

January 12, 2016

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Proposed Amendment to Noxious and Invasive Vegetation Ordinance

Amendments to Yachats Municipal Code (YMC) Section 5.08.110 Noxious and Invasive Vegetation are proposed to coincide with proposed amendments to YMC Section 9.52.070 Shoreland Setbacks. The proposed change, having to do with 'riparian areas' is to replace the word "buffer" with "corridor".

Existing language to remain is shown in plain text.

Existing language to be deleted is shown in ~~red strikethrough text~~.

New language is shown in blue text.

Section 5.08.110 Noxious and invasive vegetation.

- A. No owner or person in charge of real property shall permit, grow or allow noxious vegetation to grow on the property. Nor shall any owner or person in charge of real property permit listed invasive plants within a riparian ~~buffer~~ **corridor**, as described in Section 9.52.07 of this Code (hereafter riparian ~~buffer~~ **corridor**). Noxious vegetation and invasive plants within a riparian ~~buffer~~ **corridor** are declared a nuisance, and their presence is non-conforming with the Yachats Comprehensive Plan. Some species of noxious vegetation are declared public health hazards.
- B. The owner or person in charge of real property shall abate noxious vegetation from the property, or invasive plants within a riparian ~~buffer~~ **corridor** and do so in a manner that will prevent noxious vegetation from going to seed or propagating by other means. The owner and the person in charge shall be jointly and severally liable for the cost of abatement and may be liable for personal injury or damage resulting from the presence of noxious vegetation knowingly propagated on their property.
- C. For purposes of this section, “noxious vegetation” is defined as: introduced “weed” species and native vegetation that is, or is likely to become
1. A health hazard, including plants such as Scotch Broom and others that may seasonally cause severe allergic reactions, and plants such as Poison Hemlock which is extremely toxic if ingested. Any such vegetation shall be prima facie evidence of a health hazard:
 2. A fire hazard, including native and introduced grasses, bushes, weeds or other noxious vegetation allowed to grow in vacant lots or other open areas. Any such vegetation shall be prima facie evidence of a fire hazard:
 3. A traffic hazard, including the presence of trees, bushes, or other tall vegetation that impairs the view of the public thoroughfare, street corner, path, or trail making use of the thoroughfare hazardous. Any such vegetation shall be prima facie evidence of a traffic hazard:
 4. An invasive vegetation competitive with, and destructive to, native vegetation and desired landscape and garden plants; or
 5. A regionally abundant weed of economic importance and which is listed as a noxious weed by Oregon State Department of Agriculture Weed Control Board “B” list and other designated weeds. Of significance, or potential significance, in the Yachats area are the following:
 - a. Canada thistle
 - b. French broom
 - c. Gorse
 - d. Himalayan blackberry
 - e. Japanese knotweed
 - f. Poison hemlock
 - g. Purple loosestrife
 - h. Scotch broom
 - i. Waterweed (Elodea)
 - j. Tansy ragwort.
- D. For purposes of this section, “invasive plants within a riparian ~~buffer~~ **corridor**” are identified as the following
1. Common Fennel (Foeniculum vulgare)
 2. Policeman’s Helmet (Impatiens glandulifera)
 3. Knotweeds* Polygonium species *Elimination only by approved practices
 4. Old Man’s Beard and Silverlace Vine (Clematis vitalba and Polygonum albertii)
 5. Atlantic, Irish and English Ivy (Cultivars Hedera hibernica and Hedera helix)

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6. Yellow Flag Iris (*Iris pseudacorus*)
 7. Purple Loosestrife and Garden Loosestrife (*Lythrum salicaria* & *Lysimachia vulgaris*)
 8. Butterfly Bush (*Buddleja davidii*)
 9. Reed Canarygrass (*Phalaris arundinacea*)
- E. No owner or person in charge of property shall allow noxious vegetation to be on property or in the right-of-way of a public thoroughfare abutting the property.
- F. An owner or person in charge of property, including any property in the right-of-way of a public thoroughfare abutting the property, shall cut down or destroy noxious vegetation determined by the city to be necessary if it is or to prevent it from becoming a health or fire hazard, or, in the case of weeds or other noxious vegetation, from invading an environment otherwise occupied by native vegetation or ornamental plants not listed as noxious vegetation by a County of State Weed Board.
- G. Questions regarding vegetation identification and methods for the control or eradication of noxious vegetation shall be referred to the Lincoln County Vegetation Management Committee or to the Oregon State Department of Agriculture weed control division, and to the Oregon Revised Statutes, Chapter 570.
- H. No owner or person in charge of property shall allow the uncontrolled growth and accumulation of dead or dormant weeds, brush, high grass, scotch broom, gorse, blackberries or pampas grass to become a fire hazard. This section shall not apply to any of the following:
1. Any maintained landscaped area;
 2. Any crop grown and maintained for lawful agricultural purposes;
 3. Any natural area on publicly owned land of Yachats;
 4. Any property defined as wetlands by proper authority, if control of vegetation would violate federal, state, or county laws; or
 5. Any property defined as a riparian ~~buffer~~ **corridor**.

Such vegetation shall be removed or eliminated before July 1 of each year, or at any time the City Council declares a period of extreme fire danger, by cutting to a height of no more than 6 inches and mulching all cut materials. If any owner or person in charge of property does not comply with this subsection, the City may contract with a firm licensed to do business within the city limits to bring the property into compliance as provided in Section 5.08.250 Summary abatement. The City may recover all costs as provided in Section 5.08.240 Assessment of costs.

- I. Unless a part of a City approved natural conditions restoration project, within the first Thirty (30) feet of a riparian ~~buffer~~ **corridor**, non specific means, including, but not limited to chemical sprays, mowers or weed eaters shall not be used to control or remove vegetation.
- J. Any actual costs incurred by the City in enforcing this Section, including, but not limited to, summary or other abatement costs pursuant to Subsection B. and G., above, shall become a lien against the property and perfected and recorded as such according to state law.