

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6852

AN ORDINANCE relating to middle housing and accessory dwelling units; Amending Chapters 9.13, 9.18, 14.10, 14.60, 22B.10, 22.18, 22.19, and 23.76 of the Bellevue City Code; Amending the Effective Date for Sections 77 through 82 and 84 through 108 of Ordinance No. 6839; Providing for severability; and setting an effective date.

WHEREAS, during the 2023 Legislative Session, the Washington State Legislature adopted HB 1110, increasing middle housing in areas traditionally dedicated to single-family detached housing; and

WHEREAS, during the 2023 Legislative Session, the Washington State Legislature adopted HB 1337, expanding housing options by easing barriers to the construction and use of accessory dwelling units (ADUs); and

WHEREAS, on January 17, 2023, the City Council initiated work on the text amendments contained in this Ordinance; and

WHEREAS, although City Council action to initiate work to encourage the development of middle housing and ADUs occurred prior to the adoption of HB 1110 and HB 1337 by the Washington State Legislature, the scope of the proposed text amendments to be developed was generally consistent with the requirements of HB 1110 and HB 1337; and

WHEREAS, on March 21, 2025, notice was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in accordance with RCW 36.70A.370, the City has reviewed the guidance provided by the Washington State Attorney General's Office and evaluated the proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property; and

WHEREAS, the City Council held study sessions to review the text amendments contained in this Ordinance on May 13, 2025, and June 10, 2025; and

WHEREAS, the City is required to plan under the Growth Management Act, Chapter 36.70A RCW, (GMA); and

WHEREAS, RCW 36.70A.020 currently lists 15 goals to guide the development and adoption of comprehensive plans and development regulations in counties and cities planning under the GMA; and

WHEREAS, the goals enumerated in RCW 36.70A.020 are not listed in order of priority and, as recognized by Washington State courts, may be mutually competitive at times; and

WHEREAS, the weighing of competing goals and policies under the GMA is a fundamental responsibility of the City Council in adopting a comprehensive plan and development regulations; and

WHEREAS, the City's Comprehensive Plan contains policies that support, and are consistent with, the text amendments to the Land Use Code contained in this Ordinance, including the following policies: LU-2, LU-4, LU-10, LU-20, LU-28, LU-47, HO-2, HO-3, HO-17, HO-18, HO-19, HO-35, EN-12, EN-13, EN-72, PA-30, PA-31; and

WHEREAS, in reviewing this ordinance, the City Council has considered and weighed the goals outlined in the Washington State Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, Section 110 of Ordinance No. 6839 provided that Sections 77 through 108 of Ordinance No. 6839 shall "automatically take effect and be in force on the effective date of the next ordinance adopted by the City Council that amends, repeals, or replaces Chapter 22B.10 of the Bellevue City Code"; and

WHEREAS, on June 17, 2025, the City Council adopted Ordinance No. 6849, which repealed and deleted Section 83 of Ordinance No. 6839 in its entirety; and

WHEREAS, while this Ordinance contains amendments to Chapter 22B.10 BCC, the City Council does not desire that Sections 77 through 82 and Sections 84 through 108 of Ordinance No. 6839 take effect simultaneously with this Ordinance; and

WHEREAS, instead of taking effect on the same date as this Ordinance, the City Council desires that Sections 77 through 82 and Sections 84 through 108 of Ordinance No. 6839 take effect on the effective date of the next ordinance adopted by the City Council that amends, repeals, or replaces Chapter 22B.10 of the Bellevue City Code; and

WHEREAS, both HB 1110 and HB 1337 amend the GMA; and

WHEREAS, both HB 1110 and HB 1337 require that the City update multiple provisions of the Bellevue City Code; and

WHEREAS, this Ordinance is being adopted in order to comply with these new requirements contained in the GMA; and

WHEREAS, Washington State courts have made it clear that the powers of initiative and referendum do not apply to ordinances adopted pursuant to the GMA; and

WHEREAS, in accordance with Chapter 43.21C RCW and Chapter 22.02 BCC, the Environmental Coordinator for the City of Bellevue determined that the text amendments to the Land Use Code contained in this ordinance will not result in any probable, significant, adverse impact and issued a final threshold determination of non-significance on March 20, 2025; Now, therefore:

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

Section 1. The foregoing recitals are hereby adopted by the City Council as findings of fact supporting and explaining the legislative intent behind the adoption of this ordinance

Section 2. The title of Chapter 9.13 of the Bellevue City Code is hereby amended to read as follows:

Chapter 9.13 Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites in Land Use Districts LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1.

Section 3. Subsection 9.13.015.A of the Bellevue City Code is hereby amended to read as follows:

A. Applicability. The provisions of this chapter shall apply to all land use districts LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1. If there is conflict between this chapter and other applicable chapters of the Bellevue City Code, the more stringent provision shall apply.

Section 4. Section 9.13.020 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 9.13.020 that are omitted below, as indicated by an ellipsis, remaining unchanged:

The following definitions are specific to this chapter and shall have the following meanings:

“Abandoned construction site” means a lot or group of lots, including subdivisions, building or buildings, or other development located in land use districts LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1, where the responsible person has ceased work for any reason for a period of 90 days. Circumstances indicating abandonment of a construction site include, but are not limited to, failure to call for inspections, absence of workers, or removal of equipment and supplies. A valid building permit or other permit or approval issued by the city does not alter the status of a construction site deemed abandoned. For the purposes of this chapter, construction does not include temporary repairs, additions, remodels, or maintenance projects on existing single-family homes or middle housing development.

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Section 5. Subsection 9.13.040.H of the Bellevue City Code is hereby amended to read as follows:

- H. Automobiles and Litter. Owners shall comply with Chapters 9.09 (Abatement of Junk Vehicles) and 9.11 (Anti-Litter Code) BCC. Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers is prohibited within land use districts LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1; except in compliance with LUC 20.20.720 and 20.20.890.

Section 6. Subsection 9.18.025.B of the Bellevue City Code is hereby amended to read as follows:

- B. The land use districts listed in the Land Use Code, Title 20 BCC, are classified for the purposes of this chapter as follows:
1. Residential land use districts as defined in Chapter 20.50 LUC.
 2. Commercial land use districts: PO, O, OLB, OLB-2, OLB-OS, EG-TOD, NMU, NB, CB, DT-O-1, DT-O-2, DT-MU, DT-R, DT-OB, DT-OLB, F1, F2, F3, MI, BR-R, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT, EM-TOD-H, EM-TOD-L, UC, MU-H, MU-M, MUR-M.
 3. Industrial land use districts: LI, GC, BR-GC.

Section 7. Subsection 14.10.005.B of the Bellevue City Code is hereby amended to read as follows:

- B. Implement the city's multimodal concurrency standard set forth in Transportation Element Policy TR-26, providing plan-based system completeness to accommodate future development;

Section 8. Subsection 14.10.010.E of the Bellevue City Code is hereby amended to read as follows:

- E. *Level-of-Service (LOS) Standard.* Comprehensive Plan Transportation Policy TR-26 establishes the city's transportation LOS standard. This chapter regulates compliance with the transportation LOS standard using the concept of plan-based system completeness as measured by mobility units. To determine compliance with the transportation LOS standard, the city annually measures the mobility unit demand from all new development and the mobility unit supply available from the city's six-year CIP plan. The transportation LOS standard is met when the mobility unit supply is greater than or equal to the mobility unit demand

Section 9. Section 14.60.040 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 14.60.040 that are omitted below, as indicated by an ellipsis, remaining unchanged:

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C. *C Definitions.*

“Commercial use” or “commercial development” means any land use or project other than a single dwelling unit and/or a remodel of a single dwelling unit. The addition of one or more Accessory Dwelling Units, as defined in LUC 20.50.010, to a residential building or site is not a commercial use or commercial development.

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D. *D Definitions.*

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“Driveway, residential joint use” means a driveway that provides access to two to six residential units on one or two lots.

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R. *R Definitions.*

“Residential” as used in this code means a building, project, street, or area associated with a single dwelling unit, or a remodel of a single dwelling unit, and/or the addition of one or more Accessory Dwelling Units, as defined in LUC 20.50.010, to a residential building or site. Subdivisions, short subdivisions, planned unit developments, and any other land uses or projects that do not qualify as “residential” under this code are “commercial uses” or “commercial development”.

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“Road, private” means a way, located on private property, open to vehicular ingress and egress established as a separate tract or easement for the benefit of three to nine adjacent properties, or as otherwise allowed by BCC 14.60.130. This definition shall not apply to “driveways” or “residential joint use driveways”.

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S. *S Definitions*

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“Street tree” means a tree planted within the public right-of-way, or between a curb and a pedestrian facility.

“Subdivision” shall have the same meaning as provided for the term in LUC 20.50.046 and shall include unit lot subdivisions.

“Subdivision, Short” shall have the same meaning as provided for the term in LUC 20.50.046 and shall include unit lot short subdivisions.

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Section 10. Section 14.60.110 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 14.60.110 that are omitted below, as indicated by an ellipsis, remaining unchanged:

- A. Except as provided in subsection G of this section, the installation of street frontage improvements is required for all new development, subdivisions, and short subdivisions as a condition of development approval in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the development. Installation of street frontage improvement is also required when necessary for the mitigation of adverse environmental impacts identified pursuant to the State Environmental Policy Act. For additions and remodels to existing buildings see LUC 20.20.560, LUC 20.20.561, and LUC 20.25D.060.

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- C. The installation of street frontage improvements is required prior to issuance of any certificate of occupancy (including temporary certificate of occupancy) for new construction or prior to final approval for subdivisions or short subdivisions. Exceptions to this requirement are allowed pursuant to BCC 14.60.260.

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- G. The requirements of this section do not apply to the following:

- 1. The development of one or more Accessory Dwelling Units, as defined in LUC 20.50.010, permitted to be constructed under LUC 20.20.120.

Section 11. Subsection 14.60.150.B of the Bellevue City Code is hereby amended to read as follows:

- B. Wherever available, access for commercial use and multifamily property shall be provided onto streets that do not abut LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1 land use districts.

Section 12. Subsection 14.60.190.A of the Bellevue City Code is hereby amended to read as follows:

A. The city's goals and policies for nonmotorized facilities are as described in the current pedestrian and bicycle transportation plan. Non-motorized facilities are separated in that plan into two categories: pedestrian facilities and bicycle facilities. Internal pedestrian circulation systems shall be provided within and between existing, new, and redeveloping commercial, multifamily, and residential developments and other activity centers and shall connect to pedestrian systems and transit facilities fronting the development. If the nonmotorized facility is intended to serve more than one property, the review engineer may require that it be placed within an easement as described in BCC 14.60.100(B).

Section 13. The Title of Section 22B.10.040 of the Bellevue City Code is hereby amended to read as follows:

22B.10.040 Office, research and development, and residential land use districts signs – PO, O, BR-ORT, EH-D, LDR-2, LDR-3, MDR-1, and MDR-2.

Section 14. Subsection 22B.10.040.A of the Bellevue City Code is hereby amended to read as follows:

A. *General.* The following provisions govern signs in the PO, O, B-ORT, EH-D, LDR-2, LDR-3, MDR-1, and MDR-2 land use districts:

Section 15. The Title of Section 22B.10.090 of the Bellevue City Code is hereby amended to read as follows:

22B.10.090 Residential land use district signs – LDR-1, SR-4, SR-3, SR-2, SR-1, LL-2, and LL-1.

Section 16. Subsection 22B.10.090.A of the Bellevue City Code is hereby amended to read as follows:

A. *General.* The following provisions govern signs in the LDR-1, SR-4, SR-3, SR-2, SR-1, LL-2 and LL-1 districts. Two categories of sign uses are covered by this section:

1. Existing, Legal Nonconforming Commercial Uses. The provisions herein for signs for commercial uses apply only to legal nonconforming uses which have been approved under applicable zoning ordinances prior to the enactment of this code.
2. Noncommercial uses such as schools, churches, fire stations and house number identification.

Section 17. Section 22.18.100 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 22.18.100 that are omitted below, as indicated by an ellipsis, remaining unchanged:

A. School impact fees for the Issaquah School District are established as follows:

1. Impact fees per single-family dwelling unit: \$4,728.
2. Impact fees per multifamily dwelling unit: \$0.

B. School impact fees for the Renton School District are established as follows:

1. Impact fees per single-family dwelling unit: \$1,003.
2. Impact fees per multifamily dwelling unit: \$3,268.

C. School impact fees assessed on the construction of an accessory dwelling unit shall be 50 percent of the impact fees that would be imposed on the principal unit.

Section 18. Section 22.19.020 of the Bellevue City Code is hereby amended to read as follows:

The following definitions apply only to this chapter:

- A. "Single-family residential development unit" means one single-family dwelling unit located on one parcel, which may be attached to one or more adjacent dwelling units of middle housing. A single-family dwelling unit is a building containing but one kitchen, designed for and occupied exclusively by one family.
- B. "District" means either the Issaquah School District No. 411 or the Renton School District No. 403, King County, Washington.

Section 19. Section 23.76.030 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 23.76.030 that are omitted below, as indicated by an ellipsis, remaining unchanged:

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R. *R Definitions.*

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"Reinforced fill" or "reinforced soil" means soil fill designed by an engineer, which includes reinforcement consisting of metal or synthetic materials in bars, trips, grids or sheets.

“Residential Land Use District” shall have the meaning set forth in Chapter 20.50 LUC, now or as hereafter amended.

“Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

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V. *V Definitions.*

“Vegetated roof” means thin layers of engineered soil and vegetation constructed on top of a conventional flat or sloped roof. All vegetated roofs consist of four basic components: a waterproof membrane, a drainage layer, a lightweight growth medium, and vegetation.

“Viable Tree” shall have the meaning set forth in LUC 20.20.900, now or as hereafter amended.

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Section 20. Section 23.76.035 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 23.76.035 that are omitted below, as indicated by an ellipsis, remaining unchanged:

A. A clearing and grading permit is required for a project that involves any of the following described in subsections (A)(1) through (A)(9) of this section, except as provided for in subsection B of this section. In applying this section, the total proposal shall be considered. Any project that requires a permit shall also comply with applicable provisions of Chapter 24.06 BCC, BCC Title 20, and all other applicable city codes.

1. Any clearing, filling, or excavation in a critical area, critical area buffer, shoreline aquatic environment, or shoreline vegetation conservation area;

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6. Removal of any significant tree or of any landmark tree when all the following criteria are met:

- i. The tree is not located entirely within any public right-of-way; and
- ii. Removal of the tree is not proposed to occur under a permit, approval, or review for development activity subject to LUC 20.20.900.

7. Removal of more than 25 percent of the live crown of any significant tree or of any landmark tree that is required to be preserved by the Bellevue City Code, the Land Use Code, a plat condition, or another legal requirement in any three-year period. The live crown is the crown of the tree containing live foliage or any branch or stem with functioning cambium. Pruning allowed by this subsection must be performed in accordance with applicable provisions of the Land Use Code; and
8. Any regrading or repaving of a parking lot used for stormwater detention;
9. Removal of any tree rated by a qualified tree professional as poor, very poor, or dead, based on the criteria in Table 20.20.900.C.1 or the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

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- B. The following activities are exempt from the requirements for a clearing and grading permit:

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6. Roadway repairs and overlays within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways, such that asphalt removal or milling does not expose more than 1,000 square feet of gravel base or subgrade. 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;
7. Removal of trees located entirely within any public right-of-way. The retention and replacement of trees located within any public right-of-way is regulated by Chapter 14.06 BCC; or
8. Removal of a significant tree or a landmark tree proposed to occur under a permit, approval, or review for development activity subject to LUC 20.20.900.

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Section 21. Section 23.76.042 of the Bellevue City Code is hereby amended to read as follows:

- A. The director may issue a clearing and grading permit in conjunction with preliminary plat or preliminary short plat approval for clearing and/or grading of building sites if the following criteria are met:

1. No portion of the clearing and grading activity on the building site:

- a. Is within 20 feet of a critical area or critical area buffer, as defined in Chapter 20.50 LUC, now or as hereafter amended; or
 - b. Is within the tree protection zone of any tree scheduled for retention under the preliminary plat, or contains future protected LID areas; or
 - c. Is within the shoreline vegetation conservation area, as defined in Part 20.25E LUC, now or as hereafter amended; or
 - d. *Drains by pipe, open ditch, sheetflow, or a combination of these directly to receiving waters.* A building site is considered to drain directly to receiving waters when it has a flow path of one-quarter mile or less where there is no intermediary permanent or temporary sediment trap or stormwater detention system between the site and receiving waters.
2. The director, based on an evaluation of site and project conditions, determines the proposal adequately protects receiving waters from increased erosion and sedimentation during construction and after the building sites have been cleared and/or graded, and that the proposal complies with all other applicable provisions of the Land Use Code and the Bellevue City Code. The city's review of the site and the proposed project shall include, but not be limited to, an evaluation of the following:
- a. Sufficiency of the CSWPPP required by BCC 23.76.090 to prevent pollutants and silt-laden runoff from leaving the site and prevent impacts to receiving waters, or critical areas and critical area buffers, including:
 - i. *Proposed construction schedule and the proposed erosion and sedimentation control BMPs.* The construction schedule and BMPs must be designed and implemented to prevent sediment from leaving the project site and prevent impacts to critical areas or critical area buffers; and
 - ii. The proposed interim stabilization and maintenance of the cleared and/or graded building site(s) until final development and stabilization of the building site(s); and
 - b. Size of the area and number of building sites to be cleared and/or graded, quantities of proposed cuts and/or fills, and classification of the predominant site soils and their erosion and runoff potential; and
 - c. City inspection of fencing or alternative barrier installed to delineate the clearing limits on the building sites is required prior to the beginning of the clearing and grading activities, to ensure that no clearing and/or grading occurs within 20 feet of the critical area or critical area buffer.

3. The director's approval may be limited to less than all of the proposed building sites and may be limited to allowing clearing on only a portion of any building site. The director may impose conditions on approval, including but not limited to:
 - a. Requiring extraordinary BMPs, as described in BCC 23.76.090, now or as hereafter amended;
 - b. When clearing and grading is suspended or interrupted, the permittee shall stabilize the site using appropriate erosion and sedimentation control BMPs and shall maintain the BMPs, as required pursuant to BCC 23.76.090, now or as hereafter amended; and
 - c. Additional restrictions and conditions may be imposed after the permit is issued, based on the demonstrated ability of the permittee to control erosion and sedimentation.
4. For work approved under this section, an abatement security device is required per BCC 23.76.140, now or as hereafter amended. The permittee may establish a single abatement security device for the entire project, or separate abatement security devices may be established for the infrastructure construction and for clearing and grading of building sites. If separate abatement security devices are established, the city shall release the abatement security device for infrastructure construction once the infrastructure construction is complete and final approval is granted pursuant to BCC 23.76.180, now or as hereafter amended. The city shall release the abatement security device for clearing and grading of building sites after the building permits for all building sites that were cleared and graded with preliminary plat or preliminary short plat approval have been issued.
5. If approval for clearing or grading of building sites is granted and the city subsequently issues three stop work orders (or fewer as provided in the conditions of the project permit) for insufficient erosion and sedimentation control, the approval will be suspended or revoked for all building sites in the plat or short plat subject to the stop work orders. If the approval is suspended or revoked, the permittee must cease all clearing and grading work on the building sites, stabilize the building sites, and maintain the erosion control BMPs. The director may reinstate a suspended approval within 60 days of suspension upon finding that satisfactory erosion and sedimentation control measures will be maintained by the permittee. If a suspended approval is not reinstated, or the approval is revoked, clearing and grading on building sites is not allowed until the time of building site development.

- B. When clearing or grading of building sites is interrupted or suspended for any reason, the permittee shall stabilize the site(s) and maintain the erosion control BMPs consistent with BCC 23.76.090(E) and the clearing and grading development standards, now or as hereafter amended. If the city deems a construction site abandoned, the applicant or permittee shall install permanent erosion and sedimentation control pursuant to BCC 23.76.090(F).

Section 22. Section 23.76.045 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 23.76.045 that are omitted below, as indicated by an ellipsis, remaining unchanged:

A. Projects Requiring Only Clearing and Grading Permits

1. *Vesting Date.* An application for an independent clearing and grading permit, pursuant to BCC 23.76.040, shall vest to this chapter, Chapters 24.02 and 24.04 BCC, and the corresponding development and engineering standards, on the date that a complete clearing and grading permit application is submitted consistent with the requirements of BCC 23.76.035(E), now or as hereafter amended.

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B. Projects Requiring Prior Discretionary Land Use Permit or Approval

1. *Vesting Date.* The vesting date for a clearing and grading permit requiring a prior discretionary land use permit or approval is contingent on the level of engineering detail provided by the applicant as described below:
 - a. *Engineering Details Provided.* For applicants that satisfy the submittal requirements of the director specified in BCC 23.76.035(E), and also satisfy the storm and surface code submittal requirements for site development engineering, the vesting date to this chapter and the corresponding development and engineering standards is the date of issuance of the discretionary land use decision.
 - b. *Conceptual Details Provided.* For applicants that choose not to provide submittal requirements for site development engineering, the vesting date to this chapter and the corresponding development and engineering standards is the date that a complete building permit application is submitted consistent with the requirements of BCC 23.05.090(E), now or as hereafter amended.

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C. Projects Requiring Building Permits and No Prior Discretionary Land Use Permit or Approval

1. Vesting Date. A clearing and grading permit for a project that requires building permits and no prior discretionary land use permit or approval shall vest to this chapter and the corresponding development and engineering standards on the date that a complete building permit application is submitted consistent with the requirements of BCC 23.05.090(E), now or as hereafter amended.

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Section 23. Section 23.76.060 of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 23.76.060 that are omitted below, as indicated by an ellipsis, remaining unchanged:

- A. Meet applicable Land Use Code requirements for tree retention and vegetation preservation, disturbance limitation, and new landscaping (including but not limited to LUC 20.20.520, Landscape development; LUC 20.20.900, Tree retention and replacement; Part 20.25H LUC, Critical Areas Overlay District; and Part 20.25E LUC, Shoreline Overlay District, now or as hereafter amended).
1. General Rule. Any trees previously required to be retained or planted pursuant to any provision of the Land Use Code or the Bellevue City Code, including this section, shall be retained.
2. Exceptions. The following are exceptions to the general rule stated in subsection A.1 of this section:
 - i. Trees previously required to be retained or planted pursuant to Part 20.25H LUC or Part 20.25E LUC shall be retained, and may only be removed, as specified in Part 20.25H LUC or Part 20.25E LUC, as applicable.
 - ii. Hazardous trees may be removed, except as otherwise provided in Part 20.25H LUC or Part 20.25E LUC, as applicable.
3. Live Crown Removal. Removal of more than 25 percent of the live crown of any significant tree or of any landmark tree that is required to be preserved by the Bellevue City Code, the Land Use Code, a plat condition, or another legal requirement is only allowed in the following circumstances:
 - i. The removal is required to comply with a requirement of the Bellevue City Code, the Land Use Code, a plat condition, or another legal requirement, including any recorded covenant; or
 - ii. In the written opinion of a qualified tree professional, the significant tree or the landmark tree would remain a viable tree following the removal.

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G. This subsection applies when any significant tree or landmark tree that is not subject to the requirements of LUC 20.20.900, BCC 23.76.060.A, Part 20.25H LUC, or Part 20.25E LUC is proposed for removal:

1. *Annual Replanting Threshold for Residential Land Use Districts.* The following standards apply only to sites located fully or partially within a residential land use district.
 - a. Table 23.76.060.G sets the number, based on site size, of significant trees or landmark trees that may be removed from a site during any continuous 12-month period without requiring any replacement planting under subsection (G)(2) of this section.
 - b. During any continuous 12-month period, any removal of a significant tree or landmark tree in excess of the annual replanting threshold specified in Table 23.76.060.G for the site shall require replacement planting pursuant to subsection (G)(2) of this section.
 - c. During any continuous 12-month period, any removal of significant trees or landmark trees that would not exceed the annual replanting threshold specified in Table 23.76.060.G for the site but would result in the number of significant trees or landmark trees remaining on the site following removal to be less than or equal to the corresponding number specified on Table 23.76.060.G for the site, then replacement planting pursuant to subsection (G)(2) of this section is required.
 - d. Hazardous Trees. Removal of a hazardous tree does not count toward the annual replanting threshold for a specific site for the purposes of subsection (G)(1)(b) of this section. Hazardous trees are not counted when determining the number of significant trees or landmark trees remaining on the site for the purposes of subsection (G)(1)(c) of this section.
 - e. Trees on Property Lines. A significant tree or a landmark tree located wholly or partially on a property line may only be removed if all of the following criteria are satisfied:
 - i. The significant tree or landmark tree constitutes a hazardous tree; and
 - ii. All property owners with an ownership interest in the significant tree or the landmark tree provide written certification, in a form acceptable to the Director, that they consent to the removal; Provided, that the Director may waive this requirement where, in the written opinion of a qualified tree professional, the tree poses an imminent danger to the public health, safety, or welfare.

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2. *Replanting Requirements.* Except as otherwise provided in subsection (G)(1) of this section, any removal of a significant tree or a landmark tree shall require replanting in accordance with the following standards:
- a. *Replacement Tree Minimum Standards.* Each replacement tree shall be single-stemmed and a minimum of two inches caliper (for deciduous trees) or single-stemmed and six feet in height (for conifer trees).
 - b. *Replacement Tree Ratios.* For each significant tree requiring replacement, the permittee shall plant one replacement tree on the site. For each landmark tree requiring replacement, the permittee shall plant either three replacement trees, or two large conifer species trees approved by the director, on the site.
 - c. *Hazardous Trees.* Replacement requirements do not apply to any hazardous tree except when required to maintain any applicable landscaping standards, including but not limited to LUC 20.20.520.
 - d. *Adequate Tree Density.* The number of replacement trees required to be planted on the site may be reduced by the director in either of the following circumstances:
 - i. If the permittee demonstrates that the site will still meet the applicable minimum tree density provided in LUC 20.20.900.E and any other applicable landscaping standards, including but not limited to LUC 20.20.520; or
 - ii. If a qualified tree professional demonstrates in writing that the number of trees required to be planted by normal operation of this section would negatively affect the viability of the planted trees, then the Director may reduce the applicable replacement tree ratios described in subsection (G)(2)(b) of this section to a level that, in the written opinion of a qualified tree professional, would achieve the maximum number of replacement trees that can be planted on the site and still be viable.

Section 24. Subsection 23.76.080.D of the Bellevue City Code is hereby amended to read as follows:

- D. Limit the maximum gradient of artificial slopes to no steeper than 2.5:1 (two and a half feet of horizontal run to one foot of vertical fall) unless a geotechnical engineering report and slope stability analysis is provided and shows that a factor of safety of at least 1.5 for static loads and 1.1 for pseudostatic loads can be met, as demonstrated per the methodology in the clearing and grading development standards;

Section 25. Amending the Effective Date for Sections 77 through 82 and 84 through 108 of Ordinance No. 6839. Sections 77 through 82 and 84 through 108 of Ordinance No. 6839 shall neither take effect nor be in force on the effective date of this Ordinance. Instead, these sections shall automatically take effect and be in force on the effective date of the next ordinance adopted by the City Council that amends, repeals, or replaces Chapter 22B.10 of the Bellevue City Code. To the extent that either Section 110 of Ordinance No. 6839 or Section 5 of Ordinance No. 6849 conflicts with Section 25 of this Ordinance, then Section 25 of this Ordinance shall control.

Section 26. 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 27. 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 _____ day of _____, 2025 and signed in authentication of its passage this _____ day of _____, 2025.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____