

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 16-07

IN THE MATTER OF AMENDING LANE CODE  
CHAPTER 15, SECTIONS 15.500-15.530 TO REVISE  
THE ROADSIDE VEGETATION MANAGEMENT AND  
LAST RESORT HERBICIDE USE POLICY

**WHEREAS**, Lane Code Chapter 15, Sections 15.500 – 15.530 sets forth policy and procedures for roadside vegetation management along County roadways; and

**WHEREAS**, the Board of Health adopted a management prescription plan and permitted products list for control of roadside vegetation in 2006; and

**WHEREAS**, the Board of Health imposed an indefinite moratorium on the use of herbicides for roadside vegetation management in 2008; and

**WHEREAS**, the County Administrator appointed a Vegetation Task Force to review Lane County's Vegetation Management Program and Last Resort Policy to provide recommendation(s) to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners voted unanimously to support the Vegetation Task Force recommendation(s) on July 26, 2016, and

**WHEREAS**, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

**NOW, THEREFORE**, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. REMOVE THESE SECTIONS                      INSERT THESE SECTIONS.

15.500 - 15.530

15.500 - 15.530

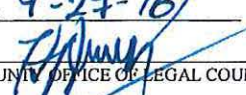
These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.


Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

ENACTED this 27th day of September 2016

  
\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioner

APPROVED AS TO FORM  
Date 9-27-16  
  
\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL

  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

**15.320 Correction of Address.**

Address corrections may be initiated at the request of the property owner, or authorized agent, or the Department when it is demonstrated that incorrect addresses jeopardize the safety of the dwelling(s) affected. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.325 Exceptions.**

The County may choose not to assign addresses in certain areas adjacent to any municipality where the municipality has extended its numbering system beyond its incorporated limits. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.330 Responsibility.**

The Department shall be charged with the responsibility of notifying affected agencies of assigned addresses. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.335 Fees.**

All applications and requests for address assignment shall be accompanied by the fee amount established by separate order of the Board. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**ROADSIDE INTEGRATION VEGETATION MANAGEMENT POLICY****15.500 Purpose**

(1) Lane County promotes roadside vegetation management practices that emphasize environmental protection, promote health and safety of the public and County employees in order to support vibrant communities and preserve infrastructure. Lane County shall serve as a positive model for environmental stewardship.

(2) The County shall use non-herbicidal control methods, including prevention, as its preferred tools for roadside vegetation management. Permitted herbicides may be used when other methods/options have been ineffective.

*(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.505 Definitions.**

As used in this chapter, the following terms have the following meanings:

Emergency means any public health, economic or other event deemed an emergency by County, State, or Federal declaration.

Herbicide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any plant from growing where unwanted.

Management Prescription Plan means the document entitled “Rights-of-Way” *Management Prescription Plan & Action Thresholds 2006* maintained by the Department of Public Works.

Permitted Product means an herbicide listed on the Permitted Product list identified in LC 15.510(6).

Threshold means the point at which maintenance is required to ensure set standards are maintained. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.510 Roadside Vegetation Management Plan.**

Lane County’s primary roadside vegetation control methods will be data driven. Preferred options will be based on efficacy and promotion of public and environmental health and safety. Mechanical and manual methods will continue to be the primary tools within the program.

(1) Prevention Techniques. Vegetation prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

(a) Maintaining a monitoring program sufficient to enable a data driven process promoting effective and timely vegetation management practices.

(b) Increasing vegetation tolerance thresholds, while maintaining current roadside safety an infrastructure standards.

(2) Mechanical, Manual, and Other Alternative Vegetation Control Methodsto evaluate and address existing vegetation problems or problems that may develop on county roadsides in spite of prevention techniques, the Department of Public Works shall follow the approach outlined below:

(a) Monitor roadside vegetation growth to determine if thresholds have been exceeded and whether control is needed.

(b) Use physical, mechanical, and other alternative methods to control vegetation to prevent impairments or damages to roadways.

(3) Use of Herbicide Products.

(a) County staff may use only those herbicides listed on the Permitted Product List or as otherwise authorized by the Board of Health under this section 15.510(3).

(b) County staff shall submit to the Board of Health for consideration and adoption a Permitted Products list for use of herbicides by the Department of Public Works for roadside management. County staff, on behalf of the Board of Health, shall solicit review and comment from staff and the Public Health Administrator who will work with the Public Health Advisory Committee.

(b) The Board of Health may periodically review the Permitted Products list and after receiving public comment, add products to that list that meet the criteria in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria.

(c) The Board of Health may authorize the use of non-listed herbicides on county roadsides when the director of Public Works has determined that a condition or emergency exists where herbicides on the permitted list have been tried without satisfactory result.

(d) Prior to the authorization, the Director of Public Works shall review in writing the following considerations with the Board of Health:

(i) The nature of the problem and the reason to use the non-listed herbicide.

(ii) Determinations made after reviewing current information sources and databases to determine the most effective herbicide(s) with the least impact to human and environmental health pursuant to criteria in section 6 – Permitted Product List Criteria.

(iii) Description of the specific non-listed herbicide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, and to the environment.

(iv) Proposed date, target species, method of application, public notification, and specific steps that will be taken to minimize risks to human health and the environment.

(v) An evaluation of all feasible alternatives including non-herbicidal control methods and no action alternatives.

(vi) Any legal requirements that are applicable.

The Board of Health may approve or deny the use of non-listed herbicides when the use of Permitted Products has proven to be ineffective in particular applications, either on a one-time basis, or for a limited time to be specified by the Board of Health.

(4) Application Methods and Buffers.

(a) Herbicide applications adjacent to waterways or bodies of water that occur within 100 feet must adhere to Management Prescription Plan guidelines in order to protect water quality, aquatic species, and associated habitats from potential impacts.

(b) Herbicide applications within 200 feet of known or identified school bus stops or within 500 feet of a school must adhere to Management Prescription Plan guidelines in order to protect human health.

(c) Other areas determined to present risk to children or the environment as determined by the Director of Public Works shall be added to the guidelines within the Management Prescription Plan.

The County's Department of Public Works staff shall continue to review research regarding alternative vegetation control methods to evaluate their effectiveness and potential for use in County roadside vegetation management operations.

(5) Environment.

(a) The listing of Willamette River Steelhead and Chinook Salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Recent studies documenting the presence of herbicides in area streams and effects of herbicides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.

(b) Impacts to other species, including pollinators and amphibians, should be considered in maintenance activities.

(6) Permitted Product List Criteria. Permitted herbicide products must meet all of the following criteria (all active ingredients, known inerts, and other additives, should be identified so that they can be screened using this criteria):

(a) Product contains none of the following substances:

(i) A known, likely, or probable carcinogen;

(ii) Reproductive toxicants;

(iii) Known or probable endocrine disruptors;

(iv) A substance acutely toxic to humans or labeled as DANGER

or POISON;

(v) Nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic);

(vi) Substances harmful to pollinators and aquatic species, including fish, birds, invertebrates or domestic animals.

(b) In addition, consideration shall be given to the following:

(i) Active ingredients have soil half-life of 30 days or less (exception for minerals).

(ii) Active ingredient has extremely low or very low mobility in soils.

(iii) Product is not found in US EPA Office of Pesticide Programs Registration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and

(iv) Active ingredients have not been detected in waters at a level harmful to aquatic life.

(c) These criteria will be reviewed by the Public Health Advisory Committee annually. The findings and recommendations of the Committee will be reported to the Board of Health and the Director of Health and Human Services. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.515 Training, Education, and Implementation.**

(1) The Department of Public Works staff involved in roadside vegetation management shall attend at least once a year available trainings in prevention and other vegetation management techniques outlined in this chapter if appropriate to their area of work.

(2) The Director of Public Works shall designate a staff member to be responsible for the implementation of this chapter. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.517 Data Collection and Analysis.**

(1) Noxious and Invasive species management will be supported by inventories and roadside monitoring on a three year cycle. County inventories will be made available to the public.

(2) Collaborative efforts will be sought where possible to share information and resources from other agencies, public members, and partners.

(3) Maintenance methods and tools will be selected based upon findings of results and prioritization within a defined decision matrix as part of the Management Prescription Plan.

**15.520 Public Notification.**

The Department of Public Works shall comply with the following notification procedures for all roadside herbicide applications:

(1) Orange road signs 48 inches will be posted on both ends of all County roadways with proposed herbicide applications at least seven days prior to any application. All signs will be left in place following any applications for a minimum of three days. All signs will have the words "HERBICIDE APPLICATION," proposed dates of application and a phone number that the public can contact for further information.

(2) Public notification of herbicide use along roadsides maintained by Lane County shall be listed on Lane County's website.

(3) During the herbicide application process, additional temporary roadwork signs shall be placed around the work site. The signs will be at least two feet square and say "HERBICIDE APPLICATION AHEAD." Herbicide application tanks will be labeled with the word "herbicide."

(4) The County will maintain an updated website of all pending and completed herbicide applications along county maintained roadsides. The public will be able to access information on the internet at least seven days prior to the proposed applications and for at least seven days post application.

*(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.525 Record Keeping.**

County staff shall maintain publicly accessible information with records of herbicides used on county roadsides for a minimum of six years. In addition to complying with all record keeping requirements imposed by state and federal law, the information recorded must include the date and location of the application; the product name, active ingredients, additional known inert ingredient(s), other chemicals mixed with the product, and actual costs of application. These records must also include an EPA registration number; the target vegetation type, quantity and concentration of each herbicide product applied, the weather conditions including rain predictions, temperature, wind speed and direction, and the applicator's name and operator license number. At the time of

application any known problems with handling and storage, equipment cleaning, disposal, toxic waste, and off target drift, spills runoff or migration must also be included on the record. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

### **15.530 Annual Report (Reporting).**

On a yearly basis at a public meeting of the Board of Health, the Department of Public Works shall present a report that includes:

- (1) The quantity and concentration of each herbicide product applied during the previous year, a list of any non-listed herbicides proposed for use in the coming year, and under what circumstances herbicide uses might occur, and the actual cost of application for the previous year;
- (2) Control methods that have replaced herbicide use in the previous year;
- (3) Control methods that have been proven ineffective;
- (4) What non-herbicide control methods the Department of Public Works intends to use in the plan year. County staff shall post the report on the County website and make copies available to the public. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

## **LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS**

### **15.600 Authority.**

The following provisions relating to the application of a special assessment policy for public improvements are hereby adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

### **15.605 Purpose.**

The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners shall be assessed for the costs of road improvements. Remonstrance procedures included in Section 9 of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter shall constitute a determination by the Board, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited. *(Revised by Ordinance No. 11-73, Effective 9.28.73; 10-04, 6.4.04)*

### **15.610 Application.**

The provisions herein apply to all County roads, Public Roads as defined in LC 15.010(35) and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions shall also apply to the following County roads within the limits of incorporated cities:

- (1) Connecting roads maintained under the authority of ORS Chapter 373;
- (2) County roads subject to an intergovernmental agreement under the authority of ORS 373.260;
- (3) County roads within the limits of incorporated cities not covered by LC 15.610(1) and (2) above and for which the city involved has not requested surrender in accordance with ORS 373.270. *(Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82; 10-04, 6.4.04)*

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**LEGISLATIVE  
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15.320 Lane Code 15.505

**15.320 Correction of Address.**

Address corrections may be initiated at the request of the property owner, or authorized agent, or the Department when it is demonstrated that incorrect addresses jeopardize the safety of the dwelling(s) affected. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.325 Exceptions.**

The County may choose not to assign addresses in certain areas adjacent to any municipality where the municipality has extended its numbering system beyond its incorporated limits. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.330 Responsibility.**

The Department shall be charged with the responsibility of notifying affected agencies of assigned addresses. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**15.335 Fees.**

All applications and requests for address assignment shall be accompanied by the fee amount established by separate order of the Board. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**ROADSIDE INTEGRATION VEGETATION MANAGEMENT ~~AND LAST~~  
~~RESORT HERBICIDE USE POLICY~~**

**15.500 Purpose**

(1) ~~The Lane~~ County promotes ~~environmentally sensitive~~ roadside vegetation management **practices that emphasize environmental protection, promote the health and safety of the public and County's employees in order to support vibrant communities and preserve infrastructure. Lane County shall serve as a positive model for environmental stewardship.**

(2) The County shall use non-herbicidal control methods, including prevention, as its preferred tools for roadside vegetation management. Permitted herbicides ~~shall~~ **may** be used **when other methods/options have been ineffective only as a last resort when other options have been proven ineffective.**

~~—————(3) The listing of Willamette River Steelhead and Chinook Salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Recent studies documenting the presence of herbicides in area streams and effects of herbicides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.~~ *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.505 Definitions.**

As used in this chapter, the following terms have the following meanings:

**Emergency means any public health, economic or other event deemed an emergency by County, State, or Federal declaration.**

Herbicide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any plant from growing where unwanted.

**Management Prescription Plan means the document entitled "Rights-of-Way" Management Prescription Plan & Action Thresholds 2006 maintained by the Department of Public Works.**

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15.510 Lane Code 15.510

**Permitted Product means an herbicide listed on the Permitted Product list identified in LC 15.510(6).**

**Threshold means the point at which maintenance is required to ensure set standards are maintained.** *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.510 Roadside Vegetation Management Plan.**

~~Non-herbicide~~**Lane County's primary roadside vegetation control methods will be data driven. Preferred options will be based on efficacy and promotion of public and environmental health and safety. including prevention, Mechanical, and manual methods will continue to be the primary tools within the program., biological and other alternatives shall be the County's preferred tools and most actively pursued methods of vegetation management on county roadsides.** *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

(1) Prevention Techniques. Vegetation prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

(a) **Maintaining a monitoring program sufficient to enable a data driven process promoting effective and timely vegetation management practices.** ~~Good planting techniques, mulching, composting, irrigating, fertilizing, and use of native and pest resistant plant species to avoid conditions where undesirable plant species, disease, and pests can develop into problem conditions.~~

(b) **Increasing vegetation tolerance thresholds, while maintaining current roadside safety an infrastructure standards.** ~~Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal, and thermal.~~

~~(c) Increasing vegetation tolerance thresholds.~~

~~(2) Mechanical, Manual, Biological, and Other Alternative Vegetation Control Methods.~~ **To evaluate and address existing vegetation problems or problems that may develop on county roadsides in spite of prevention techniques, the Department of Public Works shall follow the approach outlined below:**

(a) ~~Monitor roadside vegetation growth to determine if and when control is needed~~ **thresholds have been exceeded and whether control is needed.**

~~(b) Establish threshold levels of vegetation below which control is not required.~~

~~(eb) To the extent practicable, u~~ **Use physical, mechanical, biological, and other alternative methods to keep control vegetation to prevent impairments or damages to roadways amount and height low enough to prevent intolerable damage.**

(3) Use of Herbicide Products.

(a) **County staff may use only those herbicides listed on the Permitted Product List or as otherwise authorized by the Board of Health under this section 15.510(3).**

(b) ~~The Board of Health shall adopt by resolution~~ **County staff shall submit to the Board of Health for consideration and adoption** ~~a Permitted Products list for use of herbicides by the Department of Public Works for roadside management.~~ **County staff, on behalf of** ~~the Board of Health,~~ **shall solicit review and comment from staff the Vegetation Management Advisory Committee and the Public Health Administrator who will work with the Public Health Advisory Committee.**

~~(b) When and if an herbicide is deemed necessary by the Department of Public Works, it will first attempt to use herbicides on the Permitted Products list.~~



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**LEGISLATIVE  
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(~~eb~~) The Board of Health may periodically review the Permitted Products list and after receiving public comment, add products to that list that meet the criteria in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria.

(~~dc~~) The Board of Health may authorize the use of ~~other (non-listed)~~ herbicides on county roadsides when the director of Public Works has determined that **a condition or emergency exists where the proposed use is a last resort after less toxic herbicides on the permitted list have been tried without satisfactory result.**

(~~d~~) Prior to the authorization, the ~~director~~ **Director** of Public Works shall review in writing the following ~~criteria~~ **considerations** with the Board of Health; ~~unless the Board of Health excuses compliance with some or all of these requirements based upon a finding of emergency. The Board of Health shall solicit review and comment from the Public Health Administrator who will work with the Public Health Advisory Committee.:~~

(i). The nature of the problem, **and** the reason to use the non-listed herbicide.

(ii). ~~Information received~~ **Determinations made after reviewing current information sources and databases to determine the most effective herbicide(s) with the least impact to human and environmental health pursuant to criteria in section 6 – Permitted Product List Criteria.** ~~consulting with toxicologists in agencies such as the Oregon Health Division, the Department of Environmental Quality, and the University Extension Services to determine the least toxic and least persistent herbicide currently available to address the problem, and to ascertain the currently designated level of toxicity and level of persistence of the proposed herbicide.~~

(iii). ~~Description of the specific non-listed herbicide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, and/or to the environment.~~

(iv). ~~Proposed date, target species, method of application, public notification and posting provisions, and specific steps that will be taken, to minimize risks to human health and the environment.~~

(v). An evaluation of all feasible alternatives including non-herbicidal control methods and no action alternatives.

(vi). Any legal requirements that are applicable.

—The Board of Health ~~shall~~ **may** approve or deny the use of non-listed herbicides when the use of ~~less toxic chemicals~~ **Permitted Products** has proven to be ineffective in particular applications, either on a one-time basis, or for a limited time to be specified by the Board of Health.

—(~~4~~) **Application Methods and Buffers.** —~~After the effective date of this chapter:~~

—~~v(a)ii. No herbicides shall be applied to county roadsides within at least 100 feet of a lake, stream, or wetland.~~ **Herbicide applications adjacent to waterways or bodies of water that occur within 100 feet must adhere to Management Prescription Plan guidelines in order to protect water quality, aquatic species, and associated habitats from potential impacts.**

—~~viii.~~ **(b) Herbicide applications** ~~W~~within 200 feet of known or identified school bus stops or **within 500 feet of a school must adhere to Management Prescription Plan guidelines in order to protect human health** ~~stations.~~

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~~ix.(c)~~ Other areas determined to present risk to children or the environment as determined by the ~~director~~ **Director** of Public Works **shall be added to the guidelines within the Management Prescription Plan.**

~~-----~~The County's Department of Public Works staff shall continue to ~~conduct and~~ review research regarding alternative vegetation control methods to evaluate their effectiveness and potential for use in ~~county~~ **County** roadside vegetation management operations.

**(5) Environment.**

**(a) The listing of Willamette River Steelhead and Chinook Salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Recent studies documenting the presence of herbicides in area streams and effects of herbicides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.**

**(b) Impacts to other species, including pollinators and amphibians, should be considered in maintenance activities.**

~~-----~~~~(c) Within one year after the effective date of this chapter, and for each consecutive year, Lane County will aspire to reduce its herbicide use along county roadsides by at least 5%. Herbicide use reduction will be measured by the percent of roadside miles treated with herbicides as compared to the previous three year average.~~

**(46) Permitted Product List Criteria.** Permitted herbicide products must meet all of the following criteria (all active ingredients, known inerts, and other additives, should be identified so that they can be screened using this criteria):

**(a)** Product contains none of the following substances ~~(all references in LC 15.510 to lists maintained by other jurisdictions refer to the lists in effect on August 12, 2003):~~

~~(i). Substances classified as a~~ **A** known, likely, or probable carcinogen ~~by the US EPA;~~

~~(ii). Substances classified as a known, likely, or probable carcinogen by the International Agency for Research on cancer (IARC); and~~

~~-----~~ ~~iii. Substances listed by the state of California (Prop 65 list) or the National Toxicology Program as known, likely, or probable human carcinogens.~~

~~-----~~ **(b)** ~~Product contains no R~~reproductive toxicants ~~(CA Prop 65 list);~~

~~-----~~ **((iii) e)** ~~Product contains no ingredients listed by Illinois EPA as~~ **K**known or probable endocrine disruptors;

~~-----~~ **((iv)d)** ~~Product is not~~ **A substance** acutely toxic to humans; ~~product is not or~~ labeled as DANGER or POISON ~~(Toxicity Class I or II);~~

~~-----~~ **((v)e)** ~~Product contains no N~~nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic ~~by the Toxics Release Inventory);~~

**(vi) Substances harmful to pollinators and aquatic species, including fish, birds, invertebrates or domestic animals.**

**(5b)** In addition, consideration shall be given to the following:

~~(a(i))~~ Active ingredients **have** ~~has~~ soil half-life of 30 days or less (exception for minerals).

~~((ii)b)~~ Active ingredient has extremely low or very low mobility in soils.

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~~(e)(iii)~~ Product is not found in US EPA Office of Pesticide Programs Registration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and

~~(d)(iv)~~ Active ingredients have not been detected in ~~salmon~~ waters at a level harmful to aquatic life.

~~(e) Product is not labeled as toxic to fish, birds, bees, wildlife, or domestic animals.~~

**(c) These criteria will be reviewed by the Public Health Advisory Committee annually. The findings and recommendations of the Committee will be reported to the Board of Health and the Director or Health and Human Services. (Revised by Ordinance No. 12-03, Effective 9.11.03)**

### **15.515 Training, Education, and Implementation.**

(1) The Department of Public Works staff involved in roadside vegetation management shall attend at least once a year available trainings in prevention and other vegetation management techniques outlined in this chapter if appropriate to their area of work.

(2) The ~~County Director of Public Works~~ shall designate a staff member to be responsible for the implementation of this chapter. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

### **15.517 Data Collection and Analysis.**

**(1) Noxious and Invasive species management will be supported by inventories and roadside monitoring on a three year cycle. County inventories will be made available to the public.**

**(2) Collaborative efforts will be south where possible to share information and resources from other agencies, public members, and partners.**

**(3) Maintenance methods and tools will be selected based upon findings of results and prioritization within a defined decision matrix as part of the Management Prescription Plan.**

### **15.520 Public Notification.**

~~Within 120 days of the effective date of this chapter, t~~The Department of Public Works shall comply with the following notification procedures for all roadside herbicide applications:

(1) ~~Yellow notification~~**Orange road** signs ~~48 inches will shall~~ be posted on **both ends of all County roadways with proposed herbicide applications** at least seven days prior to any ~~herbicide~~ application. ~~Orange notification~~**All signs will be left in place following any applications for a minimum of three days. All signs will have the words "HERBICIDE APPLICATION," proposed dates of application and a phone number that the public can contact for further information.**

~~shall be posted and remain in place for at least seven days after herbicide application. Signs shall be posted along the treatment site. Signs shall be posted at half mile intervals.~~

(2) **Public notification of herbicide use along roadsides maintained by Lane County shall be listed on Lane County's website. Notification signs shall begin with a header containing the signal word from herbicide label alongside the words, "Application." For example, "WARNING: HERBICIDE APPLICATION."** Signs shall be approximately 18 by 24 inches, and shall include the following information: the product name, active ingredient(s), known inerts, and other chemicals mixed with the product, the

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~~proposed date of application (yellow signage), the actual date of application (orange signage), the phone number of the department of Public Works contact person for the application, and the phone number or website where the herbicide label and material safety data sheets can be obtained.~~

(3) During the herbicide application process, additional temporary roadwork signs shall be placed around the work site. The signs will be at least two feet square and say "HERBICIDE APPLICATION AHEAD." ~~The spray truck will also say "HERBICIDE" on the front and back in at least six inch high letters~~**Herbicide application tanks will be labeled with the word "herbicide."**

(4) ~~Public notification of herbicide use along roadsides maintained by Lane County shall be listed on Lane County's website.~~

~~(5)~~ The County will maintain an ~~up to date phone recording~~**updated website** of all pending and completed herbicide applications along county maintained roadsides. The public will be able to access information on the ~~phone line~~**internet** at least seven days prior to the proposed applications and for at least seven days post application.

~~(6) Notice shall be sent to local hospital emergency departments of pending herbicide applications. It will include location, product name, active ingredient(s), additional known inert ingredients and other chemicals mixed with the product.~~ *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.525 Record Keeping.**

~~The~~ County **staff** shall maintain publicly accessible information with records of herbicides used on county roadsides for a minimum of six years. In addition to complying with all record keeping requirements imposed by state and federal law, the information recorded ~~shall~~**must** include the date and location of the application; the product name, active ingredients, additional known inert ingredient(s), other chemicals mixed with the product, and actual costs of application. These records ~~shall~~**must** also include an EPA registration number; the target vegetation type, quantity and concentration of each herbicide product applied, the weather conditions including rain predictions, temperature, wind speed and direction, and the applicator's name and operator license number. At the time of application any known problems with handling and storage, equipment cleaning, disposal, toxic waste, and off target drift, spills runoff or migration ~~will~~**must** also be included on the record. *(Revised by Ordinance No. 12-03, Effective 9.11.03)*

**15.530 Annual Report (Reporting).**

On a yearly basis ~~in the Fall~~ at a public meeting of the Board of Health, ~~and following a presentation to the Vegetation Management Advisory Committee,~~ the Department of Public Works shall present a report ~~which~~**that** includes:

(1) ~~The~~ quantity and concentration of each herbicide product applied during the previous year, a list of any non-listed herbicides proposed for use in the coming year, and under what circumstances herbicide uses might occur, and the actual cost of application for the previous year;

(2) ~~e~~Control methods that have replaced herbicide use in the previous year;

(3) ~~e~~Control methods that have been proven ineffective;

(4) ~~w~~What non-herbicide control methods the Department of Public Works intends to use in the plan year. **County staff shall post the report; information on how much the Department reduced herbicide use for the previous year and a reduction goal for**

At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE  
FORMAT**

15.600 Lane Code 15.620  
~~the plan year. The report shall be available to the public and shall be posted~~ on the  
County website **and make copies available to the public.** (Revised by Ordinance No. 12-03,  
Effective 9.11.03)

**LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS**

**15.600 Authority.**

The following provisions relating to the application of a special assessment policy for public improvements are hereby adopted pursuant to the authority granted to Lane County by the Lane County Home Rule Charter. Except as expressly modified in this subchapter, the provisions of ORS Chapter 371 are applicable in Lane County. (Revised by Ordinance No. 11-73, Effective 9.28.73)

**15.605 Purpose.**

The requirements set forth herein are for the purpose of defining policies, conditions and procedures whereby specially benefited property owners shall be assessed for the costs of road improvements. Remonstrance procedures included in Section 9 of the Lane County Home Rule Charter are not repeated herein, but apply in full. The procedures set forth in this subchapter shall constitute a determination by the Board, absent the express determination inconsistent with these procedures, of the extent to which the cost of road improvements in Lane County is to be defrayed by special assessments on property to be specially benefited. (Revised by Ordinance No. 11-73, Effective 9.28.73; 10-04, 6.4.04)

**15.610 Application.**

The provisions herein apply to all County roads, Public Roads as defined in LC 15.010(35) and platted streets within the unincorporated areas of Lane County and under the jurisdiction of Lane County. These provisions shall also apply to the following County roads within the limits of incorporated cities:

- (1) Connecting roads maintained under the authority of ORS Chapter 373;
- (2) County roads subject to an intergovernmental agreement under the authority of ORS 373.260;
- (3) County roads within the limits of incorporated cities not covered by LC 15.610(1) and (2) above and for which the city involved has not requested surrender in accordance with ORS 373.270. (Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82; 10-04, 6.4.04)

**15.620 Initiation of Improvements.**

Proceedings to construct a new road improvement or reconstruct an existing road may be initiated by:

- (1) Resolution of the Board when it is deemed necessary in order to provide for public safety and to promote the common welfare of the general public;
- (2) Petition signed by owners of not less than 60 percent of the separate ownerships abutting the proposed improvements, representing not less than 60 percent of the frontage of the land abutting the proposed improvements. The signature of an owner of property that has multiple ownership is valued as a fraction of an owner signature for that property in the same proportion as that owner's interest in the property bears to the interest of all other owners of the same property. (Revised by Ordinance No. 11-73, Effective 9.28.73; 7-82, 7.9.82; 5-97, 5.16.97; 10-04, 6.4.04)