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NEW ORGANIZATIONS AND BUSINESSES FILE LEGAL ACTION AGAINST BEND TREE CODE

Parties agree City of Bend did not adequately address impacts to housing costs of new policies to protect urban tree canopy

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BEND, Ore., August 26, 2024 – A group of organizations and businesses has joined in a legal action with Pahlisch Homes to require the City of Bend to pause the implementation of a new tree code policy that will further increase Bend's sky-high housing costs.

Bend YIMBY ("Yes In My Back Yard"), Brooks Resources, Central Oregon Association of Realtors, Central Oregon Builders Association, Empire Construction & Development, and Hayden Homes all joined a motion to intervene filed with the Oregon Land Use Board of Appeals on behalf of the appeal filed by Pahlisch Homes on Aug. 6.

"We are asking City of Bend's elected leaders to reconsider, and take another crack at doing a better job of balancing our priority need for housing in this community with tree preservation," said Jim Roberts, with Bend YIMBY.

In Oregon, land-use laws require that most residential building occur within city limits in order to protect farm and forestland while providing adequate land inside the city for housing development.

The City Council's new code seeks to provide additional protections to the urban tree canopy inside city limits to provide shade, livability and assist in prevention of climate change. But the code will also make it more difficult and costly to build on residential land in the city, causing two main impacts on housing:

- Discouraging or preventing housing production on many city lots because of the location of trees, making it more difficult to increase Bend's housing supply

- Adding cost to housing by imposing a hefty fee-in-lieu, or tax, when trees are removed to build homes, adding new costs to housing across the city

Parties to the motion aren't asking the City to throw out the policy, but instead to amend key elements that better balance community housing concerns.

"We can't reiterate strongly enough that the intent of our appeal is not to discount the valuable goal of tree preservation," said Dan Pahlisch. "But this tree code is adding new costs to housing in Bend, forcing builders to walk away from projects that would have otherwise penciled, or to increase sales prices instead—further driving up housing costs."

The parties to the motion say the policy isn't balanced and that reasonable requests for compromise were ignored by city leaders, including a slate of clear recommendations that would have allowed for tree preservation but also supported more affordability.

"The cost of housing is a concern for more and more people and employers across our community," said Morgan Greenwood, vice president of Government Affairs at COBA. "This motion to intervene is an attempt to bring the City Council back to the table on behalf of working families who cannot afford higher housing costs. By working more closely together we believe we can find a better approach to the tree code that achieves preservation goals AND is accountable to community's housing concerns."

The parties hope the City will agree to meet and seriously consider a number of specific recommendations for lessening the costly impacts of the code on housing in Bend, while also adding valuable protections for trees.

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