



Bellevue Planning Commission

May 24, 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)

Kristina Gallant AICP, Senior Planner, 452-6196

Nick Whipple, Planning Manager, 452-4578

Development Services Department

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

This study session serves as a briefing on outreach to date, along with other relevant updates since the December briefing introducing the project. While staff are not seeking formal direction or action, they will be seeking input from the Planning Commission on their priorities for the project scope. Staff will share the Planning Commission's input with the City Council to affirm scope elements. After the scope is confirmed, Staff anticipate at least two additional study sessions reviewing proposed Land Use Code amendments to take place in 2023.

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.

Proposed Scope of Code Amendments

Bellevue's Environmental Stewardship Plan has established a 40% tree canopy goal, and 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 the Transportation Code, Chapter 14.06 BCC. 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. The Planning Commission will only be reviewing and making recommendations on the LUC amendments.

Staff presented an overview of the City's tree code provisions and opportunities for improvement to the Planning Commission in December. The purpose of this phase of engagement is to gather input from the public and 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.

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. At the end of phase one, the City Council will review findings from engagement, Planning Commission input, and early staff recommendations for the code. At this stage, the City Council will provide direction to refine the scope and for any adjustments to the approach for the second phase of work.
- **Phase Two:** Following the Council check-in, staff will finish developing code recommendations, incorporating feedback from phase one. Phase two engagement will solicit feedback on proposed code amendments. Staff plan to launch Phase Two during summer 2023.

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 is scheduled for June 8, in advance of the Phase One City Council check-in.
- **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 launching May 19, 2023 to gather broad perspectives on project priorities, ideas, and concerns.
- **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. The Engaging Bellevue project page is now live at <https://www.engagingbellevue.com/tree-code>.

Public Engagement Summary to Date

Direct Engagement

Since the project was launched in November, staff have received direct comments and questions from 40 individuals by email and phone. Of these:

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

A categorized summary of topics identified by multiple commentors is provided below, with the most commonly-cited topic within each category in bold:

Tree Preservation

- **Concerns that too many trees are being removed in Bellevue**
- Support for protecting large, healthy trees
- Concerns that tree loss contributes to excessive heat, loss of shade
- Concerns about losing wildlife habitat
- Concerns that tree loss is not being mitigated adequately
- Concerns about lack of awareness among homeowners contributing to tree loss

Tree Retention

- **Concerns about properties being cleared of trees before a development proposal**

- Support for establishing minimum tree density on properties to inform whether trees may be removed or additional must be planted
- Concerns about tree removal to build large single family homes

Tree Replacement

- **Support for requiring tree replacement outside of critical areas**

Permitting and Enforcement

- **Concerns that there is a lack of consequences for removing trees without permits**
- Concerns that Bellevue's regulations are lax compared to neighboring cities
- Support for requiring a permit to remove any significant tree
- Support for improving tracking of tree removal and retention
- Requests for additional capacity to enforce tree code provisions
- Concerns about permitting becoming overly burdensome/expensive

Private Property Rights

- **Support for preserving property owners' rights to make decisions about their own trees**
- Support for preserving ability to remove trees that are safety hazards or causing property damage
- Support for preserving ability to remove trees to provide access to sunlight
- Support for preserving ability to remove or top trees to maintain views
- Balancing tree retention and housing production

Phase One Listening Sessions

Before the study session, staff will have held five listening sessions with community members, developers, tree service providers, and environmental organizations. Staff will provide a summary of these conversations during the study session.

Online Questionnaire

Staff have published an online questionnaire in multiple languages to gather input on priorities for the project scope from a broad cross-section of Bellevue's community. A link to the questionnaire is available on the project's Engaging Bellevue page: <https://www.engagingbellevue.com/tree-code>.

All interested parties are encouraged to take the questionnaire. Staff will share results from this questionnaire during a June check-in with the City Council.

Comprehensive Plan Survey

As part of outreach for the 2044 Comprehensive Plan update, the city conducted a statistically-valid survey of Bellevue households on a range of issues related to the Comprehensive Plan. As part of the survey, those surveyed were asked to select up to five priorities that they feel should be high planning priorities, out of a list of 10 potential priorities. This list included preserving and enhancing tree canopy. Overall, preserving and enhancing tree canopy was identified as the second highest priority after providing homeownership opportunities for people with different incomes. Analyzing the results based on different household characteristics reveals distinct differences in priorities, however:

- **Children in Household.** Households without children selected tree canopy as the top priority,

while households with children ranked tree canopy seventh.

- **Household Income.** Households earning less than \$50,000 ranked tree canopy eighth, while households earning more than \$50,000 ranked tree canopy second.
- **Dwelling Type.** Residents of single family homes selected tree canopy as the top priority, while multifamily residents ranked tree canopy fourth.
- **Housing Tenure.** Homeowners selected tree canopy as the top priority, while renters ranked tree canopy fourth.
- **Age.** Older residents rank tree canopy as a higher priority compared to younger residents. Tree canopy is ranked second highest for residents age 57 and older, while those under 30 rank tree canopy sixth.

Next Steps

Staff will hold the first of two public information sessions on June 8, in advance of the City Council phase one check-in later in June. Additional 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.

Landmark Tree Update

Last June, the City Council adopted an interim ordinance requiring a permit to remove any Landmark Tree. In addition, Landmark Tree removal must be completed by a licensed contractor. Under the ordinance, a Landmark Tree is defined as a healthy tree at least 24 inches in diameter. These requirements will sunset at the end of 2023 or when permanent regulations are adopted, whichever comes first. Determining whether to incorporate permanent code provisions for landmark trees, and whether to adjust any definitions or requirements, is within the scope of this project.

From June through May 2023, there were more than 70 applications for tree removal which included at least one landmark tree. All but four of these were for removing less than five trees, which is the current threshold for removing significant trees without a permit. This does not include landmark trees removed as part of a development proposal, consistent with tree retention standards.

Because the interim ordinance was implemented rapidly, staff reported initial confusion from the community about the new requirements. There were several enforcement cases in the early months, driven by neighbor complaints about landmark tree removal. Commonly, the individuals removing trees in these instances had planned the removal prior to the new requirement, and were unaware that requirements had changed. Staff have reported that such complaints have reduced over time as both staff and the community have become more familiar with the requirements.

Landmark tree removal, and other tree removal permits, are reviewed through the minor clearing and grading permit process. If no clearing and grading activity is associated with the tree removal, additional fees are waived, and additional documents required for clearing and grading review are not required. While staff have become accustomed to this process for landmark tree permitting, applicants have reported confusion believing full clearing and grading fees and documents are required for an individual tree removal in cases where they have not spoken with city staff. Staff have identified two options for improving this process:

- If tree removal is kept with Clearing and Grading, specific fields can be added to permit applications to clearly indicate when landmark tree removal is proposed to improve tracking.
- A separate, simple, affordable tree removal permit can be developed. This can include flags to

identify when additional permits or review are required. This can also allow for over-the-counter approval in cases where no additional review has been flagged. This approach could be beneficial in the event that significant tree permit requirements are expanded.

ATTACHMENT(S)

N/A