

VEGETATION PRESERVATION

SECTION:

- 4-6-1: Purpose
- 4-6-2: Definition
- 4-6-3: Vegetation Clearing Permit Required
- 4-6-4: Procedure for Obtaining Permit
- 4-6-5: Appeal of Design Review Board Action
- 4-6-5: Penalties

4-6-1: PURPOSE: The City Council finds that it is necessary to regulate tree and vegetation removal on private property to:

1. Provide for revegetation and maintenance of plant materials on private property;
2. Preserve the scenic quality of the City by retaining native vegetation;
3. Protect the property from storm run-off and wind erosion.

4-6-2: DEFINITIONS: As used in this Chapter, the following definitions apply:

CLEAR The use of manual or mechanical equipment to remove vegetation material and root mass necessary to the survival of the vegetation.

FELL To remove or sever a tree or the intentional use of any procedure to cause the death or substantial destruction of the tree. Fell does not include normal pruning, trimming or topping of trees.

NATIVE VEGETATION Those woody plant species native to this region including, Shorepine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinikinic, Salal and other associated plants.

OCCUPIED PARCEL Real property within the boundaries of a tax lot as found in the Lane County, Oregon, tax records, with one or more structures thereon, or a parcel that has been approved for a dwelling.

PARCEL Real estate within the boundaries of a tax lot as found in the Lane County, Oregon, tax records.

TREE A living, standing, woody plant having a trunk 25 inches in circumference (approximately eight inches in diameter) measured at a point 4½ feet above mean ground level at the base of the trunk.

4-6-3: VEGETATION CLEARING PERMIT REQUIRED:

- A. A vegetation clearing permit shall be required in any of the following circumstances:
1. Clearing native vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a significant riparian corridor, significant wetland buffer zone, greenbelt, or view corridor.
 2. Removing native vegetation from any parcel for which a valid building permit has not been issued.
 3. When the Planning Commission or Design Review Board has required such a permit as a condition of approval for land development.

- B. Exemptions: Subsection A of this section does not apply to removal or clearing of native vegetation under the following conditions:
1. Action by a public employee by an employee of a corporation holding a public franchise which allows clearing or removal of vegetation or an authorized contractor to protect human life or property; install or restore services; improve deeded rights-of-way; or to maintain or restore vision clearance at street or alley intersections.
 2. Clearing or felling of native vegetation in conjunction with development of a single-family or duplex dwelling on a parcel located within a zoning district which permits such use outright, except in locations specified in Section 4-6-3-A-1.
 3. Clearing or felling of native vegetation on a residential building lot within an approved Planned Unit Development (PUD), except in locations specified in Section 4-6-3-A-1.
 4. Cutting and trimming of native vegetation necessary for site surveying or topographical mapping.
 5. Removal or trimming of trees and shrubs required by Code Section 8-4-2. (This section amended by Ordinance No. 22 Series 1994).

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT:

- A. A vegetation clearing permit application is required unless the application includes a concurrent application for a building permit or Conditional Use Permit, except that the criteria in FCC 4-6-4 C shall also apply to any removal of native vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.
- B. All requests for a Vegetation Clearing Permit shall be submitted to the Planning on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):
1. Name, address, telephone number of applicant, property description and date;
 2. Lot dimensions and footprint of structure(s) drawn to scale;
 3. A plot plan showing trees or native vegetation to be removed and reason for clearing or felling, and location of proposed structures and other improvements;
 4. A description of any plan to replace, landscape, or otherwise reduce the effect of removal of vegetation and time of implementation.
- C. The Planning Department shall process the Vegetation Removal Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 within thirty (30) days of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:
1. The necessity to remove native vegetation in order to construct proposed improvements or otherwise utilize the property in a reasonable manner consistent with the City Code and policies;
 2. The environmental and physical impacts such clearing may have, including visual drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones. Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with staff from the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife (ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource.

3. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).

4-6-5: APPEAL OF DESIGN REVIEW BOARD ACTION:

Any decision of the Design Review Board may be appealed to the City Council in accordance with the procedures specified in Code Section 10-1-1-6. (This section amended by Ordinance No. 22 Series 1994).

4-6-6: PENALTIES: Failure to obtain a permit, or comply with a condition or requirement of this Chapter shall be deemed a violation of City Code and subject to one or more of the following penalties:

- A. Replacement of damaged or removed vegetation which approximates the site condition prior to the offense;
- B. Replacement of damaged or removed vegetation which has been determined by the Planning Commission to provide sufficient mitigation of the offense within a reasonable time-frame;
- C. Pursuant to the General Penalty clause contained in Code Section 1-4-1, each offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00), each day constituting a separate offense.
- D. Withholding or revocation of a business license, final PUD or subdivision approval, building permits, and suspension of building inspections until each offense has been satisfactorily mitigated. (This section amended by Ordinance No. 22 Series 1994).

Amended by Ordinance No. 22 Series 1994 effective 11-22-94
Amended by Ordinance No. 2, Series 2013 effective 10-5-13



EMAC Briefing - Vegetation Preservation Code Update

11/15/2022

Update City Code Title 4 - Chapter 6 “The Why”

- Last updated appx 15-20 years ago
- City has grown substantially
- Ongoing housing and business development
- City footprint continues to grow
- Fines / dollar \$\$ values not current
- Native plant species list outdated
- Establish guidelines for machinery used in vegetation removal
- Create guidelines for vegetation preservation; unauthorized camping, encampments (tent cities) etc...



Section Overview

4-6-2: Updated definitions

4-6-3: “Significant Vegetation Clearing Permit” – updated and modified title added significant

4-6-4: Procedures for obtaining “Significant Vegetation Clearing Permit”

4-6-5: “New” - “Vegetation Removal Permit”

4-6-6: “New” Procedures for obtaining “Vegetation Removal Permit”

4-6-8: “New” Organization & Enforcement

4-6-9: Updated Violations and Penalties

4-6-2: Definitions

UPDATED
“Native Vegetation” List

NATIVE VEGETATION
Updated from eleven (11) plant species to twenty-seven (27) most common and seventy (70) total

UPDATED TREE DEFINITION
Old: 25 inches circumference
8 inches diameter
New: 12.5 inches circumference
4 inches diameter

NEW DEFINITIONS
Prune / Pruning
Remove / Removal / Removed

NEW DEFINITIONS
Significant Vegetation
Topping / Topped
Trimming

4-6-3: Significant Vegetation Clearing Permit

SIGNIFICANT VEGETATION INCLUDES NATIVE VEGETATION AND; PLANTS WITHIN DESIGNATED SENSITIVE LAND AREAS SUCH AS WETLANDS, RIPARIAN AREAS, AND ON SLOPES STEEPER THAN 40% AND TREES

- ❖ Clearing significant vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a significant riparian corridor, significant wetland buffer zone, greenbelt, or view corridor.
- Permit is required to protect these areas
- With few exception any land development or building permits will be subject to conditions requiring a Significant Vegetation permit as part of the process
- Current land owners 1.0 acres or less are exempt

4-6-4: Procedures Significant Vegetation Permit

- Required with concurrent building or development permit
- Site plan showing existing buildings
- Plot plan
 - Vegetation to be removed
 - Footprint new structures
 - Vegetation to remain
- Description / time frame new and replaced vegetation in the site plan
- 45 day approval process
- “NEW” Final inspection required to close out permit

4-6-5: Vegetation Removal Permit

UNPROTECTED AREAS

- ❖ Undeveloped property or no building permit required
- To discourage further instances of documented prior occurrence(s) of unlawful or unauthorized camping or; encampments or; persistent trespassing upon the subject parcel.
- Self-propelled mechanized equipment prohibited for vegetation removal
- Tree branches horizontally trimmed not to exceed six (6) feet above ground level
- Vegetation other than trees topped to a height not less than 24 inches above ground level
- Line of sight corridor not to exceed four (4) feet
- Parallel site corridors spaced 50 feet apart

4-6-6: Procedures for obtaining Vegetation Permit

- Form available from planning department
- Scaled drawing property lines and existing structures
- Description of vegetation to be removed
- Description of re-vegetation plans
- To facilitate “Survey’s” a separate drawing to scale is required
- Application process designed for same day or next day approvals
- Final inspection required to close out permit

4-6-9: Violations and Penalties

- Failure to obtain permit \$500 penalty each offense
- Clearing / Felling of a tree not conforming, \$250 penalty each offense
- Clearing vegetation other than trees; not conforming, each 500 square feet - \$100 penalty each offense
- Payment of Administrative Penalty not to exceed \$2,000 each offense

summary

This Vegetation Preservation code update will facilitate the current environmental and economic conditions in our community.



The background features a light beige base with large, soft-edged shapes in muted olive green and terracotta red. In the upper left, there are faint, grey line-art sketches of leaves or branches.

thank you

EMAC Subcommittee: Alan Knoblock, Tom Benedict, Lisa Walter-Sedlacek

Planning Commission Subcommittee: Phillip Tarvin, Eric Hauptman

**TITLE 4
CHAPTER 6**

VEGETATION PRESERVATION

SECTION:

- 4-6-1: Purpose
- 4-6-2: Definitions
- 4-6-3: Significant Vegetation Clearing Permit Required
- 4-6-4: Procedure for Obtaining a Significant Vegetation Clearing Permit
- 4-6-5: Vegetation Removal Permit Required
- 4-6-6: Procedure For Obtaining A Vegetation Removal Permit
- 4-6-7: Appeal of Design Review Board Action
- 4-6-8: Organization and Enforcement
- 4-6-9: Violations and Penalties

4-6-1: PURPOSE: The City Council finds that it is necessary to regulate tree and vegetation removal on private property to:

- A. Provide for revegetation and maintenance of plant materials on private property;
- B. Preserve the scenic quality of the City by retaining native vegetation;
- C. Protect the property from storm run-off and wind erosion.

4-6-2: DEFINITIONS: As used in this Chapter, the following definitions apply:

CLEAR, CLEARING	The use of manual or mechanical equipment, or herbicidal application to remove vegetation material or root mass necessary to the survival of the vegetation.
FELL, FELLING	To remove or sever a tree or the intentional use of any procedure to cause the death or substantial destruction of the tree. Fell does not include pruning, trimming or topping of trees.
NATIVE VEGETATION	Those woody plant species native to this region which are listed within Table 4.6.2(b): City of Florence Designated Native Vegetation Species.
OCCUPIED PARCEL	Real property within the boundaries of a tax lot as found in the Lane County, Oregon, tax records with one or more lawfully constructed single family dwellings or duplexes thereon or a parcel that has been approved for a dwelling.
PARCEL	Real estate within the boundaries of a tax lot as found in the Lane County, Oregon, tax records.
PRUNE, PRUNING	Severing of diseased, distressed or dead vegetation, branches or limbs for the purposes of restoring, maintaining or enhancing the overall health and prospects for continued survival of a plant or tree.
REMOVE, REMOVAL REMOVED	To take away from, in whole or in part vegetation material of a plant or a tree either manually or, by mechanical means or, through chemical or herbicidal applications. Includes clearing, felling, topping and trimming. Does not include pruning.
SIGNIFICANT VEGETATION	Includes native vegetation and; plants within designated sensitive land areas such as wetlands, riparian areas, and on slopes steeper than 40% and; trees.

TOPPING, TOPPED

Severing vertically oriented vegetation material in a manner that the health of the plant or tree is not adversely affected for the purposes of maintaining existing, obtain Code required or permitted sightline(s) or; to obtain Code required clearance(s) from utility lines.

TREE

A living, standing, woody plant having a trunk Diameter at Breast Height (DBH) of four (4) inches (approximately 12 1/2 inches in circumference) measured at a point 4 1/2 feet above ground level at the base of the trunk.

TRIMMING

Severing of vegetation material such as foliage or branches in a manner that the health of the plant or tree is not adversely affected for the purposes of improving the visual appeal or, to obtain Code required or permitted sightlines or; clearance(s) from utility lines or above the public right of way.

TABLE 4.6.2(a)
Examples of Native Vegetation Species Common to the City of Florence

Important Notes:

- 1) See Table 4.6.2(b) at the end of this chapter for a complete list of designated Native Vegetation species that are subject to regulation under the Florence City Code.
- 2) The species named below are part of the complete list noted above and among those very often found in the City of Florence. When any number of these species are present on a property, especially on an undeveloped or partially developed one, it is a strong indication that the predominant plant life thereon is regulated Native Vegetation.

Common Native Tree Species	
Scientific Name	Common Name
<i>(Frangula purshiana)</i>	Cascara/Buckthorn
<i>(Pinus contorta var. contorta)</i>	Coast / Shore Pine
<i>(Salix hookeriana)</i>	Coast Willow
<i>(Pseudotsuga menziesii)</i>	Douglas Fir
<i>(Myrica californica)</i>	Pacific Wax Myrtle
<i>(Alnus rubra)</i>	Red Alder
<i>(Garrya elliptica)</i>	Silktassel
<i>(Picea sitchensis)</i>	Sitka Spruce
<i>(Tsuga heterophylla)</i>	Western Hemlock
<i>(Thuja plicata)</i>	Western Red Cedar

Common Native Shrub Species	
Scientific Name	Common Name
<i>(Lonicera involucrata)</i>	Black Twinberry
<i>(Baccharis pilularis)</i>	Coyote Brush
<i>(Spiraea douglasiana)</i>	Douglas Spiraea
<i>(Vaccinium ovatum)</i>	Evergreen Huckleberry
<i>(Arctostaphylos columbiana)</i>	Hairy Manzanita
<i>(Rhododendron macrophyllum)</i>	Native Rhododendron
<i>(Holodiscus discolor)</i>	Ocean-spray
<i>(Sambucus racemosa)</i>	Red Elderberry
<i>(Gaultheria shallon)</i>	Salal
<i>(Rubus spectabilis)</i>	Salmonberry

Common Native Ground Cover Species	
Scientific Name	Common Name
<i>(Pteridium aquilinum)</i>	Bracken Fern
<i>(Blechnum spicant)</i>	Deer Fern
<i>(Arctostaphylos uva-ursi)</i>	Kinnikinnick
<i>(Polystichum munitum)</i>	Sword Fern
<i>(Fragaria chiloensis)</i>	Wild Strawberry

Common Native Grass & Reed Species	
Scientific Name	Common Name
<i>(Elymus mollis)</i>	Dune Grass
<i>(Juncus effusus)</i>	Common Rush

4-6-3: SIGNIFICANT VEGETATION CLEARING PERMIT REQUIRED:

- A. A significant vegetation clearing permit shall be required in any of the following circumstances:
1. Clearing significant vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a significant riparian corridor, significant wetland buffer zone, greenbelt, or view corridor;
 2. Removing significant vegetation from any parcel for which a valid building permit specifically authorizing significant vegetation removal has not been issued;
 3. When the Planning Commission or Design Review Board has required such a permit as a condition of approval for land development;
- B. Exemptions: Subsection A of this section does not apply to removal or clearing of significant vegetation under the following conditions:
1. Action by a public employee or; by an employee of a corporation holding a public franchise which allows clearing or removal of vegetation or; an authorized contractor hired to protect human life or property or; to install or restore services or; to improve deeded rights-of-way or; to maintain or restore vision clearance at street or alley intersections;
 2. Clearing or felling of significant vegetation in conjunction with development of a single-family or duplex dwelling on a parcel located within a zoning district which permits such use outright, except in locations specified in Florence City Code (FCC) 4-6-3-A-1;
 3. Clearing or felling of significant vegetation on a residential building lot within an approved Planned Unit Development (PUD), except in locations specified in FCC 4-6-3-A-1;
 4. Removal(s) of significant vegetation on an Occupied Parcel as defined within FCC 4-6-2 which consists of one (1.0) acre or less, except in locations specified within FCC 4-6-3-A-1;
 5. Removal or trimming of trees and shrubs required by FCC 8-4-2. (This section amended by Ordinance No. 22 Series 1994).

4-6-4: PROCEDURE FOR OBTAINING A SIGNIFICANT VEGETATION CLEARING PERMIT:

- A. A significant vegetation clearing permit application is required unless the application includes a concurrent application for;
1. a building permit, in which case both permits will be processed and issued together in accordance with FCC 4-1: Building Regulations or;
 2. a Conditional Use Permit, in which case both permits will be processed and issued together in accordance with FCC 10-1: Zoning Administration and FCC 10-4 Conditional Uses.

In either case the criteria in FCC 4-6-4 C shall also apply to any removal of significant vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.

- B. All requests for a Significant Vegetation Clearing Permit shall be submitted to the Planning Department on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):
1. Name, address, telephone number of applicant, property description and date;
 2. A site plan, drawn to scale, showing the following:
 - a) lot dimensions and square footage;
 - b) footprint, location and square footage of existing structures, auxiliary buildings, access point(s), driveways and other previously cleared areas;
 3. A plot plan, drawn to scale, showing the following:
 - a) applicant's proposed location, footprint and square footage of area(s) where vegetation clearing or felling is proposed and;
 - b) reason for proposed clearing or felling and;
 - c) location, footprint and square footage of proposed new structures and other improvements to be constructed and;
 - d) location, footprint and square footage of areas where no vegetation removal is proposed and the quantity of trees situated therein (see FCC 4-6-2 for tree definition).
 4. A description of the applicant's revegetation plan to replace, landscape, or otherwise reduce the effect of any non-permitted removal(s) of, or damage to significant vegetation and timeframe for complete implementation of the plan.
- C. The Planning Department shall process the Significant Vegetation Clearing Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 within forty-five (45) days of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:
1. The necessity to remove significant vegetation in order to construct proposed improvements or otherwise utilize the property in a reasonable manner consistent with the City Code and policies;
 2. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).
 3. The environmental and physical impacts such clearing may have including, visual, drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones. Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with staff from the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife (ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource;
- D. Closeout of Significant Vegetation Clearing Permit:
1. Upon completion of all vegetation removal activities permit holder shall contact the Planning Department and request a final inspection to verify that work was performed in accordance with the applicable conditions of the permit and this chapter, and;
 2. Any non-conforming work noted shall be subject to penalty(s) per FCC 4-6-9: Violations and Penalties.

4-6-5: VEGETATION REMOVAL PERMIT REQUIRED

- A. Applicability: This Section shall apply only to parcels meeting each of the criteria listed below;
1. The parcel is undeveloped to the extent that there are no existing dwellings or structures thereon;
 2. The parcel is not currently the subject of a valid building permit or land use decision;
 3. The parcel is not the subject of a pending application for a building permit or land use decision.
- B. Exemptions: Subsection A of this section does not apply to removal of vegetation under the following conditions:
1. Action by a public employee or; by an employee of a corporation holding a public franchise which allows clearing or removal of vegetation or; an authorized contractor hired to protect human life or property or; to install or restore services or; to improve deeded rights-of-way or; to maintain or restore vision clearance at street or alley intersections;
 2. Removal or trimming of trees and shrubs required by FCC 8-4-2.
- C. Purposes: A vegetation removal permit is required and may be issued for the following purposes or activities;
1. To discourage further instances of documented prior occurrence(s) of unlawful or unauthorized camping or; encampments or; persistent trespassing upon the subject parcel. (see FCC 4-6-5-D: Mandatory Conditions);
 2. To facilitate preliminary site surveying in preparation of making an application for a land use decision or a building permit or; a boundary survey (see FCC 4-6-5-D: Mandatory Conditions);
 3. A purpose for which an application may be made that, in the discretion of the Planning Director, meets the criteria provided within FCC 4-6-5-A and is similar in purpose, scope and impact to purposes provided within FCC 4-6-5-B (1 and/or 2). Such permit shall be subject to the terms and conditions provided within FCC 4-6-5-D along with additional conditions as may be deemed appropriate by the Planning Director.
- D. Mandatory Conditions: The following conditions shall be made a part of any Vegetation Removal Permit prior to issuance;
1. All removal of vegetation shall be accomplished by hand using either manually operated or powered hand tools capable of severing vegetative matter in an accurate, even and clean manner;
 2. Utilization of self propelled or mechanized equipment to remove vegetation shall be prohibited;
 3. All removals and ancillary operations shall be conducted in a manner that does not adversely impact existing vegetation which is not authorized to be removed under the Vegetation Removal permit;
 4. Felling and clearing operations shall be prohibited except as provided within FCC 4-6-5-B: Exemptions;
 5. Tree branches oriented generally horizontal may be trimmed from ground level to a height not to exceed six (6) feet above ground level;
 6. Vegetation other than trees may be topped to a height not less than twenty-four (24) inches above ground level;

7. Vegetation classified as grasses may be trimmed close to ground level in manner that does not remove or otherwise disturb its root mass;
8. All vegetation removed shall be collected and disposed of at a green-waste recycling facility operated by a commercial or a public entity.
9. A vegetation removal permit issued pursuant to FCC 4-6-5-C-1 shall also include the following mandatory condition;
 - a) Other than trees, all stands of dead vegetation shall be topped close to ground level and; the majority of accumulated fallen trees, branches and limbs present upon the parcel shall be collected and disposed of in the manner as provided within FCC 4-6-5-F-8;
10. A vegetation removal permit issued pursuant to FCC 4-6-5-C-2 shall also include the following mandatory conditions;
 - a) Methods of removal which apply to this subpart are limited to trimming or topping as defined within FCC 4-6-2: Definitions and; for the sole purposes of creating one or more aisles or corridors which shall provide both access and facilitate an open line of sight along one or more survey lines;
 - b) Line of sight aisles or corridors shall not exceed four (4) feet in width transverse to the survey line;
 - c) Any group of parallel line of sight aisles or corridors shall be spaced from one another by no less than fifty (50) feet measured center to center. No more than two (2) groups of aisles or corridors, intersecting approximately perpendicular to, shall be allowed;
 - d) Surveyor shall survey around any survey line obstacle(s) that remain after removals conforming to FCC 4-6-5-D-Subparts 4 through 7 have been performed.

4-6-6: PROCEDURE FOR OBTAINING A VEGETATION REMOVAL PERMIT

- A. All requests for a Vegetation Removal Permit shall be submitted to the Planning Department on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):
 1. Name, address, telephone number of applicant, property description and date;
 2. The purpose listed within FCC 4-6-5-C for which application for the Vegetation Removal Permit is being made, [specifically FCC 4-6-5-C(1) or; FCC 4-6-5-C (2) or; FCC 4-6-5-C(3)]
 3. A scaled drawing indicating property lines, dimensions and locations of any existing permanent or temporary structure(s) and; any existing access points, driveways and cleared areas;
 4. A description of the applicant's revegetation plan to replace, landscape, or otherwise reduce the effect of any non-permitted removal(s) of or damage to existing vegetation and timeframe for complete implementation of the plan;
 5. An application related to the purpose described within FCC 4-6-5-C (2) to facilitate survey activities shall provide a separate scaled drawing which depicts the following;
 - a) proposed survey points to be collected;
 - b) property corners to be confirmed or set;
 - c) location of proposed survey line(s) relative to property lines;

d) centerline(s) of access/line of sight aisle(s) and corridor(s) if not centered on survey line(s);

e) property description; north arrow; drawing scale; name, address, phone number and Oregon licensure information of the surveyor who will perform the survey.

- B. The Planning Department shall process the Vegetation Removal Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 utilizing Type I (Ministerial/Staff Review) procedures within XX-YY (??) days of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:

..... Final language / process time to be drafted with staff guidance.....

1. The necessity to remove vegetation as proposed in order to achieve the purpose for which the application is being made or; to otherwise utilize the property in a reasonable manner consistent with the City Code and policies;
2. The environmental and physical impacts such clearing may have including, visual, drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones.

Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife (ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource;

3. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).

C. Closeout of Vegetation Removal Permit:

1. Upon completion of all vegetation removal activities permit holder shall contact the Planning Department and request a final inspection to verify that work was performed in accordance with the applicable conditions of the permit and this chapter, and;
2. Any non-conforming work noted shall be subject to penalty(s) per FCC 4-6-9: Violations and Penalties.

4-6-7: APPEAL OF DESIGN REVIEW BOARD ACTION:

Any decision of the Design Review Board may be appealed to the City Council in accordance with the procedures specified in FCC 10-1-1-6. (This section amended by Ordinance No. 22 Series 1994).

4-6-8: ORGANIZATION AND ENFORCEMENT: *To be drafted with staff guidance*

4-6-9: VIOLATIONS AND PENALTIES:

- A. Violations Subject To Specific Penalties: Violations listed below shall each be deemed a violation of City Code and subject to the specific penalty provided;

1.
 - a) Violation: Where required within this Chapter, the failure to obtain a valid Significant Vegetation Clearing Permit [see FCC 4-6-3], or a valid Vegetation Removal Permit [see FCC 4-6-5], prior to causing removal(s) of significant vegetation from a parcel (see FCC 4-6-3-B and FCC 4-6-5-B for exemptions);
 - b) Specific Penalty: Payment of an administrative civil penalty in the amount of \$500.00 for each offense.

2.
 - a) Violation: Each clearing or felling of a tree not conforming with a condition or requirement of a valid Significant Vegetation Clearing Permit or; each clearing or felling of a tree prior to obtaining a valid Significant Vegetation Clearing Permit. Each violation constitutes a separate offense.
 - b) Specific Penalty: Payment of an administrative civil penalty in the amount of \$250.00 for each offense.
 3.
 - a) Violation: Clearing of significant vegetation, other than trees, from a parcel in excess of that authorized by a valid Significant Vegetation Clearing Permit or; clearing of significant vegetation, other than trees, prior to obtaining a valid Significant Vegetation Clearing Permit. Each [full] 500 square feet increment of the total area of unauthorized vegetation clearing constitutes a separate offense.
 - b) Specific Penalty: Payment of an administrative civil penalty in the amount of \$100.00 for each offense.
 4.
 - a) Violation: Each clearing or felling of a tree not conforming with a condition or requirement of a valid Vegetation Removal Permit. Each violation constitutes a separate offense.
 - b) Specific Penalty: Payment of an administrative civil penalty in the amount of \$250.00 for each offense.
 5.
 - a) Violation: Removal of significant vegetation, other than trees, from a parcel in excess of that authorized by a valid Vegetation Removal Permit. Each [full] 500 square feet increment of the total area of unauthorized vegetation removal constitutes a separate offense.
 - b) Specific Penalty: Payment of an administrative civil penalty in the amount of \$100.00 for each offense.
- B. Violations Subject to Non-Specific Penalties: In the case of violations other than those provided for within FCC 4-6-9-A above, the following shall apply;
1. A failure to comply with a condition of any permit required by this Chapter or; a failure to comply with a requirement of this Chapter, shall be deemed a violation of City Code and subject to one or more of the following penalties. Each violation constitutes a separate offense.

Penalties:

- a) Replacement of damaged or removed vegetation which approximates the site condition prior to the offense and; within a timeframe as determined in writing to be acceptable by the Planning Director;
- b) Replacement of damaged or removed vegetation within a time frame which has been determined by the Planning Commission to provide sufficient mitigation of the offense;
- c) Payment of an administrative civil penalty not to exceed \$2,000.00 for each offense;
- d) Withholding or revocation of a business license, final PUD or subdivision approval, building permits, and suspension of building inspections until each offense has been satisfactorily mitigated. (This section amended by Ordinance No. 22 Series 1994).

Table 4.6.2(b) - City of Florence Designated Native Vegetation Species

Scientific Name	Common Name(s)	Plant Type
(<i>Acer macrophyllum</i>)	Big Leaf Maple	Tree
(<i>Prunus emarginata</i>)	Bitter Cherry	Tree
(<i>Frangula purshiana</i>)	Cascara/Buckthorn	Tree
(<i>Pinus contorta</i> var. <i>contorta</i>)	Coast / Shore Pine	Tree
(<i>Salix hookeriana</i>)	Coast Willow	Tree
(<i>Pseudotsuga menziesii</i>)	Douglas Fir	Tree
(<i>Oemleria cerasiformis</i>)	Indian Plum	Tree
(<i>Myrica californica</i>)	Pacific Wax Myrtle	Tree
(<i>Alnus rubra</i>)	Red Alder	Tree
(<i>Salix scouleriana</i>)	Scouler's Willow	Tree
(<i>Garrya elliptica</i>)	Silktassel	Tree
(<i>Picea sitchensis</i>)	Sitka Spruce	Tree
(<i>Salix sitchensis</i>)	Sitka Willow	Tree
(<i>Acer circinatum</i>)	Vine Maple	Tree
(<i>Tsuga heterophylla</i>)	Western Hemlock	Tree
(<i>Thuja plicata</i>)	Western Red Cedar	Tree
(<i>Aronia melanocarpa</i>)	Black Chokecherry	Shrub
(<i>Lonicera involucrata</i>)	Black Twinberry	Shrub
(<i>Sambucus caerulea</i>)	Blue Elderberry	Shrub
(<i>Vaccinium uliginosum</i>)	Bog Blueberry	Shrub
(sedge)	Carex var.	Shrub
(<i>Baccharis pilularis</i>)	Coyote Brush	Shrub
(<i>Spiraea douglasiana</i>)	Douglas Spiraea	Shrub
(<i>Vaccinium ovatum</i>)	Evergreen Huckleberry	Shrub
(<i>Arctostaphylos columbiana</i>)	Hairy Manzanita	Shrub
(<i>Ledum groenlandicum</i>)	Labrador Tea	Shrub
(<i>Rhododendron macrophyllum</i>)	Native Rhododendron	Shrub
(<i>Rosa nutkana</i>)	Nootka Rose	Shrub
(<i>Holodiscus discolor</i>)	Ocean-spray	Shrub
(<i>Sambucus racemosa</i>)	Red Elderberry	Shrub
(<i>Ribes sanguineum</i>)	Red Flowering Currant	Shrub
(<i>Vaccinium parvifolium</i>)	Red Huckleberry	Shrub
(<i>Cornus sericea</i>)	Red Twig Dogwood	Shrub
(<i>Gaultheria shallon</i>)	Salal	Shrub
(<i>Rubus spectabilis</i>)	Salmonberry	Shrub
(<i>Rubus parviflorus</i>)	Thimbleberry	Shrub
(<i>Rubus ursinus</i>)	Trailing Blackberry	Shrub

Table 4.6.2(b) - City of Florence Designated Native Vegetation Species

Scientific Name	Common Name(s)	Plant Type
<i>(Eleocharis palustris)</i>	Creeping Spike-Rush	Sedge
<i>(Carex viridula)</i>	Green Sedge	Sedge
<i>(Scirpus maritimus)</i>	Seacoast Bulrush	Sedge
<i>(Carex obnupta)</i>	Slough Sedge	Sedge
<i>(Juncus effusus)</i>	Common Rush	Reed
<i>(Juncus patens)</i>	Spreading Rush	Reed
<i>(Pteridium aquilinum)</i>	Bracken Fern	Ground Cover
<i>(Aster chilensis)</i>	Common California Aster	Ground Cover
<i>(Blechnum spicant)</i>	Deer Fern	Ground Cover
<i>(Maianthemum dilatatum)</i>	False Lily of the Valley	Ground Cover
<i>(Vicia gigantea)</i>	Giant Vetch	Ground Cover
<i>(Lathyrus litorali)</i>	Gray Beach Pea	Ground Cover
<i>(Lycopodium complanatum)</i>	Ground-Cedar	Ground Cover
<i>(Arctostaphylos uva-ursi)</i>	Kinnikinnick	Ground Cover
<i>(Athyrum filix-femina)</i>	Lady Fern	Ground Cover
<i>(Polypodium glycyrrhiza)</i>	Licorice Fern	Ground Cover
<i>(Montia sibirica)</i>	Miner's Lettuce	Ground Cover
<i>(Oxalis oregano)</i>	Oregon oxalis	Ground cover
<i>(Dicentra formosa)</i>	Pacific Bleeding Heart	Ground Cover
<i>(Potentilla pacifica)</i>	Pacific Silverweed	Ground Cover
<i>(Anaphalis margaritacea)</i>	Pearly Everlasting	Ground Cover
<i>(Darlingtonia californica)</i>	Pitcher Plant	Ground Cover
<i>(Lysichitum americanum)</i>	Western Skunk Cabbage	Ground Cover
<i>(Lysichiton americanum)</i>	Spring Bank Clover	Ground Cover
<i>(Polystichum munitum)</i>	Sword Fern	Ground Cover
<i>(Lupinus arboreus)</i>	Tree Lupine	Ground Cover
<i>(Fragaria chiloensis)</i>	Wild Strawberry	Ground Cover
<i>(Achillea millefolium)</i>	Yarrow	Ground Cover
<i>(Elymus mollis)</i>	Dune Grass	Grass
<i>(Phalaris arundinacea)</i>	Reed Canary Grass	Grass
<i>(Deschampsia cespitosa)</i>	Tufted Hairgrass	Grass
<i>(Festuca occidentalis)</i>	Western Fescue	Grass
<i>(Trillium ovatum)</i>	Western Trillium	Bulb