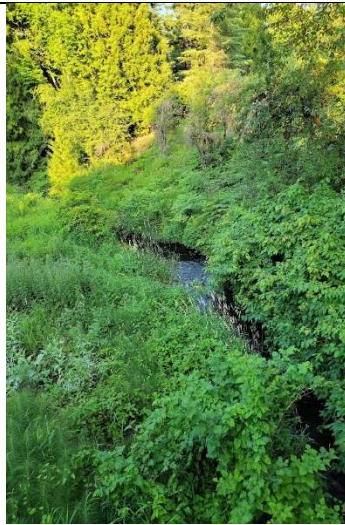
Great Blue Heron, a Priority Species.



Bobcat on Neighbor's Fence



A Bald Eagle flying over neighbor's roof.



Kelsey Creek on our street yesterday. Chinook (endangered species), Coho, and Sockeye salmon spawn in Kelsey Creek.



Kelsey Creek in our neighbor's yard was unusually dirty last summer.

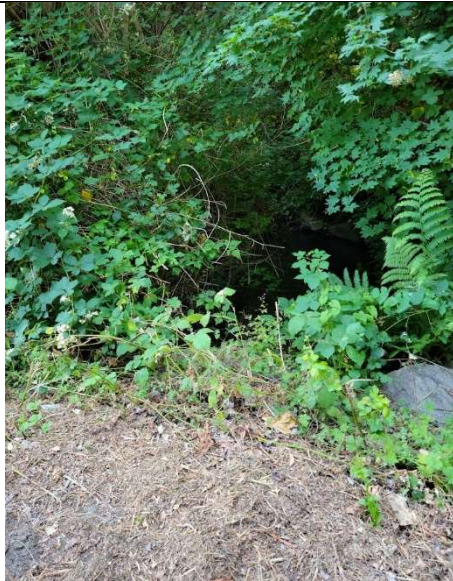


Marsh land under a bridge in a neighboring street on 132nd.

These are areas designated for R-Suburban, with single-family, duplexes, and cottage housing. Areas with marshland and streams surrounded by century old tree canopies should remain low density housing and with less impervious surfaces.



Tall Firs in Wilburton across of Bel-Red. Homes surrounded by landmark trees, with streams and marshland.



Goff Creek on 132nd where Cutthroat Trout live.



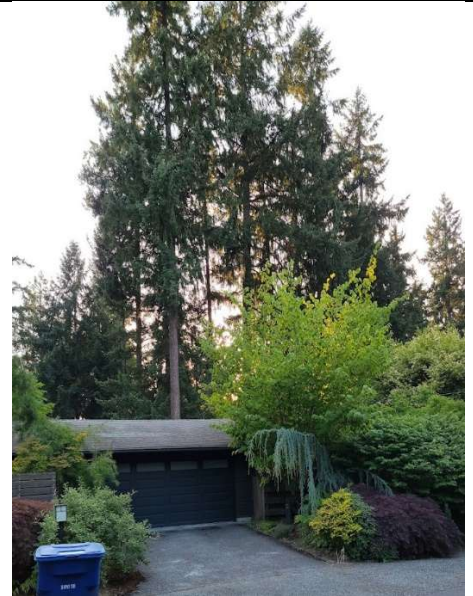
A backyard of a Wilburton home.



Another back yard of a Wilburton home.



Wilburton home (behind the trees) surrounded by marshland.



Homes in Wilburton, another example of the surrounding ecosystem which includes Goff Creek and Kelsey Creek.

Young trees cannot make up for the tall trees providing cooler temperatures and shade for wildlife and streams.

WA DEPT OF FISH & WILDLIFE

The Kelsey Creek Watershed, 200-YR Site-Potential Tree Height and Riparian Management Zone Values for Wilburton/NE 8th BelRed Road :



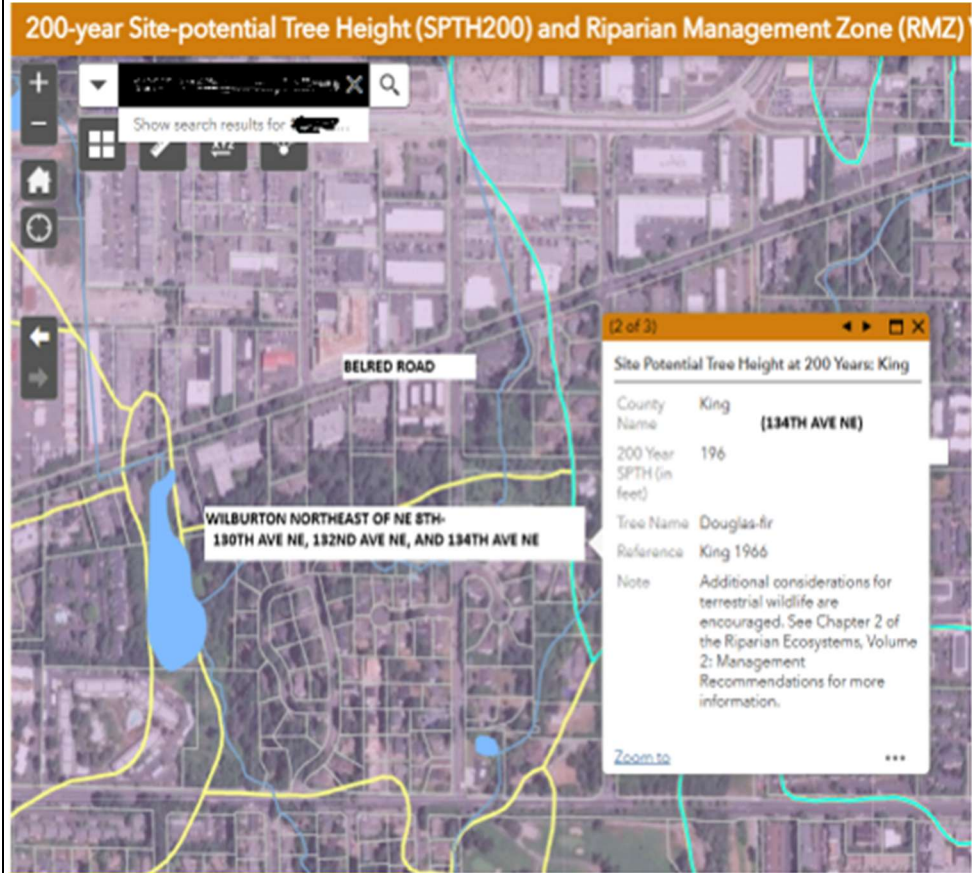
Priority Habitats And Species: Riparian Ecosystems and the Online SPTH Map Tool

application of this tool is for those areas that are proximate to waterbodies - also known as the riparian ecosystem.

The riparian ecosystem is the extent of the area alongside a waterbody that significantly influences the exchange of energy and matter among terrestrial and aquatic ecosystems. Riparian ecosystems are a focal point for conservation because within them, protection of full riparian functions are possible. In addition to fish and wildlife habitat connectivity, those functions include bank stability, shade, pollution removal, and contributions of detrital nutrients and of large woody debris. For more information see: [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#) and [Volume 2: Management Recommendations](#).

Using this online map tool:

- The online map contains GIS data layers that will provide you with 200 year site-potential tree height (SPTH) values (in feet) for forested ecoregions (green), imputed site-potential tree height values (in feet) for selected urban areas (gold/orange), steps to derive a riparian management zone width value for



WILBURTON/NE 8TH NEXT TO BELRED NORTH OF NE 8TH

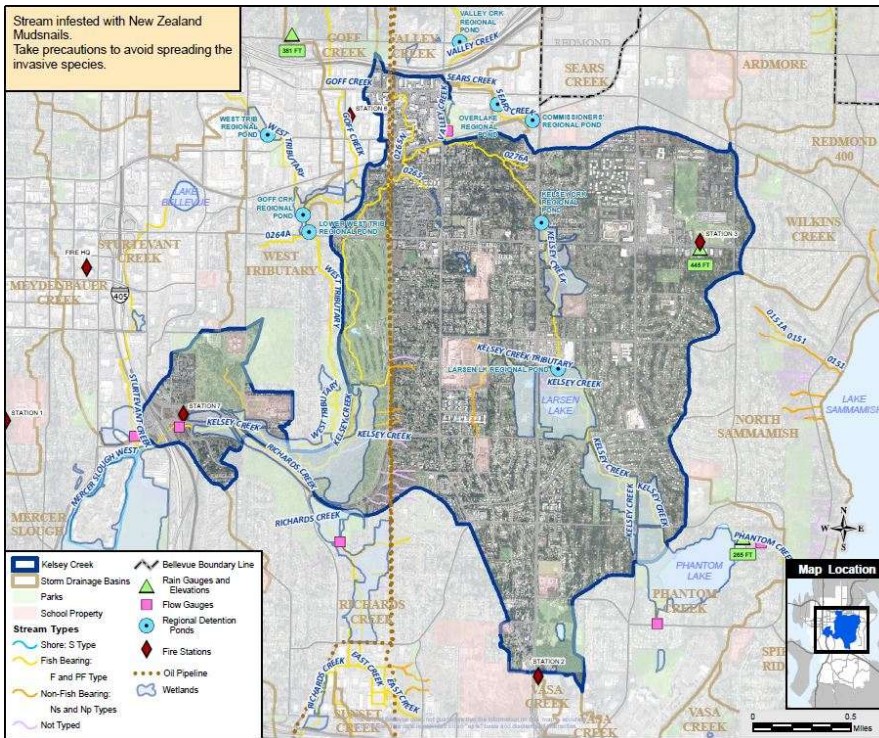
The City of Bellevue's new tree code goal of achieving a city's **40% total tree canopy cover** is **not adequate** for the **Wilburton/NE 8th area with a 37% tree canopy cover**. Wilburton has the lowest tree canopy cover of all of Bellevue's 4 watersheds. Bellevue's Environmental Stewardship Plan goals which includes reducing greenhouse gas emissions by 50%, and a goal to achieve an overall city tree canopy cover of 40%, and its new tree preservation code which updates retention, replacement, and protection provisions do not address the specific needs of the Wilburton watershed.

To ensure the health and sustainability of the Wilburton watershed and its ecological wildlife conservation, it is most important to adopt a science-based approach with the latest research with recommendations from WDFW.

Factors affecting the Greater Kelsey Creek:

https://bellevuewa.gov/sites/default/files/media/pdf_document/2022/Kelsey_AR_Executive_Summary.pdf

"The land cover in the Greater Kelsey Creek Watershed is typical of urban watersheds with a lower percentage of tree canopy and higher percentage of impervious surface ...Within Bellevue, ownership of the riparian corridor across all of the subbasins within the Greater Kelsey Creek Watershed is approximately 90 percent private property and 10 percent publicly owned (primarily parks)..."



Kelsey Creek Drainage Details (City of Bellevue)

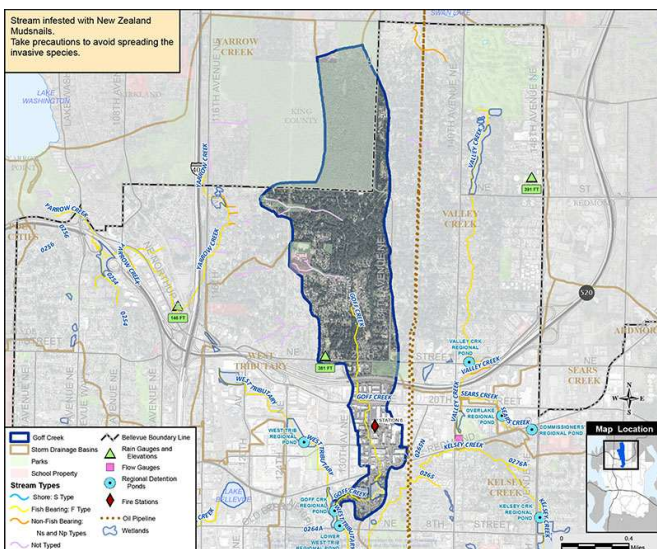
Salmon Present in the Basin

- **Chinook*+**
- **Coho+**
- **Sockeye**
- **Cutthroat Trout**

* Listed Federal Endangered Species

+ City Species of Local Importance (Bellevue Land Use Code 20.25H.150A)

Kelsey Creek Basin Drainage Details – City of Bellevue. City of Bellevue (1), the Goff Creek Basin Fact Sheet, and the Kelsey Creek Basin Fact Sheet. (reference)



GOFF Creek – (City of Bellevue)

Factors that Limit the Health of the Greater Kelsey Creek Watershed in Wilburton (includes Goff Creek):

1. **Pollutant Loading:** Stormwater runoff from impervious surfaces includes road runoff, pollutants, contribute to the worsening habitat water quality for fish and wildlife.
2. **Road Culverts and Other Physical Barriers:** A number of physical barriers including undocumented barriers on private properties preventing fish passage for spawning and/or rearing have been identified in all the streams of the Greater Kelsey Creek Watershed.
3. **Loss of Floodplain and Riparian Function:** Urban development has confined and reduced the natural occurrence of wood entering many of the stream reaches in the Watershed. ***Tree canopies are becoming largely concentrated in parks reducing floodplain storage. This is leading to high velocities and flowrates.***
4. **Take proactive measures to minimize costs:** Protect the watershed. Over the past 15 years, the City invested tens of millions of dollars in the Greater Kelsey Creek Watershed on in-stream projects including restoring natural habitats.
5. **Bellevue's 4 major watersheds:** Of Bellevue's 4 watersheds, the **Greater Kelsey Creek and its sub-watersheds have the lowest percent of riparian canopy cover and the highest percent of riparian impervious surface cover (Greater Kelsey Creek Watershed Assessment Report - page 2-67).** Moreover, 90% of the riparian corridor are on private properties.
6. The attached Wilburton Poll was distributed to 79 residents in the Wilburton/NE 8th BelRed homes. A total of 63 Bellevue residents (including renters) responded, prioritizing the environment and our Wilburton area. Wilburton needs a balanced growth.



Nesse, Katherine

From: phyllisjwhite@comcast.net
Sent: Wednesday, October 22, 2025 1:23 PM
To: PlanningCommission
Cc: Mandt, Kirsten; King, Emil A.
Subject: The City of Bellevue's Critical Ordinance Update File No. 25-116714 and Proposed Amendments to the CAO
Attachments: SEPA Wilburton Kelsey Creek Watershed.docx; 10.3.25 WDFW Planning Commission Letter.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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5. Reliance on Restoration or Mitigation and Tree Canopy Spread Loss

SEPA documentation suggests that restoration projects can offset habitat losses. However, BAS explicitly warns that restoration “does not guarantee ecological equivalency” and that preventing degradation is both the scientifically and economically preferred approach.

Bellevue’s own Environmental Stewardship Plan (ESP) notes steep tree canopy declines in Wilburton—a 2% decrease over a decade, equivalent to 18 acres lost between 2011 and 2021—the steepest loss among all city neighborhoods without measurable recovery. Further reductions would compound watershed degradation.

6. LUC 20.25H.085 Mitigation and Monitoring

Additional Provisions in the Draft CAO: “Environmental Analysis: All proposed changes are primarily administrative and are unlikely to result in impacts to the natural or built environment.”

The Draft CAO says developers must submit a mitigation plan if their project impacts a stream or buffer, but it no longer requires them to prove that the mitigation actually works. The previous code

required five years of monitoring and measurable success standards (eg survival of planted vegetation). The new draft leaves those details up to City discretion. There is not requirement for the developer.

20.25H.090 Critical areas report – Additional provisions.

The SEPA review must account for canopy loss within and adjacent to stream buffers, since loss of shade and evapotranspiration directly affects riparian temperature and flow functions.

6. Best Available Science (BAS) and Compliance Concerns

Under WAC 365-196-830 and WAC 365-195-900 through 925, local jurisdictions must:

- Base critical-area regulations on Best Available Science;
- Ensure no net loss of ecological functions;
- Address cumulative effects; and
- Include monitoring and adaptive management provisions.

In addition, Bellevue’s FACET 2025 BAS review does not reference recent WDFW publications emphasizing riparian canopy continuity, wildlife passage, and thermal regulation. The Draft CAO also removes wildlife-corridor protections (LUC 20.25H.075–.090) that were integral to earlier ordinances.

Without these measures, Bellevue cannot verify “no net loss” of function at a basin scale—contrary to SEPA and GMA standards.

7. Neighborhood and Cumulative Context

Our neighborhood is one of the few remaining vegetated headwater zones in the Kelsey Creek system. Preserving these small tributaries will not hinder Bellevue’s housing goals—surrounding growth areas already exceed most of the City’s 2044 Comprehensive Plan targets for our neighborhood.

Because the Draft CAO emphasizes parcel-by-parcel review rather than basin-level management, cumulative degradation will go untracked until restoration becomes cost-prohibitive. This reactive approach undermines adaptive management under WAC 365-195-915.

Requested Actions

1. Re-evaluate streams between 132nd and 136th Avenues NE as potential Type F waters under WAC 222-16-030(5)(h).
2. Measure stream buffers from the historical or natural OHWM, not altered banks.
3. Adopt the SPTH200 canopy-based buffer method consistent with WDFW Riparian Ecosystems (2020–2024).
4. Include a basin-level monitoring and adaptive-management program in the final CAO.
5. Issue a Mitigated DNS or EIS acknowledging significant impacts to riparian canopy, temperature, and fish habitat connectivity.
6. Reinstate wildlife-corridor and connectivity provisions in LUC 20.25H.075–.090 to maintain ecological linkages among streams, wetlands, and uplands.

Conclusion

Bellevue’s Draft CAO Update, as written, does not fully meet Best Available Science or no net loss standards under the Growth Management Act and SEPA (WAC 197-11-330).

Growth in Wilburton, BelRed, and the Spring District can proceed without sacrificing one of our most important and rare natural corridors that sustain the ecological health of Kelsey Creek and the City of Bellevue. Once degraded, these areas are extremely costly—and often impossible—to restore. Protecting them now is not only consistent with BAS but also essential to Bellevue's investment in long-term environmental and economic sustainability.

Based on these findings, I request Council to carefully reconsider issuing a Determination of Nonsignificance (DNS) unless enforceable adaptive mitigation measures are incorporated to ensure compliance with the Best Available Science and no-net-loss standards under WAC 365-196-830.

Without citywide tracking of canopy density and more comprehensive performance monitoring, this is likely to create a likely cumulative loss of shade, infiltration, and wildlife connectivity in the neighborhood areas with streams. Voluntary mitigation does not guarantee adaptive management and no net loss of ecological function with increasing permeable surfaces. If the City cannot ensure full mitigation through adoption of SPTH200 buffers, canopy restoration, and basin-level monitoring, it should prepare a Supplemental Environmental Impact Statement (EIS) to evaluate these impacts consistent with the Best Available Science.

Thank you for your consideration and commitment to ensuring that Bellevue's CAO update remains compliant with state environmental standards and guided by sound science.

Ensuring that the CAO update reflects Best Available Science and meets SEPA and GMA standards is essential to maintaining Bellevue's environmental integrity.

Respectfully,

Phyllis White
Wilburton Resident



State of Washington

Department of Fish and Wildlife, Region 4

Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

October 3, 2025

City of Bellevue
Planning Commission
450 110th Ave NE
Bellevue, WA 98004

RE: Proposed Amendments to the City of Bellevue's Municipal Code, 20.25H Critical Areas Overlay District

Dear Planning Commission members,

My name is Morgan Krueger, and I represent the Washington Department of Fish and Wildlife (WDFW). I am writing to follow up on WDFW's previous comments submitted on July 23 and August 25, as well as the additional comment sheet dated October 3, 2025, provided alongside this letter.

I would like to take this opportunity to reiterate that decisions made by the Commission play an important role in shaping the long-term health of Bellevue's waterways, and in turn, federally listed salmon populations. Given Bellevue's critically important location within the watershed, including both [Tier 1 and Tier 2 priority areas](#) for Chinook habitat, it is essential that proposed amendments remain consistent with the Best Available Science (BAS), as current Chinook population represents less than 10 percent of historic populations¹.

Bellevue not only has an influential role in salmon protection and recovery, but the city also faces pressing water quality issues. The importance of addressing water quality concerns is demonstrated by the listing of many water bodies within the city, including Kelsy Creek, found on Ecology's [303\(d\) list](#). Having a water body listed on Ecology's 303(d) list means it has been formally identified as "impaired" under the federal Clean Water Act. In other words, waterways within Bellevue are currently failing to meet basic water quality standards under current regulations and city practices.

¹ WRIA 8 Salmon Recovery Council. 2017. Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan 10-year Update (2017). Water Resource Inventory (WRIA) 8, Seattle, WA. [https://www.govlink.org/watersheds/8/reports/pdf/wria-8-ten-year-salmon-conservation-plan-combined-10-25-2017.pdf]

WDFW's BAS demonstrates that a 100-foot buffer is the minimum necessary to effectively filter most pollutants before they reach streams. While the city's proposed amendments include buffer enhancements, the widths currently proposed—50 feet for Type Ns streams and 75 feet for Type Np streams—remain insufficient to protect water quality functions according to WDFW's BAS, even if fully vegetated. This is particularly concerning because these smaller streams are often degraded and flow directly into Lake Washington and other fish-bearing waters, meaning inadequate buffers here directly contribute to pollution and habitat impacts downstream.

As environmental protections face ongoing challenges, it is often local leaders and planning staff who serve as the last, and sometimes only, line of defense in protecting Washington's natural resources. Your decisions here carry weight far beyond city limits.

We strongly urge you to incorporate WDFW's BAS, and at a minimum, adopt the 100-foot buffer standard for Type Np and Ns streams to ensure adequate pollution filtration and long-term ecological resilience.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, reading "Morgan Krueger". The signature is fluid and cursive, with the first name "Morgan" and last name "Krueger" clearly distinguishable.

Morgan Krueger
Regional Land Use Lead
Washington Department of Fish and Wildlife

CC:

Kara Whittaker, Land Use Conservation and Policy Section Manager (Kara.Whittaker@dfw.wa.gov)
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