

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6665

AN ORDINANCE establishing permitting requirements to remove Landmark Trees; providing for severability; establishing an effective date; and providing for sunset of this Ordinance.

WHEREAS, in December 2020, the City Council adopted the Bellevue Environmental Stewardship Plan (ESP), including a strategy to increase tree canopy Citywide; and

WHEREAS, ESP Action N.1.1 recommends a comprehensive review of City Codes and requirements related to tree preservation, retention, replacement, and protection during construction, including considerations for significant or exceptional trees; and

WHEREAS, the City Council is anticipated to direct staff to begin work on potential amendments to the Bellevue City Code (BCC), consistent with ESP Action N.1.1, during the third quarter of 2022; and

WHEREAS, the City anticipates that, after initiation, the project to develop and consider amendments to the BCC will require a number of months to process and will include community and stakeholder outreach; and

WHEREAS, City Code currently defines “significant trees” as any healthy evergreen or deciduous tree eight-inches in diameter or greater; and

WHEREAS, the City does not currently have consistent Citywide regulations for tree removal in the BCC or the Land Use Code (LUC), and the City currently allows the removal of up to five significant trees, without any permitting requirements, within any three-year period, except that in the R-1 Land Use District in the Bridle Trails Subarea a permit is required for the removal of any significant tree; and

WHEREAS, when tree removal that does not require a permit occurs in the City, there is no opportunity for the City to provide information to the public about how trees, especially large trees, contribute to neighborhood character and Citywide tree canopy goals per the ESP; and

WHEREAS, several neighboring jurisdictions have specific regulations for “Landmark Trees,” defined by a diameter of anywhere from 24-inches to 32-inches; and

WHEREAS, ahead of and during the pendency of the City's review of any potential amendments to the BCC or LUC, and consistent with ESP Action N.1.1, the City Council has expressed an interest in designating any tree within the City with a diameter of 24-inches or more as a "Landmark Tree;" and

WHEREAS, ahead of and during the pendency of the City's review of any potential amendments to the BCC or LUC, and consistent with ESP Action N.1.1, the City Council has expressed an interest in implementing permit requirements for the removal of any Landmark Tree, as interim regulations, while allowing adequate time to develop and process the potential permanent code amendments; and

WHEREAS, during the City Council's consideration of this Ordinance on June 21, 2022, the Council discussed the merits of defining a Landmark Tree as any tree that measures twenty (20) feet or more in height with a diameter at breast height of 24-inches or greater (measured four feet above existing grade) or a circumference of more than 75-inches; and

WHEREAS, ahead of and during the pendency of the City's review of any potential amendments to the BCC or LUC, and consistent with ESP Action N.1.1, the City Council has expressed an interest in designating any tree within the City with a diameter of 24-inches or more as a "Landmark Tree;" and

WHEREAS, requiring a permit to remove any Landmark Tree will impose uniform Citywide permit requirements for the removal of Landmark Trees throughout all Bellevue neighborhoods and Land Use Districts; and

WHEREAS, requiring a permit to remove any Landmark Tree will also provide an opportunity for the City to share information with the public regarding how Landmark Trees contribute to neighborhood character and the City's tree canopy goals; and

WHEREAS, requiring a permit to remove any Landmark Tree will also enable the City to collect important data about the quantity, size, location, and other metrics of trees removed, which will inform the development of any potential permanent code amendments; and

WHEREAS, requiring a permit to remove any Landmark Tree will provide for and promote the health, safety, and welfare of the general public consistent with BCC 23.76.005.D; and

WHEREAS, the permitting requirement imposed by this Ordinance will apply to the removal of any Landmark Tree in the City and is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the provisions of this Ordinance; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore,

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

Section 1. Permit Requirements. Removal of any Landmark Tree, defined as any tree 20 feet or more in height with a diameter at breast height of 24-inches or greater (measured four feet above existing grade) or a circumference of more than 75-inches, shall be subject to the permit requirements and the same provisions applicable to projects listed in BCC 23.76.035.A. Prior to permit issuance, the applicant shall provide the City with the name, address, phone number, and current and valid Washington State contractor registration number under chapter 18.27 RCW; and any Landmark Tree removal authorized by the permit shall be undertaken by a licensed contractor. The requirements under this Ordinance shall not apply to any tree removal associated with any application subject to the requirements of LUC 20.20.900.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

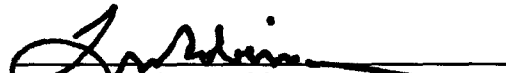
Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 4. Sunset Provision. This Ordinance shall expire at 11:59 P.M. on December 31, 2023 or on the effective date of an ordinance establishing permanent amendments to the City of Bellevue's tree regulations, whichever is earlier. However, this Sunset Provision shall not prohibit the City Council from repealing this Ordinance on an earlier date, extending the expiration date, or modifying this Sunset Provision in any way by ordinance.

Passed by the City Council this 21st day of JUNE, 2022 and signed in authentication of its passage this 21st day of JUNE, 2022.

(SEAL)




Lynne Robinson, Mayor

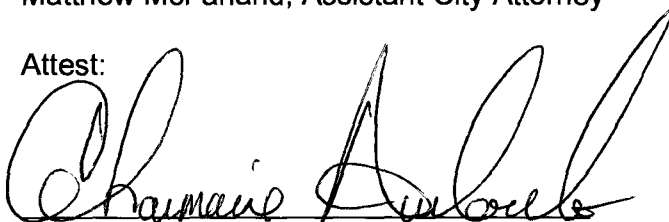
Approved as to form:

Kathryn L. Gerla, City Attorney



Matthew McFarland, Assistant City Attorney

Attest:


Charmaine Arredondo, City Clerk

Published: 6/23/22