

CITY COUNCIL AGENDA TOPIC

Ordinance relating to critical areas; Revising the City's development regulations governing critical areas, and revising other related development regulations, to comply with the state-mandated update deadline of December 31, 2025; Amending Chapters 20.20, 20.45A, 20.45B, and 20.50 of the Bellevue Land Use Code; Amending Parts 20.25D, 20.25H, 20.25L, 20.25P, 20.25Q, 20.30D, and 20.30P of the Land Use Code; Providing for severability; and setting an effective date.

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Development Services Department

EXECUTIVE SUMMARY**ACTION**

On November 12, the Council reviewed the Critical Areas Ordinance (CAO) Update Land Use Code Amendment (LUCA) to comply with the requirement set by the state to periodically review and update the city's CAO every ten years. After discussion about the recommended CAO Update LUCA, Council directed staff to bring back this Ordinance for final action.

This Ordinance is scheduled for final Council action tonight, in advance of the state's December 31 deadline.

RECOMMENDATION

Move to adopt Ordinance No. 6894

BACKGROUND/ANALYSIS**Background**

Every ten years, the Growth Management Act, Chapter 36.70A RCW (GMA), requires local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations using Best Available Science (BAS) to ensure protection of these areas. State law requires the designation and protection of five types of critical areas: wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

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

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

After the last study session with Council, recent updates have been made to the strike-draft (Attachment A), with all revisions highlighted in yellow for ease of reference. These changes reflect feedback received from the Department of Ecology and are primarily technical in nature to better align with Ecology guidance. The changes do not alter policy direction, or the intended functional outcomes of the code at the project level. The revisions are important to incorporate and are consistent with prior policy direction as well as the best available science.

November 12 Study Session

At the November 12 meeting, City Council reviewed the Planning Commission's recommended CAO Update LUCA. A strike-draft of the recommended LUCA is provided as Attachment A. During the discussion, Council expressed appreciation for the comprehensive outreach process and the balanced nature of the recommended LUCA, noting that it provides a good level of environmental protection while allowing appropriate flexibility and support for development to meet the City's housing targets. Council also discussed a potential amendment to permit filling of Category III wetlands within Transit Oriented Development areas, subject to defined site criteria and mitigation standards.

Ultimately, Council directed staff to advance this Ordinance for final action without modification in order to meet the end-of-year deadline and because the LUCA meets many of Council's objectives. However, Council requested that staff evaluate what a future amendment, specifically related to Category III wetland fill, would require in terms of staff time, budget, and schedule. The following outlines a potential pathway for considering targeted amendments to the Critical Areas Ordinance in the coming year.

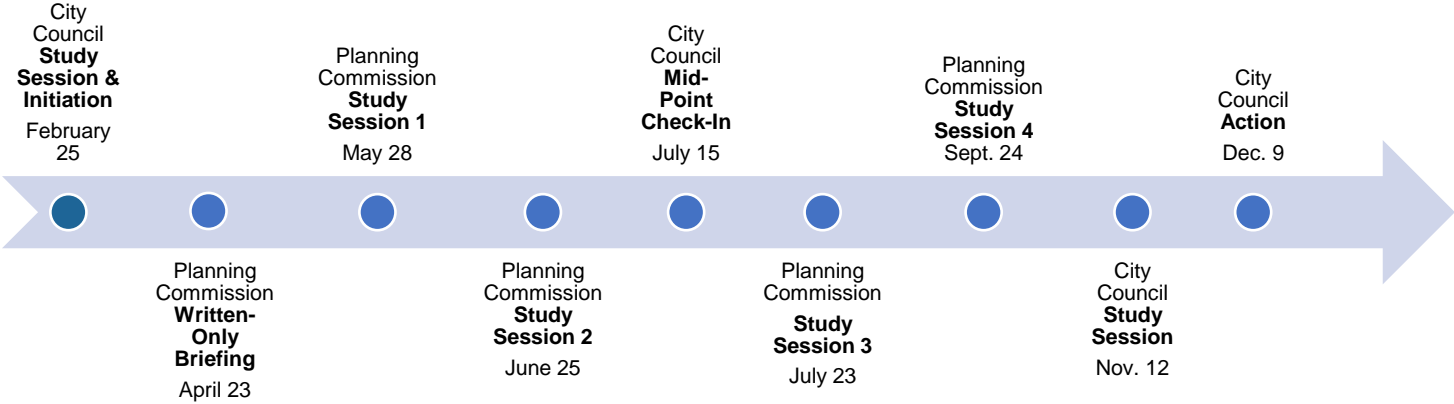
Targeted CAO Amendment in 2026

A future LUCA addressing the potential allowance for Category III wetland fill would require amending the City's contract with its technical consultant, Facet, to include additional scope and budget. This work would need to be evaluated in conjunction with other flexibilities already offered in the current Ordinance to ensure an overall balance is maintained. Because Category III wetlands are among the most common in most jurisdictions, an analysis of potential impacts and alignment with other flexibilities in the Ordinance would be essential.

This would be a new body of work. To complete the work efficiently, staff recommend bringing a LUCA initiation question to Council in Q1 2026 and also recommend that Council retain review authority rather than referring the amendment to the Planning Commission. Following initiation, staff would conduct targeted outreach with the community, engaged stakeholders, state agencies, and tribes. At least one study session would be necessary before a public hearing is scheduled.

Staff estimate that the review, outreach, and legislative process would take approximately three to six months from initiation to Council action. This work will also need to be considered alongside other Council priorities identified in the 2026 to 2027 Land Use Planning Initiatives (LUPI) workplan, which is anticipated to be presented to Council in Q1 2026. Advancing this targeted CAO amendment will necessitate reprioritization or deferral of other first quarter planned code or policy amendments intended to support the implementation of the updated Affordable Housing Strategy, the 2026–2030 Sustainable Bellevue Plan, and the Economic Development Plan.

Review Process



POLICY & FISCAL IMPACTS

Policy Impact

The recommended LUCA is consistent with the Comprehensive Plan and advances the overarching goal of achieving a balanced approach to accommodating housing production and managing growth while safeguarding environmental quality. The proposal is particularly aligned with the Climate and Environment Element of the Comprehensive Plan, which focuses on restoring, protecting, and enhancing Bellevue’s built and natural environments to strengthen resiliency, promote sustainability, and address the impacts of climate change.

Fiscal Impact

There is no fiscal impact associated with implementing this LUCA.

OPTIONS

- 1. Move to adopt the Ordinance relating to critical areas; Revising the City’s development regulations governing critical areas, and revising other related development regulations, to comply with the state-mandated update deadline of December 31, 2025; Amending Chapters 20.20, 20.45A, 20.45B, and 20.50 of the Bellevue Land Use Code; Amending Parts 20.25D, 20.25H, 20.25L, 20.25P, 20.25Q, 20.30D, and 20.30P of the Land Use Code; Providing for severability; and setting an effective date.
- 2. Provide alternative direction to staff.

ATTACHMENTS

- A. LUCA Final Strike-Draft
Proposed Ordinance No. 6894

AVAILABLE IN COUNCIL LIBRARY

N/A