

# Critical Areas Ordinance Update

## Study Session

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June 25, 2025



City of Bellevue



# Direction

Provide input on key topic areas suggested for review to inform draft LUCA.



# Agenda

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May 28 Study Session Recap



Gap Analysis



Key Update Components

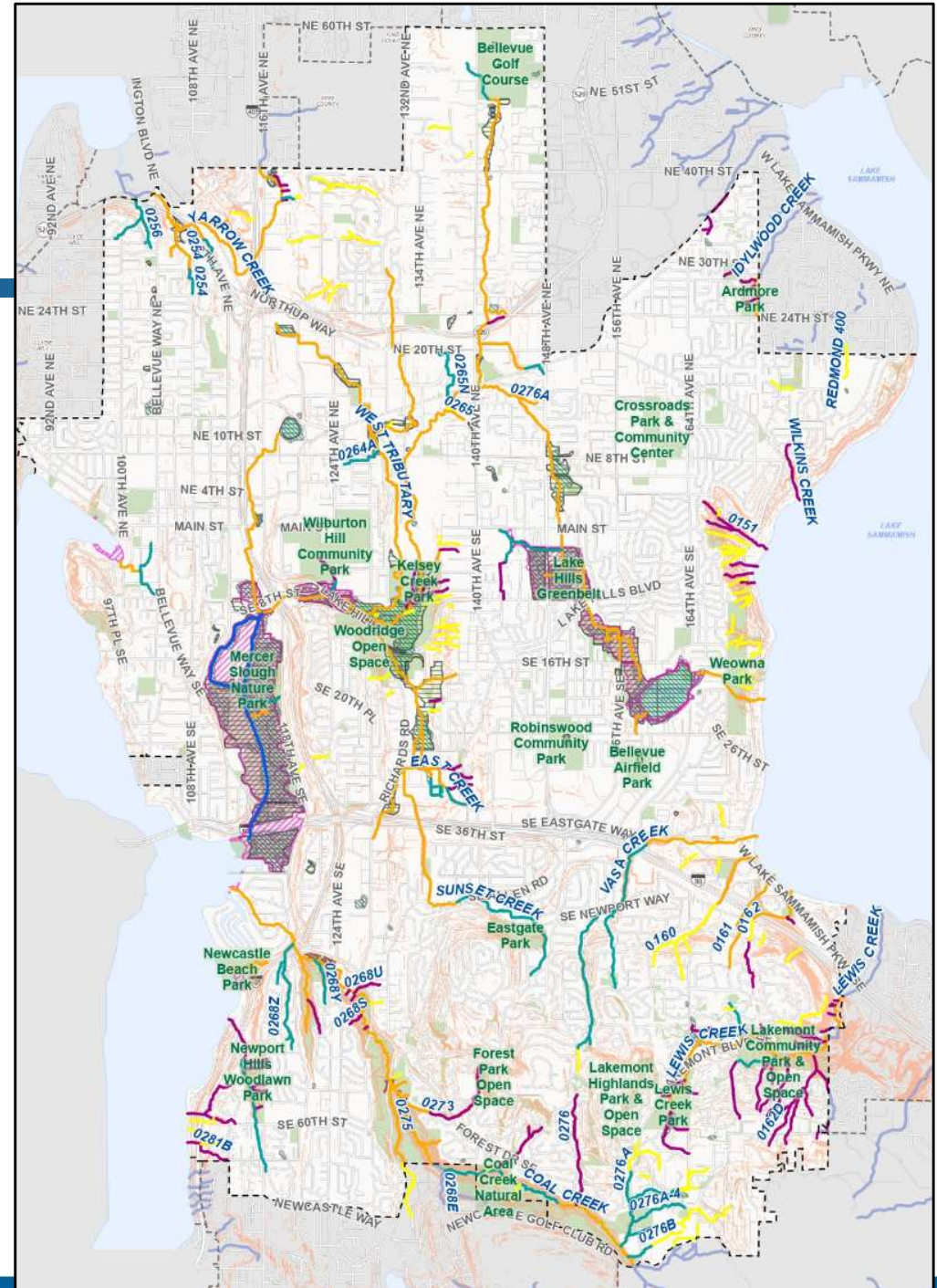


Outreach & Next Steps



# May 28 Study Session

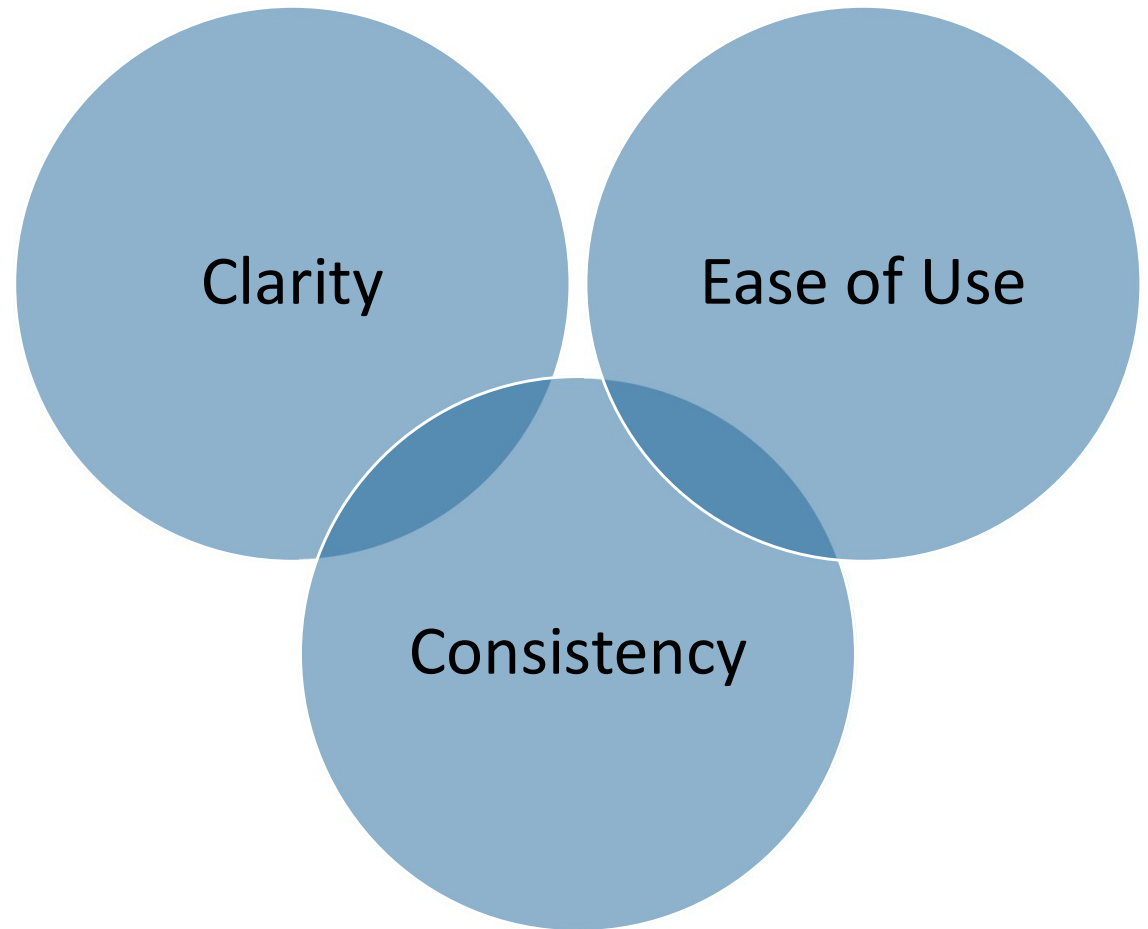
- Support for:
  - Urban stream daylighting incentives
  - Data processing improvements
  - Improving buffers for habitat quality
- Additional questions on:
  - Reasonable Use Exceptions
  - Top-of-bank versus OHWM
  - Climate change impacts
  - Wetlands and water quality
  - Additional stream flexibilities



# Gap Analysis

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- Evaluates critical areas regulations
- Outlines gaps with:
  - Best Available Science
  - Growth Management Act





# Key Update Components

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- Reasonable Use Exception
- Site Potential Tree Height (SPTH) & Riparian Management Zones (RMZ)
- Top-of-Bank vs. Ordinary High-Water Mark
- Wetland Buffers
- Steep Slopes
- Development Density/Intensity Factor



# Reasonable Use Exception (RUE)

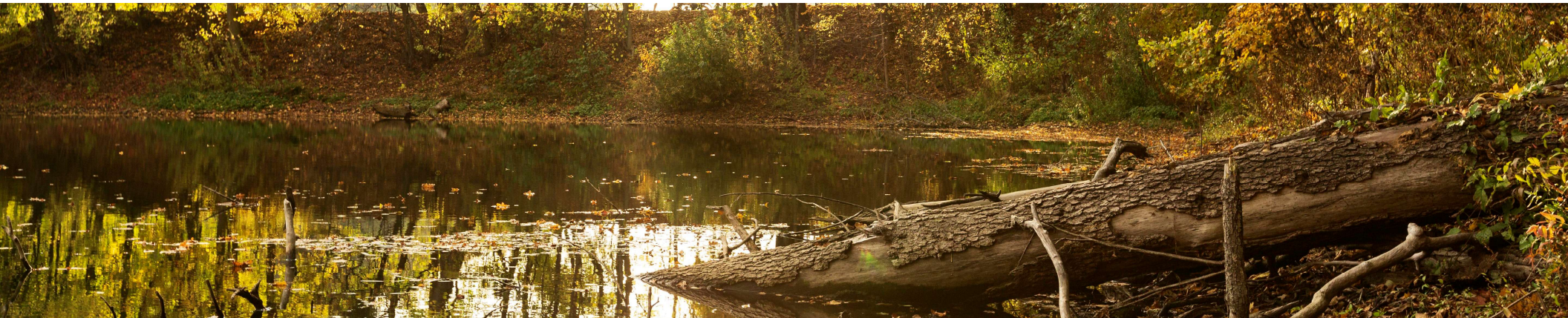
The City may approve limited use and disturbance of a critical area and/or critical area buffer when no other use constitutes a reasonable alternative

## Current Code:

- Depends on use
- Depends on development size
- Depends on zoning

## Gap Analysis & Recommended Direction:

- Simplify criteria
- Consolidate criteria
- Consider how to address new minimum densities from middle housing



# Site Potential Tree Height (SPTH) & Riparian Management Zones (RMZ)

**SPTH:** Establishes the potential average maximum tree height in a forested condition

**RMZ:** Area adjacent to rivers and streams with potential for full riparian function

## Considerations:

- Doesn't rely on size and type
- Potential implementation and equity concerns; RMZs variable by location
- Generally, buffers larger than current buffers
- May present challenge for infill development

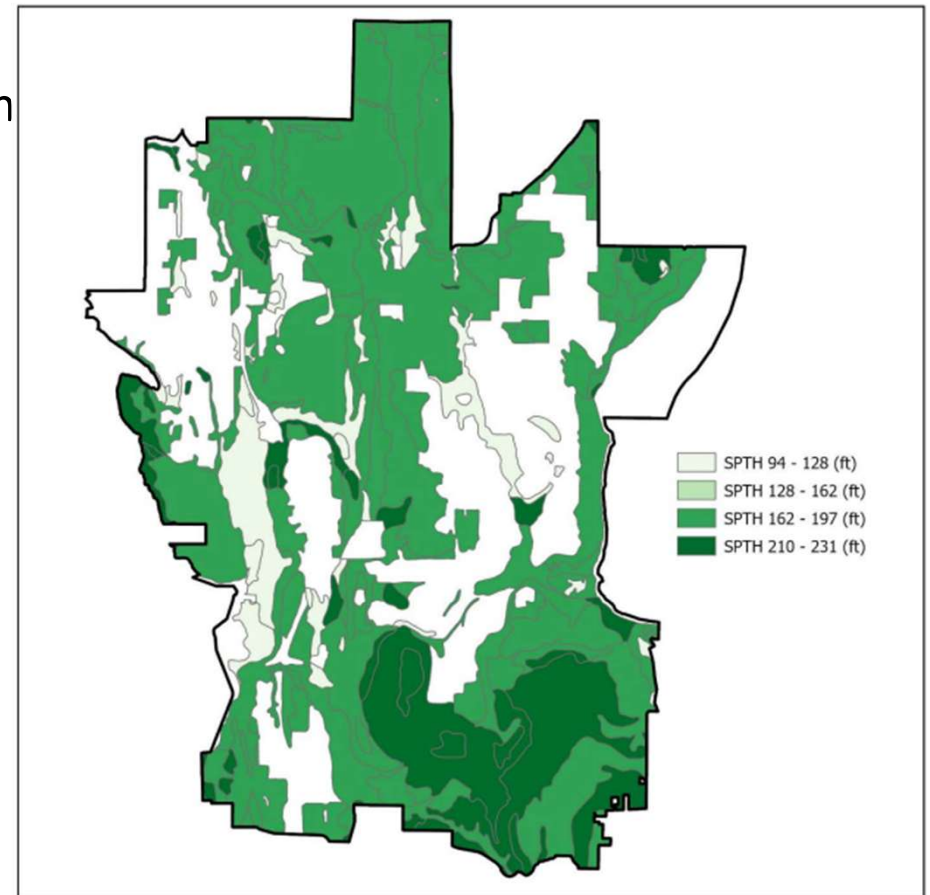


Figure 1. SPTH<sub>200</sub> distribution in Bellevue, white indicates no data. Map produced from data obtained from WDFW & NRCS (2024).



# Top-of-bank vs. Ordinary High-Water Mark

**Top-of-bank:** Based on change of slope of stream bank or floodplain

**OHWM:** Based on physical characteristics to determine regular water flow

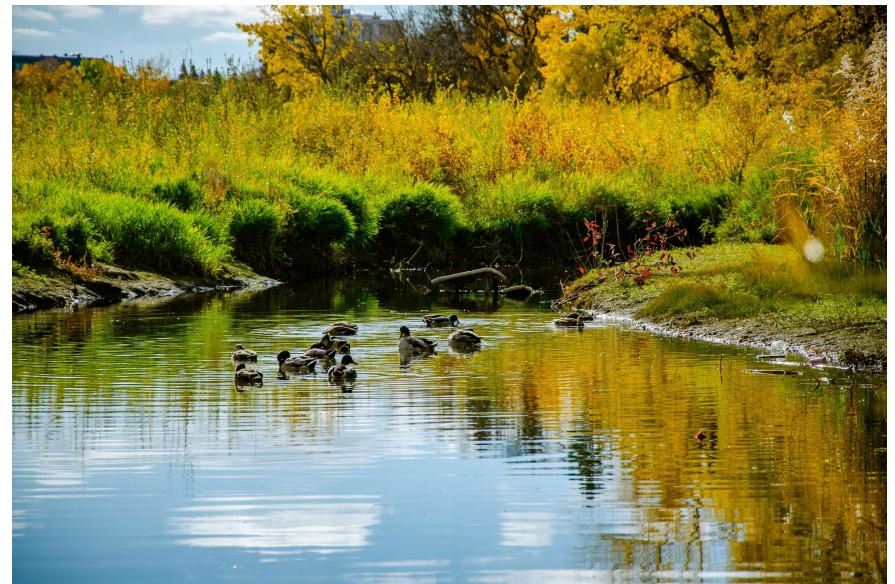
- Used for measuring buffer distances and area

**Current Code:**

- Top-of-bank

**Gap Analysis & Recommended Direction:**

- Utilize OHWM
- Aligns with other state and federal agencies and regional training best practices

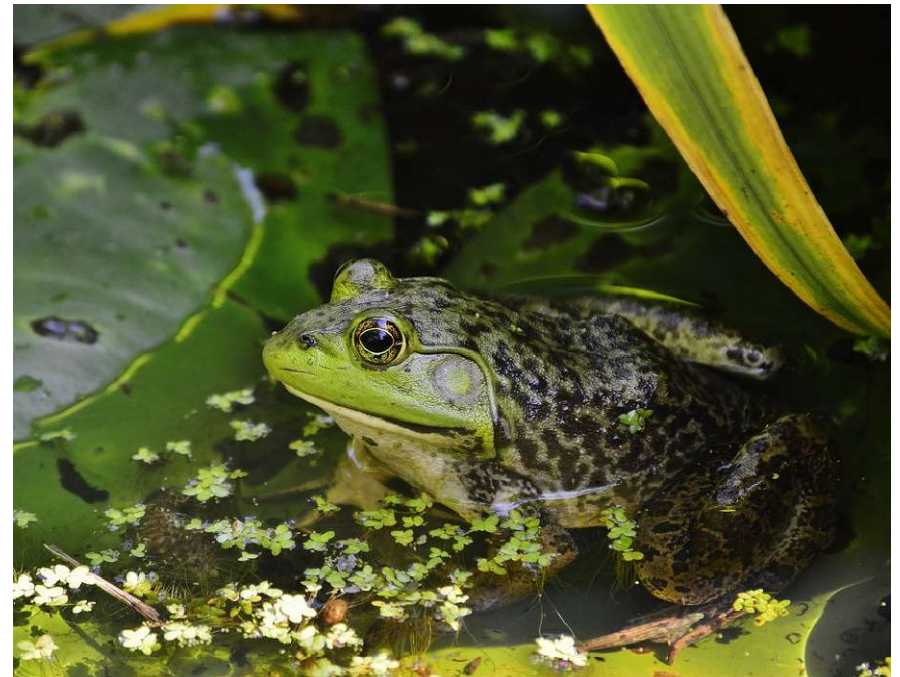


# Wetland Buffers

- Established to protect functions and values of the wetland
- Based on wetland category and habitat score
- May require mitigation depending on condition

## Gap Analysis & Recommended Direction:

- Update small wetland regulations
- Update habitat score
- Incorporate habitat corridors
- Consider simplifying structure setbacks
- Align mitigation ratios with Ecology
- Establish vegetation standards



# Steep Slopes

LUC 20.25H.120.A.2: “Slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area.”

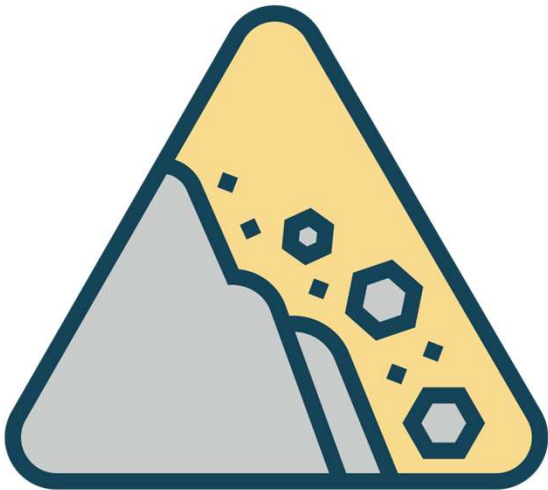
- Casts a wide net for when a slope counts as a landslide area
- Significant development implications

## Current Code:

- No flexibility for modification of slopes outside of critical areas review
- Does not contain regulations specific to erosion

## Gap Analysis & Recommended Direction:

- Provide performance standards specific to human-made steep slopes
- Include site specific review to ensure stability





# Development Density/Intensity Factor

## Current Code:

- Applicable to any site in the critical areas overlay
- Reduces development potential
- Not necessary to ensure protections


## Gap Analysis & Recommended Direction:

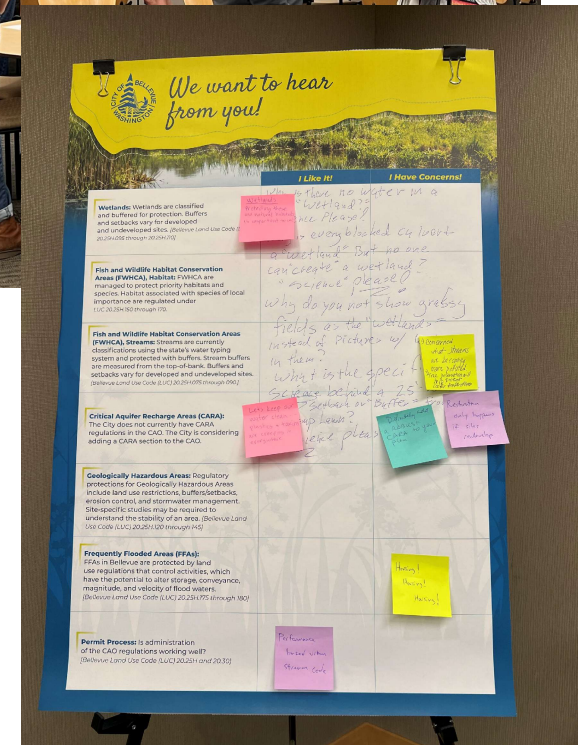
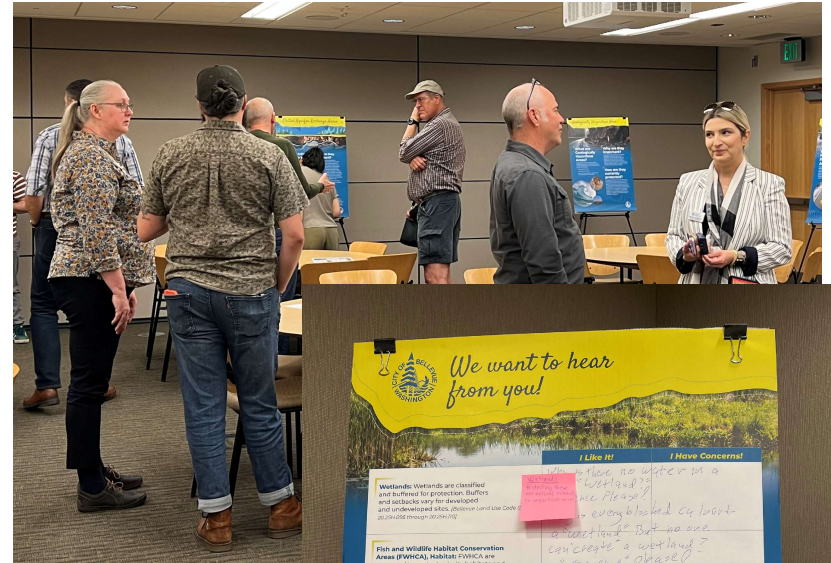
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# Community Workshops & Info Sessions to Date

- April 19 Earthfest Event
  - June 16 Open House Topics:
    - BAS
    - Clean water
    - Trees
    - Restoration
    - Balancing housing/development
    - WDFW guidance
    - Tribal and neighbor jurisdiction coordination
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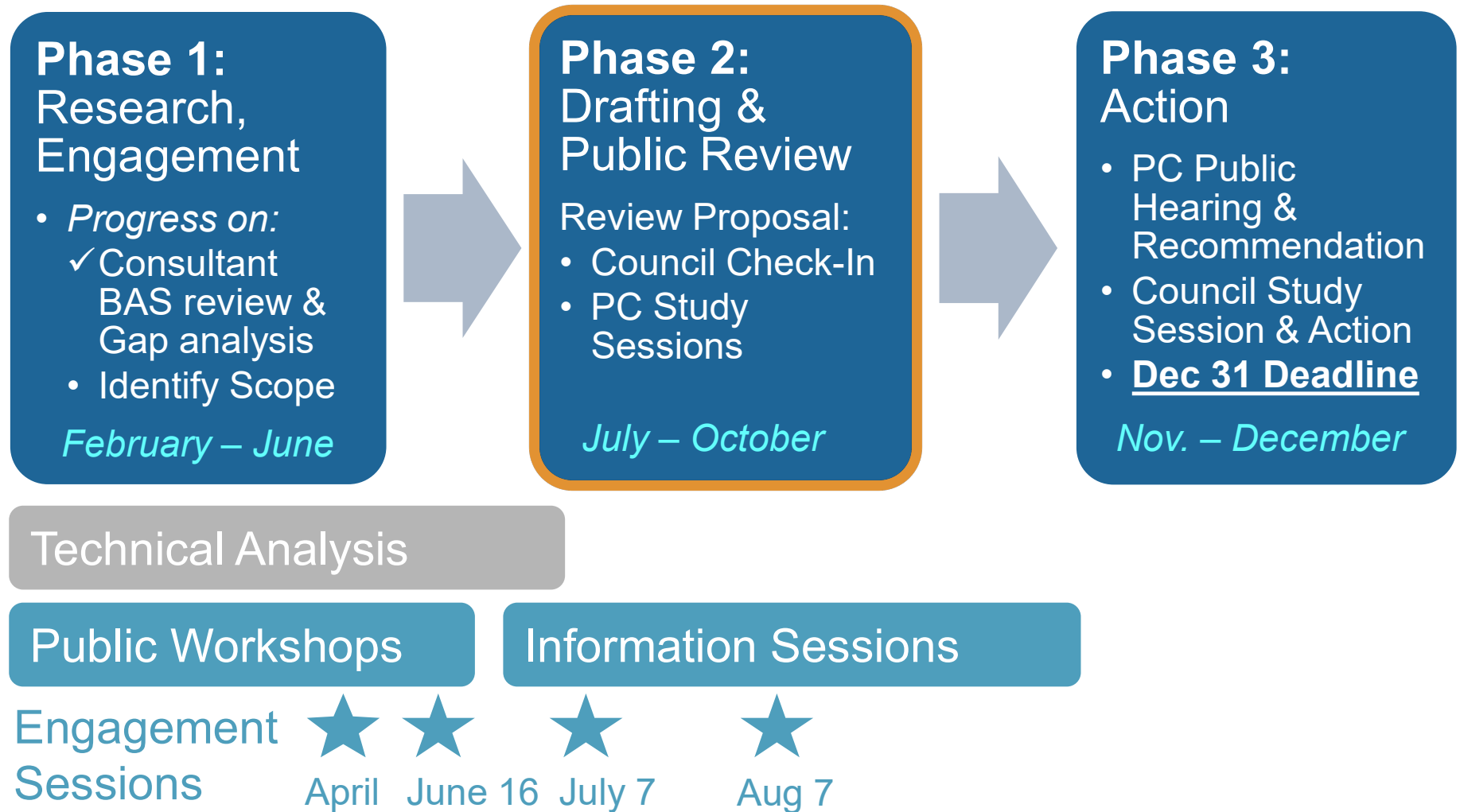


# Upcoming Events

- July 7 virtual lunch & learn, 12-1pm
- Discuss Best Available Science
- Gather input on changes and approach
- August virtual info session and Q&A on draft code



# Next Steps







# Direction

Provide input on key topic areas suggested for review to inform draft LUCA.

