



# Appendix M

## Tree Management in the ROW



## City of Bellevue Tree Management in the ROW Procedure

Updated: October 22, 2024

### **Background:**

A number of Comprehensive Plan Policies and Bellevue City Code requirements reflect the importance of preserving and adding tree canopy coverage to reflect the City's park-like character, enhancing livability, while further supporting other environmental initiatives in sustaining fish and wildlife habitat.

The city acknowledges that there may be instances where trees within or adjacent to the right-of-way (ROW) may present a hazard to public health and safety and require removal. Not having the right tree in the right location can lead to conflicts with overhead or underground utilities and may cause damage to driveways, sidewalks, and other public or private infrastructure.

This procedure will help provide guidance on how these conflicting interests are managed within the public right-of-way.

### **Maintenance Responsibilities for Trees in the ROW:**

In general, maintenance of vegetation and trees within the public right-of-way is the responsibility of the adjacent property owner(s) (see BCC 14.06.010). There are exceptions to this general rule which are outlined further below. Failure to maintain trees and vegetation in the public right-of-way consistent with the requirements of BCC 14.06.010 may be a civil violation and subject to monetary penalties.

In the event the city cannot obtain compliance, the city is authorized to perform the work and seek recovery of costs and potential penalties from the responsible party – see BCC 14.06.020-050.

### **City Maintained Trees:**

Although most trees within the right-of-way are the abutting property owner's responsibility to maintain, the city has a collection of city-maintained street trees within the right-of-way. These trees are typically within the streetscape in a well-organized planter strip along roads. The city also owns trees that are on Park's property. It is illegal to prune, damage, or remove any city owned tree.

The City of Bellevue's operates a Street Tree and Arterial Landscape Program (STAL) that resides within the Parks & Community Services Natural Resource Division and manages approximately 10,000 designated street trees. Most of these street trees are installed as part of a Transportation Capital Improvement Program (CIP) project. In addition, STAL has taken over maintenance of all street trees located within the downtown Central Business District

(CBD). Absent any maintenance agreement with STAL, maintenance for street trees not installed by the city are the responsibility of the adjacent property owner and subject to city codes and permitting requirements.

### **Permits and Review Process:**

Pursuant to BCC 14.30, a Right-of-Way Permit is required to remove or prune trees within the public right-of-way. Trees located on adjacent private property, which have limbs or overhang the right-of-way, which cannot be fully removed from and within the private property may also require a Right-of-Way Permit prior to removal. Depending on the scope of work and whether the tree is on private property, additional permits and approvals may be required from the city's Land Use group.

If a tree is a Landmark Tree (24 inches or greater measured at 4 feet above ground level), a Clear and Grade review line will be added to a Right-of-Way Permit to verify if any previously established Development Conditions of Approval or Clearing and Grading Permits have requested the tree(s) in question to be preserved. Applicants are advised to provide tree diameter information on permit submittal documents.

Removal of a stump or root zone may impact other buried utilities within the ROW, which may have existed at the time the tree was planted or before it took root. One Call locate (811) procedures shall be followed prior to any activities that may involve or result in sub-surface disturbances.

If permitted to remove a tree, a replacement tree will be required to be placed within the ROW. If it is not feasible to replace a tree within the right-of-way, placement within private property will be evaluated as an alternative.

### **Hazardous Tree(s) and Vegetation:**

Trees or other vegetation determined to be a safety emergency by city personnel, or a certified arborist, shall be removed as soon as reasonably possible to protect the safety and welfare of the public, including, but not limited to vehicles, pedestrians, cyclist, public facilities or even private facilities and property. In the case of a safety emergency, the abutting property owner's representative may be allowed to remove a dangerous tree prior to the issuance of a permit upon approval from the city. In the event of such authorization, a permit must be applied for within two business days of the removal.

If not an immediate safety issue, an unhealthy-looking tree may still need to have its health inspected by Street Maintenance or have a certified arborist evaluate the tree. Residents can contact the city's Street Maintenance team at 425-452-7840 or [O&MSupport@bellevuewa.gov](mailto:O&MSupport@bellevuewa.gov) to request a tree evaluation.

In both cases, if the tree is found to be hazardous, the Transportation Department will waive the fees for a Right-of-Way Permit for the safe removal of the tree by a licensed professional. A "No Fee" permit for tree removal will only be allowed for hazardous trees as verified by Transportation Department staff.

The Streets Maintenance team may initiate the process for tree removal or maintenance at the property owner's expense if compliance with Chapter 14.30 BCC is not met in a timely manner. Penalties may also be imposed in addition to recovery of costs incurred to remove or prune the tree or other vegetation.

**Non-Hazardous Tree(s):**

Healthy trees within the public right-of-way may only be requested for removal by the abutting property owner, government organization, or franchise utility. In all cases, as noted above, a Right-of-Way Permit will be required to remove the tree from the right-of-way. A replacement tree and its location shall be identified on the permit application. Additional information on tree replacement options is available in the city's Tree Replacement Guideline procedure.

Additionally, tree retention is advisable whenever possible and the city is happy to work with abutting property owners to explain the benefits of canopy retention. Regular pruning is an effective tree management solution that may solve individuals' concerns. Please contact the city at [Rightofwayuse@bellevuewa.gov](mailto:Rightofwayuse@bellevuewa.gov) with questions concerning alternatives to tree removal.

**Illegal Removal of Tree(s):**

In all cases it is illegal to remove a tree within the right-of-way without prior approval from the city.

No one shall damage, trim, remove, top, prune or kill any trees or landscaping without the express prior written approval of the City of Bellevue; and any actions taken without such express prior written approval may result in liability for civil penalties and, depending on the circumstances, may result in criminal charges.

Additionally, such illegal removal or damage of trees may result in the responsible party replanting trees.