

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6767

AN ORDINANCE amending Ordinance No. 6665; extending the expiration date of Ordinance No. 6665's permitting requirements to remove Landmark Trees; providing for severability; and establishing an effective date.

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, 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 LUC, and, in most areas, 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 any 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 permanent and comprehensive code amendments; 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 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 as a "Landmark Tree", and

WHEREAS, on June 21, 2022, the City Council adopted Ordinance No. 6665 to implement interim Landmark Tree permit requirements, with an expiration date of 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; and

WHEREAS, the City Council directed staff to initiate work on potential amendments to the Bellevue City Code (BCC) and Land Use Code (LUC), consistent with ESP Action N.1.1, on November 21, 2022; and

WHEREAS, since initiation, staff have made substantial progress with community and stakeholder outreach and technical analysis necessary to develop potential amendments to the BCC and LUC; and

WHEREAS, environmental analysis of tree canopy impacts related to the Comprehensive Plan periodic update is underway, and the results of this analysis will not be available until after Ordinance No. 6665 expires; and

WHEREAS, the City's review of potential amendments to the BCC or LUC consistent with ESP Action N.1.1 has been extended by several months to incorporate consideration of this Comprehensive Plan environmental analysis; and

WHEREAS, extending current interim Landmark Tree permit requirements will avoid disruptions to the permitting process ahead of and during the pendency of the City's review of potential amendments to the BCC or LUC; and

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

WHEREAS, continuing to require a permit to remove any Landmark Tree will also maintain 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, continuing to require 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 the potential comprehensive code amendments; and

WHEREAS, continuing to require 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. Extension of Ordinance No. 6665. This Ordinance amends Ordinance No. 6665 to extend the duration during which Ordinance No. 6665 will remain in legal effect. Ordinance No. 6665 shall now expire at 11:59 p.m. on December 31, 2024 or on the effective date of an ordinance establishing permanent amendments to the City of Bellevue's tree regulations, whichever is earlier. However, nothing in this Ordinance shall prohibit the City Council from repealing Ordinance No. 6665 on an earlier date, extending its expiration date, or making any other modifications to it by ordinance.


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.

Passed by the City Council this 5<sup>th</sup> day of December, 2023 and signed in authentication of its passage this 5<sup>th</sup> day of December, 2023.

(SEAL)



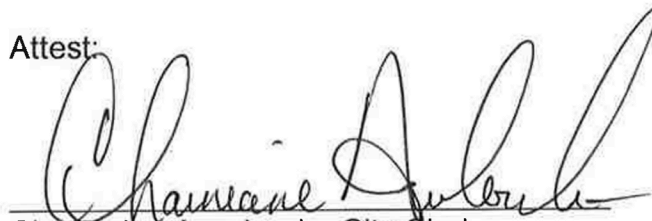
  
Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

  
Robert Sepler, Assistant City Attorney

Attest:

  
Charmaine Arredondo, City Clerk

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