

City of Bellevue CAO Comments (received as of 10.14.25)				
Comment Number	Commenter	Code Section/Topic	Summary of Comment	Response
1	Snoqualmie Tribe	LUC 20.25H.035	Concern that stream buffers are not sufficient to protect function and habitat. Encourages city to utilize SPTH to establish RMZs	The designation of stream critical area buffer (LUC 20.25H.075) is still under review by the City. Review and analysis of BAS for stream protections and SPTH relative to conditions in Bellevue is in-process. Preliminary feedback indicates buffer widths will increase.
2	Snoqualmie Tribe	N/A	Would like to see special protections for Critical Cultural Resources (CCRs) working in consultation with the Tribe	Project sites are required under state law to comply with cultural resource reporting requirements per DAHP Section 106. If the Snoqualmie Tribe has an example of additional code language they'd like the City of Bellevue to consider, please provide a reference.
3	Snoqualmie Tribe	LUC 20.25H.080.B	Concerns over continuing to permit buried stream channels and relocated stream channels. Ask is to prioritize relocation over burial with required restoration	The allowances under LUC 20.25H.080.B .1 cannot be further modified through a critical areas report; this limits the allowed modifications. Additionally, Bellevue is currently considering additional incentives to encourage stream daylighting and restoration of degraded straightened/armored channels.
4	Snoqualmie Tribe	20.25H.215	Request to add "or critical area buffer" to ensure critical buffer is included in regulated area just as the critical area is	The preamble text in this section says "and/or critical area buffer". This concern is addressed in the current code and city practices.
5	Snoqualmie Tribe	20.25H.215.C	Would like to see stronger language in this section to require on-site mitigation when possible for consistency with earlier sections	Currently, LUC 20.25H.215.C lists mitigation actions by preference. Mitigation location preferences are not stated in the general mitigation code section. This code section could be revised to include mitigation location preferences similar to wetlands (LUC 20.25H.105).
6	BPOG Comment Matrix 8.05.2025	20.25H.010 Purpose.	Request to include language specifically calling out degraded conditions in certain subareas and that one of the goals of the update is to encourage restoration	The intent of the incentivization language included in the code is to encourage restoration for all streams that meet the qualifications of a degraded or piped stream rather than to focus on specific geographies. Subarea overlays that have specific goals regarding critical areas and development, such as BelRed, have those purpose/intent statements and associated regulations in their sections.
7	BPOG Comment Matrix 8.05.2025	20.25H.015 Applicable procedure.	Request to edit language that would change reference to critical areas and buffers to "intact" and "functioning" critical areas and buffers	Interrupted buffer provisions under streams (LUC 20.25H.075.C.2.b) and wetlands (LUC 20.25H.095.D.3.b) address buffer condition.

8	BPOG Comment Matrix 8.05.2025	Section II. Designation of Critical Areas and Dimensional Standards	Request to add definitions for "intact conditions and buffers" and "degraded condition"	Vegetative buffer standards are provided for streams (LUC 20.25H.075.C.1.a.ii) and wetlands (LUC 20.25H.095.D.1.a.ii).
9	BPOG Comment Matrix 8.05.2025	20.25H.035.A. Critical area buffers and structure setbacks.	Request to revise buffer table to set minimum buffers differently for intact versus degraded conditions where degraded buffers can be improved to show net gain	See Response 17
10	BPOG Comment Matrix 8.05.2025	20.25H.035.B. 1	Revision to require structure setbacks only on intact critical area buffers	See Response 17
11	BPOG Comment Matrix 8.05.2025	20.25H.035.B. 2	Request to add "paths, porous pavement, boardwalks" to eligible features that may be allowed as an intrusion into a critical area setback area	Added allowed uses in the building setback under LUC 20.25H.035.B.
12	BPOG Comment Matrix 8.05.2025	20.25H.045 Development density/intensi ty	Good change	N/A
13	BPOG Comment Matrix 8.05.2025	20.25H.055.C. 1.a	Request to revise "technically feasible" section. Ask for subsections i. through v. to be updated to include clear standards and thresholds.	LUC 20.25H.055.C.3.a provides criteria used to assess technical feasibility, including location of existing infrastructure, review of alternative locations or configurations of new or expanded facilities, cost, and mitigation availability.
14	BPOG Comment Matrix 8.05.2025	20.25H.055.C. 3.j.	Comment that "almost all degraded stream critical areas could be deemed as Habitat Improvement Projects."	This provision applies to restoration projects only, not mitigation projects. Statement added to clarify.
15	BPOG Comment Matrix 8.05.2025	20.25H.065.A. 2.	Request to add "with the intention of abandoning that structure" to section regarding discontinued use	The proposed language is already included in LUC 20.25H.065.A.2. Further amendments to LUC 20.25H.065 will be proposed to more specifically address nonconforming uses in a manner similar to how such uses are regulated under LUC 20.20.561.D, which includes the language referenced as well.

16	BPOG Comment Matrix 8.05.2025	20.25H.065.A. 4.	Request to add that existing structures may also be expanded below grade to add parking	LUC 20.25H.065.A.4 will be revised to include expansions below grade within the existing improved area of the site, subject to the other requirements of the section that ensure no loss of critical area functions or values and no significant additional impacts to critical area functions or values.
17	BPOG Comment Matrix 8.05.2025	20.25H.075.C. - Designation of Stream Critical Area Buffers.	General comment that this section should only apply to intact critical areas, and that degraded critical areas should follow different method	BAS does not support limiting this section to only intact critical areas or applying a different method to degraded areas. Best available science is function-based and directs jurisdictions to maintain and improve critical area functions through regulation and restoration, rather than relaxing protections where current condition is poorer. Where a buffer lacks native vegetation, BAS calls for planting or, if needed, greater width to increase ecological functions.
18	BPOG Comment Matrix 8.05.2025	20.25H.075.C. 1.a.i.	Good change	N/A
19	BPOG Comment Matrix 8.05.2025	20.25H.075.C. 1.a.iii.	Request to add language that this section is only applicable to "intact condition," and directing "degraded condition" buffers to new section proposed by commentor	See Response 17
20	BPOG Comment Matrix 8.05.2025	NEW SECTION: 20.25H.075.C. 1.a.iv.	Proposed new section for how to review and apply standards to "degraded conditions"	See Response 17
21	BPOG Comment Matrix 8.05.2025	NEW SECTION: 20.25H.075.C. 3.c. Performance Framework for Degraded Conditions.	Proposed new section containing the "performance framework for degraded conditions"	See Response 17
22	BPOG Comment Matrix 8.05.2025	20.25H.080.C, D.E. – Stream Daylighting	Comment that the buffer reduction incentive isn't enough and that this section should apply to all degraded conditions not just for daylighting streams	See Response 17

23	BPOG Comment Matrix 8.05.2025	20.25H.085.B. – Compensator y mitigation	Comment that this is a good addition but "need more specifics on when/how this is applied, how much mitigation credits are required, etc."	Compensatory mitigation options follow current guidance from the Washington state department of Ecology. Mitigation bank and in-lieu fee credits are determined on a case-by-case basis.
24	BPOG Comment Matrix 8.05.2025	20.25H.095.D. 1.a.iii	Question regarding 100 foot minimum buffer width, justification, "opportunity to push back." Also a question regarding what the standard for a relatively undisturbed vegetated corridor is	The habitat corridor standard in LUC 20.25H.095.D.1.a.iii is supported by BAS and Ecology guidance Option 1 for wetland buffers. Under Ecology's Option 1, the lower buffer widths are available only when a relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and specified habitat or protected areas. If a corridor cannot be provided, the code must use the increased buffers in LUC 20.25H.095.D.1.a.ii. This is the basis for the 100-foot minimum and reflects BAS to maintain connectivity and habitat function when buffers are reduced. There is not a practical path to "push back" on the 100-foot corridor while still using Option 1's lower widths. Deviating from this condition would be inconsistent with Ecology's Option 1 and would require relying on the increased buffers in LUC 20.25H.095.D.1.a.ii.
25	BPOG Comment Matrix 8.05.2025	20.25H.125.K – Steep Slopes Exemption	Comment that "clarifying language should be added to confirm the appropriate land use during the permitting process for obtaining the exemption	The City is reviewing the code to look for opportunities to further clarify uses and activities that would not require a land use permit.
26	BPOG Comment Matrix 8.05.2025	20.25H.190 – Reasonable use exception	Comment that uses removed from land uses that may be proposed with an RUE "poses constitutional concerns"	While certain uses are proposed to be removed, reasonable economic use of a site is still guaranteed by operation of the reasonable use exception. The reasonable uses struck from the code are those which pose the potential for significant ecological degradation given how those uses have historically already caused environmental issues. To the extent that any such use has previously been authorized under a reasonable use exception within the City, then such use may continue to operate as a nonconforming use subject to the provisions of LUC 20.25H.065.
27	BPOG Comment Matrix 8.05.2025	20.25H.230 – Critical areas report	Could include reference to 20.25H.075.C.3.c. Performance Framework for Degraded Conditions as potential "Additional Report Submittal Requirements" for the Critical Areas Report, if applicable.	This code reference is not matching the draft. In general, all mitigation options are performance based. See updates to the stream modification options under LUC 20.25H.080.

28	DNR	20.25H.015 Applicable procedure.	Statement describing overlay district is unclear, recommended language: "The Critical Areas Overlay District consists of two parts: the critical area and the critical area buffer. Critical areas provide essential environmental functions that benefit the City and its residents, while critical area buffers provide a layer of protection for these natural features from adjacent land. The critical area buffer is adjacent to the critical area. Critical area structure setbacks allow space for construction, maintenance, and use without impacting the buffer or critical area itself. Suggest adding a diagram to illustrate these three terms."	LUC 20.25H.015 has been reworded. Each Part provides a discussion on the essential environmental functions.
29	DNR	20.25H.030.B	It's great to have the record to title provision.	N/A
30	DNR	20.25H.120.A. 1	The landslide hazard information does not refer to a specific map or online mapping system, which is different from the seismic and erosion hazard information. Consider adding a reference to the Washington Geologic Information Portal for all the hazards. Geologic Information Portal Department of Natural Resources	Comment noted. Since these online resources can change over time, specific code references are intentionally kept to a minimum. A qualified professional should be familiar with best practices and resources.
31	DNR	20.25H.120.B	Geologic Hazard Area Buffers. It lists landslides and steep slopes. It does not list erosion and seismic hazard areas, so there are no buffers on those two hazard types. There is no buffer for coal mine hazard areas.	HWA Geosciences prepared the current proposed updates to this section. Coal mine hazard area regulatory approach will be confirmed with HWA.
32	DNR	20.25H.130.B. 2 and 3	The code mentions a Coal Mine Areas (CMA) Map. Says that it is attached to the code as Exhibit A. There was no map in the PDF.	Map references and any associated code updates will be reviewed by HWA Geosciences.
33	DNR	20.25H.130.B. 16	The definition of qualified engineer or geologist is good to see. How do you anticipate evaluating this part of the definition when the project information is submitted, "who is experienced in evaluation of coal mine subsidence and coal mine hazards, and who is accepted by the City of Bellevue to undertake such evaluations for projects regulated by the City of Bellevue"?	Qualified professional definitions will be reviewed to ensure coal mine hazard assessment qualifications are addressed. HWA Geosciences to review.
34	DNR	20.25H.135	Good to see the addition of erosion to this section. "20.25H.135 Mitigation and monitoring – Additional provisions for landslide hazards and steep slopes and erosion hazards."	N/A
35	Fay Hou		Strengthen requirements for post-construction elevation surveys and stormwater plan revisions when site conditions change.	The City currently requires survey verification of height and other zoning setbacks part of the inspection process. Code violations after construction are addressed through the code enforcement process.
36	Fay Hou		Require re-evaluation of infiltration rates when native soils are altered or removed.	Proposed changes to a site that impact soils are part of the drainage review that occurs through the development review process. If an applicant alters their project from the approved plan they are required to revise their plans and meet the code.
37	Fay Hou		Enforce accountability and interdepartmental coordination for grading and stormwater violations — not just in critical areas, but in adjacent parcels where cumulative impacts occur.	The code enforcement team and its officers are the enforcement arm of the code. In reviewing the draft, the City is looking for opportunities to clarify requirements and process when there are critical areas code violations.

38	Fay Hou		Close loopholes that allow developers to “build now, revise later.”	This comment appears to be addressing post-issuance revisions or potentially approval with conditions that must be met in future. Both are standard and the applicant may choose to revise their plans, post-approval but these changes are still reviewed to make sure. If the changes are large enough they may require revising the prior LU decision. However this is allowed by the code. There is no process that allows construction without prior plan review unless the proposal is exempt from a permit.
39	Trish Brown		General comment to be aware of the Lakehurst Lane area which has Lakehurst Creek, notes Eagle and salmon habitat	The draft should address this comment in multiple Parts, specifically LUC 20.25H.075 and Part VIII 20.25H LUC.
40	Phyllis White 4.23.25		Noting that the draft does not contain references to the Pacific Flyway, or a protections for migratory birds. Specifically notes: "Protections should include light pollution controls, preservation of native vegetation, height limits near riparian zones, and implementation of buffer zones consistent with WDFW and federal guidance."	Pacific flyway is commonly noted on a project specific basis through SEPA. Performance standards and riparian stream protections are consistent with the noted practices.
41	Phyllis White 4.23.25		Comment that wildlife corridors are not addressed or mapped	LUC 20.25H.150 has been updated to include PHS mapping and habitat corridors.
42	Phyllis White 4.23.25	20.25H.075	Comment that riparian buffers do not reflect BAS, requests to follow WDFW method	Stream buffer increases are based on a review of the BAS, City-specific GIS, and administrative considerations.
43	Phyllis White 4.23.25	20.25H.045 Development density/intensity	Request to reinstate FAR limitation	This code update is focused on critical area regulations and keeping those regulations separate from development/density regulations. Critical area protections limit buildable area and are the first consideration for site planning work.
44	Phyllis White 4.23.25		Noting lack of formal heritage tree program, request to add with a particular emphasis on riparian management zones	While the City does not have a formal heritage tree program, the tree code does identify landmark trees, listing them as the highest priority for retention on a tree retention plan. Landmark trees are also given the highest value of tree credits, and dimensional standards may be permitted to be modified in order to retain a Landmark tree.
45	Phyllis White 4.23.25		Request for increased replacement ratio of 3:1 for landmark or heritage trees removed in critical areas	LUC 20.25H.055 has been updated to include 3:1 replacement for all trees in a critical area buffer. Other standards have been included such as creating wildlife snags and leaving cut material in the buffer.
46	Phyllis White 4.23.25		Comment regarding zero side yard setbacks and 10% open space	It's unclear what code language is of concern. Common best practice is to review setback requirements for the potential to reduce any unavoidable critical area impacts.

47	Bellevue Chamber PLUSH Committee BelRed/Critical Areas 2.25.25	20.25H.075	Reduce buffer widths for urban streams based on habitat function	The BAS-based update applies standard buffers combined with some flexibility for stream modifications (see LUC 20.25H.080). The city is required to incorporate BAS; WDFW notes the importance of urban streams as part of the critical habitat network.
48	Bellevue Chamber PLUSH Committee BelRed/Critical Areas 2.25.25	VII. Geologic Hazard Areas	Eliminate steep slope designations for man-made slopes	LUC 20.25H.120 has been updated to provide an exemption for slopes created through previous, legal grading activities.
49	Bellevue Chamber PLUSH Committee BelRed/Critical Areas 2.25.25	20.25H.045 Development density/intensity	Remove the critical areas density penalty	This change is currently a component of the draft code
50	McCullough Hill Plc 7.22.25	20.25H.075	Ask to include an "urban streams" category to recognize urban context and allow for reduced buffers	See response 47.
51	McCullough Hill Plc 7.22.25	20.25H.075	Buffers should be reduced where restoration is possible, noting areas in BelRed	See response 47.
52	McCullough Hill Plc 7.22.25	20.25H.075	Notes the city's authority to utilize BAS to support variable or reduced stream buffers with habitat enhancement	see response 47.
53	McCullough Hill Plc 7.22.25	20.25H.075	Notes that daylighting and restoration incentives are inadequate	See response 47.
54	BPOG July 2025 Letter	20.25H.075	Differentiate between urban and natural stream contexts	See response 47.
55	BPOG July 2025 Letter	20.25H.075	Replace prescriptive buffer widths in urban areas with measurable outcomes	See response 47.
56	BPOG July 2025 Letter	20.25H.075	Add performance-based pathway for modifications where net ecological gain is shown	See response 47.
57	BPOG July 2025 Letter	20.25H.075.C.1.a.i	eliminate top-of-bank rule and measure buffers from OHWM	This change is currently a component of the draft code. In the current draft, the top-of-bank may only be used if the OHWM cannot be identified
58	BPOG July 2025 Letter	20.25H.075	Offer FAR/density incentives for projects that daylight piped streams or restore degraded urban streams segments	See responses 43 and 47.
59	BPOG July 2025 Letter	20.25H.075?	Allow off-site mitigation through either mitigation banking or in-lieu fees when on-site mitigation isn't feasible	This has been incorporated in the draft.

60	BPOG July 2025 Letter	VII. Geologic Hazard Areas	Exclude man-made steep slopes from critical area regulation when they pose no geologic hazard or ecological function	This was discussed with HWA Geosciences and incorporated in the update while retaining review as needed for safety.
61	Columbia Pacific Advisors, LLC	20.25H.075	Maintain or reduce stream buffer widths that exist in the current code in urbanized areas	See response 47.
62	Columbia Pacific Advisors, LLC	20.25H.075	Increase incentive for daylighting piped streams, "The code should permit buffer widths to be reduced to the level that demonstrably improves stream habitat function-rather than applying a rigid and arbitrary percentage discount."	See response 47.
63	Columbia Pacific Advisors, LLC	20.25H.075	Provide greater certainty and predictability in buffer reductions	See response 47.
64	Bellevue Chamber PLUSH Committee BelRed/Critical Areas 6.24.25	20.25H.075	General comment describing ask to include more flexibility for stream buffers in the urban context where they are degraded and reiterating support for greater flexibility for manmade slopes	See responses 47 and 60.
65	Bellevue Chamber PLUSH Committee BelRed/Critical Areas 7.22.25	20.25H.075	Similar comments to the June letter regarding greater flexibilities for urban streams and manmade slopes. Additional note regarding measuring buffers from OHWM rather than top of bank and adding FAR or density bonuses and off-site mitigation opportunities	See responses 47 and 60.
66	WDFW 8.25.25	20.25H.005 Scope	State law requires that all critical areas be regulated to achieve no net loss of ecological functions (per WAC 365-196-830 and WAC 365-190-080), regardless of underlying zoning designations. It appears there are stream buffers and potentially wetlands present within the Downtown area that would fall under the protections of this chapter.	There are no critical areas in Downtown
67	WDFW 8.25.25	20.25H.015 Applicable procedure	Natural features, such as preserved vegetation, provide vital ecosystem services, including air and water purification, temperature regulation, and flood control, that directly benefit the community. Using the term 'ecosystem services' helps clearly communicate the value these natural resources offer to public health, safety, and overall quality of life. Additionally, buffers to critical areas serve multiple essential functions, with one of their primary roles being to provide the space necessary for these areas to maintain their ecological integrity. Wetland buffers help regulate water quality, reduce flooding, and protect habitat for sensitive species, while riparian management zones (stream buffers) filter pollutants before they reach streams, stabilize banks, regulate water temperature through shading, and support habitat connectivity for fish and wildlife.	While the City understands the intent of utilizing a new term to refer to ecological value, the existing language and associated regulatory framework in the draft code accomplishes the same goals and reflects the need to protect critical areas for the many functions that they provide. There is also some concern about the confusing of utilizing a new term that would likely need to be used in code sections outside of the critical areas overlay

68	WDFW 8.25.25	20.25H.025 Designation of critical areas	There are five critical area types that jurisdictions are required to address in their regulations, as outlined in WAC 365-196-830. We recommend revising this section to clearly list each of the required critical area types, along with examples of the specific land features that fall under each category. For instance, as noted in WAC 365-190-130, Fish and Wildlife Habitat Conservation Areas (FWHCAs) include a range of habitat types not currently reflected in the section referenced in this comment. Similarly, steep slopes are specifically identified under Geologically Hazardous Areas per WAC 365-190-120.	This table is being revised to include Fish and Wildlife Habitat Conservation Areas and Critical Aquifer Recharge Areas.
69	WDFW 8.25.25	20.25H.030 Identification of critical area	WDFW recommends including specific details for the required monitoring and maintenance of the NGPA. Does the city require proof via monetary assurances that an area will be fully restored (native vegetation, daylighted streams) in a specific timeframe? WDFW is aware of existing NGPAs in the City of Bellevue that are not currently maintained, are inundated with invasive/noxious vegetation species, or do not provide full buffer protection around a stream. Without detailed performance standards and assurances for NGPAs, the ecological functions of the NGPA may diminish over time. An example of an underperforming NGPA can be found on the Hampton Hotel parcel at 47.611851, -122.187199.	The City is reviewing current NGPA practices to see if there are opportunities to improve processes around NGPAs. However, it is generally the practice to apply specific monitoring timelines after which the City would respond to any code enforcement issues in protected areas.
70	WDFW 8.25.25	20.25H.030 Identification of critical area	We strongly recommend requiring the identification of both the critical area itself and any associated buffers on-site, as critical area buffers are also subject to protections.	Current practice as well as the current draft require identification of both the critical area as well as its associated buffer.
71	WDFW 8.25.25	20.25H.030 Identification of critical area	We recommend requiring tree protection measures before any clearing or grading to prevent unnecessary loss of canopy and ensure critical trees are considered early in site planning. This supports Bellevue's climate, habitat, and no net loss goals while helping avoid premature site disturbance before full environmental review.	This should be brought more in line with our citywide tree code requirements. Staff sees no issue with adding this as a shall rather than a may also statement.
72	WDFW 8.25.25	20.25H.30 Identification of critical area	We recommend including a list of relevant maps to assist landowners in determining if a critical area is located on their property. For example, the City of Redmond provides maps for Fish and Wildlife Habitat Conservation Areas, Stream Classifications, Wetlands, Frequently Flooded Areas, Critical Aquifer Recharge Areas, Landslide Hazard Areas, Erosion Hazard Areas, and Seismic Hazard Areas. These maps should be living documents that are constantly updated with new information. WDFW also recommends confirming if existing mapping resources are accurate. For example, the existing Stream Map for the City of Bellevue has streams inaccurately labeled as non-fish when WDFW has made the determination that the stream meets the physical criteria to be considered fish-bearing. An example of an inaccurately labeled stream is Lakehurst Creek (GPS coordinates: 47.55888, -122.18944), which has been determined by WDFW to be fish-bearing, but is labeled on the Bellevue map as an Np stream. WDFW recommends encouraging applicants to reach out to WDFW to confirm the fish-bearing status of a stream, especially if the City plans to retain different buffers based on the fish-bearing status of streams. WDFW also recommends referencing our maps, such as the Priority Habitats and Species (PHS) on the Web app and the Fish Passage Web app.	The City has an mapping resources available to the public which include an interactive map with layers that we work with our GIS staff to update. Part of the implementation component of this project is to work on improving the data as we receive new data both through the receipt of delineations during project review and from other resources. For development projects, a determination is made on a case by case basis in determining both the presence of critical areas as well as their typing.
73	WDFW 8.25.25	20.25H.035 Critical area buffers and structure setbacks	This table appears duplicative, as buffer standards are already specified in the sections dedicated to each critical area type below. We recommend simplifying the chapter by removing redundant content to improve clarity and reduce potential confusion.	This was discussed with City Planning staff. The table serves as a quick reference and is being retained.

74	WDFW 8.25.25	20.25H.035 Critical area buffers and structure setbacks	We recommend maintaining a minimum setback of 30 feet for vegetation management related to defensible space and wildfire risk reduction. If less than 30 feet is proposed, modifications to a critical area or its buffer may be necessary to accommodate defensible space requirements, which is in direct conflict with this chapter. See Planning the Wildland-urban Interface for more details. Additionally, this section does not cover how far a setback must be for closed stream segments.	The City's understanding is that the WUI requirements are not currently adopted into the building code, which makes codifying additional requirements around WUI challenging. Additionally, the majority, if not all of the city, only contains a few areas of WUI Intermix.
75	WDFW 8.25.25	20.25H.045 Development density/intensi ty	This section discourages overutilization of land by limiting how much development credit is granted for constrained areas. If removed (as currently proposed in this draft), there may be pressure to grant full density on sites where a large portion is composed of critical areas. Without this section, there's a risk that applicants will seek to apply base zoning densities to entire parcel areas, including wetlands and buffers, which should be excluded or discounted due to their ecological constraints. Removing density allocation provisions from the CAO could open the door to overdevelopment in locations where critical areas severely limit actual buildable area. It also weakens the tools planners use to balance growth with ecological integrity.	To date, this requirement has not ultimately resulted in a significant reduction of unit and FAR yield, and also provides an additional level of complexity in the application and review process. Critical areas and their buffers also have to be established and protected through the code, which results in what the developable area of a site might be. This calculation does not change the extent of the available developable area on a site, only the amount of development allowable.
76	WDFW 8.25.25	20.25H.050 Uses and development in the Critical Areas Overlay District	Typically, when multiple critical areas or overlay designations overlap, regulations specify that the more protective standard applies. We encourage the City to include a similar provision in this chapter, which could help reduce the need for overly specific language (such as the adjacent example).	The City is not updating the Shoreline Overlay District or code language associated with the Shoreline Overlay District at this time. When the City updates the Shoreline Overlay District we will review this potential inclusion.
77	WDFW 8.25.25	20.25H.050 Uses and development in the Critical Areas Overlay District	This section appears duplicative, as these standards are already specified in the sections dedicated to each critical area type below. It seems that this section functions to reference other sections, providing little use itself. We recommend simplifying the chapter by removing redundant content to improve clarity and reduce potential confusion.	This section LUC 20.25H.050 gives an overview with hyperlinks to specific code sections. It's our understanding the City wants to retain this for ease of use.
78	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	It is important to state the intent to follow the provision of this chapter, including the mitigation sequence, as required by state law. No impacts to critical areas can be permitted unless the mitigation sequence is followed, which first starts with avoidance of impacts. See comments for 20.25H.005 and 20.25H.015 above.	Mitigation sequencing per LUC 20.25H.215 is required. Mitigation sequencing is also referenced in several code sections, including LUC 20.25H.050 - Uses and Activities and Development in Critical Areas Overlay District, 20.25H.055 - Allowed uses, 20.25H.200 - Reasonable Use Exemption, 20.25H.225 - Innovative Mitigation, and 20.25H.230 - Critical Areas Report Purpose.
79	WDFW 8.25.25	20.25H.055.B. 2 Uses and development allowed within critical areas – Performance standards	We recommend incorporating this provision for habitat improvement projects within the table.	Facet/City to review. The City may include footnote 2 with the 'Habitat improvement projects' activity row in the table under LUC 20.25H.055.B.

80	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	Allowing the utilities code to take precedence over the Critical Areas Ordinance raises concerns regarding consistency with the Growth Management Act (RCW 36.70A), which requires local jurisdictions to designate and protect critical areas using Best Available Science and ensure no net loss of their ecological functions (WAC 365-196-830). Utility development can result in significant impacts to wetlands, streams, and other sensitive resources. Therefore, in the event of a conflict between code provisions, the standard that affords the highest level of protection to critical areas should prevail to maintain consistency with state law and to ensure long-term ecological integrity.	Utility projects are still required to follow mitigation sequencing and provide compensatory mitigation for any unavoidable impacts.
81	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	WDFW recommends revising the definition of "technically feasible" to ensure that cost alone is not used to justify impacts to critical areas or buffers. The Growth Management Act requires that local governments protect critical areas using Best Available Science and achieve no net loss of ecological function, regardless of development economics. It must be clearly stated throughout this chapter that critical areas are designated for long-term protection, not as flexible development space, and that their ecological functions cannot be incrementally diminished through site-by-site exceptions. The intent of the Growth Management Act is to preserve the integrity of these areas using Best Available Science, and any consideration of impact must be a last resort, only after all feasible avoidance measures, such as alternative site design or reduced development intensity, have been fully evaluated and applied.	Facet/City to review 'technically feasible' definition for adherence to best practices.
82	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	Similar comment to comment 81	Facet/City to review 'technically feasible' definition for adherence to best practices.
83	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	Fish passage and water crossing design standards must be met for culvert or in-water structural modification according to state law (WAC 220-660- 190).	Projects are also subject to state and federal permitting as applicable. WDFW would have design review through the Hydraulic Project Approval process.
84	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	Some meaningful enhancement efforts, such as removing extensive invasive root systems, mowing, or planting trees at scale, are not practical using only hand labor or light tools. As currently written, this provision may unintentionally discourage restoration efforts by restricting the use of practical and commonly accepted tools.	This suggestion is planned for inclusion in the code.

85	WDFW 8.25.25	20.25H.055 Uses and development allowed within critical areas – Performance standards	Similar comment to comment 81	See response 82.
86	WDFW 8.25.25	20.25H.065 Nonconforming Situations	To meet no net loss standards within part 'c', expansions or new uses within a critical area or buffer should only occur in areas that lack ecological function, such as existing pavement or large development. Areas like lawns or minimally altered land still provide ecological value and should not be disturbed, especially if the proposed use is more intensive. Section 'd' may not be necessary, as no allowed alterations to existing nonconforming structures should result in any impacts to critical areas or their buffers. Section 'e' language is concerning because it allows the Director to approve expansions into critical areas based on a vague and undefined standard of "significant" impact. Without clear criteria or a requirement to use Best Available Science, this discretion could lead to inconsistent decisions and undermine the CAO's no net loss standard. It also bypasses mitigation sequencing and opens the door to incremental degradation of ecological functions over time.	Any proposed expansion is required to go through the Critical Areas Land Use Permit (CALUP) process, including an assessment of impact avoidance, minimization and compensatory mitigation. Facet/City to review language for other potential updates to ensure no net loss is addressed.
87	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	Excluding the West Tributary in the Kelsey Basin from the general protections afforded to open streams under the CAO is inconsistent with the purpose and intent of the Growth Management Act, which requires the protection of all critical areas, no matter the location. All open streams, regardless of location, contribute to essential ecological functions. Kelsey Creek is one of the few urban streams that is specifically highlighted within the WRIA 8 Chinook Salmon Conservation Plan as critical for recovery (see map on page 3). Within the city's Greater Kelsey Creek Watershed Assessment, it is clear that regulations must strengthen protection standards. Additionally, local governments should identify and limit development within Channel Migration Zones (CMZs)(WAC 173-26-221). Identifying CMZs helps guide development away from high-risk areas and reduces flood hazards. CMZs are critical for maintaining the dynamic processes that support riparian ecosystems. Without addressing CMZs, the CAO may fail to fully protect the functional riparian areas that naturally shift over time. We encourage the town to incorporate this CMZ definition as well as delineate riparian management zones (RMZs) from the edge of the CMZ if present. For further information, please see the WA Department of Ecology's (DOE) informational webpage as well as WDFW's Riparian Ecosystems, Volume 2: Management Recommendations.	Reference to special exception to Kelsey Creek Basin has been removed. The stream buffers treated equally as other stream buffers in Bellevue based on the stream type in LUC 20.25H.075.B with buffers assigned in LUC 20.25H.075.C.1.a. Stream buffers will be measured from OHWM or the outer edge of a CMZ where mapped, whichever is farther from the channel.

88	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	The buffer standards outlined in this table do not incorporate WDFW's BAS. Stream buffers, or more accurately referred to as riparian management zones (RMZs), provide critical ecological functions including filtering pollutants, regulating stream temperature, stabilizing banks, and reducing flood risks. To meet WDFW's current best available science standards and management recommendations (released in 2020), we recommend the utilization of WDFW's Site Potential Tree Height at 200 years (SPTH200) to measure RMZ widths (see WDFW's mapping tool and field delineation guidance). To stop pollutants from entering streams, RMZs must be 100 feet wide and fully vegetated at a minimum. This table does not reach these minimum standards. Meeting RMZ standards is especially critical in highly developed areas like Bellevue, where elevated levels of impervious surface contribute to increased stormwater runoff and water quality degradation. The importance of addressing water quality concerns is demonstrated by the listing of many water bodies within the city, including Kelsey Creek, within Ecology's 303(d) list, which outlines a trend of continued degraded biological integrity over time. Bellevue has identified key factors that limit the health of Kelsey Creek, including pollutant loading, stormwater runoff, loss of floodplain & riparian function, and barriers to fish passage, in the Greater Kelsey Creek Watershed Assessment Report. The GMA also requires jurisdictions to give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries (WAC 365-195-925) as well as incorporate regulations to address issues at the watershed scale (WAC 365-196-830(6)). This is especially relevant to Bellevue and echoes the commitments made by the city in the WRIA 8 Interlocal Agreement. Stream-related critical area regulations within Bellevue are instrumental in the recovery of federally listed Chinook salmon species. As outlined very clearly in the WRIA 8 Chinook Salmon Conservation Plan, Bellevue bears an elevated responsibility for Chinook recovery compared to neighboring jurisdictions, as it encompasses both Tier 1 and Tier 2 priority Chinook habitat areas. It is important to note that Bellevue's drainage report for the Kelsey Creek Basin shows that the impervious surface within the basin is higher (41%) than other stream systems in Bellevue and that the tree canopy adjacent to the stream (53.9%) is lower than other stream systems in Bellevue.	Current recommendations for stream protections through classification and buffers was selected after detailed review of BAS and GIS analysis of Site Potential Tree Height (SPTH). Analysis is documented in the following technical memorandums: Stream Buffer Code Examples (June 26, 2025), Bellevue Stream Buffer Analysis (July 10, 2025), Stream Buffer Regulation Options (August 21, 2025). The City is incorporating BAS in the proposed stream buffer/riparian increases, vegetative buffer standards, minimization measures, and emphasis on mitigation sequencing. The City also updated draft code provisions to incentivize stream daylighting and restoration of degraded stream segments (LUC 20.25H.080).
89	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	We encourage staff to review recent CAO updates from jurisdictions such as Woodinville and King County. For instance, King County is proposing urban stream regulations that include 180–200-foot buffers for Type S and F streams, and a minimum 100-foot buffer for Type N streams. Woodinville is similarly advancing amendments aligned with WDFW's BAS. These examples illustrate how urban jurisdictions are proactively collaborating with WDFW to incorporate scientifically defensible standards, strengthening their CAOs against potential appeals.	Comment noted.
90	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	LUC 20.25H.035 has setbacks crossed out and does not detail setback requirements for closed segments. It seems that setbacks from closed stream segments have been omitted from this chapter. We recommend streamlining this chapter by bringing all relevant information specific to the type of critical area to the section that details the regulations for that specific type of critical area. Additionally, due to age and environmental factors, these piped segments will eventually fail and need to be replaced in compliance with current fish passage standards, as required by state law (WAC 220-660-190). With no buffer for these stream segments, future restoration efforts and infrastructure maintenance will be difficult to achieve. Development placed too close to piped stream segments may perpetuate non-conforming structures and increase public safety hazards related to flooding and erosion as storm intensities increase. A wider buffer for piped segments would provide better stormwater management support, water quality protections, and provide enough space to allow flexibility to meet state requirements for fish passage and/or flow capacity of water crossing structures (e.g., culverts) when aging infrastructure needs to be updated.	Per LUC 20.25H.075.1.b closed stream segments have a 50 foot buffer and an additional 20 foot critical area structure setback.

91	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	See comments above. Critical areas must be protected to meet no net loss standards, no matter their location.	The City recognizes the importance of all streams, including urban streams. Proposed updates to LUC 20.25H.075 and .080 are based on their incorporation of BAS and new incentives for improving degraded urban streams.
92	WDFW 8.25.25	IV. STREAMS 20.25H.075 Designation of critical area and buffers	We recommend deleting buffer averaging for stream buffers. To our knowledge, there is no scientific evidence supporting the idea that reducing a riparian buffer in one area while expanding it elsewhere achieves no net loss of ecological functions and values. WDFW's Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020) shows that riparian buffer widths are established based on the specific ecological functions they are intended to support, which are directly tied to the width, continuity, and quality of vegetation within the buffer.	BAS documents how buffer functions vary by width and condition. Variation in buffer condition, such as slope, vegetation type/density and adjacent land uses can all impact the level of functions provided. Ecology recommends this option for wetlands. Wetland and stream buffers often overlap and provide similar functions. For consistency, the City is applying buffer averaging allowances to both wetlands and streams.
93	WDFW 8.25.25	20.25H.080 Performance standards.	According to WDFW's Riparian Ecosystems, Volume 1, more than 85% of terrestrial wildlife species in Washington depend on riparian areas at some point in their life cycle, making these zones among the most biologically diverse and ecologically important in the state. Once degraded, their functions, such as water filtration, temperature regulation, and habitat connectivity, are difficult, and often impossible, to fully restore. The adjacent edits reflect the minimum necessary improvements to strengthen protections for these areas, particularly as ongoing intensive development continues to erode their integrity over time. Volumes 1 and 2 make it clear: protecting riparian areas is essential to meeting the state's legal and ecological obligations, including salmon recovery, no net loss of ecological function, and climate adaptation. Additionally, if the City is looking to advance urban tree canopy goals, riparian areas offer a high- impact, strategic opportunity. Prioritizing these zones can serve the dual purpose of restoring ecological function while making measurable progress toward canopy targets in areas where those trees may deliver the greatest environmental benefit.	The City is supportive of these changes. We are adding vegetation standards for buffers and support the requirement for the installation of fencing and signage.
94	WDFW 8.25.25	20.25H.080 Performance standards.	We want to underline that the closure of a stream channel in a pipe shall not be allowed for any developmental reasoning within LUC 20.25H.055, such as expansion of public facilities. The adjacent edit clarifies that the relocation of an open stream channel shall be prohibited, except when conducted as part of a restoration project that is not associated with development mitigation, and in some very rare circumstances where relocation can result in net ecological gain. This approach is consistent with WDFW's permitting practices for Hydraulic Project Approvals (HPAs) under WAC 220- 660.	Any proposed new piped stream segments must meet local, state and federal requirements. This performance standard language will be reviewed for clarity.
95	WDFW 8.25.25	20.25H.080 Performance standards.	While the daylighting incentive in Section D is a step in the right direction, it is unlikely to result in meaningful ecological improvements as currently written. Because piped streams typically have little or no buffer requirements, applicants have little regulatory incentive to daylight streams. Doing so would likely increase, rather than reduce, their regulatory obligations. To truly support stream restoration and align with the goals of the GMA and BAS, WDFW recommends requiring daylighting for all development projects occurring on parcels containing piped streams, where technically feasible. This approach would not only restore ecological function but also help reconnect habitat corridors and improve long-term watershed health. Optional incentives could still be layered on, but a baseline requirement is needed to ensure consistent restoration of historically impacted stream systems. One potential additional incentive would be improving existing water crossings on-site to meet updated fish-passage guidance as part of the development requirements.	LUC 20.25H.075.C.1.b has been updated. Closed stream segment now have a 50 foot buffer and a 20 foot critical area setback. Further refinement of the stream daylight incentives are being discussed.

96	WDFW 8.25.25	20.25H.085 Mitigation and monitoring – Additional provisions	If impacts to critical areas are unavoidable, we strongly recommend mitigation planting plans be designed to go beyond a 1:1 replacement ratio. A 3:1 ratio often more accurately achieves no net loss by accounting for mitigation uncertainty.	This can be updated to mirror language in the wetland section: "A higher replacement ratio may be required where necessary to maintain or enhance overall critical area functions. Mitigation must ensure no net loss of ecological function, consistent with the provisions of LUC 20.25H.210."
97	WDFW 8.25.25	20.25H.090 Critical areas report – Additional provisions.	This section was deleted in this draft and not replaced. There is currently no minimum limit within this chapter that details how small a stream buffer can be. As stated before, WDFW's BAS recommends no stream buffer reach below 100 feet (if fully vegetated) to account for pollution filtration. If not vegetated, this buffer must be expanded.	This section has been deleted, along with all references to discretionary stream buffer reductions. Buffer averaging remains available through the Critical Areas Land Use Permit process and is subject to a maximum adjustment. Per LUC 20.25H.075.2, averaging may not reduce the buffer below 75 percent of the required width at any point, and the total buffer area may not be reduced.
98	WDFW 8.25.25	20.25H.090 Critical areas report – Additional provisions.	If opening closed stream channels is not required for projects proposed on impacted parcels, we strongly recommend keeping the adjacent provision. The current draft has deleted this very important section.	This provision was replaced with a piped stream setback requirement under LUC 20.25H.075.D.2.
99	WDFW 8.25.25	VIII. HABITAT ASSOCIATED WITH SPECIES OF LOCAL IMPORTANCE	As discussed above, habitat associated with species of local importance is only a single type of FWHCA. This section should be named "Fish and Wildlife Habitat Conservation Areas" and be combined with the stream provisions.	This section has been renamed
100	WDFW 8.25.25	VIII. HABITAT ASSOCIATED WITH SPECIES OF LOCAL IMPORTANCE	WAC 365-196-335 states, "Each county or city planning under the [growth management] act must identify open space corridors within and between urban growth areas. They must include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030." We recommend designating 'Wildlife Habitat Corridors' as a type of FWHCA. King County has already designated a wildlife habitat network through areas of southern Bellevue (link to map). One specific area of note that would be practical to designate under this type of critical area would be the Kelsey Creek Basin, which would align with the policies in the Wilburton/N.E. 8th Street Plan, such as "S-WI-9. Protect and enhance streams, drainage ways, and wetlands in the Kelsey Creek Basin," and "S-WI-10. Prevent development from intruding into the floodplain of Kelsey Creek." Establishing a 200-foot buffer (or RMZ) on Kelsey Creek would also help achieve this goal. If a method for identifying wildlife habitat corridors has not yet been established, the resources below may be helpful: - Page 72-82 of WDFW's Washington Habitat Connectivity Action Plan and mapping resource. - Reach out to King County staff to investigate how their iMap determined the bounds of their 'Wildlife Habitat Networks.' - See the Bellingham wildlife corridor analysis as an example methodology for mapping these corridors at the local level.	The draft now addresses WAC 365-196-335 by identifying open space corridors within FWHCAs. New subsection G designates land useful or essential for preserving connections between habitat blocks and open spaces, including riparian areas and stream buffers and biodiversity corridors identified on WDFW PHS maps. Subsection C defers to WDFW for classification and mapping. Waters of the State are also designated, which includes Kelsey Creek.

101	WDFW 8.25.25	20.25H.160 Performance standards.	This is more accurately covered in 20.25H.165 Critical areas report – Additional provisions, as WDFW does not create wildlife management plans for specific developments. Instead, and as outlined in 20.25H.165, "...shall contain an assessment of habitats including the following site- and proposal- related information at a minimum 3. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site;."	The City is supportive of these changes and the section will be updated accordingly to reflect providing a Critical Area Report Habitat Assessment per LUC 20.25H.165.
102	WDFW 8.25.25	20.25H.170 Process to identify additional species of local importance.	WAC 365-190-130 specifies that, "Counties and cities should identify, classify and designate locally important habitats and species." We recommend that this chapter emphasize both habitats and species throughout.	This suggestion is planned for inclusion in the code.
103	WDFW 8.25.25	20.25H.200 Reasonable use exception	The current language in this section limits reasonable use exceptions to single-family residential development, yet later provisions (C. When Allowed) appear to allow for broader categories of development, including commercial uses. Reasonable use provisions are intended as a narrow pathway to allow for limited development of a single-family home when no other option exists. Expanding this provision beyond single-family residential use contradicts longstanding interpretations of "reasonable use" as outlined in case law and administrative guidance. For these reasons, we recommend that the City explicitly limit the reasonable use provision to single-family residential projects and clarify that commercial or multifamily development shall not be eligible for such exceptions within designated critical areas. At a minimum, this section should clarify that if any development can be accomplished at the minimum density allowed under current zoning, then more intensive development proposals do not qualify for a reasonable use exception.	When subdividing to create new parcels to develop, critical areas must be contained and separated from the new development sites regardless of the potential density on those development sites. Additionally, the draft code also requires that in order to qualify as a reasonable use the inability to derive reasonable use of the subject property cannot be the result of prior actions taken by an applicant or previous property owner in creating an undevelopable condition on the site.
104	WDFW 8.25.25	20.25H.200 Reasonable use exception	It is common to see rezones approved for increased development intensity on parcels constrained by critical areas, followed by a reasonable use application aimed at achieving the newly permitted maximum density. We strongly recommend including 'rezoning' as an action the applicant cannot take before applying for a reasonable use permit.	When subdividing to create new parcels to develop, critical areas must be contained and separated from the new development sites regardless of the potential density on those development sites. Additionally, the draft code also requires that in order to qualify as a reasonable use the inability to derive reasonable use of the subject property cannot be the result of prior actions taken by an applicant or previous property owner in creating an undevelopable condition on the site.
105	WDFW 8.25.25	20.25H.200 Reasonable use exception	This addition, found in Skagit County's RUE section, can be an effective way to ensure that the RUE pathway is reserved for truly constrained sites and may simplify the '2. Maximum Disturbance limits' section later in this chapter.	This suggestion is planned for inclusion in the code.

106	WDFW 8.25.25	20.25H.200 Reasonable use exception	Reasonable use exceptions are meant for one single-family home. We strongly advise Bellevue to delete this section that specifies reasonable use for other types of development. See comments above relating to part 'A' of this section.	While prior standards in reasonable use exceptions commonly only permitted a single-family home as the minimum allowance, the regulatory environment has shifted significantly with the adoption of HB 1110, also known as the middle housing bill. In Bellevue, four units per lot are allowed on all residentially zoned lots citywide at a minimum. Further, the limits of disturbance remain the same regardless of the number of units proposed for an reasonable use exception.
107	WDFW 8.25.25	20.25H.270 Critical areas report – Independent third-party review.	WDFW's 'Guidelines for Determining Site Potential Tree Height from Field Measurements' specifies a list of sources to identify qualified individuals from for determining the SPTH value of a RMZ (stream buffer) in Appendix A.	City/Facet to review/discuss applicability. Third-party review is a standard practice. The referenced publication follows the SPTH method, which the City is not currently proposing.
108	Gaw Capital Partners	LUC 20.25H.065 - existing primary structure	General concern regarding retaining the concept of nonconforming existing primary structure language not consistent between stream and wetlands sections	Per the City Attorney's Office, "In the updated draft, the language you quote from both LUC 20.25H.095 (wetlands) and LUC 20.25H.075 (streams) is proposed to be deleted. In the updated draft, revisions to LUC 20.25H.065 will provide that: Where an addition to a nonconforming structure does not expand further into a critical area or critical area buffer, then no CALUP will be required. Expansions of nonconforming structures will be governed by the general nonconforming provisions applicable to the underlying land use district. For the Bellefield Office Park, for areas not within the shoreline jurisdiction, that would currently be LUC 20.20.560. For areas within the shoreline jurisdiction, that would be the nonconforming provisions of Part 20.25E LUC.

109	Gaw Capital Partners	LUC 20.25H.065 - modification or repair of nonconforming structures	Asking for clarification on modifications to nonconforming structures that do not constitute an expansion of the structure as well as noting conflicting code sections	Per the City Attorney's Office, "As described above, under the updated LUC 20.25H.065, repair and maintenance will be governed by the general nonconforming provision applicable to the underlying land use district, in this case either LUC 20.20.560 or Part 20.25E LUC. Through HOMA, the consolidation of nonconforming provisions would result in either LUC 20.20.561 or Part 20.25E LUC applying. All of these nonconforming provisions provide allowances for routine repair and maintenance. As described above, in the updated draft, revisions to LUC 20.25H.065 will be made to clarify that no CALUP will be required where an expansion of a nonconforming structure does to result in further encroachment into a critical area or critical area buffer. The updated draft clarifies the language in 4.a and 4.c that you call out in your comment. The expansion would otherwise be governed by LUC 20.20.560, Part 20.25E LUC, or, if HOMA is adopted as currently proposed, LUC 20.20.561 instead of LUC 20.20.560.
-----	----------------------	---	--	--

110	Gaw Capital Partners	LUC 20.25H.065.C	Concern about retention of language that prohibits changes to nonstructural components of developments unless they conform to the regulations of the code. Clarification is asked as to what is meant by the term "changes"	Per the City Attorney's Office, "In the updated draft, LUC 20.25H.065 will be revised to provide additional clarity. Similar to Nonconforming Structures, the updated draft will apply the general nonconforming site provisions applicable to the underlying land use district, in this case either LUC 20.20.560 or Part 20.25E LUC. Through HOMA, the consolidation of nonconforming provisions would result in either LUC 20.20.561 or Part 20.25E LUC applying. While LUC 20.20.560.D.1 contains similar language to the language you quote from LUC 20.25H.065, it does provide for the reconfiguration of existing parking lots and paved outdoor storage and display areas without conforming to the code. If HOMA is adopted as currently proposed, and LUC 20.20.561 applies instead of LUC 20.20.560, then that provision contains more definition as to what constitutes a "change" and provides a much more gradual transition for nonconforming sites due to a cap on required investment and a trigger amount that allows smaller value changes to be made without requiring improvements. As the City is not processing a shoreline code amendment, no substantive changes to the nonconforming provisions of Part 20.25E LUC are proposed through the CAO Update LUCA or through the HOMA LUCA.
111	TCR	LUC 20.25H.095.D.2	Request to add an allowance to fill Category III and IV wetlands specifically in the EM-TOD zones under 7,500 square feet if proposed development results in new housing and mitigation requirements are met	Small wetlands exemption (LUC 20.25H.095.D.2) was added with the conditions and thresholds recommended by the Washington State Dept. of Ecology based on BAS.
112	TCR	LUC 20.25H.095.D.3	Request to add commercial parking lots to the allowance for using the edge of existing improvements to define the buffer edge in addition to the current allowance for ROW, railroad, and other similar infrastructure of a linear nature	Language for this provision broadened. See updates to LUC 20.25H.095.D.3.b.
113	Bauman 9.23.25	BelRed	General comment that a tailored approach to critical areas code in BelRed is needed	The City is coordinating efforts between the citywide CAO and the updates underway for the BelRed subarea. The BelRed subarea overlay, Part 20.25D, is the mechanism through which subarea-specific code is developed.

114	Bauman 9.23.25	LUC 20.25H.080.C	Request to broaden and increase the incentive for stream daylighting to also include degraded streams that are not in a pipe and to wave structure setback requirements and allowing further buffer reductions through averaging	The next version of the draft includes an expanded allowance for buffer reductions to also include other degraded channels, including armored streams. Buffer averaging is applicable to both daylighting and degraded channel buffer reductions. Per discussions with Planning Commission at the September 24 study session, the structure setback has been reduced to 15 feet.
115	Bauman 9.23.25	LUC 20.25H.080.C	Additional comments about applying reduced buffers to degraded streams not in a pipe	See response to comment 114
116	Bauman 9.23.25	BAS	General discussion on GMA requirements for the best available science and the legal thresholds of "not net loss" of functions and values relative to existing conditions	There are several statements in the code noting the need to maintain critical area functions and values.
117	Bauman 9.23.25	CAO and BelRed LUCA	Request to have the CAO and BelRed LUCAs reviewed together	The City is required to adopt the CAO LUCA to comply with the state's deadline by the end of this year, making an alignment of the project timelines for BelRed and CAO not feasible
118	PLUSH 9.24.25	Stream Buffers Generally	General comment concerning stream buffers and the need to balance stream protections with development, particularly in the BelRed area and commenting the stance that the draft ordinance goes "far beyond what is required under state law" in regards to no net loss of function	Proposed buffers are based on a review of WDFW's BAS publications and city-specific GIS review. Additional flexibilities for urban areas were added under LUC 20.25H.080.
119	McCullough Hill PLLC	BAS	A question that "the no-net-loss requirement is described to you clearly, and an explanation of why it is not being based on existing conditions should be made."	See LUC 20.25H.250.B for detail on how no net loss of critical area functions and values are evaluated.
120	McCullough Hill PLLC	LUC 20.25H.065	A comment that "Redevelopment of previously developed and currently nonconforming sites should be recognized and incentivized as a key opportunity to achieve environmental improvement. This is consistent with best available science and GMA."	The draft includes provisions for previously developed site in the innovative mitigation code section as well as the buffer reductions for improving degraded stream channels and daylighting streams.
121	McCullough Hill PLLC	LUC 20.25H.065	A comment that "Existing nonconforming sites in a developed condition should be given opportunities to reclaim significant amounts of the area that will be lost to the buffers proposed in this legislation."	See response 120
122	McCullough Hill PLLC	BAS	"A request that the best available science related to already-developed sites should be reviewed and specifically considered in this critical areas ordinance update. This consideration of best available science is legally-required."	See Best Available Science Review Critical Areas Ordinance, City of Bellevue May 2025, including Sections 2.2.2, 2.3.2, 2.4 and Appendix A.
123	McCullough Hill PLLC	20.25H.080.C	A comment that "A 15% reduction to a buffer as an incentive to daylighting a creek is not nearly enough when the city proposes a doubling of a buffer requirement. This is a disincentive to the behavior the City purports to want."	An earlier draft included a 25% reduction for daylighting as an incentive, not 15%. The latest draft allows a reduction down to 50 feet as well as allowing averaging in addition.
124	WDFW 10.3.25	20.25H.035	The buffer widths shown in this table still fall below WDFW's minimum Best Available Science (BAS) standards for streams. WDFW's BAS reveals that buffers under 100 feet could result in a net loss of ecological functions and values. While alternative low-impact development techniques may address some pollutant removal at narrower widths, they cannot replace the full ecological functions that stream buffers provide (bank stability, nutrient input, and wildlife habitat) that are only sustained when buffers are maintained at widths based on Site Potential Tree Height (SPTH). Reducing buffers below SPTH and then further reducing them below the 100-foot minimum is not recommended by WDFW.	Bellevue is proposing buffer increases relative to current regulations. Buffer increases are also applied to buffers not meet vegetation standards. Where stream daylighting and restoration are being incentivized applicants must demonstrate water quality will be maintained (LUC 20.25H.080).

125	WDFW 10.3.25	20.25H.050 Uses and development in the Critical Areas Overlay District	Typically, when multiple critical areas or overlay designations overlap, regulations specify that the more protective standard applies. We encourage the City to include a similar provision in this chapter, which could help reduce the need for overly specific language (such as the adjacent example).	See response 76
126	WDFW 10.3.25	20.25H.055.B. 2 Uses and development allowed within critical areas — Performance standards	We recommend incorporating this provision for habitat improvement projects within the table.	City to review and incorporate as is feasible. Certain projects may still need a permit
127	WDFW 10.3.25	20.25H.055.B. 3	Allowing the utilities code to take precedence over the Critical Areas Ordinance raises concerns regarding consistency with the Growth Management Act (RCW 36.70A), which requires local jurisdictions to designate and protect critical areas using Best Available Science and ensure no net loss of their ecological functions (WAC 365-196-830). Utility development can result in significant impacts to wetlands, streams, and other sensitive resources. Therefore, in the event of a conflict between code provisions, the standard that affords the highest level of protection to critical areas should prevail to maintain consistency with state law and to ensure long-term ecological integrity.	See response 80
128	WDFW 10.3.25	20.25H.055.C. 3.a	WDFW recommends revising the definition of "technically feasible" to ensure that cost alone is not used to justify impacts to critical areas or buffers. The Growth Management Act requires that local governments protect critical areas using Best Available Science and achieve no net loss of ecological function, regardless of development economics. It must be clearly stated throughout this chapter that critical areas are designated for long-term protection, not as flexible development space, and that their ecological functions cannot be incrementally diminished through site-by-site exceptions. The intent of the Growth Management Act is to preserve the integrity of these areas using Best Available Science, and any consideration of impact must be a last resort, only after all feasible avoidance measures, such as alternative site design or reduced development intensity, have been fully evaluated and applied.	See responses 13 and 82
129	WDFW 10.3.25	20.25H.055.C. 4.e	Fish passage and water crossing design standards must be met for culvert or in-water structural modification according to state law (WAC 220-660- 190).	See response 83
130	WDFW 10.3.25	20.25H.055.C. 4.g.ii.4	WDFW recommends revising the definition of "technically feasible" to ensure that cost alone is not used to justify impacts to critical areas or buffers. The GMA requires that local governments protect critical areas using BAS and achieve no net loss of ecological function, regardless of development economics.	See responses 13 and 82.
131	WDFW 10.3.25	20.25H.055.C. 3.m.iii.d.4	WDFW recommends revising the definition of "technically feasible" to ensure that cost alone is not used to justify impacts to critical areas or buffers. The GMA requires that local governments protect critical areas using BAS and achieve no net loss of ecological function, regardless of development economics.	See responses 13 and 82.

132	WDFW 10.3.25	20.25H.065.A	To meet no net loss standards within part 'c', expansions or new uses within a critical area or buffer should only occur in areas that lack ecological function, such as existing pavement or large development. Areas like lawns or minimally altered land still provide ecological value and should not be disturbed, especially if the proposed use is more intensive. Section 'd' may not be necessary, as no allowed alterations to existing nonconforming structures should result in any impacts to critical areas or their buffers. Section 'e' language is concerning because it allows the Director to approve expansions into critical areas based on a vague and undefined standard of "significant" impact. Without clear criteria or a requirement to use Best Available Science, this discretion could lead to inconsistent decisions and undermine the CAO's no net loss standard. It also bypasses mitigation sequencing and opens the door to incremental degradation of ecological functions over time.	See response 86
133	WDFW 10.3.25	20.25H.075 Stream Buffer Table	The buffer standards outlined in this table do not incorporate WDFW's BAS. Stream buffers, or more accurately referred to as riparian management zones (RMZs), provide critical ecological functions including filtering pollutants, regulating stream temperature, stabilizing banks, and reducing flood risks. To meet WDFW's current best available science standards and management recommendations (released in 2020), we recommend the utilization of WDFW's Site Potential Tree Height at 200 years (SPTH200) to measure RMZ widths (see WDFW's mapping tool and field delineation guidance). To stop pollutants from entering streams, RMZs must be 100 feet wide and fully vegetated at a minimum. This table does not reach these minimum standards. Meeting RMZ standards is especially critical in highly developed areas like Bellevue, where elevated levels of impervious surface contribute to increased stormwater runoff and water quality degradation. The importance of addressing water quality concerns is demonstrated by the listing of many water bodies within the city, including Kelsey Creek, within Ecology's 303(d) list, which outlines a trend of continued degraded biological integrity over time. Bellevue has identified key factors that limit the health of Kelsey Creek, including pollutant loading, stormwater runoff, loss of floodplain & riparian function, and barriers to fish passage, in the Greater Kelsey Creek Watershed Assessment Report The GMA also requires jurisdictions to give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries (WAC 365-195-925) as well as incorporate regulations to address issues at the watershed scale (WAC 365-196-830(6)). This is especially relevant to Bellevue and echoes the commitments made by the city in the WRIA 8 Interlocal Agreement. Stream-related critical area regulations within Bellevue are instrumental in the recovery of federally listed Chinook salmon species. As outlined very clearly in the WRIA 8 Chinook Salmon Conservation Plan, Bellevue has an elevated responsibility for Chinook recovery compared to neighboring jurisdictions, as it encompasses both Tier 1 and Tier 2 priority Chinook habitat areas. It is important to note that Bellevue's drainage report for the Kelsey Creek Basin shows that the impervious surface within the basin is higher (41%) than other stream systems in Bellevue and that the tree canopy adjacent to the stream (53.9%) is lower than other stream systems in Bellevue.	See response 88. Additional incentives to improve stream conditions in urban areas were added to LUC 20.25H.080 and performance standards under LUC 20.25H.100 must also be met. These updates are intended to improve stream protections in the city and at a watershed scale through mitigation banking or in-lieu fee program use. The legacy of development in Bellevue was considered when drafting this code update, which is why the emphasis is placed on buffer condition and a combination of requirements and incentives to improve existing degraded conditions.
134	WDFW 10.3.25	20.25H.075 General Comments	We encourage staff to review recent CAO updates from jurisdictions such as Woodinville and King County. For instance, King County is proposing urban stream regulations that include 180–200-foot buffers for Type S and F streams, and a minimum 100-foot buffer for Type N streams. Woodinville is similarly advancing amendments aligned with WDFW's BAS. These examples illustrate how urban jurisdictions are proactively collaborating with WDFW to incorporate scientifically defensible standards, strengthening their CAOs against potential appeals.	Facet discussed other stream code examples with Bellevue Planning staff as part of this update process. This is documented in our June 26, 2025 technical memorandum. Examples provided were Anacortes, Clark County, Sammamish, Issaquah, and Skagit County. We can direct them to the Woodinville and King County examples as well.

135	WDFW 10.3.25	20.25H.075.C. 2.a	We recommend deleting buffer averaging for stream buffers. To our knowledge, there is no scientific evidence supporting the idea that reducing a riparian buffer in one area while expanding it elsewhere achieves no net loss of ecological functions and values. WDFW's Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020) shows that riparian buffer widths are established based on the specific ecological functions they are intended to support, which are directly tied to the width, continuity, and quality of vegetation within the buffer.	See response 92
136	WDFW 10.3.25	20.25H.085	If impacts to critical areas are unavoidable, we strongly recommend mitigation planting plans be designed to go beyond a 1:1 replacement ratio. A 3:1 ratio often more accurately achieves no net loss by accounting for mitigation uncertainty.	This can be updated to mirror language in the wetland section: "A higher replacement ratio may be required where necessary to maintain or enhance overall critical area functions. Mitigation must ensure no net loss of ecological function, consistent with the provisions of LUC 20.25H.210."
137	WDFW 10.3.25	20.25H.090 Critical areas report – Additional provisions.	If opening closed stream channels is not required for projects proposed on impacted parcels, we strongly recommend keeping the adjacent provision. The current draft has deleted this very important section.	See response 98.
138	WDFW 10.3.25	20.25H.160 Performance standards.	This is more accurately covered in 20.25H.165 Critical areas report – Additional provisions, as WDFW does not create wildlife management plans for specific developments. Instead, and as outlined in 20.25H.165, "...shall contain an assessment of habitats including the following site- and proposal- related information at a minimum 3. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site;."	The City is supportive of these changes and the section will be updated accordingly to reflect providing a Critical Area Report Habitat Assessment per LUC 20.25H.165.
139	WDFW 10.3.25	20.25H.225.A	We recommend the adjacent edit to avoid ambiguity. Without it, applicants may interpret redevelopment allowances as permission to expand further into buffers, leading to incremental encroachment, cumulative loss of ecological function, and potential vulnerability under the GMA's no net loss standards. A. Applicability. Development sites that qualify for innovative mitigation approval are proposals to redevelop a previously developed site where existing legally established structures or impervious surface(s) encroach into required critical areas buffers. Redevelopment shall not expand further into the critical area or its buffer.	This edit will be incorporated into the next version of the draft
140	Bauman 10.2.25	20.25H.045	**Deletion of development density penalty is a great change. Thank you!	N/A
141	Bauman 10.2.25	20.25h.065	Request to add below-grade improvements into expansion allowances for nonconforming structures	LUC 20.25H.065.A.4 will be revised to include expansions below grade within the existing improved area of the site, subject to the other requirements of the section that ensure no loss of critical area functions or values and no significant additional impacts to critical area functions or values.
142	Bauman 10.2.25	20.25H.080.D	"This new stream daylighting section is a great concept, but the incentive reduction is likely not enough and will require sites with piped streams to either abandon the project or use the Innovative Mitigation provisions. To give these complicated projects the best chance of success at achieving ecological gain, a stronger daylighting incentive, in addition to the Innovative Mitigation option, is recommended. This provides multiple pathways to achieving restoration." Comment includes suggestion to increase additional buffer reduction by 50% rather than 25% and also to utilize buffer averaging	The intent of this section as written is to provide a flexible avenue to incentivize stream daylighting. It is intended that not all projects will fit into every type of stream situation and innovative mitigation may be a pathway that functions better than this section

143	Bauman 10.2.25	20.25H.080.D	"This is a great concept and should be incorporated into the code. The edits I have added mirror the incentive language under the daylighting incentive, but only for large stream reach improvements greater than 100-feet. This incentive, in addition to the existing flexibility through buffer averaging, has a good chance of being flexible enough for several projects in Bel-Red, and could avoid them having to use the Innovative Mitigation provisions." Request to add new section for degraded streams in an open channel as well as a large stream reach improvement incentive	Language for stream restoration for degraded streams that are not in a pipe is added into the latest draft. This includes the two suggested items for projects providing more than 100 linear feet of stream
144	Bauman 10.2.25	20.25H.085B	This new language is a great concept and should help projects proceed when they are unable to achieve all the desired restoration on-site.	N/A
145	Bauman 10.2.25	20.25H.225	This new innovative mitigation section is a great addition. This should provide the backstop for the most complicated projects to still have a path forward. The edits are intended to tie the amount of compensatory mitigation to the other buffer reduction options allowed in the code. Without this, a stream restoration project could be subject to paying for in-lieu mitigation credits on a 300-foot wide buffer section, which could be prohibitively expensive and out of scale with the intended restoration of piped or degraded streams.	The proposed change would not align with BAS. A buffer modification under the innovative mitigation allowance must still provide compensatory mitigation relative to standard protections. This code section is meant to allow innovative approaches that demonstrate subbasin or watershed scale improvements consistent with LUC 20.25H.225.B.