

CITY COUNCIL STUDY SESSION

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

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DIRECTION NEEDED FROM COUNCIL**INFORMATION
ONLY**

This study session serves as a mid-point check-in and briefing on outreach to date, along with other relevant updates since the project was launched in November of 2022. While staff are not seeking formal direction or action, they will be seeking input from the City Council on their priorities for the project scope.

RECOMMENDATION

N/A

BACKGROUND & ANALYSIS**Background**

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% 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.

Proposed Scope of Code Amendments

Bellevue's Environmental Stewardship Plan established a 40% tree canopy goal, and requirement the City completes a tree canopy assessment every five to ten years to track performance. The most recent assessment was completed this year using 2019 data and found that Bellevue had 39% tree canopy cover. This represents a 2% increase over 2011. While the overall trend is positive, four neighborhoods (West Bellevue, Wilburton, Newport, and BelRed) experienced net losses during this time. Net losses range from a 1% net decrease in total tree canopy coverage in BelRed and Newport to a 3% net decrease in West Bellevue and Wilburton.

The City's regulations related to trees on private property and/or during development are in the LUC, specifically LUC 20.20.900, the Clearing and Grading Code, Chapter 23.76 BCC, and Trees, Weeds and Vegetation Code, Chapter 14.06 BCC of the Transportation Code. In administering the current code provisions related to trees, the City has identified several opportunities to improve the function

and clarity of these codes, and to capture more useful data on tree removal and retention. At this time, the proposed scope includes review and potential amendments in the LUC and the Clearing and Grading Code, and does not include the Transportation Code.

Staff presented an overview of the City's tree code provisions and opportunities for improvement during the November project launch. The purpose of the initial phase of engagement is to gather input from the public and other stakeholders on which opportunities should be prioritized with this update, and which potential strategies to address these opportunities should be implemented. The scope can be summarized into the following topics:

1. **Tree Preservation:** Review the definitions of significant and landmark trees and assess whether/what limits should be placed on the number of significant trees that may be removed with a permit. Evaluate whether permits should be required to remove any significant tree.
2. **Tree Retention:** Clarify tree retention requirements and improve systems for tracking retained trees. Evaluate whether a minimum should be established in cases where no or few trees are present. Prevent excessive clearing of trees before a permit application.
3. **Tree Replacement:** Assess whether tree replacement requirements should be expanded.
4. **Tree Protection:** Codify critical measures to protect retained trees from construction and pruning damage and assess current enforcement mechanisms.

A summary of staff's initial scope recommendations within these topics is provided as Attachment A. During the study session, staff will seek Council's input on these initial recommendations.

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 will incorporate two major phases.

- **Phase One (In Progress):** During this phase, outreach will focus on listening to project stakeholders and the public and generating feedback on project priorities. During this study session, the Council will review findings from Phase One engagement, Planning Commission input, and early staff recommendations for the code. Staff will seek Council input to refine the scope and for any adjustments to the approach for the second phase of work.
- **Phase Two:** Following this study session, staff will finish developing code recommendations and incorporating feedback from Phase One. Phase Two engagement will solicit feedback on proposed code amendments. Staff plan to launch Phase Two during July 2023.

Staff has developed a public engagement plan with six modes of outreach to ensure the public, other 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 six languages to gather broad perspectives on project priorities, ideas, and concerns. The questionnaire was open from May 19 to June 12.
- **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 Completed to Date

Staff have completed all planned Phase One engagement activities. These activities are outlined below. A summary of common themes across all engagement completed to date is provided as Attachment B.

Direct Engagement

Since the project was launched in November, staff received direct comments and questions from at least 55 individuals by email and phone. Of these:

- 29 expressed support for expanding code protections for trees.
- 11 expressed opposition to expanding code protections for trees.
- 9 asked questions or provided general comments without expressing a clear opinion.
- 6 shared concerns about specific related (but out of scope) projects or topics.

Phase One Listening Sessions

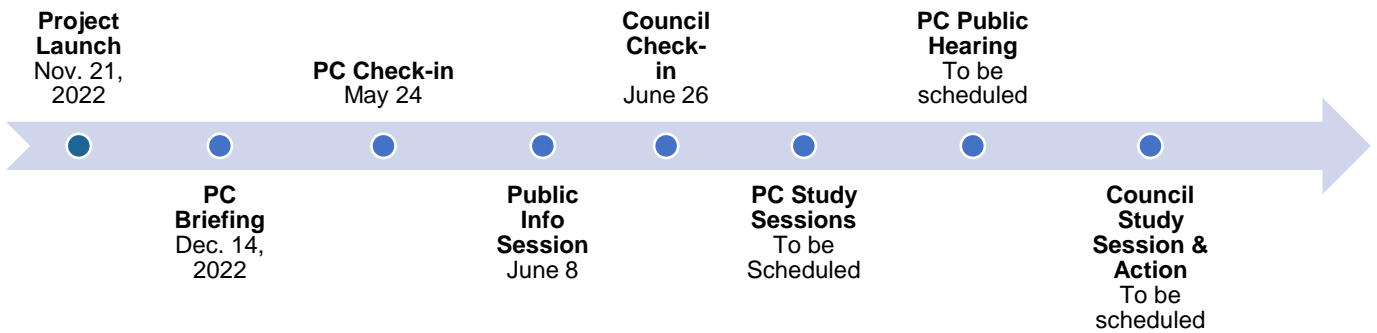
Staff have held five listening sessions with community members, developers, tree service providers, and environmental organizations.

Online Questionnaire and Public Information Session

Staff published an online questionnaire in six 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 19 to June 12. The first public information session was held on June 8. Staff will provide a summary of participation and findings from the questionnaire and the public information session during the study session.

Next Steps

Phase two outreach, including additional listening sessions and a second public information session, will take place through the summer and early fall as code recommendations are developed. A technical consultant will also provide support as staff craft recommendations.



Planning Commission Discussion

Staff briefed the Planning Commission during a study session on May 24. During discussion, Planning Commissioners provided guidance on a number of project topics, including:

- Emphasizing the importance of ensuring there is no impact to affordable housing production.
- Support for expanding tree retention requirements.
- Ensuring any new permit requirements are not overly burdensome or expensive for homeowners.
- Support for balancing housing production with preserving green space.
- Support for developing standards that respond to the quality of canopy existing on a site/neighborhood.
- Suggestion to incorporate flexibility for removing “misplaced” trees planted in places where they cannot thrive.
- Support for incorporating species considerations into significant tree definition.
- Emphasizing the importance of supporting the next generation of trees, in addition to large trees.
- Suggestion to develop development regulation incentives for affordable housing projects exceeding tree retention requirements.
- Emphasizing the importance of providing flexibility.

POLICY & FISCAL IMPACTS

Policy Impact

These code amendments implement Environmental Stewardship Plan Action N.1.1.

Fiscal Impact

N/A – information only

OPTIONS

N/A

ATTACHMENTS

- A. Initial Staff Scope Recommendations
- B. Summary of Phase One Engagement Comment Themes

AVAILABLE IN COUNCIL LIBRARY

N/A