

Follow up Q&A: Tree Code Webinar

This document details questions and answers posed at an educational webinar held by City of Bend staff on July 9, 2025. The webinar's key focus was around tools applicants can use to meet the City's tree code. Questions and answers have been lightly edited for clarity.

Q: Are regulated and priority trees more specifically defined to include only non-invasive species? If not, has a more specific definition been considered?

A: 1) No. 2) This was discussed during public meetings that resulted in the current regulations. Ultimately, the **Tree Regulation Update Advisory Committee** and City Council decided not to regulate any certain species differently.

Q: Are the tree preservation incentives discretionary or are they allowed outright if the minimum preservation standard is exceeded?

A: They are allowed outright.

Q: Does the City require a Tree Preservation Plan for a small lot (which is exempt from preservation), when all trees are being removed?

If the site is exempt per BDC 3.2.200.A.2, you do not need to submit a tree preservation plan.

Q: Is a tree inventory sheet needed for the same small lots (which are exempt from preservation)?

If the site is exempt per BDC 3.2.200.A.2, you do not need to submit a tree inventory sheet.

Q: Can the 25% tree root protection zone encroachment allowance be exceeded with an arborist report?

A: Not as the code is currently written. This may be explored in future code updates.

Q: For trees to preserve, if the time runs from plan approval but not from final inspection, and the period between the two is 3 years, then the provisions seem weak, and developers could ignore it. Am I understanding this correctly?

Per BDC 3.2.200.G.1, preserved trees must be preserved for a minimum of 3 years from the date of land division final plat approval or a building final inspection, whichever occurs first.

Q: Can the City retroactively approve trees for either removal or preservation? (If, as development/grading occurs it's found that additional trees can be preserved or removed).

A: The short answer is, yes. Conditions of approval will acknowledge this reality. An example of such a condition may read;



This approval is based on the preservation of at least a total of 152" DBH of all Regulated Trees onsite and 104 replacement trees as shown on the submitted Tree Preservation plan. Changes to the approved preservation plan may be permitted prior to the final building inspection if the changes result in an equivalent amount of preservation and/or mitigation as provided in BDC 3.2.200.E.

Changes that result in preservation of less than a total of 152" DBH of all Regulated Trees onsite and 104 replacement trees will require a Modification of Approval.

If changes result in an increased amount of preservation over what was shown in the approved Tree Preservation plan and mitigation was required, the applicant may request a reduced level of on-site mitigation in accordance with BDC 3.2.200.E.

Q: A scenario: 1.05 acre partition, NO trees are proposed to be removed. Is a full-blown tree plan required?

Yes, a tree inventory and tree preservation plan are required for land divisions per BDC 3.2.200.A.1.a. If a land division results in lots/parcels that are ALL larger than 1 acre that will be subject to the tree code in the future, then a tree inventory and preservation plan are not required; this will be clarified in a future code update. [Corrected 9/30/25]

Q: Just to be sure, the total DBH for all regulated trees includes the DBH of the priority trees too?

Priority trees are regulated trees, so the total DBH of all regulated trees include the DBH of priority trees.

Q: Do only trees noted as dying or dead get removed from the inventory? And a tree in very poor or poor health still counts?

Per BDC 3.2.200.B.1.b, trees that in the following states of decline are exempt from tree preservation requirements: 1) Poor (significant health issues and likely in decline), and 2) Very poor or dead (in severe decline or dead).

Q: What is the specification for a "replacement tree"? (size, species, etc.)

BDC 3.2.200.E.1.b states that replacement trees must comply with the tree size requirements of BDC 3.2.300.D.4. (which distinguishes between deciduous trees and conifer trees).

Q: If a tree is obviously dead and photographic evidence is submitted, is an arborist report still necessary?

City staff will need to discuss this question internally to determine if the City's Urban Forester/Certified Arborist can verify this without a separate report. We do not have a definitive answer at this time.

Q: You've used the word "cumulative" many times yet the word does not appear on the charts and this could lead to misinterpretation of the requirement. I suggest modifying the website webpages to include the word.

"Cumulative diameter/DBH" is interchangeable with "Total DBH" which is the language in the code and spreadsheet.

Q: I hear that a forester has been appointed. Could you address who that is and what the duties will be?

Yes, Ian Gray started with the City on June 2. He is assigned to the Community Development Department. To learn more about our Urban Forester, check out this article in the **Bend Community Development newsletter!**

Q: What are the qualifications for Certified Arborist?

An ISA Certified Arborist is an arborist certified by the **International Society of Arboriculture**. ISA Credentials will be **verified with this tool**.

Q: Are there fire break standards for SFR that limit the areas you can plant mitigation trees or other trees on a lot?

Fire breaks are not addressed in BDC 3.2.200, but City staff encourages planting and maintaining vegetation in alignment with best practices for creating Defensible Space.



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