

Critical Areas Ordinance Update

Study Session

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City of Bellevue



Direction

Provide input on key proposed code changes in draft LUCA.



Agenda



Background: Permitting & Process



June 25 Study Session Recap



Key Proposed LUCA Components



Next Steps & Schedule



Permitting & Process

- Critical Areas Land Use Permit (CALUP) review required for any disturbance or modification of a critical area, buffer, or setback
- Any use not explicitly allowed by 20.25H.055 requires report review process
- Limited proposals do not require CALUP
- CALUP typically includes:
 - Proposal and associated plans
 - Site survey
 - Environmental assessment conducted by qualified environmental consultant
 - Critical areas report addressing Land Use Code requirements and consistency



Permitting & Process

- CALUP is the most numerous land use application
 - Average 48 applications per year over last 10 years
 - Often combined with other application types

60-70% of
CALUPs are
related to
geologic hazard
areas

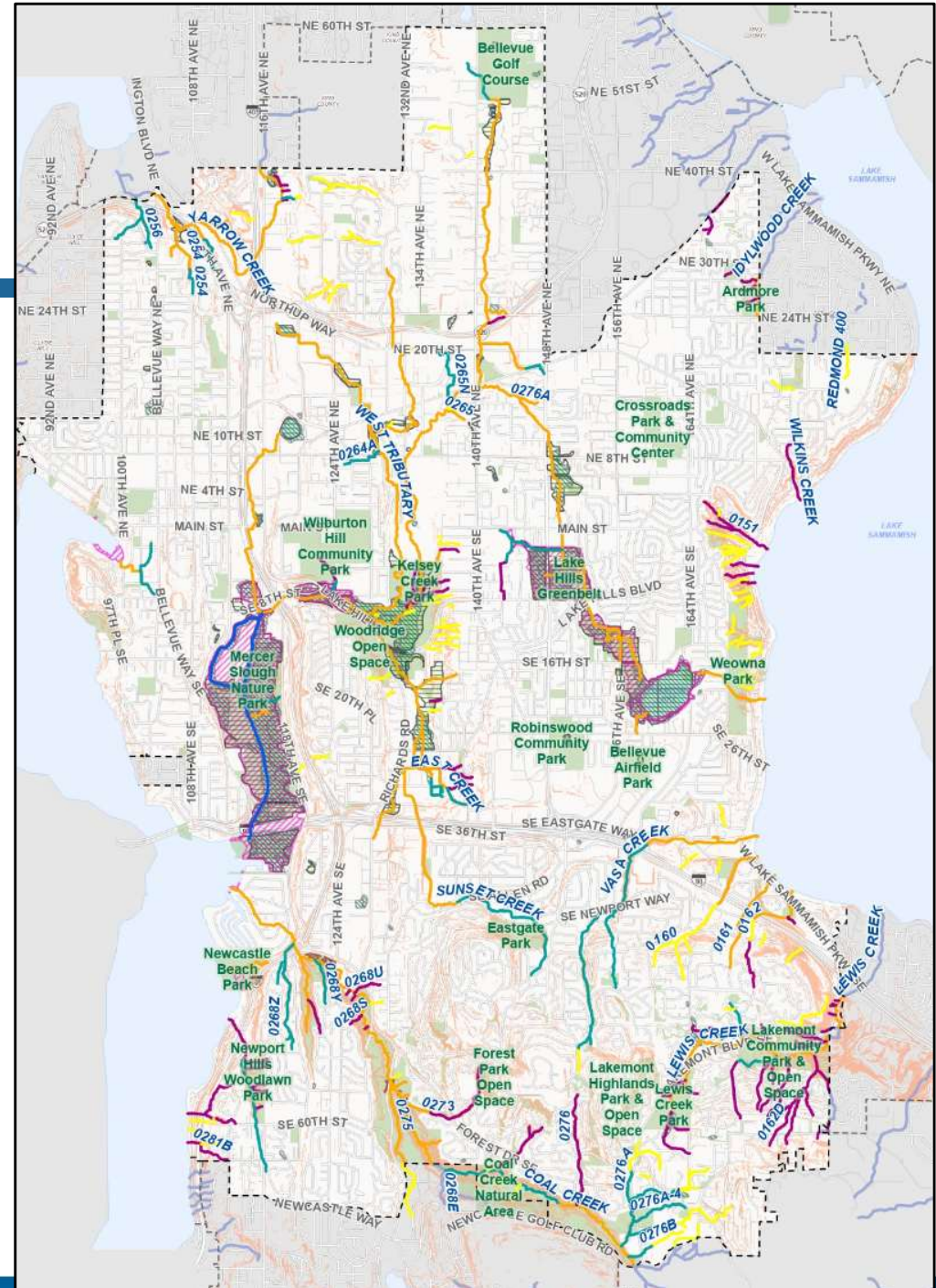
80% of CALUPs
related to
residential
projects

20% of CALUPs
for public
infrastructure
and commercial



June 25 Study Session

- Support for integrating performance-based strategies
- Support for permitting multiple units in RUE
- Support for density limit removal
- Support for restoration incentives, particularly small sites
- Equity considerations should be considered
- Concerns on impacts of SPTH
- Some concern/questions around use of OHWM versus top-of-bank
- Additional steep slope allowances



Key Proposed LUCA Components

- Developed vs. Undeveloped Site
- Structure Setbacks from buffers
- Stream Management
- Wetland Buffers
- Steep Slopes
- Development Density/Intensity Factor
- Reasonable Use Exception



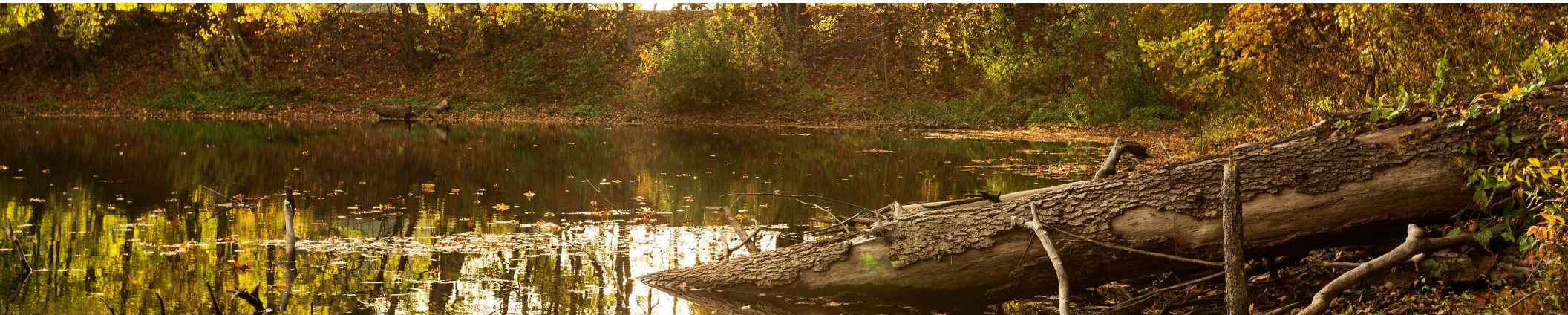
Developed vs Undeveloped Site

Current Code:

- Buffers and setbacks dependent on whether site considered “developed” or “undeveloped”
- Creates additional code complexity

Draft Code:

- Apply one buffer standard
- Include provisions for how to treat expansion of existing structure
- Add incentives for modifying buffers in limited circumstances
- Retain buffer averaging



Buffer Setbacks

Current Code:

- Structure setback from buffers dependent on:
 - Critical area categorization
 - Developed or undeveloped
- Range depending on criteria



Draft Code:

- Simplifies to one standard 20-foot setback

Option:

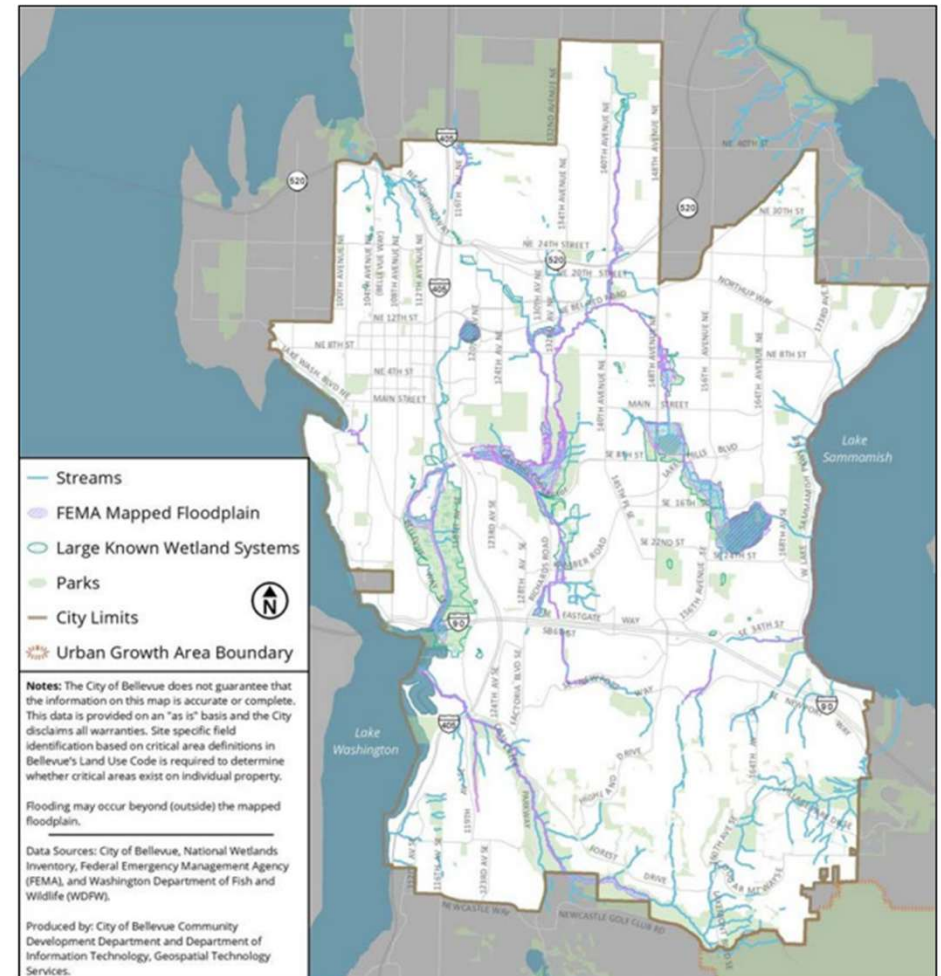
- **Jurisdictions commonly use 10, 15, or 20 feet as a standard structure setback.**



Stream Management

Draft Code:

- Maintains existing stream typing system
- Uses OHWM in place of top-of-bank
Added protections for streams adjacent to slopes
- Performance-based approach when proposing stream daylighting
 - Could expand to meandering streams



Wetland Buffers

Draft Code:

For consistency with Ecology

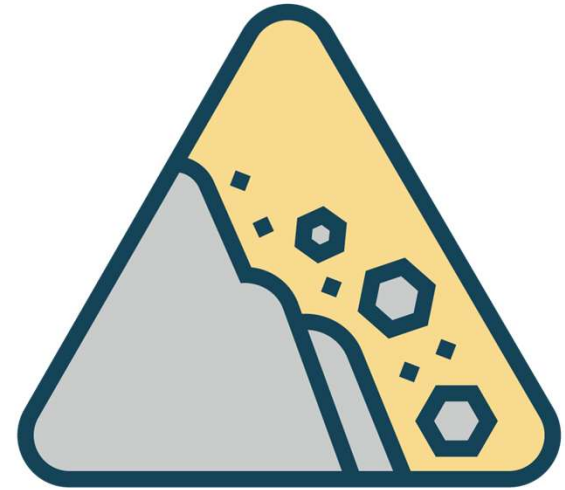
- Update habitat scores
- Added vegetated buffer standards
- Added habitat corridor requirements for wetlands with a high habitat score
- Added language on mitigation timing
- Added language on mitigation ratios



Steep Slopes

Draft Code:

- Added geologic hazard critical area buffer exemption for manmade slopes
- Added criteria for when a geologic hazard area buffer may be reduced
- Added pathway for landslide or steep slope hazard area to be modified through a development proposal in such a way as to remove or reduce the hazard that may continue to be regulated



Development Density/Intensity Factor

Draft Code:

- Removes this code section

Other Development Considerations:

- Calculate yield based on net square footage
- Lot coverage limitation when critical areas are present

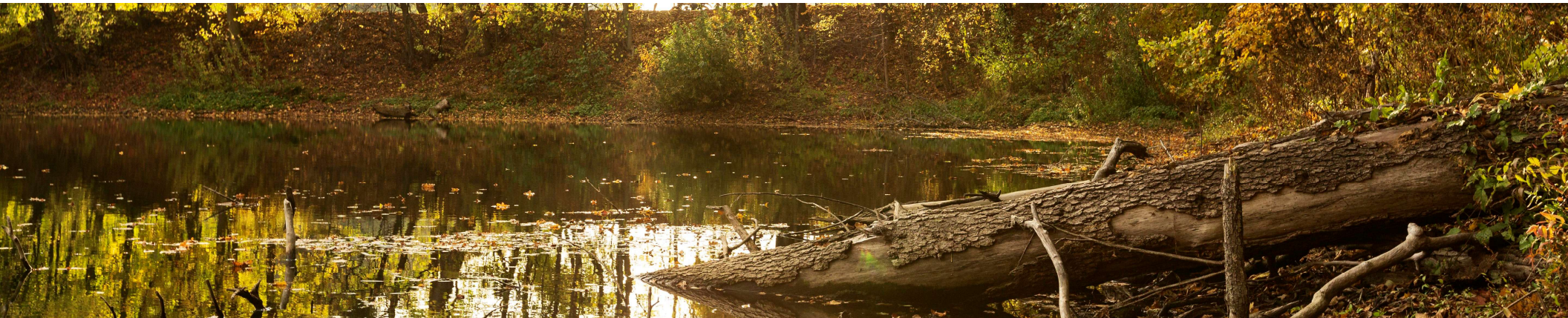


Reasonable Use Exception (RUE)

The City may approve limited use and disturbance of a critical area and/or critical area buffer when no other use constitutes a reasonable alternative

Draft Code:

- Simplifies requirements generally
- Permits up to two dwelling units as an RUE
- Streamlines maximum limits of disturbance



July 7 Virtual Event:

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- The image shows a group of people in a room, likely a community meeting. A woman in a floral shirt and a man in a camouflage shirt are in the foreground. In the background, there are informational posters. One poster is titled "We want to hear from you!" and features a photo of a wetland. The poster text includes: "Wetlands: Wetlands are classified and buffered for protection. Buffers and setbacks vary by development and undeveloped sites. (200-foot Land Use CDD 2.0, 200-foot setback 200-foot).", "Plan and Wildlife Habitat Conservation Areas (FWHCA), Habitat: FWHCA are... (200-foot setback 200-foot)", and "We want to hear from you!". There are also handwritten notes on the poster, including "I like it!" and "I have concerns!".

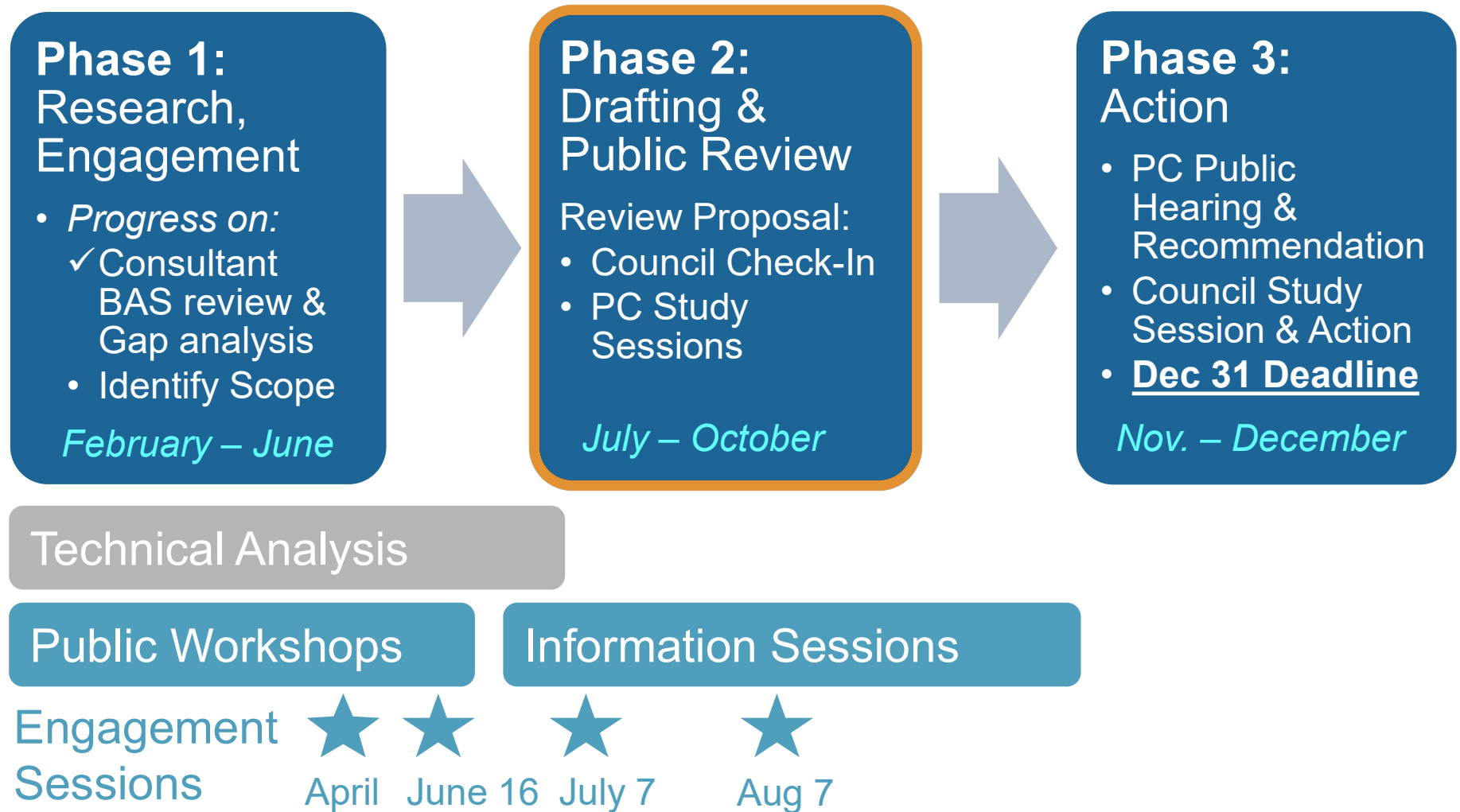


Upcoming Events

- August 7 virtual info session and Q&A on draft code



Next Steps





Direction

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