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# **Tree Preservation Codes Work Session**

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**March 15, 2023**

# 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



# 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**

# 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 acer 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)
- d. 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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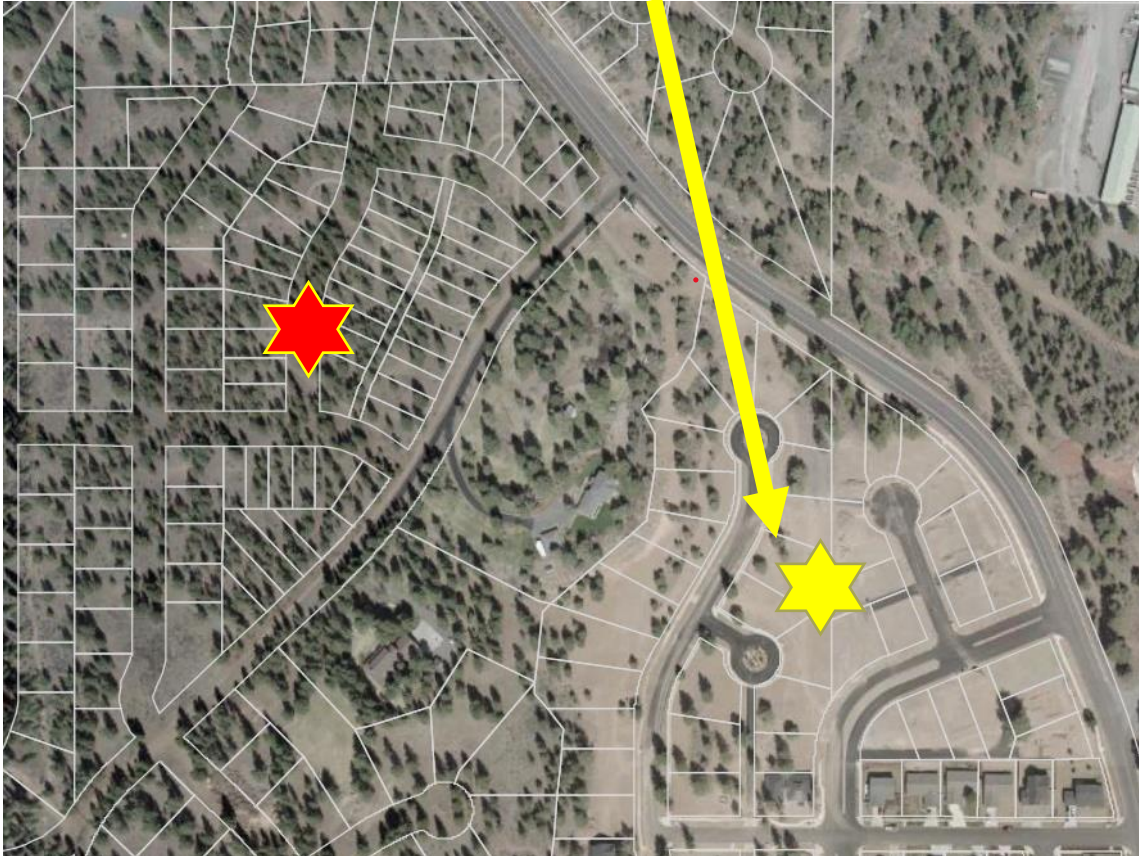
# Residential and Commercial Development Examples



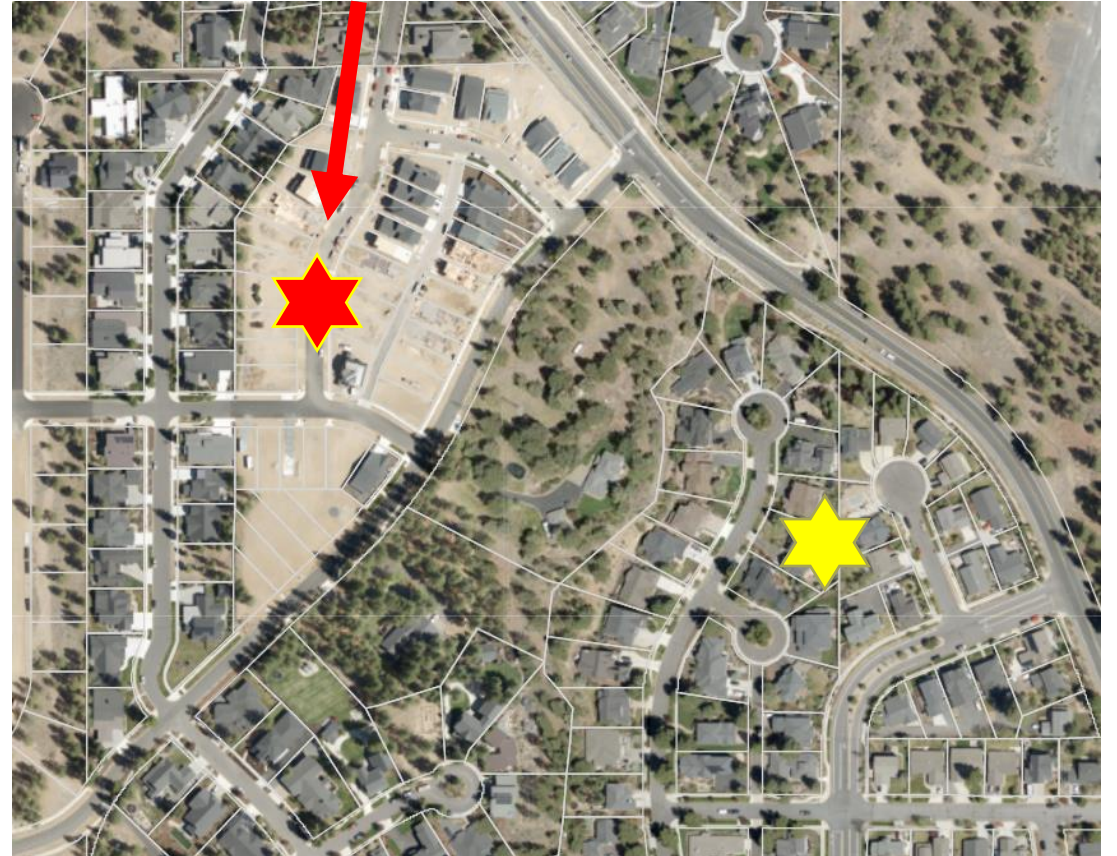
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# Shevlin and McClain

## 2004 Development



## 2022 Development





# 15<sup>th</sup> and Reed Market

Before



After



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# 15<sup>th</sup> and Reed Market

Before



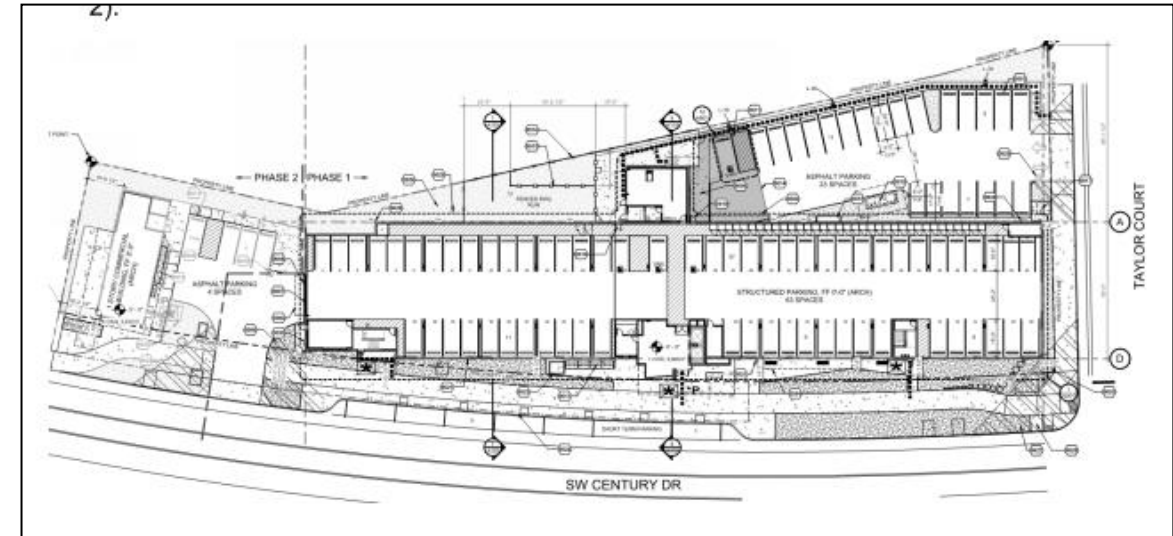
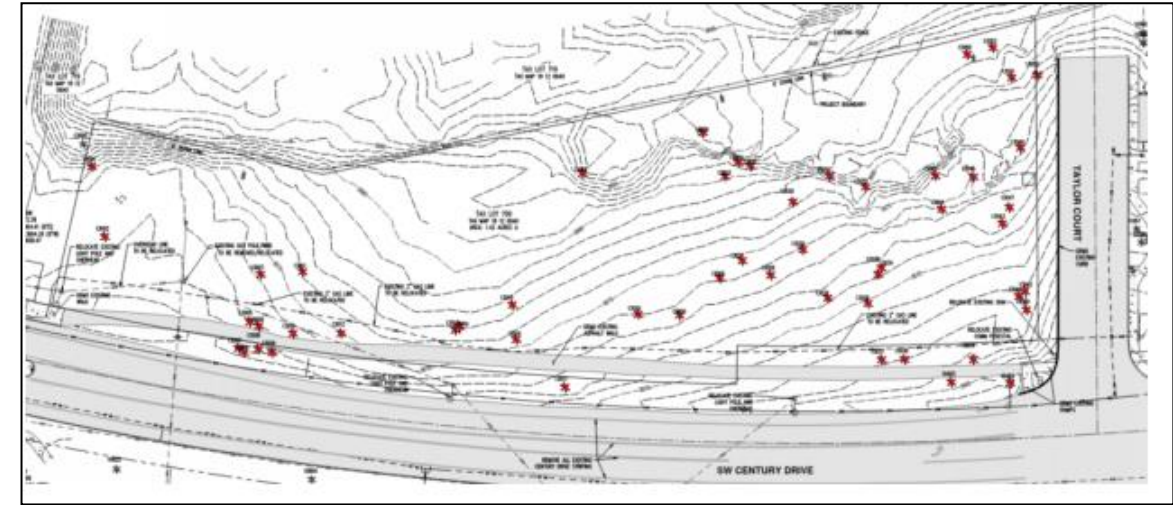
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# Multi-Unit Development



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# Commercial Development

Before



After



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# Southeast Area Plan

(SEAP)

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 ¼ 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

# 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

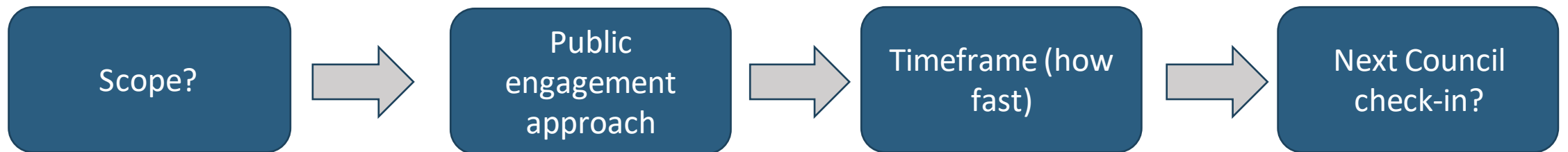


# Council Guidance Requested

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



# 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](mailto:phardie@bendoregon.gov) or 541-693-2153; Relay Users Dial 7-1-1.



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