

# TREE PRESERVATION REQUIREMENTS



COMMUNITY  
DEVELOPMENT

## WHAT TREES ARE REGULATED?

### When does the tree preservation code apply? **BDC 3.2.200.A.1**

Applications for Land Division, Site Plan Review and Minimum Development Standards Review are subject to BDC 3.2.200. Tree removal not associated with a development application is subject to [Bend Municipal Code 16.40](#).

### What is a regulated tree?

An individual tree with a trunk diameter of 6 inches DBH (Diameter at Breast Height = diameter at 4.5' above ground) or larger. Regulated trees include priority trees.

### What is a priority tree?

An individual tree with a trunk diameter of 20 inches DBH or larger.

### What if a tree is dead or dying? **BDC 3.2.200.B.1.b**

Trees in poor or very poor health or dead trees are exempt from the tree preservation requirements. Documentation from an ISA certified arborist must be submitted to state whether a tree should be exempt.

### Are there exemptions to the tree preservation code? **BDC 3.2.200.A.2**

Applications that include 1 or more dwelling units on sites 1 acre or less in size are *exempt* from the tree preservation code requirements.

### Are there exceptions to the requirements? **BDC 3.2.200.A.1.d**

There are two situations where an exemption to the tree preservation code may apply:

- Land divisions and Site Plan Review applications on sites one acre or smaller
- Sites with three or fewer regulated trees

In these cases, the applicant is not required to *preserve* trees to meet the “clear and objective” requirements listed below. However, the applicant still must *mitigate* - meaning planting new trees or paying a fee in lieu – per the mitigation requirements below.

## WHAT TREES NEED TO BE PRESERVED?

### What are the tree preservation requirements? **BDC 3.2.200.C.1**

The “clear and objective” tree preservation standards require:

- a. At least 20 percent of all priority trees on site to be preserved; OR
- b. At least 25 percent of the total DBH of all regulated trees on site to be preserved; OR
- c. At least five percent of the total DBH of all regulated trees on site to be preserved with mitigation provided in compliance with **BDC 3.2.200(E)**, Mitigation Options.

## **What if the application can't meet one of these clear and objective standards?**

A discretionary track review is available if less than 5% of the cumulative DBH is preserved, but the applicant must demonstrate that removal is necessary per one of the listed instances in **BDC 3.2.200.C.2**. If the discretionary review track is approved, the applicant still needs to meet the mitigation requirements.

## **Are there incentives for preserving trees? BDC 3.2.200.D**

If the clear and objective standards (percentages) are exceeded, the application is eligible for reduced setbacks, landscape coverage, and lot/parcel dimensions and increased lot coverage.

## **What are the mitigation requirements?**

If the applicant cannot preserve at least 20% of the priority trees or 25% of the total DBH, or if mitigation is otherwise triggered, the applicant must:

- Plant on-site replacement trees in accordance with **BDC 3.2.200.E.1.a.**, or
- Make a payment in lieu of tree preservation, or
- A combination of onsite replacement trees and an in-lieu payment.

## **How are the number of replacement trees calculated? BDC 3.2.200.E.1**

Replacement trees must be planted on site to make up for anything less than the total DBH required. 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. 6-9.9 inches DBH tree removed: one replacement tree.
- ii. 10-19.9 inches DBH tree removed: two replacement trees.
- iii. 20 inches or larger DBH tree removed: four replacement trees.

Keep selecting the next largest tree proposed for removal until the 25% cumulative DBH is met for the total number of required replacement trees.

## **This requires too much math – is there some help for applicants?**

A **Tree Inventory Table and Calculations Template** has been developed in Excel for you!

## **Where can I find additional information?**

Visit the City's website: **Tree Preservation and Planter Strip Landscaping | City of Bend**

<https://www.bendoregon.gov/government/departments/community-and-economic-development/planning-division/tree-preservation-and-planter-strip-landscaping#planter-strip>

## **How were these tree regulations developed?**

Visit the City's website: **Tree Regulation Code Update | City of Bend**

<https://www.bendoregon.gov/services/projects-initiatives/community-priorities/tree-regulation-code>

## **WHAT DOES THE APPLICANT NEED TO SUBMIT?**

The application must include:

1. A Tree Preservation Site Plan (**BDC 3.2.200.B.2**) showing:
  - a. Proposed improvements
  - b. Location of each tree with assigned tree number
  - c. Proposed tree status (removed or preserved)
  - d. Location of root protection zones for all trees to be preserved and the root protection zones of any offsite trees that extend into the site
  - e. Proposed tree protection fencing
  - f. Location and tree type of any proposed replacement tree.
2. Tree Inventory (**BDC 3.2.200.B.1**) on the **Tree Inventory Table and Calculations Template**
3. The calculated information generated from the tree inventory table and calculation worksheet MUST be inputted manually by the applicant into the fields required in CityView (applicant view below). City staff will confirm consistency between the submitted worksheet and the data inputted by the applicant into CityView.

Number of Priority Trees On-Site:\*

Proposed Number of Priority Trees to be Preserved On-Site:\*

Is the Minimum Number of Required Priority Trees Preserved On-Site?:\*

Total Diameter at Breast Height (DBH) of all Regulated Trees On-Site:\*

Proposed DBH to be Preserved On-Site:\*

Is the Minimum DBH On-Site Preserved?:\*

If the priority tree option is not met and retention of less than 5% cumulative DBH is proposed, a Discretionary Track review is required which includes compliance with BDC 3.2.200.C.2:

*Why is this information required to be inputted manually in addition to submittal of the Tree Preservation Worksheet? In order to track tree preservation data on a citywide basis, the information has to be inputted into CityView in addition to the spreadsheet.*