

CITY COUNCIL AGENDA TOPIC

Recommended Land Use Code Amendment and proposed Bellevue City Code Amendment to update tree preservation, retention, replacement, and protection provisions in the Land Use Code and Bellevue City Code to better support citywide tree canopy goals.

Rebecca Horner AICP, Director, 452-6045
Kristina Gallant AICP, Planning Manager, 452-6196
Nick Whipple, Assistant Director, 452-4578
Development Services Department

EXECUTIVE SUMMARY**DIRECTION**

Staff will introduce the proposed Bellevue City Code Amendment (BCCA) and review updates to the recommended Land Use Code Amendment (LUCA). Following discussion, staff seek Council direction to prepare the BCCA and LUCA for final action at a future meeting.

RECOMMENDATION

Direct staff to finalize the BCCA and updated LUCA Ordinances for final action at a future meeting.

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.

The proposed BCCA will amend the Civil Violations Code, chapter 1.18; and the Clearing and Grading Code, chapter 23.76 BCC to update tree preservation, replacement, protection, and enforcement provisions in the BCC to better support citywide tree canopy goals. A strike-draft of the recommended BCCA is provided as Attachment A.

Updates to the Recommended LUCA

The City Council reviewed the recommended Land Use Code Amendment (LUCA) which serves as a companion to the proposed BCCA on May 21. As discussed during the meeting, staff have become aware of the need to revise minimum tree credit requirements to better accommodate nonresidential development, such as schools, in residential Land Use Districts. The recommended LUCA now defines lower minimum tree credit requirements for nonresidential uses in residential Land Use Districts. Staff have also identified opportunities to update language to clarify the intent of certain sections which have been confusing to stakeholders. An updated strike-draft of the recommended LUCA incorporating and

highlighting these changes is provided as Attachment B.

Components of the Proposed BCCA

The proposed BCCA will amend the Civil Violations Code, chapter 1.18; and the Clearing and Grading Code, chapter 23.76 of the BCC. For ease of discussion, this BCCA is organized into three categories:

1. Monetary Penalties for Illegal Tree Removal
2. Tree Removal Permit and Replacement Requirements
3. Clean-up Amendments

Monetary Penalties for Illegal Tree Removal

BCC 1.18.045 currently provides the City with authority to impose monetary penalties based on the value of the tree for illegally clearing, cutting, damaging, or removing trees on City property, or trees required to be retained by LUC 20.20.900 (Tree retention and replacement). This section does not currently provide the authority to impose such fines when trees are illegally removed without a permit, but which were not required to be retained by LUC 20.20.900. The proposed BCCA expands the City's authority to impose value-based fines for tree violations associated with the Clearing and Grading Code as well as the Land Use Code. The proposed BCCA also includes the following updates:

- Establishing authority to double monetary penalties for repeat violations;
- Replacing the Guide for Establishing Value of Trees and Other Plants with the Guide for Plant Appraisal as the source for methods to establish the value of trees; and
- Establishing updated minimum penalties.

Currently, for any civil violation, the City must first attempt to pursue voluntary compliance with the person responsible for the violation before issuing a notice of civil violation. A notice of civil violation and hearing are required to pursue monetary penalties, including those previously described in this memo. The proposed BCCA would grant the City flexibility to decide whether to pursue voluntary compliance before issuing a notice of civil violation.

Tree Removal Permit and Replacement Requirements

When removing trees outside of a development application, a Clearing and Grading permit is required under the following circumstances:

- When removing any Landmark Tree (Through an interim ordinance set to expire at the end of 2024);
- When removing more than five Significant Trees within three years; or
- When removing more than 25% of the live crown of any Significant Tree which was required to be retained.

The proposed BCCA would require a permit to remove any Significant or Landmark Tree. To avoid excessive costs to property owners, staff are working to develop a simple, affordable permit for this proposed new tree removal permit requirement, with minimal review required. This permit application will include questions to determine whether additional review and permitting is required, such as if there will be clearing and grading activity associated with the tree removal, or if critical areas requirements could apply. The proposed BCCA also clarifies that any trees previously required to be retained or

planted by Land Use Code requirements, such as LUC 20.20.900, must be retained unless hazardous. Currently, there are no replacement requirements for tree removal outside of development, except for certain specific circumstances. The proposed BCCA would allow property owners in residential Land Use Districts to remove a certain number of Landmark or Significant Trees every year with a permit without triggering replacement requirements, provided a certain number of trees would remain on their property after the removal has occurred. The annual allowance ranges depending on the size of the property. Hazardous tree removal would not count toward the annual allowance when verified by a qualified tree professional. If a property owner wishes to remove additional trees within that year, or if there are insufficient remaining trees on the property, any additional trees would have to be replaced. Significant Trees would be replaced at a 1:1 ratio, and Landmark Trees would be replaced at a 3:1 ratio. The Landmark Tree replacement ratio may be reduced to 2:1 if the applicant plants conifer species approved by the Director. Staff are currently working with a technical consultant to develop a tree selection guide covering a range of circumstances, including recommendations for Landmark Tree replacement. These replacement requirements can be reduced or waived if the applicant can demonstrate that their property would still meet the minimum tree density requirement set for their property in the Land Use Code after removal has been completed.

There is no annual tree removal allowance proposed for nonresidential Land Use Districts. Instead, all trees removed must be replaced at the same ratios outlined previously unless hazardous. Nonresidential property owners will also have the option to demonstrate that their property meets the minimum tree density to reduce or waive replacement. This option does not apply to trees planted to fulfill specific landscaping standards. Such trees must be retained unless hazardous, and must always be replaced.

Clean-up Amendments

The proposed BCCA also includes clean-up amendments to clarify how Clearing and Grading permits and permit applications expire. It also includes clean-up amendments to the Civil Violations Code for clarity.

Public Engagement

Staff has followed a public engagement plan with five 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.

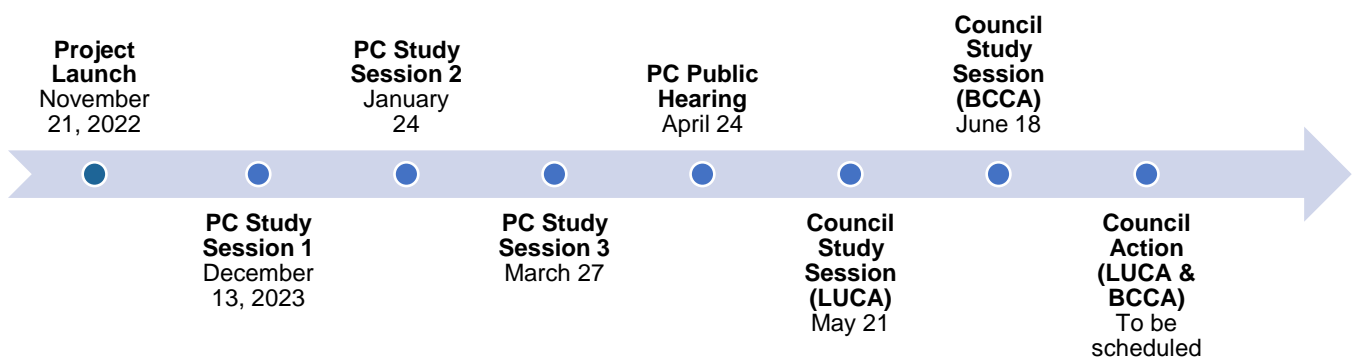
1. Public Information Sessions. Two public information sessions were held to provide information on the project and solicit feedback from the general public. Public information sessions were held on June 8 and January 11.
2. Listening Sessions. Focused listening sessions with representatives from community members, tree service providers, developers, environmental advocacy organizations, neighborhood associations and Bellevue departments working with tree regulations.
3. 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.

4. **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.
5. **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.

Review Process

The timeline identifies the LUCA and BCCA review process. Council will consider the proposed BCCA during the June 18 Study Session, with final action at a future meeting.



POLICY & FISCAL IMPACTS

Policy Impact

The recommended BCCA will advance the Environmental Stewardship Plan.

Fiscal Impact

There is likely to be an increased volume of tree removal permits associated with the proposed BCCA. Updates to permit types, fees, and submittal requirements will also be required.

OPTIONS

1. Direct staff to finalize the Bellevue City Code Amendment and updated Land Use Code Amendment Ordinances for final action at a future meeting.
2. Provide alternative direction to staff.

ATTACHMENTS

- A. Strike-Draft of Proposed BCCA
- B. Strike-Draft of Recommended LUCA
- C. Proposed BCCA Ordinance
- D. Recommended LUCA Ordinance

AVAILABLE IN COUNCIL LIBRARY

N/A