

## AGENDA COVER MEMO

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**AGENDA DATE:** July 16, 2003

**TO:** Lane County Board of Commissioners

**PRESENTED BY:** Marc Kardell, Assistant County Counsel

**AGENDA ITEM TITLE:** Ordinance /In the Matter of Amending Chapter 15 of Lane Code to Establish a Last Resort Policy for Right-of-Way Herbicide Application (LC 15.500)

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### I. MOTION

July 16: I MOVE TO SET A SECOND READING AND DELIBERATION ON ORDINANCE \_\_\_\_-03 FOR JULY 30, 2003 AT 1:30 P.M.

July 30: I MOVE THAT LANE CODE CHAPTER 15 BE AMENDED TO ESTABLISH A LAST RESORT POLICY FOR RIGHT-OF-WAY HERBICIDE APPLICATION.

### II. ISSUE OR PROBLEM:

The Board has directed that an ordinance be drafted to put into effect a last resort herbicide spray policy governing County personnel's right of way management.

### III. DISCUSSION

A. Background. The City of Bainbridge Island, Washington, passed an ordinance on May 15, 2003, that is of interest as a possible model for Lane County use. Several versions of that ordinance have been modified for consideration by the Board of County Commissioners. The first option is simply the City Ordinance, modified to name Lane County and placed into a format consistent with Lane County's requirements for an ordinance. However, the "Whereas" clauses on this and all other versions have been modified to reflect what may be Board agreement on this issue. The second version was drafted by Aimee Code, Water Quality Coordinator, Northwest Coalition for Alternatives to Pesticides. The third option was prepared by Commissioner Dwyer. I have prepared a fourth version, working from the Dwyer version as a base.

B. Analysis. The Bainbridge ordinance is meant to deal with "herbicides, insecticides, rodenticides, and fungicides." 16.30.020. It says that the "first preference and most actively pursued method of best and vegetation management on County property shall be the use of prevention techniques." 16.30.030A. This would appear to require re-planting of rights-of-way as the "most actively pursued method" of vegetation management. The ordinance then calls for a least toxic products list to be developed, which must exclude any product failing any of the tests set forth in 16.30.030D. Those products that do not satisfy all of the criteria are terms "high hazard pesticides." It is estimated by Ms. Code that six or seven of the eight products in the Integrated Vegetation Management (IVM) Program Standards and Guidelines Document, Appendix A-1, August 2001, would not be permitted on the list. Thereafter, 16.30.040, Emergency Procedures, sets forth a mechanism for the use of non-listed chemicals in certain

situations. These may be authorized by the Board when "an emergency situation exists where there is a serious threat to public safety, health, or the environment, and the proposed use is a last resort after less toxic remedies have been tried without satisfactory results." While there are additional provisions in the Bainbridge ordinance worth discussing (education, notices, record keeping, etc.), the above provides the basic scheme whereby herbicides may be used.

Aimee Code (Option 1) summarizes the changes she made to the Bainbridge ordinance as follows:

"Changes to 2003-15 include:

1. Eliminating reference to all departments and instead focusing on the County's Public Works Department roadside maintenance efforts. In this vein (I) also took out any reference to eliminating pesticide use and clarified the ordinance was related to herbicides, and that they would be used as a last resort option.
2. Honoring the recommendations made by Public Health Advisory Committee (I) added language that signs posted along herbicide treated roads be "readable to passing motorists."
3. Changing "City" to "County."
4. Cutting out provision that banned all use of Chromated Copper Arsenate treated wood on city property."

The version prepared by Commissioner Dwyer (Option 2) began with Ms. Code's version as a base, and eliminated conclusory language and references to pest management issues that did not relate to a vegetation management plan here at issue. It added school bus stops as no-spray areas, and added another subsection for areas to be determined where a risk to children or the environment may be present. This version does not have among the criteria for herbicide usage that the product contain "no possible" harmful agents, but only products containing such "known, likely, or probable" agents would be ineligible. The Emergency procedures portion of the Bainbridge ordinance is also pulled from this version.

In Option 3, I've begun with Commissioner Dwyer's draft, and made mainly the following changes:

Rather than have prevention be "the first preference and most actively pursued method of vegetation management on County roadsides," I've instead proposed in the Director's annual report to the Board of Health, "the anticipated dates, or goal, by which the next 1% of County roads will be . . . treated with prevention techniques." Given the number of road miles the County maintains, 1430 compared to about 127 by the City of Bainbridge Island, moving immediately to a prevention based vegetation management model may not be desirable. A 1% goal would mean the planting of approximately 14 miles of roadway on both sides of the road.

Option 4 also does away with the "Least Toxic Products List" and the remaining designation of "high hazard herbicide." Replacing this is a Board of Health approved "Permitted Products List," which establishes the only herbicide staff may use, and the circumstances constraining the use of each herbicide. The Bainbridge criteria for listing are retained as modified in Option 3, but some of the criteria are changed to reflect that they do not require non-listing of a herbicide, but only require that this criteria be considered by the Board of Health. For instance, most if not all, of the herbicides the County currently uses do not appear to be on any

of the proscribed lists from other jurisdictions, nor do they appear to be carcinogens, reproductive toxicants, labeled as toxic, danger or poison, nor contain a nervous system toxicant. I do want to stress that this information should probably be viewed as preliminary in nature, given the timing required for drafting these materials. Where the County used herbicides fail are primarily in the areas of mobility and persistence. For instance, some of these move (in particular down into the soil to attack roots) and some of these have a half-life longer than 30 days. So it may be that the agents now in use do not adversely affect any of the targets of concern, but do last longer or move more than the Bainbridge Ordinance allows. These factors may be of concern in some circumstances, such as near bus stops or streams, but not necessarily in other areas of potential use. This proposal moves the criteria of 15.510(3)(d) (persistence – aka half-life), (e) (mobility in soils), and (f) (potentially harmful to fish or wildlife) to factors to be considered by the Board of Health. An example of when the last factor (f) might not result in an herbicide being kept from the “Permitted Products List” would be the spraying of weeds growing through cracks in the pavement. If the herbicide was one that was potentially harmful to fish, and the pavement was a safe distance (as determined by the Board of Health) from a waterway, the Board could decide that such usage would be appropriate.

The last major area of change (from this writer’s perspective) deals with “public notification,” section 15.525. Rather than the posting requirement being 48 hours before applying and 24 hours after, this option 4 contains the current County policy of posting at least seven days before and after spraying. Also, the detailed cautionary language at the bottom of subsection (2) of this section is proposed to be deleted. The requirement that the header be readable by someone traveling the speed limit on a County road seems inappropriate as presumably the concern is with people outside of their cars who may come into contact with the vegetation or soils. With regard to the cautionary language (people taking medications, etc.), this should be based upon factual information and perhaps be herbicide specific. In the time allowed for this drafting, I cannot say whether any of the herbicides the County uses have been implicated in heart disease, respiratory illness, etc. While appropriate cautions may help limit liability, inappropriate ones may be the only evidence a potential plaintiff might have to support a claim that otherwise has no scientific basis. Such a caution may be seen as an admission, when the actual facts do not warrant such an admission. Rather than adopt this Bainbridge language, Lane County should more thoroughly review appropriate cautionary language, and direct staff to return with one or more proposals at a later date.

C. Alternatives/Options. Adopt any of the proposed Ordinances, or ask that one or more be modified.

D. Recommendation. I recommend adoption of Option 4.

#### IV. ATTACHMENTS

Board Ordinance w/attached Lane Code 15.500 versions:

Option 1 – Ms. Code

Option 2 – Commissioner Dwyer

Option 3 – Mr. Kardell

Option 4 – IVM

Option 5 – Health Advisory

Option 6 – Options 5 and 6, as modified by Mr. Kardell

Bainbridge Ordinance No. 2003-15

**Ordinance Number 2003-15**

AN ORDINANCE of the City of Bainbridge Island, Washington, establishing policy, procedures and practices for employees of the City relating to pest prevention and management, pesticide use and the use of CCA Treated Wood Products; adding a new Chapter 16.30 to the Bainbridge Island Municipal Code.

**WHEREAS**, the City has traditionally approached pest management problems using Integrated Pest Management concepts; and

**WHEREAS**, the City has determined that the use of dangerous pesticides is hazardous to the health of the citizens and the environment; and

**WHEREAS**, the City wishes to maintain a healthy environment for its current citizens, wildlife, and future generations; and

**WHEREAS**, the City has determined that the provisions contained in this ordinance will ensure that no high hazard pesticides will be used by City employees in or on City property, **now, therefore**

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1:** A new Chapter 16.30 is added to the Bainbridge Island Municipal Code as follows:

**Chapter 16.30**

**PEST MANAGEMENT AND PESTICIDE USE**

- 16.30.010 Purpose
- 16.30.020 Definitions
- 16.30.030 Pest Prevention and Removal
- 16.30.040 Emergency Procedures
- 16.30.050 Training, Education, and Implementation
- 16.30.060 Public Notification
- 16.30.070 Record Keeping
- 16.30.080 Yearly Report

**16.30.010 Purpose.**

A. The City promotes environmentally sensitive building and landscape pest and vegetation management that preserves the City's building and landscape assets and protects the health and safety of the public and City employees. The City policy is to eliminate the use of pesticides on its property.

B. The City shall use the prevention of pest problems as its primary tool for landscaping, building maintenance and other pest management issues on City

property. When pest problems occur, mechanical or biological methods shall be the preferred control methods. Least toxic pesticides shall be used only as a last resort when other options have been proven ineffective.

C. Since inception of the City to its current status as an island-wide entity, the City staff has reduced the amount and toxicity of the pesticides used in building maintenance and landscape management to a very minimal amount. It is the City's practice to continue to look for ways to reduce the toxicity and amount of hazardous materials used in all City operations, including pesticide usage in building management and landscape maintenance.

D. The listing of Puget Sound 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 pesticides in area streams and effects of pesticides on salmon point to the need for public agencies to serve as models of environmental stewardship in landscape management.

**16.30.020 Definitions.** As used in this chapter, the following terms have the following meanings:

A. Pesticide means any substance registered as a pesticide by the Washington State Department of Agriculture, including herbicides, insecticides, rodenticides and fungicides.

B. High hazard pesticide means any pesticide that does not meet the least toxic pesticide criteria in this chapter.

**16.30.030 Pest prevention and removal.**

A. Prevention Techniques. Generally, all pest management techniques must avoid disrupting natural pest controls present and aim to suppress the pest population, not eliminate it. In many cases, a portion of the pest population must remain to sustain natural enemies. The City's first preference and most actively pursued method of pest and vegetation management on City property shall be the use of prevention techniques. Pest prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least-toxic pest controls include:

1. Design and construction of indoor and outdoor areas to reduce the potential for pest habitats.

2. Good planting techniques, mulching, composting, irrigating, fertilizing, and use of native and pest-resistant plant species to avoid conditions where insects, undesirable plant species, disease and pests can develop into problem conditions.

3. Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal and hot water.

4. Increasing pest tolerance thresholds.

City staff shall continue to conduct and review research into alternative pest control methods to evaluate their effectiveness and potential for use on a City-wide scale.

B. Mechanical, Physical, and Other Alternative Pest Control Methods. To evaluate and address existing pest problems or problems that may develop on City property in spite of prevention techniques, all City departments shall follow the approach outlined below:

1. Monitor sites for optimal health and sanitation conditions.

2. Monitor populations of potential pests and their natural enemies to determine if and when control is needed.

3. Establish threshold levels of pests below which the population does not require control.

4. Use physical, mechanical, biological, and other alternative methods to keep pest numbers low enough to prevent intolerable damage or annoyance.

C. Use of Pesticide Products.

1. The City Council shall adopt by resolution a Least Toxic Products list for use by City staff.

2. Within six months after the effective date of this chapter, the City shall end all use of pesticides on City property or in City operations, with the exception of those on the Least-Toxic Products list adopted by resolution. The City Council may periodically review the Least Toxic Products list and, after receiving public comment, add products to that list that meet the criteria for Least Toxic Pesticides in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria. After the effective date of this chapter:

a. No routinely scheduled (i.e. monthly or weekly) pesticide applications shall be made by the City.

b. No pesticides shall be applied by the City within at least 100 feet (ground applications) and 200 feet (aerial applications) of

a lake, stream, wetland, or groundwater recharge area; provided, that applications within 100 feet of a storm drain may be made in dry weather.

c. Insecticides containing least toxic products shall be used by the City only in containerized baits, or for spot treatments targeted to insect nests or problem areas where a minimal amount of material will be used.

D. **Least Toxic Pesticide Criteria.** Least toxic pesticides must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests):

1. Product contains no possible, probable, or known carcinogens:
  - a. Not classified as a known, likely, probable or possible carcinogen by the U.S. EPA;
  - b. Not classified as a known, likely, probable, or possible carcinogen by the International Agency for Research on Cancer (IARC); and
  - c. Not listed by the State of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogen.
2. Product contains no reproductive toxicants (CA Prop 65 list).
3. Product contains no ingredients listed by Illinois EPA as known, probable, or suspect endocrine disruptors.
4. Active ingredient has soil half-life of 30 days or less (exception for minerals).
5. Active ingredient has extremely low or very low mobility in soils.
6. Product is not hazardous to fish or wildlife:
  - a. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;
  - b. Not found in U.S. EPA Office of Pesticide Programs Reregistration Eligibility Decisions (REDs, IREDs, and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and
  - c. Product has not been detected in salmon waters at a level harmful to aquatic life.
7. Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (Toxicity Class I or II).
8. Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic by the Toxics Release Inventory).
9. Pesticide is not a restricted use pesticide.

E. **Use of Chromated Copper Arsenate Treated Wood Products.** The City and its contractors shall not purchase wood products treated with Chromated

Copper Arsenate (CCA) preservatives for use by the City or for performance of work on City-owned property.

**16.30.040 Emergency procedures.**

The City Council may authorize the use of high hazard pesticide on City property or in City operations when the Director of Public Works has determined that an emergency situation exists where there is a serious threat to public safety, health, or the environment, and that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result. Prior to the authorization the Director of Public Works shall review in writing the following with the City Council:

- A. The nature of the problem, the reason for the declared emergency, and the need to use a high hazard pesticide.
- B. Information received after consulting with toxicologists in agencies such as the Washington State Department of Health, the Washington State Department of Ecology and the university extension services to determine the least toxic and least persistent pesticide currently available to address the problem, and to ascertain the currently designated level of toxicity and level of persistence of the proposed pesticide.
- C. Description of the specific high hazard pesticide, 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.
- D. Proposed date and method of application, notification and posting provisions, and specific steps that will be taken to minimize risks to human health and the environment.
- E. An evaluation of all feasible alternatives including non-chemical and no action alternatives.
- F. Any legal requirements that are applicable.

The City Council shall approve or deny the use either on a one-time basis, or for a limited time to be specified by the Council.

**16.30.050 Training, education, and implementation.**

A. City staff involved in grounds and maintenance shall attend at least once a year available trainings in prevention and other pest management techniques outlined in this chapter if appropriate to their area of work. All other City staff shall receive educational materials about prevention of pest problems in the workplace.



B. The City shall designate a staff member to be responsible for the implementation of this chapter.

**16.30.060 Public notification.**

Within 120 days of the effective date of this chapter, any City department that uses any pesticide shall comply with the following notification procedures:

A. Notification signs shall be posted at least 48 hours prior to any pesticide application. Signs shall remain in place for at least 24 hours after pesticide application. Signs shall be posted at the treatment site, at a central area in the building, and at every entry point if the pesticide is applied in an enclosed area, and in highly visible locations around the perimeter of the application area if the pesticide is applied in an open area. If the application is to a linear landscape, such as along a path or roadside, signs shall be posted at 100-foot intervals.

B. Notices shall begin with a header containing the signal word from the pesticide label alongside the words "Pesticide Application." For example, "WARNING: PESTICIDE APPLICATION." Notices shall be at least 8-1/2 by 11 inches, and shall include the following information: the pesticide's active ingredient; the date and time of pesticide application; the area treated; the rate of application; the name and phone number of the contact person for the application; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to pesticide exposure."

C. The City shall notify the public prior to any aerial pesticide application via notices in the City's newspaper of record and with postings, the content of which meets the above requirements. Notices shall be posted throughout the area affected by the aerial application. If an immediate pesticide application of any kind is necessary for the protection of public health, signs meeting the requirements of this section shall be posted.

D. The pre-notification and pre-posting requirements of this section do not apply to any application of allowable products for control of any pest that poses and immediate human health or safety threat. When such an application is made notification and posting consistent with the City's notification system shall occur as soon as possible after the application.

**16.30.070 Record keeping.**

The City shall maintain publicly accessible information with records of pesticides used by all departments. The information recorded shall include the date and location of the application; the product name, active ingredient and EPA registration number; the target pest; the quantity applied and the applicator.

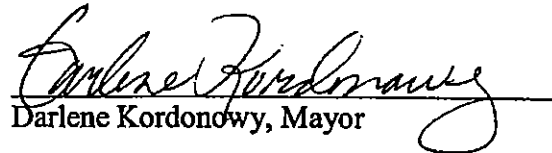
**16.30.080 Yearly report.**

On a yearly basis in the fall at a public meeting of the City Council, a report shall be presented which: includes quantities of each pesticide product (measured as ready-to-use) applied during the previous year, evaluates how well its pest prevention and control objectives are being met, assesses how well the City is complying with this chapter, and identifies areas where improvement may be needed. The report shall be made available to the public upon request and shall be posted on the City web site.

Section 2. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

**PASSED** by the City Council this 14<sup>th</sup> day of May, 2003.

**APPROVED** by the Mayor this 15th day of May, 2003.

  
Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

  
Susan Kasper, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:	May 9, 2003
PASSED BY THE CITY COUNCIL:	May 14, 2003
PUBLISHED:	May 21, 2003
POSTED:	May 21, 2003
EFFECTIVE DATE:	May 26, 2003
ORDINANCE: 2003-15	

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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

#### **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)*

#### **15.500 Purpose.**

(1) The County promotes environmentally sensitive roadside vegetation management that protects the health and safety of the public and County's employees.

(2) The County shall use prevention as its primary tool for roadside vegetation management. When vegetation problems occur, mechanical or biological methods shall be the preferred control methods. Least toxic herbicides shall be used 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.

#### **15.505 Definitions.**

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

**Herbicide.** Means any substance registered as an herbicide by the Oregon Department of Agriculture.

**High Hazard Herbicide.** Means any herbicide that does not meet the least toxic pesticide criteria in this chapter.

#### **15.510 Roadside Vegetation Management Plan.**

(1) **Prevention Techniques.** The County's first preference and most actively pursued method of vegetation management on County roadsides shall be the use of 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) 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) Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal, and hot water.

(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.

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

(c) Use physical, mechanical, biological, and other alternative methods to keep vegetation amount and height low enough to prevent intolerable damage or annoyance.

(3) Use of Herbicide Products.

(a) The Board of Health shall adopt by resolution a Least Toxic Products list for use by Department of Public Works for roadside vegetation management. The Board of Health shall solicit review and comment from 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 Least Toxic Products list.

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

(d) The Board of Health may authorize the use of high hazard pesticide on County roadsides when the Director of Public Works has determined that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result. Prior to the authorization the Director of Public Works shall review in writing the following with the Board of Health: 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, the reason to use a high hazard pesticide.

ii. Information received after 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 high hazard 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 and method of application, 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-chemical and no action alternatives.

vi. Any legal requirements that are applicable.

The Board of Health shall approve or deny the use of high hazard herbicides either on a one-time basis, or for a limited time to be specified by the Board of Health.

(e) After the effective date of this chapter:

i. No routinely scheduled (i.e. monthly or annually) herbicide applications shall be made on County roadsides.

ii. No herbicides shall be applied to County roadsides within . at least 100 feet (ground applications) and 200 feet (aerial applications) of a lake, stream, or wetland,

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

**(4) Least Toxic Herbicide Criteria.**

Least toxic herbicides must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests):

(a) Product contains no possible, probable, or-known carcinogens:

i. Not classified as a known, likely, probable or possible carcinogen by the US EPA;

ii. Not classified as a known, likely, probable, or possible carcinogen by the International Agency for Research on Cancer (IARC); and

iii. Not listed by the State of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogen.

(b) Product contains no reproductive toxicants (CA Prop 65 list).

(c) Product contains no ingredients listed by Illinois EPA as known, probable, or suspect endocrine disruptors.

(d) Active ingredient has soil half-life of 30 days or less (exception for minerals).

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

(f) Product is not hazardous to fish or wildlife:

i. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;

ii. Not found in U.S. EPA Office of Pesticide Programs Re-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

iii. Product has not been detected in salmon waters at a level harmful to aquatic life.

(g) Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (Toxicity Class I or II).

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(h) **Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic by the Toxics Release Inventory).**

#### **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 shall designate a staff member to be responsible for the implementation of this chapter.**

#### **15.520 Public Notification.**

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

(1) **Notification signs shall be posted at least 48 hours prior to any herbicide application. Signs shall remain in place for at least 24 hours after herbicide application. Signs shall be posted along the treatment site. Signs shall be posted at half mile intervals.**

(2) **Notices shall begin with a header containing the signal word from the pesticide label alongside the words "Pesticide Application." For example, "WARNING: PESTICIDE APPLICATION." Notices shall be at least 8-1/2 by 11 inches, and shall include the following information; the pesticide's active ingredient; the date and time of pesticide application; the area treated; the rate of application; the name and phone number of the contact person for the application; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to herbicide exposure. The header should be readable to passing motorists.**

#### **15.525 Record Keeping.**

**The County shall maintain publicly accessible information with records of herbicides used on county roadsides. The information recorded shall include the date and location of the application; the product name, active ingredient and EPA registration number; the target pest; the quantity applied and the applicator.**

#### **15.530 Yearly Report.**

**On a yearly basis in the fall at a public meeting of the Board of Health, the Department of Public Works shall present a report which includes quantities of each pesticide product applied during the previous year, a list of any high hazard herbicides proposed for use in the coming year, and under what circumstances these uses might occur; control methods that have replaced herbicide use in the previous year; control methods that have been proven ineffective; what non-chemical control methods the Department of Public Works intends to use in the plan year; information on how much the Department reduced herbicide use for the previous year and a reduction goal for the plan year. The report shall be made available to the public upon request and shall be posted on the County web site.**

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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

#### **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 VEGETATION MANAGEMENT AND LAST RESORT HERBICIDE USE POLICY**

#### **15.500 Purpose**

(1) The County promotes environmentally sensitive roadside vegetation management that protects the health and safety of the public and County's employees.

(2) The County shall use prevention as its primary tool for roadside vegetation management. When vegetation problems occur, mechanical or biological methods shall be the preferred control methods. Least toxic herbicides shall be used 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.

#### **15.505 Definitions.**

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

Herbicide means any substance registered as an herbicide an herbicide by the Oregon Department of Agriculture.

High Hazard Herbicide means an herbicide that does not meet the least toxic pesticide criteria in this chapter.

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### 15.510 Roadside Vegetation Management Plan

(1) Prevention Techniques. The County's first preference and most actively pursued method of vegetation management on county roadsides shall be the use of 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) 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) Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal, and hot water.

(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.

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

(c) Use physical, mechanical, biological, and other alternative methods to keep vegetation amount and height low enough to prevent intolerable damage or annoyance.

(3) Use of Herbicide Products.

(a) The Board of Health shall adopt by resolution a least toxic products list for use by Department of Public Works for roadside management. The Board of Health shall solicit review and comment from 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 Least Toxic Products list.

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

(d) The Board of Health may authorize the use of high hazard pesticide on county roadsides when the director of Public Works has determined that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result. Prior to the authorization, the director of Public Works shall review in writing the following criteria with the Board of Health. 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, the reason to use a high hazard pesticide.

ii. Information received after 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



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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 high hazard 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 and method of application, notification and posting provisions, and specific steps that will be taken, to minimize risks to human health and the environment. An evaluation of all feasible alternatives including non-chemical and no action alternatives.

v. An evaluation of all feasible alternatives including non-chemical and no action alternatives.

vi. Any legal requirements that are applicable.

The Board of Health shall approve or deny the use of high hazard herbicides when the use of less toxic chemicals have proved 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.

After the effective date of this chapter:

vii. No routinely scheduled (i.e., monthly or annually) herbicide applications shall be made on county roadsides.

viii. No herbicides shall be applied to county roadsides within at least 100 feet (ground applications) and 200 feet (aerial applications) of a lake, stream, or wetland.

ix. Within 200 feet of rural school bus stops or stations

x. Other areas determined to present risk to children or the environment as determined by the director of Public Works.

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

(4) Least Toxic Herbicide Criteria. Least toxic herbicides must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests)

(a) Product contains no known carcinogens:

i. Not classified as a known or probable carcinogen by the US EPA;

ii. Not classified as a known, likely, or probable carcinogen by the International Agency for Research on Cancer (IARC); and

iii. Not listed by the state of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogens.

(b) Product contains no reproductive toxicants (CA Prop 65 list);

(c) Product contains no ingredients listed by Illinois EPA as known or probable endocrine disruptors.

(d) Active ingredient has soil half-life of 30 days or less (exception for minerals).

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

(f) Product is not hazardous to fish or wildlife:

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- i. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;
- ii. 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
- iii. Product has not been detected in salmon waters at a level harmful to aquatic life.

(g) Product is not acutely toxic to humans; product is not labeled as DANGER or POISON (Toxicity Class I or II).

(h) Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic by the Toxics Release Inventory).

#### 15.510 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 shall designate a staff member to be responsible for the implementation of this chapter.

#### 15.515 Public Notification.

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

(1) Notification signs shall be posted at least 48 hours prior to any herbicide application. Signs shall remain in place for at least 24 hours after herbicide application. Signs shall be posted along the treatment site. Signs shall be posted at half mile intervals.

(2) Notices shall begin with a header containing the signal word from pesticide label alongside the words " Application." For example, "WARNING: HERBICIDE APPLICATION." Notices shall be at least 8-1/2 by 11 inches, and shall include the following information: the active ingredient; the date and time of application; the area treated; the rate of application; the name and phone number of the contact person for the application; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained; and a boxed-off warning stating: "CAUTION: Individuals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to herbicide exposure." The header should be readable to passing motorists.

#### 15.520 Record Keeping.

The County shall maintain publicly accessible information with records of herbicides used on county roadsides. The information recorded shall include the date and location of the application; the product name, active ingredient, and EPA registration number; the target pest or vegetation type and the quantity applied and the name of the applicator.

### 15.530 Yearly Report (Reporting)

On a yearly basis in the fall at a public meeting of the Board of Health, the Department of Public Works shall present a report which: includes quantities of each pesticide or herbicide product applied during the previous year, a list of any high hazard herbicides or pesticide proposed for use in the coming year, and under what circumstances these uses might occur; control methods that have replaced herbicide use in the previous year; control methods that have been proven ineffective; what non-chemical control methods the Department of Public Works intends to use in the plan year; information on how much the Department reduced herbicide use for the previous year and a reduction goal for the plan year. The report shall be made available to the public upon request and shall be posted on the County web site.

## 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 benefitted 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 of County Commissioners, 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 benefitted. *(Revised by Ordinance No. 11-73, Effective 9.28.73)*

### 15.610 Definitions.

(For LC 15.600 to 15.645).

Direct Cost. All costs, including design costs and engineering costs, associated with installation of improvements specified.

Local Road or Street. A road or street which is used primarily for access to abutting properties.

Major Collector. A road or street which is used primarily as a connector from neighborhood areas to commercial or industrial districts; should carry traffic to one or more arterials.

Minor Arterial. A route which provides for intra-community traffic and serves as a direct connection from communities to principal arterials.

Minor Collector. A road or street which collects traffic from local residential roads or streets and channels it into the major collector or minor arterial system.

Principal Arterial. A route which provides for through traffic between major centers of activity in the urban, suburban and rural areas.

Reconstruct. The action taken to alter or change the physical characteristics of the existing facility, but not including general maintenance or minor betterment.

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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

#### **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)*

#### **15.500 Purpose.**

**The purpose of this subchapter is to establish a last resort policy for right-of-way herbicide application for Lane County.**

#### **15.505 Definitions.**

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

**Herbicide** means any substance registered as an herbicide by the Oregon Department of Agriculture.

**Exempt Herbicide** means an herbicide that meets the least toxic pesticide criteria in this chapter.

#### **15.510 Roadside Vegetation Management Plan.**

(1) When vegetation problems occur mechanical, manual, biological and cultured techniques shall be given preference in the control of vegetation along Lane County road rights-of-way.

(2) To discourage the occurrence of vegetation problems, prevention techniques will be used to the greatest extent practicable. Prevention includes, but is not limited to, planting of native and pest-resistant plant species. The director shall annually report to the Board of Health the proposed planting of rights-of-way in order to prevent and discourage problem vegetation within these rights-of-way. Included in that report shall be the anticipated date, a goal, by which the next 1% of County roads will be so treated with prevention techniques.

**15.515 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:

- (1) Monitor roadside vegetation growth to determine if and when control is needed.
- (2) Establish threshold levels of vegetation below which control is not required.
- (3) Use physical, mechanical, biological, and other alternative methods to keep vegetation amount and height low enough to prevent intolerable damage or annoyance.

**15.520 Use of Herbicide Products.**

(1) Herbicides may be utilized for vegetation control only as a last resort after the preferred methods in LC 15.510(1) above have been considered and rejected by the Board of Health.

(2) The Board of Health shall adopt a Permissible Product List, together with criteria under which an herbicide product may be allowed to be used by the Public Works Department. Where appropriate, the Board shall indicate a level of preference of product use, such that the least toxic as defined by the United States Environmental Protection Agency will be used before a more toxic alternative is tried. The preferred product list, together with the criteria for usage, shall be reviewed annually on or about November 1 of each year. At the same time, the Director of the Department of Public Works shall also report on the goals set forth in LC.510(2), new control methods that have replaced herbicide use from the previous year, methods that have been considered and rejected, or that the Department intends to investigate as an alternative to herbicide use. A copy of the Director's report will be made available on the County's website.

(3) The Board of Health may authorize the addition of an herbicide onto the Permitted Products List following a determination that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result and that the criteria of use demonstrates a need for the product use. Prior to the authorization the Director of Public Works shall review in writing the following with the Board of Health, and the Board of Health shall solicit review and comment from the Public Health Administrator who will work with the Public Health Advisory Committee:

- (a) The nature of the problem, the reason to use the herbicide.
- (b) Information received after 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.
- (c) Description of the specific high hazard 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.
- (d) An evaluation of all feasible alternatives including non-chemical and no action alternatives.

(e) Any legal requirements that are applicable.

After the effective date of this chapter:

i. No routinely scheduled (i.e., monthly or annually) herbicide applications shall be made on County roadsides.

ii. No herbicides shall be applied to County roadsides within at least 100 feet (ground applications) and 200 feet (aerial applications) of a lake, stream, or wetland.

iii. No herbicides shall be applied within 200 feet of rural school bus stops or stations, except when the school served by a stop or station will not be in session for at least 30 days, then not within 50 feet.

iv. Other areas determined to present risk to children or the environment as determined by the Director of Public Works or the Board of Health.

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

#### 15.525 Permitted Product List Criteria.

Permitted herbicide products must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests)

(1) Product contains no known carcinogens:

(a) Not classified as a known, or probable carcinogen by the US EPA;

(b) Not classified as a known, likely, or probable carcinogen by the International Agency for Research on cancer (IARC); and

(c) Not listed by the state of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogens.

(2) Product contains no reproductive toxicants (CA Prop 65 list)

(3) Product contains no ingredients listed by Illinois EPA as known or probable endocrine disruptors.

(4) Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (Toxicity Class I or II).

(5) Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic; by the Toxics Release Inventory).

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

(a) Active ingredient has soil half-life of 30 days or less (exception for minerals).

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

(c) Product is not hazardous to fish or wildlife:

i. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;

ii. 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

iii. Product has not been detected in salmon waters at a level harmful to aquatic life.

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

(1) The Department of Public Works staff involved in roadside vegetation management shall be licensed applicators by the State of Oregon, and shall complete at least 45 hours of appropriate education every five years.

(2) The county shall designate a staff member to be responsible for the implementation of this chapter.

#### **15.535 Public Notification.**

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

(1) Notification signs shall be posted at least 7 days prior to any herbicide application. Signs shall remain in place for at least 7 days after herbicide application. Signs shall be posted along the treatment site. Signs shall be posted at half mile intervals.

(2) Notices shall begin with a header containing the signal word from pesticide label alongside the words "Pesticide Application." For example, "CAUTION: HERBICIDE APPLICATION," in 72 PS font type. Notices shall be at least 8-1/2 by 11 inches, and shall include the following information: the pesticide's active ingredient; the date and time of pesticide application; the area treated; the rate of application; the name and phone number of the contact person for the application the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained.

#### **15.540 Record Keeping**

The County shall maintain publicly accessible information with records of herbicides used on county roadsides. The information recorded shall include the date and location of the application; the product name, active ingredient, and EPA registration number; the target pest, the quantity applied, and the applicator.

#### **15.545 Yearly Reporting.**

On a yearly basis on or about November 1, at a public meeting of the Board of Health, the Department of Public Works shall present a report which: includes quantities of each herbicide product applied during the previous year, a list of any herbicides proposed for use in the coming year, and under what circumstances these uses might occur; control methods that have replaced herbicide use in the previous year; control methods that have been proven ineffective; what non-chemical control methods the Department of Public Works intends to use in the plan year; information on how much the Department reduced herbicide use for the previous year and a reduction goal for the plan year. The report shall be made available to the public upon request and shall be posted on the County web site.

### **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)*

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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

#### **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)*

#### **15.500 Last Resort Herbicide Policy.**

(1) **Mechanical, manual, biological and cultural techniques will be given preference in the control of vegetation along Lane County road rights-of-way. Herbicides may be utilized for vegetation control only after these other methods have been considered and rejected by the Board of Health.**

(2) **The Public Works Director shall provide annually to the Board of Health, a list of herbicides to be used for roadside vegetation control during the coming year, and under what circumstances that this use may occur. The Director shall also report on new control methods that have replaced herbicide use from the previous year, that have been considered and rejected, or that the Department intends to investigate as an alternative to herbicide use during the coming year.**

### **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 benefitted 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 of County



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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

**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)*

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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)*

**15.500 Last Resort Herbicide Policy.**

(1) **Mechanical, manual, biological and cultural control methods will be used to keep vegetation problems low enough to prevent intolerable damage, annoyance, or public safety hazards along Lane County road rights-of-way. Roadside vegetation control will include monitoring (at least annually) to determine if and when treatments are needed. When and if the Department of Public Works deems that herbicides are necessary, they will be approved by the Board of Health, if they are the least toxic available and will be used only as a last resort when other control methods have been demonstrated ineffective.**

(2) **In order to implement the policy, the Public Works Director (with the assistance of staff and the Vegetation Management Advisory Committee) shall create an annual roadside vegetation management plan. The plan will be submitted to the Public Health Administrator. The Public Health Administrator will work with the Public Health Advisory Committee to review and comment on the health implications of the proposed plan. The results of the review will be forwarded to the Board of Health for a work session.**

**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)*

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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)*

**15.500 Last Resort Herbicide Policy.**

(1) **Mechanical, manual, biological and cultural techniques will be given preference in the control of vegetation along Lane County road rights-of-way. Herbicides may be utilized for vegetation control only after these other methods have been considered and rejected by the Board of Health and where they are the least toxic available to accomplish the task.**

(2) **The Public Works Director shall provide annually to the Public Health Administrator and to the Board of Health, a list of herbicides to be used for roadside vegetation control during the coming year, and under what circumstances that this use may occur. The Director shall also report on new control methods that have replaced herbicide use from the previous year, that have been considered and rejected, or that the Department intends to investigate as an alternative to herbicide use during the coming year. The Public Health Administrator shall review the list of herbicides to be used and the circumstances of such use, with the Public Health Advisory Committee, and provide those comments to the Board of Health.**

**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)*

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(5) Requests by property owner, or authorized agent, for assignment of an address in situations other than above will be reviewed by the Department to insure compliance with land use guidelines before processing. *(Revised by Ordinance No. 13-84, Effective 11.9.84)*

#### **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)*

#### 15.500 Purpose.

The purpose of this subchapter is to establish a last resort policy for right-of-way herbicide application for Lane County.

#### 15.505 Definitions.

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

- (1) Herbicide means any substance registered as an herbicide by the Oregon Department of Agriculture.
- (2) Roadside Vegetation Management Plan means the Lane County Integrated Vegetation Management (IVM) Program Policy Document (April 14, 1999) and the Lane County Integrated Vegetation Management (IVM) Program Standards and Guidelines Document (August 2001), or the current versions of the same.

#### 15.510 Roadside Vegetation Management Plan.

(1) The Public Works Department, in consultation with the Lane County Vegetation Management Advisory Committee (VMAC), shall periodically review and update, as appropriate, the Roadside Vegetation Management Plan.

i. The Policy Document shall establish overall policy direction for the program and articulate the County's IVM Goals, Philosophy and program considerations.

ii. The Standards and Guidelines Document shall implement the Policy Document and provide direction for the day-to-day operation of the Vegetation Management Program.

(2) The IVM Policy Document will be presented to the Board of County Commissioners for approval.

- (3) The Standards and Guidelines Document shall be reviewed by the VMAC.

15.520 Use of Herbicide Products.

- (1) The Vegetation Management Plan notwithstanding, manual, mechanical, biological and cultural techniques will be given preference in the control of vegetation along Lane County road rights-of-way. Herbicides may be utilized for vegetation control only after these other methods have been considered and rejected by the Board of Health.
- (2) Herbicides to be used shall be the least toxic available to accomplish the desired level of control.
- (3) The Public Works Director shall provide annually to the Board of Health, a list of herbicides to be used for roadside vegetation control during the coming year, and under what circumstances that use may occur.
- (4) The Director shall also report on new control methods that have replace herbicide use from the previous year, that have been considered and rejected, or that the Department intends to investigate as an alternative to herbicide use during the coming year.
- (5) The list shall be presented to the VMAC for review and to the Public Health Administrator and the Public Health Advisory Committee. The comments of both committees will be presented to the Board of Health.

15.525 Least Toxic Herbicide Criteria.

Permitted herbicide products must meet all of the following criteria:

- (1) Product contains no known carcinogens:
- (a) Not classified as a known, or probable carcinogen by the US EPA;
- (b) Not classified as a known, likely, or probable carcinogen by the International Agency for Research on cancer (IARC); and
- (c) Not listed by the state of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogens.
- (2) Product contains no reproductive toxicants (CA Prop 65 list)
- (3) Product contains no ingredients listed by Illinois EPA as known or probable endocrine disruptors.
- (4) Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (Toxicity Class I or II).
- (5) Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic; by the Toxics Release Inventory).
- (6) In addition, consideration shall be given to the following:
- (a) Active ingredient soil half-life.
- (b) Active ingredient mobility in soils.
- (c) Product hazards to fish or wildlife:

**LEVYING, COLLECTING AND ENFORCING SPECIAL ASSESSMENTS**