



# Bellevue Planning Commission

April 24, 2024

## PLANNING COMMISSION PUBLIC HEARING ITEM

### SUBJECT

Public Hearing on a proposed Land Use Code Amendment (LUCA) to update tree preservation, retention and protection provisions to better support citywide tree canopy goals. The LUCA advances the City's Environmental Stewardship Plan Strategy N-1. File No. 22-128467-AD.

### STAFF CONTACT(S)

Kristina Gallant AICP, Planning Manager, 452-6196  
 Nick Whipple, Code and Policy Director, 452-4578  
*Development Services Department*

### POLICY ISSUES

The proposed LUCA advances 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 addressed include tree preservation, retention, replacement, and protection during construction.

### DIRECTION NEEDED FROM THE PLANNING COMMISSION

**ACTION**

**DIRECTION**

**INFORMATION ONLY**

Staff requests that the Planning Commission hold the Public Hearing on the proposed LUCA and, following the Public Hearing, recommend to the City Council approval of the proposed LUCA.

	<b>Topic Areas</b>
<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 checked="" type="checkbox"/>	<b><u>Study Session 3 (March 27): LUCA Review 2</u></b> <ul style="list-style-type: none"> <li>Additional Information Requested by Commissioners</li> <li>Definitions</li> <li>Minimum Tree Density</li> <li>Tree Protection</li> </ul>
<input checked="" 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**

The content of the LUCA was reviewed and discussed in three study sessions on December 13, January 24 and March 27. At the March 27 Study Session, the Planning Commission directed staff to schedule the LUCA for Public Hearing. The Staff Report describing the background and review process, including demonstrating the LUCA's compliance with the applicable decision criteria in LUC 20.30J.135, is included with this Memorandum as Attachment A.

The proposed LUCA will amend provisions in chapters 20.20, 20.25A, 20.25B, 20.25F, 20.25Q and 20.50 of the Land Use Code (LUC) to update tree preservation, retention, replacement, and protection provisions to better support citywide tree canopy goals. Attachment B is a strike-draft of the proposed LUCA.

The proposed LUCA incorporates guidance from the City's technical consultant, Facet (Formerly DCG/Watershed). The consultant report is included as Attachment C.

### **Previous Planning Commission Requests**

The strike-draft incorporates several changes in response to Planning Commission direction during the March 27 Study Session. This information is summarized by topic below.

#### *Building Height Flexibility*

Planning Commissioners expressed interest in providing flexibility for building height to accommodate better outcomes for tree retention. The strike-draft now allows for increasing maximum building height up to 12 feet for portions of the building at least 20 feet from any property line. Height flexibility is not available in any portion of the property in a transition area or for proposals of one dwelling unit per lot. This approach echoes the existing building height incentive for affordable housing provided in 20.20.128 LUC.

#### *Credit for Planting Alders and Cottonwoods*

Planning Commissioners expressed the opinion that planting Alder or Cottonwood trees should not provide tree credits to projects. The strike-draft has been updated with this change. Reduced credit for retaining Alder or Cottonwood trees is still provided.

#### *Maintenance Assurance Device Duration*

When planting trees is necessary to achieve the minimum tree density, the proposed LUCA establishes that the Director may require a maintenance assurance device for a three-year period. The Planning Commission requested additional clarification on why this period is used, and whether a longer period would be preferable. Environmental planning staff recommend three years in most cases, as this is consistent with the City's guidance for critical areas and is a sufficient establishment period for most newly-planted trees. In certain circumstances, such as when larger trees are planted, a longer period of time may be necessary for the trees to become established. The updated strike-draft now allows flexibility for the Director to define an alternate, longer maintenance period when appropriate for the circumstances..

#### *Other Amendments*

The strike-draft includes the following amendments based on Planning Commission feedback:

- The minimum tree credits for proposals of two or more dwellings per lot and other uses in R-1

Land Use Districts is now 4 instead of 3

- Language on usage of in-lieu fee monies now states that funds shall be used for the stated purposes related to Bellevue's tree canopy and related initiatives

### **New Alternative Tree Density Option**

The strike-draft also includes an additional change regarding an alternative tree density option which is recommended by staff. Staff have noted that certain transportation or utilities projects may not be able to fully achieve the minimum tree density on site and also comply with certain federal requirements or franchise agreements. These requirements can require removing trees above a certain height in certain areas and set limits on new planting. The alternative tree density option provides these projects with greater flexibility to achieve the minimum tree density, including through off-site planting within the City of Bellevue.

### **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. Staff Report
- B. Strike-Draft of Proposed LUCA
- C. Bellevue Tree Canopy Code Recommendations Report
- D. Planning Commission Resolution