

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5662

AN ORDINANCE amending the Bellevue Land Use Code to address tree retention in the Bridle Trails sub-area; amending Section 20.20.520 of the Bellevue Land Use Code; creating a new Section 20.20.900 in the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, Comprehensive Plan policies set forth in the Bridle Trails Subarea Plan address preserving the wooded character of the Bridle Trails Subarea, including the retention of significant trees;

WHEREAS, the unique character of the neighborhood supports equestrian and agricultural uses;

WHEREAS, residents of the Bridle Trails Community requested that City Council address tree retention in the Bridle Trails sub-area out of concern that recent incidents of tree cutting on existing and vacant single family lots were having a negative effect on the wooded character of the neighborhood;

WHEREAS, residents of the Bridle Trails Community established the Bridle Trails Tree Committee (BTTC) to organize the community's efforts on tree retention;

WHEREAS, the goals of tree retention in Bridle Trails include maintaining and improving the rural, tree lined character from the streets and adjacent properties;

WHEREAS, the BTTC, with the assistance of city staff, developed specific amendment proposals to address tree preservation issues in Bridle Trails;

WHEREAS, the East Bellevue Community Council held a public hearing on November 1, 2005, prior to City Council action;

WHEREAS, the Planning Commission held a public hearing on November 9, 2005 with regard to such proposed Land Use Code amendments; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendments; and

WHEREAS, the City Council finds that the amendments to the Land Use Code contained in this ordinance satisfy the decision criteria established in LUC 20.30J.135;

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. Section 20.20.520 of the Bellevue Land Use Code is
hereby amended as follows:

LUC 20.20.520 Landscape development.

A. Purpose.

Landscape development, including retention of significant trees, as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior City approval.

C. Required Review.

1. The Department of Planning and Community Development shall review the proposed landscape development with each application within the applicability of this section.
2. The Utility Department shall review all landscape and irrigation system designs for compliance with BCC 24.02.205 et seq., regarding landscape irrigation water budget requirements of the City Water Utility Code.

D. Minimum Design Qualification.

If the landscaped area on the subject property which is irrigated exceeds 500 square feet or if the applicant requests Alternative Landscaping Option pursuant to subsection J of this section, the Director shall require approval of the proposed landscape plan by a privately retained registered Landscape Architect, Washington Certified Nurseryman or Washington Certified Landscaper.

E. Preservation of Significant Trees.

See Tree Retention. LUC 20.20.900.

F. Site Landscaping.

1. Perimeter Landscaping Requirements for Use Districts. The applicant shall provide site perimeter landscaping either according to the following chart and subject to paragraphs F.2 and F.6 of this section; or in conformance with subsection J of this section.

Perimeter Landscaping Requirements for Use Districts

Land Use District in Which the Subject Property is Located ³	Street Frontage (Type and Minimum Depth)	Interior Property Lines (Type and Minimum Depth) ¹
R-10, 15, 20, 30	Type III, 10ft but if located in a Transition Area, and directly abutting S/F ² , see Part 20.25B LUC for requirements.	Type III, 8ft but if located in a Transition Area, and directly abutting S/F ² , see Part 20.25B LUC for requirements.
NB, PO, O, OLB, OLB-OS	Type III, 10ft but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴	Type III, 10ft but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴
LI, GC, CB	Type III, 10ft but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements.	Type III, 8ft but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements.

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- (1) If the property which abuts the subject property is in the same or a more intensive land use district than the subject property, the landscaping required along that common interior property line may be reduced by 25 percent in area. The remaining 75 percent of the required landscaping may be relocated. If approved by the Directors of the Planning and Community Development and Utilities Departments, such landscape area may be used for biofiltration swales. If used for biofiltration swales, this area shall be landscaped with quantities and species of plant materials that are compatible with the functional intent of the biofiltration swale.
- (2) S/F includes the R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, and R-7.5 Land Use Districts.
- (3) Notwithstanding the provisions of this paragraph, landscape development requirements for specific uses are listed in paragraph F.2 of this section.
- (4) Landscape development requirements for the OLB-OS District may be modified pursuant to Part 20.25L LUC.

2. Planting Requirements for Specific Uses. Notwithstanding the provisions of paragraph F.1 of this section, the uses listed in this paragraph require specific landscaping as follows:

- a. Subject to paragraph F.6 of this section, the following uses require 15 feet of Type I landscaping on all sides when located above ground and not housed within a building or accessory to another use; and if located outside of a public right-of-way:
 - i. Utility sub-station;
 - ii. Sewage pumping station;
 - iii. Water distribution facility.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met, and if visibility is essential to safety, security, or maintenance access.

- b. Subject to paragraph F.6 of this section, the following uses require 10 feet of Type II landscaping along the street frontage, and 10 feet of Type III landscaping along interior property lines unless a more stringent requirement is specified in paragraph F.1 of this section:
 - i. Church;
 - ii. Commercial or public parking lot not serving a primary use;

- iii. Mobile home park;
- iv. Government service building;
- v. Community club;
- vi. Charitable or fraternal organization;
- vii. Hospital not located in the Medical Institutional District;
- viii. Solid waste disposal facility.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.

- c. Subject to paragraph F.6 of this section, equipment and vehicle storage yards require 15 feet of Type I landscaping on all sides if in a Transition Area, or visible from a public right-of-way. Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.
 - d. Subject to paragraph F.6 of this section, the perimeter landscaping requirements for schools are set forth in LUC 20.20.740. Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.
3. Parking Area Landscaping. Parking areas require landscaping as follows in addition to any site perimeter landscaping required by paragraph F.1 or F.2 of this section:
- a. Type V landscaping is required within a parking area.
 - b. A curb or other physical separation is required around each landscape area to separate that area from the parking and circulation area.
4. Landscape features such as decorative paving, sculptures, rock features or fountains are permitted in the required site perimeter landscaping area unless such area is provided pursuant to paragraph F.6 of this section. The area devoted to such a feature may not exceed 50 percent of the required area. Rockeries over 30 inches in height are not rock features for the purpose of this section, and may not be counted toward the required area for landscaping.
5. All plantings and fences required by this section are subject to the street intersection sight obstruction requirements, BCC 14.60.240. All plant materials must be pruned as necessary to comply with BCC 14.60.240.
6. Existing Vegetation in Lieu of Landscape Development. If the proposal is located within the Sensitive Area Overlay District, the Director shall waive the planting requirements of paragraphs F.1 and F.2 of this section and shall permit the use of vegetation that exists within a sensitive area or within a sensitive area setback required by LUC 20.25H.090 in lieu of landscape development if the width of that vegetated area equals at least twice the dimension required by paragraph F.1 or F.2 of this section. Supplemental

landscaping may be added adjacent to a setback to create the necessary width.

7. The Director will allow the planting requirements of paragraphs F.1 and F.2 of this section within a sensitive area setback required by LUC 20.25H.090 if erosion control measures and water quality standards described in LUC 20.25H.110.A.9.a and b are met.

8. Site Landscaping Design Standards.

- a. Landscaping plans shall show locations of retained trees, initial size, location and name of plant materials to be installed. For landscaping plans submitted with Building Permits or Clearing and Grading Permits, detailed irrigation plans are required.
- b. Landscaping shall not include irrigated turf strips which are less than five feet in width.
- c. Irrigated turf shall not be included on slopes with finished grades in excess of 33 percent.
- d. Landscaping areas which are irrigated shall be designed so that plants are grouped according to distinct hydrozones for irrigation of plants with similar water needs at a good efficiency.
- e. In all newly landscaped areas, soils shall be amended with either four inches of approved organic material, with the first two-inch layer tilled into the existing soils, or as called for in a soil amendment plan for the landscaping prepared by a State Registered Landscape Architect, Washington Certified Nurseryman, Washington Certified Landscaper, or professional agronomist.
- f. Newly landscaped areas, except turf, shall be covered and maintained with at least two inches of organic mulch to minimize evaporation.

G. Types of Landscaping.

1. Type I. Purpose. Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and land use districts.

Description.

- a. Two rows of evergreen trees, a minimum of six feet in height and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight obscuring fence, a minimum of five feet high or the required width of the planting area must be increased by 10 feet; and
- b. Shrubs a minimum of three and one-half feet in height planted in an area at least five feet in width, and other plant materials, planted so that the ground will be covered within three years;
- c. Alternatively, the trees and shrubs may be planted on an earthen berm at least 15 feet in width and an average of five feet high along its midline.

2. Type II. Purpose. Type II landscaping is intended to create a visual separation between uses and land use districts.

Description.

- a. Evergreen and deciduous trees, with no more than 30 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 20 feet on center; and
 - b. Shrubs, a minimum of three and one-half feet in height and other plant materials, planted so that the ground will be covered within three years.
3. Type III. Purpose. Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations.

Description.

- a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and
 - b. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or
 - c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
 - i. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
 - ii. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a Downtown Land Use District.
 - iii. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.
4. Type IV. Purpose. Type IV landscaping is intended to provide visual relief where clear sight is desired.

Description.

Plant materials which will cover the ground within three years, and which will not exceed three and one-half feet in height. Trees are also permitted if the trunk is free of branches below six feet in height.

5. Type V. Purpose. To provide visual relief and shade in parking areas.

Description.

a. Required Amount.

- i. If the parking area contains no more than 50 parking spaces, at least 17.5 square feet of landscape development must be provided as described in paragraph G.5.b of this section for each parking stall proposed.
- ii. If the parking area contains more than 99 parking spaces, at least 35 square feet of landscape development must be provided as described in paragraph G.5.b of this section for each parking stall proposed.
- iii. If the parking area contains more than 50, but less than 100 parking spaces, the Director shall determine the required amount of landscaping by interpolating between 17.5 and 35 square feet for each parking stall proposed. The area must be landscaped as described in paragraph G.5.b of this section.

b. Design.

- i. Each area of landscaping must contain at least 100 square feet of area and must be at least four feet in any direction exclusive of vehicle overhang. The area must contain at least one tree at least six feet in height and with a minimum size of one and one-half inches in caliper if deciduous. The remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.
- ii. A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.
- iii. Up to 100 percent of the trees proposed for the parking area may be deciduous.

H. Limitation of Landscaping Requirements.

1. Except in a Transition Area, the total Buildable Area of the subject property which is required to be landscaped is limited as follows. The location of this landscaping within the Buildable Area must meet the purpose and intent of paragraphs A, F.1 and G of this section.
 - a. Twenty percent of the Buildable Area in an NB, PO, O or OLB Land Use District;
 - b. Fifteen percent of the Buildable Area in an LI, GC or CB Land Use District;
 - c. Twenty percent of the Buildable Area of the Development Area in an OLB-OS Land Use District.

I. Species Choice.

The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site; provided, however, that if the subject property includes a sensitive area subject to Part 20.25H LUC, the applicant shall utilize plant species as specified by the Director which enhance that sensitive area. In selecting species, the applicant should utilize plant materials which reduce or eliminate the need for fertilizers, herbicides, or other chemical controls, especially for properties which include a Riparian Corridor or wetland.

J. Alternative Landscaping Option.

1. The applicant may request a modification of the landscaping requirements set forth in subsections F through I of this section; provided, however, that modification of the provisions of paragraph F.6 of this section may not allow disturbance of a Protected Area.
2. The Director may administratively approve a modification of the landscaping requirements of this chapter if:
 - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and
 - b. The proposed landscaping complies with the stated purpose of this section (subsection A), and with the purpose and intent of paragraphs F.1 and G of this section; and
 - c. If a modification of any paragraph (excluding subsection E of this section) is requested, the proposed landscaping either:
 - i. Incorporates the increased retention of significant trees and naturally occurring undergrowth, or
 - ii. Better accommodates or improves the existing physical conditions of the subject property, or
 - iii. Incorporates elements to provide for wind protection or to maintain solar access, or
 - iv. Incorporates elements to protect or improve water quality.
3. Effect of Approval. Following approval of alternative landscaping by the Director, the applicant may meet the landscaping requirements of this Code by complying with the approved landscape development proposal. A copy of the approved landscape development proposal will be placed in the official file.

K. Maintenance of Plant Materials.

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
2. The Director shall require a maintenance assurance device for a period of one year from the completion of planting in order to ensure compliance with the requirements of this section in conformance with LUC 20.40.490.

L. Performance Assurance.

1. The required landscaping must be installed prior to issuance of the Temporary Certificate of Occupancy unless the Director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the City. In no case may the property owner delay performance for more than one year.
2. If a performance assurance device is permitted under paragraph L.1 of this section, the Director shall require an assurance device in conformance with LUC 20.40.490.

Section 2. A new Section 20.20.900 is hereby added to the Bellevue Land Use Code as follows:

LUC 20.20.900 Tree Retention

A. Purpose.

Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior City approval;

provided, this section applies to the removal of any significant trees in the R-1 land use district in the Bridle Trails subarea.

C. Required Review.

The Department of Planning and Community Development shall review the proposed removal of significant trees with each application within the applicability of this section.

D. Retention of Significant Trees in all areas except in the R-1 land use district in the Bridle Trails subarea

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1., the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior.

a. In areas of the site other than the required perimeter landscape area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

- i. Healthy significant trees over 60 feet in height;
- ii. Significant trees which form a continuous canopy;
- iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
- iv. Significant trees which provide winter wind protection or summer shade;
- v. Groups of significant trees which create a distinctive skyline feature;
- vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subparagraph a of this subsection if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.

4. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.
5. **Reduced Parking Bonus.** If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

E. Retention of Significant Trees in the R-1 land use district in the Bridle Trails subarea

1. **Permit Required.** As required by BCC 23.76.025.A.7, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree, from any lot in the R-1 land use district in the Bridle Trails subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three year period.

In addition, for the removal of more than two significant trees within any three year period, the requirements of subsections 2 and 3 below apply.

2. Perimeter Tree Retention Requirement.

For all lots in the R-1 land use district in the Bridle Trails subarea, all significant trees which do not constitute a safety hazard within the first 20 feet adjacent to all property lines shall be retained. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

In the event this requirement conflicts with minimum setback requirements for structures (LUC 20.20.010), the Alternative Tree Retention Option (LUC 20.20.900.F) may be used to allow development consistent with the setbacks established under LUC 20.20.010.

3. Site Interior Tree Retention Requirement.

- a. In addition to the required perimeter tree retention area, at least 25 percent of the cumulative diameter inches of existing significant trees must be retained; provided, that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5.
- b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subparagraph a of this subsection if a group of trees and its associated undergrowth can be preserved.

4. Tree Replacement Requirement.

On any lot with eight or less significant trees, a planting plan showing a one to one ratio of replacement trees is required. Trees must be a minimum of six feet in height at planting.

F. Alternative Tree Retention Option.


1. An applicant may request a modification of the tree retention requirements set forth in LUC 20.20.900 D and E of this section.
2. The Director may administratively approve a modification of the perimeter or interior tree retention requirements if:
 - a. The modification is consistent with the stated purpose of 20.20.900; and
 - b. The modification proposal either:
 - i. Incorporates the retention of significant trees equal in equivalent diameter inches or incorporates the increased retention of significant trees and naturally occurring undergrowth, to what would otherwise be required, or
 - ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.
3. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

Section 3. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

ORIGINAL

Passed by the City Council this 20th day of March, 2006
and signed in authentication of its passage this 20th day of March,
2006.

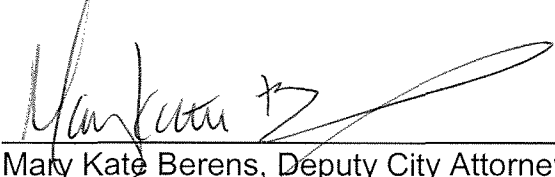
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Grant Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

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