

CITY COUNCIL REGULAR SESSION

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

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EXECUTIVE SUMMARY

As directed by Council on June 6, this Ordinance will establish permitting requirements to remove Landmark Trees, defined as a tree with a diameter at breast height (DBH) of 24-inches or greater.

RECOMMENDATION

Move to adopt Ordinance No. 6665

BACKGROUND/ANALYSIS

Context and Objectives

On June 6, Council reviewed Mayor Robinson's proposal for an interim Landmark Tree Ordinance. The Ordinance will define a "Landmark Tree" as any tree with a DBH of 24-inches or greater and will require a Clearing and Grading Permit to remove any Landmark Tree. Applicants must provide the contact information and Washington State contractor registration number as part of the permit application, and any Landmark Tree removal authorized by the permit must be undertaken by a licensed contractor.

These Citywide permitting requirements for the removal of Landmark Trees are to be interim regulations, to sunset at the end of 2023 or when permanent amendments to the Bellevue City Code (BCC) or Land Use Code (LUC) regulating Landmark Tree removal are adopted, whichever is sooner. The potential permanent tree regulations are anticipated to be considered by Council as part of the legislative work related to the 2020 Environmental Stewardship Plan (ESP), and it is also anticipated that this legislative work may commence during the third quarter of 2022.

During the June 6 meeting, Council asked a number of questions related to the proposed Citywide permitting requirements for the removal of Landmark Trees, and responses to those questions are provided below. Following discussion, Council also directed staff to prepare an interim Landmark Tree Ordinance for final action at the next Council meeting.

Bellevue's ESP has identified a need to update the City's tree regulations in order to increase tree canopy Citywide, including considerations for significant or exceptional trees. Specifically, ESP Action N.1.1 recommends a comprehensive review of City code requirements related to tree preservation, retention, replacement, and protection during construction, including considerations for significant or exceptional trees. For instance, the City does not currently have consistent Citywide regulations for tree removal in the BCC or LUC, and the City currently allows the removal of up to five significant trees (any healthy evergreen or deciduous tree eight-inches in diameter or greater), without any permitting

requirements, within any three-year period, except in Bridle Trails where a permit is required for the removal of any significant tree. There are no specific code provisions regulating the removal of larger trees in the City.

Further, 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. In reviewing the requirements in other neighboring jurisdictions, several jurisdictions have specific regulations for Landmark Trees, which are generally defined by a diameter of anywhere from 24-inches to 32-inches.

Based on prior Council discussion, it is anticipated that Council will direct staff to begin work on potential amendments to the BCC, consistent with ESP Action N.1.1, during the third quarter of 2022. Once initiated, this process to develop and consider amendments to the BCC or LUC will require a number of months to process and will include community and stakeholder outreach. Establishing interim Landmark Tree requirements will impose uniform Citywide permit requirements for removal of Landmark Trees and 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. In addition, the interim Landmark Tree Ordinance and associated permitting requirements 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 potential permanent code amendments, and will provide for and promote the health, safety, and welfare of the general public consistent with BCC 23.76.005.D.

Responses to Council's Questions

1. Licensed Contractors. Council asked for clarification on who may be approved to complete landmark tree removal. As drafted, the interim Landmark Tree Ordinance requires the applicant (the property owner or their agent) to provide the name, address, phone number, and current and valid Washington State contractor registration number per chapter 18.27 RCW prior to permit issuance; and any Landmark Tree removal authorized by the permit must be undertaken by a licensed contractor. As noted above, implementing a permit requirement to remove Landmark Trees provides 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.
2. Height Threshold. Council asked if a height threshold can be introduced for cases where a tree has a large diameter such that a tree which does not meet the height threshold would not be subject to the Citywide permit requirements. Height thresholds are not typically applied to tree code provisions, other than the standard DBH, which is part of this Ordinance.

Measuring diameter accurately does not require specialized equipment, while methods to measure tree height at ground level without specialized equipment can only provide approximations. It is accurate that using a single diameter threshold to assess trees across species is imperfect, and this issue has been identified as an area of interest for the potential permanent code amendments, where there will be an opportunity to consider improvements to diameter classifications holistically, including both Landmark Trees and other significant trees. Lastly, it is worth noting that a stump is not considered a tree and would not have a DBH.

3. Outreach. Council asked how the updated permit requirements can be published as widely as possible with Bellevue residents. All relevant City webpages, including the Tree Removal webpage, will be updated immediately upon the adoption of this Ordinance with updated permit requirements. Updates about this Ordinance will be placed in the Neighborhood News and other newsletters, along with posts on the City's social media pages. There will be an internal training with Development Services staff to ensure that staff can provide information on Landmark Tree permit requirements in their interactions with customers. Staff are coordinating on a communication plan, and will provide any additional updates.
4. Data. Council asked what types of data can be gathered with Landmark Tree permits. Applicants will obtain a clearing and grading permit, which will gather information on the project location/neighborhood, presence of critical areas, number and size of trees to be removed, and any pruning planned for retained trees. Fields can also be added for the applicant to provide information on tree species and health, and reason for removal.

POLICY & FISCAL IMPACTS

Policy Impact

This interim Landmark Tree Ordinance will implement uniform Citywide permit requirements for removal of Landmark Trees and will 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. Moreover, the Ordinance will enable the City to collect important data about the quantity, size, location and other metrics of trees removed, which will inform the development of future code amendments, and will provide for and promote the health, safety, and welfare of the general public consistent with BCC 23.76.005.D.

Fiscal Impact

There is no fiscal impact associated with implementing these changes and permitting requirements for the removal of Landmark Trees in the City.

OPTIONS

1. Adopt the Ordinance establishing permitting requirements to remove Landmark Trees; providing for severability; establishing an effective date; and providing for sunset of this Ordinance.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS

Proposed Ordinance No. 6665

AVAILABLE IN COUNCIL LIBRARY

N/A