

CITY COUNCIL AGENDA TOPIC

Council initiation of the Critical Areas Ordinance Update Land Use Code Amendments.

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EXECUTIVE SUMMARY**DIRECTION**

Staff will present the proposed scope of the Critical Areas Ordinance (CAO) Update Land Use Code Amendment (LUCA), along with the community engagement approach and project timeline.

Following discussion, staff requests that Council initiate the CAO Update LUCA and direct the Planning Commission to review and process it. The Planning Commission will provide a recommendation to Council on the LUCA with sufficient time for Council consideration and action before the state-mandated deadline of December 31, 2025.

RECOMMENDATION

Initiate work on the Critical Areas Ordinance Update LUCA and direct the Planning Commission to review and process the LUCA.

BACKGROUND/ANALYSIS**Background**

Every ten years, the Growth Management Act, Chapter 36.70A RCW (GMA), requires local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations using Best Available Science (BAS) to ensure protection of these areas. State law requires the designation and protection of five types of critical areas: wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

Bellevue last conducted a major update to its Critical Areas Ordinance (CAO) in 2006. Since then, limited amendments to the CAO have been adopted to address specific regulatory needs. In 2009, amendments were made to support the BelRed rezone and related LUCA. In 2018, the City updated its Shoreline Master Program, which included removing the Shoreline Jurisdiction Overlay from the Critical Areas Overlay in the Land Use Code (LUC). In 2020, the City adjusted regulations for frequently flooded areas to conform with federal and state standards and adopted the Federal Emergency Management Agency's (FEMA) updated Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) to maintain eligibility in the National Flood Insurance Program (NFIP). Now, the City is required to complete its next critical areas ordinance update by December 31, 2025.

Proposed Approach and Scope of the CAO Update LUCA

The proposed approach for the CAO Update follows two key steps, with community engagement

shaping the policy alignment and code drafting phase. This process aims to strike a balance between environmental protection and Bellevue's growth, ensuring regulations effectively support both development and the conservation of critical areas.

Step 1: Incorporating Best Available Science (BAS)

As part of this update, the City must incorporate the BAS to document the scientific basis for its regulations or provide justification for any deviations, as required under Washington Administrative Code ([WAC 365-195-915](#)). Additionally, Bellevue must give special consideration to conservation and protection measures that support anadromous fisheries. To meet these requirements, the City has hired a technical consultant, Facet, to conduct a BAS review.

Step 2: Gap Analysis and Policy Alignment/Code Drafting

Bellevue's critical areas policies are primarily contained within the Climate and Environment Element of the Comprehensive Plan, with corresponding regulations codified in Part 20.25H of the LUC.

The BAS review will inform a gap analysis to identify where existing critical areas regulations may be inconsistent with BAS or GMA requirements. This analysis will also explore opportunities to refine LUC regulations to improve clarity, consistency, and usability while better aligning with broader city priorities, such as supporting housing growth, daylighting streams in BelRed, supporting development along the Eastrail corridor, and streamlining the development review process for sites with critical areas.

As part of this update, the LUC will be revised to:

- Clarify definitions of key terms.
- Refine buffer, structure setback, and mitigation requirements for all critical areas.
- Evaluate methods to distinguish between human-made and naturally occurring steep slopes.
- Explore updates or alternatives to the current density and intensity calculation approach to better support housing development.
- Improve the applicant-required critical areas report process and requirements, while simplifying critical areas performance standards and permit decision criteria.

The goal is to ensure that Bellevue's regulations remain science-based and effective in protecting critical areas while also supporting development and providing greater certainty and predictability in both development review and the enhancement and protection of critical areas.

LUCA Priorities and Objectives

Through initial outreach and internal discussions, five key priorities and objectives were identified for this LUCA to ensure a balanced, transparent, and effective update to the CAO. These priorities focus on regulatory alignment, development feasibility, community engagement, usability and LUC implementation improvements, and enhanced data accuracy. By addressing these areas, the LUCA will support environmental protection while accommodating responsible growth and development.

1. Align with the Latest State Requirements and BAS

Staff will ensure that all proposed updates will incorporate current state requirements and integrate BAS

to ensure effective, legally sound, and scientifically informed critical area protections.

The City's consultant, Facet, will conduct a comprehensive review of recent BAS updates for all applicable critical areas, including critical aquifer recharge areas, frequently flooded areas, geologic hazard areas, wetlands, and fish and wildlife habitat conservation areas. This review will focus on updates to relevant scientific information since the City's last CAO update and will address emerging factors, such as climate change impacts, where applicable.

In accordance with [WAC 365-195-900](#), staff will integrate BAS into the LUCA to ensure the protection of critical area functions and values. Proposed amendments will be cross-referenced with specific, well-documented BAS sources to support their rationale.

2. Balance Housing and Growth Priorities

The LUCA will align with the GMA requirement for "no net loss" of the functions and values of designated critical areas to maintain compliance with state law. At the same time, the LUCA will seek to balance this mandate with property owners' rights and the City's broader housing and growth priorities, as identified in the Bellevue 2044 Comprehensive Plan, adopted in October 2024 through the Comprehensive Plan Update process.

3. Engage the Community

Clear, transparent, and proactive communication with the public is essential for a successful CAO update. The project will use multiple engagement methods to ensure all voices are heard, fostering a well-informed and collaborative update process.

The engagement strategy includes:

- **Process IV Requirements** – Consistent with Chapter 20.35 LUC procedural requirements, public input will be solicited through a notice of application, a notice of public hearing, and the required public hearing.
- **Online Presence** – A dedicated city webpage will provide project information, FAQs, the latest LUCA drafts, points of contact for questions, and instructions for submitting comments. Additionally, an interactive online story map linked to the CAO update webpage will offer easy access to the latest project information.
- **Community Workshops** – Two workshops will be held to discuss BAS updates and regulatory implications, as well as to gather feedback on proposed changes. These workshops will engage residents, neighborhood leaders, various neighborhood associations, environmental advocates, and building industry professionals.
- **Direct Engagement and Feedback** – Staff will facilitate ongoing discussions with environmental advocates, residents, the development community (including the Bellevue Development Committee), and King County and neighboring cities to gather diverse perspectives.
- **Virtual Public Information Session** – An interactive online event where the public can review and provide feedback on the draft CAO in a convenient, accessible format.

4. Improve the Usability of the CAO for Staff and Applicants

Regulatory clarity is essential for staff, the general public, and project applicants navigating the CAO. To enhance usability, staff will:

- Expand and refine definitions to clarify key terms, reduce ambiguity, and provide plain-language explanations for complex requirements.
- Streamline permit review by identifying opportunities to improve the applicant-required critical areas report process and, where appropriate, consolidating critical areas performance standards and decision criteria to reduce confusion and redundancy.
- Ensure flexibility in how regulations are applied.
- Develop user-friendly checklists and permit flowcharts to provide applicants with clear, step-by-step guidance on submittal requirements and approval processes.

5. Enhance Data Accuracy and Mapping

Staff will improve the existing inventory and mapping of critical areas in the City. This process will involve evaluating data layers from multiple agencies, including King County's iMap and relevant state data from the Departments of Fish and Wildlife, Natural Resources, and Ecology.

To further improve data accuracy and mapping, staff will explore real-time data collection methods tied to critical area land use permits submitted to the Development Services Department (DSD). This will allow DSD to integrate applicant-provided surveys and analyses directly into the City's GIS system, ensuring a more accurate and up-to-date representation of critical areas.

This will be an ongoing process and long-term goal for DSD, building upon existing data as new critical area permits are submitted. By better leveraging the use of permit data, DSD can build a more detailed and reliable understanding of the type and extent of critical areas in the City. This improved data and mapping will support future CAO updates, streamline the development review process, and provide residents, property owners, and developers with better insights into site conditions.

Project Timeline

Given the complexity of critical area regulations and the project's significance to the community, staff propose an alternative approach to processing these code amendments—allowing for extended engagement, thorough vetting, and review. This process will unfold in three key phases:

- **Phase One: Research and Engagement Foundation (March – June)**
Following Council initiation, the City's consultant will conduct a BAS review and gap analysis to define the scope of necessary CAO updates and identify LUCA priorities. Once this information is determined, staff will engage stakeholders and the public to gather feedback on the LUCA priorities.

At the end of Phase One, the Planning Commission will review the consultant's findings, public input, as well as an initial LUCA draft. Staff will then check in with Council on these same topics to affirm early priorities and recommendations and seek additional guidance.

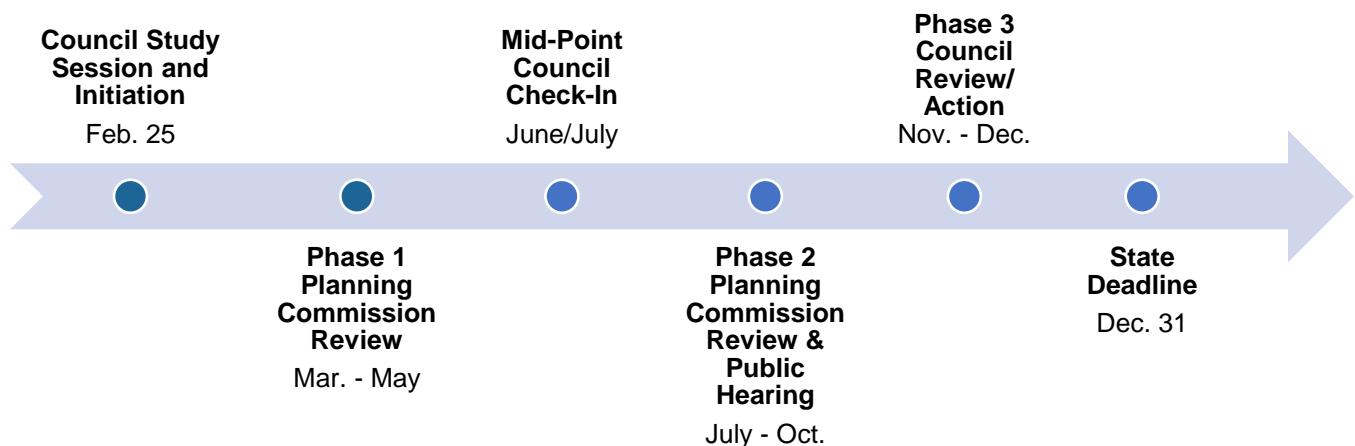
- **Phase Two: Drafting and Public Review (July – October)**

Following the Council check-in, staff will finish developing the proposed code recommendations, incorporating feedback from Phase One. The Planning Commission will also review a crosswalk analysis connecting the proposed LUCA to the BAS analysis.

During this phase, public engagement will focus on reviewing and providing input on the specific language of the proposed LUCA. Staff will balance community input while ensuring compliance with state-mandated BAS standards and alignment with the broader housing and development priorities outlined in the *Bellevue 2044 Comprehensive Plan*.

- **Phase Three: Finalization and Adoption (November – December)**

After the Planning Commission holds a public hearing and provides its recommendation, Council will begin its review of the LUCA. Once ready, the Council can direct staff to finalize the LUCA ordinance for adoption before the state deadline of December 31, 2025.



POLICY & FISCAL IMPACTS

Policy Impact

The proposed LUCA to update the City’s CAO is necessary to maintain compliance with the GMA and meet the state-mandated deadline of December 31, 2025. This update will incorporate BAS to align LUC regulations with current, science-based environmental best practices while balancing the need for enhanced environmental protections with the City’s growth priorities outlined in the recently adopted Comprehensive Plan.

Fiscal Impact

The fiscal impact of the proposed CAO update will depend on the final scope of amendments. For example, some changes may increase staff workload, particularly if the LUCA expands critical areas permit requirements or introduces new methods for updating the City’s mapping systems. However, other amendments could improve efficiency by removing redundant code provisions, clarifying regulations, and enhancing functionality—potentially streamlining the review process. As the code amendments are developed, any fiscal impacts will be further evaluated and updated.

Updating the CAO is also essential for maintaining the City's eligibility for grants, loans, pledges, and financial guarantees that support public projects and facilities. Ensuring timely updates to the CAO helps safeguard the City from potential financial risks.

OPTIONS

1. Initiate work on Critical Areas Ordinance Update LUCA and direct the Planning Commission to review and process the LUCA.
2. Provide alternative direction to staff.

ATTACHMENTS

N/A

AVAILABLE IN COUNCIL LIBRARY

N/A