



# ORDINANCE NO. NS-2548

## An ordinance of the City Council amending BDC 3.2.200, Tree Preservation

### Findings

- A. The 2023-2025 Bend City Council Goals included an Environment and Climate Goal which involved a strategy to advance the Community Climate Action Plan (CCAP) and encourage sustainable development. This strategy was supported by an action to develop new policies to support sustainable development including policies that are responsive to community concerns, such as the Tree Code, auto dependent uses in commercial zones and natural gas policy.
- B. After a public process, including recommendations from the Tree Regulation Update Advisory Committee (TRUAC) and a Planning Commission hearing, the City Council adopted Ordinance No. 2503 on July 17, 2024. This ordinance amended BDC 3.2.200, Tree Preservation, to establish clear, objective standards that balance housing production and affordability with natural resource preservation. The City Council also directed staff to evaluate the implementation of tree preservation code during an annual review.
- C. On October 22, 2025, the City Council held a work session to review tree preservation data collected between August 16, 2024, and September 30, 2025. The analysis covered 766 applications, of which 55 were subject to tree preservation standards of BDC 3.2.200.C, Tree Preservation Requirements.
- D. Given that the tree preservation code has only been in effect since August 16, 2024, and available data is limited to fully evaluate its alignment with Council and community objectives for tree preservation, the proposed amendments to BDC 3.2.200, Tree Preservation, are intentionally narrow in scope.
- E. The application was processed in accordance with Bend Development Code (BDC) 4.1.500, Type IV Legislative Procedures. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.510, Notice, of the Bend Development Code.
- F. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development (DLCD) on December 11, 2025.
- G. A notice of the January 26, 2026, Planning Commission public hearing was printed in the Bend Bulletin on December 28, 2025, and mailed and emailed to all Neighborhood Districts on December 19, 2026. A notice of the March 4, 2026, City Council public hearing was printed in the Bend Bulletin on February 8, 2026, and mailed and emailed to all



Neighborhood Districts on February 6, 2026.

- H. On January 12, 2026, the Planning Commission held a work session to review the proposed amendments (Project Number PLTEXT20250658) and on January 26, 2026, the Planning Commission held a public hearing on the amendments and deliberated on the matter. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- I. The City Council held a public hearing on March 4, 2026, to accept evidence, receive public testimony, and consider the Planning Commission’s recommendations. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the text amendments to the Bend Development Code.

## Ordinance

**Based on these findings, the City of Bend ordains as follows:**

- Section 1.** The Bend Development Code is amended as shown on the attached Exhibit A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates by reference the findings attached in Exhibit B.
- Section 3.** 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 4.** All other provisions of the Bend Development Code remain unchanged by this ordinance and remain in effect.

### *First Reading*

03/04/2026

### *Second Reading*

03/18/2026

## Adoption by Roll Call Vote

**Yes:** Kebler, Franzosa, Méndez, Perkins, Platt, Riley

**No:**



Melanie Kebler, Mayor

**Attest:**

  
Ashley Bontje, City Recorder

**Approved as to form:**

  
Ian Leitheiser, City Attorney

## Exhibit A

### DRAFT Bend Development Code Update December 11, 2025

Prepared by:  
City of Bend Planning Division

File #: PLTEXT20250658

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

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#### Chapter 3.2

#### LANDSCAPING, TREE PRESERVATION, FENCES AND WALLS

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##### 3.2.200 Tree Preservation.

##### 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 subject to BDC 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.** The following applications may comply with either the tree preservation requirements in subsections (C)(1) or (C)(2) of this section, or with BDC 3.2.200(E), Mitigation Options:~~
- i. ~~Land division and site plan review applications on sites one acre or smaller may comply with either the tree preservation requirements in subsections (C)(1) or (C)(2) of this section, or with BDC 3.2.200(E), Mitigation Options.~~
  - ii. ~~A site with three or fewer regulated trees may comply with either the tree preservation requirements in subsections (C)(1) or (C)(2) of this section, or with BDC 3.2.200(E), Mitigation Options.~~

2. **Exemptions.** The following applications are exempt from this section:

- a. An Applications that includes the development of one or more dwelling units, micro units, or single room occupancies on a site one acre or smaller are exempt from this section.
- b. A residential land division or middle housing land division application where the original lot or parcel (parent site) is one acre or smaller.
- c. A land division application that results in lots or parcels that are all larger than one acre and the resulting lots or parcels will be subject to BDC 3.2.200, Tree Preservation in the future.
- d. An application where the site has no on-site regulated trees.

3. 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 at ground level 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 involved property owners, nor does this code relieve any applicant or property owner from complying with all applicable provisions of State law regarding responsibility for and removal of boundary trees.
4. 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 (coniferous or deciduous) ~~or common name, genus and species.~~
  - iii. Tree size (diameter at breast height).
  - iv. Proposed tree status (trees to be removed or preserved).

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**E. Mitigation Options.** If the preservation requirements in BDC 3.2.200(C)(1)(a) or (C)(1)(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. Six inches to 9.9 inches DBH tree removed: one replacement tree.
  - ii. Ten inches to 19.9 inches DBH tree removed: two replacement trees.
  - iii. Twenty inches 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 unless a deferral of installation is approved in subsection (E)(1)(d) of this section:
  - 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. Installation of the required replacement trees may be eligible for deferral in the following instances, with supporting documentation, and provided the City approves a financial or other guarantee in a form acceptable to the City. In no case may the deferral be for more than eight months.

- i. Installation and establishment of the trees would not be successful due to weather; or
- ii. The ground is frozen; or
- iii. The approved tree species is not available due to the time of year.

~~e.~~ Replacement trees are in addition to the tree requirements in BDC 3.2.400, Street Trees and Strip Landscaping, BDC 3.2.300(E)(1)~~a~~, ~~Parking Areas~~, and BDC 3.2.300(E)(2), Parking Lot Driveway and Drive Aisles. **(Allows replacement trees to count towards the trees required by the Climate-Friendly and Equitable Communities (CFEC) rule for parking lots with more than one-half acre that require tree canopy that will cover at least 40 percent of the new surface parking lot area at maturity but no more than 15 years after planting.)**

## **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 off-site tree. The tree protection methods and specifications must be consistent with ISA best management practices.

1. **Identify a Root Protection Zone.** The root protection zone must comply with BDC 3.2.200(F)(1)(a), Clear and Objective Track, or the applicant may request a discretionary track in accordance with BDC 3.2.200(F)(1)(b), Discretionary Track.

- a. **Clear and Objective Track.**

- i. **Root Protection Zone.** For on-site trees that are identified to be preserved and off-site trees where the root protection zone extends into the site, provide “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 off-site 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.

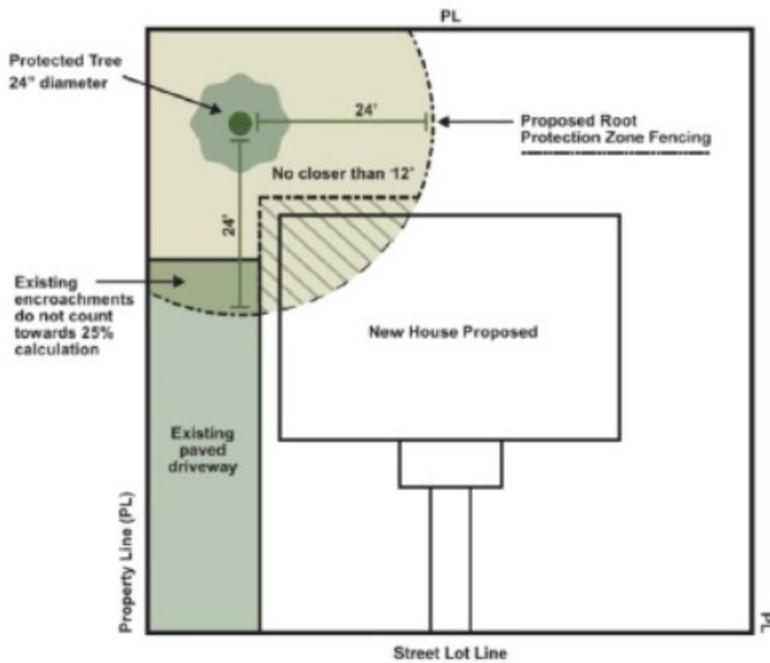
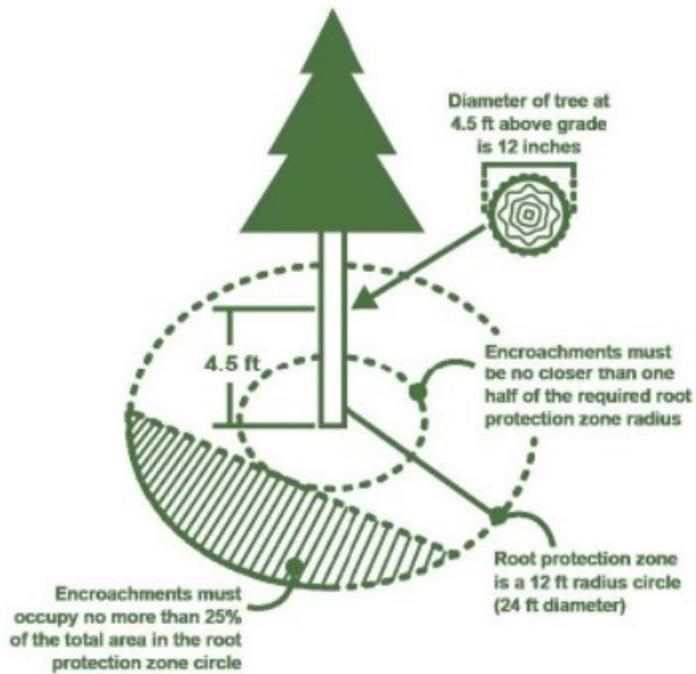
- b. **New Encroachments for Structures, Impervious Surfaces and Utilities**

- i. **Encroachments.** Existing encroachments into the root protection zone may remain. New encroachments into the root protection zone for structures, impervious surfaces and utilities are allowed provided:

(A) the 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. (B) 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:  $\frac{\text{sq ft of B}}{\text{sq ft of A}} = \% \text{ of encroachment}$

b. **Discretionary Track.** 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 an alternative root protection zone may be used for a specific on-site tree as demonstrated in a written report by a certified ISA arborist and based on documented field investigations. Reasonable alteration of the root protection zone based on factors such as existing or planned infrastructure, or tree shape may be considered. The recommended maximum encroachment is 25 percent into the root protection zone. Any encroachment beyond this limit must comply with specified mitigation measures, under the supervision of an on-site ISA Certified Arborist assigned to the developer's project.

**3-2. 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 3.2.200(E), Mitigation Options.
- b. New structures, impervious surfaces and utilities unless approved to encroachment in compliance with subsection (F)(1)(a)(ii) or (F)(21)(b) of this section. When approved to encroach into the root protection zone, the activities in subsection (F)(32)(a) of this section are permitted. Trees damaged or destroyed during the construction of the new structure, impervious surfaces and utilities must be replaced in compliance with subsection (E) of this section, Mitigation Options.

**4-3. 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 standards and specifications. Existing structures and/or existing secured fencing at least three-and-one-half 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.

**5.4. 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.**

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- 2. **Replacement Trees.** Maintenance of replacement trees are the responsibility of the property owner. If the replacement tree fails to survive three years from the date of final building inspection or from the date of planting as approved with a deferral of installation in subsection (E)(1)(d) of this section, 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.

**EXHIBIT B**  
**FINDINGS OF FACT**  
**BEND DEVELOPMENT CODE (BDC) UPDATE**  
**AMENDMENT PLTEXT20250658**

**I. PROCEDURAL FINDINGS:**

**(1) PUBLIC NOTICE AND COMMENTS.** Notice of the BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on December 11, 2025. A notice of the January 26, 2026, Planning Commission public hearing was printed in the Bend Bulletin on December 28, 2025, and mailed and emailed to the Neighborhood Districts on December 19, 2025. A notice of the March 4, 2026, City Council public hearing was printed in the Bend Bulletin on February 8, 2026, and mailed and emailed to all Neighborhood Districts on February 6, 2026. Staff emailed the proposed amendments and notice of the Planning Commission work session and public hearing dates to over 300 people who have expressed an interest in amendments related to tree preservation, to the Bend Development Code Update Group and to all Neighborhood District Land Use Chairs on December 11, 2025.

Public comments can be viewed in the Online Permit Center Portal at [www.permitcenter.bendoregon.gov](http://www.permitcenter.bendoregon.gov) on the City of Bend website by opening the Portal and selecting the Application Search link under the Land Use Applications, Historic Resources Reviews, Pre-Application Meeting header and entering the project number PLTEXT20250658 in the search bar to find the project.

**(2) RECORD.** The documents in CityView for PLTEXT20250658 are made part of the record and are placed before the City Council for consideration during the proceedings on the amendments. The documents are available for review and can be viewed in the Online Permit Center Portal at <https://cityview.ci.bend.or.us/Portal/Planning/Locator> by entering the project number in the search bar to find the project.

**(3) PROPOSAL.** The City of Bend is proposing text amendments to the Bend Development Code (BDC) BDC 3.2.200 Tree Preservation. The recommended amendments are attached as Exhibit A.

**II. CRITERIA OF APPROVAL:**

- (1) The Bend Comprehensive Plan
  - (a) Chapter 1: Plan Management and Citizen Involvement
  - (b) Chapter 2: Natural Features and Open Space

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- (c) Chapter 5: Housing
- (d) Chapter 6: Economy
- (e) Chapter 9: Community Appearance
- (f) Chapter 10: Natural Forces
- (g) Chapter 11: Growth Management

- (2) Bend Development Code
  - (a) Chapter 4.6, Map and Text Amendments
  - (b) 4.6.200, Legislative Amendments
  - (c) 4.6.600, Transportation Planning Rule Compliance

### III. APPLICABLE PROCEDURES:

- (1) Bend Development Code
  - (a) Chapter 4.1, Development Review and Procedures
  - (b) 4.1.500, Type IV Legislative Procedures

### IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

#### **CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

##### **4.6.200 Legislative Amendments.**

- A. **Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.**

**FINDING:** The recommended amendments to the BDC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

- B. **Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be**

**based on all of the following criteria:**

**1. The request is consistent with the applicable State land use law;**

**FINDING:** The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement and Goal 2: Land Use Planning and maintain Goal 6: Air, Water and Land Resources Quality, Goal 10: Housing, Goal 11: Public Facilities and Services, Goal 12: Transportation and Goal 14: Urbanization, as discussed below.

**Goal 1, Citizen Involvement**, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

**FINDING:** Notice of the BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on December 11, 2025. A notice of the January 26, 2026, Planning Commission public hearing was printed in the Bend Bulletin on December 28, 2025, and mailed and emailed to all Neighborhood Districts on December 19, 2025. Staff emailed the proposed amendments and the Planning Commission work session and public hearing dates to over 300 people who have expressed an interest in amendments related to tree preservation, to the Bend Development Code Update Group and all Neighborhood District Land Use Chairs on December 11, 2025.

On January 12, 2026, the Planning Commission held a work session to review the proposed amendments and on January 26, 2026, the Planning Commission held a public hearing and recommended approval to the City Council. The City Council will hold a public hearing on March 4, 2026, to consider the amendments.

Therefore, Goal 1 has been met.

**Goal 2, Land Use Planning**, requires a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

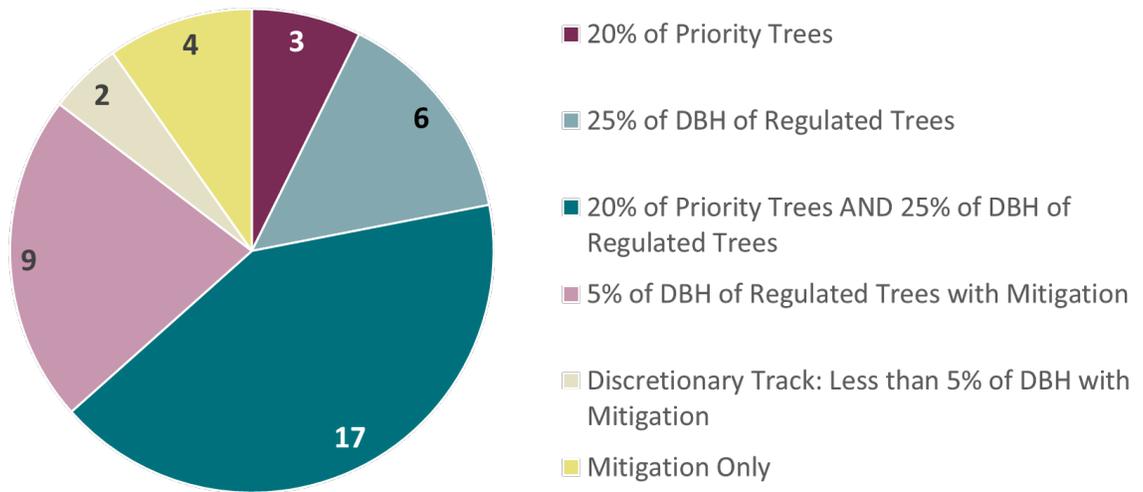
**FINDING:** The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The amendments will be considered by the City Council after a public hearing. Multiple opportunities were provided for review and comment by community members and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

On July 17, 2024, the City Council adopted Ordinance No. 2503 amending BDC 3.2.200, Tree Preservation, to provide clear and objective standards for tree preservation that balance the need for housing production, housing affordability, and natural resource preservation. These amendments supported the 2023-2025 Bend City Council Environment and Climate Goal, which included a strategy to advance the Community Climate Action Plan (CCAP) and encourage sustainable development. This strategy was supported by an action to develop new policies to support sustainable development including policies that are responsive to community concerns, such as the Tree Code, auto dependent uses in commercial zones and natural gas policy. Following adoption of the amendments, the City Council also made a general motion and directed staff to evaluate the implementation of the tree preservation code during an annual review. In addition to an overall review of the code and how it is working in practice, Council was particularly interested in the following:

- Additional discussion and research on best practices on the use of incentives to preserve trees on-site;
- Review of the impact of the code on the production of housing projects; and
- Assessment of how the four options and adopted incentives are being used, based on data, to determine whether the code as adopted is reaching Council and community objectives.

On October 22, 2025, the City Council held a work session to review tree preservation data collected between August 16, 2024, and September 30, 2025. The analysis covered 766 applications, including land divisions, site plan review applications, and minimum development standards review applications for single-unit dwelling and middle housing developments. Of these applications, 55 were subject to tree preservation standards of BDC 3.2.200.C, Tree Preservation Requirements. The chart below shows the preservation options selected by applicants. *(Note: 14 applications had no regulated trees on site and are not included in the chart.)*



Regarding the use of incentives to preserve trees, the BDC offers the following when a developer saves more than 20% of priority trees or more than 25% of the total size of all regulated trees on a property:

1. Smaller setbacks (up to 30%) for lots with preserved trees.
2. More lot coverage (up to 20%) for lots with preserved trees.
3. Less required landscaping (up to 10%) for lots with preserved trees.
4. Smaller lot sizes (up to 10%) when dividing land.

Of the 55 applications reviewed, no one chose to use these incentives.

Given that the updated tree preservation regulations have only been in effect since August 16, 2024, and available data is limited to fully evaluate its alignment with Council and community objectives for tree preservation, the following amendments are intentionally narrow in scope to provide consistency within BDC Chapter 3.2.200, Tree Preservation:

- Identifies additional applications that would be exempt from complying with the tree preservation requirements.
- On-site Replacement Trees:
  - Allow Climate Friendly and Equitable Communities (CFEC) parking lot trees required by BDC 3.3.300(D)(2)(a) to count towards tree replacement mitigation.
  - Allow a deferral of installation of replacement trees under certain conditions.

In addition, since adopting the tree preservation requirements, the City of Bend has hired an Urban Forester qualified to review alternative root protection zone requests when meeting

the current clear and objective requirement may be impractical. The following proposed amendment introduces a discretionary track to provide flexibility which may help preserve more trees overall.

BDC 3.2.200(F)(1)(b) Discretionary Track. 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 an alternative root protection zone may be used for a specific on-site tree as demonstrated in a written report by a certified ISA arborist and based on documented field investigations. Reasonable alteration of the root protection zone based on factors such as existing or planned infrastructure, or tree shape may be considered. The recommended maximum encroachment is 25 percent into the root protection zone. Any encroachment beyond this limit must comply with specified mitigation measures, under the supervision of an on-site ISA Certified Arborist assigned to the developer's project.

Therefore, the amendments are justified and needed, and compliance with Goal 2 is met.

**Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

**Goal 6, Air, Water and Land Resources Quality,** addresses water and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The City's acknowledged regulations for implementing Goal 6 remain in effect with no change in applicability. The amendments do not affect the City's ability to maintain and improve air, water or land resources. Current tree preservation requirements provide clear and objective standards for preserving trees related to land development and require mitigation for removals to support air quality. Trees improve air quality by absorbing carbon dioxide and particulates, storing carbon, and releasing oxygen—a process that purifies the air we breathe. The amendments do not alter these requirements. Therefore, compliance with Goal 6 is maintained.

**Goal 7, Areas Subject to Natural Hazards,** is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

**Goal 8, Recreational Needs,** requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary

recreational facilities including destination resorts. This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. This goal is not applicable as the amendments have no effect on economic development and economic growth.

**Goal 10, Housing**, requires that communities provide for the housing needs of citizens of the state. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. The tree preservation requirements and the limited amendments continue to balance the goals of tree preservation and housing development by providing clear and objective standards and several discretionary options to comply with the regulations, and do not impede the development of housing, which remains a critical need across Oregon and especially in Bend. Therefore, compliance with Goal 10 is maintained.

**Goal 11, Public Facilities and Services**, requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained.

**Goal 12, Transportation**, requires the City to provide and encourage a safe and convenient and economic transportation system. The amendments are not site specific and therefore do not affect the functional classification of any street. The amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system; therefore, the amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

**Goal 13, Energy Conservation** is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

**Goal 14, Urbanization**, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these amendments and therefore, the City's long-standing acknowledgment of compliance

with Goal 14 is maintained.

**Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the BDC amendments.**

Based on the above discussion, the amendments to the BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

**2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;**

**FINDING:** The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

**Chapter 1: Plan Management and Citizen Involvement**

**Goals**

- **Promote Public and Civic Involvement.** Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”.

**FINDING:** Staff emailed the proposed amendments and the Planning Commission work session and public hearing dates to over 300 people who have expressed an interest in amendments related to tree preservation, to the Bend Development Code Update Group and to all Neighborhood District Land Use Chairs on December 11, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from Central Oregon Builders Association (COBA), Central Oregon LandWatch (COLW) and Bend Park and Recreation Department (BPRD) as well as people who are generally interested in amendments to the BDC

A notice of the January 26, 2026, Planning Commission public hearing was printed in the Bend

Bulletin on December 28, 2025, and mailed and emailed to the Neighborhood Districts on December 19, 2025. A notice of the March 4, 2026, City Council public hearing was printed in the Bend Bulletin on February 8, 2026, and mailed and emailed to all Neighborhood Districts on February 6, 2026.

On January 12, 2026, the Planning Commission held a work session to review the proposed amendments and on January 26, 2026, the Planning Commission held a public hearing and recommended approval to the City Council. The City Council will hold a public hearing on March 4, 2026, to consider the amendments.

- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

**FINDING:** The following proposed amendments are limited in scope and provide consistency within BDC Chapter 3.2.200, Tree Preservation:

- Adds new applications that would be exempt from complying with the tree preservation requirements.
- On-site Replacement Trees:
  - Allow Climate Friendly and Equitable Communities (CFEC) parking lot trees required by BDC 3.3.300(D)(2)(a) to count towards on-site tree replacement mitigation.
  - Allow a deferral of installation of replacement trees under certain conditions.

In addition, since adopting the tree preservation requirements, the City of Bend has hired an Urban Forester qualified to review alternative root protection zone requests when meeting the current clear and objective requirement may be impractical. The following proposed amendment introduces a discretionary track to provide flexibility for all applications subject to the preservation standards:

BDC 3.2.200(F)(1)(b) Discretionary Track. 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 an alternative root protection zone may be used for a specific on-site tree as demonstrated in a written report by a certified ISA arborist and based on documented field investigations. Reasonable alteration of the root protection zone based on factors such as existing or planned infrastructure, or tree shape may be considered. The recommended maximum encroachment is 25 percent into the root protection zone. Any encroachment beyond this limit must comply with specified mitigation measures, under the supervision of an on-site ISA Certified Arborist assigned to the developer's project.

Therefore, the proposed amendments are effective, clear and consistent.

## **Policies**

### *Citizen Involvement*

**1-16.** The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

**FINDING:** On October 2 and October 10, 2025, staff convened meetings with developers to solicit feedback on the implementation of tree preservation requirements and to discuss their concerns and recommended changes. On October 22, 2025, the City Council held a work session to review tree preservation data collected between August 16, 2024, and September 30, 2025, in order to assess how the four tree preservation options and adopted incentives are being utilized and to determine whether the code, as adopted, is achieving Council and community objectives. During this session, staff also presented input received from the developer meetings. Because the tree preservation code has only been in effect since August 16, 2024, and available data is limited for a comprehensive evaluation of its alignment with Council and community objectives, the Council directed staff to proceed with only minimal BDC amendments and to continue evaluating the code's effectiveness while balancing the need for housing production, housing affordability, and natural resource preservation

Notice of the BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on December 11, 2025. A notice of the January 26, 2026, Planning Commission public hearing was printed in the Bend Bulletin on December 28, 2025, and mailed and emailed to all Neighborhood Districts on December 19, 2025. A notice of the March 4, 2026, City Council public hearing was printed in the Bend Bulletin on February 8, 2026, and mailed and emailed to all Neighborhood Districts on February 6, 2026. Staff emailed the proposed amendments and the Planning Commission work session and public hearing dates to over 300 people who have expressed an interest in amendments related to tree preservation, to the Bend Development Code Update Group and to all Neighborhood District Land Use Chairs on December 11, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, COLW and BPRD as well as people who are generally interested in amendments to the BDC.

On January 12, 2026, the Planning Commission held a work session to review the proposed amendments and on January 26, 2026, the Planning Commission held a public hearing and recommended approval to the City Council. The City Council will hold a public hearing on March

4, 2026, to consider the amendments. Throughout this review process, there are multiple opportunities for the public to be involved and provide input on the proposed amendments.

Therefore, compliance with Chapter 1 has been met.

## **Chapter 2: Natural Features and Open Space**

### **Goals:**

- to preserve interesting and distinct geologic formations and areas of natural vegetation;
- to shape the urban development and provide visual relief from developed land;
- to soften the appearance of street corridors with planter and median strips;
- to encourage environmental awareness so that citizens will become stewards of our natural areas; and
- to support the coordinated efforts of public agencies, private organizations and individuals to preserve and enhance the area's natural features and open space.

**FINDING:** The proposed amendments offer a discretionary option for proposing an alternative root protection zone. This may help preserve additional established trees since they would be counted towards meeting the required tree preservation requirements, rather than assuming removal and mitigating with a smaller, new onsite tree. Therefore, the amendments will encourage preservation of areas of natural vegetation and help provide visual relief from development.

### ***Policies***

**2-8** All residential development should respect the natural ground cover of the area, and the city shall work with developers to preserve mature trees within the subdivision.

**FINDING:** The BDC provides clear and objective standards for tree preservation during the land division process. Developers have several options to meet these requirements:

- Preserve at least 20% of all Priority Trees on the site.
- Preserve at least 25% of the total DBH (Diameter at Breast Height) of all Regulated Trees on the site.
- Preserve at least 5% of the total DBH and provide mitigation.

Alternatively, a developer may apply for a discretionary approval path to preserve less than 5% of the total DBH of all regulated tree onsite, with mitigation.

Mitigation options include on-site tree replacement and/or payment in lieu of preservation, which supports the purchase, planting, and maintenance of trees throughout the city.

When trees are identified for preservation, the BDC requires a clear and objective root protection zone to safeguard tree health. The proposed amendments introduce a discretionary option for alternative root protection zones, allowing the City's Urban Forester to review and approve requests when strict compliance with the standard is impractical. To ensure the root protection zones are protected, the BDC requires fencing at the zone's boundary and signage identifying the protection zone and penalties for violations. Additionally, the BDC strictly prohibits activities within the zone, including:

- Clearing, grading, and construction
- Vehicle or equipment access (except on existing streets or driveways)
- Storage of materials or equipment, soil stockpiling
- Excavation, fill, compaction, trenching, or any other work

The tree preservation standards and proposed amendment provide clear, enforceable measures to preserve mature trees within subdivisions while offering flexibility through mitigation and discretionary track reviews.

**2-9** The City shall develop standards to conserve mature native trees and standards that describe the types of trees for commercial and industrial developments that are compatible with Central Oregon's climate.

**FINDING:** The BDC requires commercial and industrial developments subject to Site Plan Review to comply with BDC 3.2.200, Tree Preservation. While the proposed amendments are limited in scope, they continue to promote the preservation of mature trees on commercial and industrial sites by introducing a discretionary track for on-site root protection zones. This option is particularly beneficial for preserving larger trees on smaller sites where meeting the clear and objective root protection zone standard may be impractical. Under the amendment, applicants may request review of an alternative root protection zone by the City's Urban Forester, supported by a written report from a certified ISA arborist and documented field investigations. Reasonable alteration of the root protection zone based on factors such as existing or planned infrastructure, or tree shape may be considered. The recommended maximum encroachment is 25 percent into the root protection zone. Any encroachment beyond this limit must comply with specified mitigation measures, under the supervision of an on-site ISA Certified Arborist assigned to the developer's project.

This flexibility encourages the retention of mature trees, as preserved trees count toward

meeting the tree preservation requirements.

In addition, under the BDC, developments that add more than one-half acre of new surface parking must comply with Climate Friendly and Equitable Communities (CFEC) rules. Compliance can be achieved by:

- Providing tree canopy that will cover at least 40 percent of the new surface parking lot area,
- Installing solar panels anywhere on the property along with planting trees along parking lot driveways and aisles, or
- A combination of both strategies.

The proposed amendments clarify that trees planted to meet the 40 percent canopy requirement may also count toward required mitigation replacement trees. This change encourages tree planting in commercial and industrial developments, which are more likely to include large parking areas.

**2-12** The City shall evaluate and adopt standards for the types of landscape materials and amount of open area buffers around structures that reduce the risk of loss from wildfires at the edge of the urban area.

**FINDING:** When a developer chooses to preserve existing trees on-site or provide on-site replacement trees as mitigation, these actions do not conflict with this policy. BDC 3.2.200, Tree Preservation, does not specify where trees must be retained or planted on the site, allowing flexibility in site design. This flexibility is essential for implementing this policy, which aims to reduce wildfire risk by requiring appropriate landscape materials and open area buffers around structures. Developers can maintain defensible space and aggregated buffer areas without violating tree preservation requirements. Additionally, developers may satisfy mitigation requirements by making a payment in-lieu rather than planting replacement trees on-site, further supporting wildfire safety objectives by reducing vegetation density near buildings and minimizing fuel loads in high-risk areas.

**2-14** The City will consider how best to protect important native fauna and flora within the Bend urban area, as identified by the open space and natural features inventory.

**FINDING:** There are no changes proposed to the boundaries of the Waterway Overlay Zone (WOZ) or Areas of Special Interest (ASI), or mapped natural features in other overlay zones, area plans, or master plans. The native fauna and flora will continue to be protected as required in BDC Article V. Waterway Overlay Zone (WOZ) and Article VI. Upland Areas of Special Interest Overlay Zone.

Therefore, the amendments satisfy Chapter 2, Natural Features and Open Space.

## **Chapter 5: Housing**

### **Goals:**

- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

**FINDING:** Under the current code, trees designated for preservation must meet clear and objective root protection zone standards. When development exceeds allowable encroachments into these zones and compliance is not feasible, developers may choose not to retain certain Regulated Trees, as they do not count toward preservation requirements. To encourage retention, the proposed amendments allow applicants to request that the Urban Forester review an alternative root protection zone for a specific on-site tree, based on a report from a certified ISA arborist. This added flexibility helps balance tree preservation with the need for housing development.

In addition, under the Bend Development Code (BDC), developments adding more than one-half acre of new surface parking must comply with Climate Friendly and Equitable Communities (CFEC) rules by:

- Providing tree canopy covering at least 40 percent of the new surface parking lot area,
- Installing solar panels anywhere on the property in conjunction with planting trees along parking lot driveways and aisles, or
- A combination of both.

The proposed amendments clarify that trees planted to meet the 40 percent canopy requirement may also count toward required mitigation replacement trees. This change promotes flexibility in development standards, balancing the need for efficient use of residential land with the preservation of natural features.

### ***Policies***

#### **Housing Mix, Density, and Affordability**

**5-4** The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

According to Bend's Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring 16,700 new dwelling units. Bend's housing needs are changing, based on key demographic changes occurring in Bend and across the nation. Some Baby Boomers may choose to downsize their housing, resulting in greater demand for small single-unit detached dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and the growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-unit detached dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments. The tree preservation requirements do not apply to applications that include one or more dwelling units, micro units, or single room occupancies on sites one acre or smaller. For consistency, the proposed amendments will also exempt residential land division and middle housing land division applications where the original lot or parcel is one acre or smaller, since the resulting lots will ultimately be developed with dwelling units. These amendments support the development of a mix of housing units identified in the adopted Housing Needs Analysis.

**5-8** The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.

**FINDING:** The City's development standards support a mix of housing types, including middle housing which is commonly developed on smaller sites. Recognizing the challenges of developing on these sites due to setbacks, lot coverage, minimum density requirements, stormwater retention, etc., the tree preservation requirements do not apply to applications that include one or more dwelling units, micro units, or single room occupancies on sites one acre or smaller. For consistency, the amendments will also exempt residential land divisions and middle housing land division applications where the original lot or parcel is one acre or smaller, as these lots will eventually be developed with housing.

When trees are identified for preservation, the BDC requires a clear and objective root protection zone to safeguard trees during construction. Since adopting these requirements, the City of Bend has employed an Urban Forester with the expertise to review requests for alternative root protection zones. The amendment introduces a discretionary track that authorizes the Urban Forester to review and approve alternative root protection zones based on industry best practices and site-specific conditions. This approach allows for additional encroachments into the root protection zones when appropriate, balancing the goals of tree preservation with the need to maintain housing density and development feasibility.

**5-35** All residential development will respect the natural ground cover of the area and existing and mature trees within the community should be preserved where practicable.

**FINDING:** The BDC provide developers clear and objective options for preserving existing and Bend Development Code Amendments

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mature trees on a site. Developers have several options to meet these requirements:

- Preserve at least 20% of all Priority Trees on the site.
- Preserve at least 25% of the total DBH (Diameter at Breast Height) of all Regulated Trees on the site.
- Preserve at least 5% of the total DBH and provide mitigation.

Alternatively, a developer may apply for a discretionary approval path to preserve less than 5% of the total DBH of all regulated trees onsite, with mitigation. Mitigation options include on-site tree replacement and/or payment in lieu of preservation, which supports the purchase, planting, and maintenance of trees throughout the city.

When trees are identified for preservation, the BDC requires a clear and objective root protection zone to safeguard tree health. The amendments introduce a discretionary option for alternative root protection zones, allowing the City's Urban Forester to review and approve requests when strict compliance with the standard is impractical. To ensure the root protection zones are protected, the BDC requires fencing around the zone's boundary and signage identifying the protection zone and penalties for violations. Additionally, the BDC strictly prohibits activities within the root protection zone, including:

- Clearing, grading, and construction
- Vehicle or equipment access (except on existing streets or driveways)
- Storage of materials or equipment, soil stockpiling
- Excavation, fill, compaction, trenching, or any other work

The tree preservation standards and proposed amendment provide clear, enforceable measures to preserve mature trees.

**5-36** The City encourages flexibility in design to promote safety, livability and preservation of natural features. To that end, the City will provide development code standards to allow flexibility on dimensional standards, such as lot size and setbacks, to achieve these objectives.

**FINDING:** The BDC, building codes, City of Bend Standards and Specifications, and the Bend Municipal Code establish requirements for setbacks, parking, access, stormwater management, on-site pedestrian facilities, utility connections, bike parking, height limits, and more. Meeting these requirements is often complex and cannot always be achieved by simply adjusting building placement. To address this challenge, the amendment introduces a discretionary track that allows developers to customize a tree's root protection zone by permitting additional encroachments into the critical root area when the clear and objective standards are impractical and qualified professionals determine the tree will not be harmed.

This approach creates an incentive for tree preservation, as retained trees can count toward meeting the clear and objective tree preservation requirements.

Therefore, the amendments satisfy Chapter 5, Housing.

## **Chapter 6: Economy**

### **Goals:**

■ Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.

**FINDING:** The tree preservation code and its amendments aim to protect and expand Bend's urban tree canopy. This effort supports employment for urban foresters, arborists, tree trimmers, and landscapers, fostering a vital, diverse, and sustainable economy while enhancing the community's overall livability.

### **Mixed Use Development**

**6-25** Mixed-use development will achieve the following purposes:

- o provide a variety of employment opportunities and housing types;
- o foster pedestrian and other non-motor vehicle access within and to the site;
- o ensure compatibility of mixed-use development with the surrounding area and minimize off-site impacts associated with the development;
- o ensure the site planning, access, parking areas and building designs are functionally coordinated and aesthetically pleasing; and
- o where applicable, improve the natural conditions along the Deschutes River, and encourage access to and enjoyment of the Deschutes River.

**FINDING:** The tree preservation standards require a root protection zone for trees designated for retention. These zones are typically circular and allow only minimal encroachments, which can conflict with building footprints, parking areas, and pedestrian facilities in mixed-use projects, often resulting in tree removal. The proposed amendments introduce a discretionary option that allows developers to adjust root protection zones by permitting additional encroachments into critical root areas when clear and objective standards are impractical. This approach incentivizes tree preservation because retained trees can still count toward meeting the objective requirements. Tree preservation contributes to maintaining visual and functional compatibility between new development and the surrounding area.

When preserving at least 20% of priority trees or 25% of the total size of all regulated trees on-site is not feasible, mitigation is required, which may include planting replacement trees on-site. The amendments allow required canopy trees in new parking lots that comply with Climate Friendly and Equitable Communities (CFEC) rules to count toward replacement tree requirements. This supports overall tree canopy goals while accommodating mixed-use developments—particularly on smaller lots with limited space for additional plantings.

Overall, the amendments ensure that tree preservation, replacement trees, and parking areas are functionally integrated and visually appealing.

## **Commercial Development**

**6-33** All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

**FINDING:** All proposed commercial developments subject to Site Plan Review must comply with the tree preservation requirements. The amendments introduce flexibility by allowing applicants to propose an alternative root protection zone to safeguard existing trees during construction. Additionally, the amendments will allow installation of replacement trees to be deferred under certain conditions, such as adverse weather, frozen ground, or when approved tree species are unavailable due to seasonal limitations.

In addition, under the BDC, developments adding more than one-half acre of new surface parking must comply with Climate Friendly and Equitable Communities (CFEC) rules by either providing tree canopy that will cover at least 40 percent of the new surface parking lot area, installing solar panels anywhere on the property in conjunction with planting trees along parking lot driveways and aisles, or a combination of both. The proposed amendments clarify that trees planted to meet the 40 percent canopy requirement may also be counted toward required mitigation replacement trees. These changes aim to balance regulatory compliance with practical construction challenges while promoting long-term tree preservation.

Therefore, the amendments satisfy Chapter 6, Economy.

## **Chapter 9: Community Appearance**

### **Goals**

The purpose of including a community appearance section and policies in the *Comprehensive Plan* is to provide direction to significantly improve the appearance of the entire community, and especially in those high visibility areas along the commercial corridors. The community

appearance section of this Plan has therefore been prepared in conformance with the following general goals:

- To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multi-unit areas.
- To identify those characteristics that give the community its individual identity and to preserve and expand those characteristics as growth occurs.

**FINDING:** The tree preservation standards recognize Regulated Trees on private property as assets that contribute positively to the appearance of the community. Preserving trees gives greater vitality to neighborhoods and preserves the unique character of the community. The amendments continue to support the preservation of regulated trees while providing additional flexibility to comply with the regulations.

### ***Policies***

**9-2** Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.

**FINDING:** The tree preservation requirements are designed to retain the community's existing mature tree canopy wherever possible. They include clear and objective standards, discretionary tracks, and a requirement for developers to partially offset the removal of existing trees through on-site mitigation or payment of a fee in lieu of preservation.

The amendments introduce a discretionary track that authorizes the Urban Forester to review and approve alternative root protection zone requests based on industry's best practices and site-specific conditions. This approach ensures tree health remains a priority while offering practical solutions for challenging development sites. It reflects the City's commitment to environmental stewardship and supports housing production goals.

**9-3** The city will use advisory committees, public workshops, and other measures, to identify those characteristics that give the community its individual identity and preserve and expand those characteristics as growth occurs.

**9-10** The city shall develop an Urban Forestry Plan which shall include:

- o annual tree planting plans for existing areas of the community;
- o a city approved street tree list;

- o steps to re-capture and maintain a “tree-city USA” designation; and
- o the adoption of a formal Bend City Tree Ordinance which includes regulating the removal of trees on commercial and industrial land and during residential subdivision development.

**FINDING for 9-3 and 9-10:** In response to community concerns about tree removal during large-scale development projects, the City Council held a work session on March 15, 2023, to review and discuss existing tree preservation requirements. Following the discussion, the Council expressed support for exploring amendments to City codes that would better protect large trees and expand Bend’s urban tree canopy, while balancing the need for housing development.

On May 3, 2023, the Council approved a resolution establishing the Tree Regulation Update Advisory Committee (TRUAC) to recommend updates to the City’s tree preservation regulations. After TRUAC’s recommendations and a public engagement process, the City Council adopted Ordinance No. 2503 on July 17, 2024, amending BDC 3.2.200, Tree Preservation. These updates regulate tree removal on commercial and industrial properties and during residential subdivision development.

In addition to recommending code changes, TRUAC advised creating an arborist position within City staff to support implementation of tree preservation requirements and develop an urban forestry program. Since adoption of the updated tree code, the City has hired an Urban Forester to advance these efforts.

Therefore, the amendments satisfy Chapter 9, Community Appearance.

## **Chapter 10: Natural Forces**

### **Goals**

- to maintain or improve the air quality for a healthful and desirable urban environment.

**FINDING:** Trees can improve air quality through a number of means, including by (1) reducing air temperature, thus altering pollution concentrations, (2) reducing energy consumption in buildings, which consequently reduces air pollutant emissions from the power

sources, and most notably, (3) directly removing pollutants from the air.<sup>1</sup> The proposed amendments encourage retention of Regulated Trees by introducing a discretionary option for an alternative root protection zone. They also allow deferral of on-site replacement tree planting under certain conditions, such as adverse weather or frozen ground, to improve tree survival rates.

Together, these changes will help protect and expand the City's urban tree canopy, contributing to better air quality for the community.

## **Chapter 10: Natural Forces**

### ***Wildfire***

**10-18** The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend.

## **Chapter 11: Growth Management**

### **Goals**

- Utilize best practices (e.g. cluster development, transect planning) in appropriate locations to reinforce the City's urban form, reduce risk of wildfire, and recognize natural features that present "hard edges" for urbanization.

### **General Growth Management Policies**

**11-5** The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend.

**FINDING for Chapter 11 Goal and Policies 10-18 and 11-5:** When a developer elects to preserve existing trees on-site or provide on-site replacement trees as mitigation, these

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<sup>1</sup> National Parks Service, Air Pollution Removal by Urban Forests, January 7, 2022, [Air Pollution Removal by Urban Forests \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/air-pollution-removal-by-urban-forests)

actions do not conflict with this Goal or policies. BDC 3.2.200, Tree Preservation, does not specify where trees must be retained or planted on the site, allowing flexibility in site design. This flexibility is important for implementing wildfire hazard reduction strategies because it enables developers to maintain defensible space and aggregated buffer areas around structures without violating tree preservation requirements. Furthermore, developers may fulfill mitigation requirements by making a payment in-lieu rather than planting replacement trees on-site, which can further support wildfire safety objectives by reducing vegetation density near buildings and critical infrastructure.

Therefore, the amendments satisfy Chapter 10, Natural Forces and Chapter 11, Growth Management.

Based on the findings stated above, the Planning Commission concludes that the amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

### **3. The applicant can demonstrate a public need or benefit for the proposed amendment.**

**FINDING:** Although the proposed amendments are limited in scope, they address public need and provide meaningful benefits. They clarify which additional applications are exempt from tree preservation requirements, ensuring consistency and clear expectations for the public. The amendments also allow deferred installation of on-site replacement trees under certain conditions, such as frozen ground or adverse weather, improving their chances of survival. Additionally, required canopy trees in new parking lots that comply with Climate Friendly and Equitable Communities (CFEC) rules may count toward replacement tree requirements, supporting overall tree canopy goals while also allowing reasonable development of land for commercial, industrial, and multi-unit housing uses. The amendments introduce a discretionary option for an alternative root protection zone, which could help preserve more trees by allowing them to count toward clear and objective preservation standards. Therefore, the amendments to the BCD meet this criterion.

#### **4.6.500 Record of Amendments.**

**The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.**

**FINDING:** In the event the BDC text amendments are adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the BDC available to the public on the City's website.

#### **4.6.600 Transportation Planning Rule Compliance.**

**When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.**

**FINDING:** The new text amends the BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

**V. CONCLUSIONS:** Based on the findings throughout this report, the proposed amendments to the Bend Development Code meet all applicable criteria for City Council adoption.