



AGENDA COVER MEMO

Memorandum Date: March 21, 2025

Order Date: April 22, 2025

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Melanie O'Hara, Natural Resource Specialist, Road
Maintenance Division

AGENDA ITEM TITLE: ORDINANCE NO. 25-02/ In the Matter of Amending Lane Code
Chapter 15 Roadside Integrated Vegetation Management Policy to
Update Certain Practices for Program Efficiency and Adaptability

I. MOTION

A. April 8, 2025: Move to approve the first reading of proposed changes to Ordinance No. 25-02 and to set the second reading and public hearing for April 22, 2025

B. April 22, 2025:

1. Move to approve Ordinance No. 25-02 as presented.
2. Move to direct staff to return with a revised ordinance for the Board's consideration and action.
3. Move to deny Ordinance No. 25-02.

II. AGENDA ITEM SUMMARY

This item is for a first reading on April 8, 2025, followed by a second reading and public hearing on April 22, 2025, on the attached Ordinance No. 25-02 for proposed updates to Lane Code Chapter 15.600.060 Roadside Integrated Vegetation Management Policy. Following the public hearing, the Board may deliberate and act on the alternative motions provided above.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In October of 2016, the Board of County Commissioners adopted Ordinance 16-07, the Roadside Integrated Vegetation Management Policy (RIVMP), developed from recommendations of the Vegetation Management Task Force for limited herbicide use within Lane County road rights-of-way. Herbicide application areas are limited to overgrown guardrails, noxious weed management and control, as well as special management areas and direct stump applications for “stump-sprouting” tree species. Products used are derived from a Permitted Product List approved by the Board of Health according to the criteria expressed in Lane Code 15.600.040(E) Permitted Product List Criteria as safeguards to minimize risks to public and environmental health.

The Road Maintenance Division was presented with challenges in efficiently maintaining roadside vegetation after experiencing a significant reduction in available resources while working under an herbicide moratorium in accordance with Ordinance 12-03, The Last Resort Policy. In 2015, a group of concerned citizens provided comment at a Transportation Advisory Committee meeting, criticizing the County’s efforts at combating the spread of invasive species, managing fire issues and maintaining road safety, all relating to vegetation control without the use of herbicides. The Board of County Commissioners then directed creation of the Vegetation Management Task Force who developed a plan leading to the creation of the Roadside Integrated Vegetation Management Policy in 2016. This policy establishes requirements to implement the Integrated Vegetation Management Program.

Program constraints continue to hamper the IVMP since the pandemic, increasingly impacting annual herbicide guardrail maintenance and noxious weed control efforts. Specific requirements associated with Ch. 15.600.060 Public Notifications have resulted in program inefficiencies, additional costs and ineffectiveness when combating weeds at a countywide scale.

The established adaptive management approach of the RIVMP promotes flexibility in program responses to uncertainties and inefficiencies through monitoring and assessment, therefore updates to program logistics are often necessary. Lane County vegetation maintenance operations tend to be complaint driven and reactive in nature and noxious weed control becomes a low priority against routine vegetation maintenance operations for roadside safety. Requirements regarding road signs for advanced notice on all roads scheduled for herbicide applications have become an obstacle to effective noxious weed control when following individual species best management practices (BMPs).

Constraints associated with this task include:

- Staffing and program costs associated with planning, placing signs roadside seven days ahead of treatments and again for removal of signs three days after treatment
- The 48" orange road signs are stolen or vandalized each year
- A reduction in the intended effectiveness of prior notifications when signs remain on location until an application can be made; sometimes several weeks after placement due to changing weather patterns, shifting priorities and workloads
- Signs trigger calls by constituents believing they can halt the spray program and any scheduled treatments
- Road sign requirements restrict the flexibility needed to plan for control of state listed county noxious weed sites as planning must account for timing of varying species treatment windows, site locations occurring throughout the county, changing weather conditions, good neighbor relations and routine vegetation maintenance needs

Lane County Road Maintenance Division has initiated discussions with engaged stakeholders on alternatives to the placement of roadside signs for advance notice requirements of the RIVMP. By incorporating alternatives for advance notifications to roadside sign placement, we can anticipate increased flexibility in timing herbicide applications based on workloads, appropriate weather conditions and best management practices for target species. Advance notices will continue to be maintained regularly on the Lane County IVM website during spray season, referencing impacted road locations, target noxious weed species and intended products for use and reminders will be included in all No Spray Area Program outreach. Greater flexibility in application timing allows for the IVMP to restart noxious weed control efforts that increase prevention of new infestations and control the spread of established populations. These changes increase efficiency and cost savings of the vegetation program overall.

B. Policy Issues

Staff believe these updates continue to meet the intended program objectives regarding transparency and timely and effective vegetation management practices by increasing efficiency of staff and effectiveness of program objectives associated with the limited-use herbicide program.

C. Board Goals

The current County Strategic Plan 2022-2024 asks that goals and priorities be viewed through strategic lenses to ensure thoughtful, consistent and intentional processes for evaluation. Under the Stewardship of Resources Lens, the RIVMP can be seen to assist the County in balancing economic, environmental and social needs associated with vegetation management and public infrastructure by using sound practices to promote safety of the traveling public and environmental stewardship.

Lane County can meet these goals and objectives using appropriate Best Management Practices in vegetation control and adaptive management approaches. These approaches build on existing data, continued monitoring and continued learning through information sharing and public feedback to ensure stewardship of resources in the areas of transportation planning.

D. Financial and/or Resource Considerations

The continued implementation of the Integrated Vegetation Management Program assists in conserving county resources through timely and effective control of noxious weeds under a limited-use program of herbicide applications.

E. Health Implications

Implementation of the Roadside Integrated Vegetation Management Policy (RIVMP), Ordinance 16-07, focuses on the pursuit of program practices that protect and enhance the safety and health of County residents while reducing impacts on the natural environment. This program was built on safe-guards and developed with protective measures at the forefront. This is a targeted program, focusing on the limited use of specific herbicides approved by the Public Health Advisory Committee and reviewed by the Board of Health.

The RIVMP incorporates public choice through components like our No Spray Area program, which includes buffer zones for schools and bus stops, and website based information for public notifications. Additional safeguards include guidelines for establishing protections and treatment buffers which incorporate considerations for pollinators, amphibians and salmon that help reduce environmental impacts. Through this integrated approach, roadside and community safety is prioritized for all residents.

F. Analysis

The current language covering advance notice signage presents logistical issues in meeting program objectives by increasing program costs associated with staffing and the inability to effectively control roadside noxious weeds. The proposed Lane Code changes are limited in nature. These will provide program staff the flexibility in meeting noxious weed reduction objectives county wide without reducing opportunities for public transparency and input.

G. Alternatives/Options

Following the public hearing on April 22, 2025, the Board has the following alternative motions:

Option 1. Move to approve Ordinance 25-02.

Option 2. Move to direct staff to return with a revised ordinance for the Board's consideration and action.

Option 3. Move to deny Ordinance 25-02.

IV. RECOMMENDATION

Staff recommends Option 1.

V. TIMING/IMPLEMENTATION

If approved by the Board, the Ordinance will become effective 30 days following enactment.

VI. FOLLOW-UP

Should the Board choose Motion 2, staff will revise the Ordinance as directed and return for approval on a date certain set by the Board.

VII. ATTACHMENTS

Attachment 1 – Ordinance No. 25-02

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 25-02

IN THE MATTER OF AMENDING LANE CODE
CHAPTER 15 ROADSIDE INTEGRATED VEGETATION
MANAGEMENT POLICY TO UPDATE CERTAIN
PRACTICES FOR PROGRAM EFFICIENCY AND
ADAPTABILITY

WHEREAS, certain changes are needed to Lane Code Chapter 15.600.060 to update certain practices for program efficiency and adaptability; and

WHEREAS, the Board held a first reading on April 8, 2025, and a duly noticed public hearing on April 22, 2025, and after considering the public comments, testimony, and staff report, the Board is now ready to take action.

NOW THEREFORE the Board of County Commissioners of Lane County ordains as follows:

Lane Code Chapter 15 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

Chapter 15.600.060

INSERT THESE SECTIONS

Chapter 15.600.060

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.

ENACTED this ____ day of _____ 2025.

David Loveall, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

15.600.060 – Public Notification.

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

- A. Public notification of herbicide use along roadsides maintained by Lane County will be listed on Lane County's website.
- B. Direct application stump treatments will not be posted in advance of herbicide applications. Dye will be used in all stump treatments to identify treatments.
- C. During the herbicide application process, temporary roadwork signs will be placed on any spray vehicle and equipment at the work site. The signs will be at least two (2) feet square and say "HERBICIDE APPLICATION AHEAD." Herbicide application tanks will be labeled with the word "herbicide."
- D. 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 (7) days prior to the proposed applications and for at least seven (7) days post application.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20; Ordinance 24-05; 8.30.24)

15.600.060 – Public Notification.

Lane Code Chapter 15

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

- ~~A. — Orange road signs forty-eight (48) inches will be posted in both directions on County roadways with proposed herbicide applications at least seven (7) days prior to any application. Biodegradable signs will be posted following herbicide applications to inform residents of areas applied with herbicides. All signs will have the words “HERBICIDE APPLICATION,” proposed dates of application and a phone number that the public can contact for further information.~~
- BA.** Public notification of herbicide use along roadsides maintained by Lane County will be listed on Lane County’s website.
- ~~CB.~~ Direct application stump treatments will not be posted in advance of herbicide applications. Dye will be used in all stump treatments to identify treatments. ~~and bio-degradable signs will be posted at or stapled to treated stumps to inform public of herbicide treatment.~~
- DC.** During the herbicide application process, ~~additional~~ temporary roadwork signs will be placed **on any spray vehicle and equipment at around** the work site. The signs will be at least two (2) feet square and say “HERBICIDE APPLICATION AHEAD.” Herbicide application tanks will be labeled with the word “herbicide.”
- ED.** 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 (7) days prior to the proposed applications and for at least seven (7) days post application.

(Ordinance 12-03, 9.11.03; Ordinance 16-07, 10.27.16; Ordinance 20-09, 12.10.20; Ordinance 24-05; 8.30.24)