

A close-up photograph of several green leaves with prominent, dark green veins. The leaves are slightly overlapping, and the lighting creates a soft, natural feel. A semi-transparent green rectangular box is overlaid on the right side of the image, containing white text.

VEGETATION PRESERVATION  
SUB-COMMITTEE

---

# FCC 4-6 UPDATE

---

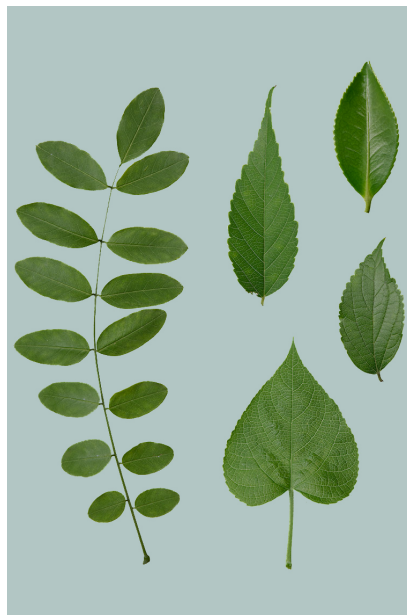


# TITLE 4 CHAPTER 6

## VEGETATION PRESERVATION

### SECTION:

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



- **Change “Definition” To Plural**
- **Add “Vegetation Clearing” To Match Actual 4-6-4 Section Title**
- **Change Duplicate “4-6-5” Section No. To 4-6-6**
- **Add “Violations and” to Penalties Section to Match New Content**
- **Move “Appeal of Design Review Board Action” to New Section 4-6-7**

- **Substitute “A, B & C” For Original Numerical Designations To Match Format**
- 



**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.

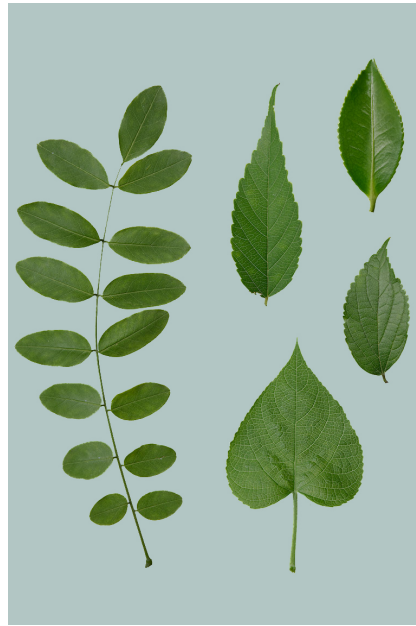
#### 4-6-2: DEFINITIONS: As used in this Chapter, the following definitions apply:

***CLEARING***      *To remove vegetation material(s) or root mass necessary for the survival of a plant or tree using either manual means or mechanical equipment.*

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

- 
- **Revise Definition of “Clear” .... Particularly 1st Line “and” to “or”**
  - **Substitute Clearing for Clear to match usage**
  - **Substitute Felling for Fell to match usage**
  - **Add “a” after topping of and change trees to tree singular to match 1st usage**
- 





- **Revise Definition of “Occupied Parcel” To reference “Dwelling(s)” in place of “Structures”**
- **Add Heading & Definition For “Pruning”**
- **NOTE: Revision of Native Vegetation definition pending**

## **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 lawfully constructed single-family or duplex dwellings thereon.*

## **PARCEL**

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

## **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, the vegetation material or root mass of a plant or tree either manually, by mechanical means or through chemical or herbicidal applications. Encompasses specific actions such as clearing, felling, topping to maintain existing sightline(s) and trimming to improve visual appeal. Does not encompass normal pruning.*

**TOPPING**

*Severing vertically oriented vegetation material to the extent minimally necessary to slow or substantially hinder further vertical growth of a plant or tree for the purposes of maintaining existing sightline(s) or to obtain code required clearance(s) from utility lines.*

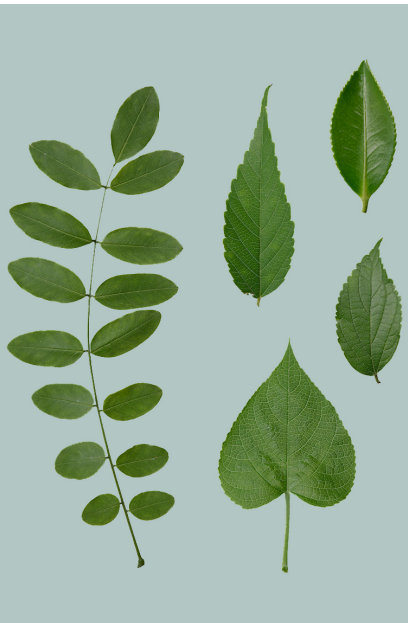
**TREE**

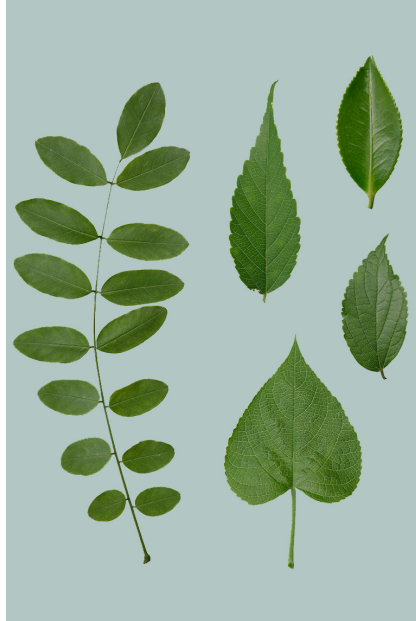
*A living, standing, woody plant having a trunk 25 inches in circumference (approximately eight inches in diameter) measured at a point 4 1/2 feet above mean ground level at the base of the trunk.*

**TRIMMING**

*Severing of vegetation material, branches or limbs for the purposes of improving the visual appeal or to obtain code required sight lines or clearance(s) from utility lines and above the public right of way such that the health of the plant or tree is not adversely affected.*

- Add Heading & Definition For “Remove, Removal, Removed”
- Add Heading & Definition For “Topping”
- Add Heading & Definition For “Trimming”





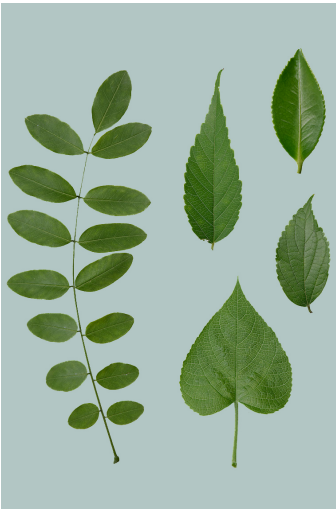
- Add “specifically authorizing vegetation removal”
- 

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

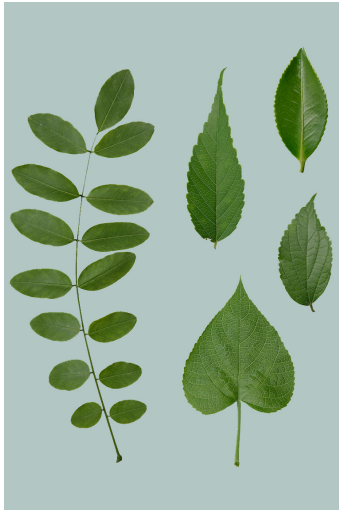
- A. A vegetation clearing permit shall be required in any of the following circumstances:
1. Clearing native vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have 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 *specifically authorizing 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 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. *Clearing or felling of native vegetation on an Occupied Parcel as defined within Section 4-6-2, except in locations specified in Section 4-6-3-A (1).*
  5. Removal or trimming of trees and shrubs required by Code Section 8-4-2. (This section amended by Ordinance No. 22 Series 1994).

- 
- **Delete Exception For Survey Purposes From 4-6-3-B (4)**
- 
- **Insert Exception For Occupied Parcel at 4-6-3-B (4)**
- 







- **QUESTION: Should we consider revising 4-6-4-A for clarity?**
- **QUESTION: Should 4-6-4-A be relocated under 4-6-3-A Vegetation Permit Required?**

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

- A. A *stand alone* vegetation clearing permit application is required unless the application *is made as part of* a concurrent application for a;
- 1) building permit *in which case both permits will be processed and issued together in accordance with FCC 4-1: Building Regulations, or;*
  - 2) Conditional Use Permit, *in which case both permits will be processed and issued together in accordance with FCC 10-1: Zoning Administration and FCC 1-4 Conditional Uses*
- B. *In all cases* 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 *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. Lot dimensions and footprint of structure(s) drawn to scale;
3. A plot plan indicating; *each tree and each* native vegetation *specimen* to be removed; reason for clearing or felling; *areas where no removal shall occur*; 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

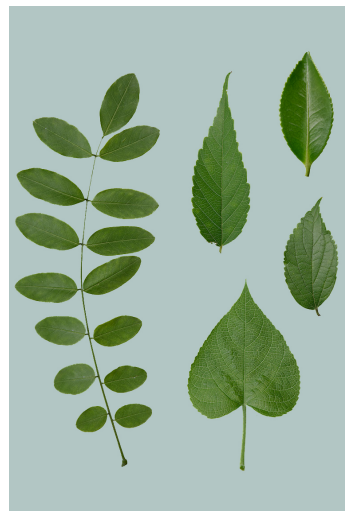
---

• **Add “Department” 1st Line of 4-6-4-B**

---

• **Insert Additional Text 1st, 2nd & 3rd Lines of 4-6-4-B (3)**

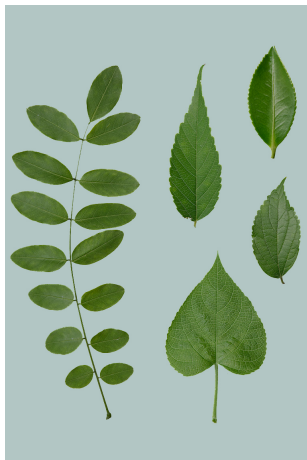
---





C. The Planning Department shall process *a stand alone* Vegetation Removal 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 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).



---

• **Add text “a stand alone” to 1st Line of 4-64-C**

---

• **Insert revised text “forty-five (45)” to 2nd Line of 4-64-C**

---

• **QUESTION: Does Staff Consider Substituted Processing Time In 4-6-4-C Adequate?**

---

- Add Reference to FCC 4-6 Into FCC 4-1-5-2
- 

- Remove Title “Design Review Board Appeals” and associated text from 4-6-5
- 

- Insert new Title “Organization And Enforcement” and indicated text into 4-6-5
- 



---

**4-1-5-2: POWERS AND DUTIES OF BUILDING OFFICIAL:** The Building Official is hereby authorized and directed to enforce all the provisions of this code, the referenced Specialty Codes *and FCC 4-6: Vegetation Preservation*. For such purposes, the Building Official shall have the powers of a law enforcement officer.

**4-6-5: ORGANIZATION AND ENFORCEMENT:** *Organizational authority and enforcement proceedings shall be administered in accordance with the following sections provided within Title 4, Chapter 1 and incorporated herein by reference;*

1. *FCC Nos. 4-1-5-1; 4-1-5-2; 4-1-5-3; 4-1-5-4; 4-1-5-5; 4-1-5-10; 4-1-5-11; 4-1-5-16; 4-1-5-17; and 4-1-5-18.*



## 4-6-6: VIOLATIONS AND PENALTIES:

A. *Violation: Except under the conditions exempted in FCC 4-6-3-B, a failure to; obtain a valid Vegetation Clearing Permit pursuant to this Chapter prior to removal of a tree or a native vegetation specimen from any parcel, or; comply with a requirement or condition of said permit, or; comply with a requirement of this Chapter shall be deemed a violation of City Code with each offense being subject to one or more of the following penalties:*

B. *Penalties:*

1. *Replacement of damaged or removed vegetation which approximates the site condition prior to the offense;*
2. *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;*
3. *Payment of an administrative civil penalty not to exceed \$5,000 for each offense, or, in the case of a continuing offense not more than \$5,000 for each offense plus \$1,000 for the second and each subsequent day of the same offense.*
4. *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).*

---

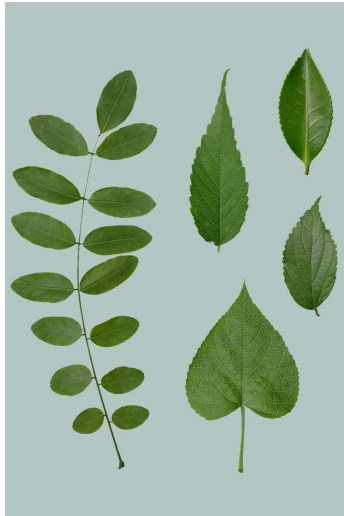
• **Insert Revised Title and indicated “Violation” / “Penalties” text**

---

• **Particular Discussion Concerning Penalty(s) for Additional Days**

---





- Relocate Title “Design Review Board Appeals” and associated text from 4-6-5 To new 4-6-7
- 

#### **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 Code Section 10-1-1-6. (This section amended by Ordinance No. 22 Series 1994).





# A Few More Loose Ends To Tie Up

---

- ⌘ **Required Inspections Or Notice To Proceed**
- ⌘ **Pre-Inventory Of Native Vegetation On Project Site**
- ⌘ **Revision Of Native Vegetation Definition Pending**
- ⌘ **Top Soil Remediation & Herbicide Application**





# Wrap Up - Closing Comments From Staff & Commissioners