

ORDINANCE NO. NS-2514

AN ORDINANCE OF THE CITY COUNCIL RELATED TO TREE REMOVAL EXEMPTIONS AND AMENDING BEND MUNICIPAL CODE (BMC) CHAPTER 16.40, TREE PRESERVATION AND REMOVAL

Recitals:

- A. The City Council adopted amendments creating BMC Chapter 16.40, Tree Preservation and Removal on July 17, 2024, and they went into effect on August 16, 2024. The new chapter includes tree preservation and root protection zone performance standards for Regulated Trees (6" diameter at breast height (DBH) or larger) that apply city-wide along with exemptions to the tree performance standards.
- B. The amendments approved by the Council on July 17, 2024 included exemptions for removal of trees in compliance with certain development approvals; however, the list inadvertently left out an exemption for removal of trees in compliance with a development approval for a land division or a site plan review application for sites one acre or smaller that do not include one or more dwelling units, micro-units, or single room occupancies. This amendment is required for consistency with the Bend Development Code.
- C. The proposed amendments to BMC 16.40.020, Exemptions to the Tree Performance Standards retain the intent of the Council's approval on July 17, simplify the exemption language, and add the missing exemption for removal of trees in compliance with a development approval for a land division or site plan review application on a site one acre or smaller that does not include one or more dwelling units, micro-units, or single room occupancies.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Chapter 16.40, Tree Preservation and Removal of the Bend Municipal Code is amended as shown on the attached Exhibit A.

Section 2. If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 3. All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading: November 6, 2024

Second reading and adoption by roll call vote: November 20, 2024

YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Ariel Méndez
Councilor Mike Riley

NO: Councilor Barb Campbell



Melanie Kebler, Mayor

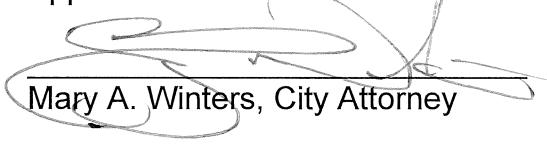
ATTEST:



Morgen Fry

Morgen Fry, City Recorder

Approved as to form:



Mary A. Winters

Mary A. Winters, City Attorney

Exhibit A
Bend Municipal Code Update
September 12, 2024
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strikethrough~~-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***

DRAFT

Title 16

**GRADING, EROSION CONTROL, STORMWATER,
ILLICIT DISCHARGE, TREE PROTECTION, AND WELLS**

Chapter 16.40

TREE PRESERVATION AND REMOVAL

16.40.020 Exemptions to the Tree Performance Standards.

A. The following are exempt from BC 16.40.010(A), Tree Performance Standards:

1. Removal of trees on a site **one acre or smaller** that includes one or more existing dwelling units, micro-units, or single room occupancies, or as part of constructing an approved development that includes one or more dwelling units, micro-units, or single room occupancies.
2. Removal of trees in compliance with a development approval that includes ~~one or more dwelling units, micro-units, or single room occupancies on a site larger than one acre.~~

3. Removal of trees in compliance with a development approval that includes a land division or site plan review application on a site **larger than one acre**.
2. Removal of trees in compliance with a development approval that includes a land division or site plan review application that does not include one or more dwelling units, micro-units, or single room occupancies on a site **one acre or smaller**.
3. Removal of trees in compliance with a development approval on a site **larger than one acre**.
4. Removal of Regulated Trees for fire safety if declared a hazard by the Fire Code Official and approved by the Planning Manager.
5. Removal of trees within an area approved by Deschutes County for a sanitary septic system.
6. Normal maintenance, pruning or limbing of trees.
7. Forest practices regulated under the Oregon Forest Practices Act ORS 527.610 through 527.770, 527.990(1) and 527.992, except conversions from forest lands or timberlands to other land uses.