

2. Hold Public Hearing and Adopt Resolution No. 2024-06 – Adopting the Budget and Making Appropriations for Fiscal Year 2024-25, and Adopt Resolution No. 2024-07 - Imposing and Categorizing Taxes for Fiscal Year 2024-25 – *Kristin Toney (10 min)*

Director Hovekamp opened the public hearing for public comments, there were none and he closed the hearing.

Ms. Toney said the board is in the last step of the budget process. She reviewed the budget and appropriations that were discussed in detail at the budget committee meeting in May. She briefly reviewed the budget and how the funds are spent.

The board thanked Ms. Toney and the rest of the budget committee for their work on the budget and acknowledged the improvement in the ease of understanding the budget year over year.

Director Barram made a motion to adopt Resolution No. 2024-06 Adopting the Budget and Making Appropriations for Fiscal Year 2024-25. Director Schneider seconded. The motion was approved unanimously, 5-0.

Director Owens made a motion to adopt Resolution No. 2024-07 Imposing and Categorizing Taxes for Fiscal Year 2024-25. Director Schoen seconded. The motion was approved unanimously, 5-0.

Director Schoen brought a topic to the floor from executive session on the incoming executive director's employment agreement,

Director Schoen moved to amend the new executive director's contract to replace the life insurance provision to provide for a fixed amount policy. Director Owens seconded. The motion was approved unanimously, 5-0.

EXECUTIVE DIRECTORS REPORT

- Executive Director Horton spoke about the increase of children in Kids Inc programs that will be served this year. He shared the breakdown of part-time and full-time participants and kids on scholarship as well. He said the district is at space capacity for the program.
- He announced there will be no meeting June 18 or the month of August.
- He shared that two big maintenance projects with big dollar amounts are coming including the Whitewater Park facility. He said it was evaluated and some maintenance issues have been discovered that will likely be in the next budget. The second project is the Boys and Girls Club, the entry staircase wall needs repaired, the district is hiring an architect to look at some options for repair.
- He said there is a tree code letter in their folders, and said Donna and Nathan met with staff to help craft the letter in support of the tree code.
- He said the HR manager position is advertised broadly, and staff will keep the board posted on the recruitment.
- He shared his appreciation for Director Hovekamp's leadership and said has enjoyed working with him.

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Schneider shared his appreciation for his transition and staff's help in getting him up to speed on the board.
- Director Owens thanked staff for meeting with her about the city tree code. She said the Hollinshead open house was well attended and she appreciates staff work on the complaints that have been received on noise around the Pavilion. She commented that the food at Larkspur Café is great and gave her congratulations for getting that going.

- Director Barram thanked Director Hovekamp for his leadership style as chair of the board. She acknowledged the transition of the executive director leadership and thanked executive director Horton for his service.
- Director Hovekamp said at the change of the fiscal year there is a change in leadership with Ms. Healy taking over. He suggested scheduling a meeting to create goals for her year. He said he would like a meeting added to the calendar to discuss this.

Director Hovekamp said it has been the practice of the board to consider a bonus for the executive director in lieu of a merit increase of 0-3%. He suggested that the executive director has earned the bonus and recommended 3%.

Director Hovekamp made a motion to offer Don Horton, executive director, a bonus of 3% of the base salary for his outstanding service of the past year. Director Schoen seconded. The motion was approved unanimously, 5-0.

He thanked the board for serving with him as he served as chair. He thanked Director Barram for her support as vice-chair and he gave gifts to Director Barram and Executive Director Horton.

ADJOURN: 6:50 pm



Prepared by,

Sheila Reed
Assistant to the Executive Director

Nathan Hovekamp, Chair



Donna Owens



Cary Schneider



Jodie Barram, Vice-Chair



Deb Schoen



June 26, 2024

SUBJECT: Bend Park and Recreation District comments on proposed amendments to the Bend Development Code regarding tree regulation and landscaping.

Dear Ms. Hardie and Planning Commissioners:

On behalf of the Bend Park and Recreation District (BPRD, district), I am writing to submit comments on the proposed revisions to the Bend Development Code for tree regulation and landscaping standards. The district appreciates the city's efforts to enhance environmental sustainability and preserve more trees within our community. However, after careful review, we are concerned that the proposed regulations will neither meaningfully increase tree preservation nor meet the expectations of the community. Our constituents have voiced strong concerns that not enough trees are currently being preserved. Trees are vital to our environment, providing numerous benefits such as improving air quality, reducing urban heat islands, and increasing mental and physical health outcomes.

City staff provided examples of on-site tree preservation for eight recent developments within Bend. While these aren't statistically representative of the entire city, they do provide an illustrative example of typical developments. Using the examples provided, the cumulative preservation for priority trees is 24.4%; the proposed regulation only requires 20%. Similarly, the proposed regulations require that 25% of the total diameter at breast height (DBH) of regulated trees are preserved. The actual number of DBH preserved across these developments is 28.6%, again exceeding the proposed regulation. The proposed regulations will positively affect some sites, but 62.5% (5 of 8) of these developments already meet the proposed "20 percent of all Priority Trees" option and 50.0% (4 out of 8) already meet the "25 percent of the total DBH of all Regulated Trees" option. The district strongly urges the Planning Commission to recommend a higher required percentage for both of these options.

Number of Trees 20" or Larger (Priority Trees)

	Sky Vista Single-Unit 9.13 Acres	Poplar Cottages 0.54 Acres	Century Mixed-Use 1.50 Acres	Veridian Multi-Unit 2.81 Acres	Caraway Master Plan (Phase 1) 16.81 Acres	Parkside Place Master Plan 37.10 Acres	Bri Multi-Unit 2.23 Acres	Bulletin Multi-Unit 1.57 Acres
Trees 20" or Larger								
Actual Trees 20"+	30	12	14	14	15	39	5	6
Actual Preservation	2	1	0	3	6	11	5	5
→ 20%	6	2.4	2.8	2.8*	3	7.8	1	1.2
25%	7.5	3	3.5	3.5*	3.75	9.75	1.25	1.5
30%	9	3.6	4.2	4.2	4.5	11.7*	1.5	1.8

* save one more 20" tree or round down

DBH (Regulated and Priority)

	Sky Vista Single-Unit 9.13 Acres	Poplar Cottages 0.54 Acres	Century Mixed-Use 1.50 Acres	Veridian Multi-Unit 2.81 Acres	Caraway Master Plan (Phase 1) 16.81 Acres	Parkside Place Master Plan 37.10 Acres	Bri Multi-Unit 2.23 Acres	Bulletin Multi-Unit 1.57 Acres
DBH								
Actual On-Site DBH	1739	715	897	968	3484	2564	324	362
Actual Preservation	44	207	0	144	1352	392	233	206
% Preserved	2.53%	28.95%	0.00%	14.88%	38.81%	15.29%	71.91%	56.91%
→ 20%	347.8	143	179.4	193.6	696.8	512.8	64.8	72.4
25%	434.75	178.75	224.25	242	871	641	61	90.5
30%	521.7	214.5*	269.1	290.4	1045.2	769.2	97.2	108.6

* save one more 8" tree

The district recognizes the importance of balancing the need for tree preservation with housing production, and that it is important for the development code to provide flexibility for unique sites where meeting either of the previously mentioned options is infeasible. However, the proposed



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regulations would allow developers to choose a third option in which only 5% of the total DBH of all Regulated Trees on-site must be preserved if additional mitigation options are completed. The district is concerned that allowing developers to choose this option at the outset, and not be required to prove why either of the previous options cannot be met, does not create a strong enough incentive to preserve existing trees. Additionally, graphics provided on the City's website imply that developers will have to evaluate preserving higher percentages of existing trees *before* choosing the 5% option but this is not supported by the proposed code. The district also suggests that the Planning Commission further evaluate this option, particularly given that the payment in lieu fee is proposed to be \$600, which the district does not feel is sufficient enough to dissuade choosing this option.

BPRD staff and board members have also compiled a list of comments and questions which are listed below:

Specific Comments and Questions:

Chapter 1.2 Definitions

Priority Tree and Regulated Tree (page 4)

The district suggests revising the definitions for priority and regulated trees to indicate that the tree is healthy. A diseased, dying, or dead tree should not be considered a priority tree and therefore shouldn't be counted toward tree preservation. Section 3.2.200.B.1.b may also need to be updated as it gives the option of preserving or not preserving poor and very poor trees. The district understands that some dead trees are beneficial for providing habitat. Given that this is hard to regulate outside of the WOZ or ASI, it's suggested that trees in poor to dead condition are excluded entirely except within the WOZ or an ASI.

Chapter 1.3 Enforcement

1.3.300.C Removal of Landscaping and Regulated Trees (page 7)

This section gives the city discretion to require that trees removed in violation of the code or land use approval are replaced in an amount at least equivalent to what was removed. The district suggests that the replacement amount be consistent with 3.2.200.E.1.a (quantity of replacement trees based on diameter removed). The subsection does state "at least," giving the city that discretion, but this suggestion will provide clarity, consistency with the code, and act as a deterrent.

This section also requires that landscaping and replacement trees are replaced with an equivalent specimen. A plant may fail to survive or thrive because it's not a good fit for the planting location (sun, shade, soil condition, rock, etc.), and a different species may be a better fit. This section seems to assume that all plans will be developed by a landscape architect/designer with thorough knowledge, which isn't always the case and adds cost.

Chapter 2.7 Special Planned Districts Refinement Plans Area Plans and Master Plans

Article V. Waterway Overlay Zone

2.7.610.D.1 Tree Removal (page 10)

The district supports the revision to allow tree removal for fire mitigation within the WOZ.

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As one of the largest landowners within the Waterway Overlay Zone, the district requests an exemption from requiring land use approval to remove trees for wildfire/disease on property owned by BPRD. As a public agency, the district is accountable to the public and is charged with maintaining healthy urban forests, tree canopies, and open spaces. The district offers the following suggestion:

1. *Removal...*

d. For forest health and/or wildfire risk mitigation on property owned by Bend Park and Recreation District as determined by the fire code official or qualified professional/individual. Trees may only be removed by Bend Park and Recreation District staff or their agent.

Article VI. Upland Areas of Special Interest Overlay Zone

2.7.700.D.4, Removal of Vegetation (Page 11 – 12)

The district suggests adding an exemption for tree removal within an ASI similar to the exemption for fire mitigation in the WOZ.

Similar to the WOZ, BPRD is one of the largest, if not the largest, owners of properties containing an ASI designation. For the same reason, BPRD requests that an exemption is added:

3. Exemptions. Activities exempt from this section include:

3. *Exemptions. Activities exempt from this section include:*

d. For forest health and/or wildfire risk mitigation on property owned by Bend Park and Recreation District as determined by the fire code official or qualified professional/individual. Trees may only be removed by Bend Park and Recreation District staff or their agent.

Chapter 3.2, Landscaping, Street Trees, Fences and Walls

3.2.200.C.1, Clear and Objective Track Tree Preservation Standards (page 23)

If there are no priority trees on site, it's not clear that either (b) or (c) must be selected. The district suggests clarifying this.

The flow chart/graphic on the TRUAC website illustrates a prioritized process to preserve trees, i.e., first one must preserve 20% of priority trees. If that's not possible, then option (b) can be selected, and so on. However, the proposed regulations indicate a development can simply select any of the three options.

3.2.200.G.1, Tree Preservation Conditions of Approval, Trees Identified for Preservation (page 28)

If a tree identified for preservation dies within three years, the district suggests that it be replaced at the same ratio as if it were removed with the development of the subject site. If there isn't sufficient space on the subject site, then payment in lieu for any trees that cannot be replaced should be applied. This revision may encourage more care and attention during construction activities.

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3.2.400, Street Trees and Planter Strip Landscaping (page 39)

This section applies to land divisions. It has been the practice to allow the deferral of planting street trees until the abutting lot or parcel is developed. The code doesn't explicitly state this, but it makes sense to allow plantings to be installed when irrigation is installed. The district suggests adding this clarification.

3.2.400.C, Planter Strip Landscaping (page 43)

It is not clear if this section requires that all planter strips are landscaped or if, when one chooses to landscape (with the exception of street trees), the landscaping must follow the standards of this section. The district suggests that this is clarified.

The district supports policies that reduce water consumption but believes that the required planting density will be hard to maintain. The prescribed density may also make on-street parking impractical; it may cause the landscaping to be trampled or prohibit car doors from opening.

Chapter 4.2 Minimum Development Standards Review, Site Plan Review and Design Review

4.2.300.7.b, Irrigation Plans (page 46)

The irrigation plan standard is substantial, particularly if the plans will not be reviewed by city staff. As written, the standard could result in a very detailed, time-consuming plan. The district suggests clarifying and simplifying this standard to require a more generalized irrigation plan, limited to the irrigation type per zones. For example, the plan would delineate the location of the zone and the irrigation type used (overhead spray, bubbler, drip, etc.).

Alternatively, the irrigation plan could be limited to the planter strip to ensure the irrigation standards of BDC 3.2.400.C.4 and/or City of Bend Design Standards and Construction Specifications are met.

General Recommendations:

Monitoring and Reporting

The district suggests implementing monitoring and public reporting to measure the impacts of the development code changes and assess their effectiveness.

Enforcement

The existing code already includes a mechanism to allow enforcement for unauthorized tree removal. It is often not enforced. Staff should be supported to allow for effective enforcement and clear roles should be established. The city's code enforcement department should play a collaborative role in enforcement, particularly when a civil penalty is involved.

Creation of a Nuisance Tree List

Unfortunately, some trees eventually prove to be a nuisance, leading to their removal. In future iterations of the code, the district suggests creating a nuisance tree list that allows designated nuisance trees to be excluded from tree inventories and prohibited from being planted under approved landscape plans.

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The district strongly supports efforts to preserve more trees and enhance our community's sustainability and livability. We urge the Planning Commission to carefully consider the public's input and make necessary adjustments to ensure the proposed amendments effectively meet community expectations. The district also appreciates your review and consideration of these comments. If you have any questions regarding these comments, please don't hesitate to contact me at 541-706-6118, or saraa@bendparksandrec.org.

Sincerely,



Sara Anselment
Bend Park and Recreation District



Kids Inc Lottery - Data Numbers

Info

2023-24

2024-25

Notes

	2023-24	2024-25	Notes
Total # of applications	1443	1547	Increase by 104 students
Total # of schools	14	14	
Total # of M-F enrollments	1170	1285	Increased the capacity at each school for upcoming year
Breakdown: Total # of full-time	945	1005	FT = M-F offering
Breakdown: Total # of part-time	450	560	PT = M/W or T/TH/F offering
Total # of available FT & PT combined	1395	1565	Not all schools had enough applications to fill their capacity
# of Schools with waitlist	12	8	Bear Creek, High Lakes, Highland, Juniper, Miller, North Star, Pine Ridge, Ponderosa
# of Total students waitlisted	238	88	
# of Schools with openings left	2	6	Buckingham, Elk Meadow, Ensworth, Silver Rail, Jewell, Lava Ridge
# of Students Offered Spots	1205	1459	4 schools were able to accommodate all household schedule preferences: Buckingham, Elk Meadow, Ensworth, Silver Rail