

VEGETATION PRESERVATION

SECTION:

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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