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**TO:** Bill Youngblood, Code Enforcement Specialist  
Planners, Development Review Section

**FROM:** Scot Siegel, Director of Planning and Building Services

**SUBJECT:** Director's Interpretation: Landscape Maintenance vs. Clearing in the Greenway Management Overlay District (GM)

**DATE:** February 11, 2016

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**Director's Interpretation:** This Director's Interpretation is issued pursuant to LOC 50.01.003.2.a.i.

The need for an interpretation arises regarding 3144 Glenmorrie Drive, however because the interpretation is of general interest to property owners subject to the Greenway Management Overlay District, this Director's Interpretation is issued.

**Affected Code Provisions:** LOC 50.05.009.2.a; LOC 50.07.003.12.a.i(2), 13.a.ii(22); LOC 50.10.003.2 ("development").

**Question Presented:** When is cutting brush, saplings and other vegetation within the GM Overlay District property maintenance, i.e., not "landscape alteration" [LOC 50.03.007.12.a.i], or "development", e.g., clearing [LOC 50.10.003.2], and when it is "landscape alteration" and "development" requiring development review under the Willamette River Greenway Overlay District, LOC 50.05.009?

**Interpretation:**

**Vegetation Removal - Property Maintenance:**

1. Continuity of vegetation maintenance as performed in the past 10+ years as can be documented by aerial photographs or by other means;

2. Vegetation removal necessary to maintain a use legally existing on December 16, 1982<sup>1</sup> that is exempt from a permit by LOC 55 Tree Code and LOC 50.05.010 Sensitive Lands Overlay Districts;
3. Vegetation pruning that involves the cutting of stems or brush but does not remove the roots or stumps; or
4. Removal of invasive plants listed in LOC 50.11.004-Appendix D.

**Vegetation Removal – Clearing (Development; Landscape Alteration):**

1. Tree, shrub or groundcover removal in an area where vegetation removal for property maintenance has not occurred in the last 10 years;
2. Shrub or groundcover removal that increases the area cut or severity of the cuts;
3. Tree removal that requires a Tree Removal Permit;
4. Vegetation removal that is subject to LOC 50.05.010 Sensitive Lands Overlay Districts;
5. Vegetation removal that is needed for development; or
6. Vegetation removal that results in bare or disturbed soil and is of a size that a permit is required by LOC 52.02.040 Erosion Control Permit;

If situations arise that are not expressly covered in the above examples, it is requested that a situation be submitted to the Director for consideration and an amendment to this Director's Interpretation.

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<sup>1</sup> See LOC 50.05.009.3.f.