

**CHAPTER 808
PRESERVATION OF TREES AND VEGETATION**

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808.001. Purpose. The purpose of this Chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City. (Ord No. 31-13)

808.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) **Arborist:** A person who has met the criteria for certification from the International Society of Arboriculture, the American Society of Consulting Arborists, or similar professional organization, and maintains accreditation.
- (b) **Caliper:** The diameter of a tree trunk measured at 6 inches above ground level for trunks up to and including 4 inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.
- (c) **Development:** To construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.
- (d) **Development proposal:** Any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.
- (e) **Grove:** A group of trees providing at least one-half acre of canopy.
- (f) **Hazardous tree:** A tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.
- (g) **Heritage tree:** A tree designated as a heritage tree pursuant to SRC 808.010(a).
- (h) **Invasive non-native vegetation:** Plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.
- (i) **Preserved:** The tree appears to be healthy and shows no signs of significant damage due to construction.
- (j) **Restoration:** The return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy eco-system.
- (k) **Significant tree:** Rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon

white oaks (*Quercus garryana*) with a dbh of 24 inches or greater.

(l) Suitable for preservation: The health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

(m) Top of bank: The elevation at which water overflows the natural banks and begins to inundate the upland.

(n) Tree: Any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this Chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

(o) Tree and Vegetation Technical Manual: That document adopted by the City Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this Chapter, identification of waterways, and planting techniques.

(p) Tree removal: To cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

(q) Waterway: Any river, perennial stream, or creek within the city as designated by the Director.

(r) Water-dependent activity: An activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water. (Ord No. 31-13)

808.010. Heritage Trees.

(a) **Designation of Heritage Trees.** The City Council may, by resolution, designate a Heritage Tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.

(b) **Protection of Heritage Trees.** No person shall remove a Heritage Tree unless the tree has been determined to be a hazardous tree by a certified arborist, and such determination is verified by the Planning Administrator.

(c) **Rescinding Heritage Tree Designation.** The City Council shall rescind a Heritage Tree designation if the tree has been removed pursuant to subsection (b) of this section. (Ord No. 31-13)

808.015. Significant Trees. No person shall remove a significant tree, unless the removal is undertaken pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030, undertaken pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken pursuant to a Tree Variance granted under SRC 808.045. (Ord No. 31-13)

808.020. Trees and Native Vegetation in Riparian Corridors. No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030, undertaken pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken pursuant to a Tree Variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Public Works Director. (Ord No. 31-13)

808.025. Trees on Lots or Parcels 20,000 Square Feet or Greater. No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030, undertaken pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken pursuant to a Tree Variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than Single Family residential or Two Family residential. (Ord No. 31-13)

808.030. Tree and Vegetation Removal Permits.

(a) Applicability.

(1) Except as provided in paragraph (2) of this subsection, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a Tree and Vegetation Removal Permit has been issued pursuant to this section.

(2) Exceptions. A Tree and Vegetation Removal Permit is not required for the removal of trees or native vegetation protected under SRC 808.015 SRC 808.020, or SRC 808.025 when the removal is:

(A) Necessary for maintenance of a vision clearance area, as required in SRC Chapter 805;

(B) Required by the city or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;

(C) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;

(D) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;

(E) Removal of invasive non-native or nuisance vegetation in riparian corridors;

(F) Necessary for public trail or public park development and maintenance;

(G) Necessary to conduct flood mitigation;

(H) Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;

(I) A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610-527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use.

Properties from which trees have been harvested under the Oregon Forest Practices Act

may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of 5 years following the completion of the timber harvest;

(J) Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750-517.955;

(K) Removal of Oregon white oaks (*Quercus garryana*) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. For the purposes of this section, “undeveloped” means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005;

(L) Removal of Oregon white oaks (*Quercus garryana*) where the removal is necessary in connection with construction of a commercial or industrial facility.

(M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;

(N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:

(i) Removal of more than 5 trees or 15 percent of the trees, whichever is greater, within a single calendar year;

(ii) Removal of more than 50 percent of the trees within any 5 consecutive calendar years; and

(iii) Removal of heritage trees, significant trees, and trees in riparian corridors.

(O) Undertaken pursuant to a Tree Conservation Plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for Single Family or Two Family uses or activities, approved under SRC 808.035;

(P) Undertaken pursuant to a Tree Conservation Plan Adjustment granted under SRC 808.040; or

(Q) Undertaken pursuant to a Tree Variance granted under SRC 808.045.

(b) **Procedure Type.** A Tree and Vegetation Removal Permit is processed as a Type I procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for a Tree and Vegetation Removal Permit shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) Site topography shown at 2-foot contour intervals;

(C) The location of any existing structures on the site;

(D) The type, size, and location of trees and native vegetation to be preserved or removed;

(E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and

(F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.

(2) In addition to the information required by paragraph (1) of this subsection, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:

- (A) A delineation of the boundaries of the riparian corridor on the site plan;
- (B) A conceptual tree and vegetation planting or replanting plan;
- (C) A completed wetland delineation or determination, if applicable;
- (D) A grading plan, if grading is planned or anticipated;
- (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
- (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.

(3) Waiver of Submittal Requirements for Certain Restoration Activities in Riparian Corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by paragraphs (1) and (2) of this subsection for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.

(d) Approval Criteria. An application for a Tree and Vegetation Removal Permit shall be granted if one or more of the following criteria are met:

(1) Hazardous Tree. The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.

(2) Repair, Alteration, or Replacement of Existing Structures. The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of structures existing as of June 21, 2000, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.

(3) Water Dependent Activities. The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.

(4) Restoration Activity within Riparian Corridor. The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:

- (A) The short-term impacts of the restoration activity will be minimized;
- (B) Effective erosion control measures will be implemented;
- (C) All necessary permits have been applied for or obtained; and
- (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.

(e) Conditions of Approval.

(1) Conditions may be imposed on the approval of a Tree and Vegetation Removal Permit to ensure compliance with the approval criteria.

(2) In addition to the conditions imposed under paragraph (1) of this subsection, Tree and Vegetation Removal Permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:

- (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055. (Ord No. 31-13)

808.035. Tree Conservation Plans.

(a) Applicability. A Tree Conservation Plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for Single Family or Two Family uses, if the development proposal will result in the removal of trees.

(b) Procedure Type. A Tree Conservation Plan is processed as a Type I procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for a Tree Conservation Plan shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at 2-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, and location of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.
- (2) In addition to the information required by paragraph (1) of this subsection, when a riparian corridor is located on the property, the tree conservation plan shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

(d) Approval Criteria. An application for a Tree Conservation Plan shall be granted if the following criteria are met:

- (1) No heritage trees are designated for removal;
- (2) No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees;
- (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation;
- (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.

(e) Conditions of Approval.

- (1) Conditions may be imposed on the approval of a Tree Conservation Plan to ensure compliance with the approval criteria.
- (2) In addition to any conditions imposed under paragraph (1) of this subsection, every Tree Conservation Plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a Notice of Final Completion for the Single Family dwelling or Two Family dwelling.

(B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

(f) **Expiration.** A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid. (Ord No. 31-13)

808.040. Tree Conservation Plan Adjustments.

(a) **Applicability.**

(1) Except as provided under paragraph (2) of this subsection, no tree or native vegetation designated for preservation in a Tree Conservation Plan shall be removed unless a Tree Conservation Plan Adjustment has been approved pursuant to this section.

(2) **Exceptions.** A Tree Conservation Plan Adjustment is not required for:

(A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.

(B) Removal of a hazardous tree, subject to a Tree and Vegetation Removal Permit issued under SRC 808.030.

(C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).

(b) **Procedure Type.** A Tree Conservation Plan Adjustment is processed as a Type I procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for a Tree Conservation Plan Adjustment shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north; and

(B) Identification of the type, size, and location of those trees proposed for removal under the Tree Conservation Plan Adjustment.

(2) In addition to the information required by paragraph (1) of this subsection, when a riparian corridor is located on the property, an application for a Tree Conservation Plan Adjustment shall include:

(A) A delineation of the boundaries of the riparian corridor on the site plan; and

(B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the Tree Conservation Plan Adjustment.

(d) **Approval Criteria.** A Tree Conservation Plan Adjustment shall be approved if the following criteria are met:

(1) There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.

(2) When the Tree Conservation Plan Adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.

(3) When the Tree Conservation Plan Adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.

(4) When the Tree Conservation Plan Adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below 25 percent, only those trees reasonably necessary to accommodate the proposed development are designated for removal.

(e) **Conditions of Approval.** Conditions may be imposed on the approval of a Tree Conservation Plan Adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original Tree Conservation Plan, including requiring additional plantings on or off site. (Ord No. 31-13)

808.045. Tree Variances.

(a) **Applicability.** Tree Variances may be granted to allow deviation from the requirements of this Chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

(b) **Procedure Type.** A Tree Variance is processed as a Type II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for a Tree Variance shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of any existing structures on the site;

(C) Identification of the type, size, and location of all existing trees on the property;

(D) Identification of those trees proposed for preservation and those designated for removal; and

(E) The location of roads, bridges, utilities, and other improvements;

(2) In addition to the information required by paragraph (1) of this subsection, when a riparian corridor is located on the property, an application for a Tree Variance shall include:

(A) A delineation of the boundaries of the riparian corridor on the site plan;

(B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal.

(d) **Approval Criteria.** A Tree Variance shall be granted if either of the following criteria is met:

(1) **Hardship.**

(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and

(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or

(2) **Economical Use.**

(A) Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;

(B) The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and

(C) The proposed variance is consistent with all other applicable local, state, and federal laws.

(e) **Conditions of Approval.**

(1) Conditions may be imposed on the approval of a Tree Variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the Tree Variance.

(2) In addition to any condition imposed under paragraph (1) of this subsection, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:

(A) Altered riparian corridor areas that can be reasonably restored, shall be restored; and

(B) In no case shall alterations to the riparian corridor:

(i) Occupy more than 50 percent of the width of the riparian corridor measured from the upland edge of the corridor; or

- (ii) Result in less than 15 feet of vegetated corridor on each side of the waterway. (Ord No. 31-13)

808.050. Tree Planting Requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for Single Family or Two Family uses, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5 inch caliper. (Ord No. 31-13)

**TABLE 808-1
TREE PLANTING REQUIREMENTS**

Table 808-1: Tree Planting Requirements	
Lot or Parcel Size	Minimum Trees Required
6,000 ft. ² or less	2
6,001 ft. ² to 7,000 ft. ²	3
7,001 ft. ² to 8,000 ft. ²	4
8,001 ft. ² to 9,000 ft. ²	5
Greater than 9,000 ft. ²	6

808.055. Tree and Native Vegetation Replacement Standards within Riparian Corridors. Where replacement of trees and native vegetation within a riparian corridor is required by this Chapter, the replacement shall comply with the following:

- (a) Trees and native vegetation removed shall be replaced at an area replacement ratio of one-to-one. If there is inadequate space for replanting at or near the location where the tree or native vegetation was removed, replanting may occur elsewhere within the riparian corridor on the property.
- (b) Replacement trees shall have a minimum 1.5 inch caliper and shall be of species authorized in the Tree and Vegetation Technical Manual.
- (c) Replacement vegetation shall be of sizes and species authorized in the Tree and Vegetation Technical Manual. (Ord No. 31-13)

808.060. Tree Canopy Preservation Fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, 95 percent of which funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the city or the Salem-Keizer Urban Growth Boundary. The remaining 5 percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:
 - (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or
 - (3) In the form of a donation to non-profit organizations for the purposes of planting trees within the city or the Salem-Keizer Urban Growth Boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this Chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth Boundary. (Ord No. 31-13)

808.065. Enforcement. In any action brought under SRC 110.110 to enforce this Chapter, the following shall apply:

(a) Stop Work Order. If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.

(b) Permit Revocation. In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.

(c) Restoration. Persons violating this Chapter, or any permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Planning Administrator which provides for repair of any environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a qualified professional. Costs of restoration shall be not less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this Chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree & Landscape Appraisers).

(d) Prohibition of Further Approvals. The City shall not issue a Notice of Final Completion for property on which a violation of this Chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.

(e) Injunctive Relief. The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed 5 years. (Ord No. 31-13)