

The City of Bend conducted a lengthy public process in 2023 and 2024 to evaluate the City's tree preservation standards and consider updated regulations to carefully balance tree preservation with the need for housing production. Following the recommendations of the City's Tree Regulation Update Advisory Committee (TRUAC), the City Council held a public hearing on June 20, 2024 to consider testimony and hold a first reading on the ordinance amending the City of Bend Development Code to adopt comprehensive new tree preservation standards. Upon adopting the code, the City Council directed City staff to evaluate the new code and its impacts on an annual basis, consistent with the City's practice of engaging with stakeholders about the impact of new regulations. The Council expressed particular interest in collecting and reviewing information on the following:

- Best practices for use of incentives to preserve trees on development sites
- Reviewing the impacts of the new code on housing production and projects
- Assessing how the four preservation options and incentives are used, based on data, to determine whether the new code meets Council and community objectives

Following the City's adoption of the new code, several developers and other parties challenged the new code by filing an appeal with the Oregon Land Use Board of Appeals (LUBA).

After filing their initial briefs with LUBA, the opponents and the City engaged in discussions about the intent of the appeal, the opponents' objectives, and possible avenues to resolve the appeal.

During meetings in November and December between the City and representatives from the development community, the City received input from home builders on several types of data, information, and questions that could inform the City's future evaluation of the tree preservation code, including the following:

- How has the code impacted the cost of development or housing production? By how much? In what ways: mitigation fees, survey and consultant costs, administrative time, etc.? This could include the impact on the price per residential unit or the price of employment land and development.
- Has compliance with the code impacted the number of housing units on projects, or the efficient use of employment land?
- How have the root protection zone requirements of the code impacted site

access and construction costs? Are there priority trees or regulated trees that were disqualified from being preserved since they could not meet the root protection zone requirements?

- What percentage of regulated trees were removed from public rights-of-way, including required grading outside of the right-of-way? What was the impact on the mitigation requirements of removing those trees?
- What is the ratio of regulated trees removed to preserved trees planted under the previous code requirements?
- If trees planted under the previous code requirements (such as street trees, drive aisle trees, and other trees) were counted as mitigation trees under the new tree preservation code, how might that have impacted the development?

The City is pleased that the opponents are ending their challenge, and that the new tree preservation code will remain in place. The Council looks forward to working with the development community to evaluate the impact of the new code later in 2025 to continue assessing how the code is meeting the objectives of tree preservation balanced with the need for housing production and efficient development.

“The Council believes in using quality data and information in assessing new regulations, and the previous direction to do so remains unchanged,” said Mayor Melanie Kebler. “I’m looking forward to continuing to work with all interested parties who share our concern for both tree preservation and creating more housing in Bend.”