

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5663

AN ORDINANCE amending the Bellevue City Code to require a clearing and grading permit for removal of any significant tree in R-1 land use districts in the Bridle Trails subarea; amending Sections 23.76.025 and 23.76.060 of the Bellevue City 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 encouraging the retention of significant trees;

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 unique 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 preservation in Bridle Trails are to maintain and improve 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; now, therefore,

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

Section 1. Section 23.76.025 of the Bellevue City Code is hereby amended as follows:

BCC 23.76.025 Permit requirements.

A. A clearing and grading permit is required for a project involving any of the following, except as provided for in subsection B of this section. In applying this section, the total proposal must be considered.

1. Any clearing, filling, or excavation in a protected area.
2. Fill and/or excavation totaling over 50 cubic yards. Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site.

3. Over 1,000 square feet of clearing, as measured at the ground level. Clearing includes disturbance of over 1,000 square feet at grade due to felling or topping of trees.
 4. Rockeries and modular block walls over four feet in height as measured from the bottom of the base rock or block.
 5. The cutting down or topping by more than one quarter of any significant trees that are required to be preserved by a city code, plat condition, or other requirement.
 6. Any regrading or repaving of a parking lot used for stormwater detention.
 7. Removal of any significant tree from any lot in an R-1 land use district in the Bridle Trails subarea.
- B. The following activities are exempt from the requirements for a clearing and grading permit even if the criteria in subsection A of this section are exceeded:
1. Agricultural crop management of existing farmed areas.
 2. Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape. For lots developed prior to the adoption of sensitive area regulations (Chapter 20.25H LUC) with landscaping in what are now protected areas, routine landscape maintenance can occur without a clearing and grading permit provided the soil level is not changed.
 3. Work needed to correct an immediate danger to life or property in an emergency situation as declared by the mayor or the city manager or his/her designee.
 4. Cemetery graves involving less than 50 cubic yards of excavation, and related filling, per each cemetery plot.
 5. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, water quality treatment facilities such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.
 6. Roadway repairs and overlays within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways. This exemption does not apply to curbs, gutters, sidewalks, utilities, new traffic calming devices, new roadways, or the widening of the paved surface of existing roadways.
- C. An exemption from a clearing and grading permit does not exempt the person doing the work from meeting all applicable city codes, including, but not limited to, the storm and surface water utility code (Chapter 24.06 BCC) which requires that sediment and other pollutants be kept from the drainage system.

D. The director may categorize clearing and grading permits by different types for administrative purposes, and different fees may be charged for different types. A clearing and grading permit may be issued as a component of a building permit, or other permit, rather than as a separate permit. The director may require that single-family building permits and clearing and grading permits be combined.

E. The director shall specify what submittal and application materials are required for a complete clearing and grading permit application, including the type of submittals, the required level of detail, the minimum qualifications of preparers of technical documents, and the number of copies. The director may establish different submittal requirements for different types of clearing and grading permits. He/she may waive specific submittal requirements if he/she determines them to be unnecessary, or may require additional information if needed for review of an application.

F. As a condition of applying for a permit for a project that includes clearing and grading, the applicant shall allow the city to enter the subject property in order to evaluate the proposed clearing and grading.

Section 2. Section 23.76.060 of the Bellevue City Code is hereby amended as follows:

BCC 23.76.060 Clearing – Vegetation preservation and replacement.

The applicant/permittee shall:

A. Meet applicable Land Use Code requirements for tree retention and vegetation preservation, disturbance limitation, and new landscaping (in particular, see LUC 20.20.520, Landscape Development; Tree Retention, LUC 20.20.900; Chapter 20.25H LUC, the Sensitive Area Overlay District; and Chapter 20.25E LUC, the Shoreline Overlay District).

B. Where possible, maintain natural vegetation for erosion and sedimentation control and water quality and quantity control.

C. Follow the methodology in the clearing and grading development standards (or equivalent methodology approved by the director) for preserving/replacing vegetation.

D. Mark clearing limits in the field prior to clearing.

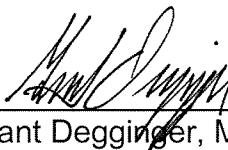
Section 3. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

ORIGINAL

0855-ORD
03/14/06

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

(SEAL)



Grant Degginger, Mayor

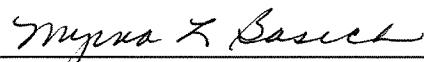
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich

Myrna L. Basich, City Clerk

Published March 24, 2006