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Tree Preservation Codes Work Session

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Today's Presentation

- Review Bend Code (BC) requirements
- Review Bend Development Code (BDC) requirements
- Examples of residential and commercial developments
- Climate Friendly and Equitable Communities tree requirements
- Council guidance on next steps



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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



Review Bend Code (BC) requirements

**Review Bend Development Code (BDC)
requirements**



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BC 16.10.100 Tree Preservation

- 1) For clearing and/or grading activities on all **undeveloped properties or properties w/out land use approval including single-family residential lots greater than one acre in size**, the following tree preservation performance standards must be implemented:
 - a. Trees 12 inches DBH & larger must be retained. (conflicts with BDC tree size)
 - b. 50% of all trees between 8 inches & 12 inches DBH must be retained & must result in a tree coverage pattern that is dispersed throughout the site. (conflicts with BDC preservation requirement)
 - c. Trees retained must be protected during clearing & grading.
- 2) Clearing & grading on sites **with an approved development application** are not subject to the standards of subsection (1); however, trees must be preserved as specified in the development approval.

BDC 1.3.100.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 govern



BDC 3.2.200 Landscape Conservation

Applicability

Development sites with significant vegetation except for residential development on Residential District lots.

Significant Vegetation

Trees with a trunk diameter measured 4 feet above the ground (DBH, “diameter at breast height”); must be inventoried & protected during construction unless approved for removal through development review.

- Deciduous trees measuring 6 inches or larger
- Coniferous trees measuring 10 inches or larger

Impractical Tree Preservation

When it would **prevent** development of **public streets, public utilities, housing or other permitted uses**.

- **Prevent** means that the development cannot be designed to avoid the significant trees.

Incentives

Exceptions are allowed when individual trees with a DBH of 24 inches or larger or stands of trees in good health are preserved by a proposed development with an approved tree preservation plan:

- Reductions of setbacks up to 25%
- Increased lot coverage up to 15%
- Reduced landscape coverage up to 5%



Existing Tree Planting Requirements

All subdivisions (3.4.400):

Street trees are required for land divisions and development subject to site plan review.

Commercial and Multi-Unit Residential (3.2.300):

In addition to street trees, 15% must be landscaped with combination of deciduous and evergreen trees and shrubs

A minimum of 10% of area the paved for parking must be landscaped with an a mix of broad-canopied deciduous shade trees.

- one tree per eight parking spaces is required.
- Parking area with more than 50 spaces must have landscaped islands with trees to break up the parking area into rows.



Clear and Objective Standards for Housing

ORS 197.307

Housing policy - Clear and objective standards for housing

(4) ...a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing...

Needed Housing = All Housing

(6) ... a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section....



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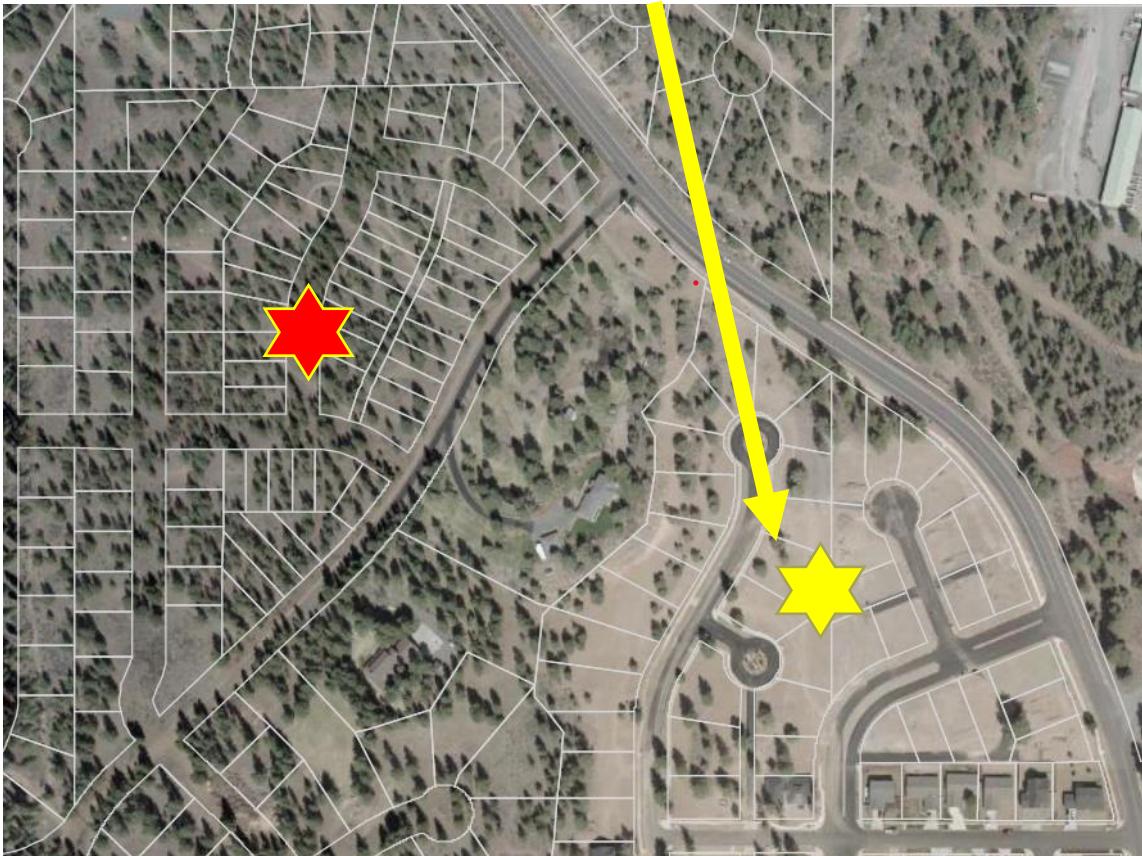
Residential and Commercial Development Examples



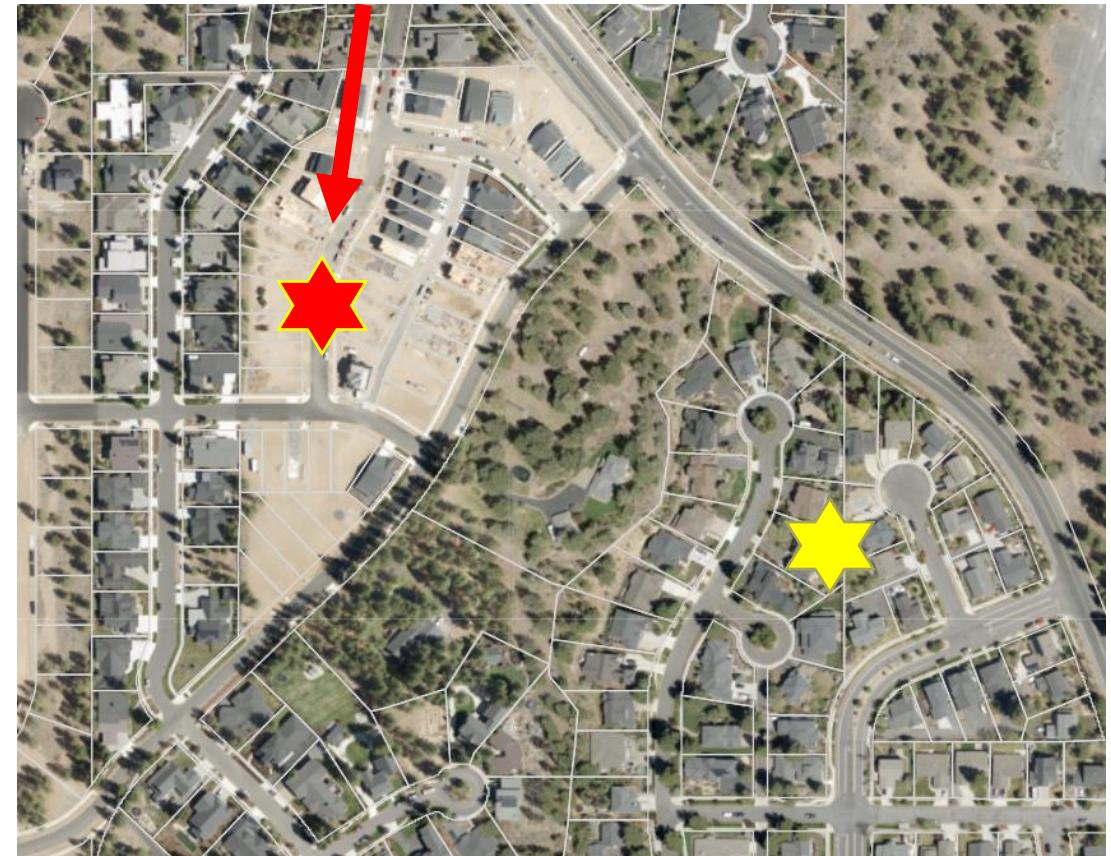
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Shevlin and McClain

2004 Development



2022 Development



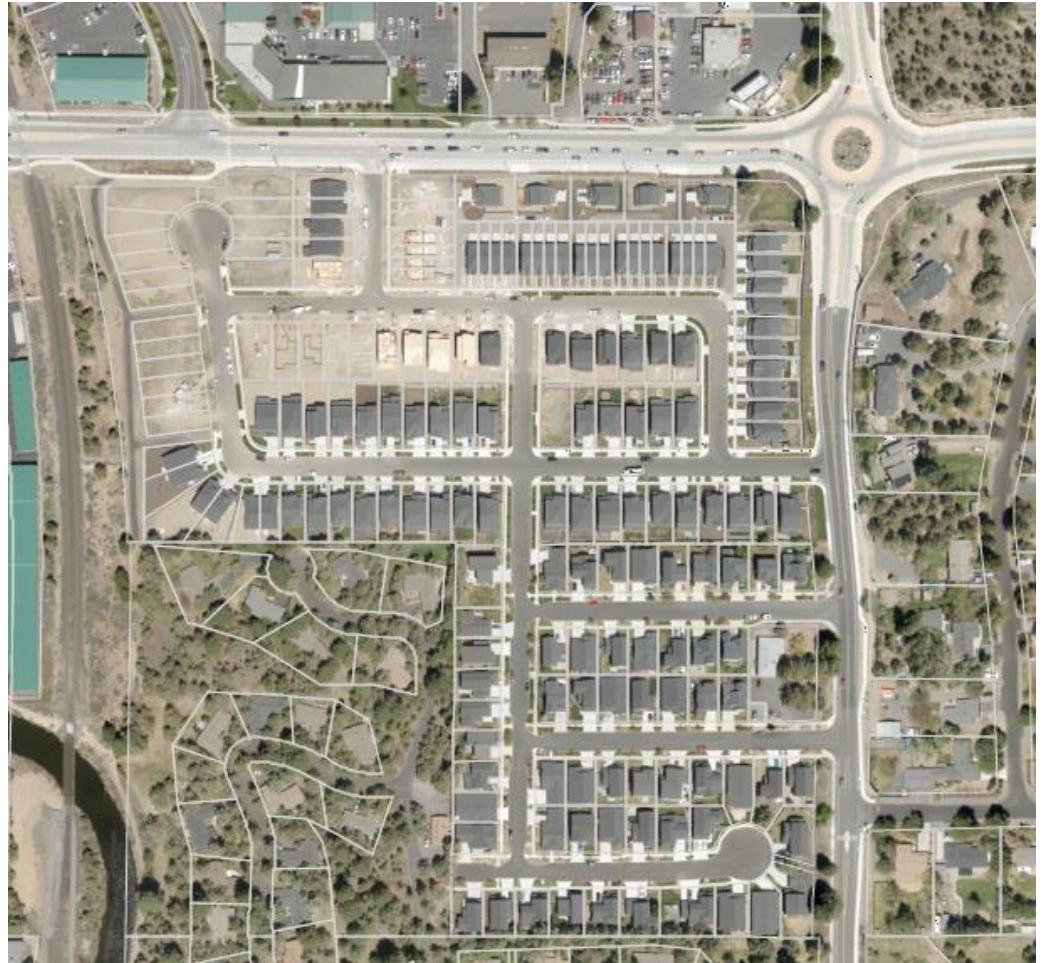
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15th and Reed Market

Before



After



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15th and Reed Market

Before

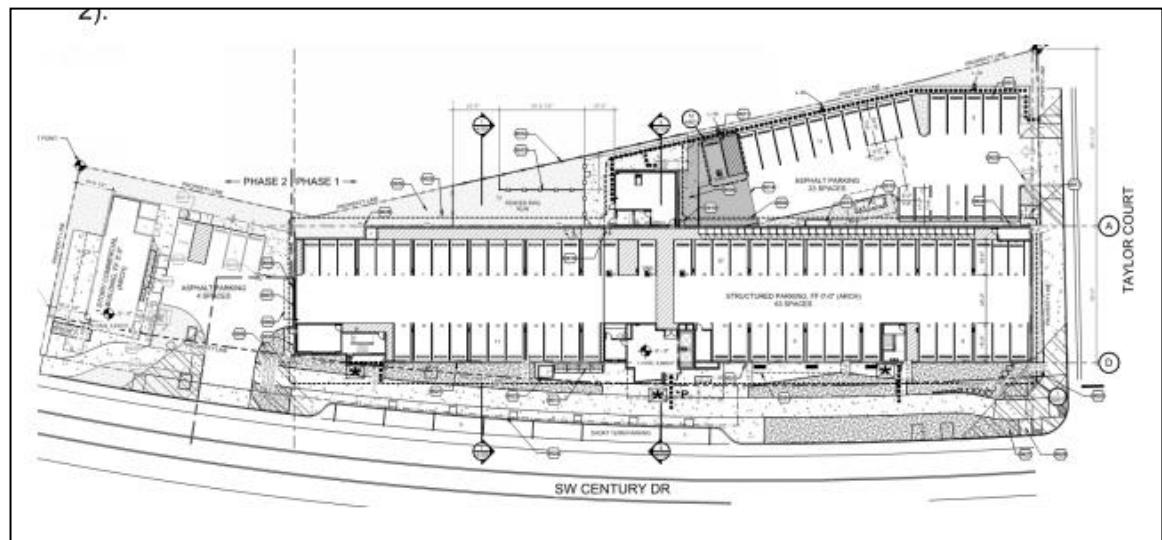
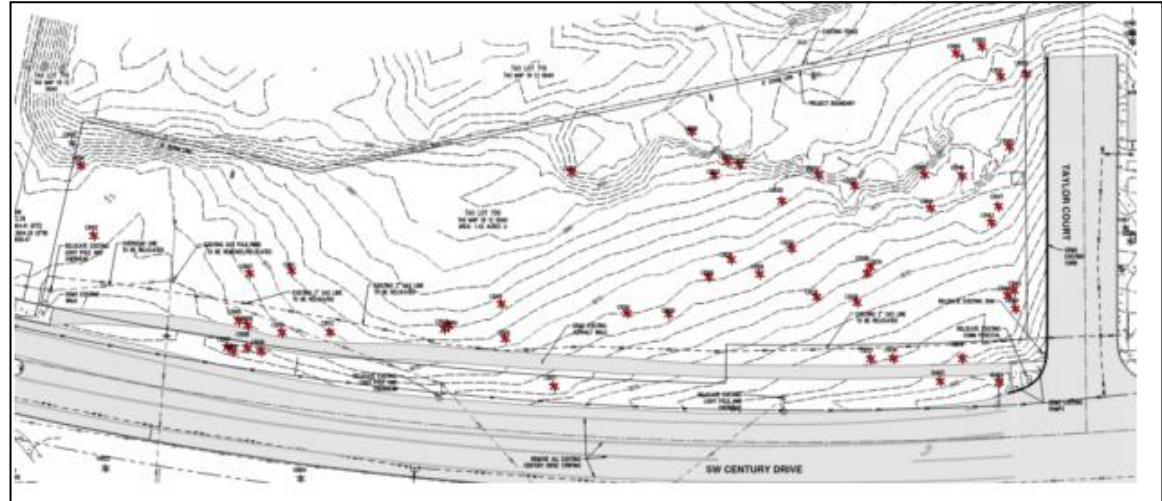


After



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Multi-Unit Development



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Commercial Development

Before



After



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Southeast Area Plan

(SEAP)



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1. For **sites 2 acres or larger, at least 50% of trees measuring 24" in diameter or greater** as measured 4' above the ground must be retained unless exempted.
2. ***Site Plan Review Application Incentives.*** The City may allow 1 or more of the following incentives when more than 50% trees with a DBH of 24" are preserved:
 - a. Reduction of setbacks up to 30%.
 - b. Increased lot coverage up to 20%.
 - c. Reduced landscape coverage up to 10%.
 - d. 10' increase in building height
3. ***Land Division Application Incentive.*** The City may allow the following incentive when more than 50% of individual trees with a DBH of 24" are preserved:
 - a. Reduction to lot dimensions & lot size up to 10%.
4. ***Exemptions.*** Trees protected may be removed only if:
 - a. The minimum density cannot be met after exhausting all incentives, as demonstrated on the Tree Protection Plan. In this case, up to 70% may be removed to accommodate the minimum density.
 - b. The development includes a public facility or school & the removal of trees with a DBH of 24 inches or greater is necessary to accommodate buildings, accessory uses (e.g., ball fields), & required parking as demonstrated on the Tree Protection Plan. Trees not within the building footprint or footprint of the accessory use(s) or required parking must be retained.
 - c. The trees are located within an existing public ROW
 - d. The trees are located within an existing or proposed arterial or collector street.



Climate Friendly & Equitable Communities



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Developments w/more than $\frac{1}{4}$ acre of surface parking

1. Provide one of the following:

- (A) Installation of solar panels anywhere on the property w/ a generation capacity of at least 0.5 kilowatt per parking space. In lieu of installing solar panels, cities may allow developers to pay \$1,500 per parking space into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
- (B) Actions to comply with OAR 330-135-0010 (green energy technology in public building construction); or
- (C) Tree canopy covering at least 50% of the parking lot at maturity but no more than 15 years after planting.

2. Developments must provide street trees along driveways but are not required to provide them along drive aisles



Parking lot driveways (blue) and drive aisles (orange)



Council Guidance



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Council Guidance Requested

Staff Recommends:

- Providing consistency between BC Title 16 and BDC Chapter 3.2
- Providing clear and objective standards for needed housing and add optional discretionary process



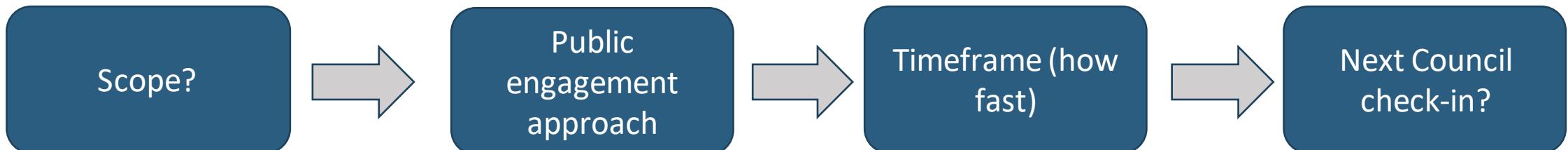
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Council Guidance Requested

Additional amendments for residential and/or commercial development sites?

Examples:

- Preserve a percentage of trees
- Preserve larger trees
- Tree replacement or pay in-lieu for tree removal
- Tree fund for urban canopy development



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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.gov or 541-693-2153; Relay Users Dial 7-1-1.



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