



MEMORANDUM

DATE: March 12, 2009

TO: Chair Orrico and Members of the Planning Commission

FROM: Mike Brennan, Director, Development Services, 452-4113
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SUBJECT: March 25, 2009 Study Session – Neighborhood Character Phase Two
update and discussion of proposed code changes

For nearly two years, the Planning Commission has worked with staff to address community concerns about the negative impacts of redevelopment, infill, and neglect of property in existing single family neighborhoods. A first phase of results is already in place, and the focus now is on more complex regulatory issues. At your March 25, 2009, study session, Commissioners are asked to review and discuss proposed Land Use Code amendments and related materials based on the past several months of research and public outreach. The Commission is further asked to schedule a public hearing on the proposed amendments presented at this study session.

BACKGROUND

Planning Commission discussion of Neighborhood Character issues began in April 2007 and culminated in December 2007 with City Council adoption of Phase One regulatory solutions to address relatively straightforward concerns about neighborhood redevelopment impacts, including loss of trees and greenscape, loss of light and privacy, and impacts of construction-related activity (Ordinance No. 5791). The Council directed that a second phase of outreach and discussion focus on solutions to the remaining, more complex issues of building height and bulk.

The Commission re-engaged in the Neighborhood Character discussion in February 2008 and worked on Phase Two recommendations over the course of three meetings – March 19, May 7, and May 27, 2008. The Commission's Phase Two recommendations received generally favorable comments when presented at a July 14, 2008, City Council study session. At the same time, Council members asked for exploration of additional options and more information on the impacts of certain proposals. In two meetings, September 10 and 24, 2008, the Planning Commission modified its Phase Two recommendations for re-submission to Council on December 1, 2008.

COUNCIL DIRECTION

After the December 1, 2008, study session, City Council members directed that height limitations be explored as a potential solution to community concerns about the size and scale of large new homes in existing neighborhoods. The Council agreed that code language addressing single family building height should be presented as an alternative for public comment, in addition to the combination of setbacks and daylight plane standards proposed by the Planning Commission for homes exceeding a certain size (0.5 gross floor area ratio).

In response to this direction, staff has:

- Prepared code language based on the Planning Commission recommendations presented at the December 1, 2008, City Council study session;
- Prepared code language for further regulation of single family building height – an alternative approach to addressing the neighborhood character impacts of redevelopment; and
- Conducted further research into the probable impacts of legislation limiting the ultimate height and/or bulk of single family homes in existing neighborhoods;
- Proposed May 6, 2009, as the date of a public hearing on all of the above proposed code changes and alternatives.

CURRENT PROPOSAL

Code language is presented in Attachments A and B for Planning Commission review of each of the following proposals developed by Commissioners in previous meetings.

Proposed amendments to the Bellevue City Code (Attachment A) – These proposed amendments to the Bellevue City Code emerged from previous Planning Commission and City Council discussions, and are now presented for the Planning Commission’s information and comment. The Planning Commission is not the hearing body for these amendments, which will be considered for Council adoption separately from the Land Use Code amendments.

- 1. Reduce evening construction hours for remodels.** Establish construction noise hours for remodels and additions as 7 a.m. to 8 p.m. on weekdays, and 9 a.m. to 8 p.m. on Saturdays and Sundays (previously 7 a.m.-10 p.m. and 9 a.m.- 10 p.m.)
- 2. Limit impacts of vacant or abandoned homes and construction sites.** Establish property maintenance standards specifically applicable to abandoned building sites and vacated houses; enforce on a complaint basis.
- 3. Reduce building permit lifespan from three years to two years for single-family residential construction.**

Proposed amendments to the Land Use Code (Attachment B)

- 4. Increase tree retention for subdivisions.** Require 30 percent retention of significant trees in new subdivisions – an increase from the current 15 percent retention requirement.
- 5. Reduce mechanical equipment impacts.** Require new single family homes and homes adding more than 1,000 square feet to locate HVAC in the back yard or, if HVAC units are located in the side yard, require sound screening and prohibit placement within the five-foot minimum side setback.
- 6. Protect neighbors’ privacy and access to sunlight by establishing special development standards for homes exceeding a size threshold.** Calculate gross Floor Area Ratio (FAR) for new single family homes in existing neighborhoods. For projects exceeding the FAR threshold of 0.5, establish the following additional requirements:
 - a. Establish minimum setbacks of 7.5 feet on both sides; AND,
 - b. Incorporate EITHER daylight plane standards (roof pitch of 45 degrees beginning 10 feet above grade),) OR second story setbacks.

- c. Apply the above rules to new single family homes in existing neighborhoods (teardowns and vacant lots), new short plats, and existing single family homes adding more than 20 percent of gross floor area. Provide exemption for single lots in new neighborhoods where the character of the neighborhoods is just being established.
- d. Further exempt building projects that can demonstrate lack of impact on adjacent properties (due to the fact that neighboring properties are already built to dimensions which would exceed these standards). This is the “last house on the block” issue.

In addition to the above proposals, the Planning Commission is asked to discuss and invite public input on two alternatives pertaining to the height of buildings in existing single family neighborhoods. These proposals could be adopted singly or together, separately or in concert with the Commission’s threshold development standards proposal:

1. **Establish maximum building heights** for new construction or remodels in existing single family neighborhoods. Maximum heights, measured from the average existing grade, would be 35 feet to the ridge of a pitched roof, or 30 feet to the top of a flat roof.
2. **Establish 40 feet as the maximum height of any individual building façade** of any new construction or remodel in an existing single family neighborhood. The façade height would be measured from the ground level to the ridge of the roof.

IMPACTS OF REGULATING BULK AND HEIGHT

Throughout its discussion of Neighborhood Character issues, the Planning Commission has sought balanced and flexible solutions which target specific problems – particularly the extreme or “outlier” manifestations of those problems – while keeping bureaucracy and intrusion on property owners to a minimum. To test the effects of proposed regulations on a target population, staff applied the standards to actual new construction, remodels and additions permitted in the year 2008. (This is a sample year, assumed to be reasonably representative of future conditions.)

New homes subject to development standards based on FAR threshold

Of the 42 new single family permits issued in 2008:	
20	were under 0.5 FAR
12	were over 0.5 FAR but located in new subdivisions and therefore exempt
5	were over 0.5 FAR and would have been affected, but already met potential new standards for 7.5-foot setbacks and daylight plane or second story stepbacks
4	is the number of new homes which would be affected by new development standards under the FAR threshold approach (10% of permitted total)
1	instance of data missing

New homes subject to 35-foot-to-ridge maximum height or 40-foot façade limitation

Of the 42 new single family permits issued in 2008:	
36	would fit under both proposed height limits
3	would exceed a 35-foot maximum height limit (8% of permitted total)
2	would exceed a 40-foot façade limit (5% of permitted total)
1	instance of data missing

Remodels and additions subject to regulations

Of the 101 single family remodel/addition permits issued June-August, 2008:	
47	were remodels (decks, patios, major repairs, etc.) with no impact
4	is the number of remaining remodels exceeding 0.5 FAR and which would be subject to threshold standards (9% of permitted total)
0	exceeded the proposed maximum height limit of 35 feet to the ridge of a pitched roof
0	exceeded the proposed maximum façade height of 40 feet

DIRECTION REQUESTED

- Discuss and modify, as appropriate, the proposed code language for implementing Neighborhood Character Phase Two proposals, including previous recommendations of the Planning Commission and two alternatives suggested by the City Council's interest in considering building height limitations.
- Establish May 6 as the date of a public hearing before the Planning Commission on the proposed Land Use Code amendments.

NEXT STEPS

A tentative schedule for review of this proposal includes an April 7 presentation to the East Bellevue Community Council, and a proposed public hearing before the Planning Commission on May 6. Final consideration by the City Council is anticipated in June.

ATTACHMENTS

- A Draft Bellevue City Code amendments for Neighborhood Character Phase Two Planning Commission recommendations and alternatives
- B Draft Land Use Code amendments for Neighborhood Character Phase Two Planning Commission recommendations and alternatives

ATTACHMENT A

PROPOSED AMENDMENTS TO BELLEVUE CITY CODE NEIGHBORHOOD LIVEABILITY PHASE II

Last Revised: March 19, 2009

1. Proposed amendment to modify construction noise hours for single family repairs, additions, remodels, and maintenance.

Section 9.18.020 Exemptions.

B. The following sounds are exempt from the provisions of this chapter at all times if the receiving property is in Class B and Class C EDNAs, and between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends if the receiving property is located in a Class A EDNA (except as noted below):

1. Sounds created by bells, chimes and carillons not operating continuously for more than five minutes in any one hour; and

2. Sounds created by the repair or installation of essential utility services and streets; and

3. Construction sounds relating to temporary repairs, additions, remodels, or maintenance projects on existing single-family homes, grounds and appurtenances. Construction sounds related to the above activities must cease by 8:00 p.m. -(except that sounds created by heavy equipment will be regulated pursuant to the construction noise exemption contained in subsection C of this section); and

4. Sounds emanating from discharge of firearms on legally established shooting ranges; and

5. Sounds created by repairing, rebuilding, modifying, operating or testing any motor vehicle or internal combustion engine (except for portable and stationary generators located in a Class A EDNA which are exempt only during the hours of 9:00 a.m. to 6:00 p.m. daily when electrical service is available from the primary supplier and except for heavy equipment, which will be regulated pursuant to the construction noise exemption contained in subsection C of this section); and

6. Sounds created by commercial business activity including, but not limited to: handling containers and materials; or sweeping parking lots and streets (except sweeping parking lots of businesses engaged in retail trade as defined in the Standard Industrial Classification Manual is exempt until 12:00 midnight); or boarding domestic animals (except expanded hours of operation may be authorized by the applicable department director).

2. Proposed new chapter 9.13 BCC to address minimum maintenance standards for vacant residences and abandoned construction sites.

Section 2. There is hereby adopted a new Chapter 9.13 to Title 9 of the Bellevue City Code to read:

Chapter 9.13 Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites

9.13.010 General.

A. Purpose and Intent.

It is the purpose and intent of this chapter to protect the public health, safety, and welfare by establishing minimum maintenance standards for vacant residences and abandoned single-family construction sites to prevent deterioration, public nuisances, health and safety hazards, and other harmful effects associated with vacant residences and abandoned construction sites in single-family neighborhoods.

B. Applicability

The provisions of this chapter shall apply to all Single Family Residential Land Use Districts (R-1 – R-7.5). If there is conflict between this chapter and Title 23, Construction Codes, the more stringent provisions shall apply.

C. Fire Inspections.

The City may periodically inspect vacant residences and abandoned construction sites to determine compliance with applicable fire codes and other requirements.

9.13.020 Definitions.

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

Abandoned Construction Site. A lot or group of lots, including subdivisions, associated with a certain application, building or buildings or other development where construction has occurred, but the property owner has ceased work for any reason for a period of 90 days. A valid building permit or other permit or approval issued by the City does not alter the status of a construction site deemed abandoned.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, sediment traps, and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Owner. "Owner" means any person, agent, firm, or corporation having a legal or equitable interest in the property.

Premise. The land and the buildings or residences upon it.

Site Stabilization. Site stabilization means establishing a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which prevents erosion.

Vacant Residence. "Vacant residence" shall mean any dwelling unit as defined in the City of Bellevue Land Use Code, section 20.50.016, now or as hereafter amended, or other structure that is or remains unoccupied or unused for 90 or more consecutive days.

Vegetation. Vegetation means any organism of the vegetable kingdom, including grasses, herbs, shrubs, and trees. For the purposes of this chapter, weeds are excluded from the definition of plants.

Weed. Plants considered unwanted, undesirable, or troublesome.

9.13.030 Vacant Residence or Abandoned Construction Sites Owner Responsibilities

All vacant residences and abandoned construction sites shall be maintained in a clean, safe, and sanitary condition. Any violations of this title shall constitute a public nuisance.

9.13.040 Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites

The provisions of this chapter shall govern the minimum maintenance standards and the responsibilities of owners for vacant residences, premises, and abandoned construction sites. Premises shall be free from safety, health, and fire hazards and shall comply with these maintenance standards.

A Premises. The premises shall be clean, safe, and sanitary, free from waste, garbage, excessive vegetation, and shall not pose a threat to the public health, welfare, or safety. Effective measures shall be taken to protect against the breeding or presence on the premises of vermin. The premises or yard shall be maintained free from turf grasses in excess of 12 inches and weeds. Owners shall also comply with the provisions of chapter 14.06 BCC.

B. Erosion Control. Construction sites shall be stabilized to prevent erosion using appropriate erosion and sediment control BMPs. Owners shall inspect, maintain, and repair all erosion and sediment control BMPs as needed to assure continued performance of their intended function in accordance with BMP specifications.

C. Building or Structure. Building or structures shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads. Buildings or structures shall be free from safety, health, and fire hazards.

D. Exterior Surfaces. All exterior surfaces, such as walkways, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained to allow safe passage and use.

E. Building Openings. All doors, windows, and other openings shall be weather-tight and secured against entry by birds, vermin, and trespassers. Missing or broken doors, windows, and other openings shall be covered by glass, plywood, or other weather-resistant materials and tightly-fitted and secured to the opening.

F. Foundation Walls. Foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health and safety, and shall be free from open cracks, breaks, and leaks, and be animal and vermin proof.

G. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

H. Exterior Features. All chimneys, decks, balconies, canopies, awnings, exhaust ducts, cornices, corbels, trim, wall facings, and similar features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

I. Roofs. The roof and flashings shall be sound and tight, not let in moisture, or have defects that might admit moisture, rain, or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building. Drains, gutters, and down spouts shall be maintained and properly secured.

J. Automobiles and Litter. Owners shall comply with chapters 9.09 (Abatement of Junk Vehicles) and 9.11 (Anti-litter). Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers, is prohibited within a Residential Land Use District (R-1 – R-7.5); except in compliance with the Bellevue Land Use Code, sections 20.20.720 and 20.20.890.

9.13.050 Violations

A. The violation of or failure to comply with any provision of this chapter is declared to be unlawful.

B. Any violation of any provision of this chapter is a civil violation as provided for in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein.

C. In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

3. Proposed amendment to modify the length of residential building permits.

Section 3. Section 23.05.100.E of the Bellevue City Code is hereby amended as follows:

E. Expiration of Permits and Single-Family Residential Permits.

1. Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, ~~except that the building official may extend single-family permits for an additional period of up to 180 days at his sole discretion.~~

2. ~~Except as provided in subsection 3 below, P~~permits issued under which work is continuously performed and the necessary periodic inspections are made shall be extended beyond the one-year period by the building official for a period of no more than one year. No more than two one-year extensions shall be granted. ~~except that the building official may extend single-family permits for an additional period of up to 90 days at his sole discretion.~~

3. Single-Family Residential Permits. Building permits issued for single-family residential projects located in Residential Land Use Districts (R-1 – R-7.5), under which work is continuously performed and the necessary periodic inspections are made shall be extended beyond the one-year period by the building official for a period of no more than one year. For single-family residential projects, no more than one one-year extension shall be granted.

ATTACHMENT B

PROPOSED AMENDMENTS TO LAND USE CODE NEIGHBORHOOD LIVEABILITY PHASE II Last Revised: March 12, 2009

1. Proposed amendment to modify requirements for the location of mechanical equipment in residential land use districts.

20.20.525 Mechanical equipment.

A. Applicability.

The requirements of this section shall be imposed for all new development, and construction or placement of new mechanical equipment on existing buildings, and each time a project requires a discretionary land use permit approval. Mechanical equipment should be installed so as not to detract from the appearance of the building or development.

B. Design Objectives.

The following objectives apply to the type and placement of mechanical equipment proposed:

1. To the maximum extent reasonable and consistent with site design objectives, mechanical equipment should be located at or below grade rather than mounted on the roof of a structure.
2. Where the equipment must be located on the roof, it should be consolidated to the maximum extent reasonable rather than scattered.
3. Exposed mechanical equipment should be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment.

C. Implementation.

1. Mechanical equipment located at or below grade may be placed within a required rear or side setback area unless that setback is in a single family residential land use district, directly abuts a residential land use district, or unless that setback is within a critical area, critical area buffer, or critical area structure setback required by Part 20.25H LUC.

2. Mechanical equipment associated with new single family residential homes and homes adding more than 1,000 gross square feet in single family residential land use districts shall be located in the rear yard or, if placed in the side yard outside of the side structure setback, shall provide sound screening to attenuate noise impacts. Mechanical equipment located in the rear yard shall not be placed less than 5 feet to any property line.

23. Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.

34. Mechanical equipment shall be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment; provided, that the function of a large satellite dish antenna or an antenna array may not be compromised by the screening requirement. The barrier may be provided by any of the following:

- a. Architectural features, such as parapets or mechanical penthouses;
- b. Walls or solid fencing, of a height at least as high as the equipment it screens;
- c. Vegetation and/or a combination of vegetation and view obscuring fencing, of a type and size which will provide a dense visual barrier at least as high as the equipment it screens within two years from the time of planting; or
- d. The natural topography of the site or the adjoining property or right-of-way.

45. Where screening from above is required, mechanical equipment shall be screened by incorporating one of the following measures:

- a. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened; or
- b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed.

56. For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of subsections C.3-4 and C.4-5 of this section subject to the criteria set forth in paragraph C.67- of this section.

67. The Director may approve alternative screening measures not meeting the specific requirements of subsection C.3-4 or C.4-5 of this section if the applicant demonstrates that:

- |
- a. The proposed alternative screening measures will achieve the design objectives of subsection B of this section and produce an equal or better result than the requirements of subsection C.34 or C.45 of this section; or
 - b. When screening of mechanical equipment on an existing roof is required:
 - i. The existing roof structure cannot safely support the required screening, or
 - ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty of the performance of the roof.

DRAFT

2. Proposed amendment to implement FAR threshold for single family lots and development guidelines.

20.20.010 Uses in Land Use Districts Dimensional Requirements.

Chart 20.20.010 - Uses in Land Use Districts Dimensional Requirements.

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS	(42)	(42)	(42)	(42)	(42)	(42)	(42)				
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
	Minimum Greenscape Percentage of Front Yard Setback (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)				

Note 42 – Floor Area Ratio (FAR) Threshold: Development which exceeds a gross Floor Area Ratio (FAR) threshold of 0.5, shall comply with the following requirements:

- (a) Applicability: FAR threshold requirements are applicable to new single family homes and additions to existing homes that result in a 20 percent or greater increase in gross square feet.
- (b) Maintain a minimum structure setback of 7.5 feet for each side yard; AND, incorporate either daylight plane standards or a second story stepback of not less than 5 feet on each side of the building facing a side yard property line.
- (c) Exemptions: New single family homes constructed as part of a Subdivision pursuant to Part 20.45A LUC or Planned Unit Development Part 20.30D LUC are not subject to FAR threshold requirements. The Director may modify the FAR threshold requirements on either side of the structure where it can be demonstrated that the adjacent structure has been constructed at an FAR that exceeds the 0.5 threshold and the adjacent structure is built to dimensions which exceed the requirements noted in paragraph b above.

20.50.016 D definitions.

Daylight Plane. A daylight plane is a height limitation that when combined with the maximum height limit, defines the building envelope. A daylight plane shall begin at a horizontal line at 10 feet directly above grade as measured at the side property line of each lot and shall slope inward at a forty-five (45) degree angle or less.

3. Proposed amendment to increase minimum tree retention requirements for subdivisions, short subdivisions, and Planned Unit Developments.

20.20.900 Tree retention and replacement.

A. Purpose.

Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code

or Land Use Code. Subsection F of this section shall apply to permits for new single-family structures and for additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 Land Use District located in the Bridle Trails Subarea.

C. Required Review.

The Department of Planning and Community Development shall review the proposed removal of significant trees with each application within the applicability of this section.

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC [20.20.520.F.1](#), the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.
2. Site Interior.
 - a. In areas of the site other than the required perimeter landscaping area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:
 - i. Healthy significant trees over 60 feet in height;
 - ii. Significant trees which form a continuous canopy;
 - iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
 - iv. Significant trees which provide winter wind protection or summer shade;
 - v. Groups of significant trees which create a distinctive skyline feature; and

- vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.
- b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.
- 3. For Subdivisions, Short Subdivisions, and Planned Unit Developments, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing on the total site area of the development; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5.
- 4. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.
- 45. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.
- 56. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

- 1. **Permit Required.** As required by BCC 23.76.025.A.7, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.
- 2. **Perimeter Tree Retention Requirement.** For all lots in the R-1 Land Use District in the Bridle Trails Subarea, all significant trees which do not constitute a safety hazard within the first 20 feet adjacent to all property lines shall be retained. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt

from this requirement. In the event this requirement conflicts with minimum setback requirements for structures (LUC [20.20.010](#)), the Alternative Tree Retention Option (subsection G of this section) may be used to allow development consistent with the setbacks established under LUC [20.20.010](#).

3. Site Interior Tree Retention Requirement.
 - a. In addition to the required perimeter tree retention area, at least 25 percent of the cumulative diameter inches of existing significant trees must be retained; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5.
 - b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection E.3.a of this section if a group of trees and its associated undergrowth can be preserved.
4. Tree Replacement Requirement. On any lot with eight or less significant trees, a planting plan showing a one-to-one ratio of replacement trees is required. Trees must be a minimum of six feet in height at planting.

F. Retention of Significant Trees for New or Expanding Single-Family Structures Excluding Single-Family Structures Located in the R-1 Land Use District in the Bridle Trails Subarea.

1. Site Area. For new single-family structures or additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:
 - a. Healthy significant trees over 60 feet in height;
 - b. Significant trees which form a continuous canopy;
 - c. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
 - d. Significant trees which provide winter wind protection or summer shade;
 - e. Groups of significant trees which create a distinctive skyline feature;
 - f. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands; and

- g. Significant trees located within the first 20 feet adjacent to a property line.
2. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under LUC [20.20.900](#).F.1 if a group of trees and its associated undergrowth can be preserved.
3. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

G. Alternative Tree Retention or Replacement Option.

1. An applicant may request a modification of the tree retention requirements set forth in subsections D, E, and F of this section.
2. The Director may administratively approve a modification of the perimeter or interior tree retention requirements if:
 - a. The modification is consistent with the stated purpose of this section; and
 - b. The modification proposal either:
 - i. Incorporates the retention or replacement of significant trees equal in equivalent diameter inches or incorporates the increased retention or replacement of significant trees and naturally occurring undergrowth to what would otherwise be required; or
 - ii. Incorporates the retention or replacement of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.
 - iii. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

ADDITIONAL ALTERNATIVES FOR CONSIDERATION

4. Additional consideration of existing maximum building heights in single family residential land use districts.

20.20.010 Uses in Land Use Districts Dimensional Requirements.

Chart 20.20.010 - Uses in Land Use Districts Dimensional Requirements.

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS											
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30/35 (XX) (XXX)	30 (5)	30	30 (5)	40						
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
	Minimum Greenscape	50	50	50	50	50	50	50				

Percentage of Front Yard Setback (40)	(40)	(40)	(40)	(40)	(40)	(40)	(40)				
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20.50.012 B definitions.

Building Height – Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ~~mean height between the eaves and~~ ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles.

20.20.010 Uses in Land Use Districts Dimensional Requirements.

[New Note XX – Maximum building height in single family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof.](#)

[New Note XXX – For new construction and additions to single family dwelling units, the maximum height of any individual building façade is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof. New single family dwelling units constructed as part of a Subdivision pursuant to Part 20.45A LUC or Planned Unit Development Part 20.30D LUC are exempt from this requirement.](#)

20.50.020 F definitions.

Facade. The front or face of a building.