

Exhibit A
Bend Development Code Update
Draft: May 3, 2024
Prepared by:

Planning Division

Note:

Text in underlined typeface is proposed to be added.

Text in ~~strike through~~ typeface is proposed to be deleted.

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***.

Bend Development Code

Replace Neighborhood Associations with Neighborhood Districts

Replace BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls with BDC Chapter 3.2, Landscaping, Tree Preservation, Fences and Walls.

Replace BCD 3.2.200, Landscape Conservation with BDC 3.2.200, Tree Preservation

Replace BDC 3.2.300(D), Landscape Materials with BDC 3.2.300(D), Landscaping

Replace BDC 3.2.400, Street Trees with BDC 3.2.400, Street Trees and Planter Strip Landscaping

Replace City of Bend Standards and Specifications with City of Bend Design Standards and Construction Specifications

Chapter 1.1

GENERAL ADMINISTRATION

1.1.300 Consistency with Plan and Laws.

~~Each~~ All development and every use application and other procedure ~~initiated~~ under this code ~~shall~~ must be consistent with the adopted Comprehensive Plan of the City of Bend as implemented by this code, all applicable local ordinances, and State and Federal laws and regulations. All provisions of this code ~~shall~~ must be construed in conformity with the adopted Bend Comprehensive Plan.

This code is intended to promote health, safety, welfare and economy by coordinating the complex relationships between people, land, resources and facilities to meet the future needs of the citizens and to protect the livability of the community.

Chapter 1.2 DEFINITIONS

Canopy or ~~tree canopy~~ means all portions of the tree with foliage. *(Relocated to Tree Canopy)*

Clearing means the cutting or removal of vegetation.

Conservation easement means an easement that protects identified conservation values of the land, such as wetlands, woodlands, ~~significant~~ Regulated ~~†~~Trees, floodplains, wildlife habitat, and similar resources.

Construction activity means any activity that includes, but is not necessarily limited to, land disturbance and/or land disturbing activity; hauling of soil and rock; handling of building materials and construction tools; and operation of motorized machinery and motor vehicles on a site or on any access routes to a site.
(Consistent with BC Title 16.05.060 Definitions and Acronyms.)

Diameter at breast height (DBH) means the diameter or thickness of a tree trunk measured at four and one-half feet above the ground. For multi-stemmed trees, the DBH is found by taking the square root of the sum of

all squared stem DBHs rounding to the nearest whole number measured four and one-half feet above the ground. Example: You have three stems that measure 5", 6" and 8" so the DBH would be $\sqrt{(5^2+6^2+8^2)} = \sqrt{(25+36+64)} = \sqrt{125} = 11"$.

Drip-line means an imaginary line around a tree or shrub at a distance from the trunk equivalent to the tree canopy (leaf and branch) spread.

"ISA" means the International Society of Arboriculture.

"ISA Best Management Practices" means the guidelines established by ISA for arboricultural practices for use by arborists, tree workers, and the people who employ their services.

Land disturbance and land disturbing activities mean activities that include, but are not necessarily limited to, demolition, construction, clearing, grading, filling, excavation, tree removal, and compaction.

(Consistent with BC Title 16.05.060 Definitions and Acronyms.)

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees. ***(This definition is currently in the BDC and is only added for reference. No changes recommended.)***

Native plants mean ~~vegetation commonly found growing in Central Oregon~~ the indigenous terrestrial and aquatic species that have evolved and occur naturally in a particular region, ecosystem, and habitat.

Overhead spray irrigation system means a system that delivers water through the air (e.g., spray heads and rotors).

Planter strip means an area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk. *(This definition is currently in the BDC and is only added for reference. No changes recommended.)*

Priority tree means an individual tree with a trunk diameter of 20" DBH or larger. See BDC 3.2.200, Tree Preservation.

Qualified professional/individual means, for the purpose of preparing vegetation restoration or tree protection plans, assessing the health of trees or other similar activities, or preparing a tree inventory, an individual approved by the City who through related training, or on-the-job experience, or both, possesses knowledge in one or more of the following subject areas: (1) arboriculture, (2) natural resources, including water resources and riparian restoration, and (3) urban interface fire protection.

Regulated tree means an individual tree with a trunk diameter of six inches or larger. Regulated trees include priority trees. See BDC 3.2.200, Tree Preservation.

Sensitive lands means wetlands, ~~significant trees~~ areas within a site with one or more Regulated Trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Bend Comprehensive Plan or the State of Oregon. *(Consistent with BC Title 16.05.060 Definitions and Acronyms.)*

Significant trees/significant vegetation means individual trees with a specific trunk diameter (as indicated below) as measured four feet above the ground (known as DBH, for "diameter at breast height").

1. ~~Deciduous trees: six inches or greater.~~

2. ~~Coniferous trees: 10 inches or greater.~~

(Redefined as Regulated Tree and Priority Tree)

Street tree means a tree typically planted in the right-of-way adjacent to the street. (See BDC 3.2.400, Street Trees and Planter Strip Landscaping and the City of Bend Approved Street Tree List in Appendix D of the City of Bend Design Standards and Construction Specifications.)

Tree caliper means an ANSI (American National Standards Institute) standard for the measurement of nursery trees.

Tree canopy means all portions of the tree with foliage. ***(Relocated from Canopy.)***

Turf or lawn means nonagricultural land planted as closely mowed, managed grasses.

Water efficient irrigation means systems designed to apply water with an even and directed distribution to prevent runoff, over-spray onto non-landscaped areas, low head drainage and other similar conditions.

Chapter 1.3

ENFORCEMENT

Sections:

1.3.100 Provisions of This Code Declared to Be Minimum Requirements.

1.3.200 Violation of Code Prohibited.

1.3.300 Violation of This Code as Civil Infraction.

1.3.100 Provisions of This Code Declared to Be Minimum Requirements.

- A. *Minimum Requirements Intended.*** The provisions of this code are minimum requirements adopted for the protection of the public health, safety, and general welfare.
- B. *Most Restrictive Requirements Apply.*** When the requirements of this code vary from or conflict with other applicable standards, the most restrictive or the highest standard ~~shall~~ will govern. When requirements of this code vary from or conflict with other provisions of this code, the more specific provision ~~shall~~ will prevail over a more general provision.

1.3.200 Violation of Code Prohibited.

Construction, alteration, maintenance or use of any building or structure or land division or transfer in violation of this code is prohibited.

Except to the extent that this code provides decision-making authority to others, City planning staff ~~shall~~ administer this code and ~~shall~~ apply the standards and criteria in this code to all applications for approval required or authorized by this code. No building permits may be issued for any structure that lacks an approval required by this code. Any use of land in violation of this code is declared to be a nuisance.

1.3.300 Violation of This Code as Civil Infraction.

- A. ~~Violating~~ Violations or noncompliance with any provision of this code or any approval or permit issued under this code is a Class A civil infraction. The City may seek injunctive relief to compel compliance and restoration of pre-violation status quo as part of the civil infraction proceedings. If a violation is ongoing, each day that a violation remains is a separate violation. ~~The civil penalty for removal of a significant tree is shown in Table 1.3.1.~~**

Table 1.3.1.

Tree Size	Civil Penalty
4—6 inches DBH	\$1,000
6—10 <u>9.9</u> inches DBH	\$1,500
10—16 inches DBH	\$3,000

Greater than 16 inches DBH	\$5,000
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(Relocated Table to 1.3.300.C below)

B. Injunctive Relief and Abatement.

4. The civil infraction process and civil penalties are in addition to any legal or equitable remedy available to the City.

C. ~~Mitigation for the Removal of Vegetation Landscaping and Regulated Trees.~~ ~~The Review Authority City may require the replacement of vegetation landscaping and Regulated Trees removed in violation of this code or in violation of a land use approval. The City may require a greater number of trees or shrubs than was removed in order to take into account total vegetation volume, but may also accept a lesser amount of vegetation replacement based on a fire mitigation plan submitted by a qualified professional and approved by the City. The amount of replacement trees, shrubs, and ground cover shall be determined by the volume of removed vegetation. The City may require replacement of removed landscaping and any Regulated Trees that are removed in an amount that is at least equivalent to what was removed, in the determination of the City. The City may choose to accept a lesser amount of replacement trees based on a fire mitigation plan submitted by a qualified professional and approved by the City. Maintenance of landscaping and replacement trees are the responsibility of the property owner. If the landscaping or replacement tree fails to survive within three years from the date planting, the property owner must replace it with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). Replanting must occur within the planting period for Central Oregon or during the time period of notice by the City. The City may require the property owner to prepare and comply with a mitigation plan providing for planting and maintenance of replacement vegetation, with provisions for replacement of plants that die within three years of planting. The mitigation plan is subject to City approval. The City may refuse to accept any development permit application for a property for which a mitigation plan is required and has not been executed or complied with.~~

The civil penalty for unauthorized removal of a Regulated Tree is shown in Table 1.3.1.

Table 1.3.1.

<u>Tree Size</u>	<u>Civil Penalty</u>
<u>6 – 9.9 inches DBH</u>	<u>\$1,500</u>
<u>10 – 16 inches DBH</u>	<u>\$3,000</u>

<u>Greater than 16 inches DBH</u>	<u>\$5,000</u>
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D. Evidence. In a legal proceeding for noncompliance with this code, the owner, ~~or lessee, and/or a business~~ on the property at the time of the violation ~~shall~~ will be presumed to be responsible for the violation. This presumption may be overcome by a preponderance of the evidence showing that the violation was committed by some person other than the owner and/or possessor and that the owner and/or possessor was not able to control or prevent the violation. Persons who are not owners and/or possessors are responsible for the violation if their action or failure to act causes the violation. The person responsible for property tax payment is considered the owner. ~~Where commercial premises have a sign identifying the business on the property, that business is rebuttably presumed to be responsible for violation on the premises.~~ Agents, managers or employees are also responsible for their acts or omissions that constitute violations.

Chapter 2.7

SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS

Article I. Lave Ridge Refinement Plan.

2.7.200 Lava Ridge Refinement Plan.

D. Street Trees. ~~Street trees shall be provided along all arterial streets and streets designated as connector streets on Figure 2.7.200.C, Lava Ridge Plan Circulation Plan diagram. Only street trees from a list maintained by the City Planning Department shall be planted. Street trees shall be planted 25 to 30 feet on center. Trees shall be a minimum of two-inch caliper measured four feet from ground level. Street Trees must be planted in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping.~~

Article III. Dean Swift Refinement Plan Development Standards

2.7.400 Dean Swift Refinement Plan Development Standards

G. *Street Trees.* ~~Tall stature Street trees shall must be planted along all street frontages within the Dean Swift Refinement area with the development of the adjacent properties in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping. These p~~ro~~Properties located within the flight path of the private airport located south of Bear Creek shall must limit selection to tree species with a maximum mature height of 60 feet. ~~Proposed street tree varieties shall be approved by the City prior to planting. The trees shall be planted a maximum of 30 feet apart. Trees shall be a minimum of two-inch caliper measured four feet above the ground at the time of planting. Maintenance of the street trees is the responsibility of the adjacent property owner.~~~~

Article IV. Medical District Overlay Zone.

2.7.540 Special Development Standards.

C. *Landscaping Requirements.* The following standards shall apply to all new development:

- 1. *Street Trees.*** ~~Street trees shall be planted along the frontage of all properties. Only street trees from a list maintained by the City shall be planted. Street trees shall be planted a maximum of 30 feet on center. Trees shall be a minimum of two-inch caliper measured four feet from ground level. **(Street trees are required in BDC 3.2.400, Street Trees)** Street Trees must be planted in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping.~~
- 2. *Buffering.*** The City may require additional landscaping within setback areas of nonresidential development to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent abutting residential properties ~~from new development.~~

Article V. Waterway Overlay Zone (WOZ)

2.7.610 Purpose.

D. *Tree Removal.*

1. **Removal.** ~~Consistent with the purposes of this section, and because trees contribute to the overall health of the riparian corridor, r~~Removal of existing trees greater than four inches DBH in diameter within the WOZ is prohibited, except as follows:
 - a. Where necessary to accommodate an approved development activity; or
 - b. Where the tree is determined by a qualified professional to be diseased or hazardous; or
 - c. Where necessary to mitigate potential fire hazard ~~in accordance with the Fire Protection Act of 1997~~ as determined by the Fire Code Official.
2. **Findings.** Tree removal under this subsection may be authorized by the Review Authority, based on findings demonstrating conformance with criteria in subsection (D)(1)(a), (b), or (c) of this section. Where tree removal is proposed apart from an approved development activity, the Review Authority may authorize removal as a development action. If no hazard will be created, a tree or snag requested for removal may be required to be left in place as wildlife habitat.

E. *Review Process.*

1. **State Agency Coordination.** Within the WOZ, the State of Oregon has jurisdiction over certain development activities. In order to ensure coordination between the City of Bend and affected State agencies, notice of proposed activities within the WOZ will be provided to the Division of State Lands, the Oregon Department of Fish and Wildlife, the Oregon Parks and Recreation Department, and the Department of Environmental Quality, in accordance with provisions of BDC 4.1.245, Notice to Public Agencies.

2. **Application Information.** In addition to application information required under BDC 4.1.220, Application Requirements, an application for a development or land use action within the WOZ shall include the following:

c. A site plan drawn to scale, accompanied by such drawings, sketches, photos, and descriptions as are necessary to describe and illustrate the proposed activity. The site plan ~~shall~~ must, at a minimum, include:

- Any proposed structures or impervious surfaces on the site;
- Location of property lines, easements, existing and proposed structures;
- Identification of existing vegetation on the site, indicating areas of native and nonnative plant species;
- Any proposed modifications to existing vegetation;
- Location of existing trees, the tree size (Diameter at Breast Height), proposed tree status (trees to be removed or preserved) and location of the root protection zone of each tree proposed to be preserved.
- A grading and drainage plan, showing existing and proposed site contours at two-foot intervals, or less;
- All applicable WOZ sub-zone boundaries;
- Location of the ordinary high water mark; and
- Location of designated wetlands on or abutting the site; boundaries of designated wetlands shall be delineated using methods accepted by the Oregon Division of State Lands;

Article VI. Upland Areas of Special Interest Overlay Zone

2.7.700 Areas of Special Interest Overlay Zone

H. ***Delineation of New Upland Areas of Special Interest.*** The ASI delineation is a more precise determination of the location of the designated area. The delineation is determined by several factors including but not limited to the topographical contours, the presence of significant Regulated Trees and an on-site field location conducted by the Review Authority.

2. ***Significant Regulated Trees.*** The ASI boundary may include significant Regulated Trees as defined in this code measured at the outer edge of the tree canopy based on aerial photos and field observation.

Article VIII. Manufactured Home Park Redevelopment Overlay

2.7.930 Special Development Standards

B. ***Continued Use as a Manufactured Home Park.*** Manufactured homes have reduced impacts on the land because the unit does not require a permanent foundation. However, many existing manufactured home parks are not developed at the maximum density. In order for the existing parks to develop at the allowable 10 units per acre park owners may take advantage of the following incentives:

1. The average area of a mobile home site may be 3,000 square feet provided all spacing requirements of the Building Code can be met.
2. Park owners that receive displaced residents from redeveloping parks will not be obligated to relocate these displaced units when the park redevelops as required by Ordinance NS-2036.
3. ~~Up to 10 percent of the existing trees may be removed to accommodate new manufactured home placement, provided the trees being removed are not specimen trees. For the purpose of this code, a~~

~~specimen tree would be a tree of any species which is determined by a certified arborist to be of an exemplary size or variety for the area;~~

C. Redeveloping Manufactured Home Parks. Redeveloping manufactured home park owners that choose to take advantage of the provisions of this overlay ~~shall~~ must initiate an “Intent to Rezone” with the City by filing an application for a plan amendment and zone change in conformance with BDC Chapter 4.6. The application for “Intent to Rezone” shall be accompanied by an application for development, and the applicable fees.

In addition to the approval criteria for development found in BDC Chapter 4.6, the applicant ~~shall~~ must address the following general standards.

2. **Building Height.** To encourage innovative housing designs, provide more efficient use of land, encourage the preservation of open space and existing trees and to achieve greater allowable densities, an increase in building height not to exceed 10 feet above the height of the zone may be allowed provided the applicant’s proposal meets all of the following criteria:
 - a. The added height will provide for additional affordable housing units.
 - b. The additional building height is needed to preserve ~~existing trees and the added height and total building area proposed is equivalent to the area of significant trees being saved~~ more than 20 percent of the Priority Trees or more than 25 percent of the total DBH of Regulated Trees.
 - c. ~~The additional building height is buffered from view by existing preserved trees. (This is not clear and objective.)~~
 - d. ~~The building requesting the added height has a required minimum 1:1 side and/or rear yard setback from an existing adjoining residential use based on the finished building height.

Example: a 40-foot tall building would have a 40-foot minimum side and/or rear yard setback from an existing adjoining residential use. (This is an excessive setback requirement.)~~
 - e. c. The proposed building incorporates sustainable Leed Silver Certification construction methods.

Article X. Central Oregon Community College (COCC)

– Special Planned District/Overlay Zone

2.7.1009 ~~Natural Resource Plan~~ Tree Preservation and Rock Outcroppings.

~~In conformance with the landscape conservation requirements of BDC Chapter 3.2, an inventory of significant vegetation shall be submitted along with a preservation plan for each site plan application. Regulated trees must be preserved in compliance with BDC 3.2.200, Tree Preservation. The natural resource inventory shall include all significant vegetation by size (DBH) and species, as well as~~ In addition, rock outcroppings must be identified on a plan, with two-foot contours shown.

Article XI. Juniper Ridge Overlay Zone

2.7.2030 Employment Sub-District

G. *Employment Sub-District Natural Resource Areas.* Heritage trees, significant rock outcrops, and natural landscape buffers within the Employment Sub-District are identified in Figure 2.7.2030.B, Employment Sub-District Natural Resource Identification Map. Natural landscape buffers are required to be maintained with native landscaping or, if they are disturbed by adjacent site development, to be revegetated with native landscaping. Heritage trees and significant rock outcrops are mapped solely with the intention of providing guidance to site design and site development, with the overall goal of preserving as many of these resources as is practicable. The City may allow one or more of the exceptions to development standards listed in BDC 3.2.200(D), Tree Preservation Incentives, if heritage trees and/or significant rock outcrops identified in Figure 2.7.2030.B are preserved by a proposed development. The identification of heritage trees in Figure 2.7.2030.B is based upon the Phase I: Juniper Ridge Ecological Site Assessment – Summary Report and Maps, prepared by Gene Hickman and Matt Shinderman, 2007. The tree preservation standards in BDC 3.2.200, Tree Preservation do not apply to the Employment Sub-District,

except trees to be preserved must be protected from development impacts according to BDC 3.2.200(F),
Root Protection Zone Requirements.

Article XV. Southeast Area Plan

- 2.7.3300 Southeast Area Plan.
- 2.7.3305 Purpose.
- 2.7.3307 Definitions.
- 2.7.3310 Applicability.
- 2.7.3320 General Commercial Districts (CG).
- 2.7.3330 Mixed Employment Districts (ME).
- 2.7.3340 Light Industrial Districts (IL).
- 2.7.3350 Public Facilities Districts (PF).
- 2.7.3360 ~~Tree Preservation and~~ Rock Outcropping Standards.
- 2.7.3370 Collector Street Standards.
- 2.7.3380 Arterial Street Cross-Section Standards for 27th Street and Knott Road.
- 2.7.3390 Bicycle Facilities and Multi-Use Paths.

2.7.3360 ~~Tree Preservation and~~ Rock Outcropping Standards

A. *Applicability.* The following ~~preservation and landscaping~~ standards are required in addition to the requirements in BDC Chapter 3.2, Landscaping, ~~Street Trees~~ Tree Preservation, Fences and Walls.

~~B. *Tree Preservation.*~~

1. ~~For sites two acres or larger, at least 50 percent of all trees measuring 24 inches in diameter or greater as measured four feet above the ground (known as DBH, "diameter at breast height") must be retained on-site unless exempted in subsection (B)(4) of this section.~~

~~2. **Site Plan Review Incentives.** As part of a site plan review application under BDC 4.2.500, the City may allow one or more of the following incentives when more than 50 percent trees with a DBH of 24 inches are preserved:~~

~~a. Reduction of setbacks up to 30 percent.~~

~~b. Increased lot coverage up to 20 percent.~~

~~c. Reduced landscape coverage up to 10 percent.~~

~~d. A 10-foot increase in building height above the height of the underlying zone and in addition to the increase in building height allowance for affordable housing units per BDC 3.6.200(C)(4)(b).~~

~~3. **Land Division Incentive.** As part of a land division application, the City may allow the following incentive when more than 50 percent of individual trees with a DBH of 24 inches are preserved on the development site:~~

~~a. Reduction to lot dimensions, including lot size, by up to 10 percent.~~

~~4. **Exemptions.** Trees protected under subsection (B) of this section may be removed only if:~~

~~a. The minimum density for the zone cannot be met after exhausting all available incentives in subsections (B)(2) and (3) of this section, as demonstrated on the Tree Protection Plan. In this case, up to 70 percent may be removed to accommodate the minimum density. For housing projects, including needed housing projects, the developer must make a request in writing in order for the City to apply the exception as a discretionary alternative.~~

~~b. A site undergoing development review includes a public facility or school and the removal of trees with a DBH of 24 inches or greater is necessary to accommodate buildings or accessory uses (e.g., ball fields) as demonstrated on the Tree Protection Plan. Trees not within the building footprint or footprint of the accessory use(s) must be retained.~~

~~c. The trees are located within an existing public right-of-way, in existence on the date this code becomes effective (May 21, 2021).~~

~~d. The trees are located within an existing or proposed arterial or collector identified in Figure 2.7.3370-1, Street Plan for Southeast Area Plan.~~

C B. Rock Outcrops. Existing on-site rock outcrops, defined as lava rocks or clusters of naturally occurring lava rock that are incorporated into the development's landscaping that do not qualify as significant rock outcrop areas, may be credited toward meeting the minimum landscape area standards in BDC 3.2.300(C), Landscape Area Standards. Credit will be granted based on the total square footage of the preserved rock outcrop area.

D C. Significant Rock Outcrop Areas. Significant rock outcrop areas are defined as rocks or clusters of naturally occurring rock that (1) have at least one point a height of at least eight feet from the surrounding terrain, and (2) are over 3,000 square feet in area.

2. Protection Standards.

- a. No development may occur in a significant rock outcrop area except pedestrian amenities, multi-use trails, and multi-use paths, or unless exempted in subsection (D C)(5) of this section.

5. Exemptions.

- a. If a significant rock outcrop area exceeds more than three percent of a total development site area, the area in excess of three percent may be developed and is not subject to the protection standards in subsection (D C)(2) of this section.
- ~~b. Where the minimum density for the zone cannot be met without removing significant rock outcrop areas after exhausting all available incentives identified in subsections (D)(3) and (4) of this section as demonstrated in an inventory and map. For housing projects, including needed housing projects, the developer must make a request in writing in order for the City to apply the exception as a discretionary alternative. Significant rock outcrop areas not located within the building footprint or footprint of the accessory use(s) or accessory structure(s) must be retained.~~

(Relocated to BDC 2.7.3360.C.6. below)

- ~~e. b.~~ Significant rock outcrops located within a public right-of-way in existence on the date this code becomes effective (May 21, 2021) are not required to be preserved under these regulations.

6. Discretionary Track. For projects that include the development of housing, if the applicant states in the written narrative they are electing to use a Type II discretionary path, then the applicant may request that the Review Authority make an exception to the significant rock outcropping protection standards if the applicant can demonstrate that the minimum density for the zone cannot be met without removing significant rock outcrop areas after exhausting all available incentives identified in subsections (DC)(3) and (4) of this section as demonstrated in an inventory and map. Significant rock outcrop areas not located within the building footprint or footprint of the accessory use(s) or accessory structure(s) must be retained. *(Relocated from BDC 2.7.3360.C.5.b. above)*

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.500 Clear Vision Areas.

C. The following standards apply to clear vision areas:

3. Unless exempted below, there must be no fence, wall, vehicular parking, sign, building, structure, or any other obstruction to vision within the clear vision area between the height of two feet and eight feet above the top of the curb. In cut sections, embankments must be graded to comply with these requirements. Shrubs or foliage must not exceed two feet in height. Existing trees must be limbed to a minimum of eight feet above the top of curb or 12 feet above adjacent bike lanes. New trees are not permitted within the clear vision area, except street trees may be planted a minimum of five feet from the edge of a driveway or an alley.

a. *Exemptions.*

- i. Street sign, post or pole (e.g., power, signal, or luminaire pole).
- ii. Any private post or pole eight inches or less in diameter (width or length).

Chapter 3.2

LANDSCAPING, STREET TREES, FENCES AND WALLS

Sections:

3.2.100 Purpose.

3.2.200 ~~Landscape Conservation~~ Tree Preservation.

3.2.300 New Landscaping.

3.2.400 Street Trees and Planter Strip Landscaping.

3.2.500 Fences and Retaining Walls.

3.2.100 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for tree preservation, landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees reduce stormwater runoff and are a valuable component of the City's infrastructure. Trees and other plants also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage by capturing rainwater within their canopies and can improve air and water quality.

3.2.200 ~~Landscape Conservation~~ Tree Preservation.

~~Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references BDC 2.7.600 and 2.7.700, Upland Areas of Special Interest Overlay Zone which regulate development of areas of special interest.~~

~~The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of existing mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, allows for water conservation due to larger plants having established root systems, and assists with erosion control within disturbed construction sites.~~

~~A. *Applicability.* The standards in this section shall apply to all development sites containing significant vegetation, as defined below, except for residential development on Residential District lots that were created through a subdivision or partition plat filed with Deschutes County prior to the effective date of the ordinance codified in this code.~~

A. Applicability.

1. The standards in this section apply to the following applications:
 - a. Land division applications subject to BDC Chapter 4.3, Land Divisions and Property Line Adjustments.
 - b. Site Plan Review applications subject to BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.
 - c. Applications for development on sites larger than one acre subject to BDC Chapter 4.2.400(A) Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments.
 - d. Exceptions.
 - i. Land division and Site Plan Review applications on sites one acre or smaller may choose to comply with either the tree preservation requirements in subsections (C)(1) or (2) of this section, or with BDC 3.2.200(E), Mitigation Options.
 - ii. Applications for developments on sites one acre or smaller subject to BDC Chapter 4.2.400(A) Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments are not required to comply with BDC 3.2.200, Tree Preservation.

2. When the trunk of a tree straddles a property line at ground level and crosses the right of way, it is considered an on-site tree for the purposes of the tree preservation requirements. Where the trunk of a tree straddles a property line with another property, it is not considered for the purposes of the tree inventory; but nothing in this code authorizes removal of the boundary tree without written authorization for removal of all property owners, nor does this code relieve any applicant or property owner from complying with all applicable provisions of state law regarding responsibility and removal of boundary trees.
3. No trees subject to this section may be removed prior to a final land use decision or final decision of the Review Authority.

B. Submittal Requirements. The following information must be prepared by a qualified professional or surveyor and submitted with the development application as applicable:

1. Tree Inventory.

- a. Submit a tree inventory table with the following information:
 - i. An assigned number for each Regulated Tree.
 - ii. Tree type or common name, genus and species.
 - iii. Tree size (Diameter at Breast Height).
 - iv. Proposed tree status (trees to be removed or preserved).
- b. If a tree(s) is proposed to be exempt from the Tree Preservation Requirements of BDC 3.2.200(C) based on poor or very poor health, the tree inventory table must identify the condition of the proposed tree(s) using the following categories:
 - i. Poor (significant health issues and likely in decline).
 - ii. Very poor or dead (in severe decline or dead).

In addition, supporting documentation from an ISA Certified Arborist must be included and it must state whether the tree should be exempt.

2. Tree Preservation Site Plan. Submit a site plan with the following information:

- a. Location of all proposed improvements clearly identified, including building footprints, streets, alleys, access, utilities, applicable setbacks, buffers and required landscaping.
- b. Location and corresponding numbers from the inventory table of all Regulated Trees on the site and within abutting rights-of-way.
- c. Proposed tree status (trees to be removed or preserved).
- d. Location of root protection zones for on-site trees proposed to be preserved and the portion of any off-site tree's root protection zone that extends into the site as identified in BDC 3.2.200.F.1, Identify a Root Protection.
- e. An indication that protection fencing of each tree proposed to be preserved will be installed in compliance with BDC 3.2.200(F), Root Protection Zone Requirements.
- f. Location and tree type of any proposed replacement tree in compliance with BDC 3.2.200(E), Mitigation Options.

3. Tree Preservation Calculations. Provide calculations that demonstrate the percent of Priority Trees proposed to be preserved on-site and the percent of the total DBH of all Regulated Trees proposed to be preserved on-site. Trees with trunks that straddle a property line at ground level with another property are not included as part of the tree preservation calculations.

4. Tree Replacement Calculations. When the standards in BDC 3.2.200(C)(1)(a) or (b) will not be met, provide calculations that demonstrate the number of required replacement trees to be planted on-site or that will require a payment in lieu of tree preservation in compliance with BDC 3.2.200(E), Mitigation Options.

C. Tree Preservation Requirements. Development sites subject to these regulations must comply with at least one of the requirements in BDC 3.2.200(C)(1), Clear and Objective Track Tree Preservation Requirements, or the applicant may request a discretionary track to preserve less than five percent of the total DBH of Regulated Trees on-site in accordance with BDC 3.2.200(C)(2), Discretionary Track. Where a fractional number results, the number is rounded up to the nearest whole number.

Trees that are documented by an ISA Certified Arborist as poor or very poor health in BDC 3.2.200(B)(1)(b) and approved by the Review Authority as such are exempt from this subsection and BDC 3.2.200(E), Mitigation Options.

1. Clear and Objective Track Tree Preservation Requirements.

- a. At least 20 percent of all Priority Trees on-site must be preserved; or
- b. At least 25 percent of the total DBH of all Regulated Trees on-site must be preserved; or
- c. At least five percent of the total DBH of all Regulated Trees on-site must be preserved with mitigation provided in compliance with BDC 3.2.200(E), Mitigation Options.

2. Discretionary Track.

- a. If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination that less than five percent of the total DBH of all Regulated Trees on-site may be preserved if the applicant can demonstrate that is necessary due to one or more of the following:
 - i. **Block Length and Perimeter Standards.** The removal is necessary to construct and/or extend a connected network of local streets needed to meet block length or perimeter requirements in BDC 3.1.200(D)(2).
 - ii. **Connectivity.** The removal is necessary for streets, alleys or multi-use path extensions required to meet BDC standards.
 - iii. **Arterials and Collector Streets.** The removal is necessary to construct the planned alignment of an arterial or collector street identified in the Transportation System Plan (TSP).
 - iv. **Utilities.** The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
 - v. **Site Topography.** The removal is necessary due to the topography of the site and the tree(s) is located within or abutting areas of cuts or fills that are deemed threatening to the life of the tree, as determined by an ISA Certified Arborist. In addition, supporting documentation from an arborist must indicate that these trees will not be viable with slight modifications to the proposed grading or the utilization of shallow tree wells or root borders.
- b. If preservation of less than five percent of the total DBH of all Regulated Trees on-site is approved by the Review Authority, mitigation is required in compliance with BDC 3.2.200(E), Mitigation Options.

- D. Tree Preservation Incentives.** The Review Authority may allow one or more of the following incentives when more than 20 percent of the Priority Trees are preserved on-site or when more than 25 percent of the total DBH of all Regulated Trees is preserved on-site:

1. Reduction of setback requirement up to 30 percent on a lot or parcel with a tree identified for preservation.
2. Increased lot coverage requirement up to 20 percent on a lot or parcel with a tree identified for preservation.
3. Reduced landscape coverage requirement up to 10 percent on a lot or parcel with a tree identified for preservation.
4. Reduction to lot or parcel dimensions, including size, by up to 10 percent when part of a land division.

E. *Mitigation Options.* If the preservation requirements in BDC 3.2.300(C)(1)(a) or (b) are not met, the following mitigation options, or combination thereof, are required:

1. On-Site Tree Replacement.

- a. Replacement trees must be planted on-site to make up for anything less than the total DBH required in BDC 3.2.200(C)(1)(b). To determine the number of required replacement trees based on the ratios below, use the DBH of the largest tree or trees proposed for removal that will cumulatively equal or exceed the DBH required to meet the 25 percent preservation standard.
 - i. 6" to 9.9" DBH tree removed: One replacement tree.
 - ii. 10" to 19.9" DBH tree removed: Two replacement trees.
 - iii. 20" or larger DBH tree removed: Four replacement trees.
- b. Replacement trees must comply with the requirements in BDC 3.2.300(D)(4), Tree Size.
- c. Replacement trees must be installed prior to one of the following:
 - i. Prior to the building permit final inspection when the tree will be planted on a lot or parcel with a new building.
 - ii. Prior to land division final plat approval.
 - iii. Prior to a final planning inspection for lots, parcels or tracts approved as open space.

Only during winter months when the ground is frozen may the required replacement trees be eligible for deferral, provided the City approves a financial or other guarantee in a form acceptable to the City.

- d. Replacement trees are in addition to the tree requirements in BDC 3.2.400, Street Trees and Planter Strip Landscaping, BDC 3.2.300(E)(1), Parking Areas and BDC.3.2.300(E)(2), Parking Lot Driveway and Drive Aisles.

2. Payment in Lieu of Tree Preservation.

- a. A payment in lieu of tree preservation must be made for each replacement tree required in subsection (E)(1)(a) of this section but not planted on site. The payment will be established in the City's fee resolution.
- b. The applicant must make a payment in lieu of tree preservation prior to issuance of a building permit or land division final plat approval, whichever occurs first.
- c. The payment in lieu of tree preservation is a one-time payment deposited into a dedicated city fund. The funds must be spent on costs directly related to the maintenance of existing trees in the public right-of-way or other City-owned property, or to increase Bend's urban tree canopy city-wide.

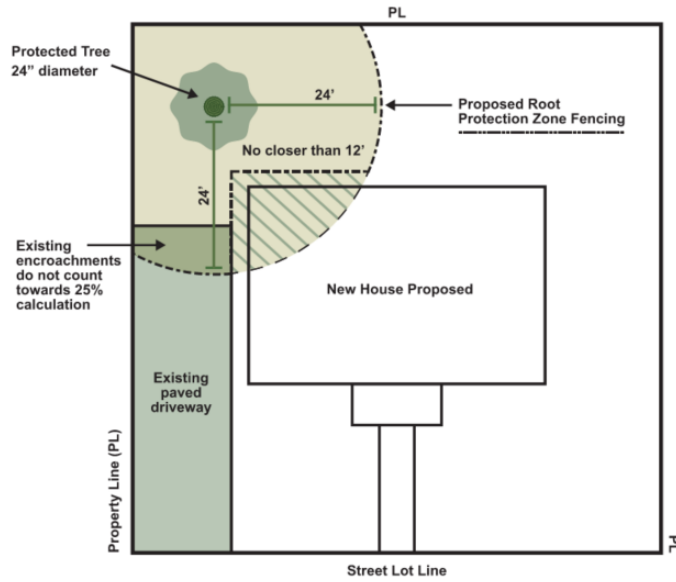
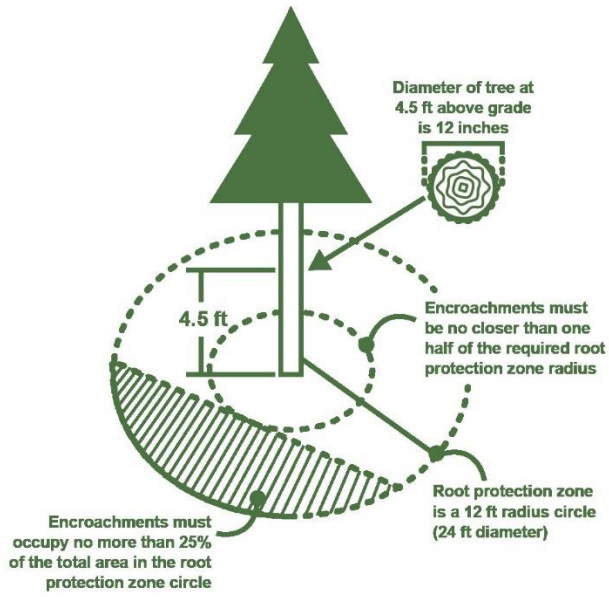
F. Root Protection Zone Requirements. These standards apply to any on-site tree that is identified to be preserved and to any root protection zone that extends into the site from an offsite tree. The tree protection methods and specifications must be consistent with ISA best management practices.



1. Identify a root protection zone. Root protection zone means a circular area measured from the outside trunk of the tree equal to one foot in radius for every inch of tree at diameter at breast height. For offsite trees with root protection zones that extend into the site, the root protection zone may be estimated but no less than the extent of the dripline.

2. Encroachments.

- a. Existing Encroachments. Existing encroachments into the root protection zone may remain.
- b. New Encroachments for Structures, Impervious Surfaces and Utilities.
 - i. New encroachments into the root protection zone are allowed provided the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and
 - ii. New encroachments are no closer than one half of the required root protection zone radius.

Figure 3.2.200.F – Example of Permissible Encroachments



- A:  Area of root protection zone (only use the area on the project site)
 - B:  Area of encroachment
- Calculation: $\frac{\text{sq ft of B}}{\text{sq ft of A}} = \% \text{ of encroachment}$

3. Prohibited in Root Protection Zone. The following are prohibited within the root protection zone of each tree:

a. Clearing, grading and construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, excavation or fill, compaction, trenching or other work activities.

i. Exception: Demolition of existing structures or other encroachments is permitted in the root protection zone. Trees damaged or destroyed during demolition must be replaced in compliance with BDC 3.200(E), Mitigation Options.

b. New structures, impervious surfaces and utilities unless approved to encroachment in compliance with subsection (F)(2)(b) of this section.

4. Protection fencing:

a. Required protection fencing must be installed before any construction activities start; and may only be removed upon completion of final planning inspection.

b. Protection fencing must be installed at the edge of the root protection zone and permissible encroachment area on the development site in accordance with the City of Bend Design Standards and Construction Specifications. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

c. When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site.

d. Signage designating the protection zone and penalties for violations must be secured in a prominent location on each protection fence.

5. Landscaping and Irrigation. Any landscaping or irrigation approved within the root protection zone may be installed before or after the removal of the protection fence and must not disturb existing trees including roots within the root protection zone.

G. Tree Preservation Conditions of Approval.

1. Trees Identified for Preservation. As a condition of land use approval that runs with the land, trees identified and required for preservation are the responsibility of the property owner and must be preserved for a minimum of three years from the date of land division final plat approval or building final inspection, whichever occurs first. If a tree, as determined by an ISA Certified Arborist and approved by the Planning Manager, is determined during the three year period to be dead, diseased and/or hazardous or poses a hazard to personal safety, property or the health of other trees, it may be removed.

2. Replacement Trees. Maintenance of replacement trees are the responsibility of the property owner. If the replacement tree fails to survive within three years from the date of building final inspection, the property owner must replace it with an equivalent specimen (i.e., evergreen tree replaces evergreen tree, deciduous tree replaces deciduous tree, etc.). Replanting must occur within the planting period for Central Oregon or during the time period of notice by the City.

3. Tract or Easement. An applicant may delineate and show the preserved trees or replacement trees in a tract or easement. All existing tree(s) in a tract must be protected by a permanent restrictive covenant or easement approved in form by the City. The size of the tract must be the minimum necessary as recommended by an ASI Certified Arborist to adequately encompass the critical root zone and ensure long term survival of the tree. No portion of a tree tract must be less than 20 feet in width. All tree tracts or easements must include a permanent maintenance agreement to be approved by the City on forms provided by the Community and Economic Development Director, which designates the private homeowners association, property owner association, or other private entity responsible for the maintenance of the trees. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum and maximum density requirements.

H. Exemptions. The following activities are exempt from the provisions of this section and the mitigation standards in BDC 1.3.300(C), Removal of Landscaping and Regulated Trees and BDC 3.2.200(E), Mitigation Options:

1. Emergencies. Regulated Trees may be immediately removed in the event of an emergency when the tree poses an immediate threat to life or safety. The Planning Manager retains authority to determine if particular circumstances constitute or constituted an emergency.

~~B. Significant Vegetation. Significant vegetation~~ means individual trees with a specific trunk diameter as measured four feet above the ground (known as DBH, "diameter at breast height"); shall be inventoried during the site design process and protected during construction unless otherwise approved for removal

through the site plan review process. For the purpose of this section, deciduous trees measuring six inches or greater and coniferous trees measuring 10 inches or greater shall be considered significant vegetation.

C. Mapping and Protection Required. A Tree Protection Plan shall be prepared and submitted with the development application. Significant vegetation shall be inventoried and mapped as required by BDC Chapter 4.2, Site Plan Review and Design Review, BDC 2.7.600, Waterway Overlay Zone (WOZ), and 2.7.700, Upland Areas of Special Interest Overlay Zone. Trees shall be mapped individually and identified by species and size (DBH). A **protection** area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees) or stand of trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine tree health, vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees identified as meeting the criteria in subsection (B) of this section must be retained unless approved by the City to be removed for development. Preservation is considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term **prevent** in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection must not in itself be considered to prevent development. Building envelopes commensurate with the lot coverage standard of the zone must be depicted on the Tree Protection Plan. Trees outside the envelope be protected unless they prevent development. In instances where applying exceptions to certain development standards would make tree preservation practical, the City may allow one or more of the following exceptions to the development standards when individual trees with a DBH of 24 inches or larger or stands of trees that are in good health as determined by a qualified professional, are preserved by a proposed development with an approved tree preservation plan:

- Reductions of setbacks up to 25 percent.
- Increased lot coverage up to 15 percent.
- Reduced landscape coverage up to five percent.

1. *Protection of Significant Trees.* The applicant must submit a Tree Protection Plan on a site plan map, drawn to scale, that includes the following provisions where appropriate:

- a. *Inventory of Significant Vegetation.* Depict all significant vegetation by DBH and species, showing property lines, two-foot contours and rock outcroppings.

- b. ~~*Building Envelopes.*~~ The developer shall depict the buildable area of a lot that is consistent with the lot coverage area of the zone.
- c. ~~*Barriers.*~~ The developer shall depict protection barriers on the site plan and locate and mark with flagging and/or signs all construction roads, parking places for workers, and areas for the storage of building materials, gravel and soil; stake out the exact locations of all utility trenches; erect physical barriers around all trees to be retained or groups of trees around the work site. Barriers that extend beyond the drip line of the tree are preferred.
- D. ~~*Soil Compaction.*~~ The Tree Protection Plan shall depict typical details of methods for protecting the critical root zone. If barriers are not feasible to keep away vehicles and foot traffic, use six to eight inches of wood chips spread over the root zone or bridge root area overlaid by plates of steel or other suitable material.
- e. ~~*Grade Changes.*~~ If a grade change is unavoidable, retaining walls shall be used to protect the root system.
- f. ~~*Severing Roots.*~~ Avoid cutting anchoring roots if possible. Tunneling for smaller household utility lines may be an option for tree preservation. When root cuts are unavoidable, the cuts shall be made with a pruning saw.
- g. ~~*Above-Ground Injuries to Trees.*~~ Do not use trees for posting signs, electrical wires and pulleys. Keep trees free of nails, screws, and other fastening devices. Prevent trunk injuries by surrounding trunk with one-inch by four-inch wooden slats and securing in place with gauge wire around slats.
- h. ~~*Soil Contamination.*~~ Altering the soil chemistry can result in weakened trees, making them more susceptible to insects and disease. Prevent adverse effects on soil chemistry by spreading heavy plastic tarping where concrete is to be mixed or sheet rock cut; do not clean paintbrushes and tools over tree roots; dispose of chemical wastes properly and do not drain onto soil.
- i. ~~*Altering the Natural Drainage Course.*~~ When the natural drainage of a site is altered, watering for existing trees must be augmented by an irrigation system. Prior to site grading, prepare a site drainage plan. Sometimes surface water containment can sustain existing stands of trees without artificial irrigation.

2. ~~The City may approve the provision for substituting the retention of smaller trees in lieu of significant trees if it can be determined by a qualified professional that the small trees have equal or greater measurable benefits as specified in the purpose of this section and/or that the significant trees will not survive.~~
3. ~~All existing trees in good health, as determined by a qualified professional, which are located within the front yard setback or within an undeveloped public right of way shall be conserved whenever practical.~~
4. ~~When the removal of significant trees cannot be avoided, the City may require, as part of the required landscaping plan for the development site, the replacement of trees in size and number equivalent to the square inch measurement at DBH.~~

~~**E. Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading, operation of vehicles and heavy equipment, and storage of supplies and construction materials are prohibited within significant vegetation areas, except as approved in writing by the City for installation of utilities or streets. Such approval shall only be granted after the City concludes in writing that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with BDC 1.3.300(C), Mitigation for the Removal of Vegetation. The written approval shall include the specific facts that support the conclusion.~~

~~**F. Performance Bond.** To ensure that the significant trees identified through the development review process will be retained and protected, the Review Authority may will require the developer to post a performance bond in an amount determined by the size of the trees being preserved as shown below:~~

Tree Size	Bond Amount
4—6 inches DBH	\$1,000
6—10 inches DBH	\$1,500
10—16 inches DBH	\$3,000
Greater than 16 inches DBH	\$5,000

The amount of the required performance bond shall be determined by totaling the number of trees being preserved based on size and bonding value in the above table. The developer may utilize one of the following methods to assure full and faithful performance:

- ~~1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.~~
- ~~2. A cash deposit in a City account at an approved lending institution.~~
- ~~3. An irrevocable standby letter of credit from a federally insured banking institution or savings and loan operating in Oregon that unconditionally promises to pay the funds pledged upon demand by the City. Such obligation must be unaffected by the financial status of the person who has obtained the letter of credit.~~
- ~~4. An "assurance provider" arrangement between the developer, the City and a federally insured financial institution which assures the City that funds to mitigate the loss or damage of significant trees identified through the development review process for preservation and protection will be provided by the federally insured financial institution to the City in the event the developer does not perform in conformance with the Land Use Development Agreement, and the federally insured financial institution must be satisfactory to the City.~~
- ~~5. The City may place a second position lien on the subject property. The lien shall accrue interest at the rate of six percent until such time the lien amount has been collected. The lien amount shall be paid to the City in full prior to the final occupancy of a building or final plat recordation of a subdivision or partition plat.~~

~~G. *Termination of Bond.* If the developer fails to carry out the provisions of the agreement, the City shall call upon the bond, or letter of credit or cash deposit or property lien or assurance provider arrangement, to finance any cost or expenses resulting from said failure. If the amount of the deposit, letter of credit, bond, or property lien or assurance provider arrangement exceeds the cost and expense incurred by mitigating the loss or damage of the significant trees, the City shall deposit the remainder into a City account for the purpose of tree preservation education, tree planting and maintenance. If the amount of the deposit, letter of credit, bond or assurance provider arrangement is less than the cost and expense incurred by the City for the improvements and repairs, the developer shall be liable to the City for the difference.~~

~~H. *Exemptions.* The mitigation standards in BDC 1.3.300(C) shall not apply in the following situations:~~

- ~~1. **Dead, Diseased, and/or Hazardous Trees.** Trees that are dead or diseased, or pose a hazard to personal safety, property or the health of other trees, may be removed if the Planning Director approves a report and recommendation from a certified arborist or other qualified professional. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection (H)(2) of this section.~~
- ~~2. **Emergencies.** Significant vegetation may be removed in the event of an emergency without land use approval pursuant to BDC Title 4, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director based on a certified arborist's report submitted to the City.~~

3.2.300 New Landscaping.

- A. *Applicability.*** This section applies to all new development requiring Site Plan Review in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.
 - B. *Landscaping Plan Required.*** A landscape plan is required. ~~All landscape plans shall conform to the requirements in conformance with~~ BDC 4.2.300(A)(7), Landscape Plan Submittal Requirements.
 - C. *Landscape Area Standards.*** A minimum percentage landscape coverage is required on-site. Coverage is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner. The minimum required ~~landscaping~~ landscape coverage is 15 percent of the gross lot area for the following uses:
 1. Residential – Single-room occupancies with more than six units, micro-unit developments and multiple-unit developments.
 2. Commercial and office developments.
 3. Industrial developments. Seventy-five percent of the required ~~45 percent site~~ landscaping shall must be located within the front ~~yard~~ setbacks and parking areas or other areas visible to the public, unless otherwise required as a condition of approval.
 4. Mixed-use developments.
 5. Public and institutional developments.
- ~~5.6.~~ Special landscape standards may be required in accordance with BDC Chapters 2.7, Special Planned Districts, 3.6, Special Standards and Regulations for Certain Uses, and 3.8, Development Alternatives.

D. Landscaping Materials. Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

1. **Plant Selection.** ~~Native vegetation must be preserved or planted where practical.~~ A combination of ~~live~~ deciduous and ~~evergreen~~ conifer trees, shrubs and ground covers must be used for all planted areas, the selection of which must be based on local climate, exposure, water availability, and drainage conditions. Fire resistive plants ~~should~~ must be planted in forested areas or on steep slopes ~~where necessary~~ to reduce the risk of fire spreading to structures. ~~As necessary, soils must be amended to allow for healthy plant growth.~~ ***(This is addressed in BDC 3.2.300.G, Soil Preparation, Planting and Care.)***
2. **Hardscape Features.** Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to 15 percent of the required ~~45 percent~~ landscape area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
3. **Nonplant Ground Covers.** Bark dust, chips, aggregate or other nonplant ground covers may be used ~~and~~ but are not considered a substitute for ground cover plants. ~~Measures must be taken to prevent erosion of nonplant ground covers onto adjacent properties or rights-of-way.~~
4. **Tree Size.**
 - a. **Deciduous Trees.** ~~Required~~ All deciduous trees at planting must have a minimum caliper size of two inches measured ~~at four and one-half feet above ground~~ at six inches above the soil or root ball for bare root trees. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning ~~Director~~ Manager/Review Authority may accept a smaller caliper tree no less than one and one-half inches.
 - b. **Conifer Trees.** Required conifer trees at planting must be a minimum six feet in height measured from the soil to the top of the tree.
5. **Shrub Size.** Shrubs ~~shall~~ and ornamental grasses must be planted from ~~two~~ one-gallon containers or larger. ***(Two gallons are an odd size and not frequently available)***
6. **Ground Cover Location and Size.** All of the landscaped area that is not planted with trees and shrubs or covered by allowable hardscape features must be planted in ground cover plants, including grasses. Ground cover plants ~~shall~~ must be sized and spaced in the following manner: planted at a

rate of at least one plant per ~~48~~ 36 inches on center, in triangular spacing based on plant habitat (growth rate) with an expected coverage of ~~80~~ 50 percent within five years of the time of planting. ***(Proposed changes encourage less turf and overplanting.)***

7. ~~Significant Vegetation~~ **Regulated Trees**. ~~Significant vegetation~~ Regulated trees preserved in accordance with BDC 3.2.200, Tree Preservation may be credited toward meeting the minimum landscape area standards in subsection (C) of this section. Credit ~~shall~~ will be granted based on the total square footage of the preserved tree canopy at the time of application submittal. ~~The street tree standards of BDC 3.2.400 may be waived when trees preserved within the front yard setbacks provide the same or better shading and visual quality as would otherwise be provided by street trees between the street and sidewalk.~~
8. ***Stormwater Facilities***. Landscaped bio-swales ~~are encouraged and~~ can be counted in the required amount of landscaped area on the site. ~~Planting of broad leaf canopy trees is encouraged as effective surface water interceptors.~~

E. ***Landscape Design Standards***. Landscape design standards must comply with the following:

1. ***Parking Areas***.

- a. When a development is not subject to BDC 3.3.300.D, Developments with More Than One-Half Acre of New Surface Parking Area, a minimum of 10 percent of the parking lot area must be landscaped as measured around the perimeter of all parking spaces, maneuvering lanes and maneuvering areas including all driveways, aisles, and drive-ins and drive through lanes, and interior landscaping. Such landscaping must consist of an evenly distributed mix of broad-canopied deciduous shade trees with shrubs and/or ground cover plants. **Evenly distributed** means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.
 - i. At a minimum, one tree per eight parking spaces total must be planted to create a partial tree canopy over and around the parking lot area as measured above.
 - ii. All parking areas on a site with more than 50 spaces must include landscape islands with trees to break up the parking area into rows of not more than 8 contiguous parking spaces.
- b. Developments with more than one-half acre of new surface parking area that opt to comply with the tree canopy requirement in BDC 3.3.300.D.2.a must comply with the following:

- i. To determine surface parking lot area, measure the total of all new areas on which a vehicle is designed to maneuver and drive on, including all new parking spaces, driveways, aisles, and drive-in and drive-through lanes within the parking lot. Paved areas not used by passenger vehicles, such as loading areas or outdoor storage of goods and materials, are not counted as surface parking lot area.
- ii. To determine canopy coverage, calculate the expected diameter of the tree canopy at 15 years after planting. Tree canopy must be measured from a plan view of the tree planting plan. Where canopies overlap, the overlap must only be counted once. Except for unenclosed carports, canopy that covers a building does not count toward meeting the coverage standard.
- iii. For existing trees that will remain on the site after development, the calculation may use the actual ~~erown-area~~ tree canopy of any existing trees or the anticipated ~~erown-area~~ tree canopy of any existing trees at maturity but no more than 15 years after planting.
- iv. The 15-year time period applies regardless of whether the tree will be mature at that time. If a tree species will be mature before 15 years, use the expected tree canopy for a mature tree of that species.
- v. Trees must be located in a continuous trench and include three or more continuous trees, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A tree planted in a disconnected individual planter does not count towards the canopy requirements.

2. **Parking Lot Driveway and Drive Aisles.** Developments with more than one-half acre of new surface parking area that opt to comply with parking lot driveways and drive aisles trees in BDC 3.3.300.D.2, b. must comply with the following:

- a. **Parking Lot Driveway Tree Requirements.** Parking lot driveway trees must be from the City of Bend Approved Street Tree List in the City of Bend Design Standards and Construction Specifications Appendix D, and they must be planted based on the minimum planter width and spacing requirements. ~~One tree must be planted every 25 feet of parking lot driveway, except large trees identified in BDC 3.2.400.A, City of Bend Approved Tree List can be 35 feet apart.~~ For driveway segments of sufficient length to require more than one tree, the trees must be planted in a continuous trench except where planting a tree would conflict with existing trees, retaining walls,

utilities or similar physical barriers or are interrupted by driveways, drive aisles, or pedestrian facilities.

- b. *Parking Lot Drive Aisle Tree Requirements.*** At a minimum, one tree per eight parking spaces total must be planted to create a partial tree canopy over and around the parking area. All parking areas must include landscape islands with trees to break up the parking area into rows of not more than 8 contiguous parking spaces.

For purposes of this subsection, a parking lot driveway and drive aisle are defined as follows:

Parking Lot Driveway	Drive aisle
<ul style="list-style-type: none">• Provides access to and from the surrounding streets, and connections through the site to buildings and parking lot drive aisles• Provides access to a limited number of parking spaces (only along a portion of its length; only on one side)• Usually intersects with multiple other driveways and drive aisles along its length	<ul style="list-style-type: none">• A vehicular access bordered by parking spaces• Primarily serves as access to abutting parking spaces• Will have few or no intersections, with the exception of T- intersections, usually with abutting drive aisles



Parking Lot Driveways (Blue) and Drive Aisles (Orange)

3. **Landscape Buffering and Screening Required.** Landscape buffering and screening are required under the following conditions:
 - a. **Parking/Maneuvering Area Adjacent to Streets.** Where a parking or maneuvering area for more than 10 vehicles is adjacent to a street, a landscape buffer consisting of a variety of trees, ground cover and/or shrubs must be provided. The width of the landscape buffer must be the same width as the minimum front setback or a minimum of four feet (excluding curb dimensions), whichever is greater. The required screening must provide breaks, as necessary, for pedestrian facilities.
 - b. **Parking/Driveway/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area must be separated from the building by a raised walkway, plaza, or landscaped buffer no less than two feet in width. Raised curbs, bollards, wheel stops, or other design features must be used to protect buildings from being damaged by vehicles. See also BDC 3.2.300.E.3(2), Parking Lot Driveway and Drive Aisles.

When parking areas are located next to residential ground-floor living space, a landscape buffer with a minimum width of five feet is required.

- c. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All ground level mechanical equipment, outdoor storage, manufacturing, and service and delivery areas ~~shall~~must be screened ~~to the greatest extent practical~~ from all public streets, abutting Residential Districts, and ~~housing~~ dwelling units on the same site. Screening ~~shall~~must be provided by one or more of the following: decorative wall (i.e.,

masonry or similar quality material as the building), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. (See BDC 3.2.500 for other standards related to fences and walls.)

d. *Landscape Islands.* Landscape islands must be provided at the ends of each parking drive aisle and must be a minimum of four feet in width (excluding curb dimensions).

4. *Tree Planter Dimensions.* All areas for required trees must have minimum dimensions of four feet by four feet (excluding curb dimensions).

F. *Landscape Installation Requirement.* ~~All yards, parking lots and required street tree planter strips must be landscaped at the time of site development in accordance with the provisions of this chapter. All required landscaping and related improvements must be completed prior to the issuance of a Certificate of Occupancy any building final inspection.~~ Only during winter months when the ground is frozen may the required landscape improvements be eligible for deferral, provided the City approves a financial or other guarantee prior to occupancy in a form acceptable to the City.

G. *Soil Preparation, Planting and Care.* Soil preparation, ground cover material, staking, and irrigation must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Latest Edition).

H. *Maintenance and Irrigation.* ~~The use of drought-tolerant plant species is encouraged.~~ Water efficient irrigation must be provided for new ~~plants~~ landscaping. If the plantings fail to survive, the property owner must immediately replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) in compliance with the minimum size requirements in BDC 3.2.300(D), Landscaping. All other landscape features required by this code must be maintained in good condition, or otherwise replaced by the owner.

3.2.400 Street Trees and Planter Strip Landscaping.

A. *Applicability.* This section sets standards and requirements for planting trees and planter strip landscaping along all streets. ~~Except for BDC 3.8.400(A), Mid-Block Development, and 3.8.1000, Shared Courts, street trees must be planted~~ for developments subject to:

1. BDC Chapter 4.3, Land Divisions and Property Line Adjustments, for residential land divisions, and

2. BDC 4.2.500, Site Plan Review.
3. BDC 4.2.400, Minimum Development Standards Review when there is an existing sidewalk or a sidewalk is required with the development.

~~B. City of Bend Approved Tree List.~~ ~~The City has developed a list of trees for planting along streets in three size classes: low, medium and tall. Choices of trees are limited to the following list. Exceptions may be granted by the Planning Manager or designee. Multi-trunk and weeping varieties are not appropriate as street trees.~~

~~Street trees must be those species suitable for the location in which they are placed. Typically, trees with a hardiness rating for zones 1 through 5 will survive in Central Oregon as long as irrigation is provided. Approved tree species include:~~

1.	Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines:	
	Approved Street Tree	Estimated Tree Canopy Diameter at 15-years after planting
	Amur Maple/Acer ginnala	15 feet
	Canada Red Cherry/Prunus virginiana 'Shubert'	15 feet
	Eastern Redbud/Cercis canadensis	15 feet
	Flowering Crabapple/Malus 'variety' (choose fruitless varieties)	20 feet
	Hawthorn/Crataegus 'variety'	20 feet
	Japanese Lilac Tree/Syringa reticulata	12 feet
	Serviceberry/Amelanchier	15 feet

2.	Trees with Medium Mature Tree Height (30 to 45 feet):	
	American Hornbeam/ <i>Carpinus caroliniana</i>	35 feet
	Callery Pear/ <i>Pyrus calleryana</i>	15 feet
	Hackberry/ <i>Celtis occidentalis</i> 'variety'	40 feet
	Hedge Maple/ <i>Acer campestre</i>	25 feet
	Mountain Ash/ <i>Sorbus acuparia</i> 'variety'	20 feet
3.	Trees with Tall Mature Tree Height (50 feet or larger) to be used along collector and arterial streets to create a canopy over the roadway:	
	Green Ash/ <i>Fraxinus pennsylvanica</i>	40 feet
	Honey Locust/ <i>Gleditsia tricanthes</i> 'variety'	50 feet
	Littleleaf Linden/ <i>Tilia cordata</i>	20 feet
	Norway Maple/ <i>Acer platanoides</i> 'variety'	30 feet
	Green Beech/ <i>Fagus sylvatica</i>	35 feet
	Pin Oak/ <i>Quercus palustris</i>	40 feet
	Red Maple/ <i>Acer rubrum</i> 'variety'	20 feet

	Red Oak/ <i>Quercus rubra</i>	60 feet
4.	Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan must be used.	

(The City of Bend Approved Tree List has been relocated to the City of Bend Design Standards and Construction Specifications, Appendix D, City of Bend Approved Street Tree List)

B. Street Tree Requirements. Street trees must be planted along all streets for developments subject to this section in compliance with the following:

- 1. Street Tree List.** All new street trees must be from the City of Bend Approved Street Tree List which is based on the width of the planter strip. Trees with a mature height of 50 feet or taller must be used along collector and arterial streets, except when they are located beneath a powerline. Multi-trunk and weeping varieties are not appropriate as street trees. See the City of Bend Design Standards and Construction Specifications Appendix D for the City of Bend Approved Street Tree List.

C. Spacing and Location.

~~4.~~ **2. Location.** Street trees must be planted along all street frontages on the development site within existing or proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. ~~Where the landscape planter strip is less than four feet wide (excluding curb dimensions) and/or tree well is not wide enough to accommodate street trees,~~ the street trees ~~may~~ must be planted on the site within five feet from the back of the sidewalk. Root barriers are required with street tree planting to protect the City's curb and sidewalk. Existing trees located in a proposed planting strip, tree well, or within five feet from back of sidewalk can count towards this requirement.

~~2-3.~~ **Spacing.** ~~Trees with low mature height must be planted no further than 25 feet apart; trees with medium and tall mature height must be planted no further than 35 feet apart,~~ Street trees must be planted based on the species and spacing distance provided in the City of Bend Approved Street Tree List, except where planting a tree would conflict with existing trees, driveways, retaining walls, utilities and similar physical barriers or it would conflict with the areas identified in City of Bend Design Standards and Construction Specifications 12.2.3.5, Street Tree Location and Spacing. A random spacing of trees may be approved for the equivalent number of trees required for the length of the frontage.

~~3. Trees must be planted no closer than 35 feet from a stop sign. (*Required in City of Bend Design Standards and Construction Specifications 12.2.3.5, Street Tree Location and Spacing.*)~~

~~4. New trees are not permitted within the clear vision area (*Required in BDC 3.1.500, Clear Vision Areas and in the City of Bend Design Standards and Construction Specifications*)~~

~~4. Tree Size. See BDC 3.2.300(D)(4), Tree Size.~~

~~5. Utility Easements. All street trees must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance (this may require additional easements) or when approved by the utility provider. If the existing planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirements may be adjusted as approved by the Planning Manager per subsection (B)(2) of this section. (*Relocated from 3.2.400.G, Utility Easements.*)~~

~~D. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. (*Relocated to also include planter strip landscaping in BDC 3.2.400.E, Sidewalk Construction*)~~

~~E. 6. Sidewalk Tree Wells. Street trees planted within sidewalk tree wells must be installed with a City-approved tree grate.~~

~~C. Planter Strip Landscaping. Effective November 1, 2024, when the development approval requires a new sidewalk and planter strip, or the planting of street trees in an existing planter strip, the required landscaping must comply with the following:~~

- ~~1. Planter strips must be landscaped with only ornamental grasses, shrubs, and plants from the City of Bend Approved Plant List. Turf (all cool season lawn species) and artificial turf are prohibited in the planter strips. See the City of Bend Design Standards and Construction Specifications Appendix E for the City of Bend Approved Plant List.~~
- ~~2. Planter strips must be landscaped with a minimum of 10 plants per 100 square feet of planter area and result in an expected coverage of 50 percent within five years of the time of planting. Ornamental grasses must not make up more than 25% of the plants in the planter strip.~~
- ~~3. Shrubs and ornamental grasses at the time of planting must be a minimum of one gallon, and perennials and groundcover plants must be a minimum of four-inch pots.~~
- ~~4. Overhead spray irrigation systems are not permitted in planter strips that are less than 8 feet in width (excluding curb dimensions). For widths eight feet and above, see City of Bend Design Standards and Construction Specifications.~~

D. Installation. All street trees, landscaping and irrigation in the planter strips must be installed in compliance with the City of Bend Design Standards and Construction Specifications, the requirements of this section and the city's approved street tree and plant list.

E. Sidewalk Construction. Where sidewalks are being constructed with a development, the street trees and/or landscaping must not be planted until the sidewalks are completed and approved by the City. *(Relocated from BDC 3.2.400.D)*

F. Assurances. If the street trees and planter strip landscaping are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director Manager may require the owner/developer to provide a performance and maintenance bond in an amount equal to 120 percent of the actual cost to purchase, plant and maintain for a minimum of one full growing season, to ensure the planting of the tree(s) and care during the first year after planting.

G. Utility Easements. ~~All street trees must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance. If the existing planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirement in subsection (C) of this section may be adjusted as approved by the Planning Manager. *(Relocated to Street Tree requirements.)*~~

Chapter 3.5

OTHER DESIGN STANDARDS

3.5.100 Density Transfers

C. Density Transfer Authorized. Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another contiguous property. The density transfer ~~shall~~must protect sensitive land areas as listed below either by dedication to the public or a land trust, or by a nonrevocable conservation easement. Sensitive land areas include:

7. A stand or grove of ~~significant~~ Regulated Trees as defined in BDC Chapter 3.2, Landscaping, Tree Preservation, Fences and Walls.

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.300 Submittal Requirements.

- A. An application for review under this chapter must include the following information, as deemed applicable by the Community and Economic Development Director based on the size, scale and complexity of the development.

1. **Existing Site Conditions Map.** At a minimum the existing site conditions map ~~shall~~ must contain the following:

~~g. The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade; (This will be required in 3.2.200(B)(2), Tree Preservation Site Plan)~~

~~h. g.~~ Locally or federally designated historic and cultural resources on the site and the adjacent parcels;

~~i. h.~~ North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;

~~j. i.~~ Name, address, email address and telephone number of project designer, engineer, surveyor, and/or planner, if applicable.

7. **Landscape Plan Submittal Requirements.** ~~A landscape plan~~ The following (as applicable) must be submitted in compliance with BDC Chapter 3.2, Landscaping, ~~Street Trees~~ Tree Preservation, Fences and Walls and it must include the following (as applicable):

a. Landscape Plan. Landscape plans must include the following:

- ~~a.~~ i. Existing and proposed plant and non-plant materials. Include a planting schedule containing the location, size, ~~and~~ species, and quantity of the existing and proposed plant materials (at time of planting) and include plant installation timeline.
 - ~~b.~~ ii. ~~Existing and proposed building and pavement outlines~~ Existing and proposed structures, streets, driveways, walkways and other hard surfaces.
 - iii. Existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.
 - iv. Existing and proposed street tree and planter strip landscaping in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping.
 - v. Clear vision areas.
- b. Irrigation plans.** An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
- ~~c.~~ Irrigation plans, wWritten soil specifications at time of planting, ~~and anticipated plant installation time line.~~
- ~~d.~~ The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas; ***(Relocated to subsection (a) of this section.)***
- ~~e.~~ Existing and proposed abutting street right-of-way landscaping; ***(Relocated to subsection (a) of this section.)***
- ~~f.~~ d. Landscape calculations pursuant to BDC 3.2.300.C, Landscape Area Standards and a site plan clearly identifying the area included in the calculations.
- ~~g.~~ e. Developments that opt to comply with the tree canopy requirement in BDC 3.3.300.D.2.a. must provide a tree canopy plan demonstrating compliance with BDC 3.2.300.E.1.b, Developments with More Than One-Half Acre of New Surface Parking Area.
- ~~h.~~ f. Developments that opt to comply with the parking lot driveway and drive aisle tree requirements in BDC 3.3.300.D.2.b must provide a site plan demonstrating compliance with BDC 3.2.300.E.2,

Parking Lot Driveway and Drive Aisles. The site plan must label the parking lot driveway and drive aisles.

- † g. Other information as deemed appropriate by the Community and Economic Development Director. ~~An arborist's report may be required for sites with mature trees that are protected under BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls.~~

8. Tree Preservation Plan. The tree preservation requirements in conformance with BDC 3.2.200, Tree Preservation.

9. 8. Sign Drawings. Depictions of conceptually proposed signs ~~shall~~ must be in conformance with BC Chapter 9.50, Signs. A separate sign application and permit will be required for all signs.

10. 9. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in BDC 4.2.500(D), Site Plan Review Approval Criteria.

11. 10. Traffic Impact Study. A Traffic Impact Analysis, ~~shall be submitted~~ if required by BDC Chapter 4.7, Transportation Analysis.

12. 11. Water and Sewer Capacity Analyses. These analyses are provided by the City upon request and payment of fee, if required.

13. 12. If the properties are not served by the City sewer system in accordance with BC Title 15, provide documentation from the Deschutes County Environmental Soils Division which indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by the development.

14. 13. Additional Information. The Community and Economic Development Director may require, at the applicant's expense, studies, reports or exhibits prepared by qualified professionals to address specific site features or concerns.

4.2.400 Minimum Development Standards Review.

A. Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments.

- 3. Approval Criteria.** The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

b. The following standards are met:

x. Except for ADUs, street trees and planter strip landscaping are required in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping when there is an existing sidewalk or a sidewalk is required with the development.

xi. Lots or parcels larger than one acre must comply with BDC 3.2.200, Tree Preservation.

B. Minimum Development Standards Review for All Other Uses

- 3. Approval Criteria.** The Review Authority ~~shall~~ must approve, approve with conditions, or deny an application for minimum development standards review based upon the criteria listed below.

c. The following standards are met:

xiii. Street trees and planter strip landscaping are required in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping when there is an existing sidewalk or a sidewalk is required with the development.

Chapter 4.3

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

4.3.300 Tentative Plan.

- B. *Informational Requirements.*** A tentative plan must be prepared by a professional land surveyor, a registered professional engineer or a registered landscape architect and contain the information listed below. Some information may be omitted from the tentative plan if it is provided in accompanying materials. No tentative plan will be considered complete unless all the required information is provided.

6. *Tree Preservation Plan.* The tree preservation requirements in conformance with BDC 3.2.200, Tree Preservation.

7. *Street Trees and Landscaping in Planter Strips Plan.* For residential land divisions, a street tree and planter strip landscaping plan demonstrating compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping.

Chapter 4.5

MASTER PLANS

4.5.100 Master Plan General Provisions

E. Submittal Requirements. The following information must be submitted as deemed applicable by the Community and Economic Development Director based on the size, scale, and complexity of the master plan:

1. Existing Conditions Submittal Requirements.

b. Existing Site Conditions Map.

ii. The existing site conditions map must include the following information on site:

(A) The location of existing structures, parking, loading and service areas, and pavement.

Existing aerial photos may be used; and

(B) The location, size and species of ~~trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade~~ Regulated Trees.

2. Proposed Master Plan Submittal Requirements.

b. Scaled maps or diagrams that include the following information (as applicable):

vii. Conceptual Landscape ~~concept~~ plan and tree preservation plan in accordance with BDC Chapter 3.2, Landscaping, ~~Street Trees~~ Tree Preservation, Fences and Walls.

F. Modifications to Approved Area Plans, Master Plans, PUDs and Special Planned Districts.

1. The following modifications to a master plan, area plan, PUD or special planned district may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Community and Economic Development Director elevates the application to the Planning Commission for hearing as a Type III application.

- d. Any changes in the amount of parking relative to that approved in the master plan by no more than 15 percent. In no case, shall the parking exceed the maximum parking requirements in BDC 3.3.300(B), Maximum Number of Parking Spaces. ~~A proposed modification that is part of an approved TPDM plan must comply with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;~~ ***(Since there is no minimum parking requirements, the 15 percent is no longer needed.)***

G. Tree Preservation Standards.

1. The requirements in BDC 3.2.200, Tree Preservation cannot be modified by a master plan application or by a modification of a master plan.
2. The requirements in BDC 3.2.200, Tree Preservation must be submitted and reviewed with a subsequent land division and/or site plan review application.
