



CITY OF BEND

Informational Session with Q&A TRUAC's Recommendations

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March 12, 2024

Agenda

1. Welcome and Introductions
2. Purpose of the Tree Regulation Update Advisory Committee (TRUAC) and Project Scope
3. Review Bend Development Code (BDC) requirements
4. Overview of TRUAC's recommendations for tree regulation
5. Next Steps
6. Opportunity for public to ask questions about TRUAC's recommendations



Informational Session with Q&A

What these Q&A sessions are:

- An informal opportunity to learn more about what changes were recommended by TRUAC for Planning Commission and City Council consideration.
- A way to ask a question and receive an answer in real time by staff members and the Chair and Vice Chair of TRUAC, which is different from the traditional public comment process in a City Council meeting.
- A chance to learn more information to develop an opinion.



Informational Session with Q&A

What these Q&A Session Are Not

- They are not an opportunity to provide public testimony to the decision-makers that can be considered in an official Planning Commission recommendation or Council land use decision.
- The Oregon Land Use system (in state statute and City code) establishes how a City can receive public testimony when it comes to codes changes related to land use and development, which is a more strict and formal process. In this system, verbal public testimony must be provided during noticed public hearings before the Planning Commission or Bend City Council.



Background



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Why Are We Here?

City Council Environment and Climate Goal

Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City's commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.

➤ **Action Item:** Revise Development Code and other relevant standards to protect trees while balancing housing affordability and natural resource preservation

Council heard community concerns around the loss of trees and formed a temporary committee to explore ways to preserve more trees when new development occurs, while not creating a barrier to building needed housing.



Tree Regulation Update Advisory Committee (TRUAC)

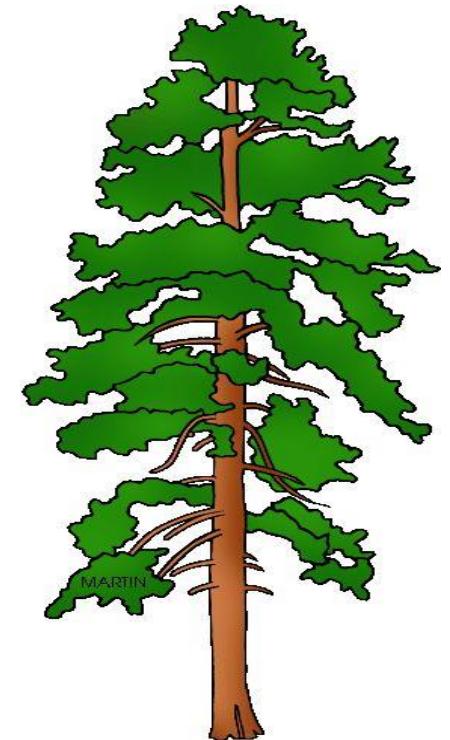
TRUAC included 15 community volunteers:

- Members of the Human Rights & Equity Commission, Environmental & Climate Committee, and Affordable Housing Advisory Committee
- Neighborhood Associations members
- Arborists
- Developers, architects and engineers of affordable and production housing
- Landscape architect
- Community members
- Central Oregon Builders Association
- Central Oregon LandWatch



City Council Scope for TRUAC

1. Provide consistency between **BMC Chapter 16.10**, Clearing, Grading, and Erosion Control on Construction Sites, **BDC Chapter 3.2**, Landscaping, Street Trees, Fences and Walls and City of Bend **Standards and Specifications Chapter 12**, Landscape Architecture and Irrigation Systems
2. Provide clear and objective tree preservation standards for the development of housing, including needed housing, and include an optional discretionary process for applicants for development;
3. Consider preservation standards for larger trees similar to the Southeast Area Plan; and
4. Consider alternatives to preserving trees, including tree replacement and a fee-in-lieu of preservation for the purpose of developing and protecting the City's urban tree canopy.
5. Identify tree inventory programs to support preserving and expanding Bend's urban tree canopy.



Clear and Objective Standards for Housing

Cities must have a “**clear and objective**” approval path for housing developments.

Example: At least 20% of the trees must be preserved.

Cities can also adopt an optional, “**discretionary**” approval path.

Example: Less than 20% of the trees may be preserved if some constraint exists that makes it infeasible to comply with the objective criteria.

The Bend Development Code uses both review paths for many development standards:

- Clear and objective path
- Discretionary path

Regardless of the review path, an applicant must demonstrate how the applicable standards are being met.



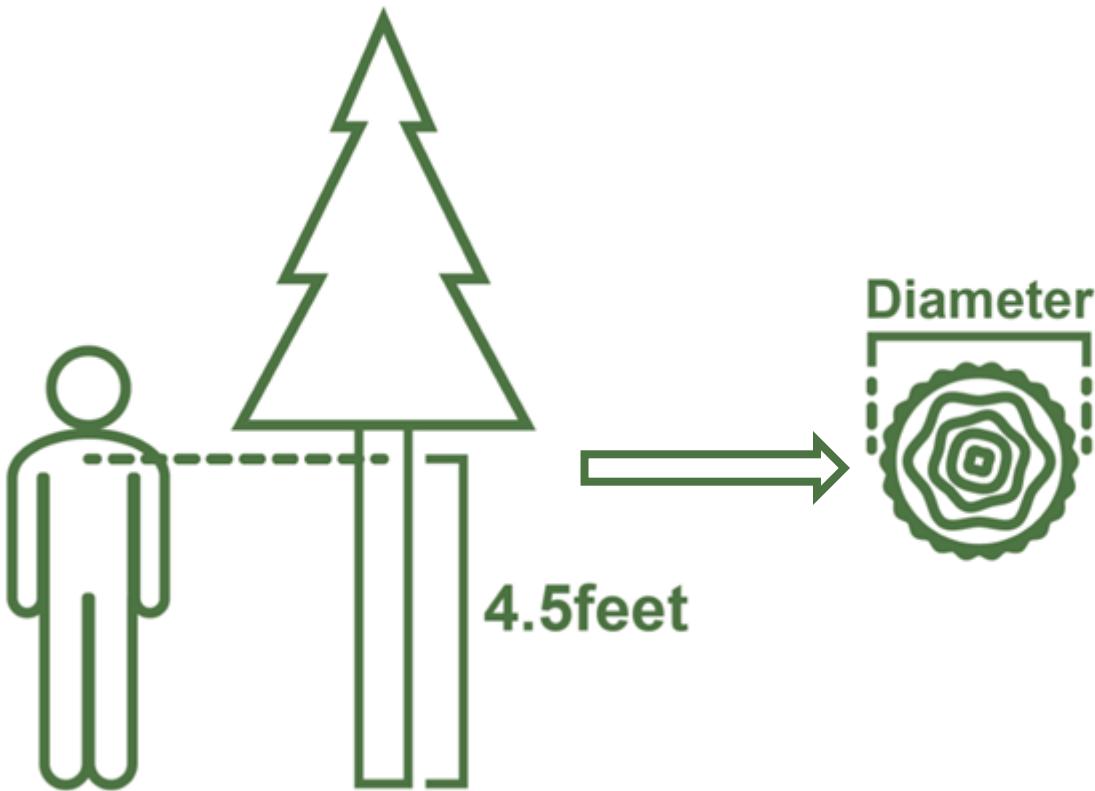
Bend Development Code (BDC) Requirements



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What is **DBH?**

**Diameter at
Breast
Height**



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What is Currently Required?

What trees are regulated?

- Deciduous trees measuring 6" or larger at DBH
- Coniferous trees measuring 10" or larger at DBH

What projects do the current standards apply to?

- Land Divisions
- Site Plan Review
 - Building Expansions greater than 5,000 square feet
 - New Developments (e.g., Multi-Unit, Mixed-Use, Commercial & Industrial)

What is currently required?

- 6" and 10" trees must be mapped & protected during construction unless approved for removal.

Trees can be removed if they prevent the development of:

- Public streets, public utilities, housing, or other permitted uses.



Summary of the Tree Regulation Update Advisory Committee (TRUAC) Process



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TRUAC Meeting Summaries

TRUAC held nine public meetings:

- Reviewed tree preservation codes from other cities.
- Reviewed tree preservation plans from 8 recent applications and compared them to possible options for how many trees should be preserved.
- Discussed options which first encourage the preservation of Priority Trees (20" or larger) and then provide flexibility by allowing an option to preserve a percent of the overall diameter at breast height (DBH) of trees six inches or larger.
- Discussed options for mitigation.
- Discussed exempting smaller sites from preservation but still requiring mitigation.
- Discussed that larger sites should preserve at least some trees on a site before opting to mitigate, or possibly applying for a discretionary approval path with mitigation.



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TRUAC Recommendations

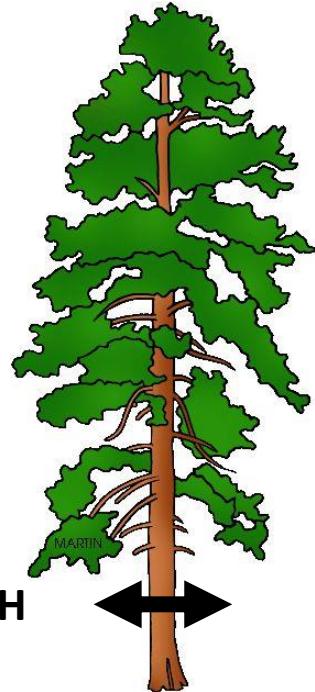


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What is a Regulated Tree and a Priority Tree?

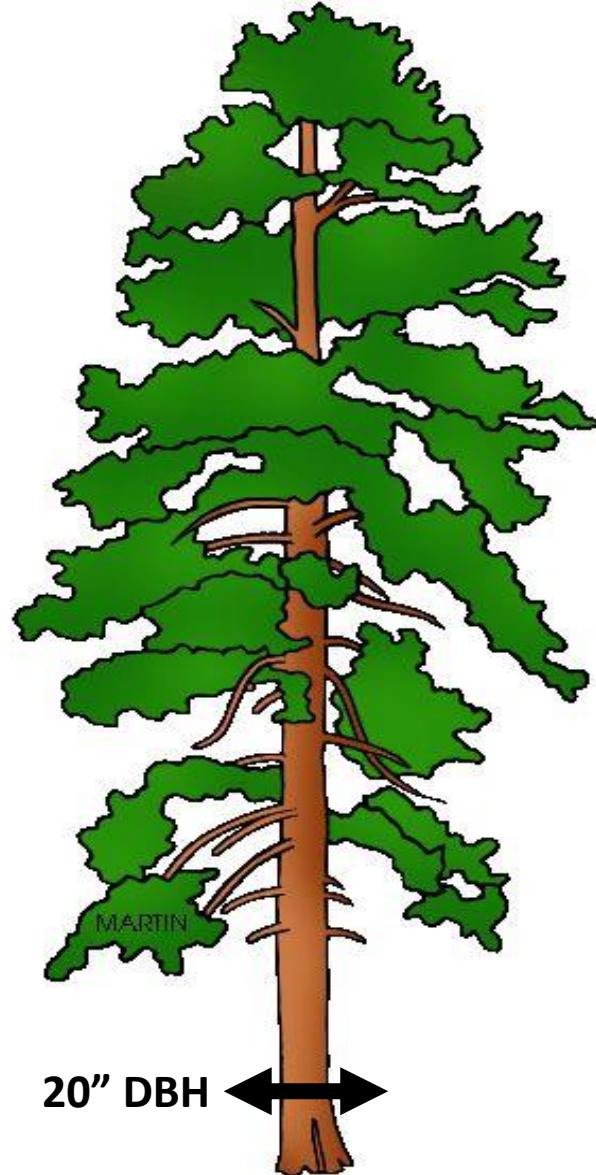
Regulated Tree

A tree with a trunk diameter of 6" or larger measured at DBH.



Priority Tree

A tree with a trunk diameter of 20" or larger measured at DBH.



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TRUAC Recommendations

What trees would be regulated?

- Trees measuring 6" or larger at DBH

What sites would the new standards apply to?

- More than one acre
 - Sites one acre or smaller can remove all trees, with mitigation

What projects would the new standards apply to?

- Land Divisions
- Site Plan Review
 - Building Expansions greater than 5,000 square feet
 - New Developments (e.g., Multi-Unit, Mixed-Use, Commercial & Industrial)

What would be required?

- Regulated Trees (6" or larger) must be mapped & protected during construction unless approved for removal



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TRUAC Recommendations - Preservation Options

What are the Clear and Objective Options?

Option 1. 20% of the Priority Trees (20" or larger)

Option 2. 25% of the DBH of Regulated Trees (6" or larger)

Is there a minimum % of DBH that must be preserved on-site?

Yes, sites larger than one acre must preserve at least 5% DBH, with mitigation

What if the proposed development has some existing constraints that makes it infeasible to provide at least 5% of total DBH?

A developer can apply for a **Discretionary Approval path**, with mitigation.



TRUAC Recommendations – Mitigation Options

Tree Replacement On-Site:

Mitigation trees are required on-site to make up for anything less than the required 25% DBH. The number of mitigation trees is based on the largest tree(s) proposed for removal that equal or exceed the required DBH that should have been preserved, using the following ratios:

- 6" to 9.9" DBH: One Tree
- 10" to 19.9" DBH: Two Trees
- 20" DBH or larger: Four Trees



Payment In-Lieu of Tree Preservation:

A fee can be paid for each replacement tree not planted on-site. The fee amount and allowed uses for the fees collected will be established by Council.



Tree Preservation Example



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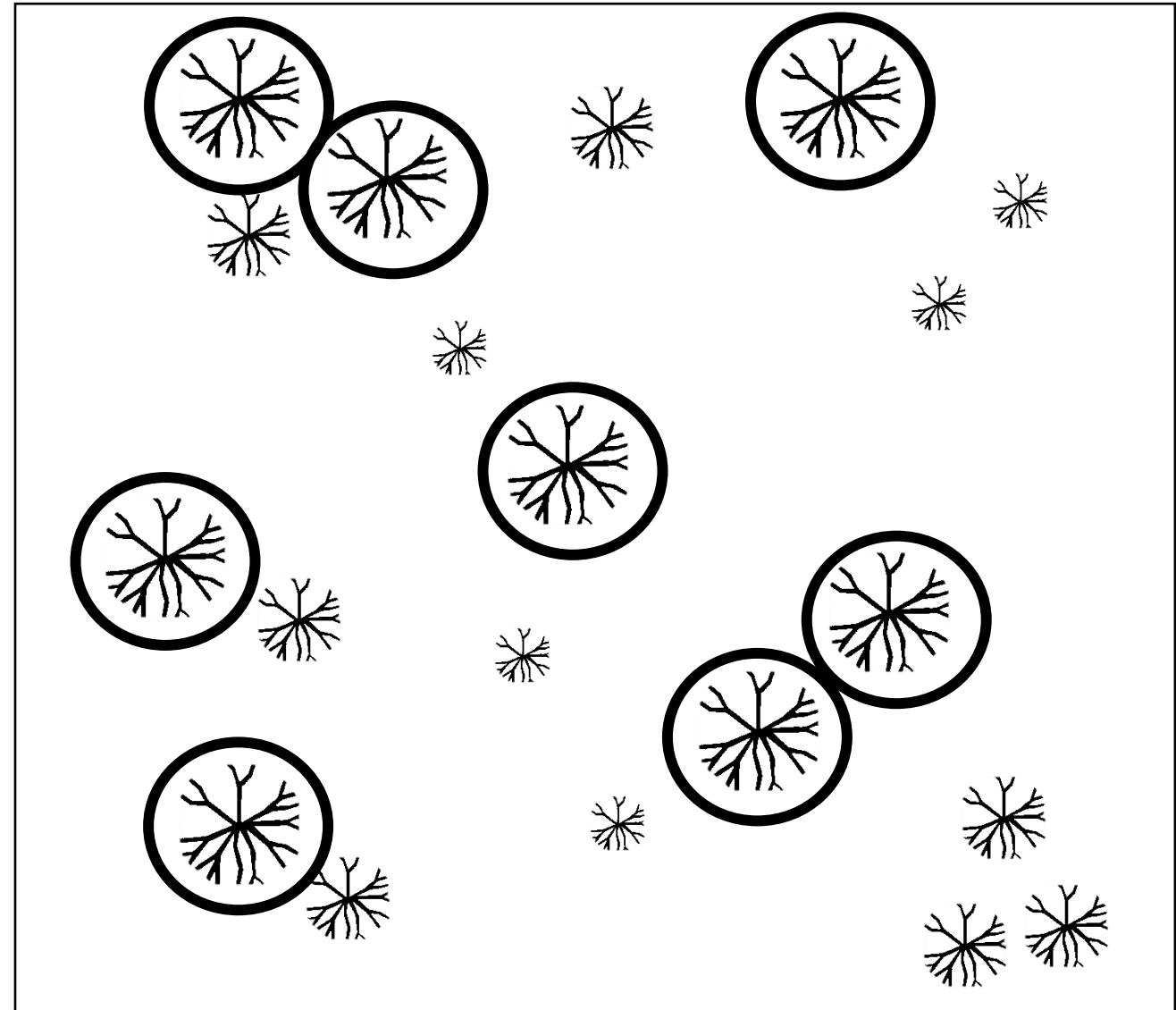
Project Example

Every tree on this lot is a “Regulated Tree,” meaning the DBH of the tree is 6” or greater.

There are **20 Regulated Trees**

When you add up all the diameters of each tree on this lot, it **totals 350” DBH**.

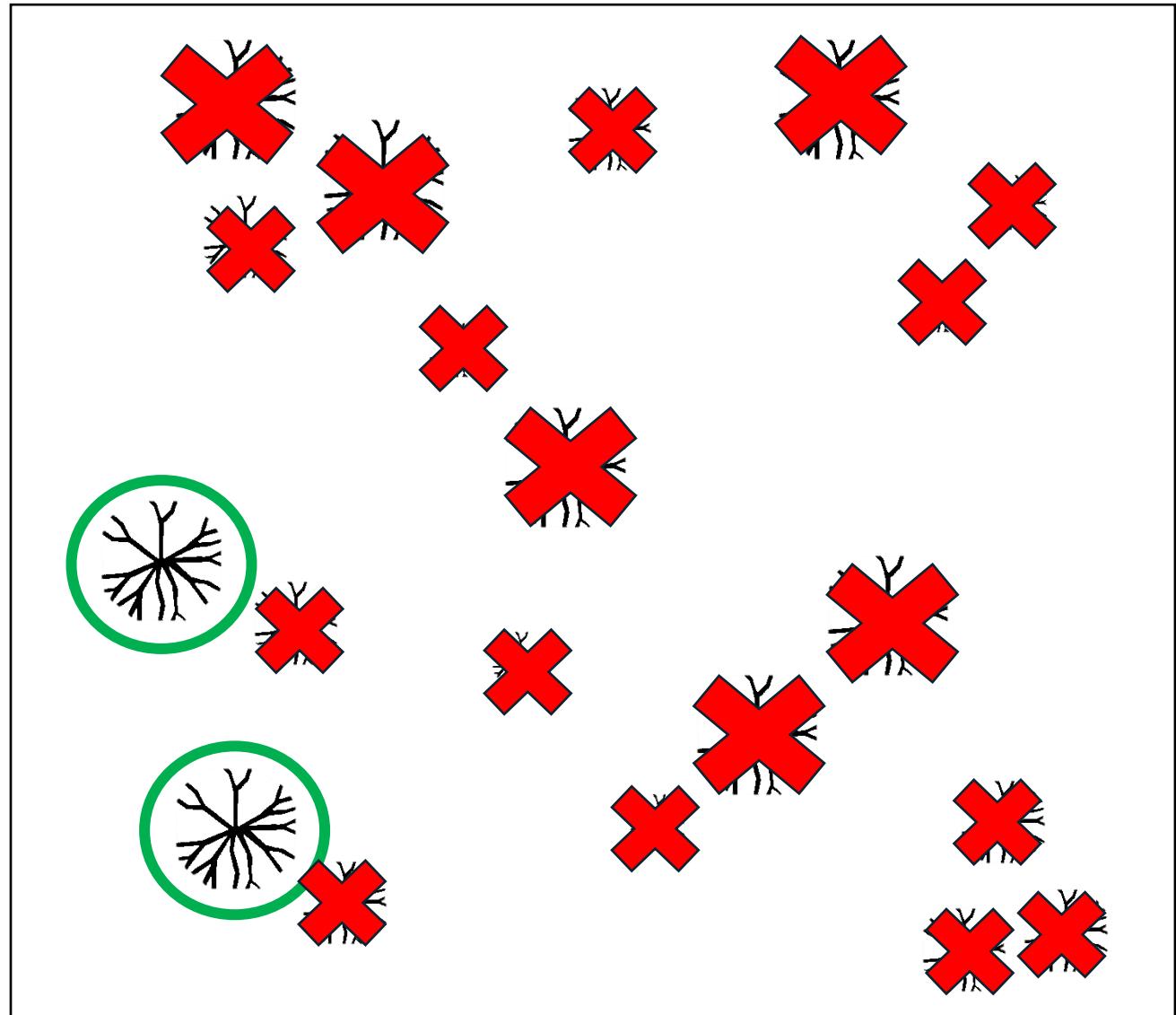
Of the 20 trees, **8 are “Priority Trees,”** meaning their DBH’s are 20” or greater.



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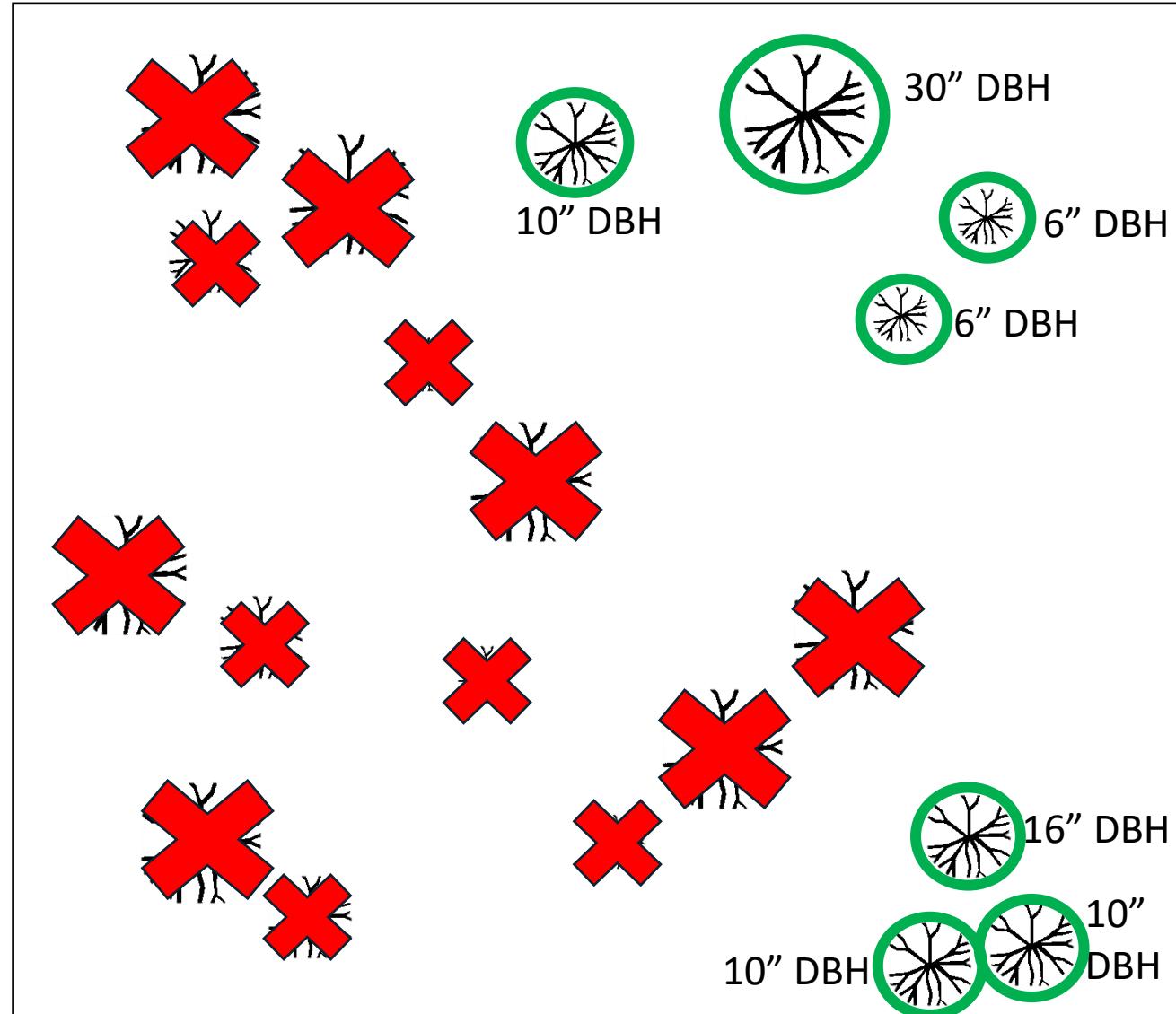
Option 1: Preserve 20% of the Priority Trees

- **8 Priority Trees Onsite**
- $20\% \text{ of } 8 = 1.6$ (round up to 2)
- A developer could meet the preservation requirements by keeping 20% of all Priority Trees. In this example, that would be 2 trees.
- Red x's show trees that could be removed and meet the standard.
- No mitigation required.



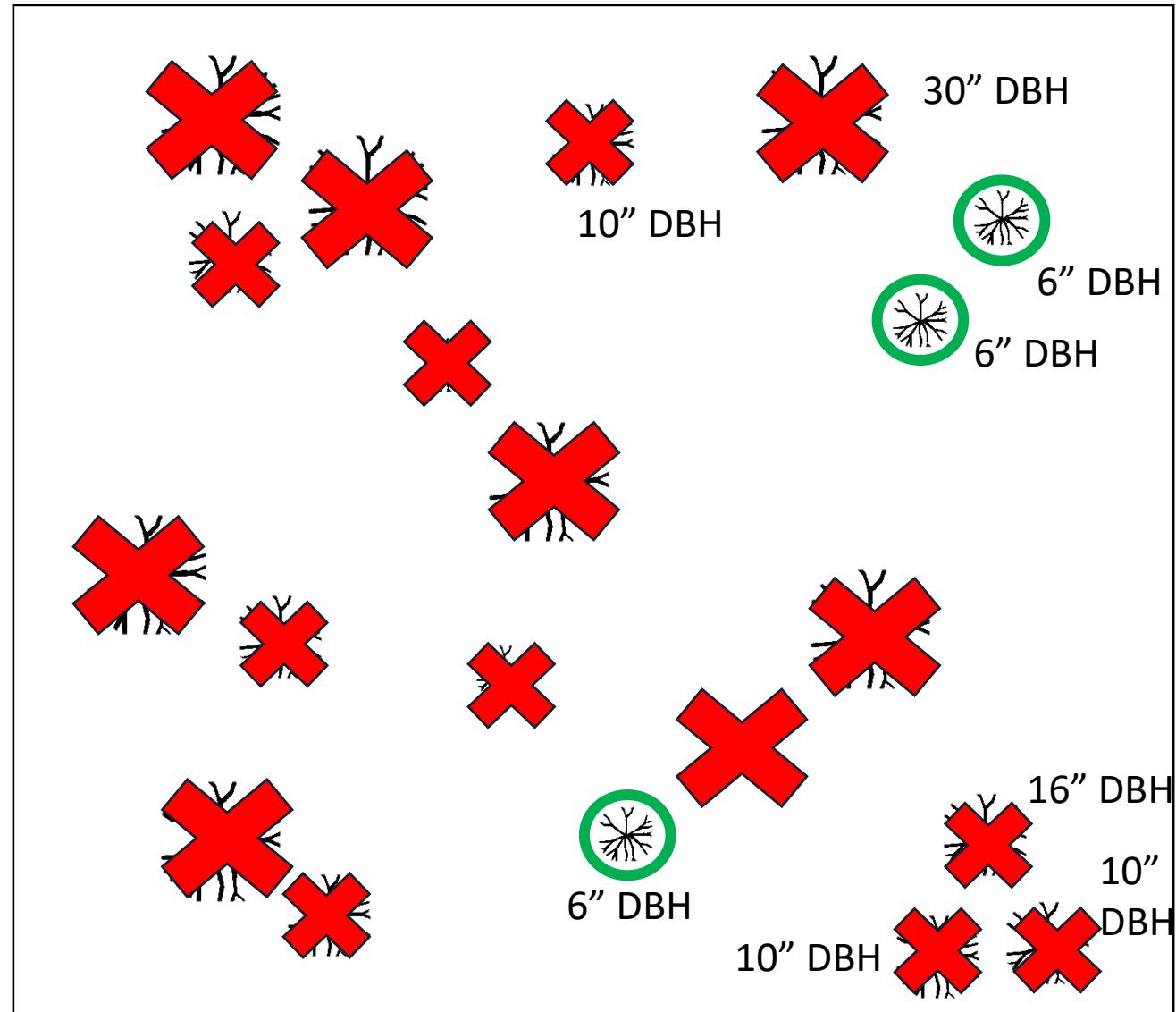
Option 2: Preserve 25% of the DBH of Regulated Trees

- **20 Regulated Trees Onsite**
- **Total DBH = 350"**
- $25\% \text{ of } 350" = 87.5" \text{ (round up to } 88"\text{)}$
- A developer could meet the preservation requirements by keeping 25% of total DBH on site. In this case that would be 88".
- No mitigation required.



Option 3: Preserve at least 5% of the DBH of Regulated Trees + Mitigate

- 20 Regulated Trees Onsite
- Total DBH = 350"
- A developer could preserve at least 5% of the total DBH on site.
In this case that would be 18":
 - 5% of 350" = 17.5" (round up to 18")
- Mitigation is required to make up for anything less than 25% DBH.
In this case it would be 70".

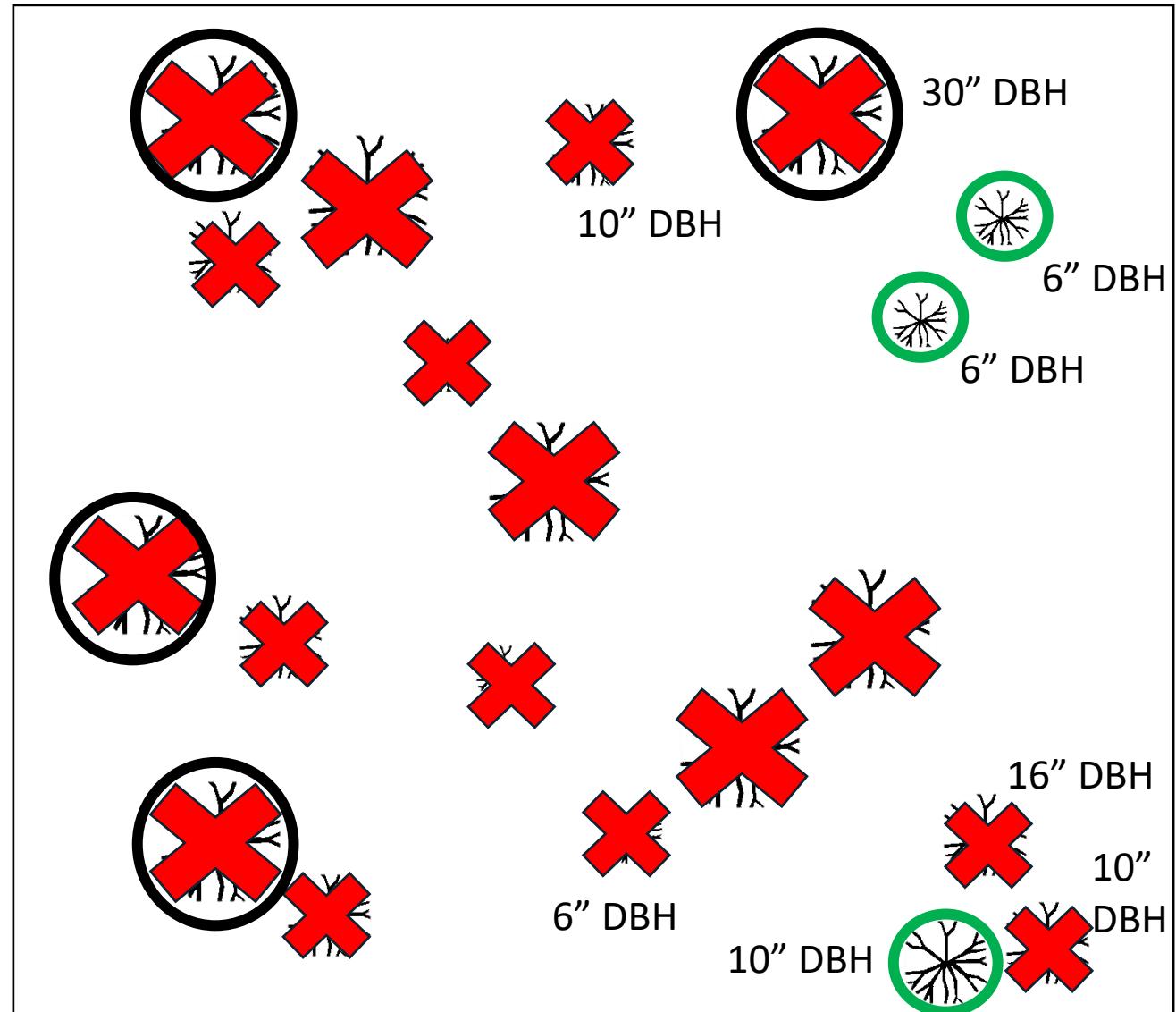


Mitigation Options

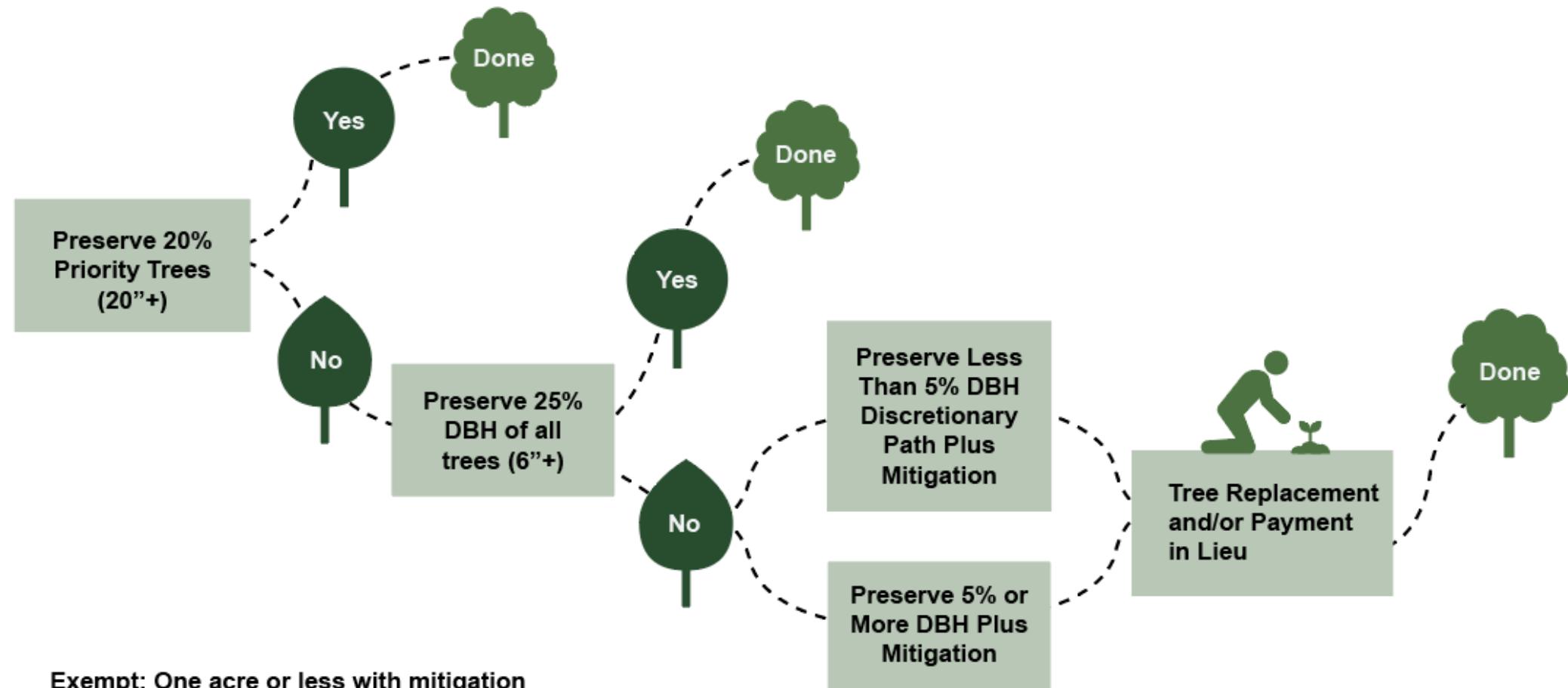
Mitigation is required for anything less than 25% of total DBH (88").

For example:

- If 22" is preserved, then 66" needs to be mitigated for.
- The largest trees to equal/exceed 66" would be four 20"+ trees.
- Therefore, 16 trees are required:
 - *Ratio: 20" DBH or larger: 4 Trees (Four 20" trees X 4 Trees = 16 Trees)*
- The developer could:
 - Replace 16 trees on-site; and/or
 - Pay in lieu of preservation for 16 trees



Tree Preservation Flow Chart for More than One Acre



List of Additional Recommendations Outside of the Project Scope



TRUAC Recommendations Outside of Scope

In Progress

- Update Street Tree Species list

Will Set Up Process

- Track the tree preservation options applicants use

Future Items that Would Need to be Considered as Part of Goal Setting, During Budget Discussions, or with Further Council/Staff Review and Consideration

- Add Urban Forestry function and/or arborist to City staff during budget process
- Review and amend as needed engineering standards to encourage tree preservation:
 - ROW widths
 - Utility easements
 - Curb-tight sidewalks instead of property-tight
- Pursue state and federal funding to support tree related work
- Ensure that 2024 city projects (stormwater master plan, street standards update, climate action plan) consider and support the management and expansion of Bend's urban tree canopy
- Allow an additional tree protection measure if there is a certified arborist on-site during excavation
- Publish optimal tree spacing for newly planted trees, including below-grade space for root growth
- Continue to explore ways to preserve trees



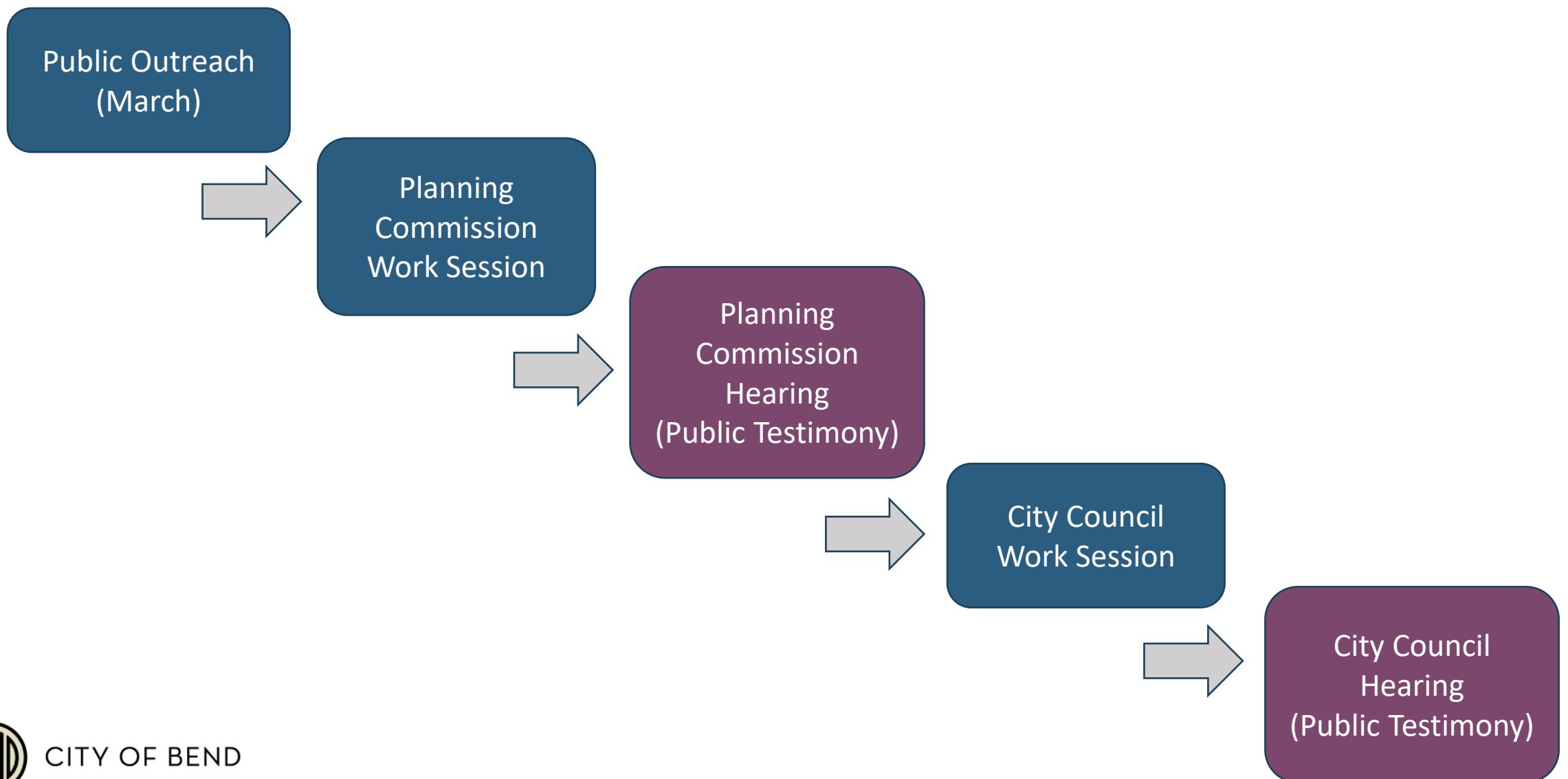
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Next Steps

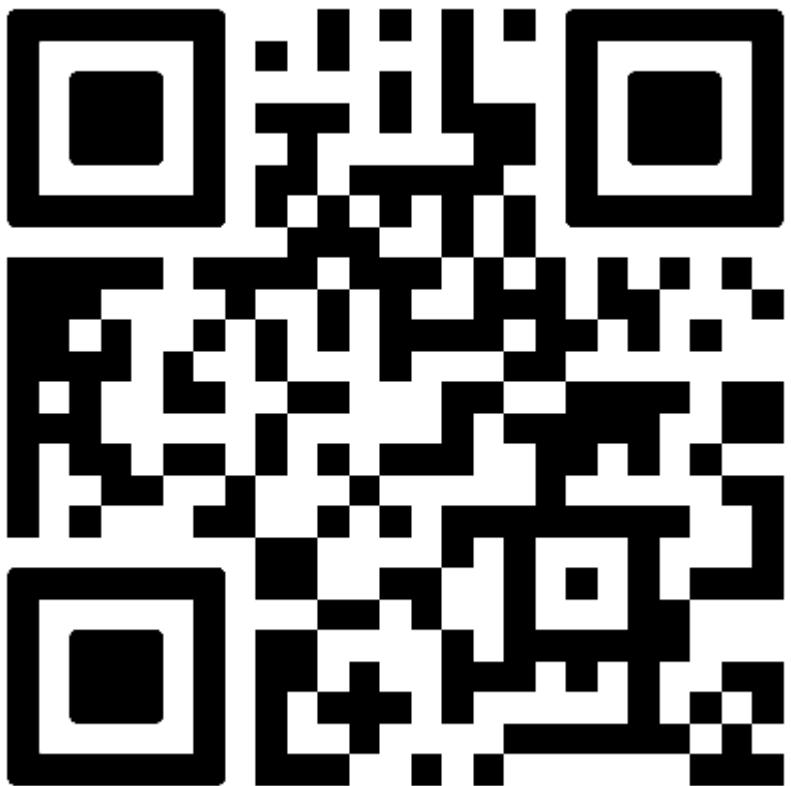


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Next Steps



Time for Questions



For more information, scan this code or visit:
bendoregon.gov/tree-code

Written public testimony can also be shared at public hearings before the Planning Commission or Bend City Council, or via email to:

- councilall@bendoregon.gov
- cityplanningcommissionall@bendoregon.gov

Add phardie@bendoregon.gov in the cc line of those emails



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Accommodation Information for People with Disabilities



To obtain this information in an alternate format such as Braille, large print, electronic formats, etc. please contact Pauline Hardie at phardie@bendoregon.org or 541-693-2153; Relay Users Dial 7-1-1.



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