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TO: Chair Sheffels and Members of the Planning Commission

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SUBJECT: Enatai Tree Preservation Study

The study session on February 24, 2010 will review the City Council direction to the Planning Commission and the staff work to date on a request from some residents of Enatai to provide a higher level of tree protection for their neighborhood.

This follows several months of work by staff, including three Council study sessions and meetings with the group of residents who made the original request. This briefing is the project kick-off for the Planning Commission's role in this process. More information about the Council's direction, the issues and discussion to date, and proposed next steps is provided in this staff report.

No action is required by the Planning Commission at this time.

BACKGROUND

Enatai Request

A resident of the Enatai neighborhood contacted City staff in November 2008 about the removal of a large number of trees from an undeveloped lot. City staff met with several residents in December 2008 to discuss the specific case and answer questions about options for preserving more trees in the neighborhood. Residents were interested in having the City adopt additional tree preservation requirements as part of City Code, along the lines of the amendments adopted for the Bridle Trails area in 2006.

Staff indicated that the Bridle Trails process lasted several years, that those regulations applied to one-acre or larger parcels, and that they may not be appropriate for smaller parcels. A key to the Bridle Trails process was that the neighborhood itself clearly demonstrated that it wanted the City to impose more stringent tree preservation requirements than the City-wide standard. In addition, because of the time and effort required for Bridle Trails and the fact that this item was not in the City's work program, staff suggested that the next step for residents was to present their request directly to Council, which they did in January 2009. At that time Council directed

staff to work with residents on developing a “Bridle Trails-like” approach to address their concerns.

Council Briefings and Issues Raised

Council received a briefing on a possible approach to address Enatai’s request in June 2009. The proposal was a regulatory approach based on Bridle Trails and provided a process for other areas that might seek similar tree protection in the future. During that briefing Council raised several issues:

- Is regulation the best way to approach this?
- Will Bridle Trails standards work on lots smaller than 1 acre?
- How should neighborhood boundaries be defined?
- What is a sufficient level of support and how can it be demonstrated?

At the next two briefings in October 2009, staff presented some additional analysis and options that attempted to address Council’s issues. The proposals included modified Bridle Trails standards tailored to smaller lot sizes as well as different approaches for defining neighborhoods and demonstrating a sufficient level of local support for additional regulation. The Commission is not being asked to evaluate or recommend any of these proposals at this time. Depending on the results of the initial survey discussed below, if the Commission decides to proceed, then staff will prepare a packet of materials that include the previous proposals to Council and the accompanying analysis.

Council expressed their desire to address the request from Enatai; however, due to their outstanding issues and concerns, staff offered 3 alternative approaches for addressing the request:

1. adopt revised standards that could be applied to any neighborhood that requested it;
2. adopt revised standards for Enatai only based on the Bridle Trails model; or
3. develop an education program about the benefits of preserving trees that could be used city-wide.

A summary of the options and the pros and cons of each is in Attachment 1. Council chose to pursue the Enatai only approach at this time and treat it as a pilot project in order to address issues that could arise if other neighborhoods make similar requests in the future.

Council Direction/Guiding Principles

In addition to selecting the Enatai only approach, Council approved a set of guiding principles to provide the Planning Commission with clear direction about what the Council would like to accomplish with this effort. The following principles encapsulate City Council direction for the Planning Commission and staff in working through this issue with residents of the Enatai neighborhood.

1. The issues around tree preservation vary by area and within neighborhoods; therefore, the discussion of these issues and how to address them should be led by neighborhood residents, with city assistance, and seek to engage all potentially-affected residents and property owners;

2. The Planning Commission's initial efforts should be focused on engaging the neighborhood in a discussion about whether there is general interest in preserving trees and what approach would have broad support;
3. Neighborhood residents and City staff should work together to ensure that clear and accurate information is provided and that potentially-affected residents understand the implications of any proposal;
4. The Planning Commission's recommendation should reflect very strong neighborhood support and strive for consensus – conversely, the Commission is not obligated to recommend further City action if it does not believe there is sufficient support;
5. If enhanced tree preservation standards are recommended:
 - they should be tested to ensure they are workable and appropriate on typical single family lots (far less than the one-acre size applied in Bridle Trails);
 - the process for applying the standards should be clearly defined, streamlined, and provide flexibility for Council to maintain its discretionary authority and address individual neighborhood circumstances;
 - boundaries of the potentially-affected area should be logical and based on attributes such as tree canopy, property lines, local support/opposition, and neighborhood identity; and
6. Any recommendation should balance the objectives of tree preservation with the needs of owners to maintain and develop their properties.

The Council provided some additional direction for the Commission and staff to address the following specific questions and issues that arose during their discussions:

- Review Bridle Trails experience and how well it is working;
- Better define “significant trees” and what this effort is trying to preserve;
- Keep cost of compliance reasonable for the property owners;
- Implement a process that reflects neighborhood concerns and values; and
- Take a broader look at ordinances of the last 3 years and the ability to develop property (i.e. increased building costs due to regulation).

NEXT STEPS

The first step in the process is to test the level of interest in this issue with the entire neighborhood. A neighborhood survey was conducted early in the Bridle Trails process to better gauge how residents felt about trees in terms of neighborhood character and what level of protection they might support. Staff is prepared to conduct a similar survey (see draft survey – Attachment 2) that would be mailed to every property owner of record within the Enatai neighborhood association boundaries (which includes Killarney Circle – see Attachment 3). The survey could be accompanied by an information piece that would objectively present the pros and cons of tree preservation without presuming a particular approach for preservation.

Following are some examples of the type of information that could be included:

- Data on Enatai tree canopy coverage, past and present;
- Environmental benefits of preserving trees;
- Tree retention vis-à-vis property values;
- Effects of tree shading on solar access and gardens; and
- Impacts of and provisions for hazard trees.

The effort will be done in partnership with Enatai neighbors who made the initial request. An approximate timeline for this effort is in Attachment 4. As a follow-up to the survey, a public meeting will be held to present survey results and to get additional input. There may also be additional facilitated small group discussion meetings in the neighborhood to engage different geographic areas or address more specific issues.

The desired outcome of this effort is to provide sufficient information for the Planning Commission to determine what next steps, if any, the city should pursue. Possible next steps could include additional education, tree regulations, or no additional action.

RECOMMENDATION

No action is required by the Planning Commission at this time. Staff will initiate the outreach process, beginning with the survey, and report back to the Planning Commission about the results of the survey and neighborhood meetings and recommend next steps at that point.

ATTACHMENTS

1. Attachment 1 – Alternative approaches/pros and cons
2. Attachment 2 – Draft Neighborhood survey
3. Attachment 3 – Enatai Neighborhood map
4. Attachment 4 – Estimated Timeline

ATTACHMENT 1

1. Standardized Approach – Planning Commission would develop a recommendation on the enhanced standards based on the draft standards previously presented. The Commission would also be charged with developing a recommendation on the guidelines for requesting the standards based on the guiding principles and the proposal presented to the Council October 5 as a starting point. Council would need to initiate a Land Use Code Amendment (LUCA) for the adoption of the enhanced standards only.

Neighborhoods throughout the City would be able to request consideration of applying the enhanced standards to their area. The procedures for groups requesting the standards would be guidelines only and not become part of the code. Specific percentages to demonstrate support that were previously described in the proposal have been removed at this time, and whether any specific “thresholds” should be included is of some debate. On the one hand, a specific number provides the neighborhood with a clear goal; on the other hand it may be misinterpreted as somehow limiting the Council’s discretion. If the Council decides to forward this option to the Planning Commission, the Commission will be further developing and refining the approach, including recommending whether any specific thresholds of support are helpful. The Council will be able to consider and revise the guidelines before taking final action on the Commission’s recommendation.

Pros:

- Addresses request from Enatai
- Builds on Bridle Trails model – not “starting from scratch”
- Maintains Council discretionary authority
- Standardizes regulatory approach, procedures and expectations for future requests, anticipating strong neighborhood interest in some areas
- Requires community-driven process with significant support

Cons:

- Creates a new layer of regulation; adds regulatory bulk and complexity to Code
- Added property owner costs for permits and compliance
- Tree preservation is a contentious issue; each neighborhood’s process will likely require substantial time from community, staff, Commission and Council
- Impacts land use permitting and code enforcement workload

2. Enatai Only – Staff would use the Bridle Trails model to work with Enatai exclusively in response to their request. Council would need to initiate a LUCA for the adoption of the enhanced standards with application only to the Enatai area. No new process guidelines would be established. Some understanding of the neighborhood wide interest and support consistent with the Council’s guiding principles would be achieved through the standard noticing, study session(s), and public hearing.

Pros:

- Addresses request from Enatai
- Builds on Bridle Trails model – not “starting from scratch”

Cons:

- Creates a new layer of regulation for affected Enatai area
- Added property owner costs for

- Maintains Council discretionary authority

- permits and compliance
- Standard LUCA process may not be sufficient to catalyze neighborhood conversation and gauge level of neighborhood support
- Does not address potential for future similar requests from other neighborhoods

3. Education – this is the non-regulatory option and would require no amendments to the Land Use Code. It is intended to increase awareness of the benefits of preserving trees and tree canopy on individual, single family properties through educational materials and programs. The City would work with neighborhood groups (associations or otherwise) to provide information and conduct outreach efforts to encourage the voluntary preservation of trees in single family areas that request the assistance. In this option, preservation standards could be offered as informational guidelines rather than requirements.

Pros:

- No LUCA required – does not add to existing Code, permitting or code enforcement workload
- Outreach can be tailored to each neighborhood
- Creates opportunity for neighborhood dialogue about tree preservation without regulatory implications

Cons:

- Does not provide any assurance of additional tree protection; likelihood that some owners are not influenced by the educational outreach
- May be staff intensive depending on number of requests

ATTACHMENT 2

Enatai Neighborhood Survey on Tree Preservation

Your responses to this survey will help the City understand your opinions about trees in Enatai as a resident or property owner in the Enatai neighborhood. Please return this survey by ____.

1) How many years have you lived in Enatai? ____ years

Check if this is your: ____ primary residence ____ part time residence ____ undeveloped property

2) What is the nearest intersection to your property?

Intersection of _____ Avenue SE and SE _____ Street

3) Do you consider trees an important neighborhood asset? ___ yes ___ no

If yes, what are the most important benefits of trees in your neighborhood?

(Rank the top 3 benefits in order with #1 being the most important benefit)

_____ shade _____ privacy _____ reduce air pollution _____ natural beauty
_____ reduce flooding _____ wildlife habitat _____ increase property values

4) Do you think trees cause problems? ___ yes ___ no

If yes, what problems do trees cause in your neighborhood?

(Rank the top 3 problems in order with #1 being the biggest problem)

_____ block sun _____ block views _____ storm damage to structures/fences
_____ tree pollen _____ falling branches / leaves

5) Are you concerned about the number of trees being cut down in your neighborhood? ___ Yes ___ No

If yes, could you please describe what has caused your concern:

6) Do you think trees are an important aspect of Enatai's distinctive character?

___ Yes ___ No Comments _____

7) Are you aware that the City of Bellevue currently regulates the removal of trees in certain situations? ___ Yes ___ No

Currently the removal of trees on property in Enatai may trigger the following City ordinances:

a) when an area of over 1,000 square feet is being cleared (typically 20 mature trees) a clear and grade permit is required (LUC 23.76.025);

b) when a property is being redeveloped, expanded, or subdivided there is a limitation on the number of trees that may be removed as part of that process (LUC 20.20.900).

c) existing plat conditions may require tree preservation on specific properties.

d) special provisions govern trees in critical areas (e.g. steep slopes, streams, and wetlands)

For single family properties that are not in critical areas and are undergoing development, any number of trees may be removed, provided that a clear and grade permit is obtained if more than 1000 square feet is disturbed.

8) Given the existing regulations, do you think (circle one):

- A. The current regulations regarding the removal of trees are sufficient for protection of trees in Enatai;
- B. The current regulations regarding the removal of trees are not sufficient for the protection of trees in Enatai;
- C. The current regulations regarding the removal of trees are more than is required for the protection of trees in Enatai;

9) What factors do you consider in deciding whether to cut down or prune a tree?

(Rank the top 2 considerations in order with #1 being the biggest consideration)

_____ increase light _____ increase views _____ safety _____ landscape aesthetics
_____ reduce falling leaves and branches _____ reduce moss and dampness on roofs

10) In order to protect trees in Enatai, do you think the City is doing just the right amount, not enough, or too much for each of the following:

(for each item please check only one answer that most accurately corresponds to your opinion)

	Just right	not enough	too much
A. Informing people about the value of trees and alternative ways to address tree issues			
B. Regulating to help retain trees:			
C. Enforcing and levying penalties for existing code			
D. Balancing property rights and tree preservation			

11) Do you have any additional comments about trees in Enatai?

Thank you for completing this survey!

Refold the survey with "Business Reply Mail" postage showing (tape is optional, but no staples please) and drop it in the mail by _____

Optional: _____ Yes I am interested in participating in neighborhood discussions about tree issues in Enatai:

Name _____

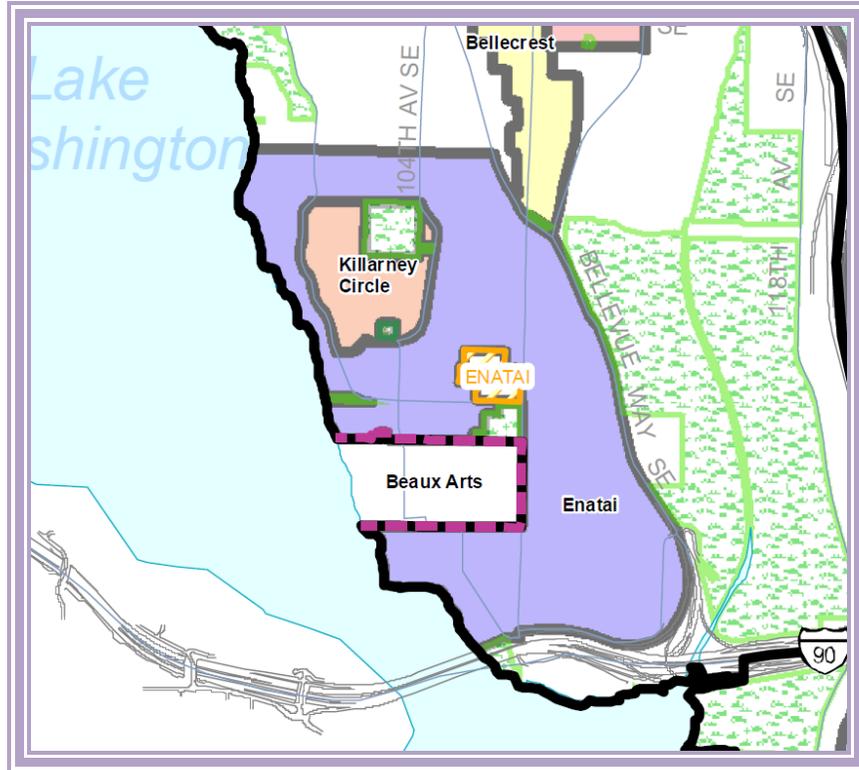
Address _____

E-mail _____

Phone _____

ATTACHMENT 3

The *Enatai neighborhood is bordered by SE 16th, Bellevue Way SE, I-90 and Lake Washington.



*For purposes of the survey and this effort, the Enatai neighborhood includes Killarney Circle.

ATTACHMENT 4

Estimated Timeline

February	Initial briefing to Planning Commission
March	Survey and information piece mailed to all property owners of record
April	Survey tabulated and analyzed
April – May – June	Neighborhood meetings
June/July	Brief Planning Commission on results of outreach and recommend next steps; if moving forward, develop a proposal for Commission and public review; if not moving forward, make a report and recommendation to Council
September	Planning Commission and public review and comment on proposal
October	Planning Commission recommendation to City Council
November - December	Council review and action