

Bellevue Tree Code Study

Findings & Recommendations

March 2022

Prepared By:



All around town, things are changing...

Sherwood Forest Winter 2022



Before

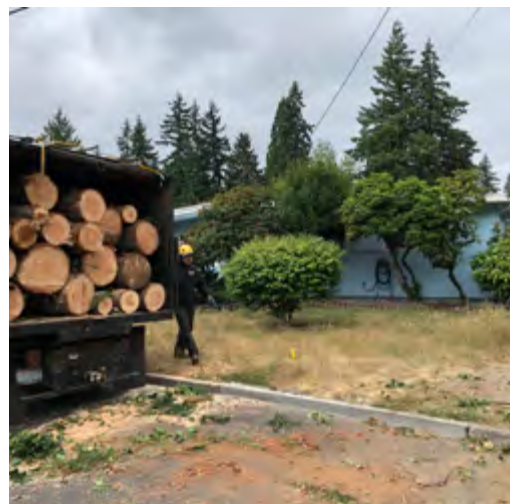


After

Highland Hills Fall 2021



Before



After

Enatai Fall 2021



Before



After

Robinswood
Fall 2021



Before



After

The number of demolition permits issued in Bellevue is growing each year, with 2021 numbers showing a 300% increase over yearly totals 10 years prior.¹ New home construction often brings with it the removal of large numbers of Significant Trees which are coming down at an alarming rate. In many cases the lots are completely cleared of all vegetation.



About this Report

Trees4Livability.org

This report was generated through an organized research effort by Trees4Livability. Trees4Livability is a registered nonprofit and was formed by concerned citizens representing Bridle Trails, Crossroads, Eastgate, Enatai, Lake Hills, Newport Shores, Robinswood, Sherwood Forest, Somerset, South Lochmoor, Spiritridge and Woodridge. The recommendations in this report are intended for greater residential areas of Bellevue outside of the R-1 zone in Bridle Trails where strict tree protections already apply.



Our organization includes students, parents, retirees, architects, engineers, attorneys, designers, software managers, civic leaders, general contractors, developers, environmental advocates and representatives of other social and environmental organizations. For more information visit www.trees4livability.org.

Research Approach

This report was generated between January and February 2022 through a Tree Code Working Group formed from the larger Trees4Livability organization. Each member volunteered to research tree codes from nearby Seattle metropolitan communities and record their findings in a matrix detailing rules and enforcement strategies.

The team then compared Bellevue's Tree Codes with those from the pool of sample municipalities over a series of working sessions to compile the list of recommendations included in this report. This document does not include all surrounding cities. Reference information is included at the end of the report.

Produced in Partnership With...



Summary of Recommendations

Permits Requirements

- Require a permit for every Significant or Landmark Tree removal.

Permit Approval Requirements

- Define Significant Trees as 6" in diameter and Landmark Trees as 30" in diameter measured 4' above grade.
- Enforce minimum tree density requirements for residential lots, which include preservation or enhancement of tree canopy.
- Carry forward the history of tree protection or removals with the land and no longer reset protection decisions with each new owner of the property.
- Define protection zones to provide a buffer between commercial and residential areas, between neighbors, and between homes and the street.
- Significant Tree removals may be approved if the lot will still meet the minimum tree density requirements, and the tree is not in a protection zone.
- Do not allow the removal of Landmark Trees except in extraordinary circumstances.
- If Significant or Landmark Trees are removed, require substantial tree replacement.
- If trees are unhealthy or hazardous and this is confirmed by a licensed arborist, allow for removals with appropriate tree replacement.

Reporting, Enforcement, Staffing & Funding

- Enable easy public reporting by establishing a tip line and website with clear information.
- Establish meaningful deterrents, including permit delays, work stoppages, and fines for illegal cutting or falsified permits.
- Offer attractive incentives, including expedited permits and green builder designations for retaining more than the minimum required trees.
- Empower Land Use and Code Compliance to enforce land-use laws. Bring in additional staffing such as arborists or inspectors to validate permits and provide on-site inspections.
- Require a permit for all Significant and Landmark tree removals, and charge permit fees sufficient to fund enforcement.
- Use fines as an additional revenue source, but do not depend on fines for enforcement funding.
- Use levies as needed to raise additional funds from the public.
- Start an Urban Forestry Commission with community members to compile detailed recommendations based on the results of this study.

Permit Requirements

- A Permit for Every Tree ([Page 6](#))

Permit Approval Requirements

- Minimum Tree Density ([Page 7](#))
- History of Protections and Removals ([Page 8](#))
- Significant Tree Definitions ([Page 8](#))
- Landmark Tree Protections ([Page 9](#))
- Tree Replacement Requirements ([Page 9](#))
- Protection Zone Requirements ([Page 10](#))

Reporting & Enforcement

- Public Reporting ([Page 11](#))
- Meaningful Deterrents ([Page 12](#))
- Attractive Incentives ([Page 12](#))
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Funding

- Permit Fees, Fines and Levies ([Page 14](#))

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When should permits be required?

A Permit for Every Significant or Landmark Tree

What We Need To Do:

- Other municipalities around us require a permit for the removal of every Significant Tree or Landmark Tree.
- Bellevue allows for the removal of five Significant Trees without a permit, at unclear time intervals.
- **Bellevue needs to update its Tree Code to require permits for all Significant and Landmark Tree removals.**

Who is Already Doing It?



“

I'm a long-time resident of Bellevue and have noticed an increase in development with little regard for the removal of significant trees. This must be stopped before we lose our important mature tree canopy.

—
Rick C., Lake Hills

Permit approvals should take into account...

Minimum Tree Density

What We Need To Do:

- Other nearby municipalities have shifted their focus from defining a percentage of trees to be maintained despite development to designating minimum tree density requirements.
- Bellevue requires developers to maintain 30% of Tree Diameter Inches for Subdivision Permits and 15% Tree Diameter Inches for Building Permits with extra protections for Perimeter and City Right of Way Zones.
- **Bellevue needs to update requirements to focus on maintaining a Minimum Tree Density requirement per lot to ensure adequate protection of our tree canopy targets over time.**

Who is Already Doing It?



“

My grandmother and my great uncle were part of the group of families that donated the Weowna land to Bellevue as an undisturbed resource in perpetuity but wildlife cannot be expected to be contained in more and more disconnected blocks.

Kate S., Robinswood

History of Protections & Removals

What We Need To Do:

- Other municipalities carry forward tree removal history and tree protection decisions with the property. For example, the City of Redmond records these activities with King County and are attached to the property title. This history carries forward when the land changes ownership and new owners are made aware of the tree retention requirements from when the land was developed, or trees were removed in the past.
- In Redmond, for example, protected trees require a permanent sign or marker to let everyone know about their status.
- Bellevue allows tree removal history to reset with each change in ownership. For example, developers can remove trees under the building permit, and the new homeowners can remove trees under private property rules. This approach results in lax application of tree retention requirements.
- **Bellevue needs to update its Tree Code to carry forward tree removal history and tree protection decisions with the property and make this information clear to all stakeholders and community members.**

Who is Already Doing It?



Significant Trees

What We Need To Do:

- Other municipalities around us define Significant Trees as 6" in diameter measured four feet above the existing grade
- Bellevue defines Significant trees as 8" in diameter. These trees take approximately 25 - 45 years to grow.
- **Bellevue needs to update its Tree Code to define Significant Trees as 6" in diameter and have retention requirements for Significant Trees.**

Who is Already Doing It?



Landmark Trees

What We Need To Do:

- Other municipalities around us define a Landmark Tree 30" in diameter and have special rules to ensure that these trees are protected.
- Bellevue has no designation or special protection for Landmark Trees. These trees are 100+ years old.
- **Bellevue needs to update its Tree Code to include definitions for Landmark Trees and special protections for these old and second-growth trees.**

Who is Already Doing It?



Replacement Trees

What We Need To Do:

- Other municipalities require planting replacement trees when Significant Trees or Landmark Trees are removed. For example, Redmond requires 12 replacement trees to remove one Landmark Tree 36" in diameter or above.
- Additionally, cities consider the viability of proposed replacement trees and check on the installed trees after five years to ensure their ongoing health.
- Bellevue has minimal tree replacement requirements outside of R1 zoning.

- **Bellevue needs to update its Tree Code to require replacement trees to restore the tree canopy and to adequately meet Minimum Tree Density targets.**

Who is Already Doing It?





Protection Zones

What We Need To Do:

- Other municipalities around us do a good job of establishing clear rules around protected Buffer Zones between commercial and residential areas.
- Additionally, other cities require retaining trees around the perimeter of the property, and in the front yard to maintain privacy and street appeal in neighborhoods.
- Bellevue still has groves of trees that serve as Buffer Zones present between the downtown core and residential neighborhoods, but those spaces are shrinking. Bellevue does not have rules around maintaining trees on the site perimeter of a residential site or in the front yard like other cities.

- ***Bellevue needs to update its Tree Code to clearly define protection zones including a Buffer Zone between commercial and residential areas, around the site perimeter, and in the front yards of properties.***

Who is Already Doing It?



Reporting & Enforcement

Public Reporting

What We Need To Do:

- Other municipalities around us rely on the public to report illegal cutting, pruning, topping, or removals. The eyes of the public are a resource cities can use to aid with enforcement.
- Many cities offer a public tip line where residents can call to report an issue and receive a quick response. There is no need to call 911 or the police non-emergency line.
- Most cities, including Sammamish and Redmond, offer an easy-to-navigate website with detailed enforcement information, including where to report a violation.
- **Bellevue needs to start a tip line that is accessible 24/7 to accept public reports of illegal cutting. Additionally, Bellevue needs to update its public-facing website to include easy-to-navigate information on city Tree Codes so the public can easily understand what is and is not allowed.**

Who is Already Doing It?



I've always loved trees kind of instinctively. I grew up in Southern California and in my 20s when I moved to Washington, I knew this is where I belonged. This destruction of trees has broken my heart. The benefits of trees is ongoing and the loss is so sad to me.

Jane B., Robinswood.

Meaningful Deterrents

What We Need To Do:

- When it comes to designing deterrents for illegal cutting, municipalities around us have taken various approaches. The most effective deterrents include permit delays, hefty tree replacement requirements, and arborist financial penalties.
- Currently, most areas of Bellevue do not have any deterrents for misrepresenting information on permit applications, illegal tree removal or unauthorized pruning or topping of trees. There is little incentive for developers to follow the rules.
- **Bellevue needs to delay Building or Subdivision Permits for illegal tree removal**
- **Delay Building or Subdivision Permits which contain incorrect or falsified information**
- **Fine arborists and developers who violate the rules and use the money to fund enforcement.**

- **Require substantial tree replacement for removal of Significant or Landmark Trees.**

Who is Already Doing It?



Attractive Incentives

What We Need To Do:

- Offering incentives to keep more than the minimum required trees on a site is an effective way for cities to encourage developers to maintain our tree canopy.
- Other municipalities, including Redmond, offer quick permits if extra trees are retained.

- Several cities offer developers green building permit designations, including an official seal, which can be used in promotional materials.
- Bellevue does not offer any incentives to follow the Tree Code.
- **Bellevue needs to update its Tree Code to include developer incentives for tree retention, including expedited permit approval and green building designations.**

Who is Already Doing It?



Enforcement

What We Need To Do:

- Surrounding cities have dedicated enforcement entities or empowered departments responsible for ensuring that rules established by the Land Use Department are followed. Breaking the rules comes with strong penalties, and following the rules comes with attractive incentives, which the governments systematically enforce. Without enforcement, there is no real incentive for developers to follow the rules and preserve the livability of the neighborhoods.
- Bellevue's Development Department is not empowered to enforce the City's Tree Codes. Developers caught breaking the rules do not face fines, penalties, delays, or work stoppages.
- **Bellevue needs to empower its Land Use and Code Compliance staff to impose penalties on developers who break the rules.**
- **Bellevue should provide incentives for developers who follow them. Bellevue may need to add additional staffing to aid with enforcement.**

Who is Already Doing It?



Staffing

What We Need To Do:

- Cities that value their tree canopy are willing to provide sufficient staff to protect and maintain it. Most towns around us have enforcement entities dedicated to ensuring that land-use regulations are followed.
- Bellevue has Land Use and Code Compliance departments, but they are not empowered to enforce regulations.
- **Bellevue needs to staff a dedicated enforcement entity to take tips from the public and validate permits. The City may need to retain additional arborists to assess tree health and do on-site inspections.**
- **A Citizen-led Urban Forestry Commission could look after the future of Bellevue's Tree Code.**

Who is Already Doing It?



Funding

Permit Fees, Fines, Levies

What We Need To Do:

- Surrounding municipalities fund their Tree Code enforcement programs using a mix of permit fees, fines, and levies.
- Bellevue does not currently require a permit for all tree removals, and does not issue fines for illegal cutting.
- ***Bellevue needs to view permit fees as a funding source to enforce Tree Code ordinances and require a permit for every Significant or Landmark tree removal. While fines for illegal cutting are not an effective deterrent for developers, they are effective at funding Tree Code enforcement.***
- ***Public opinion supports improving tree protections, and it is likely that levies or***

property tax increases would be approved to provide additional revenue for the program.

Who is Already Doing It?



Before



During



After

West Lake Sammamish

Fall 2018

Sources & Authors

Endnotes

1 This number was calculated through information gathered on MyBuildingPermit.com, which shows total tree removals in Bellevue in 2021 at 131, and in 2011 at 33.

Tree Codes

Bellevue Tree Code: <https://bellevuewa.gov/city-government/departments/development/zoning-and-land-use/zoning-requirements/trees>

Bellevue Clearing & Grading: <https://bellevuewa.gov/city-government/departments/development/permits/clearing-and-grading/permits/minor-clearing-and>

Mercer Island Tree Code: <https://www.mercerisland.gov/cpd/page/tree-permits>

Mercer Island Tree FAQs: <https://www.mercerisland.gov/sites/default/files/fileattachments/planning/page/1821/treefaqs.pdf>

Current Redmond Tree Code: <https://www.redmond.gov/529/Tree-Removal>

Updated Redmond Tree Code: <https://www.letsconnectredmond.com/trees>

Federal Way Tree Code: <https://www.cityoffederalway.com/page/land-use-applications-informational-handouts>

Federal Way Tree Code (cont): <https://www.codepublishing.com/WA/FederalWay/html/FederalWay19/FederalWay19120.html#19.120.030>

Sammamish Tree Code: <https://www.codepublishing.com/WA/Sammamish/ords/O2021-540.pdf>

Issaquah Tree Code: <https://www.codepublishing.com/WA/Issaquah/html/Issaquah18/Issaquah1812.html>

Seattle Tree Code: <http://www.seattle.gov/trees/regulations#removingtrees>

Kirkland Tree Code: <https://www.kirklandwa.gov/files/sharedassets/public/planning-amp-building/tree-retention-and-removal-information-guide.pdf>

Lynwood Tree Code: <https://www.lynnwoodwa.gov/Government/Departments/Public-Works/Environmental-and-Surface-Water-Education-and-Outreach/Critical-Areas-and-Tree-Regulations/Tree-Removal-Regulations>

Renton Tree Code: https://rentonwa.gov/city_hall/parks_and_recreation/parks_planning_and_development/urban_and_community_forestry/tree_regulations

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