

CITY COUNCIL AGENDA TOPIC

Land Use Code Amendment and Bellevue City Code Amendment to support tree preservation, retention, replacement, and protection.

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EXECUTIVE SUMMARY**INFORMATION
ONLY**

This study session serves as a project update to accompany the Landmark Tree extension ordinance. The Tree Canopy Code Amendments project will include permanent provisions for Landmark Trees, among other updates to tree regulations.

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 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.

Project Scope

Bellevue's Environmental Stewardship Plan has established minimum tree canopy targets. The City completes tree canopy assessments every other year to track performance. The most recent assessment was completed this year using 2021 data and found that Bellevue had 40% tree canopy cover. This represents a 1 percentage point increase from the prior assessment, which used 2019 data and found that Bellevue had a 39% tree canopy cover. While the overall trend is positive, four neighborhoods (BelRed, Newport, West Bellevue, and Wilburton) experienced net losses between 2011 and 2021. While the total net loss in this period was between 1-2 acres each for BelRed, Newport, and West Bellevue, Wilburton experienced an 18-acre net loss of tree canopy. In addition, while Eastgate, Northeast Bellevue, and Lake Hills all experienced an overall net increase from 2011-2021, these neighborhoods saw a decrease from 2019-2021.

The City's most significant regulations related to trees on private property and/or during development are in the LUC, specifically LUC 20.20.900, and in the Clearing and Grading Code (Chapter 23.76

BCC) and the Trees, Weeds and Vegetation Code, which is Chapter 14.06 BCC of the Transportation Code. In administering the current code provisions related to trees, the City has identified several opportunities to better align these codes with best practices for urban forestry, improve function and clarity, 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, but does not include changes to the Transportation Code.

In June, Development Services provided Council with an overview of initial project outreach, and sought Council's input on the recommended project scope. The scope advanced with this meeting 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. Evaluate implementing inspections for tree retention compliance.
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.

Public Engagement Methods

Due to the complexity of regulations related to trees and the project's importance to the community, the City is following an alternative approach to processing these code amendments to accommodate extended engagement. This approach will incorporate 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 this phase, the City Council reviewed findings from phase one engagement, Planning Commission input, and early staff recommendations for the code.
- **Phase Two (In Progress):** Staff are developing code recommendations, incorporating feedback from phase one. Phase two engagement will solicit feedback on proposed code amendments.

The public engagement plan will include 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 the City 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. The second public information session is scheduled for January 11.
- **Listening Sessions.** Focused listening sessions with representatives from community members,

tree service providers, developers, environmental advocacy organizations, and Bellevue departments working with tree regulations.

- **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. The City sent an invitation to all Bellevue neighborhood associations, with an offer to provide information and answer questions at the neighborhood association meetings, but interest to date has been limited. The City will share additional project information with the Bellevue Development Committee (BDC) on January 10. BDC meetings are open to the public and invitations to attend the BDC meetings were recently sent to all Bellevue neighborhood associations.
- **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. Information about the project was also provided in It's Your City and two editions of the Neighborhood News.

Next Steps

Since August, the City has been working with a technical consultant, The Watershed Company/DCG, to understand best practices for implementing the project scope, and developing specific recommendations for code amendments. The first of several Planning Commission study sessions to review staff recommendations will take place on December 13, with City Council action on all code amendments anticipated in Q2 2024.

POLICY & FISCAL IMPACTS

Policy Impact

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

Fiscal Impact

There is no fiscal impact.

OPTIONS

N/A

ATTACHMENTS

N/A

AVAILABLE IN COUNCIL LIBRARY

N/A