

Bellevue Tree Code Public Information Session Meeting Notes

January 11, 2024; 6:00-8:00pm

In-person at Bellevue Botanical Garden

Presenters: Kristina Gallant, City of Bellevue
Kim Frappier, The Watershed Company
Andrea Petzel, Broadview Planning (facilitator)

Attendees: 47 from sign-in sheets

Presentation Notes

Andrea: Welcome and meeting overview.

Kristina: Introduced members of Bellevue's Tree Code team (City staff and consultants) and provided an overview of the project's timeline: progress to-date, current status, and what's next.

The City's goal is to have new, adopted tree regulations in place by Q2 2024. Tree canopy coverage in Bellevue is currently at around 40% but the pace of growth and change is not uniform across the City. The objective of the current Tree Code review effort is not to add significantly to net canopy; rather, it is to help prevent future net loss and address known flaws in existing regulations.

Kim: Provided an overview of Bellevue's existing Tree Code, which is comprised of multiple subsections of the City's Land Use Code. Bellevue currently defines Significant Trees as healthy trees with a DBH ("diameter at breast height") of at least 8"; however, the Director of the City's Development Services Department can issue exemptions if certain conditions apply. Bellevue's existing regulations also vary by location (e.g., neighborhood, zoning) and prioritize Significant Trees that meet certain criteria (e.g., height, contribution to canopy). The City currently has temporary removal requirements in place for Landmark Trees (24 DBH/ 20' height). At present, only the Bridle Trails Residential Subarea has tree replacement rules.

A recent review of the tree regulations in place in other nearby cities revealed a common 6" diameter threshold for Significant Trees. In light of this, Bellevue is considering advancing the following proposed regulations:

Draft recommendations:

- *Significant Trees*
 - Establish 6" DBH threshold.
 - Maintain tree health and viability requirement.

- *Landmark Trees*
 - Maintain 24" DBH threshold.
 - Remove height requirement.
 - Establish increased protections/criteria for removal.

Presentation pivoted to an overview of a case study illustrating how the new rules might apply on a Single-Family R-5 Land Use District lot. The case study applies the concept of calculating "tree credits" for individual lots.

Other concepts the City is exploring:

- Developing prioritization practices for Grove Trees and Perimeter Trees.
- Advancing tree replacement requirements for all Land Use Districts. These requirements would include species, size, and location standards.
- Establishing a fee-in-lieu program. Fee-in-lieu programs related to tree and urban forestry management are currently used in other jurisdictions when unique site constraints complicate or preclude fully achieving tree retention requirements. Any Bellevue in-lieu fee would only be available as a limited, last resort option.

Kristina: The City is currently engaged in updating its tree retention requirements to use tree density credits. The goal is to design something that both protects trees by establishing a minimum credit level and provides some flexibility for future development.

Kristina then gave an overview of Bellevue's current regulatory enforcement process for trees.

- The City first seeks voluntary compliance. If the property owner does not cooperate, the city can issue a Notice of Violation; the matter is then referred to the Hearing Examiner. Going forward, the City wants to reduce ambiguity around when a violation has occurred, as this limits its ability to pursue monetary penalties.
- City staff are also exploring options for monetary fines and inspection practices and considering developing a database of pre-approved tree service providers.

Q&A Notes

Question 1: *How do you measure tree canopy?*

Kristina: Tree canopy can be measured using aerial imagery or by measuring from the ground. The City's tree canopy analyses are completed with aerial imagery,

which is the best method for large areas. Ground measurement can be complex and likely requires an arborist to be done accurately.

Question 2: *With regard to the proposed credit system, would property owners be able to cut down Landmark Trees if they had excess credits?*

Kristina: Municipalities can address this issue in a variety of ways. The City of Bellevue is still exploring options, but will provide strong incentives to retain landmark trees at a minimum.

Kim: Another model some jurisdictions are using is to conduct urban forestry reviews early in development/ permitting processes.

Question 3: *What about "shared trees," such as trees located on property lines?*

Kristina: This will be considered in the proposed Tree Code amendments, but there are certain legal limitations staff are working through before we can confirm whether and how this will be reflected in regulations.

Question 4: *Inquiry about tree replacement provisions.*

Kristina: Tree replacement requirements will vary based on the size of the removed tree.

Question 5: *If developer plants a hedge, will that count toward a property's count of tree credits?*

Kristina: No, it will not.

Kim: Not counting hedges is a common practice in other jurisdictions as well.

Question 6: *Why can't the City just apply the Land Use Code/Tree Code provisions that were in place when a property was originally developed?*

Kristina: Bellevue didn't have tree protection standards until the 1980s, so there aren't historical standards the City could reference in this way.

Question 7: *How will the new tree regulations impact existing neighborhood/homeowner association (HOA) covenants related to tree topping?*

Kristina: The City has no authority to amend HOA covenants.

Question 8: *Inquiry about impervious surfaces and stormwater management.*

Kim: This is a very complex issue but, in general, small trees don't deliver the same stormwater benefits as large trees.

Question 9: *Inquiry about how the new tree regulations will be applied across the City.*

Kristina: The proposed regulations will account for the City's varied zoning and land use. Residential areas will have a higher minimum standard for tree credits

while industrial, commercial, and mixed-use areas will have a lower requirement for tree credits.

Question 10: When will the City's next tree canopy analysis be complete?

Kristina: Bellevue aims to complete tree canopy analyses every other year, so the next one will likely be completed in 2025.

Question 11: How are you defining "development", as it relates to when tree retention requirements are applied?

Kristina: We are maintaining the current definition used to establish when tree retention requirements are triggered. This definition is broad, and includes any permit, approval, or review which includes:

- Land alteration: any change, addition, or modification in construction or any change, addition or modification to a site or building (including subdivisions, short subdivisions, or planned unit developments)
- Land development: New structures and other modifications of the natural landscape above and below ground
- A change in the lot coverage
- A change in the area for parking and circulation

Question 12: Inquiry about how the new tree regulations might be applied when a property's ownership changes.

Kristina: Currently, each time a property is redeveloped the owner may remove a certain percentage of significant trees, which allows for net loss over time. The proposed tree credit model Bellevue is exploring would address this issue. If a subsequent owner wishes to redevelop their property, they will be required to meet minimum tree credit requirements.

Question 13: Inquiry about new development and what happens when there is a large tree in the middle of a proposed construction site.

Kristina: The City wants to maintain development capacity as well as protect trees. This means that it is not always possible to retain all large trees. A key objective of this Tree Code amendment process is to develop clear and objective exemption criteria that can help address situations like that.

Question 14: The new regulatory concepts the City is considering seem to require a lot of staff review and involve multiple layers of bureaucracy. How is implementation going to work?

Kristina: The City is trying to be mindful of this and will work to advance a proposal that is enforceable and leverages its existing resources and technical staff. The minimum tree credit system only applies to development projects, while permitting outside of development is a simple process.

Question 15: Inquiry about Tree Code violations perpetuated by people that don't know they are breaking rules.

Kristina: This is one reason why the City first attempts to achieve voluntary compliance (replanting, for example) when a violation has been identified. The City is planning to launch a robust public outreach and education campaign to spread the word about the final package of Tree Code amendments. Please reach out to City project team members if you have any thoughts or recommendations on how disseminate this information to local community members.

Question 16: Ongoing construction of large, single-family homes across Bellevue is reducing tree canopy and not contributing to housing affordability. How is the City addressing this?

Kristina: The tree regulations update does not include updates to development regulations concerning building sizes, but the current Bellevue Comprehensive Plan process can incorporate this feedback.

Question 17: Can Bellevue initiate a tree removal moratorium?

Kristina: Staff do not recommend a moratorium as it is not justified by recent tree canopy analyses. The City's Development Services Department is getting close to advancing a formal package of Tree Code amendments, so new rules should be in place later this year. Bellevue's significant need for additional housing capacity is also relevant to the moratorium issue, as expanding local housing opportunities generally requires new development and associated tree removal.

Breakout Session Notes

Attendees were split into four break-out groups. Each group is asked to discuss the questions and concepts listed below. The "we" that appears in some of the questions is a reference to the City of Bellevue.

Discussion Guidance for Break-out Groups

1. We want flexibility and we want to retain large trees and have them survive long-term. We think our proposed changes strike a good balance between what the community wants and development.
 - *What are your thoughts on balance? Did we get it right?*
 - *What are the things the City should have more flexibility on?*
 - *What things should we provide incentives for?*
 - *Does it matter if it's affordable housing/ADUs?*

2. What other information is it helpful for the City to provide to help people understand tree regulations?
3. What are your ideas for ways we can get the word out about our new regulations?
4. You heard a bit about our proposed enforcement options we're considering.
 - *What seems impactful?*
 - *Any concerns?*
 - *Other ideas?*

Collected notes from each of the four break-out groups are summarized below. Themes elevated by multiple groups included 1) providing incentives to developers and property owners to encourage the protection and preservation of trees; 2) the need for public education and outreach about existing and future tree regulations; and 3) the importance of providing City staff and property owners with clear, consistent guidance related to permitting and enforcement.

Group #1

- Public education and outreach are needed in multiple areas:
 - Important to articulate how trees and tree canopy are shared resources rather than something that benefits individual property owners.
 - Clarity needed about proposed tree credit model and how/whether future regulations might apply differently to developers vs. property owners.
- More staffing and enforcement needed from the City to ensure Tree Code compliance.
- Need to balance housing needs with quality of life; dense development is most appropriate in downtown area.

Group #2

- New regulations need to be clear/legible to residents and coupled with robust education and outreach. This includes clear guidance regarding tree grove maintenance, shared trees/trees on property lines, and what happens to a property's tree credit count when trees don't survive. A City-staffed tree hotline or other ongoing educational resource could also be helpful.
- Incentives should be considered to encourage developers and property owners to take better and ongoing care of trees. Examples:
 - Incentives for accommodating existing trees in development plans – e.g., expedited permitting.
 - Utility bill assistance for ongoing watering.

Group #3

- Clarity needed about how perimeter trees, root systems, utility work, parking requirements, and setbacks will be addressed/impacted by new rules.
- In general, the new tree requirements should be strict and apply everywhere, including on affordable housing sites and other locations that might otherwise be eligible for an exemption.
- Non-native trees should be considered for removal prior to native species.

Group #4

- Information about Bellevue's existing tree regulations is hard to find; public education and outreach needs to accompany any new Tree Code language.
- Incentives should accompany new tree regulations. Ideas include property tax credits and regulatory flexibility related to unique site characteristics – e.g., setbacks, orientation of development.
- Need to consider the relationship between trees/tree removal and solar panel installations; important to develop holistic, environmentally minded solutions.
- Tree retention and replacement standards should be clear and strict; more enforcement/inspection needed from City.

Meeting ended at 8:00 p.m.