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VEGETATION PRESERVATION SUB-COMMITTEE

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BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Sub-Committee Membership

Environmental Management Advisory Committee (EMAC)

Lisa Walter-Sedlacek
Erick Oshel

Florence Planning Commission (PC)

Phil Tarvin
Eric Hauptman

Sub-Committee Meetings & Communications

- * Two In-Person Meetings
- * Numerous Group Emails

Identified Early Tasks & Priorities

- * Request For Community Input From Residents & Businesses
- * Florence City Code 4-6 / First Round Modifications
- * Develop Native Vegetation Replanting & Soil Remediation Guidelines/Requirements
- * Develop Permit Application Guidelines/Requirements For Inventory of Pre-Existing Native Vegetation
- * Develop Guidelines/Requirements for Clearing Vegetation to Control Trespassing & Camping

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Request For Community Input From Residents & Businesses

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.

THERE ARE MANY OPTIONS FOR YOU TO LET US KNOW YOUR THOUGHTS



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Florence City Code 4-6 / First Round Modifications

4-6-2: DEFINITIONS:

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

CLEAR

CUTTING definition needed ??

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

and/or ???

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

Phrase not in this chapter but may be

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

REMOVE definition needed ??

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

TREE

TRIMMING definition needed ??

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.

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Florence City Code 4-6 / First Round Modifications


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

- 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:  that includes approved plans/application materials satisfying requirements of FCC 4-6-4.
 3. When the Planning Commission or Design Review Board has required such a permit as a condition of approval for land development.

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Florence City Code 4-6 / First Round Modifications

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

- 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.  a permitted
 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.~~
 - 4 5. ~~Removal~~ or ~~trimming~~ of trees and shrubs required by Code Section 8-4-2. (This section amended by Ordinance No. 22 Series 1994).
 5. Develop an explicit exemption for "occupied parcels" with existing lawful dwelling structures (single family only ???)

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Florence City Code 4-6 / First Round Modifications

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT: A, B & C

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:

Department

change ???

request staff input about processing time

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Florence City Code 4-6 / First Round Modifications

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT: C / 1 & 2

For reference No modifications proposed for these three subparts

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).

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Florence City Code 4-6 / First Round Modifications

4-6-6: PENALTIES

~~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).~~

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Florence City Code 4-6 / First Round Modifications**4-6-6: PENALTIES (SUGGESTED COMPLETE REVISION)**

- A. Violation: Failure of a person, firm or corporation to obtain a permit required under, or, comply with a condition or requirement of this Chapter [Code] shall be unlawful and deemed a violation of City Code and 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 which has been determined by the Planning Commission to provide sufficient mitigation of the offense within a reasonable time-frame;
 - 3 Violation of a provision of this chapter [code] shall be subject to 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 offense, and shall be processed in accordance with the procedures set forth in this Title within FCC 4-1-5: Building Regulations / Organization And Enforcement.
 - 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).
- C. Cumulative Remedies: The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under this code, other applicable City ordinances, and state law.

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BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Develop Native Vegetation Replanting & Soil Remediation Guidelines/Requirements
<ul style="list-style-type: none">* Procedures and Practices To Be Used in Re-establishing Native Vegetation In Cases Such As;<ul style="list-style-type: none">* Development Activities Delayed Indefinitely or For An Extended Period* Development Is Permanently Canceled or Abandoned* Damage/Destruction of Native Vegetation By Construction Activity In Violation of Permits or Applicable Regulations

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Develop Permit Application Guidelines/Requirements For Inventory of Pre-Existing Native Vegetation

- * Procedures and Practices To Be Used For Establishing Pre-Development Baseline of Existing Onsite Types. Quantities & Location of Native Vegetation

Application To Certain Developments Such As Planned Unit Developments & Particularly Large Building Sites;

- * To Aid In Evaluation Of & Setting Conditions On Land Use Decision/Permit Applications
- * To Aid In Determining Level Of Remediation Required & Penalty Amount(s) Where Native Vegetation Is Cleared/Harmed In Violation Of Permit(s) or Conditions Of Approval

BACKGROUND & SUMMARY OF ACTIVITIES THRU JUNE 14, 2022

Develop Guidelines/Requirements for Clearing Vegetation to Control Trespassing & Camping

- * Unauthorized Camping & Trespassing On Undeveloped Or Partially Developed Parcels Is An Ongoing Problem & Source of Widespread Concern
- * Desperate For A Solution Many Owners Of Affected Properties Resort To Elimination of "Hiding Places" By Clearing Large Swaths Of Native Vegetation
- * Often These Clearing Operations Are Subject To A Code Requirement To Apply For & Obtain A Clearing Permit Beforehand Due Either to the Property's Land Features or Its Proximity to Certain Streets or State Highways
- * It Seems Appropriate To Develop A Permit Application Program Targeting This Issue That Is:
 - * Well Publicized
 - * Includes A Fee Waiver
 - * Quick Turnaround & Is Conveniently Accessed
 - * Structured to Provide Useful Tips, Examples of Economical & Effective "Less Invasive" Methods and Techniques
 - * A Valuable Resource For All Property Owners to Employ Even If On a Voluntary Basis

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UP NEXT : Planning Commission Q & A Then Public Input Session

