

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MINUTES

May 28, 2025
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Chair Goepple, Commissioners Ferris, Khanloo, Lu, Villaveces

COMMISSIONERS REMOTE: None

COMMISSIONERS ABSENT: None

STAFF PRESENT: Teun Deuling, Thara Johnson, Kate Nesse, Jonathan Winslow, Department of Community Development; Kirsten Mandt, Kristina Gallant, Nick Whipple, Department of Development Services

COUNCIL LIAISON: Deputy Mayor Malakoutian

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:30 p.m.)

The meeting was called to order at 6:30 p.m. by Chair Goepple who presided.

2. ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA
(6:32 p.m.)

A motion to approve the agenda was made by Commissioner Ferris. The motion was seconded by Commissioner Villaveces and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:33 p.m.)

Deputy Mayor Malakoutian reported on the May 20 City Council session at which the Wilburton Land Use Code Amendment (LUCA) was discussed. All of the Councilmembers noted their appreciation for the efforts of both the Planning Commission and staff. The discussion included several directions for further work, especially concerning transportation issues such as the need and specifications for local streets. The staff will return to the Council for another study session with additional recommendations, likely around June 17. The goal is to adopt the Wilburton LUCA in June.

Deputy Mayor Malakoutian also reported that the two vacancies on the Commission had drawn 23 applicants, all of which are excellent candidates. Six individuals were selected to be interviewed. The final recommendations will be submitted to the Council for appointment and hopefully by mid-June the Commission will have a full number of Commissioners once again.

Commissioner Lu asked what the biggest deviations were between the Commission's recommendation and the Council's discussions regarding the Wilburton LUCA. Deputy Mayor Malakoutian clarified that the Council has not yet finalized a position. The key differences centered on transportation configurations, such as street widths and alternative designs for active transportation. The Council intends to follow a process similar to the Commission's in which it will vote on each topic before final adoption.

5. STAFF REPORTS (6:36 p.m.)

A. Planning Commission Meeting Schedule

Senior Planner Teun Deuling took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items. There was agreement to start the June 11 meeting at 6:00 p.m. instead of 6:30 p.m.

6. WRITTEN AND ORAL COMMUNICATIONS (6:38 p.m.)

Chair Goepple took a moment to note that under Ordinance 6752, the topics about which the public may speak during a meeting are limited to subject matters related to the City of Bellevue government and within the powers and duties of the Planning Commission. Additional information about the new rules of decorum governing conduct of the public during meetings can be found in Ordinance 6752.

A. Written Communications (6:39 p.m.)

Teun Deuling said five written communications were received after the Commission packet was published. The communications were primarily in regard to the Middle Housing LUCA. There was also an email received from the King County Realtors Association announcing an event on June 25 called "Housing Issues Briefing."

B. Oral Communications (6:40 p.m.)

Alex Tsimerman began with a Nazi salute and called the Commissioners Nazi pigs before noting the number of times testimony had been presented to the City Council, the number of trespass days issued, and the fact that the city chose to prosecute five times. The testimony then turned to the Council limits imposed on public testimony at Council and Commission meetings. The mayor is acting like a Nazi bandito and should stop doing so. Freedom of speech is fundamental. A demand was made for the Commission to stop the rule.

Chair Goepple asked the record to reflect that the speaker's comments were yet another violation of Ordinance 6752.

Lee Sargent remarked that at the recent Council meeting the presentations by Deputy Mayor Malakoutian and Councilmember Bhargava were rational and clearly represented the Commission's recommendations in regard to Wilburton. There were several issues brought up and resolved by motions that essentially went against what is best for the city, and for those who will be moving into Wilburton. The Commission fairly and evenly considered all aspects, not just the physical space. The Commissioners were commended for their time spent and efforts put into addressing the issues.

7. PUBLIC HEARING – None
(6:47 p.m.)

8. STUDY SESSION
(6:47 p.m.)

A. Critical Areas Ordinance (CAO) Land Use Code Amendments (LUCA)

By way of background, Chair Goepple explained that under the Washington State Growth Management Act (GMA), local jurisdictions are required to review and update their critical areas regulations every ten years. The periodic update must rely on the best available science to ensure the protection of critical areas.

Planning Manager Kristina Gallant said the current LUCA update process was initiated by the City Council on February 25. The Growth Management Act mandates the designation and protection of critical areas through the use of best available science, and the city must complete the update by the end of the current calendar year. To that end staff are working on a tight timeline with the assistance of a technical consultant who has been instrumental in conducting the scientific analysis and in clarifying the regulatory flexibility available to the city. The update process also includes public outreach to residents, tribes, neighborhood groups, and community associations.

Code and Policy Senior Planner Kirsten Mandt said critical areas is a technical term that refers to five primary categories identified by the GMA. Three of the categories are focused on preserving ecological functions and habitat: wetlands, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. The remaining two categories are focused on public safety: geologic hazard areas and flood hazard areas.

A map was shared with the Commission showing the distribution of the critical areas across the city. It was noted that the map is available through the city's public mapping software. The map delineated the five categories, including steep slopes, streams, wetlands, floodplains, and priority habitat areas, which often overlap with streams and wetlands. Priority areas are defined by the Washington Department of Fish and Wildlife.

Kirsten Mandt said the required periodic update relies on two primary components: the best available science and a gap analysis. The best available science document provides the scientific basis for any code changes, and the gap analysis identifies discrepancies between the current code and any updated legal or scientific standards. The amendment process is also informed by state and regional policy, scientific research, and ongoing feedback from the public and relevant organizations.

The best available science document is organized according to the five critical area categories

and includes definitions, assessments of ecological function and value, protection strategies, and a climate change analysis. It further identifies potential mitigation approaches and management strategies for any anticipated impacts.

There is an overarching goal to ensure consistency with all state and regional regulatory requirements and the best available science, while also integrating community feedback. A significant priority communicated by the City Council was the need to balance environmental protection with the city's housing and growth objectives. The challenge is especially relevant in urban areas such as BelRed, where there are fish-bearing streams and significant development pressures. The update will also stress the importance of improving the usability of the code for staff, applicants and the public. Another important initiative involves enhancing data accuracy and mapping. Many existing data sources originate from older King County records, some of which date back to the 1990s. The city is now exploring ways to integrate more current data through updated critical area reports submitted by applicants, which can then be added to the city's Geographic Information Systems (GIS) database.

Kirsten Mandt said a number of key themes were identified during the February Council initiation meeting. The themes include addressing climate change impacts, maintaining flexibility for housing growth, conducting meaningful public engagement, ensuring quality of life considerations, and exploring innovative strategies for managing critical areas.

Definitions are always a key component of any LUCA. The current critical areas regulations use the term "top of bank" versus "ordinary high water mark." The terminology significantly impacts buffer calculations and has implications for how much land is regulated adjacent to water bodies. Staff have consulted with technical experts to assess the implications of continuing with the existing term or aligning with broader industry standards.

Kirsten Mandt noted that the current definition for steep slope is unusually broad and results in many non-hazardous areas being classified as critical. The goal is to refine the definition to better reflect actual risk, especially since geotechnical reports typically guide the determination and mitigation of slope-related hazards.

There is a need to clarify regulations for undeveloped versus redeveloped sites. Much of the development in Bellevue now involves infill and redevelopment, particularly near urban streams. The areas are prioritized for growth but also require attention to environmental quality, such as stream daylighting, which improves ecological conditions for fish-bearing streams. The city is striving to balance development objectives with environmental preservation.

The update work will seek to ensure that the buffer and structure setback regulations align with current best practices. The mitigation requirements for buffer impacts, especially for streams and wetlands, are also under review. Additionally, the city is examining how to address steep slopes that are artificial or engineered and which may no longer pose actual risk. The areas could potentially be removed from critical area classification if hazard mitigation has been achieved.

The city currently lacks code language regulating Critical Aquifer Recharge Areas (CARA). The intent is to develop new CARA regulations given that they are present within Bellevue's jurisdiction. There is also a unique code provision in Bellevue that reduces density on properties that are adjacent to or which contain critical areas. The plan is to assess whether the approach effectively achieves the goal of environmental protection. Alternative mitigation strategies may be explored if the current density reduction approach proves ineffective, especially since setbacks and area delineations already offer protection.

Improving the critical area reporting process, which currently is overly complex, is another goal. The aim is to simplify the decision criteria and reporting standards without weakening environmental protections or the mitigation requirements, and to make the process more transparent and consistent.

Kirsten Mandt said the best available science review had already occurred in coordination with relevant agencies. Two public workshops are scheduled. The first is an in-person event on June 16, tentatively at City Hall, which will include a presentation and open house-style stations focused on each critical area category. The second, a virtual “lunch and learn” session, will follow in July. A release of the draft LUCA is planned to occur by the third week of July, and a follow-up engagement session with the community will occur in August.

The city is maintaining an online presence as part of the outreach effort, and is continuing to coordinate with the Washington Department of Fish and Wildlife, the Department of Commerce, and the Department of Ecology, which must ultimately approve the ordinance. The Bellevue Development Committee and local environmental groups are also being engaged, particularly in the BelRed area. Staff participated in the Earth Fest event to promote awareness of the LUCA, although the booth did not attract substantial attention.

The upcoming workshops will focus on educating the public about the best available science and the mandates of the Growth Management Act. The events will also collect community feedback on the scoped changes introduced by the City Council. The third engagement session will be focused on the content of the draft ordinance itself.

As the LUCA moves into Phase 2, staff aim to produce a draft for internal review, followed by the public draft in July. The timeline remains tight given that the ordinance must be adopted by the end of December. A public hearing with the Planning Commission is anticipated to be scheduled for October.

Commissioner Villaveces praised the inclusion of urban stream definitions in the update. The staff were encouraged to study international examples of successful urban stream integration into development projects. The Commissioner raised a question regarding “reasonable use exemptions” and how they would apply under the updated code, particularly in the context of the middle housing regulations. Under the existing policies, landowners can develop at least one unit on properties constrained by critical areas, but it is unclear how that will be handled under the new code. Kirsten Mandt said the topic of reasonable use exemptions had not yet been fully addressed but will be included in the ongoing gap analysis. Past experience suggests that such exemptions are evaluated based on whether a landowner is economically deprived of any use of the property. In some cases, jurisdictions may offer to purchase the parcel instead of allowing development. Considerations might vary for properties not zoned for single-family use. Staff will consult with the land use division to determine how Bellevue historically has handled such cases. The middle housing regulations are pending adoption, which adds some complexity to the mix. Staff will provide the Commission with an update at the next study session.

Commissioner Lu asked about the city’s use of geospatial data, specifically wanting to know if Bellevue is applying King County data as a baseline or maintaining its own geospatial system. Kirsten Mandt explained that Bellevue’s map-based data is a composite. Most of the information on the city’s mapping platform is illustrative and not intended for regulatory use. Any development project involving critical areas requires a site-specific report. Because environmental conditions can change over time, especially those involving water, localized

verification is essential. The city uses legacy King County data as a starting point and integrates new data as project-specific reports are submitted. While the current system is functional, a citywide data modernization initiative, possibly using aerial photography and improved tree data, could enhance accuracy in the future. Commissioner Lu said it would be helpful to explore the development of a standardized GIS data set to help track the rate of change more effectively than individual project-level analyses, especially in high-growth areas like Wilburton. Comparing GIS data over time, such as from 2020 to 2025, could help identify trends and target areas needing further attention. The Commissioner acknowledged that while the approach might fall outside of Bellevue's jurisdiction, it would certainly have value. Kirsten Mandt clarified that the GIS component of the LUCA has two facets: one relating to communication and public understanding of critical areas, and the other pertaining to project-specific data collection. While site-specific reports are always required for development, there remains an opportunity to provide broader, city-scale information to improve transparency and context. A broader change at the city scale may be more on the side of the Environmental Stewardship Plan.

Commissioner Lu emphasized the need for flexibility when a critical area covers most of a small property and suggested a performance-based approach to allow for both ecological enhancement and viable development. A concern was voiced that having overly rigid requirements could render some parcels entirely unusable, which would not be equitable or efficient.

Commissioner Ferris asked if a prospective property buyer will be informed if the property includes critical areas. Kirsten Mandt said the city does not have a legal obligation to disclose that information during property transactions. [Clarification: The city does not have a role in regulating the disclosure of the presence of critical areas during property transactions]. Instead, buyers must perform their own due diligence. The city does, however, receive new information as projects are proposed, and it is working to make such data more publicly accessible. It is recommended that property buyers consult the city's land use counter for preliminary mapping and guidance based on available information.

Commissioner Ferris asked how the city plans to achieve a balance between protecting critical areas and allowing for reasonable development. Kirsten Mandt explained that much of the balance depends on the condition of existing buffers. Buffers are often already degraded. The latest guidance from the Department of Ecology favors larger buffers if no mitigation occurs, but reductions are permitted if mitigation is implemented. The city's existing code includes "buffer averaging," which allows for strategic expansions and reductions in different parts of a property. Performance-based standards, such as mitigation sequencing and infill options, are employed and will continue to be emphasized.

Commissioner Ferris asked whether housing is prioritized over other forms of development in regard to the balancing process, particularly given the city's broader emphasis on affordable housing. Kirsten Mandt answered that the current code does not differentiate between development types in that regard. The question is relevant and should be raised with the consultants to determine if such a prioritization should be considered.

Commissioner Ferris wanted to know how much sway the public will really have on the LUCA. Kirsten Mandt replied that while the scope of the work is fairly limited and guided by state mandates and Council direction, public input always plays a meaningful role. Kristina Gallant added that feedback in regard to man-made steep slopes has already influenced the approach given that flexibility is allowed under the state regulations.

Vice Chair Khanloo expressed concern about small wetlands, especially those under 1000 square

feet, which are common in Wilburton and BelRed, and asked if the city could include regulations for such areas, particularly given that they provide important flood control and water quality functions. The Vice Chair also voiced support for having stronger minimum buffer requirements for streams, especially for salmon streams, while preserving flexibility where appropriate.

Vice Chair Khanloo asked if the city could formally distinguish between natural and man-made steep slopes in the LUCA. Kirsten Mandt answered that such distinctions typically come down to the geotechnical reporting. Engineers analyze soil conditions and historical data to determine whether a slope is naturally occurring or artificially created. If a slope is determined to be man-made and not hazardous, it may no longer need to be treated as a critical area. The performance-based approach depends on expert analysis.

Vice Chair Khanloo recalled a significant landslide event from several years ago which was likely caused by a utility issue and expressed interest in learning more about similar incidents. Understanding historical events could help inform future regulatory strategies.

Chair Goepple emphasized the importance of stream temperatures in Washington State, particularly in light of climate change. Rising temperatures may necessitate greater protections for fish and wildlife habitats within critical areas as a reflection of the environmental changes observed over the past decade or so.

Chair Goepple echoed earlier comments from fellow Commissioners and Councilmembers regarding the growth targets, noting the need for the city to aim for a "no net impact" standard in terms of housing development, balancing protection and flexibility. Where protections need to be strengthened, actions should be taken. However, the city should also offer greater certainty and flexibility in other areas, such as artificial slopes, to support housing production and accommodate urban growth efficiently.

Chair Goepple raised a technical question regarding the use of "top of bank" versus "ordinary high water mark" in the code definitions, noting that "ordinary high water mark" is commonly associated with the Shoreline Management Act and with permanent bodies of water such as lakes and oceans. It was questioned how the term would apply to seasonal streams, many of which are dry for part of the year. Additional clarification was requested in regard to its relevance to Bellevue's hydrological conditions. Kirsten Mandt voiced the assumption that intermittent streams are generally evaluated by averaging their presence over the course of the year. The "ordinary high water mark" term is in the Shoreline Master Plan given that it is the industry standard used in shoreline planning. The Department of Fish and Wildlife has a third related term, "riparian management zones," in its recent guidance. Use of the "top of bank" term typically results in a wider buffer zone and is considered a unique term not widely used by other jurisdictions. Staff committed to providing more precise definitions in a future study session.

Commissioner Villaveces then offered a comment on seasonal streams. He observed that some of these streams are almost imperceptible outside of wet seasons and can delay permit processing significantly. He suggested that the city and its consultants consider whether the lowest category of seasonal streams could be eligible for rerouting or conversion under certain conditions. He noted that mitigation is often required anyway and proposed a more intentional and efficient process.

Commissioner Lu asked which of the five critical area types poses the greatest ecological risk. Kirsten Mandt allowed not being able to definitively rank the risk levels without consulting the Best Available Science map included in Attachment A.

Commissioner Lu asked what the soil is like in Bellevue in terms of being predominantly clay or silty, and asked how the variations might impact hydrology, development feasibility, and erosion risk. Kirsten Mandt said the city has a large and diverse geographic area. There are variations in soil composition across the city. Anecdotal evidence suggests that clay soil is common and may contribute to runoff challenges. A soil analysis is a standard part of the permitting process for projects requiring a geotechnical report. The reports typically include wet season monitoring and inform stormwater management planning and slope stability assessments.

B. Downtown Center Redesignation – Update the Downtown Subarea Plan
(7:24 p.m.)

Chair Goepple explained that an update to the Downtown Subarea Plan is necessary in order to comply with the Puget Sound Regional Council's (PSRC) regional growth center monitoring and redesignation process. The update will reflect the current state of the Downtown, ensure consistency with regional planning goals, and maintain Bellevue's regional center designation, which is tied to transportation funding. The scope of the update was defined by the City Council and is focused on maintaining current strategic direction while addressing technical and demographic updates.

Planning Manager Dr. Kate Nesse explained that Downtown Bellevue has long held Regional Growth Center status, and maintaining it is critical to securing future infrastructure investment. The PSRC periodically monitors all Regional Growth Centers across the region and allows for redesignation. Downtown Bellevue was last certified in 2020. The designation criteria has been updated based on Vision 2050. The PSRC will evaluate how the regional centers are performing in terms of meeting the regional goals, and the update will demonstrate how the Downtown continues to meet the criteria.

Associate Planner/Urban Designer Jonathan Winslow said one of the main areas the update will address is the growth targets, including the updated projections for housing units, population, and employment. The existing figures are approximately eight years old and require modernization. There will also be updates to certain outdated terms, including references to the Eastside rail corridor, which is now Eastrail, and the Pedestrian Corridor, which is now the Grand Connection. There are a number of references to projects on SR-520 and Link Light Rail that need to be updated to reflect their current or near-complete status.

Jonathan Winslow said update will involve improving the community engagement language to align with the Comprehensive Plan's equity and engagement goals. The work will incorporate input from historically underserved communities, and will include historical information to relative to tribal history and environmental impacts.

The maps and policies in the document will be revised to improve accessibility, particularly relative to ADA compliance. Other updates will include reflecting the location of light rail infrastructure and the revising maps to show current conditions.

The Council's direction is not to change the strategic direction of the document. There will be additional focus areas addressing displacement of both residential and commercial, and references to environmental impacts. The updates are technical and supportive in nature rather than transformative policy shifts.

Dr. Kate Nesse explained that because the update will be very targeted, the public outreach has

been focused primarily on building awareness rather than on gathering feedback. The main objective is to align the plan with the requirements of the PSRC, not to shift the strategic direction. Information has been shared with city staff already engaged in the Downtown and in neighboring areas such as Northwest Bellevue. Wilburton was excluded from the specific engagement efforts due to its existing volume of planning activity.

In terms of the project timeline, Dr. Kate Nesse said there will be another study session at the Commission's next meeting, at which time the Commission will be asked to set a public hearing in July. The plan update is a Comprehensive Plan Amendment and will be grouped with other amendments, including some neighborhood area planning changes, for Council review and adoption in the fall.

Commissioner Lu asked about the engagement practices and asked what works best in the Downtown where there are a large number of renters. Dr. Nesse responded that most of the engagement had been conducted through the Community and Economic Development Department [Correction: Cultural and Economic Development Department], which has focused more on business stakeholders than residents. Because there is no shift in strategic direction contemplated, the update is being given a measured level of attention appropriate to its limited scope.

Commissioner Ferris asked how many regional growth centers exist within the Puget Sound area. Dr. Kate Nesse said there is only one in Bellevue. Across the broader Puget Sound area there are 27 such centers.

Commissioner Ferris voiced the assumption that staff are tracking housing units, population, and jobs, and asked if the tracking includes data on individuals who live in Bellevue but work elsewhere, and vice versa. Dr. Kate Nesse said that probably will not be reflected in the update, but it is something that is tracked by the city's demographer.

Commissioner Ferris asked for clarification as to what is meant by "language and policies related to historically underserved populations." Dr. Kate Nesse explained that the update aligns with the city's Comprehensive Plan which has references to historically underserved populations and includes language that prioritizes those groups and/or acknowledges their experiences.

Vice ChairKhanloo allowed that while there are many renters in the Downtown, there are also many permanent resident owners as well. The staff were encouraged to consider leveraging existing email distribution lists to expand the outreach efforts.

Vice ChairKhanloo raised a concern related to workforce tracking questions, specifically how to account for individuals who live in Bellevue but work remotely. The question asked of residents about whether they live and work in the city can be confusing given that working from home may not reflect an employer located in Bellevue. The question should possibly be rephrased to distinguish between those who physically work at an employer site in Bellevue and those who work remotely from within the city. Dr. Kate Nesse explained that workforce data is usually collected via the U.S. Census or the American Communities Survey. Those instruments typically ask respondents where they worked during the previous week. Since the pandemic, the questions have been refined to ask about primary workplace location. For example, if an individual works three days in an office and two days from home, they would report the office location. It was acknowledged that the current methodology does not fully capture the complexity of remote work, and improvements to the tracking tools are needed. Vice Chair Khanloo reiterated the importance of understanding workplace dynamics within Bellevue, especially for those who

work remotely from locations like coffee shops. The staff were encouraged to consider new ways of capturing the data.

Chair Goepple voiced full support for the update and reiterated the importance of maintaining downtown Bellevue's regional growth center designation. The proposed updates appear to be manageable and do not constitute a major policy shift.

Commissioner Ferris asked if the PSRC has specific evaluation criteria for Regional Growth Center redesignation. Dr. Kate Nesse said the PSRC does have specific criteria. Staff have been coordinating with PSRC for approximately six months about the criteria. The city's application is due in a week and the PSRC will review it concurrently with the Planning Commission's review. Any feedback from the PSRC will be shared with the commission.

9. OTHER BUSINESS – None
(6:37 p.m.)

10. APPROVAL OF MINUTES

A. April 23, 2025

A motion to approve the minutes was made by Commissioner Ferris. The motion was seconded by Vice Chair Khanloo and the motion carried unanimously.

11. EXECUTIVE SESSION – None
(7:38 p.m.)

12. ADJOURNMENT
(7:38 p.m.)

A motion to adjourn was made by Commissioner Ferris. The motion was seconded by Commissioner Villaveces and the motion carried unanimously.

Chair Goepple adjourned the meeting at 7:38 p.m.