

CHAPTER 4.12

SIGNIFICANT VEGETATION PROTECTION PROVISIONS

Section 4.12.10 - PURPOSES

The Natural Resources Overlay includes properties within the Corvallis Urban Growth Boundary that contain Significant Vegetation in either an area inventoried as a wildlife habitat area, or in an area inventoried as an Isolated Tree Grove. These Significant Vegetation areas were determined by the community to be significant and are shown on the City's Significant Vegetation Map. This Chapter implements standards for development and vegetation management on such properties. The Natural Resources Overlay and these standards are intended to:

- a.** Protect, conserve, maintain, and/or enhance the natural, environmental, scenic, recreational, open space, and economic qualities of the identified Significant Vegetation;
- b.** Minimize impacts to soils and maintain or improve air and water quality within the Corvallis Urban Growth Boundary;
- c.** Provide diverse, multi-layered vegetation to support continued diversity of fish and wildlife species within the Corvallis Urban Growth Boundary;
- d.** Conserve energy by providing solar benefits and temperature moderation;
- e.** Store and maintain carbon levels within the ecosystem;
- f.** Provide groundwater recharge opportunities;
- g.** Protect the economic values of the community associated with open spaces, recreational and visual amenities, and managed, sustainable forests;
- h.** Enhance stormwater and Natural Hazards management;
- i.** Protect and enhance the tree canopy throughout the Urban Growth Boundary;

- j. Provide sound-absorbing and visual buffering amenities throughout urban neighborhoods; and
- k. Implement the wildlife habitat and Significant Vegetation policies of the City of Corvallis Comprehensive Plan.

Section 4.12.20 - APPLICABILITY

These provisions apply to areas of Significant Vegetation identified on the Significant Vegetation Map. Significant Vegetation includes:

- a. Highly Protected Significant Vegetation (HPSV); and
- b. Partially Protected Significant Vegetation (PPSV).

Standards for development and vegetation management on sites containing Significant Vegetation are included below.

Section 4.12.30 EXEMPTIONS

The following activities are exempted from the requirements of this Chapter:

- a. **Routine Maintenance and/or Replacement of Structures** - Routine maintenance and/or replacement of structures constructed or placed on the site prior to December 31, 2004. Building replacements shall be limited to the footprint of existing buildings, and replacement of other impervious surface shall be limited to the area of existing impervious surface.
- b. **Routine Site Maintenance** -
 - 1. Routine maintenance of the site, including maintenance of lawns and planted landscaping areas existing on December 31, 2004. Additionally, the application of herbicides or other pesticides, and the application of synthetic fertilizers is subject to applicable state and federal regulations and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code;

2. Where replanting is done, native species listed on the City of Corvallis Native Plant List shall be used;
 3. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and
 4. Vegetation within utility easements shall be kept in a natural state and when replanted only native plant species shall be used.
- c. Removal of Hazardous Trees** - Requests for removal of hazardous trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List.
- d. Creation and Maintenance of Fire Fuel Breaks Surrounding All Structures Designed for Human Occupancy, and Meeting the Following Standards -**
1. Fire fuel breaks are areas that are free of dead or dying vegetation and have native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation;
 2. A fire fuel break includes:
 - a) An area a minimum of 30 ft. out from a structure or to the property line, whichever is less; and
 - b) A maximum of 40 ft. out in all directions;
 3. The fire fuel break may be increased by:
 - a) 50 ft. downslope on 10-20 percent slopes;

- b) 75 ft. downslope on 20-25 percent slopes; and
 - c) 100 ft. downslope on 25-40 percent slopes;
4. Fire fuel break areas shall be kept clear and/or maintained with:
- a) Vegetation trimmed to below two ft. in height and above eight ft. in height; and
 - b) Trees spaced at least 15 ft. apart;
5. Where necessary for erosion control or aesthetic purposes, the fire fuel break area may be planted in slow-burning species;
6. Establishment of a fire fuel break shall not involve stripping the ground of all native vegetation; and
7. Fire fuel breaks may include the use of noncombustible structures such as walkways and driveways.
- e.** Reduction of fire fuel load outside of fire fuel break areas in “d,” above, by pruning trees so the lowest limbs are six to 10 ft. above Natural Grade and tree crowns do not touch or interlace.
- f.** Creation and maintenance of one fire escape route, up to 14 ft. in width for each development site, and outside of fire fuel break areas in “d,” above.
- g.** Creation and maintenance of one fire truck turn-around area if the distance of structures designed for human occupancy exceeds 150 ft. from a developed public right-of-way.
- h.** City utility or road work in utility or road easements or rights-of-way. Any trees removed in the course of utility work shall be replaced in accordance with the standards of this Chapter.

- i. Removal of Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary in conjunction with vegetation removal, non-rip-rap erosion control measures shall be utilized.
- j. Removal of vegetation in accordance with an approved Significant Vegetation Management Plan as outlined in Section 4.12.90.

Section 4.12.40 - GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter conflicts or overlaps with other provisions of this Code or any other ordinance, easement, covenant, or deed restriction, whichever imposes the more stringent restrictions shall prevail.

Section 4.12.50- PROCEDURES

- a. Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework and/or through the Building Permit or construction permit review processes. Applications for Building Permits, other land development permits, and/or permits for vegetation removal on sites containing Significant Vegetation shall be reviewed to ensure that existing vegetation is preserved, enhanced, and/or its removal mitigated for based on and consistent with the standards contained in this Chapter. No Building Permits, other land development permits, and/or permits for vegetation removal shall be approved for sites containing Significant Vegetation without an approved Significant Vegetation Management Plan, which may be applied for as a concurrent application. See Section 4.12.90 - Standards for Significant Vegetation Management Plans.
- b. Within Significant Vegetation Areas, the activities in “1,” through “5,” below, are prohibited unless they are specifically exempted in Section 4.12.30, or are allowed as a result of the approval of a Significant Vegetation Management Plan, a land use development permit, or a construction permit. See Section 4.12.90 - Standards for Significant Vegetation Management Plans.
 - 1. Removing, damaging, destroying, or cutting any tree greater than four in. caliper as measured four ft. above Natural Grade;

2. Removing, damaging, destroying, or cutting any shrub over four ft. in height;
3. Removing any ground covers or soil;
4. Preparing a site for development, such as excavating, grading, clearing, etc.; and
5. Constructing fences over four ft. in height or of a material that will prevent small animal passage.

c. Submittal Requirements for Development on Sites Containing Significant Vegetation - Areas of Significant Vegetation within the community have been identified in two ways as follows:

1. All Natural Hazards and Natural Resources are depicted with overlays on the Comprehensive Plan and Official Zoning Maps. Significant Vegetation is one of the Natural Resources identified;
2. The Significant Vegetation Map depicts the actual locations of Significant Vegetation and the specific levels to which different Significant Vegetation areas are to be protected. Standards are established in this Chapter for the protection of Significant Vegetation by designating the areas as follows:
 - a) Highly Protected Significant Vegetation (HPSV); or
 - b) Partially Protected Significant Vegetation (PPSV). Areas designated as PPSV are further differentiated into four sub-categories:
 - 1) PPSV-1;
 - 2) PPSV-2;
 - 3) PPSV-3; and
 - 4) PPSV-4).

- d. As a part of any development proposal or vegetation management effort on sites containing any of the Significant Vegetation areas in “c,” above, four copies of the information in “1” through “9”, below, shall be submitted on forms provided by the Director. The Director may waive any of the requirements below when such information is found to be unnecessary for the evaluation of a proposed plan.
1. Description of the land on which the proposed development is to take place, such as address, lot, block, tract, or similar description;
 2. Signed consent of the owner(s) or the owner’s legal representatives of the subject property(ies);
 3. Narrative addressing how the application meets the standards in this Chapter;
 4. Data sheets from the Corvallis Natural Features Inventory for each of the Natural Resources and Natural Hazards located on the site;
 5. Existing Site Plan Information - Site plans indicating existing conditions. Plans shall be no larger than 24 by 36 in. and shall include a legible copy reduced to either 8.5 by 11 in. or 11 by 17 in. The site plan shall be drawn to scale and show:
 - a) Date, scale, scale bar, and north arrow;
 - b) Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, drainageways, and drainage patterns, especially those that would affect adjacent Natural Resources and Natural Hazards identified as significant on the Natural Hazards Map, Riparian Corridors and Wetlands Map, or the Significant Vegetation Map;
 - c) Property lines and dimensions;

- d) Location and extent of each of the Natural Hazards identified as Highly Protected on the Natural Hazards Map, both on and within 150 ft. of the site;
- e) Location and extent of each of the Natural Hazards identified as Partially Protected on the Natural Hazards Map, both on and within 150 ft. of the site;
- f) Location and extent of each of the Natural Resources identified as Highly Protected on the Significant Vegetation and Riparian Corridor and Wetlands Maps, both on and within 150 ft. of the site;
- g) Location and extent of each of the Natural Resources identified as Partially Protected on the Significant Vegetation and Riparian and Wetlands Maps, both on and within 150 ft. of the site;
- h) Public and private roadways and driveways;
- i) Location and extent of required Department of State Lands and/or U.S. Army Corps of Engineers Wetland mitigation areas located on the site and/or a permit indicating any off-site mitigation acreage requirements.
- j) Vehicle and pedestrian access points and accessways;
- k) Public and private easements and labels as to the purpose of the easements;
- l) Existing structures, including fences and walls;
- m) Existing off-street parking facilities; and
- n) Any dedications that exist on the site.

6. Proposed Site Plan Information - Site plans indicating areas of proposed vegetation removal, vegetation preservation, vegetation planting, and development and/or areas of ground disturbance. Plans are to be no larger than 24 by 36 in. and shall include a copy of the site plan reduced to either 8.5 by 11 in. or to 11 by 17 in. Plans shall be drawn to scale and shall include the information required in "5," above, and the following:
- a) Location, extent, acreage, and types of vegetation to be protected and/or enhanced;
 - b) Location, extent, acreage, and types of vegetation to be removed;
 - c) Location, extent, and net area calculations indicating any proposed encroachments into each specific protected Natural Feature or Natural Hazard area indicated on the Natural Hazards Map, Riparian Corridors and Wetlands Map, or the Significant Vegetation Map;
 - d) Location, development pattern plans, and drainage pattern impacts as required for associated grading and development permit reviews;
 - e) If grading is to occur, a grading plan showing existing and finished contours on the site, at two-ft. contour intervals;
 - f) Existing percentage of cover for the areas where vegetation is to be removed;
 - g) A reforestation/replanting plan in protection/enhancement areas that includes:
 - 1) Location, extent, and acreage of the vegetation to be planted;
 - 2) Types of vegetation to be planted;

- 3) Number of deciduous trees, conifers, and shrubs to be planted;
 - 4) Size and spacing of the plantings;
 - 5) Planting schedule;
 - 6) Erosion control measures;
 - 7) Estimated cost of replanting the trees and shrubs; and
 - 8) Mitigation for any negative impacts resulting from changed drainage patterns.
7. All necessary permits shall be obtained from those federal, state or local governmental agencies from which approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, as amended. If obtaining such permits is a Condition of Approval for a land use application, such Condition of Approval shall be satisfied prior to issuance of any construction permit.
8. Additional Requirements for Sites Containing PPSV-4 Areas - In addition to the application requirements identified in Section 4.12.50.a through 4.12.50.d, above, development proposals on sites containing areas designated as PPSV-4 shall include the following information:
- A detailed planting plan of proposed trees, shrubs, and ground covers at the same scale as the project site plan. This plan shall include:
- a) Location, extent, and acreage of vegetation to be preserved and/or enhanced;
 - b) Location, extent, and acreage of vegetation to be planted;
 - c) Number and types of deciduous trees, conifers, shrubs, and ground covers to be planted;

- d) Size and spacing of the plantings;
 - e) Mature Tree Canopy Coverage on the site, based on either the anticipated canopy at 15 years of age or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage in Chapter 1.6 - Definitions;
 - f) Planting techniques/standards and schedule;
 - g) Protection fencing location and method of installation;
 - h) Irrigation plan;
 - i) Maintenance plan indicating the responsibility to maintain and replace the required vegetation, including the Conditions, Covenants, and Restrictions (CC&R's) of the Homeowners' Association when a Homeowners' Association is proposed; and
 - j) Estimated cost of planting the trees, shrubs, and ground covers.
9. If an applicant has produced part or all of a submittal in an electronic format, an electronic version of these documents shall be provided (both text and graphics, as applicable). The applicant shall coordinate with the City regarding compatible electronic formats.

Section 4.12.60 - STANDARDS FOR DEVELOPMENT ON SITES CONTAINING SIGNIFICANT VEGETATION

The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:

- a. **Highly Protected Significant Vegetation (HPSV) Areas** - For Properties Containing Areas Designated as Highly Protected Significant Vegetation (HPSV), the following standards shall apply -

1. Development shall be limited to portions of properties outside of the areas designated as HPSV, except to the extent allowed by the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11 - Minimum Assured Development Area;
2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall ensure that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved in the tracts. Exceptions to this requirement shall be granted based on the following:
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy coverage;
3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and
4. Portions of the site developed according to the MADA provisions contained in Chapter 4.11- Minimum Assured Development Area, areas outside of preserved Significant Vegetation tracts shall be planted to achieve 40 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

b. Partially Protected Significant Vegetation-1 (PPSV-1) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-1 (PPSV-1) the following standards shall apply:

1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area;

2. The provisions for determining Minimum Assured Development Area may be applied directly to the PPSV-1 resource area, rather than applying it to the entire development site, as required in all other instances;
 3. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts. Exceptions to this requirement shall be granted based on the following:
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Mature Tree Canopy Coverage; and
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
 4. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and
 5. Portions of the site developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- c. Partially Protected Significant Vegetation-2 (PPSV-2) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-2 (PPSV-2) the following standards shall apply:
1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured

Development Area, with an additional allowance of 20 percent of the entire site;

2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts. Exceptions to this requirement shall be granted based on the following:
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100-Enforcement and Mitigation Provisions;
 4. Undeveloped portions of the PPSV shall be contiguous to adjacent preserved Natural Resources; and
 5. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- d. **Partially Protected Significant Vegetation-3 (PPSV-3) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-3 (PPSV-3) the following standards shall apply:
1. Development may be located on areas inside the PPSV provided that:

- a) A minimum of 50 percent of the area within the PPSV is preserved/enhanced; and
 - b) Including the area preserved in “a,” above, a minimum of 25 percent of the site consists of preserved/enhanced Significant Vegetation in common open space tracts, or common areas, that contain natural vegetative cover with 70 percent Mature Tree Canopy Coverage. Exceptions to this requirement shall be granted based on the following:
 - 1) Preserved existing upland prairie areas shall be credited as 100% Tree Canopy Coverage; and
 - 2) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
2. Development may be located within the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11- Minimum Assured Development Area;
 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 50 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and
 4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- e. **Partially Protected Significant Vegetation-4 (PPSV-4) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-4 (PPSV-4) the following standards shall apply:

1. Development may only be located on areas inside the PPSV in cases where a minimum of 25 percent of the site is placed in common open space tracts, or common areas, that contain either the natural vegetative cover or new landscaping such that a 70 percent Mature Tree Canopy Coverage is achieved;
2. Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage;
3. Preserved areas identified as Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage; and
4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

f. For areas of Significant Vegetation to be Considered Preserved, They Must Be Treated as Follows -

1. Existing trees shall be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the perimeter of the tree's Circle of Protection. A Circle of Protection is created by the greater of the two areas defined by the formulas below:
 - a) A radius in feet that equals the diameter in inches of the tree trunk at four ft. above Natural Grade. For example, a 15-in. diameter tree creates a 15 ft. radius of protected area; or
 - b) A perimeter located five ft. outside of the tree's drip-line.
2. Existing vegetation may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's Circle of Protection. A Circle of Protection for vegetation is created by defining a circle around the

vegetation, the perimeter of which is located one ft. outside of the vegetation's drip-line or edge.

3. Temporary fencing to protect trees and vegetation shall be used to clearly mark areas to be preserved. Such fencing shall be placed outside the Circle of Protection of all trees and/or vegetation located within 50 ft. of any area where construction, ground disturbance, and/or vegetation removal is likely to occur. All such fencing shall be in place prior to vegetation removal and/or the issuance of an Excavation and Grading Permit and shall be maintained throughout the vegetation removal and/or construction period.
 4. Vegetation removal and ground disturbance shall be prohibited within the Circle of Protection for all trees and vegetation areas to be preserved.
 5. Irrigation shall be prohibited and no increase or decrease in either drainage volume or frequency shall occur within the Circle of Protection of preserved oak trees.
- g.** Mature Tree Canopy Coverage shall be based on either the anticipated 15-year Mature Tree Canopy Coverage or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage and 15-year Mature Tree Canopy Coverage in Chapter 1.6 - Definitions.
 - h.** A minimum of 30 percent of the planted mitigation trees must be Large Canopy Tree species. See Tree, Large Canopy in Chapter 1.6 - Definitions.
 - i.** Required street trees and parking lot landscaping shall not be credited toward mitigation trees, shrubs, or ground covers.
 - j.** Required street trees and parking lot landscaping trees shall be credited for Mature Tree Canopy Coverage in developed areas outside protected HPSV or PPSV areas.
 - k.** Trees, shrubs, and ground covers required in Section 4.12.60 to be planted to achieve minimum landscape and/or Tree Canopy Coverage shall be continuously maintained in a healthy manner. Prior to the removal of any vegetation a cash deposit, bond, or other financial security allowed by Code in the amount of 125 percent of the cost of required mitigation trees, shrubs, and ground covers shall be provided. Similar financial security for maintenance and replacement of vegetation

shall be provided for a minimum of five years after the plantings. Required trees, shrubs, and ground covers that die within the first five years after initial planting must be replaced in kind.

- l.** Required trees, shrubs, and ground covers shall be planted within 180 days of their removal and shall be irrigated as per Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except as provided in "f.5," above .
- m.** In addition to the standards in this Chapter, developed areas shall be landscaped in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- n.** Construction site activities shall be located outside of Significant Vegetation protection areas. Such construction activities include, but are not limited to parking, material storage, soil compaction, and concrete washout.

Section 4.12.70 - PROVISIONS LIMITING EXTENSIONS OF PUBLIC AND PRIVATE ROADWAYS AND UTILITIES ON SITES CONTAINING SIGNIFICANT VEGETATION

Location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Significant Vegetation areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Significant Vegetation area.

Section 4.12.80- ADDITIONAL PROVISIONS

- a.** Location of recreational facilities on sites containing Significant Vegetation areas are limited to areas outside of Significant Vegetation except as allowed by the provisions in Chapter 4.11 - Minimum Assured Development Area. Such recreational facilities include activities such as developed camp sites, horse arenas, barns, clubhouses, etc.
- b.** Subdivisions, Land Partitions, and Property Line Adjustments that would create lots or parcels that cannot be developed in conformance with the standards contained

in this Chapter are prohibited, with the exception of lots created for public park purposes.

Section 4.12.90 - STANDARDS FOR SIGNIFICANT VEGETATION MANAGEMENT PLANS

Significant Vegetation Management Plans (SVMPs) may be approved as part of or separate from development applications. They shall meet the standards outlined below and, when found to comply with these standards, the SVMPs shall be approved by the Community Development Director. The SVMP shall:

- a.** Provide application materials outlined in Section 4.12.50.d.2 through Section 4.12.50.d.5; Sections 4.12.50.d.6.a, 4.12.50.d.6.b, 4.12.50.d.6.f, and 4.12.50.d.6.g; and Section 4.12.50.d.7 through Section 4.12.50.d.9.
- b.** Allow for the removal of Douglas Fir trees and provide for the retention of non-conifer vegetative species.
- c.** Preserve non-conifer vegetation in HPSV areas and PPSV areas consistent with Sections 4.12.60.f, 4.12.60.g, 4.12.60.k, and 4.12.60.n.
- d.** Provide for erosion control measures consistent with the City of Corvallis Engineering Standards.
- e.** Include the vegetation management activities as recommended in the Natural Features Inventory Report and Database for enhancement of each wildlife habitat area and/or Tree Grove (sub-polygon) located within the Significant Vegetation Management Plan area; and ensure the Significant Vegetation Management Plan is consistent with those recommended activities; and
- f.** Remain in effect until modified or replaced with a subsequently approved SVMPs.

Section 4.12.100 ENFORCEMENT AND MITIGATION PROVISIONS

- a. **Violations** - In addition to being subject to Municipal Code enforcement provisions, violations of Section 4.12.50.b shall be:
1. Partially remedied within 90 days of the violation by replacing the vegetation in a manner that is consistent with this Chapter. Replacement of the vegetation shall occur within the period from October 1 to May 1, except that the 90-day period may be extended to ensure that planting occurs at the first opportunity in this period;
 2. Any tree removed from a HPSV or PPSV area in a manner inconsistent with the provisions of this Chapter shall have its losses mitigated by replacement of trees and irrigation within the HPSV or PPSV area in an amount equal to 50 percent of the appraised value of the damaged or removed vegetation. The appraised value of the vegetation shall be determined by using the Council of Tree and Landscape Appraisers Guide for Plant Appraisal and shall be applied by an ISA Certified Arborist Trained in this process. If the cost of providing the mitigation measures is less than 50 percent of the appraised value of the removed or damaged vegetation, payment in the amount of the unused value shall be dedicated to the City's Urban Forestry Project Account, to be used to plant additional trees and restore associated tree ecosystems elsewhere in the community.
 3. Mitigation Vegetation Requirements - Mitigation vegetation shall be installed to the standards below -
 - a) Trees with a minimum planting size of one in. diameter;
 - b) Shrubs with a minimum planting size of one gallon;
 - c) Ground covers with a minimum planting size of one gallon, planted 12 in. on-center; and
 - d) Installed irrigation system, designed to be operated for a minimum of five years to support the species planted.

- b. Significant Vegetation Areas in the Urban Fringe** - Within HPSV and PPSV areas where vegetation was legally or illegally removed, damaged, destroyed, or cut while the properties were located within the Urban Fringe, and where vegetation has not been replaced consistent with this Chapter prior to Annexation, the following provisions apply:
1. Vegetation shall be replanted consistent with the provisions in this Chapter, including the provisions in “a,” above, within 90 days of approval of any City applications. Such applications include Significant Vegetation Management Plans and/or development or construction permits of any kind. However, the vegetation shall be planted within the period from October 1 to May 1, and the 90-day period may be extended to ensure that planting occurs at the first opportunity in this period.
 2. Vegetation that has been planted in compliance with Benton County permit approvals or standards shall be preserved, protected, or enhanced prior to approval of a Significant Vegetation Management Plan, land use development permit, or construction permit by the City of Corvallis. Any land use development and any replacement and maintenance of vegetation shall be completed in a manner that is consistent with this Chapter.
- c.** Any remedy set forth in this Chapter is in addition to and not an alternative to all other remedies for violations of this Code or Municipal Code.
- d.** Failure to comply with an order of the Director to mitigate shall be a separate violation for each day, beyond the time frame specified in the order, that mitigation has not occurred. Each separate violation shall be subject to citation to the Municipal Court.
- e.** If found guilty of the violation of not obeying an order to mitigate under this Chapter, a person shall be subject to a fine no less than \$50 and no more than \$100 for each day, beyond the time frame specified in the order, that mitigation has not occurred. Fines shall be deposited in the City’s Urban Forestry Project Account to be used to plant additional trees and restore associated tree ecosystems either on-site or elsewhere in the community.

Section 4.12.110 - DISCLAIMER OF LIABILITY

This Chapter shall not create liability on the part of the City of Corvallis or any officer or employee thereof for any fire damages or other hazard damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of development that causes damage or injury by aggravating an existing and known hazard.