

**Recommended Further Revisions to Ordinance Bill No. 13-21**

- Additional text proposed to be added is identified by **bold double underline**.
- Additional text proposed to be deleted is identified by ~~**bold double underline**~~.

**Managed Temporary Villages (SRC 701.030)**

**Sec. 701.030. Managed temporary village.**

Managed temporary villages shall comply with the following:

- (a) *Temporary use permit required.* Managed temporary villages shall require either a Class 1 or Class 2 temporary use permit.
  - (1) A Class 1 temporary use permit shall be required for a managed temporary village with ten or fewer shelter units.
  - (2) A Class 2 temporary use permit shall be required for a managed temporary village with eleven to forty shelter units.
- (b) *Submittal requirements.* In addition to the submittal requirements set forth under SRC chapter 300, an application for a Class 1 or Class 2 temporary use permit for managed temporary village 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 size area, dimensions, and orientation relative to north;
    - (B) The proposed layout of the site, including the location of all proposed shelter units and structures, the separation between shelter units, and the setbacks of all shelter units and structures to perimeter property lines;
    - (C) The location of the following as applicable:
      - (i) Space for on-site manager;
      - (ii) Restroom, handwashing, and shower facilities;
      - (iii) Food preparation and dining facilities;
      - (iv) Laundry facilities, or, if laundry services will not be provided on-site, an explanation of how laundry services will be provided in the operation and management plan;
      - (v) Trash collection area(s);
      - (vi) Secured covered storage area(s) for resident's personal belongings;
      - (vii) Common gathering area(s);
      - (viii) The area where residents can receive medical care, casework, counseling, and other support services;
      - (ix) Secured storage area for any flammable or explosive materials, such as propane tanks used in food preparation, that will be used in the operation of the shelter;
      - (x) The location, height, and material of required perimeter fencing and screening; and
      - (xi) The location of proposed off-street parking and vehicle use areas, driveway approaches, and driveways.

- ~~(2)(D)~~ Written authorization from the owner of the property to use it as a managed temporary camping area.
- ~~(3)(E)~~ Proof of management entity's experiencing operating non-profit shelters.
- ~~(4)(F)~~ An operation and management plan setting for the rules for shelter use and provisions for facility operation and maintenance.
- (5) For sites within a floodplain, a flood warning and response plan that includes advance flood warning coordination and an evacuation plan.**
- ~~(6)(G)~~ For publicly owned sites or publicly funded projects on private property within a known archaeological resource, proof that the proposed use has received an archaeological Certificate of Clearance.
- (c) *Standards.* Managed temporary villages shall comply with the standards set forth in this subsection.
- (1) *Period of use.*
- (A) A managed temporary village may operate at the location approved under a temporary use permit for a period not to exceed one year.
- (B) The temporary use permit may be renewed annually, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed and the shelter has maintained conformance with the standards set forth in this section. **Notwithstanding subsection (c)(2)(B)(ii) of this subsection, subsequent establishment of a basic education use on an abutting property shall not be reason for the denial of the renewal of an application.** The maximum cumulative total period for all renewals shall not exceed ~~four~~**nine** years.
- (2) *Location.*
- (A) A managed temporary village shall only be located:
- (i) In a zone where the use is allowed; and
- (ii) On property abutting an arterial or collector street or on property abutting a street and located within one-half mile of a transit route.
- (B) Notwithstanding subsection (c)(2)(A) of this section, a managed temporary village shall not be located:
- (i) On property used for residential use;
- (ii) On property abutting a school **a basic education use**;
- (iii) Within ~~a mapped flood plain or floodway, or~~ an area with moderate or high landslide hazard risk pursuant to SRC chapter 810;
- (iv) Within a mapped floodway;**
- (v) Within a mapped flood plain, except as approved under SRC chapter 601;**
- ~~(vi)(iv)~~ Within a wetland or riparian corridor; or
- ~~(vii)(v)~~ On property with a known archaeological resource, except as ~~otherwise~~ approved under SRC chapter 230.
- (3) *Maximum number and types of shelter units allowed.*
- (A) The maximum total number of shelter units within a managed temporary village shall not exceed 40. **The maximum number of shelter units does not include any shelter units provided within a building on the same site.**

- (B) Any of the following, either individually or in combination, are allowed as shelter units within a managed temporary village provided the maximum number of allowed shelter units is not exceeded:
    - (i) Pre-fabricated, non-permanent, portable structures such as tiny homes, yurts, Conestoga huts, and similar structures;
    - (ii) Tents and similar non-permanent portable structures designed specifically for camping; and
    - (iii) Vehicles such as cars, trucks, vans, motorized or towable recreational vehicles, and similar conveyances.
  - (C) Improvised camps are not allowed.
- (4) *Maximum number of residents per shelter unit.* Except for vehicles, not more than two adults, eighteen years of age or older, shall be allowed per shelter unit. Within a vehicle, either a family consisting of an individual or two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship or not more than two unrelated adults, eighteen years of age or older, shall be allowed per vehicle.
- (5) *Operational standards.*
- (A) *Operation and management.* A managed temporary village must be operated and managed by:
    - (i) A local government, as defined in ORS 174.116;
    - (ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:
      - (aa) A local housing authority, as defined in ORS 456.375;
      - (bb) A religious corporation, as defined in ORS 65.001; or
      - (cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or
    - (iii) A non-profit corporation partnering with any other entity described in this subsection.
  - (B) *Staffing.* An on-site manager shall be present at all times when the shelter is in operation.
  - (C) *Required support services and facilities.* A managed temporary village shall include the following on-site support services and facilities for the health, safety, and support of residents:
    - (i) *Support services and facilities required for all managed temporary villages.* All managed temporary villages shall provide at a minimum the following support services and facilities:
      - (aa) A minimum of two restrooms;
      - (bb) Handwashing facilities;
      - (cc) A secure covered storage area for resident's personal belongings; and
      - (dd) A solid waste collection and servicing area, meeting the vehicle operation area requirements of SRC 800.055(f), that includes at least one solid waste receptacle a minimum of six cubic yards in in size.
    - (ii) *Additional support services and facilities required for managed temporary villages with more than ten shelter units.* Managed temporary villages with more than ten shelter units shall provide the following additional support services and facilities:

- (aa) A minimum of two showers or, if showers will not be provided on-site, an explanation of how access to off-site showers will be provided;
  - (bb) A designated covered dining area;
  - (cc) A laundry facility or, if laundry service will not be provided on-site, an explanation of how access to off-site laundry service will be provided;
  - (dd) A designated common area for gathering;
  - (ee) A designated area where residents can meet with social workers and health care professionals to receive case management, counseling, and support services, as well as needed medical treatment or examinations; and
  - (ff) A secure covered storage area for supplies needed to operate the shelter.
- (D) *Fees for accommodations and services.* The operator of a managed temporary village may not charge residents a fee for any of the accommodations or services required under this section.
- (E) *Operation and management plan.* A managed temporary village shall include an operation and management plan that shall at a minimum identify:
- (i) Rules for shelter use and a code of conduct for governing resident behavior.
  - (ii) Provisions for supervision, safety, and security.
  - (iii) The proposed operational period for the shelter.
  - (iv) The hours that people may stay at the site.
  - (v) The number of continuous days an individual may reside at the shelter.
  - (vi) Provisions for shelter operation and maintenance including:
    - (aa) Garbage pickup and disposal;
    - (bb) Sewage and grey water pickup and disposal;
    - (cc) Pest control services; and
    - (dd) How the site will be kept free of trash and debris.
  - (vii) The support services and facilities that will be provided to shelter residents.
- (6) *Development standards.* A managed temporary village shall conform to the following development standards:
- (A) ~~*Perimeter sSetbacks.*~~ **Setbacks for managed temporary villages shall be provided as follows: A minimum 15-foot perimeter setback shall be required from all property lines. No shelter units, off street parking and vehicle use areas, storage areas, sanitary facilities, or any other structures or shelter use areas shall be located within the required perimeter setback area.**
- (i) Abutting street. A minimum 15-foot setback shall be provided from any property line abutting a street.**
- (ii) Interior front, side, and rear.**
- (aa) Abutting industrial and employment zones. A minimum 5-foot setback shall be provided from any interior front, side, or rear property line abutting an industrial and employment zone.**
- (bb) Abutting all other zones. A minimum 15-foot setback shall be provided from any interior front, side, or rear property line abutting all other zones.**

(iii) No shelter units, storage areas, sanitation facilities, off-street parking and vehicle use areas, or any other structures or areas associated with the managed temporary village shall be located within the required setback area.

(iv) Notwithstanding subsection (c)(6)(A)(iii) of this section:

(aa) Existing paved off-street parking and vehicle use areas on a site may be used for the placement of shelter units and the parking and maneuvering of vehicles regardless of setback.

(bb) Required perimeter fencing/screening may be located within the required setback.

- (B) *Height.* No structure within a managed temporary village shall exceed a maximum height of 15 feet. Maximum structure height does not apply to vehicles.
- (C) *Permitted structure type.* All structures within a managed temporary village shall be portable non-permanent structures.
- (D) *Shelter unit standards.*
- (i) Shelter units shall not exceed a maximum 120 square feet in size and may, except for shelter units in tents, vehicles, or other structures not suitable for attachment, be attached in larger structures. Maximum shelter unit size shall not apply to vehicles.
- (ii) A minimum ~~86~~-foot-wide clear open area/separation shall be maintained around each shelter unit and any structure containing attached shelter units to ~~promote privacy~~ and allow for unobstructed pedestrian access throughout the ~~shelter site~~ and to individual shelter units.
- (iii) Except for vehicles, shelter units may be located on either a paved or unpaved surface. Shelter units provided in Vehicles-vehicles shall be located on a paved or compacted gravel surface.
- (iv) Shelter units shall only be located on areas of a site that are flat and well drained.
- (v) All shelter units shall be numbered and arranged sequentially on-site in order to facilitate efficient emergency response.
- (vi) When shelter units are provided in tents or similar non-permanent portable structures designed specifically for camping, they shall be located under a separate canopy or similar structure in order to provide weather protection from the sun and rain.
- (vii) When shelter units are provided in vehicles, ~~the vehicles must be operable and~~ any vehicles possessing a septic system must be emptied and free of leaks prior to admittance to the site.
- (E) *Bicycle parking.* A minimum of ~~0.25~~one bicycle parking spaces shall be provided per shelter unit. Bicycle parking is exempt from the bicycle parking development standards included under SRC 806.060.
- (F) *Vehicle use area surfacing.* All areas of the site used for vehicle access, parking, and maneuvering shall be paved with a hard surface material meeting the Public Works Design Standards or shall be located on a compacted gravel surface. When compacted gravel is utilized:
- (i) The first ten feet of driveway length leading into the property, as measured from the property line, shall be paved with a hard surface material meeting the Public Works Design Standards.
- (ii) Upon expiration or termination of the temporary use permit, compacted gravel areas shall be closed to vehicle access and parking by installation of a physical barrier.

- (G) *Perimeter fencing/screening.* A minimum 6-foot-tall sight-obscuring fence with gate shall be provided around the perimeter of the managed temporary village.
- (H) Managed temporary villages shall not be located in a manner which obstructs required pedestrian connections, fire lanes or emergency access areas, or required vision clearance areas; or in a manner that reduces the off-street parking for any other use on the property below the minimum required number of spaces.
- (I) *Alterations to existing property.*
  - (i) Existing trees and existing landscaping within required setbacks shall not be removed in order to accommodate a proposed managed temporary village.
  - (ii) If an existing off-street parking or vehicle use area is proposed to be expanded to accommodate a proposed managed temporary village, the expanded off-street parking or vehicle use area shall comply with the applicable standards of SRC Chapter 806.
- (7) *Additional applicable codes and standards.* In addition to all other applicable laws and regulations, a managed temporary village shall be developed, maintained, and operated in compliance with the applicable provisions of the following:
  - (A) SRC chapter 50 (Property Maintenance);
  - (B) SRC chapter 56 (Building Code);
  - (C) SRC chapter 58 (Fire Prevention Code);
  - (D) SRC chapter 93 (Noise);
  - (E) SRC chapter 97 (Human Rights)
- (d) *Criteria.* A Class 1 or Class 2 temporary use permit for a managed temporary village shall be granted if all of the applicable standards set forth in this section are met.

**Amendments to SRC Chapter 806 (Off-Street Parking Loading, & Driveways)**

**Sec. 806.015. Amount off-street parking.**

- (a) *Minimum required off-street parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

TABLE 806-1. MINIMUM OFF-STREET PARKING		
Use	Minimum Number of Spaces Required <sup>(1)</sup>	Limitations & Qualifications
<b>Household Living</b>		
Single family	<u>None</u>	<u>Applicable to townhouses.</u>
	<u>1</u>	<u>Applicable to single family, other than townhouses, located within the CSDP area.</u>
	<u>2</u>	<u>Applicable to all other single family; unless noted below.</u>
Two family	<u>4</u>	<u>Applicable to single family located within the CSDP area.</u>
	<del>2 per dwelling unit</del> <u>None</u>	<u>Applicable to all two family, unless noted below.</u>
	<del>4 per dwelling unit</del>	<u>Applicable to two family located within the CSDP area.</u>

	3	Applicable to two family shared dwellings.
Three family	None	Applicable to three family located within the CSDP area or one quarter-mile of the Core Network. <sup>(3)</sup>
	1 per dwelling unit	Applicable to all other three family.
Four family	None	Applicable to four family located within the CSDP area or one quarter-mile of the Core Network. <sup>(3)</sup>
	1 per dwelling unit	Applicable to all other four family.
Multiple family <sup>(2)</sup>	<u>None</u>	<u>Applicable to cottage clusters.</u>
	None	Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network. <sup>(3)</sup>
	1 per dwelling unit	Applicable to all other multiple family consisting of 5 to 12 dwelling units.
	1 per studio unit or dwelling unit with 1 bedroom	Applicable to all other multiple family consisting of 13 or more dwelling units.
	1.5 per dwelling unit with 2 or more bedrooms	
	1 per dwelling unit	Applicable to all other multiple family consisting of 13 or more dwelling units located within the MU I zone or MU II zone.
	1 per 4 dwelling units	Applicable to <u>the following multiple family activities low income elderly housing:</u> <ul style="list-style-type: none"> <li>▪ <u>Low income elderly housing.</u></li> <li>▪ <u>Housing for people with intellectual and developmental disabilities, as defined under OAR 411-320.</u></li> </ul>
<b>Group Living</b>		
Room and board facilities	None	
Residential care	1 per 350 sq. ft.	
Nursing care	1 per 3 beds	
<b>Lodging</b>		
Short-term commercial lodging	1 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	<u>None</u>	<u>Applicable to non-profit shelters located within the CSDP area or one quarter-mile of the Core Network.</u> <sup>(3)</sup>
	1 per guest room or suite	Applicable to nonprofit <u>Shelters shelters serving for</u> victims of domestic violence <u>servicing 10 or fewer persons.</u>

	1 per <del>350 sq. ft.</del> <u>10 persons served</u>	Applicable to all other nonprofit shelters
<b>Retail Sales and Service</b>		
Eating and drinking establishments	1 per 250 sq. ft.	
Retail sales	1 per 900 sq. ft.	Applicable to the following retail sales activities: <ul style="list-style-type: none"> <li>■ Building materials, hardware, nurseries, and lawn and garden supply stores.</li> <li>■ Auto supply stores.</li> <li>■ Furniture and home furnishing stores.</li> <li>■ Household appliance and radio, television, music, and consumer electronics stores.</li> </ul>
	1 per 400 sq. ft.	Applicable to all other retail sales located within the MU-I zone or MU-II zone.
	1 per 250 sq. ft.	Applicable to all other retail sales located within all zones except the MU-I zone or MU-II zone.
Personal services	1 per 1,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.
	1 per 350 sq. ft.	Applicable to all other personal services.
Postal services and retail financial services	1 per 500 sq. ft.	
Shopping center	1 per 250 sq. ft.	
<b>Business and Professional Services</b>		
Office	1 per 350 sq. ft.	
Audio/visual media production		
Laboratory research and testing		
Office complex		
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>		
Motor vehicle and manufactured dwelling and trailer sales	1 per 900 sq. ft.	
Motor vehicle services		
Taxicabs and car services		
Heavy vehicle and trailer sales		



Heavy vehicle and trailer service and storage			
Commercial parking	N/A		
Park-and-ride facilities			
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>			
Commercial entertainment—indoor	1 per 5 seats or 10 feet of bench length	Applicable to theaters.	
	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.	
	1 per 300 sq. ft.	Applicable to all commercial entertainment—indoor.	
Commercial entertainment—outdoor	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.	
	4 per tee	Applicable to golf courses.	
	1 per 2,000 sq. ft. of gross site area	Applicable to all other commercial entertainment—outdoor.	
Major event entertainment	The greater of the following: 1 per 5 seats or 10 feet of bench length; or 1 per 25 sq. ft. of floor area of assembly space.		
Recreational and cultural community services	4 per tee	Applicable to golf courses.	
	1 per 350 sq. ft.	Applicable to all other indoor Recreational and cultural community services.	
	1 per 2,000 sq. ft. of gross site area	Applicable to all other outdoor Recreational and cultural community services.	
Parks and open space	None		
Nonprofit membership assembly	1 per 350 sq. ft.		
Religious assembly	1 per 5 seats or 10 feet of bench length within the principle worship area; or 1 per 80 sq. ft. within the principal worship area, when no fixed seating or benches are provided.		
<b>Health Services</b>			
Medical centers/hospitals	1.5 per bed		
Outpatient medical services and laboratories	1 per 350 sq. ft.		
<b>Education Services</b>			
Day care	1	Day Care serving 1 to 12 persons	Parking requirement applies in addition to spaces required for any dwelling.
	2	Day Care serving 13 to 18 persons	

	3	Day Care serving 19 to 26 persons	
	4	Day Care serving 27 or more persons	
Basic education	2 per classroom		Applicable to elementary schools.
	1 per 6 students		Applicable to secondary schools.  The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Post-secondary and adult education	1 per 350 sq. ft.		Applicable to vocational and trade schools.
	1 per 4 students		Applicable to all other post-secondary and adult education.  The number of students shall be calculated based on the total number of students the school is designed to accommodate.
<b>Civic Services</b>			
Governmental services	1 per 500 sq. ft.		
Social services	1 per 350 sq. ft.		
Governmental maintenance services and construction	The greater of the following: 0.75 per employee; or  1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)  1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
<b>Public Safety</b>			
Emergency services	1 per employee, plus 1 additional space per ambulance		Applicable to ambulance stations.
	1 per 500 sq. ft.		Applicable to all other emergency services.
Detention facilities	1 per 2,000 sq. ft.		
Military installations	1 per 500 sq. ft.		
<b>Funeral and Related Services</b>			
Cemeteries	1 per 350 sq. ft.		
Funeral and cremation services	1 per 5 seats or 10 feet of bench length in the chapel		
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>			
Building and grounds services and construction contracting	The greater of the following: 0.75 per employee; or  1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)		
	Industrial services	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	

General repair services	1 per 350 sq. ft.	
Cleaning plants	1 per 1,000 sq. ft.	
<b>Wholesale Sales, Storage, and Distribution</b>		
General wholesaling	1 per 1,500 sq. ft.	
Heavy wholesaling		
Warehousing and distribution	The greater of the following: 0.75 per employee; or	
Self-service storage	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)  1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
<b>Manufacturing</b>		
General manufacturing	The greater of the following: 0.75 per employee; or	
Heavy manufacturing	1 per 5,000, sq. ft. (Less than 50,000 sq. ft.)	
Printing	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
<b>Transportation Facilities</b>		
Aviation facilities	The greater of the following: 0.75 per employee; or	
Passenger ground transportation facilities;	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)  1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Marine facilities	1 per boat berth or docking space.  The greater of the following: 0.75 per employee; or  1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)  1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)  1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	Applicable to marinas.  Applicable to all other marine facilities.
<b>Utilities</b>		
Basic utilities	The greater of the following: 0.75 per employee; or	
Drinking water treatment facilities	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)	
Power generation facilities	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)	
Data center facilities		

Waste related facilities	1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Wireless communication facilities	None	
Fuel dealers	1 per 200 sq. ft.	
<b>Mining and Natural Resource Extraction</b>		
Petroleum and natural gas production	The greater of the following: 0.75 per employee; or	
Surface mining	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
<b>Farming, Forestry, and Animal Services</b>		
Agriculture	5	Applicable when retail sales are involved.
Forestry		
Agriculture and forestry services	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Keeping of livestock and other animals	1 per 400 sq. ft.	
Animal services	1 per 400 sq. ft.	
<b>Other Uses</b>		
Accessory short-term rentals	None	
Temporary uses	Per SRC chapter 701	
Home occupations	1 per nonresident employee	Parking requirement applies in addition to spaces required for the dwelling unit.
Accessory dwelling units	None	
<p><sup>(1)</sup> Unless otherwise provided, when required off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.</p> <p><sup>(2)</sup> The minimum number of spaces per dwelling unit may be reduced by 25 percent for dwelling units that are affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the development is built or for the state, whichever income is greater.</p> <p><sup>(3)</sup> The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.</p>		

- (b) *Compact parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- (c) *Carpool and vanpool parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *Maximum off-street parking.*
  - (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.

<b>TABLE 806-2A. MAXIMUM OFF-STREET PARKING</b>	
<b>Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)</b>	<b>Maximum Number of Off-Street Parking Spaces Allowed</b>
20 spaces or less	2.5 times minimum number of spaces required.
More than 20 spaces	1.75 times minimum number of spaces required.

- (2) *Maximum off-street parking where no minimum off-street parking is required.* Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, ~~maximum~~ off-street parking shall not exceed the amounts ~~be determined based on the assumed minimum off-street parking~~ set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

<b>TABLE 806-2B. MAXIMUM OFF-STREET PARKING WHERE NO MINIMUM OFF-STREET PARKING IS REQUIRED</b>		
<b>No Minimum Off-Street Parking Required:</b>	<b>Maximum Off-Street Parking</b>	<b>Limitations &amp; Qualifications</b>
Based on requirements of Table 806-1	1.75 per dwelling unit	Applicable to <u>townhouses, two family, three family, four family, and cottage clusters multiple family located within the CSDP area or one quarter mile of the Core Network</u>
	<u>1.75 per dwelling unit</u>	<u>Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network</u>
	1 per 900 sq. ft.	Applicable to all other uses
Because activity is located in area where no minimum off-street parking is required for the activity	The maximum off-street parking otherwise allowed for the activity if it were located in an area where	

	minimum off-street parking was required.	
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- (e) *Reductions to required off-street parking through alternative modes of transportation.*
  - (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
  - (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.
- (f) *Reductions to required off-street parking for multiple family developments.*
  - (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
    - (A) *Transit access.* The minimum number of required off-street parking spaces may be reduced by:
      - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
      - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
    - (B) *Covered bicycle parking.* The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.
    - (C) *Shared car or van.* The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

## Amendments to SRC Chapter 808 (Preservation of Trees and Vegetation)

### **Sec. 808.005. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Arborist* means a person who has met the criteria for certification from the International Society of Arboriculture, ~~or the American Society of Consulting Arborists, or similar professional organization,~~ and maintains a current accreditation.

*Caliper* means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree **or, as an alternative for non-significant trees, may be specifically determined by an arborist.**

*Development* means 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.

*Development proposal* means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

*Grove* means a group of trees providing at least one-half acre of canopy.

*Hazardous tree* means 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.

*Heritage tree* means a tree designated as a heritage tree pursuant to SRC 808.010(a).

*Invasive non-native vegetation* means 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.

*Preserved* means the tree appears to be healthy and shows no signs of significant damage due to construction.

*Restoration* means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

*Significant tree* means: ~~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.~~

(a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;

(b) An Oregon white oak (Quercus garryana) with a dbh of 20 inches or greater; and

(c) Any other tree with a dbh of 30 inches or greater, **but** excluding: ~~Douglas fir.~~

**(1) Tree of heaven (Ailanthus altissima);**

**(2) Empress tree (Paulownia tomentosa);**

**(3) Black cottonwood (Populus trichocarpa); and**

**(4) Black locust (Robinia pseudoacacia).**

*Suitable for preservation* means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

*Top of bank* means the elevation at which water overflows the natural banks and begins to inundate the upland.

*Tree* means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten 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.

*Tree and Vegetation Technical Manual* means that document adopted by the 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.

*Tree removal* means 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. The term "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. The term "removal" does not include normal trimming or pruning of trees.

~~*Waterway means any river, perennial stream, or creek within the City as designated by the Director.*~~

*Water-dependent activity* means 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.

### **Sec. 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, three family residential, four family residential, or a cottage cluster.**

### **Sec. 808.030. Tree and vegetation removal permits.**

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, 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) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;
  - ~~(D)(C)~~ Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "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;
  - ~~(E)(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;
  - ~~(F)(E)~~ Removal of invasive non-native or nuisance vegetation in riparian corridors;
  - ~~(G)(F)~~ Necessary for public trail or public park development and maintenance;
  - ~~(H)(G)~~ Necessary to conduct flood mitigation;
  - ~~(I)(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, the term "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;

(J) Removal of a hazardous tree pursuant to an order issued by the City;

~~(K)(4)~~ 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 five years following the completion of the timber harvest;

~~(L)(4)~~ 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, the term "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 five 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 five 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 uses, ~~or two family uses,~~ three family uses, four family uses, or ~~activities~~ cottage clusters, 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 two-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 subsection (c)(1) of this section, 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 subsections (c)(1) and (2) of this section 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 tree removal is necessary because ~~The-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 an existing 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.
- (5) Removal of significant tree in connection with the construction of a ~~development other than single family, two family, three family, four family, or cottage cluster~~~~multiple family, mixed use, commercial, or industrial development~~. The removal of the significant tree is necessary for the construction of a ~~development other than single family, two family, three family, four family, or cottage cluster~~ ~~multiple family, mixed use, commercial, or industrial development~~ and:
- (A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.
  - (B) There are no reasonable design alternatives that would enable preservation of the tree, and. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:
    - (i) Streets. The removal is necessary due to:
      - (aa) The location and alignment of existing streets extended to the boundary of the subject property;
      - (bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
      - (cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
      - (dd) Any relocation of the proposed street resulting in lots that do not meet lot standards.
      - (ee) A required boundary street improvement.
    - (ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
    - (iii) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
  - (C) Not more than five significant trees or 15 percent of the significant trees, whichever is greater, on the lot or parcel, or on contiguous lots or parcels under the same ownership, are proposed for removal.
- (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 subsection (e)(1) of this section, 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.

**Sec. 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 uses, ~~or two family uses, three family uses, four family uses, or cottage clusters~~, ~~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 two-foot contour intervals or, when grading of the property will be necessary to accommodate the proposed development, preliminary site grading shown at two-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, and critical root zone 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 subsection (c)(1) of this section, 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.
  - (3) An arborist report identifying the critical root zone for any non-significant tree whose critical root zone is proposed to be determined by an arborist.
  - (4) For tree conservation plans designating less than 30 percent of the trees on the property for preservation, an explanation of how the mitigation measures of SRC 808.035(e) will be met.
- (d) *Approval criteria.* ~~An application for a tree conservation plan shall be granted if the following criteria are met:~~
  - (1) An application for a tree conservation plan shall be granted if the following criteria are met:
    - (A)(1) No heritage trees are designated for removal.

~~(B)(2)~~ No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

~~(C)(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.

~~(D)(4)~~ Not less than ~~25~~ 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees; provided, however, if less than 25-30 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) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

(2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:

(A) Streets. The removal is necessary due to:

(i) The location and alignment of existing streets extended to the boundary of the subject property;

(ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);

(iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;

(iv) Any relocation of the proposed street resulting in lots that do not meet lot standards.

(v) A required boundary street improvement.

(B) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

(C) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.

(D) Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:

(i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and

(ii) The following may be excluded from the total site area for purposes of calculating density:

(aa) Riparian corridors, provided the riparian corridor is not graded or developed;

(bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and

(cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.

(e) Mitigation measures. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:

- (1) Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.
- (2) Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed. The lot(s) where the solar array(s) will be located shall be specified in the conditions of the associated land division approval.
- (3) Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed. The lot(s) where the charging stations will be located shall be specified in the conditions of the associated land division approval.
- (4) Open space lot. One or more lots within the development shall be designated as an open space lot planted at a minimum density of two trees for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches. The lot(s) within the development that will be designated as an open space lot shall be specified in the conditions of the associated land division approval and shall be perpetually operated and maintained by a home owners' association.

~~(f)~~ (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 subsection (e)(1) of this section, 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 as set for in SRC 808.046. ~~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.

## **Sec. 808.040. Tree conservation plan adjustments.**

(a) *Applicability.*

- (1) Except as provided under subsection (a)(2) of this section, 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 subsection (c)(1) of this section, 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.
  - (3) For tree conservation plan adjustments resulting in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, an explanation of how the mitigation measures of SRC 808.040(e) will be met.**
- (d) *Approval criteria.* ~~A tree conservation plan adjustment shall be approved if the following criteria are met:~~
- (1) A tree conservation plan adjustment shall be approved if the following criteria are met:**
- ~~(A)(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.
  - ~~(B)(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.
  - ~~(C)(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.
  - ~~(D)(4)~~ When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below ~~25-30~~ percent, **there are no reasonable design alternatives that would enable preservation of the tree and** only those trees reasonably necessary to accommodate the proposed development are designated for removal.
  - (E) When less than 30 percent of the trees in the original tree conservation plan are designated for preservation, the mitigation measures required under SRC 808.040(e) are met.**
- (2) When an approval criterion in this section requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:**

- (A) Streets. The removal is necessary due to:
- (i) The location and alignment of existing streets extended to the boundary of the subject property;
  - (ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
  - (iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
  - (iv) Any relocation of the proposed street resulting in lots that do not meet lot standards.
  - (v) A required boundary street improvement.
- (B) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
- (C) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
- (D) Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:
- (i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and
  - (ii) The following may be excluded from the total site area for purposes of calculating density:
    - (aa) Riparian corridors, provided the riparian corridor is not graded or developed;
    - (bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
    - (cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.
- (e) Mitigation measures. When a tree conservation plan adjustment results in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent.
- (1) Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone.
  - (2) Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed.
  - (3) Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed.
  - (4) Replanting. Two new trees shall be planted for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches.



~~(f)(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.

### **Sec. 808.046. ~~Tree p~~Protection measures during construction.**

Except where specific ~~tree~~ protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

- (a) ~~Trees.~~ All trees ~~and native vegetation~~ shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
- (1) ~~For trees,~~ The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.
- (2) ~~For native vegetation, the above ground silt fence shall be located around the perimeter of the native vegetation.~~
- (2)(3) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; ~~and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles; and native vegetation shall not be removed.~~
- (3)(4) Notwithstanding SRC 808.046(a)(23):
- (A) ~~grading may be allowed up~~ Up to a maximum of 30 percent of the **critical root zone of a tree area protected by the above ground silt fence may be disturbed** in order to accommodate development of the property when a report from an ~~certified~~ arborist is submitted documenting that such ~~grading disturbance~~ will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.
- (B) **Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.**
- (b) ~~Native vegetation.~~ All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
- (1) The above ground silt fence shall be located around the perimeter of the native vegetation.
- (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
- (c)(4) ~~Duration.~~ Protection measures **required under this section** shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, **or issuance of certificate of occupancy in all other cases.**

### **Sec. 808.050. Tree planting requirements.**

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, ~~or~~ two family uses, three family uses, four family uses, or cottage clusters, 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.
- (c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.

#### **TABLE 808-1. TREE PLANTING REQUIREMENTS**

Lot or Parcel Size	Minimum Trees Required
Less than 4,000 ft. <sup>2</sup>	1
4,000 ft. <sup>2</sup> to 6,000 ft. <sup>2</sup> or less	2
6,001 ft. <sup>2</sup> to 7,000 ft. <sup>2</sup>	3
7,001 ft. <sup>2</sup> to 8,000 ft. <sup>2</sup>	4
8,001 ft. <sup>2</sup> to 9,000 ft. <sup>2</sup>	5
Greater than 9,000 ft. <sup>2</sup>	6

**Sec. 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, of which 95 percent of ~~which such~~ 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 five 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 nonprofit 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.

**Sec. 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) ~~*Replanting and Restoration*~~ *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 and Landscape Appraisers).~~
  - (1) Persons violating this chapter, or any permit issued hereunder, shall be responsible for providing mitigation for trees and/or native vegetation removed and restoring damaged areas through implementation of a replanting and restoration plan approved by the Planning Administrator. The plan shall require replanting for the trees and/or native vegetation removed and provide for the repair of any environmental or property damage in order to restore the site to a condition which, to the greatest extent practicable, would have existed had the violation not occurred, as verified by a qualified professional.

- (2) The planting and restoration costs included in the plan shall ~~not be 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 and Landscape Appraisers).
- (3) Notwithstanding SRC 808.065(c)(2), when it is not possible to replant enough trees and/or native vegetation in the area to equal the appraised value of the trees and/or native vegetation unlawfully removed, the net remaining balance required to equal the appraised value of the trees and/or native vegetation unlawfully removed shall be assessed as a fee which shall be paid into the Salem City Tree Fund established under SRC chapter 86.
- (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 five years.