

Critical Areas Ordinance Update

Study Session

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September 24, 2025



City of Bellevue



Direction

Provide input and direct staff to prepare the proposed LUCA for public hearing at a future meeting.



Agenda



July 23 Study Session Recap



Engagement Summary



Updated Streams Code



Innovative Mitigation

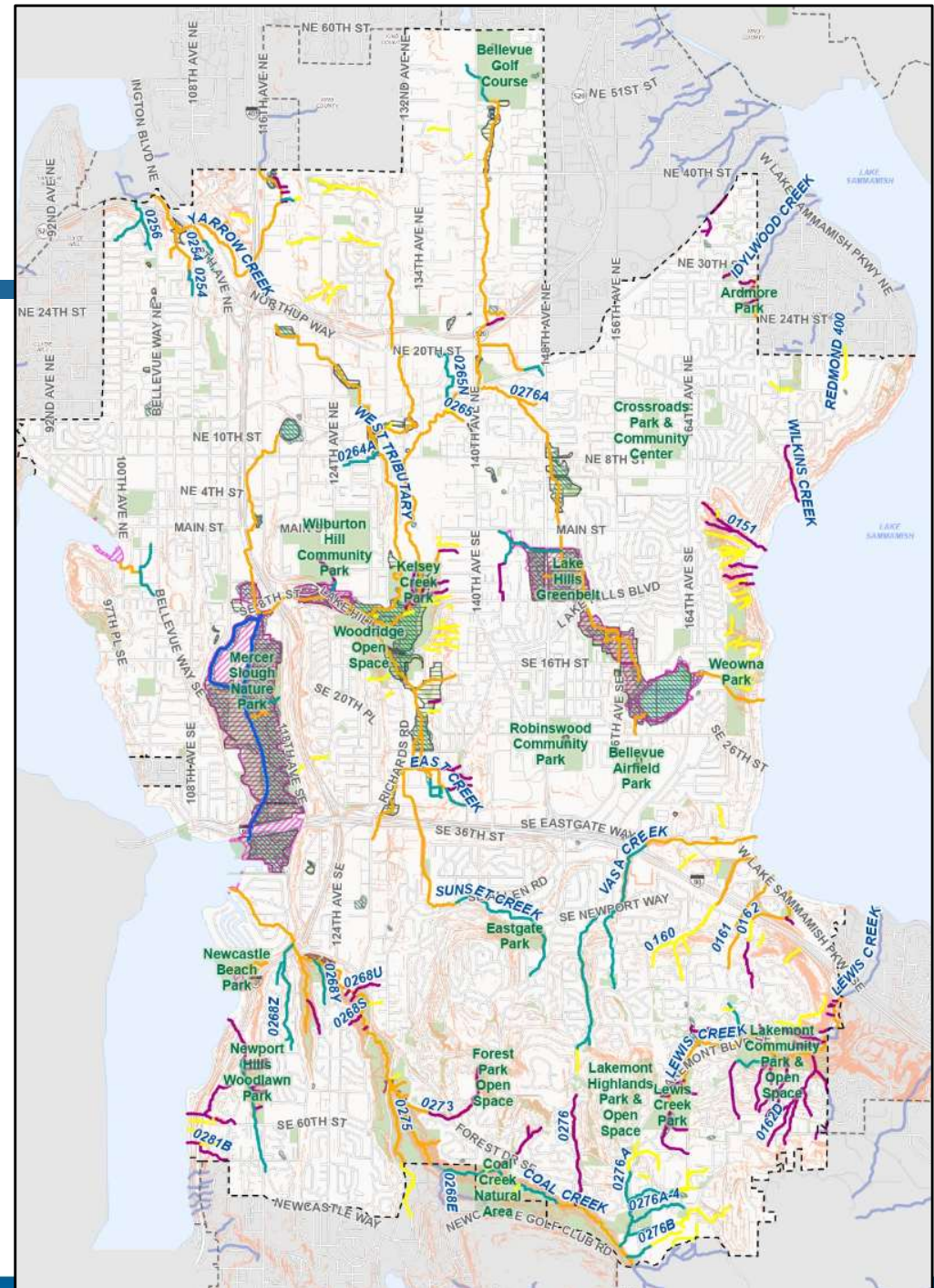


Next Steps & Schedule

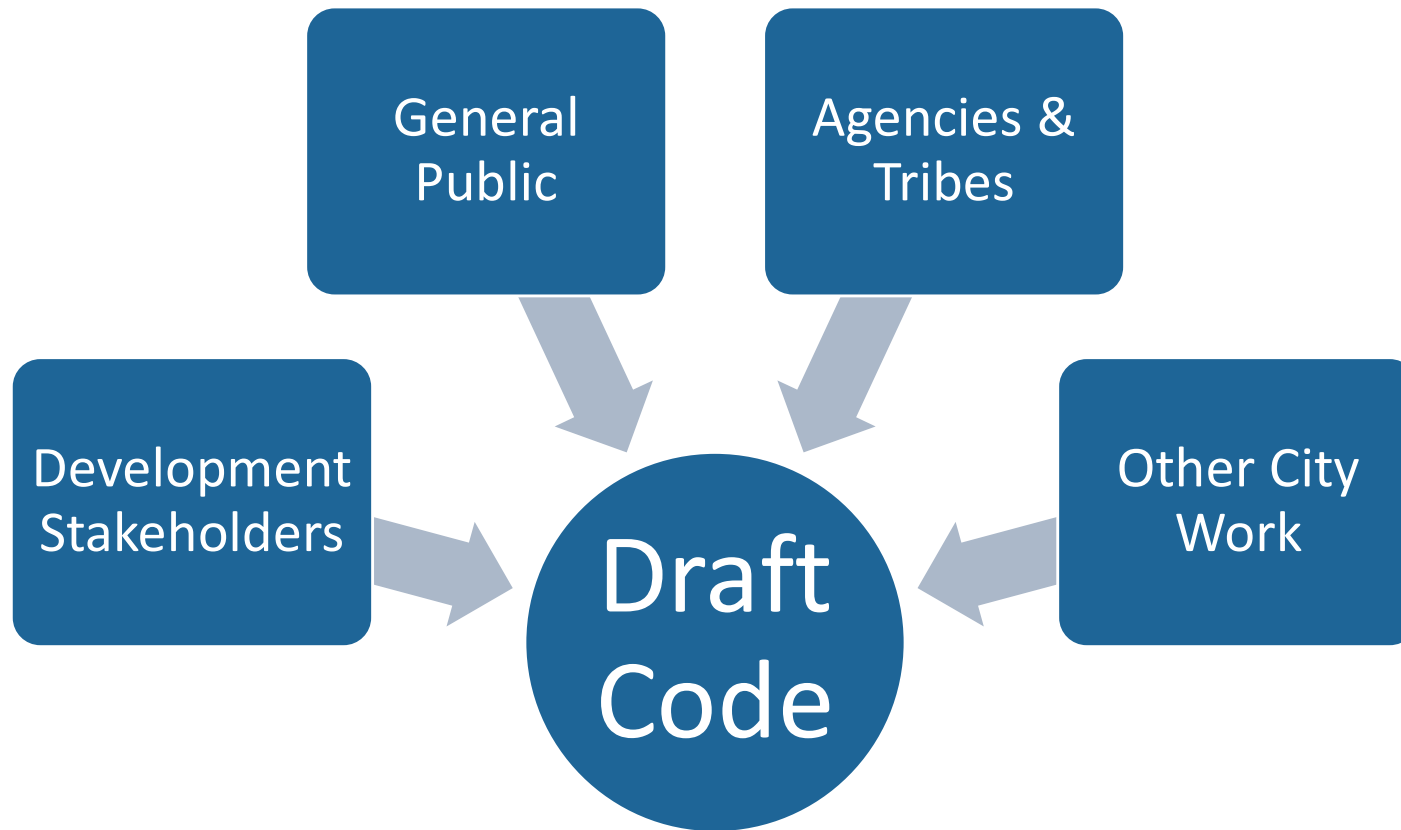


July 23 Study Session

- Engagement work and timing
- Support for providing as much flexibility as feasible/possible
- Ensuring alignment with Best Available Science
- Supportive of approach to Reasonable Use Exception
- Supportive of expanding types of degraded streams that could qualify for more flexible buffer approach
- Concern about cumulative impacts from development
- Concern about potential development impact to BelRed

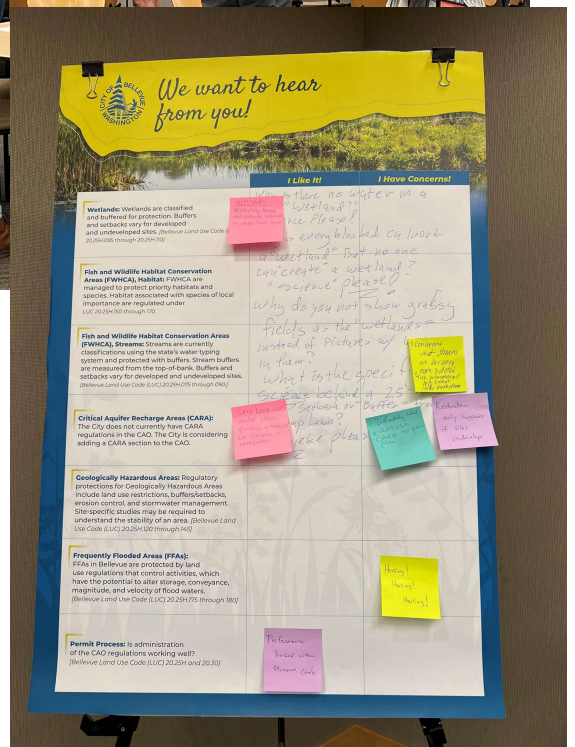
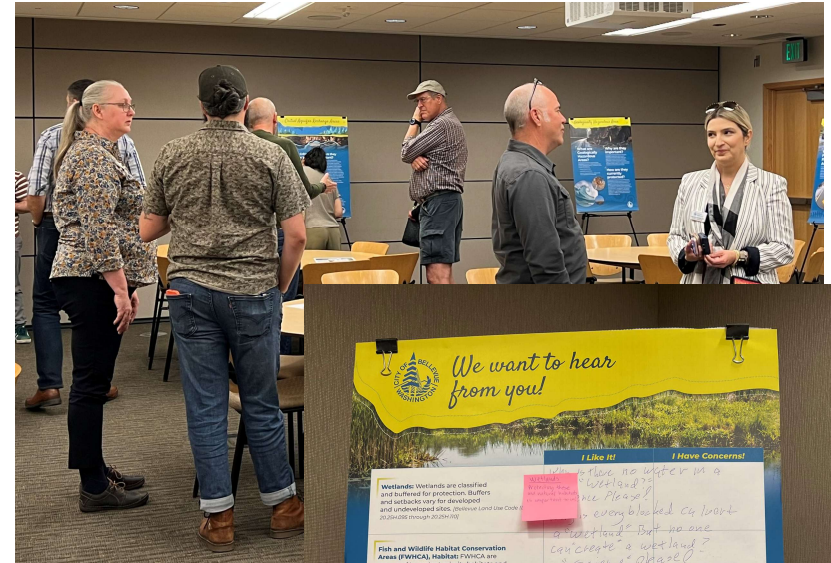


Summer '25 Engagement



Spring/Summer Engagement

- Earthfest booth
- Two public workshops (one virtual one in-person)
- Virtual info session on initial draft
- Joint CAO & BelRed BDC workshop
- Meeting with WDFW
- Ongoing comments received



Other City Projects

Related Planning Efforts Currently Underway Include:

- Watershed Management Plan
- Water System Plan
- Wastewater System Plan
- Storm and Surface Water System Plan

Related Teams:

- Stream Team
- Beaver Team

Interlocal Agreement with WRIA 8 adopted May 2025

From the Phase 1 Bellevue Watershed Management Plan Community Engagement Survey

Q5. There are many reasons why Bellevue needs a plan for healthier streams. The following messages received strong support from respondents.

89%

Protecting the health of our waterways and the fish and wildlife who call them home from the effects of growth and development.

88%

Protecting our storm system from pollutants that result from human activity.

82%

Protecting the vital habitat of Bellevue's migrating salmon and resident fish and wildlife.

82%

Preventing negative impacts to the water quality and habitat conditions of our connected waterways.

81%

Keeping our waterways healthy for future generations.

78%

Reducing excessive stormwater runoff that can erode stream banks and harm fish and wildlife habitat.

68%

Preserving Bellevue's lakes, streams and wetlands for residents and visitors to enjoy for their beauty and for recreation.



Best Available Science

- **WAC 365-190-080(2)** requires that Counties and cities must include the best available science (defined in WAC 365-195-905) when designating critical areas and when developing policies and regulations that protect critical areas.
- Must give special consideration of anadromous fisheries and are encouraged to protect both surface and groundwater resources.
- Must be peer reviewed, which typically means publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed.



Development Flexibilities

Draft Code:

- Removes density/intensity calculation in LUC 20.25H.045

Additions:

- Removes lot coverage calculation limitation for parcels in the CAO
- Removes DU/Acre calculation lower density residential land use districts
- Removes restriction on applying the middle housing code in LUC 20.20.538 to parcels in the CAO

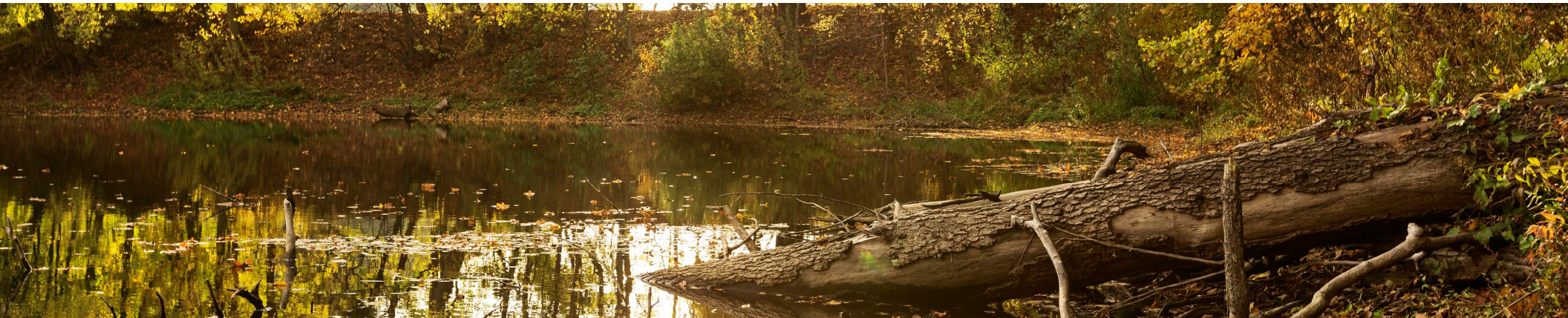


Reasonable Use Exception (RUE)

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 for residential
- Permits limited commercial and offices uses
- Streamlines maximum limits of disturbance



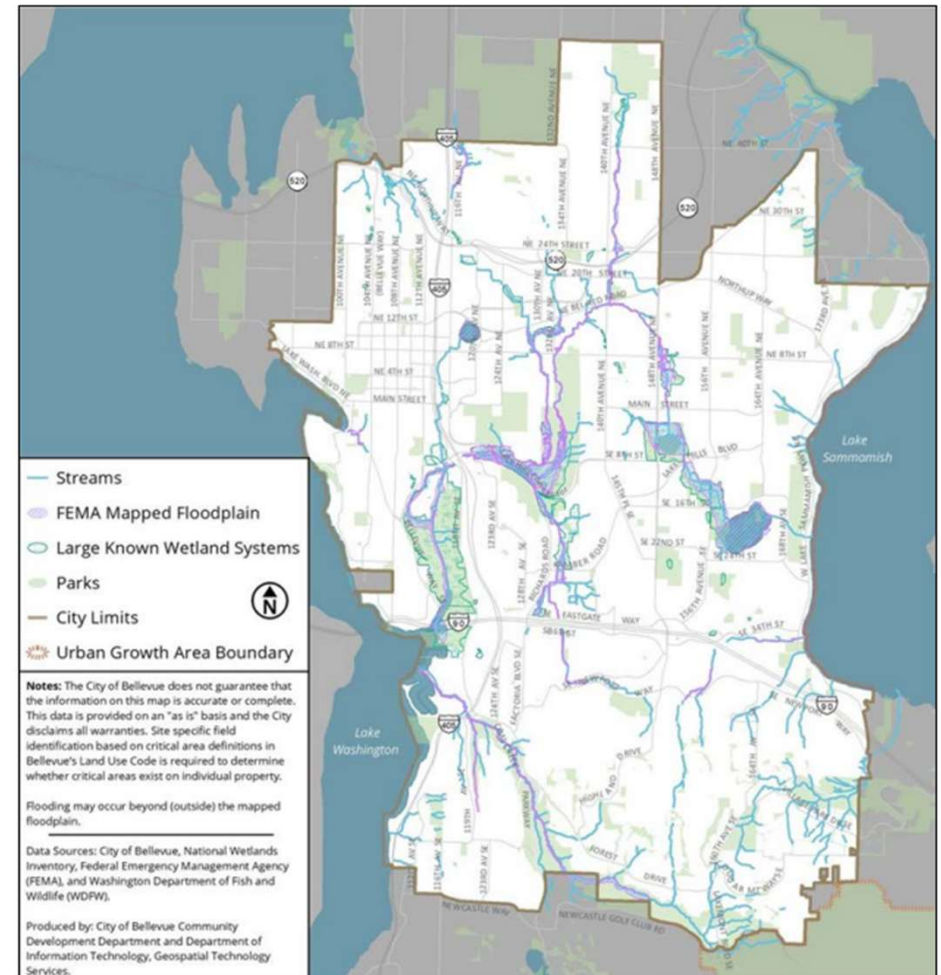
Streams – Standard Buffers

- Apply when stream is **not** degraded
- Recommended to increase based on BAS and WDFW methodology review
- Recommendation represents middle ground between current code and WDFW buffers

Type	Current Standard Buffer	Recommended Standard Buffer
F	100	150
Np*	50	100
Ns*	50	75
O	25	N/A**

*Current code does not delineate between perennial and seasonal streams that are not fish-bearing

**Type O streams are recommended for removal from regulation



Streams – Degraded Condition

Daylighting

- May reduce buffer to 50 feet
- Subject to improvements to function
- Exploring streamlining of review for larger daylighting projects

Meandering/Reconfiguration

- Draft language included in stream memo under Option b with similar reduction and requirements to stream daylighting
- Will be included in public hearing draft



Mercer Slough fish ladder



Streams – Degraded Condition

B. Stream Meandering and Reconfiguration

- a. Applicability: Applies to armored or straightened stream channels
- b. Purpose: Encourages reconfiguring straightened or confined stream channels to improve natural processes.
- c. Buffer standards: Standard stream buffer widths under LUC 20.25H.075 should be applied first. If the applicant demonstrates performance criteria are met and an ecological lift in functions will occur, a minimum 50-foot buffer from OHWM may apply to all newly restored stream segments, regardless of stream type
- d. Performance Criteria
 - i. Allowed within existing stream buffer if results in net ecological gain
 - ii. Must include riparian enhancement, bank stabilization, and instream complexity
 - iii. Must demonstrate water quality protection will be maintained
 - 1. Incorporate low impact development (LID) and stormwater pre-treatment where feasible; and
 - 2. Incorporate Salmon-Safe urban standards as applicable, including stormwater management, water use management, erosion prevention and sediment control, water quality protection in landscaping, and climate resiliency.
 - iv. A critical areas report must show improved function (e.g., habitat, flow attenuation, sediment retention)



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

Small wetland exemption

- Pathway for potential fill of Category IV wetlands less than 4,000 square feet



Innovative Mitigation

- Section currently exists in LUC 20.25H.225, but under utilized and minimal language
- Draft allows a path for innovative mitigation projects subject to certain requirements:
 - Applicant must apply mitigation sequencing and document why alternative approach is warranted
 - Site may utilize the edge of existing improvements
 - Compensatory mitigation must be provided equal to functions and values of standard buffer
 - Mitigation must be located in WRIA 8 watershed
- Innovative mitigation may include coordinated projects with multiple applicants and/or organizations.

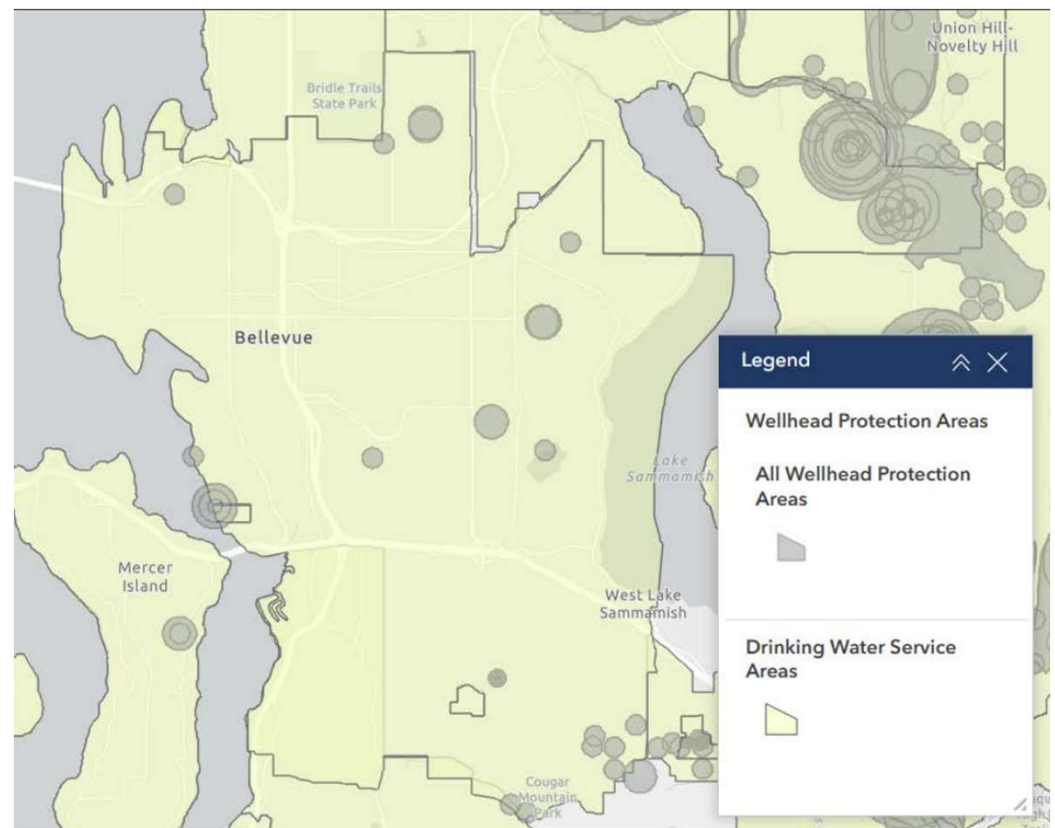


Critical Aquifer Recharge Areas

Draft Code:

For consistency with GMA

- Baseline protections for potable water resources
 - Prohibits uses like gas stations
 - BMPs
 - Stormwater infiltration
- Bellevue only has wellhead protection areas (WHPAs), no sole source aquifers.
- Reviewed by the Department of Health



Buffer Setbacks

Current Code:

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



Draft Code:

- One standard 20-foot setback
- Permits some structural intrusions into setback area
 - > 30 inches high up to 20%
 - ≤ 30 inches high up to 5 feet

Options:

- **Jurisdictions commonly use 10, 15, or 20 feet as a standard structure setback.**
- **Allow features ≤ 30 inches to intrude to buffer edge**



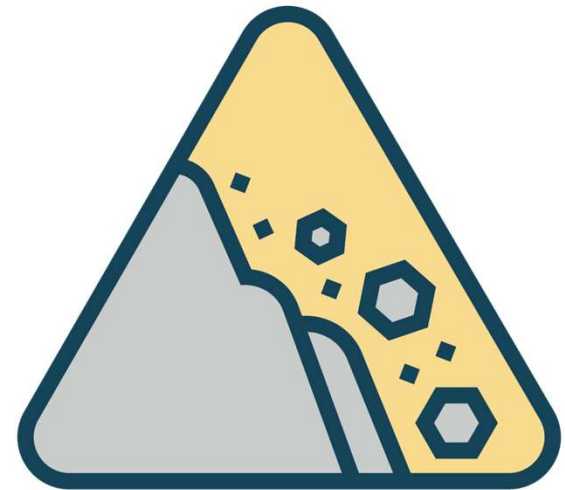
Steep Slopes

Draft Code:

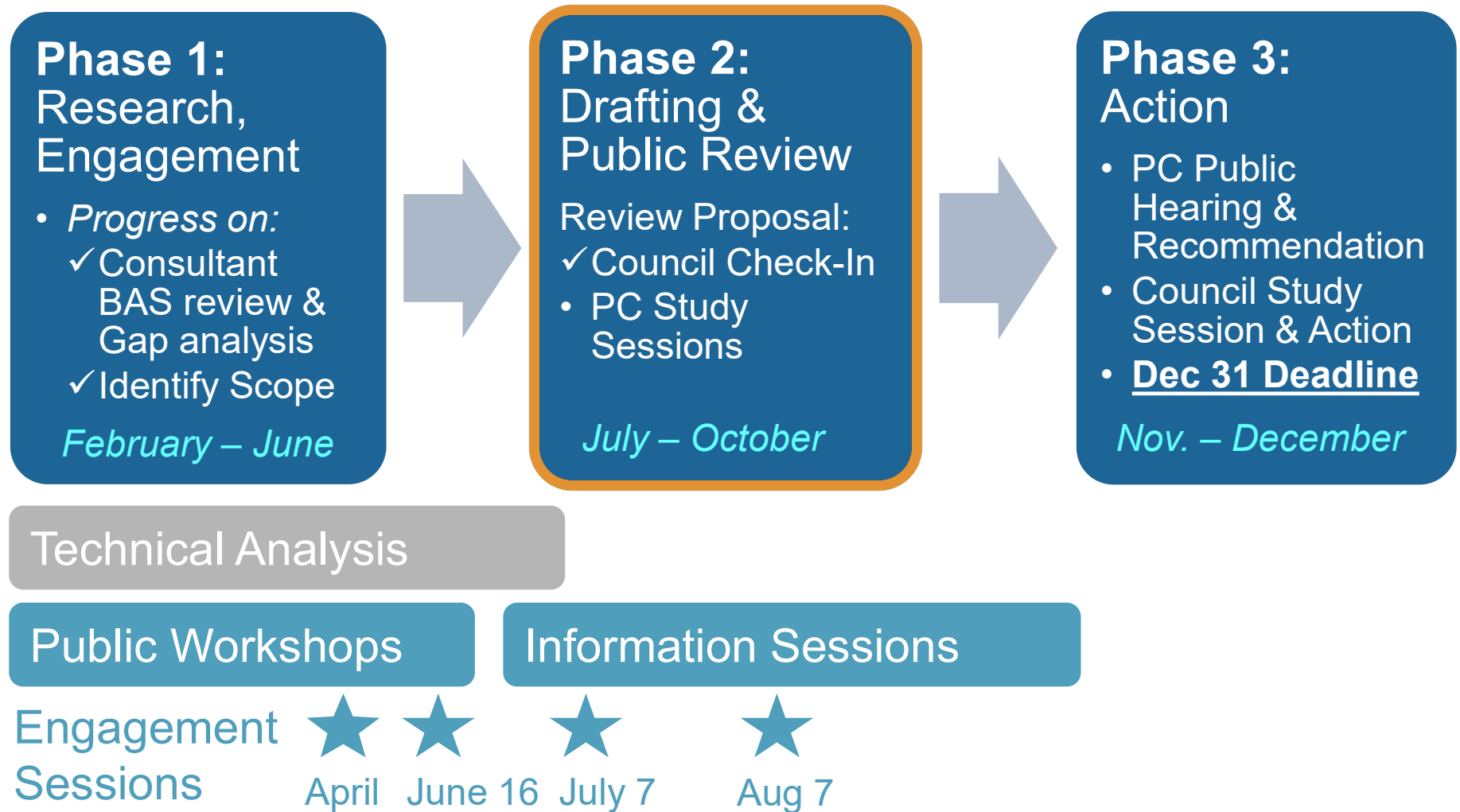
- Added geologic hazard critical area buffer exemption for manmade slopes
- Added criteria for when a geologic hazard area buffer may be reduced
- Added pathway for landslide or steep slope hazard area to be modified through a development proposal in such a way as to remove or reduce the hazard that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

Additions:

- Geologic hazards have only a buffer, inclusive of the total distance for health and safety
- Minor work exemption



Next Steps





Direction

Provide input and direct staff to prepare the proposed LUCA for public hearing at a future meeting.

