

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

May 25, 2005  
7:00 p.m.

Bellevue City Hall  
City Council Conference Room

COMMISSIONERS PRESENT: Chair Lynde, Commissioners Bach, Mathews, Orrico, Robertson

COMMISSIONERS ABSENT: Vice-Chair Bonincontri

STAFF PRESENT: Kathleen Burgess, Matthews Jackson, Department of Planning and Community Development

GUEST SPEAKERS: Ellen Kerr, Bridle Trails Community Club President; Norm Hanson, Bridle Trails Community Club Member

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Chair Lynde who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bonincontri who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Kathleen Burgess provided the Commissioners with copies of the flyer mailed out to all Bellevue residents announcing the critical areas open house event scheduled for Tuesday, June 7 at Sunset Elementary School; Thursday June 9 at the First United Methodist Church Fellowship Hall; and Wednesday, June 15 at the Council Chambers at City Hall.

5. PUBLIC COMMENT

Ms. Sue Grieff 4100 140<sup>th</sup> Avenue NE, said she has been a resident of Bridle Trails since 1960. She said she has raised horses on her property, raised four children, and has kept a large garden all under the canopy of the trees. It is not necessary to cut down all the trees in order to have a garden or to fully use a property. Bridle Trails is a very special area, in large part because of the trees.

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

7. STUDY SESSION

## A. Bridle Trails Trees

Ms. Burgess introduced Bridle Trails Community Club co-president Ellen Kerr, and Norm Hanson, past club president and founding member of the Bridle Trails Tree Committee.

Ms. Burgess said the proposed Bridle Trails Tree Retention amendment is the result of several years of hard work on the part of the Bridle Trails community and staff. In early 2000 the Planning Commission became concerned about the loss of trees in the city and developed goals and principles for a code amendment relating to tree retention. The proposal was presented to the Council, and the Council concluded that a tree ordinance applicable citywide should not be developed. The Council left open the door, however, to individual neighborhoods seeking such protections.

Chair Lynde said she understood the decision made by the Council not to go forward with a citywide tree preservation ordinance. The Council understood that in some neighborhoods trees get in the way of views, while in other neighborhoods the trees are the view.

Ms. Burgess said in late 2001 representatives of the Bridle Trails community came to the City Council and asked to have a Bridle Trails subarea plan amendment initiated to work on the issue of preserving trees. The Council agreed and directed staff to begin work on the amendment. Their direction included a determination of the level of support within the broader Bridle Trails community, and to answer that question a mail-out survey was conducted with residents of Cherry Crest, Pikes Peak and Bridle Trails; about 1,800 surveys were mailed out, and 512 of them were returned, which is a very healthy percentage.

In the survey results, the Bridle Trails community overwhelmingly indicated that trees are an important community asset. The majority agreed that trees can cause some problems, such as falling branches and leaves, storm damage to structures, and blocking the sun. Nearly 70 percent of the respondents said the city should adopt new regulations aimed at preserving trees. The majority also indicated that the city is not doing enough to educate its residents about the value of trees and provide incentives for retaining them.

Ms. Kerr said Bridle Trails is an attractive and stable community. Trees are one of the area's most important attractions; they provide natural beauty, privacy screening, wildlife habitat, noise barriers, clean air, and maintain watershed quality. Bridle Trails State Park serves as the cornerstone of the neighborhood; it is an excellent example of the value the neighborhood places on preserving trees. As a city, Bellevue places a high priority on saving trees, and Bridle Trails has worked with staff to develop specific code language aimed at specifying the value and quality trees add to the neighborhood. The proposal compliments existing Comprehensive Plan language.

Ms. Kerr said there are examples of clear-cutting in the Bridle Trails neighborhood; they stand in stark contrast to the properties on which the trees have been retained. She said she will bring photos to the next meeting. The current City Code allows clear-cutting to occur. The proposed amendment is aimed in part at stopping the practice while allowing homeowners the flexibility they need to develop their properties.

There is broad community support for the notion of imposing tree management regulations. Most believe the regulations currently in place are insufficient to preserve the woodland quality of the Bridle Trails neighborhood.

Mr. Hanson said there has been a great deal of discussion among the Bridle Trails residents.

There have been articles in the Community Club newsletter and city staff have attended club meetings. It was determined that most of the problems related to the cutting of trees have occurred within the R-1 zone by developers and property owners new to the Bridle Trails area.

Mr. Hanson said the first recommendation is to develop new regulations, applicable to both developed and vacant single family lots with R-1 zoning, requiring the preservation of all significant trees in the 20-foot perimeter, and a minimum of 25 percent of all significant trees within the interior, of each property. He agreed that because trees are living things over time there will need to be steps taken to manage them, which will include the removal of diseased trees.

Ms. Kerr said significant trees are defined as having an eight-inch diameter at four feet.

Commissioner Orrico asked how many clear-cutting incidents have occurred in Bridle Trails. Mr. Hanson said there have been four flagrant cases recently, including one that included the removal of some 200 trees. Many residents of the neighborhood, which places a high value on trees, were devastated by the un-neighborly act. Even the cutting of a single tree or two on each property over 20 years adds up to a significant loss of the canopy. There are about 1,000 properties in the Bridle Trails area, and a total of about 20 acres have been clear-cut. All the city requires is a clearing and grading permit for the removal of trees encompassing 1,000 square feet or more.

Commissioner Bach noted that Bridle Trails is one of the few areas left in the city that has large parcels of land. The area is desirable to those with the funds to construct very large homes, and often they want the trees removed as a part of the development.

Mr. Hanson said the second recommendation is aimed at reducing the potential for clear-cutting developed or undeveloped parcels to evade the subdivision tree preservation requirement by imposing a three- to five-year moratorium on subdividing following a clear-cutting action. He stated that the longer the length of the moratorium, the greater the incentive not to clear-cut properties. The recommendation should be imposed citywide.

The third recommendation is to provide a tree management plan to preserve trees and for reforestation. Mr. Hanson said an educational component will be critical to success.

Senior Planner Matthews Jackson said Bellevue's current code allows property owners to cut down trees, unless specifically disallowed by subdivision standards or if they are in a critical area. If an area of more than 1,000 square feet is to be cleared, a clearing and grading permit is required, but that is largely for erosion control. Historically, the 1,000-square foot requirement was based on the tree canopy, thus for large evergreen trees the area encompassed no more than three or four trees. A recent interpretation of the requirement, however, ties the area to disturbance of the earth, not the canopy. The interpretation establishes a disturbance of 50 square feet per tree, thus within the 1,000-square foot area up to 20 trees can be removed without a clearing and grading permit and without any monitoring on the part of the city.

Mr. Jackson said the code currently allows for the immediate removal of any hazardous trees. The city has in the past required homeowners to obtain the proper permits retroactively, but unless the removed trees were in a critical area the permit does not add much value. The code refers specifically to significant trees, which are trees having a caliper diameter of eight inches at four feet height; any number of trees that are not large enough to qualify as significant can be removed without permit. For both long and short subdivisions, the code requires that 15 percent of the cumulative diameter inches of significant trees must be retained, though there is a 50 percent reduction from that number for cottonwoods and alders.

The cities of Redmond and Kirkland both limit the number of trees that can be removed annually from any given property. The limit in Redmond is two to eight per year, depending on the zoning and size of lot; Kirkland's limit is two trees per year. Redmond defines significant trees as having a caliper diameter of six inches or greater, but allows for a discretionary determination of trees between four and six inches. In Kirkland, deciduous trees with a caliper diameter of twelve inches, and evergreen trees with a caliper diameter of eight inches, are defined as significant. Significant trees in Mercer Island are defined as deciduous trees at least six inches in diameter, and evergreens that are at least six feet tall. Redmond and Kirkland both require a permit to remove trees.

Redmond has a requirement to retain 35 percent of all trees. Kirkland requires the retention of 25 percent of all trees. Kirkland is currently updating its tree ordinance and considering incentives for higher retention ratios. Kirkland and Redmond have a decidedly regulatory approach to retaining trees, where in Mercer Island the approach taken is far more discretionary on a site by site basis.

Mr. Jackson said Bellevue applies no percentage of tree retention to vacant or developed single family lots for which there is no proposal for a subdivision. Owners of properties that are not within critical areas or that have a plat restriction can legally remove all of the trees on their properties. For subdivisions and short plats the city requires 15 percent retention. The proposal of the Bridle Trails Tree Committee is to require a 20-foot perimeter area for each lot in which all significant trees must be retained. Additionally, 25 percent of all significant trees within the interior of each lot would also have to be retained. The R-1 zone has a five-foot side yard setback requirement, though the city does offer an alternative landscape option based on equivalencies.

In order to establish a baseline and tracking over time, any request to remove trees will need a permit. To implement the Tree Committee's recommendations, city staff is recommending requiring a new tree removal permit. The notion is one that could be applied citywide, though the recommendation of staff is to apply it only to the R-1 district in Bridle Trails.

Commissioner Mathews suggested that even if they are significant, hazardous trees within the 20-foot perimeter area should be allowed to be removed. Mr. Jackson explained that the city currently requires a vegetation management plan for all plats and subdivisions. A certified professional must survey the trees and assess their health to make sure trees that are saved are in fact healthy.

Commissioner Mathews commented that certain trees are considered to be nuisances, which is decidedly different from hazardous. He asked if those trees can be removed by property owners. Mr. Hanson said the cottonwood is not universally loved. Mr. Jackson said there are ways to address the removal of nuisance trees, and those options need to be preserved.

Chair Lynde observed that the roots of even desired trees can cause problems. Mr. Jackson said he will take some time to define what those problems might be and how to approach them. He said under the alternative landscape option nuisance trees could be removed if replaced by something equivalent.

Noting that the proposal would apply only to the R-1 zone in Bridle Trails, Commissioner Orrico asked if it is unusual to have restrictions that apply to a specific zone in a specific area, even if the same zone exists in other parts of the city. Ms. Burgess said the city does have unique zones, such as the F-1, F-2 and F-3 zones in Factoria. She pointed out that the Council specifically indicated a willingness to consider a neighborhood-by-neighborhood approach when it comes to

tree retention. Mr. Jackson added that some cities have different regulations by zone based on topography, primarily aimed at protecting views on slopes. Bridle Trails is very supportive of retaining trees; other neighborhoods in the city would take the opposite view.

Commissioner Orrico asked if having different requirements for identical zones in different parts of the city is legally defensible. Ms. Burgess stated that the policy basis for having a different approach to trees in Bridle Trails has been established in the subarea plan for many years.

Commissioner Orrico asked if other jurisdictions establish a perimeter zone in which all significant trees must be retained. Mr. Jackson said Bellevue currently requires the retention of all significant trees within a perimeter zone for all multifamily and commercial developments. The proposal would simply extend the practice to the R-1 zone in Bridle Trails.

Answering a question asked by Commissioner Orrico, Mr. Hanson said the Tree Committee has stated its preference for retaining all significant trees within a 20-foot perimeter and for retaining 25 percent of all significant trees within the interior. Either requirement in and of itself would be insufficient. Consideration was given to only a 15 percent interior retention requirement, but the group unanimously voted in favor of the higher percentage.

Mr. Jackson said he heard it mentioned often in the meetings he attended that clearing at the street presents the greatest aesthetic impact for the neighborhood as a whole. Interior clearing is less noticeable but still a concern. The committee was clear in wanting to allow for flexibility on the interior to allow for full usage of the properties.

Commissioner Orrico suggested that any focus on replanting trees should be on native species.

Commissioner Robertson allowed that while it might seem strange to have requirements applicable to a zone within a certain neighborhood, it would not be inconsistent with the Comprehensive Plan. So long as there is evidence of the unique nature of Bridle Trails, the approach likely will hold up. That is especially the case in Bridle Trails where it is in fact the trees that keep the property values up. She indicated general support for the recommendations.

Mr. Jackson said the overriding theme for the second recommendation is to establish some disincentives for violating the code. Generally speaking, it is not a disincentive to require replanting of cleared areas after the fact given that the property owner gets to do as he or she pleases with the land. The small fee for the clearing and grading permits is not a disincentive either. The code currently has a monetary penalty for civil violations associated with public property. Many public open space tracts are adjacent to established homes and trees have been removed either inadvertently or knowingly; for such acts the penalty is \$500 per tree or triple the value based on the guide for establishing tree value. The proposal would create a civil violation and monetary penalties for knowingly violating the code on private properties.

Mr. Jackson said staff will recommend that a specific penalty be included in the code. In Kirkland the penalty is \$300 per tree per clearing violation. The penalty if established should be applied citywide.

With regard to the recommended three- to five-year moratorium on subdivisions following a clearing action, Mr. Jackson commented that platting and subdivision actions are driven largely by state law and a moratorium would be difficult to impose. The city could, however, establish a look-back period of between three and five years to allow for a review of the history of tree removal. The perimeter and interior areas would still have to be saved, and additional trees would have to be mitigated through the alternative landscape option. The revegetation requirement would have to be significant enough to serve as a deterrent.

Commissioner Robertson expressed some discomfort in requiring any fines levied to flow to the Bridle Trails Park Foundation as proposed by the Tree Committee. Unless the Foundation is a non-profit organization, there could be an issue with a gift of public funds, and an issue of treating one park different from all others. Mr. Jackson said the Foundation is a private organization that was set up to help support Bridle Trails State Park. He agreed that it would probably not be possible to have fine revenues go to the organization. An alternative would be to have such revenues go into a fund to help manage the overall tree canopy of the city.

Mr. Jackson said the notion of public education is a key component of the Tree Committee's recommendation. He said the city has a lot of existing information and resources, but it is not housed in a single location. Bringing it all together, sending out flyers to Bellevue residents, about how to address nuisance trees and other educational aspects should be carried out. The city recently issued tree tags to mark significant trees that have been required to be saved. Within the critical areas ordinance there will be incentives for saving trees for habitat and the like, and allowing for clustering of developments that will help to preserve trees.

Chair Lynde asked if the regulations as proposed would supercede any existing local covenants. Mr. Jackson said the city does not enforce private covenants and restrictions. There are occasional conflicts, however. For instance, in Somerset there are covenants and restrictions aimed at preserving views which often conflict with the city's requirements to not allow the removal of trees on steep slopes. City code always trumps private covenants and restrictions, however.

Commissioner Orrico suggested that the education component, allowing for flexibility, and offering incentives are the most important aspects of the proposal.

Commissioner Robertson concurred and proposed adding language allowing for flexibility where there are topographical challenges.

8. NEW BUSINESS

Ms. Burgess reviewed the Planning Commission schedule. Three Commissioners indicated that they would be out of town on June 29, and Ms. Burgess said she would work with staff to reschedule the public hearing for the critical areas ordinance.

9. OLD BUSINESS – None

10. PETITIONS AND COMMUNICATIONS – None

11. ADJOURNMENT

Chair Lynde adjourned the meeting at 8:31 p.m.

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Staff to the Planning Commission

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Date

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Chair to the Planning Commission

\_\_\_\_\_  
Date