

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6932

AN ORDINANCE relating environmental regulations; Amending LUC 20.20.520, LUC 20.20.900, LUC 20.25H.035, LUC 20.25H.075, LUC 20.25H.095, LUC 20.25H.130, LUC 20.25H.200, LUC 20.45A.060, and LUC 20.45B.055; Providing for Severability; and setting an effective date.

WHEREAS, on February 3, 2026, the City Council initiated work on the 2026 Omnibus Amendments; and

WHEREAS, the 2026 Omnibus Amendments package a collection of relatively small, discrete text amendments to both the Land Use Code and the Bellevue City Code into a single legislative process for administrative efficiency; and

WHEREAS, this Ordinance contains the text amendments to the Land Use Code of environmental regulations included within the 2026 Omnibus Amendments; and

WHEREAS, on April 8, 2026, the Planning Commission held a study session on the 2026 Omnibus Amendments and reviewed the text amendments to the Land Use Code contained in this Ordinance; and

WHEREAS, on April 29, 2026, a notice of a public hearing on the text amendments to the Land Use Code contained in this Ordinance was published in the Seattle Times and in the City's Weekly Permit Bulletin; and

WHEREAS, on May 13, 2026, the Planning Commission held a public hearing on the 2026 Omnibus Amendments, including the text amendments to the Land Use Code contained in this Ordinance; and

WHEREAS, on May 13, 2026, following the public hearing, the Planning Commission unanimously recommended that the City Council adopt the text amendments to the Land Use Code included in 2026 Omnibus Amendments; and

WHEREAS, on June 9, 2026, the City Council held a study session on the 2026 Omnibus Amendments and reviewed the text amendments to the Bellevue City Code contained in this Ordinance; and

WHEREAS, in accordance with Chapter 43.21C RCW and Chapter 22.02 BCC, the Environmental Coordinator for the City of Bellevue determined that the text amendments to the Land Use Code contained in this Ordinance will not result in any

probable, significant, adverse impact and issued a final threshold determination of non-significance on April 29, 2026; and

WHEREAS, in accordance with RCW 36.70A.370, the City has reviewed the guidance provided by the Washington State Attorney General's Office and evaluated the proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property; and

WHEREAS, notice was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in reviewing this Ordinance, the City Council has considered and weighed the goals outlined in the Washington State Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City Council finds that the proposed text amendments to the Land Use Code contained in this Ordinance meet the decision criteria of LUC 20.30J.135 in that the amendments: (A) are consistent with the Comprehensive Plan; (B) enhance the public health, safety, and welfare; and (C) are not contrary to the best interests of the citizens and property owners of the City of Bellevue; Now, therefore:

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are hereby adopted by the City Council as findings of fact supporting and explaining the legislative intent behind the adoption of this ordinance.

Section 2. Subsection 20.20.520.H of the Land Use Code is hereby amended to read as follows:

H. Limitation of Landscaping Requirements.

1. The total required landscape area within the project limit of the development shall not exceed the applicable maximums provided below.
 - a. Twenty percent of the buildable area in an NB, PO, O, or OLB Land Use District;
 - b. Fifteen percent of the buildable area in an F1, EG-TOD, MU8, MU16, LI, GC, NMU, CB, or OLB 2 Land Use District;

- c. Twenty percent of the buildable area of the development area in an OLB-OS Land Use District.
- 2. If the normal application of LUC 20.20.520 would result in a required landscape area that exceeds the applicable maximum listed above, then the Director shall reduce the required landscape area to the applicable maximum. In making such reductions, the Director shall be guided by the purpose and intent of subsections A, F.1, and G of this section.
- 3. Nothing in this subsection H prohibits an applicant from voluntarily providing a landscape area that would exceed the applicable maximum listed above.

Section 3. Subsection 20.20.900.C.1.b of the Land Use Code is hereby amended to read as follows:

- b. Any alteration or development regulated by the Bellevue City Code or Land Use Code proposed to occur through one or more of the following:
 - i. Any application that proposes changes in lot coverage that exceed 20 percent of the existing lot coverage; or
 - ii. Any application that proposes additions to impervious surface areas that exceed 20 percent of existing impervious surface areas.

Section 4. Subsection 20.20.900.C.3.a of the Land Use Code is hereby amended to read as follows:

- a. The tree has a combination of structural defects, disease, or both structural defects and disease that makes the risk of failure probable or imminent;

Section 5. Subsection 20.20.900.E.2 of the Land Use Code is hereby amended to revise Table 20.20.900.E.1 to read as follows:

**Table 20.20.900.E.1.
Minimum Tree Credits per 1,000 Square Feet of Tree Canopy Site Area**

Land Use District	One Dwelling Unit per Lot	Two or More Dwelling Units per Lot	Mixed Use, Commercial, Office, Light Industrial, and All Other Nonresidential Land uses
LL-1 LL-2	5	4	1
SR-1 SR-2 SR-3 SR-4	2	1.5	0.75
All Other Land Use Districts	1	0.75	0.5

Section 6. Subsection 20.20.900.E.4 of the Land Use Code is hereby amended to read as follows:

4. Retained Trees.

- a. Priorities for Retention. In selecting Significant Trees or Landmark Trees for retention, the Director encourages the preservation of the following types of Significant Trees in the following order of priority:
 - i. Landmark Trees.
 - ii. Trees located in Groves.
 - iii. Significant Trees located in the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1. For properties located in BelRed, refer to LUC 20.25D.110.
 - iv. Other Significant Trees.
- b. Tree Credits for Retained Trees. Each retained Significant Tree provides a tree credit value determined by its d.b.h. or Landmark Tree classification, as identified in Table 20.20.900.E.2. When determining tree credits for a Significant Tree that is an alder, a cottonwood, or is located, wholly or partially, on a property line, the applicable tree credit value identified in Table 20.20.900.E.2 shall be reduced by 50 percent.

**Table 20.20.900.E.2
Tree Credits for Retained Trees**

DBH	6"-10"	Larger than 10" and up to 12"	Larger than 12" and up to 14"	Larger than 14" and up to 16"	Larger than 16" and up to 18"	Larger than 18" and up to 20"	Larger than 20" and up to 22"	Larger than 22" and less than 24"	24" or greater and all Landmark Trees
Tree Credits	2	3	4	5	6	7	8	9	10

c. Exceptions. The following shall not provide any tree credits if retained:

- i. Invasive or Noxious Species.
- ii. Trees located outside the Tree Canopy Site Area.
- iii. Trees in areas devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC).

Section 7. Subsection 20.20.900.E.5.c of the Land Use Code is hereby amended to read as follows:

- c. Building Height. Except for proposals of one dwelling unit per lot, not including development on unit lots, the maximum building height may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line in the following circumstances:
 - i. The maximum density of development allowed on the site cannot be achieved without extending into the TPZ of existing Significant Trees or of existing Landmark Trees required to achieve the minimum tree density; or
 2. The modification will enable the applicant to retain a Grove, additional Landmark Trees, or both a Grove and additional Landmark Trees beyond the required minimum tree density; or
 3. The proposal is for affordable housing development provided under Chapter 20.15 LUC and will exceed the required minimum tree density.

Section 8. Subsections 20.20.900.E.6.g and E.6.h of the Land Use Code are hereby amended to read as follows:

- g. Trees planted in a hedge or hedgerow with narrow crown species, cultivars, or varieties or where at or before maturity the tree crowns will touch or overlap shall not provide any tree credits if planted.

- h. Locations. Planted trees providing credit toward the required minimum tree density shall be planted within the Tree Canopy Site Area in locations suitable for the planted trees to reach maturity, in the following order of priority:
 - i. Within required setbacks.
 - ii. Adjacent to existing Groves.
 - iii. Other locations within the Tree Canopy Site Area.

Section 9. Subsection 20.25H.035.A of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25H.035.A that are omitted below, as indicated by an ellipsis, remaining unchanged:

A. Critical Area Buffer.

“Critical area buffer” means a designated area contiguous to a regulated critical area that is necessary to support the continued function and stability of the critical area. For wetlands, streams, frequently flooded areas, and fish and wildlife conservation areas, buffers protect the critical area from degradation caused by human activity. For geologic hazard areas, buffers are intended to reduce risk to public safety and property by providing separation from potential geologic hazards.

The following critical area buffers and structure setbacks are established for each critical area set forth below. For information about modifying required critical area buffers and structure setbacks, see the referenced sections noted in the table.

Critical Area Category or Type	Critical Area Buffer Width	Structure Setback
...		
Wetlands		
Category I		LUC 20.25H.095
Natural heritage wetlands and bogs – habitat score 8 – 9	225 ft	LUC 20.25H.230
Natural heritage wetland and bogs – all others	190 ft	
Forested wetland	Based on score for habitat	
Habitat score of 8 – 9	225 ft	
Habitat score of 6 – 7	110 ft	
Habitat score of 3 – 5	75 ft	
Category II		LUC 20.25H.095
Habitat score of 8 – 9	225 ft	LUC 20.25H.230
Habitat score of 6 – 7	110 ft	
Habitat score of 3 – 5	75 ft	
Category III		LUC 20.25H.095
Habitat score of 8 – 9	225 ft	LUC 20.25H.230
Habitat score of 6 – 7	110 ft	
Habitat score of 3 – 5	60 ft	
...		

Section 10. Subsection 20.25H.075.B of the Land Use Code is hereby amended to read as follows:

B. Designation of Streams.

The following streams are classified according to the Washington Department of Natural Resources water typing system per WAC 222-16-030 and hereby designated as critical areas subject to the regulations of this part:

1. "Type S water" means all waters, within their bankfull width, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands. As of May 21, 2018, the only known Type S waters are Lower Kelsey Creek and Mercer Slough.
2. "Type F water" means all segments of watercourses that are not type S waters, and that contain fish or fish habitat as described in WAC 222-16-030, including waters diverted for use by a federal, state, or tribal fish hatchery from the point of diversion for 1,500 feet or the entire tributary if the tributary is highly significant for protection of downstream water quality.
3. "Type Np water" means all segments of watercourses that are not type S or type F waters, which are perennial during a period of normal rainfall and do not have the potential to support fish habitat. Type Np waters maintain surface-water connectivity to downstream waters, including connections conveyed through pipes, culverts, or other engineered conveyances.
4. "Type Ns water" means all segments of watercourses that are not type S, F, or Np waters which are intermittent, are not used by fish, and do not have the potential to provide fish habitat. Type Ns waters must maintain a continuous surface-water connection to a Type S, Type F, or Type Np water, which may occur through natural channels, wetlands, or engineered conveyances.

Section 11. Subsection 20.25H.075.C.2.b.ii of the Land Use Code is hereby amended to read as follows:

- ii. Vegetative buffer standards under subsection C.1.a.ii of this section are met, as determined by the Director, for portions of the remaining buffer on-site.

Section 12. Subsection 20.25H.095.D.3.b.ii of the Land Use Code is hereby amended to read as follows:

- ii. Vegetative buffer standards under LUC 20.25H.095.D.1.a.ii are met, as determined by the Director, for portions of the remaining buffer on-site.

Section 13. Subsection 20.25H.130.D.3 of the Land Use Code is hereby amended to read as follows:

3. CMS Zone 2. Applicants shall:

- a. Conduct a surface reconnaissance and submit at application a report identifying all public safety mine hazards, coal mine waste dumps, and evidence of mine subsidence.
- b. Conduct site-specific evaluation of potential for sinkhole development, including subsurface investigation. Test pits may be used to investigate coal mine waste dumps and other shallow hazards such as slope entry portals and shaft collar areas. Drilling is required for coal mine workings or other hazards that cannot be adequately investigated by investigations from surface. Drilling may demonstrate that there is no risk of sinkhole development due to the absence or fully collapsed condition of mine workings. Alternatively, drilling may document sinkhole risks, and the applicant must then design a mitigation program to eliminate all such risks.
- c. Eliminate risk of sinkhole development and mitigate other public safety mine hazards and/or coal mine waste dumps after acceptance of an evaluation and remediation plan by DSD.
- d. If the site could be subject to trough subsidence due to coal mine workings, conduct a site-specific evaluation of potential trough subsidence.
- e. Mitigate for trough subsidence including future surface settlements above collapsed mine workings by developing site-specific design that can accommodate calculated potential subsidence effects as required for CMS Zone 1.

Section 14. Subsection 20.25H.200.C.2.c of the Land Use Code is hereby amended to read as follows:

- c. For properties containing 30,000 square feet or more, the maximum allowable site disturbance shall be between 4,000 square feet or ten percent (10%) of the lot area, whichever is less.

Section 15. Subsection 20.45A.060.B.1.b of the Land Use Code is hereby amended to read as follows:

- b. The site abuts a type F stream; or

Section 16. Subsection 20.45B.055.B.1.b of the Land Use Code is hereby amended to read as follows:

- b. The site abuts a type F stream; or

Section 17. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 18. Effective Date. This Ordinance shall take effect and be in force five (5) days after legal publication.

Passed by the City Council this _____ day of _____, 2026 and signed in authentication of its passage this _____ day of _____, 2026.

(SEAL)

Mo Malakoutian, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____