



# Bellevue Planning Commission

July 26, 2023

## PLANNING COMMISSION STUDY SESSION ITEM

### SUBJECT

Study Session on a Land Use Code Amendment (LUCA) and Bellevue City Code Amendment (BCCA) to support tree preservation, retention, replacement, and protection.

### STAFF CONTACT(S)

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### POLICY ISSUES

The initiated LUCA and BCCA advance Environmental Stewardship Plan (ESP) Action N.1.1. calling for a comprehensive review of code provisions related to trees to further support the achievement of the city's 40 percent tree canopy goal. Specific topics to be addressed include tree preservation, retention, replacement, and protection during construction.

### DIRECTION NEEDED FROM THE PLANNING COMMISSION

**ACTION**

**DIRECTION**

**INFORMATION ONLY**

Staff will be presenting the components of the proposed LUCA in several study sessions. After the study sessions, the Planning Commission will be asked to hold a public hearing on and recommend approval of the proposed LUCA.

### BACKGROUND/ANALYSIS

Bellevue's Environmental Stewardship Plan Action N.1.1 calls to introduce additional requirements for tree preservation to further support the achievement of the 40 percent tree canopy goal. This action includes a comprehensive review and update of provisions in the Land Use Code (LUC) and Bellevue City Code (BCC) for tree preservation, retention, replacement, and protection during construction.

Bellevue's tree canopy is a critical environmental asset and central to the vision of a "City in a Park". Tree retention requirements were first added to the LUC in the 1980s. Since then, the City's code provisions related to trees have been updated periodically, but never in a comprehensive fashion.

### **Council Direction**

On November 21, Council directed staff to initiate work on Tree Canopy Code Amendments to support tree preservation, retention, replacement, and protection, and directed the Planning Commission to process the LUCA portion. Due to the complexity of regulations related to trees and the project's importance to the community, staff proposed an alternative approach to processing these amendments to accommodate extended engagement. During the first phase of work following Council initiation, outreach focused on listening to project stakeholders and the public and generating feedback on project priorities. This outreach phase is now complete.

On June 26, staff provided a presentation to Council on the results of phase one engagement activities and staff's recommended project scope. During discussion, Councilmembers provided guidance on priorities for the project scope, including:

- Implementing provisions to prevent lot clearing before development, including counting recently-removed trees against total to be retained
- Encouraging “the right tree in the right place”: selecting trees well-suited to their specific circumstance
- Excluding less desirable or invasive trees from preservation
- Implementing provisions to respond to the characteristics of an individual site's canopy instead of one size fits all requirements
- Considering the different preferences and needs of different neighborhoods
- Evaluating implementing inspection requirements for tree retention
- Developing incentives to encourage better tree outcomes beyond minimum standards
- Ensuring regulations are simple and easy to follow

In addition, Councilmembers provided guidance on topics which will not be addressed through the code update, but are relevant to ongoing engagement, project implementation, and related initiatives:

- Expanding outreach to include a broader section of the population
- Evaluating whether the current 40% canopy goal is sufficient
- Providing education to community members on tree regulations and on the benefits of trees

Council affirmed staff's scope recommendations, which are provided as Attachment A.

### **Public Engagement Methods**

Due to the complexity of regulations related to trees and the project's importance to the community, staff are following an alternative approach to processing these code amendments to accommodate extended engagement. This approach incorporates two major phases.

- **Phase One (Complete):** During this phase, outreach focused on listening to project stakeholders and the public and generating feedback on project priorities. At the end of phase one, the City Council reviewed findings from engagement, Planning Commission input, and early staff recommendations for the code. The City Council then provided direction to refine the scope and for any adjustments to the approach for the second phase of work.
- **Phase Two (In Progress):** Following the Council check-in, staff will develop code recommendations, incorporating feedback from phase one. Phase two engagement will solicit feedback on proposed code amendments, and will run throughout the Planning Commission process.

Staff has developed a public engagement plan with six modes of outreach to ensure the public, stakeholders, and interested parties have the opportunity to be informed and to provide comments. These modes will be employed across both phases of work, allowing members of the public to provide comment at key intervals and for staff to respond to feedback in developing recommendations.

- **Process IV Requirements.** Consistent with Chapter 20.35 LUC procedural requirements, public input will be solicited by a notice of application, notice of public hearing and the required public hearing.
- **Public Information Sessions.** At least two public information sessions will be held to provide information on the project and solicit feedback from the general public. The first public information session was held on June 8.
- **Listening Sessions.** Focused listening sessions with representatives from community members, tree service providers, developers, environmental advocacy organizations, and Bellevue departments working with tree regulations. Phase one listening sessions are complete, and additional listening sessions will be held during phase two.
- **Online Questionnaire.** Online questionnaire translated into multiple languages was available May 19-June 12 to gather broad perspectives on project priorities, ideas, and concerns. The questionnaire received 687 complete responses.
- **Direct Engagement and Feedback.** Dialogue with environmental advocates, residents, developers, and neighbor and peer cities.
- **Online Presence.** Engaging Bellevue and City webpages to provide the public information about the project, who to direct questions to, and how to submit comments.

### **Public Engagement Update**

Since the May midpoint check-in with the Planning Commission, two significant outreach tasks were completed: a public information session and an online questionnaire.

#### *Public Information Session*

The first public information session was held in person on June 8, with 35 participants. A summary of participants' comments and questions is provided as Attachment B.

#### *Online Questionnaire*

Staff published an online questionnaire in seven languages to gather input on priorities for the project scope from a broad cross-section of Bellevue's community. The questionnaire was open from May 17 to June 12, and received 687 complete responses. 92% of respondents live in Bellevue. These respondents tended to be:

- Older and residents of Bellevue for more than 5 years
- More likely to identify as white and female
- More likely to own their home and live in single family homes

While analysis is ongoing, the strongest area of agreement was about the purpose of Bellevue's tree regulations. Respondents were asked to select what should be the most important objective of Bellevue's tree code, given seven set choices or a custom response. 46% of respondents selected a balanced approach: "to enhance the overall health of Bellevue's tree canopy by balancing planting new trees and preserving established trees". The second most popular choice, with 15% of respondents, was "to protect the health of large trees". The balanced approach was favored even more strongly among some of the groups less well represented in engagement to date, including renters (67% selecting the balanced option), those who have lived in Bellevue less than 5 years (59%) and those age 34 and younger (57%).

Respondents were asked about their level of support, on a 1-5 scale, of several proposals for updates to tree removal and retention regulations. All suggestions offered received favorable ratings from respondents, and have been included in the project scope. The lowest rated idea was to require an affordable, easy-to-get permit to remove any significant tree, with a score of 3.04 out of 5. Analysis of open comments is ongoing, but staff suspect that responses to this prompt could have skewed negative among those who favored restricting significant trees altogether.

Ideas and scores for tree removal regulation ideas were as follows, in decreasing order of support:

- Assess monetary penalties for removing trees without a permit, especially for repeat offenders **(4.27)**
- Limit the number of landmark trees that can be removed with a permit **(4.26)**
- Add replacement requirements to remove significant and landmark trees in non-critical areas **(4.20)**
- Limit the number of significant trees that can be removed with a permit **(3.93)**
- Protect more trees by changing the definition of significant tree to a smaller diameter **(3.29)**
- Require an affordable, easy-to-get permit to remove any significant tree **(3.04)**

Ideas and scores for tree retention regulation ideas were as follows, in decreasing order of support:

- Provide incentives for developments that retain more trees than required **(4.47)**
- Encourage retaining large trees **(4.45)**
- Establish a minimum tree planting requirement in cases where there are few trees or no trees on a site being developed **(4.44)**
- Discourage removing trees before applying for a development permit **(4.42)**

#### **ATTACHMENT(S)**

- A. Tree Canopy Code Amendments Scope
- B. 6-8-23 Public Info Session Summary