



# Bellevue Planning Commission

March 27, 2024

## PLANNING COMMISSION STUDY SESSION ITEM

### **SUBJECT**

Study Session on a Land Use Code Amendment (LUCA) 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**

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**DIRECTION**

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**INFORMATION ONLY**

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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.

	Topic Areas
<input checked="" type="checkbox"/>	<b><u>Study Session 1 (December 13): Overview</u></b> <ul style="list-style-type: none"><li>• Summary of major changes</li></ul>
<input checked="" type="checkbox"/>	<b><u>Study Session 2 (January 24): LUCA Review 1</u></b> <ul style="list-style-type: none"><li>• Additional Information Requested by Commissioners</li><li>• Tree Credit System Calibration: Incentives, Flexibility and Requirements</li><li>• LUCA Structure, Purpose and Applicability</li><li>• Section-Specific Definitions</li><li>• Cleanup Amendments</li></ul>
<input type="checkbox"/>	<b><u>Study Session 2 (March 27): LUCA Review 2</u></b>
<input type="checkbox"/>	<b><u>Public Hearing (April 24):</u></b> <ul style="list-style-type: none"><li>• Required Public Hearing</li><li>• Planning Commission Recommendation</li></ul>

### **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.

### **Previous Planning Commission Requests**

The Planning Commission requested additional information on several topics during the January 24 Study Session. This information is summarized by topic below.

#### *Tree Canopy Change by Neighborhood*

Changes in Bellevue's tree canopy by neighborhood are summarized in **Figure 1**. While Bellevue experienced a net increase in canopy from 2011-2021, most of this expansion took place before 2019. From 2019-2021, the city's overall canopy growth was neutral, and five neighborhoods experienced net decreases in canopy.

**Figure 1. Tree Canopy Change by Neighborhood, 2011-2021**

<b>Neighborhood</b>	<b>Tree Canopy</b>	<b>Change in Canopy</b>	
	<b>2021</b>	<b>2011-2021</b>	<b>2019-2021</b>
BelRed	14.2%	0%	0%
Bridle Trails	53.1%	6%	2%
Cougar			
Mountain/Lakemont	51.9%	3%	0%
Crossroads	29.6%	3%	-1%
Downtown	11.4%	4%	3%
Eastgate	36.5%	2%	-1%
Factoria	21.5%	3%	1%
Lake Hills	33.9%	3%	-2%
Newport	43.0%	0%	1%
Northeast Bellevue	33.3%	3%	-1%
Northwest Bellevue	34.8%	1%	0%
Somerset	44.2%	1%	0%
West Bellevue	43.9%	0%	2%
West Lake Sammamish	47.6%	3%	-1%
Wilburton	39.6%	-2%	1%
Woodridge	42.0%	2%	2%
<b>Total</b>	39.6%	2%	0%

#### *Incorporating Recent State Legislation*

Later this year, Bellevue will begin developing code necessary for compliance with recent State legislation, including HB 1110 and HB 1337. HB 1110 will require the City to allow 4-6 units per lot in all residential land use districts. HB 1337 will require the City to allow at least one attached and one detached accessory dwelling unit per lot in all residential land use districts. While code implementing

this legislation is not yet complete, the Tree Canopy Code Amendments LUCA has been structured to be as future-compatible as possible. In all residential land use districts, there is a separate, lower minimum canopy threshold for development proposals which include multiple dwelling units per lot. This is intended to provide flexibility for development types like detached accessory dwelling units and duplexes which will soon be permitted in more land use districts. Additional refinements may be required once state legislation-compliant code is developed, and would be adopted with those future amendments.

## **Definitions**

The LUCA includes several new or updated definitions which will apply throughout the Land Use Code.

### *Measurement and Qualifications*

- “Caliper” establishes the procedure for correctly measuring nursery trees. This measurement is used to determine that a newly-planted tree meets the minimum standard to be eligible for one tree credit. The LUCA also includes clean-up amendments to correct inappropriate usage of this term.
- “Diameter at Breast Height” establishes the procedure for correctly measuring existing trees. The LUCA also includes clean-up amendments to correct inappropriate usage of this term, and remove alternate definitions in specific subsections which are no longer necessary.
- “Qualified Tree Professional” establishes the qualifications necessary to be considered a qualified tree professional. This is used to establish which professionals are qualified to prepare tree protection plans and provide other tree-specific recommendations for a development proposal.

### *Tree Health and Safety*

- “Viable Tree” establishes health, structure, and form criteria which a qualified tree professional may use to establish that a tree is or is not appropriate for retention. Trees which meet the criteria for excellent, good, or fair are viable trees. Non-viable trees are not considered significant or landmark trees.
- “Hazardous Tree” establishes criteria which a qualified tree professional may use to establish that a tree is hazardous. In addition to structural defects and/or disease, hazardous trees are also located in areas where people are property are likely to be located and could be injured or damaged by tree failure, and the condition cannot be addressed with reasonable and proper arboricultural practices.

### *Significant Tree*

The LUCA includes several updates to the existing Significant Tree definition. This definition is important, as only significant trees are subject to Bellevue’s regulations. The most significant change is in reducing the minimum diameter from 8 inches to 6 inches in diameter at breast height. Significant Trees must also be viable trees.

### *Landmark Tree*

The LUCA includes a new, permanent definition of Landmark Tree. Landmark Trees are defined as viable trees at least 24 inches in diameter. Alders and Cottonwoods cannot be Landmark Trees. The definition also includes a table with alternate, lower diameter thresholds that apply to several slower-growing, but

high quality native tree species.

### **Minimum Tree Density**

The LUCA establishes that applicants must maintain a minimum tree density, measured in tree credits. The minimum tree credits scale with the size of property, land use district, and use. While the minimum canopy can be achieved through retaining trees, planting trees, or a mixture of the two, the intent is for applicants to first retain trees before planting.

### *Retained Trees*

Retained trees receive tree credits based on their diameter at breast height, with a 50% discount for alders and cottonwoods. The LUCA proposes the following priority order for selecting existing trees for retention:

- Landmark Trees
- Trees located in groves (at least three significant trees with overlapping or touching crowns)
- Significant trees located in the required perimeter landscaping area
- Other significant trees

Landmark Trees and groves are prioritized as they provide greater long-term ecological benefits to the urban forest compared to single, smaller-sized trees. Certain trees are not eligible for tree credits, including invasive or noxious species, trees located outside the tree canopy area, and trees in areas devoted to access and sight areas as defined in the Transportation Code.

The LUCA proposes limited flexibility for certain development standards in certain circumstances. These are:

- Reduced parking, if the reduction will enable preserving a grove or landmark trees, and the project will exceed the minimum required density.
- Extending five feet into the required rear yard or 50% into the required front yard when the maximum development density cannot be achieved, the modification will enable the applicant to retain additional landmark trees or a grove beyond the required minimum, or the proposal is for affordable housing and will exceed the required minimum.

### *Planted Trees*

Planting trees is an option to achieve the minimum tree density when a site lacks sufficient existing trees. If a site lacks sufficient existing trees, any existing viable significant trees can only be removed if necessary to achieve the development density, if a qualified tree professional determines they are hazardous or inappropriate for retention, or the site is located in a wildland-urban interface and removing trees is necessary to maintain defensible space requirements. If a site is lacking existing trees and trees were removed within the previous three years, all trees must be replanted at a rate of 1:1 for significant trees or 2:1 for landmark trees, unless replanting as already required previously.

Each newly planted tree meeting certain size standards provides 1 tree credit, except Alders and Cottonwoods, which provide half the credit. Plantings shall be appropriate for the climate, topography, and hydrologic characteristics of the site, in the written opinion of a qualified tree professional. Planting invasive or noxious species is prohibited. Any trees planted or retained to meet other requirements count toward the minimum tree density, although other planting requirements may not be reduced if the property exceeds the minimum tree density.

An in-lieu fee is proposed as a last resort option when an applicant demonstrates that all planting options have been considered and are infeasible. The director will verify when in-lieu fees are appropriate. Staff are developing the initial fee amount, which will be based on the cost of a new tree, installation, maintenance for three years, and fund administration.

### **Tree Protection**

Applicants are required to use tree protection techniques during construction, which are to be identified in the required tree protection plan. This requirement is established in the Bellevue City Code and will be updated with the associated Bellevue City Code Amendment.

If an applicant is granted modifications to development standards to retain specific trees, the applicant is required to record a covenant prohibiting development within any portion of any tree protection zone. If an applicant had to plant new trees to achieve minimum density, a three year maintenance assurance device may be required by the Director.

### **Public Engagement Methods**

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. Public information sessions were held on June 8 and 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 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. Staff sent an invitation to all Bellevue neighborhood associations offering to present at their meetings on the project and answer questions, but interest to date has been limited. Staff presented proposed amendments and gathered input from the BDC on January 10. The LUCA strike-draft was shared at the March 13 BDC meeting, shared with a broader group of interested stakeholders, and posted to the project webpage.
- **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.

### **Anticipated Schedule**

The anticipated timeline for processing the LUCA is as follows:

- Planning Commission Study Sessions: December 13, January 24, and March 27
- Planning Commission Public Hearing and Recommendation: April 24
- City Council Study Session: to be scheduled
- City Council Action: to be scheduled

**ATTACHMENT(S)**

- A. Strike-Draft of Proposed LUCA