

Title 20 Land Use Code

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Chapter 20.20 General Development Requirements

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20.20.520 Landscape development.

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H. Limitation of Landscaping Requirements.

1. The total buildable-required landscape area within the project limit of the development of the subject property which is required to be landscaped is limited as follows shall not exceed the applicable maximums provided below. The location of this landscaping within the buildable area must meet the purpose and intent of subsections A, F.1 and G of this section.
 - a. Twenty percent of the buildable area in an NB, PO, O, or OLB or OLB 2 Land Use District;
 - b. Fifteen percent of the buildable area in an F1, EG-TOD, MU8, MU16, LI, GC, NMU, or CB, or OLB 2 Land Use District;
 - c. Twenty percent of the buildable area of the development area in an OLB-OS Land Use District.
2. If the normal application of LUC 20.20.520 would result in a required landscape area that exceeds the applicable maximum listed above, then the Director shall reduce the required landscape area to the applicable maximum. In making such reductions, the Director shall be guided by the purpose and intent of subsections A, F.1, and G of this section.
3. Nothing in this subsection H prohibits an applicant from voluntarily providing a landscape area that would exceed the applicable maximum listed above.

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20.20.900 Tree retention and replacement.

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C. Definitions.

The following definitions are specific to this section. Where a term defined below is used in this section its meaning shall be as defined below.

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1. "Development Activity" means the following:

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- b. Any alteration or development regulated by the Bellevue City Code or Land Use Code proposed to occur through one or more of the following:

- i. Any application that proposes changes in lot coverage that exceed 20 percent of the existing lot coverage; or
- ~~ii. Any application that proposes changes in the area devoted to parking and circulation; or~~
- iii. Any application that proposes additions to impervious surface areas that exceed 20 percent of existing impervious surface areas.

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3. “Hazardous Tree” means a tree that, in the written opinion of a Qualified Tree Professional who also has the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ), meets all of the following criteria:

- a. The tree has a combination of structural defects, disease, or both structural defects and disease that makes ~~it subject to a high probability of the risk of~~ failure probable or imminent;

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E. Minimum Tree Density.

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2. Minimum Tree Credits by Land Use District. Minimum tree credits are determined based on the Land Use District, Land Use, and Tree Canopy Site Area. The minimum tree credits required are calculated by dividing the Tree Canopy Site Area, measured in square feet, by 1,000 then multiplying by the applicable rate identified in Table 20.20.900.E.1. If this calculation would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of required tree credits shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of required tree credits shall be equal to the next lower whole number.

**Table 20.20.900.E.1.
 Minimum Tree Credits per 1,000 Square Feet of Tree Canopy Site Area**

Land Use District	One Dwelling Unit per Lot	Two or More Dwelling Units per Lot	Mixed Use, Commercial, Office, Light Industrial, and All Other Nonresidential Land uses
LL-1 LL-2 SR-1	5	4	1
SR-1 SR-2 SR-3 SR-4	2	1.5	0.75
All Other Land Use Districts	1	0.75	0.5

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4. Retained Trees.

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b. Tree Credits for Retained Trees. Each retained Significant Tree provides a tree credit value determined by its d.b.h. or Landmark Tree classification, as identified in Table 20.20.900.E.2. When determining tree credits for a Significant Tree that is an alder or cottonwood, [or located wholly or partially on a property line](#) the applicable tree credit value identified in Table 20.20.900.E.2 shall be reduced by 50 percent.

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c. Exceptions. The following shall not provide any tree credits if retained:

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~~iv. Trees located wholly or partially on a property line.~~

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6. Planted Trees.

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g. Trees planted [in a hedge or hedgerow with narrow crown species, cultivars, or varieties or where at or before maturity the tree crowns will touch or overlap to form a clipped or sheared hedge](#) shall not provide any tree credits if planted.

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Part 20.25H Critical Areas Overlay District

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20.25H.035 Critical area buffers and structure setbacks.

A. Critical Area Buffer.

The following critical area buffers and structure setbacks are established for each critical area set forth below. For information about modifying required critical area buffers and structure setbacks, see the referenced sections noted in the table.

Critical Area Category or Type	Critical Area Buffer Width	Structure Setback
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Wetlands		
Category I		LUC 20.25H.095

Natural heritage wetlands and bogs – habitat score 8 – 9	225 ft	LUC 20.25H.230
Natural heritage wetland and bogs – all others	190 ft	
Forested wetland	Based on score for habitat	
Habitat score of 8 – 9	225 ft	
Habitat score of 6 – 7	110 ft	
Water quality Habitat score of 3 – 5	75 ft	
Category II		LUC 20.25H.095
Habitat score of 8 – 9	225 ft	LUC 20.25H.230
Habitat score of 6 – 7	110 ft	
Water quality Habitat score of 3 – 5	75 ft	
Category III		LUC 20.25H.095
Habitat score of 8 – 9	225 ft	LUC 20.25H.230
Habitat score of 6 – 7	110 ft	
Water quality Habitat score of 3 – 5	60 ft	
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20.25H.075 Designation of critical area and buffers.

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B. Designation of Streams.

The following streams are classified according to the Washington Department of Natural Resources water typing system per WAC 222-16-030 and hereby designated as critical areas subject to the regulations of this part:

1. “Type S water” means all waters, within their bankfull width, as inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands. As of May 21, 2018, the only known Type S waters are Lower Kelsey Creek and Mercer Slough.
2. “Type F water” means all segments of water courses that are not type S waters, and that contain fish or fish habitat as described in WAC 222-16-~~031~~030, including waters diverted for use by a federal, state, or tribal fish hatchery from the point of diversion for 1,500 feet or the entire tributary if the tributary is highly significant for protection of downstream water quality.
3. “Type Np water” means all segments of water courses that are not type S or type F waters, which are perennial during a period of normal rainfall and do not have the potential to support fish habitat. Type Np waters maintain surface-water connectivity to downstream waters, including connections conveyed through pipes, culverts, or other engineered conveyances.~~and~~

~~that are physically connected to a type S or F waters by an above-ground channel system, stream, or wetland.~~

4. "Type Ns water" means all segments of water courses that are not type S, F, or Np waters. They which are intermittent, are not used by fish, and do not have the potential to provide fish habitat. Type Ns ~~streams-waters~~ must maintain a continuous surface-water connection to a Type S, Type F, or Type Np water, which may occur through natural channels, wetlands, or engineered conveyances. ~~have a free and open surface water connection to a type S, F, or Np.~~

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C. Designation of Stream Critical Area Buffers.

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2. Buffer Modification. Modifications to the stream critical area buffer may be approved pursuant to this section:

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- b. Interrupted Buffer. Where a legally established right-of-way, railroad right-of-way, other similar infrastructure, or significant development such as homes or commercial structures blocks the protective measures provided by a buffer, then the edge of the significant development or infrastructure shall be the extent of the buffer, provided:

- i. The part of the critical area buffer on the other side of the significant development or infrastructure provides insignificant biological or hydrological function as determined through a critical area report in relation to the portion of the buffer adjacent to the stream; and

- ii. Vegetative buffer standards under subsection C.1.a.ii of this section are met, as determined by the Director, for portions of the remaining buffer on-site.

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20.25H.095 Designation of critical area and buffers.

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D. Designation of Wetland Critical Area Buffer.

The following critical area buffers are hereby established:

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3. Buffer Modification. Modifications to the wetland critical area buffer may be approved pursuant to this section.

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- b. Interrupted Buffer. Where a legally established right-of-way, railroad right-of-way, other similar infrastructure or significant development such as homes or commercial structures

blocks the protective measures provided by a buffer, the edge of the significant development shall be the extent of the buffer, provided:

- i. The part of the critical area buffer on the other side of the significant development provides insignificant biological or hydrological function as determined through a critical area report in relation to the portion of the buffer adjacent to the wetland; and
- ii. Vegetative buffer standards under LUC 20.25H.095.D.1.a.ii are met, [as determined by the Director, for portions of the remaining buffer on-site.](#)

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20.25H.130 Performance standards – Coal mine hazard area.

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D. Application/Pre-Permit Issuance Requirements.

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- 3. [OMS-CMS](#) Zone 2. Applicants shall:

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20.25H.200 Reasonable use exception – Applicability.

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C. When Allowed.

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- 2. Maximum Disturbance limits. For purposes of this section, “site” means the area of disturbance on the subject property, on abutting lots, and/or within the right-of-way. Unless the applicant can demonstrate unique circumstances related to the subject property, the amount of site area that will be disturbed by structure placement and all land alteration associated with the proposed development, including but not limited to land surface modification, utility installation, decks, driveways, paving, and landscaping, shall not exceed the following limits:

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- c. For properties containing 30,000 square feet or more, the maximum allowable site disturbance shall be between 4,000 square feet ~~and or~~ ten percent (10%) of the lot area, whichever is less.

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Chapter 20.45A Platting and Subdivisions

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20.45A.060 Special requirements for plats with critical areas or critical area buffers.

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B. Conservation Subdivision.

1. When Required. Proposals for residential subdivision within the Critical Areas Overlay District shall be processed as a conservation subdivision pursuant to this subsection B in the following cases:
 - a. The amount of critical area and critical area buffer on the site totals at least one acre; or
 - b. The site abuts a ~~known salmon-bearing~~type F stream; or

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Chapter 20.45B Short Plats and Short Subdivisions

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20.45B.055 Special requirements for short plats with critical areas or critical area buffers.

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B. Conservation Short Subdivision.

1. When Required. Proposals for residential short subdivision within the Critical Areas Overlay District shall be processed as a conservation short subdivision pursuant to this subsection B in the following cases:
 - a. The amount of critical area and critical area buffer on the site totals at least one acre; or
 - b. The site abuts a ~~known salmon-bearing~~type F stream; or

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3. Dimensional Standards Modification. The dimensional standards set forth in LUC 20.20.010 are modified as follows for sites processed through the conservation short subdivision process. All other dimensional standards and requirements of LUC 20.20.010 shall apply, including applicable footnotes:

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Notes:

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- (3) ~~Where there is a conflict between this subsection B.3 and the requirements of the Transition Area Overlay District, the provisions of the Transition Area Overlay District shall prevail.~~Intentionally deleted.

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